Mutual Assistance in responding to transnational environmental challenges

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This Roundtable enables us particularly the judiciary to re-assess our roles in the resolution of environmental conflicts and these conflicts admittedly have to be managed in a proper manner so that the issues concerning the conflicts can be re-framed empowering the parties to look at new ways of engagement. We are mindful that the judiciary has to play a pivotal role giving leadership to this process.

In my view jurisprudence and precedents are key elements in environmental justice and they constitute the pith and
substance of all our deliberations in this conference as well as other regional and global fora, symposia and colloquia that have preceded.

These events continue to provide a platform to share and exchange ideas, legal reasoning and opinions on the different disputes all of us may have handled including the recent emerging issues and thus we get an opportunity to learn from each other at these colloquia. I would call this mutual assistance at its core.

Over the years it has been the concerted call that in order to strengthen our roles and harmonize our judicial reasoning the corpus of jurisprudence that has developed in our respective judiciaries has to be collected and collated and it is our fervent hope that the legal and judicial fraternity will promote the
growth of the existing global database and gateway for environmental Law and this growth can only be nourished and nurtured if we continue to share our environment related judgments and opinions as well as recent legislation with our global legal fraternity. This is not possible without mutual assistance and commitment on our part.

We meet in Cambodia in the background of a UN climate change summit (COP 21) where 196 countries will be converging in Paris to decide whether or not to commit to a low carbon future in a legally binding way. In fact CNN reported - “Never have the stakes been so high”.

Climate change has long term disastrous consequences and we today are moving towards the edge of a precipice. It only takes a global effort to decrease high risk and step back from the edge of the cliff.
South East Asia—a region that is historically endowed with ample natural capital but increasingly facing the effects of climate change, has to effectively respond and successfully deal with the challenges that changing climatic conditions are producing. The majority of these challenges are transnational.

During the last decade, the region has experienced change in many spheres, including population growth, rapid urbanization, economic development and improvements to infrastructure facilities. The Intergovernmental Panel on Climate Change, in its 5th Report, has identified major environmental challenges that South Asia will continue to face including warming trends and increasing temperature extremes, water scarcity, decline in food productivity, threats faced by both fresh and seawater maritime systems due to rising sea levels and high incidence of extreme climate events. The report predicts that climate
change will affect the sustainable development capabilities of most Asian developing countries by aggravating pressures on natural resources and environment.

But all these foreboding predictions bring into focus the usual question-how best the regional judiciaries can benefit from each other’s experiences to confront trans-boundary environmental challenges.

This situation requires a coordinated and a comprehensive approach using the full miscellany of policies and tools available to our nations. We make treaties and conventions and in particular at this Roundtables you reach consensus on Declarations and Action Plan at your regional level.

Our endorsements at the end of our deliberations must be strengthened with transnational judicial assistance and I make
a plea that there has to be continuous engagement. The interactive sessions we have had so far, I have no doubt, will go a long way towards increased judicial co-operation and beneficial infusion of each other’s jurisprudence.

Thank You.