ADB’s Role in Strengthening Environmental Governance and the Asian Judges Network on Environment

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Outline of the Presentation

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Why ADB Works for Environmental Sustainability

- ADB’s Long-Term Strategic Framework (Strategy 2020) identifies good governance and capacity development as a driver for change, and environment (including climate change) as a core operational area.

- To translate this strategic framework into context, ADB developed its Safeguards Policy Statement by protecting the environment and people from projects’ potential adverse impacts.

- ADB will not finance projects that do not comply with its safeguards policy statement and the host country’s social and environmental laws and regulations.
Why ADB Works for Environmental Sustainability

- Office of the General Counsel at ADB runs a Law, Policy and Reform (LPR) Program with a focus on legal development through strengthened policy, legal, judicial, and regulatory systems.

- Despite similar legislations and ratification of international treaties, inconsistency in application and implementation of laws and regulations is pervasive in a regional context.

- Gap between the adequacy of laws and the absence of implementation resides in lack of capacity. These circumstances impair growth in public confidence and investment and - ultimately - sustainable development.

- Central premise - a functioning legal system is essential for sustainable development
Why ADB works with Judiciaries

- Senior judiciary in Asia plays a key role in environmental enforcement:
  - **Direct:** making environmental decisions, issuing rules and directions to lower courts, establishing green benches
  - **Indirect:** leading the legal profession towards credible rule-of-law systems that promote environmental sustainability

- Judges influence the entire legal system, how legal and regulatory frameworks are interpreted and enforced which in turn affects private sector investment in related sectors
Featured Project: Building Capacity for Environmental Prosecution, Adjudication, Dispute Resolution, Compliance, and Enforcement in Asia

- The Asian Judges Symposium on Environmental Decision-Making, the Rule of Law, and Environmental Governance held ADB in Manila, Philippines in July 2010
- A call for establishing a judicial network on environment
- Began discussion on creating a network for Asian judiciaries on the environment (AJNE)
- ADB prepared *this Technical Assistance* project
  - Covers ASEAN and South Asia
  - Involves regional, sub-regional, and national activities for the development of AJNE
- Goal: Increased knowledge, strengthened adjudication of environmental law and improved networking and regional cooperation
Impacts of ADB’s Work
ASEAN Roundtables
South Asia Roundtables
Roundtables are an opportunity for networking among judges and legal professionals...
...and to learn from expert speakers from various fields and disciplines
Knowledge Products

South Asia Conference on Environmental Justice
Dhurban, 24-25 March 2012

Development of Environmental Laws and Jurisprudence in Pakistan
Irum Ahsan and Saima Amrin Khawaja

Asian Development Bank
Knowledge Products

PROCEEDINGS OF THE SECOND SOUTH ASIA JUDICIAL ROUNDTABLE ON ENVIRONMENTAL JUSTICE
Thimphu, Bhutan | 30-31 August 2013
Prepared by Irum Ahsan and Gregorio Rafael P. Bueta

REVIEW AND COMPENDIUM OF ENVIRONMENTAL POLICIES AND LAWS IN BHUTAN
Input to the Asian Judges Network on Environment (AJNE)
Prepared by Antonia Gowel and Irum Ahsan

ASIAN DEVELOPMENT BANK
Knowledge Products

PROCEEDINGS OF THE THIRD SOUTH ASIA JUDICIAL ROUNDTABLE ON ENVIRONMENTAL JUSTICE FOR SUSTAINABLE GREEN DEVELOPMENT
Colombo, Sri Lanka | 8-9 August 2014
Prepared by Irum Ahsan and Gregorio Rafael P. Bueta
Country Specific Outcomes

- **Indonesia** - Judicial Certification Program on Environment.
- **Malaysia** - Establishment of green benches (environmental crimes courts).
- **Philippines** - Green courts and Rules of Procedure for Environmental Cases
- **Pakistan** - Establishment of green benches; and institutionalization of environmental law training in judicial academies.
Country Specific Outcomes

- **Sri Lanka** - the *South Asian Judges Training Centre on Environmental Rule of Law and Sustainable Green Development* was established; training of all High Court judges on environmental law - the first such activity under this Project.

- **Bhutan** - Development of a Bench Book for judicial capacity development; establishment of green bench at the High Court; proposed training for judges

- **Nepal** - translation of significant environmental decision to English; development of environmental law curriculum for judicial academies and law schools
The AJNE:
An information and experience sharing arrangement among senior judges

- AJNE started to form through sub-regional meetings
- AJNE got strengthened through common resolutions and action plans
- AJNE identified Champion judges
- AJNE was formally launched during the 2nd Asian Judges Symposium on the Environment held at ADB in Manila in December 2013
- The AJNE Website, www.asianjudges.org launched in December 2013 at ADB during the 2nd Asian Judges Symposium on Environment
Impacts of The AJNE

- **AJNE** strengthened Judges’ capacity, provided them with a like-minded support group, introduced innovative ideas, provided economic and technical information;

- **AJNE** brought all stakeholders together—Prosecutors, Lawyers, Judges, Regulators, and Civil Society;

- **AJNE** provided a neutral platform to conduct frank discussions without any pressures or biases; and

- **AJNE** provided motivation and acknowledgement to judges.
Conclusion

- Tremendous results achieved- Judges making success stories to strengthen environmental rule of law and governance in their respective countries

- Specific issues such as climate change have been made “real” for the judges

- Judges become partners in the promotion and achievement of SDGs and the post-2015 development agenda

- Regional judicial networks have been established for cross-border consultations and knowledge sharing
Thank you

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