

**Third Asian Judges Symposium
on Law, Policy and Climate Change**
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CLOSING REMARKS OF MS. DEBORAH STOKES
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A very good afternoon to our guests.

In the past two days, we have had an excellent range of discussions informed by expert and insightful presentations. I want to thank everyone for their contributions.

Many important points emerged from the discussions. I won't try to summarize all of these. Rather I will highlight a few particular themes.

First, the discussions highlighted the important role the judiciary plays in the development and enforcement of climate change law. While the Paris Agreement is an international agreement, its objectives will only be achieved if each state's obligations under the agreement are translated into domestically enforceable policy.

Enforceability will entail interpreting national laws and defining the procedural and substantive aspects of rights and duties. Some of the

key questions that will need to be addressed include: are 'climate change rights' vested? Who are the duty-holders? What is the extent of these rights? Are secondary rights implied from black letter climate change law? How do these rights interact with sovereign immunity and the principle of good faith? How do these rights dovetail with private rights? Judges will have to tread a fine line to balance competing interests.

Indeed, judges will be at the frontline of defining a new area in law. As was pointed out, this will come in the guise of traditional causes of action, such as tort, public trust, trade practices, administrative law, constitutional law, human rights, and international law. We must therefore be sensitive to climate change implications of ostensibly 'traditional' cases.

Second, the critical nature of climate change challenges calls for creative, innovative solutions. Countries are expected to implement international obligations through a top-down approach, where the national government plays a central role. But, as we saw from Professor Sims' and Dr. Silva-Send's presentations, a bottom-up approach could be explored as well.

A bottom-up approach will allow towns and cities to directly integrate climate action with urban planning and local governance.

Simultaneous interventions in the form of top-down national legislation, bolstered by bottom-up city climate action plans, may

provide the momentum we need to effectively address climate change.

Third, the discussions highlighted the disproportionate effects of climate change on vulnerable groups like women, the poor, and residents of small-island developing states. Therefore, an inclusive approach to climate change policy-making and adjudication is necessary.

I wish in particular to commend our last speaker, Ms. Sarah Khan, who at 17 years of age has done so much to place the effects of climate change on women in the global consciousness. She won an award in the Girls Impact the World Film Festival in Harvard University, and her films have been screened and acknowledged in the 2016 Princeton Film Festival, the Barcelona Planet Film Festival, Austin Film Festival, NOOSA Film Festival in Australia, and the Women Deliver 4th Global Conference in Copenhagen. Thank you, Sarah Khan, for the work that you do.

Fourth, the discussions affirmed the need to continuously strengthen judicial capacity and good governance, which are essential to ensuring access to environmental justice. Chief Justice Sereno expressed this very well. This will be a task for the judiciaries, for governments and for international partners such as ADB. ADB is committed to capacity development in Asia and the Pacific. We will continue to provide technical assistance projects that will help build judicial capacity.

We will also continue to support regional collaboration and knowledge-sharing – which, as this symposium has shown – is very important.

ADB is privileged to host so many distinguished speakers and guests at the Third Asian Judges Symposium. Many of you have traveled far to be with us, and I wish to thank you for giving generously of your time. On behalf of ADB, I would like to express our sincere appreciation to all of you for making the discussions dynamic, constructive, and spirited.

Although we may come from different legal traditions, I trust that the symposium proved helpful in developing solutions to common challenges.

I would also like to reiterate Chris Stephens's appeal from yesterday. Please let us know how ADB can best support the judiciary.

I would like to thank our partners for this event: Dr. Arnold Kreilhuber United Nations Environment Programme, and the Supreme Court of the Philippines under Chief Justice Maria Lourdes Sereno. A lot of people have worked tirelessly to make this symposium a success. In particular, I would like to thank our Law and Policy Reform team from ADB's Office of the General Counsel, especially Atsuko Hirose, Irum Ahsan, Ces Sanieel-Gois, Cecille Sicangco, Briony Eales and Grip Bueta, thank you for working so hard to organize this inspiring event.

Thank you again for your insights and participation. I wish you all a safe and smooth journey back home.