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**Mekong Partnership  
For the Environment**

Shared solutions for responsible development



building  
local  
promise.

# ASEAN Chief Justices' Roundtable on Environment

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# ASEAN Charter – December 2008

- The ASEAN Charter included one of its purposes:
  - To promote **sustainable development** so as to ensure the protection of the region's environment the **sustainability of its natural resources**, the presentation of its cultural heritage and the high quality of life of its people. (Emphasis added.)

ASEAN Charter Article 1(9)



- *Sustainable development* is “development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends”.

# ASEAN Human Rights Declaration 2012

- The ASEAN HRD included one of its ESC Rights:

28. Every person has the right to an adequate standard of living for himself or herself and his or her family including:

.....;

e. The right to safe drinking water and sanitation;

f. The right to a safe, clean and sustainable environment.



# **Revisiting the Common Challenges for ASEAN and the environment:**

# The consequences of failing to protect the environment – the PRC tragedy



# ASEAN Environmental Law Challenge 1: Climate Change and Disaster Management





# ASEAN Environmental Law Challenge 2: Deforestation and Illegal Logging





# ASEAN Environmental Law Challenge 3: Biodiversity and Illegal Wildlife Trade









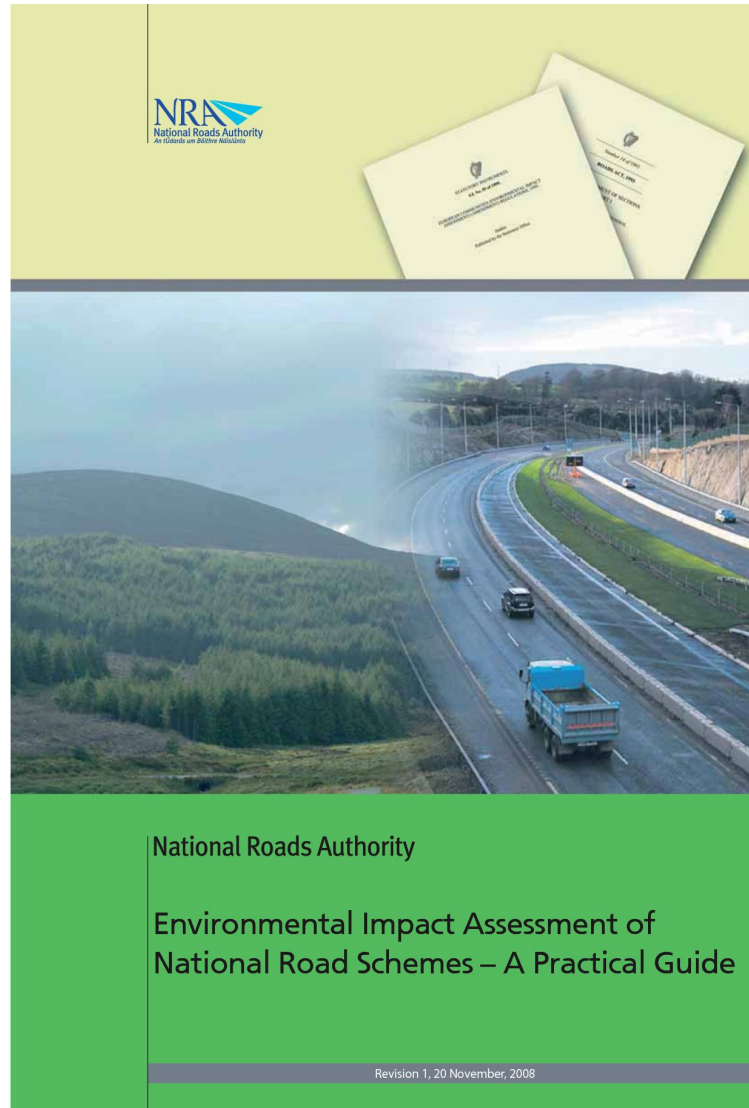
**Source: ASEAN-WEN Major Enforcement Actions Database 2008-2011**



# ASEAN Environmental Challenges : Oceans, Illegal Fishing, and Marine Pollution



# ASEAN Environmental Challenges 4: Planning and Environmental Impact Assessment





# ASEAN Environmental Challenge 5: Water Pollution and Access to Clean Water



# ASEAN Environmental Challenge 6: Urbanization and Air Pollution



# Common Challenges for Justices in Deciding Environmental Cases

# Common Challenges for ASEAN Justices: Law and Evidence

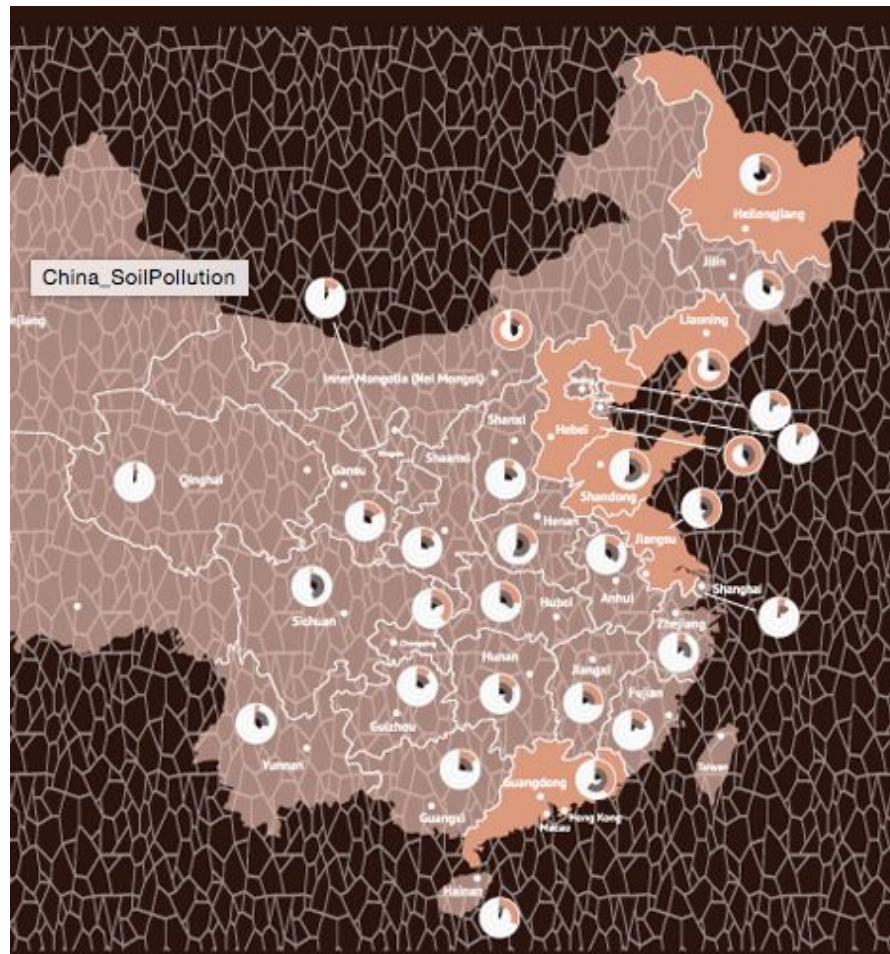
- Standing for Environmental Defenders
- Burden of Proof and Precautionary Principle
- Expert and Scientific Evidence
- Damages, Remedies, Penalties and Sanctions
- Court Docket and Rules of Procedures
- Judicial Enforcement

# Judicial Roles: Judicial Reforms to Respond to Environmental Challenges

- Green Benches and Green Courts
- Judicial Certification on environment for trial and appellate courts.
- Training on environmental law
  - Principles of environmental law
  - Penalty calculations for environmental offences
  - Expert evidence for environmental matters
- Special procedures for environmental cases
- Selection and publication of environmental decisions to assist in developing ASEAN environmental law jurisprudence



25% of arable land in PRC is polluted.  
Cadmium (Cd), Nickel (Ni), Arsenic (Ar)



# Contaminated land produces “cancer villages”



Waste from a factory in Yinzhou is pumped into a lake between the quiet hours of three and five in the morning





# River in Goa, India





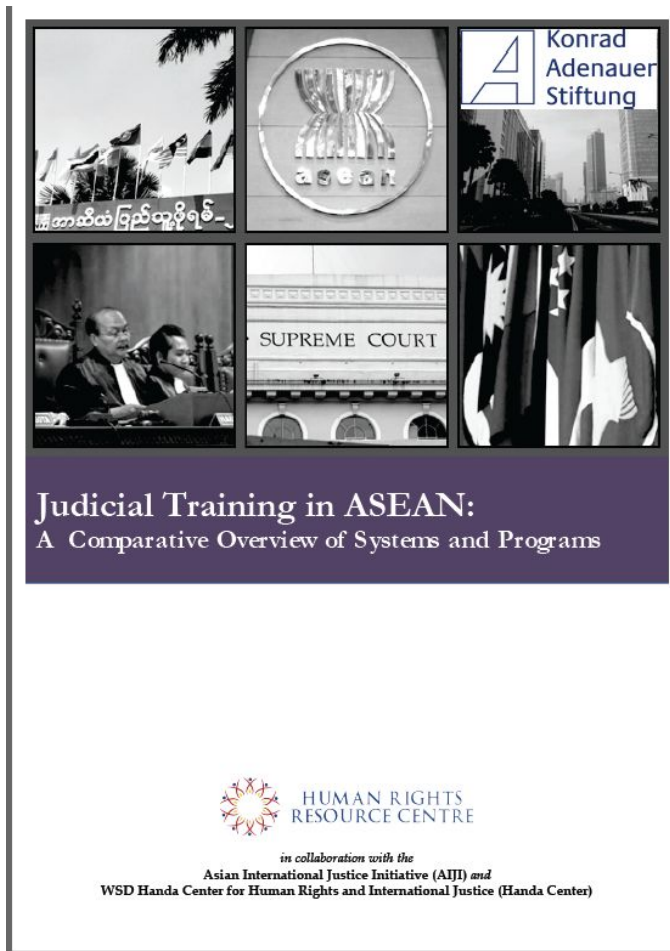
# Stream flowing in to Manila Bay.







# Judicial Training in ASEAN, April 2014.



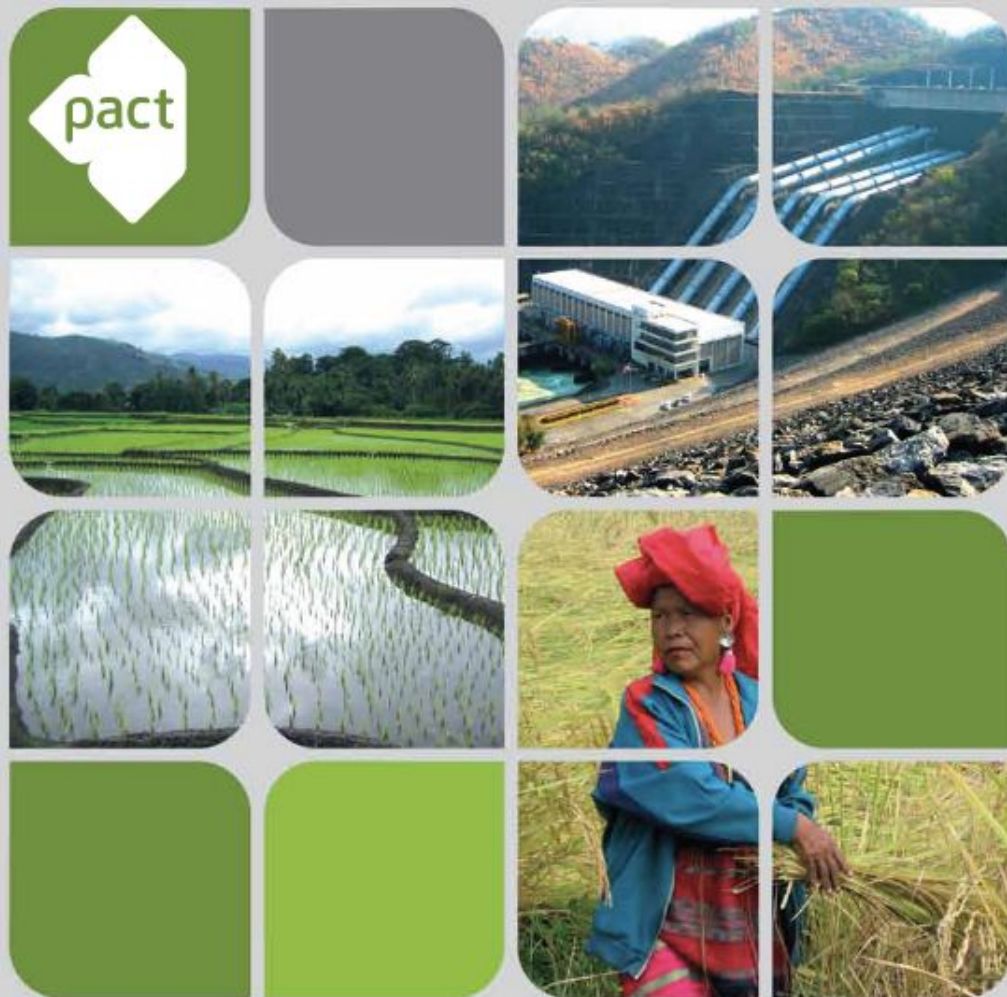


# Lower Mekong Countries

Common Issues and  
Common Needs

PACT 2015 Report –  
highlights the similarities  
with the EIA procedures in  
the Lower Mekong. Also  
identifies some key areas  
of difference.

ASEAN Economic  
Community requires  
regional integration and  
common approaches.



Mekong Partnership for the Environment

MEKONG EIA BRIEFING :

**Environmental Impact Assessment  
Comparative Analysis  
In Lower Mekong Countries**

# Regional Technical Working Group on EIA Goal and Objectives

**Goal:** Strengthen regional cooperation on EIA to contribute to sustainable development in the Mekong Region countries of Cambodia, Laos, Myanmar, Thailand and Vietnam- and the broader ASEAN region.

## **Objectives:**

- Develop regional guidelines for effective public participation in EIA;
- Promote information sharing on EIA best practices; and
- Promote mainstreaming of regional guidelines and best practices into EIA processes of the Mekong countries



# Members of the RTWG on EIA

