

Background Information on Asian Development Bank's Technical Assistance on Environment

1. The Asian Development Bank (ADB), through the Office of the General Counsel's Law and Policy Reform (LPR) Program, recognizes the judiciary's crucial role in interpreting, developing, and enforcing environmental laws, and leading the legal profession toward credible rule of law systems that have integrity and promote environmental justice. The LPR Program is aligned with ADB's long-term strategic framework which aims (i) to strengthen environmental regulatory frameworks and enforcement capacities of public institutions, recognizing good governance and capacity development as drivers of change; and (ii) to promote regional cooperation.¹ It is also aligned with ADB's strategy for operational work on the environment from 2013 to 2020, which identifies environmental governance and natural capital as two of ADB's four operational directions to promote transition to green growth.²
2. One of LPR's first environment-related technical assistance (TA) projects, TA 7474: Strengthening of Judicial Capacity to Adjudicate Upon Environmental Laws and Regulations, was approved in 2009. It aimed to improve environmental law enforcement in certain developing member countries (DMCs) by developing a plan for institutionalizing environmental specialization.
3. Under TA 7474, ADB, the United Nations Environment Programme (UNEP), and the Supreme Court of the Philippines cohosted the first Asian Judges Symposium on Environmental Decision Making, the Rule of Law, and Environmental Justice, on 28-29 July 2010 at the ADB headquarters in Manila, Philippines. Approximately 120 chief justices, senior judges, and environment ministry officials from around the world proposed to form the Asian Judges Network on Environment (AJNE) and considered other ways of improving judicial capacity for environmental law decision-making and enforcement.
4. Approved on 16 December 2010, TA 7735: Building Capacity for Environmental Prosecution, Adjudication, Dispute Resolution, Compliance, and Enforcement in Asia furthers the work of TA 7474 by developing an environmental law program for the legal profession at three levels: (i) inter-regional—by supporting AJNE's role as a platform for sharing information and best practices in deciding environmental cases;³ (ii) regional—convening annual roundtable conferences in Southeast Asia and South Asia; and (iii) national—assisting the crafting and implementation of pilot programs in selected DMCs, such as Indonesia's judicial certification program on environment and Viet Nam's environmental law reforms and training programs.
5. To date, the ADB has convened, with partner host judiciaries and development institutions, three Asian Judges Symposiums (2010, 2013 and 2016), six Association of Southeast Asian Nations (ASEAN) Chief Justices' Roundtable on Environment conferences,⁴ and five South Asia Judicial Roundtable on Environmental Justice events.
6. Notwithstanding the imminent closure of TA 7735 on 31 December 2016, ADB and its LPR Program support for the Asia and Pacific judiciaries continues with its other TA projects, including TA 8616: Strengthening Capacity for Environmental Law in the Asia-Pacific: Developing Environmental Law Champions as well as other initiatives in the pipeline.

¹ ADB. 2008. *Strategy 2020: The Long-Term Strategic Framework of the Asian Development Bank, 2008-2020*. Manila.

² ADB. 2013. *Environment Operational Directions 2013-2020: Promoting Transitions to Green Growth in Asia and the Pacific*. Manila.

³ AJNE's website <http://ajne.org> features the events supported by the TA and various resources such as conference proceedings, landmark environmental jurisprudence, environmental laws, and other publications.

⁴ This number includes the Sixth ASEAN Chief Justices' Roundtable on Environment to be held in Palawan on 10-13 November 2016.