



WORKSHOP ON ENVIRONMENTAL ADJUDICATION FOR THE JUDICIARY OF BHUTAN

18 – 20 July 2018
Le Meridien Hotel
Thimphu, Bhutan

AGENDA

**Day 1
18 July 2018**

INAUGURAL SESSION

6:30pm – 7:30pm

Facilitator: Ms. Irum Ahsan, Senior Counsel, Law and Policy Reform, ADB

Traditional Marchang Ceremony

Opening Remarks by the Royal Court of Justice of Bhutan by Hon. Mr. Justice Lyonpo Tshering Wangchuk, Chief Justice, Supreme Court of Bhutan (10 minutes)

Remarks from the Asian Development Bank by Ms. Kanokpan Lao-Araya, Country Director, Bhutan Resident Mission, Asian Development Bank (ADB) (5 minutes)

Remarks from UN Environment by Mr. Andy Raine, Regional Coordinator for Environmental Law and Governance, UN Environment (5 minutes)

Remarks from the US Environmental Protection Agency by Judge Kathie A. Stein, U.S. EPA, Environmental Appeals Board (5 minutes)

Group Photo

** Dinner to be served*

End of Day 1

**Day 2
19 July 2018**

PLENARY SESSION 1: DEVELOPMENTS IN ENVIRONMENT AND CLIMATE CHANGE LAW AND LITIGATION

10:00am – 12:00nn

Facilitator: Ms. Maria Cecilia Sicangco,
Knowledge Management Specialist (Consultant), ADB

1. **Overview of Bhutan's Environment and Climate Change Laws** by Ms. Tenzin Wangmo, National Environment Commission, Bhutan (15 minutes)
2. **Developments in Climate Change Law** by Ms. Briony Eales, Knowledge Management Specialist (Consultant), ADB (15 minutes)
3. **Climate Change and Vulnerable Groups** by Ms. Irum Ahsan, Senior Counsel, Law and Policy Reform Program, ADB (15 minutes)

Q&A

Lunch 12:00nn – 1:30pm

**PLENARY SESSION 2: CLIMATE CHANGE ADJUDICATION
FROM A DIFFERENT PERSPECTIVE**

1:30pm – 3:30pm

Facilitator: Mr. Andy Raine, Regional Coordinator for Environmental Law and Governance, UN Environment

1. **The Indian Subcontinent: Role of the Judiciary in Tackling Environment and Climate Change Litigations** by Hon. Ms. Justice Hima Kohli, Judge, Delhi High Court, India (15 minutes)
2. **Case and Litigation Critique: Lessons from South Asia** by Ms Saima Amin Khawaja (Pakistan) and Mr. Ritwick Dutta (India) (30 minutes)
3. **Environment and Human Rights: Judicial Approaches in South Asia** by Hon. Mr. Justice Qazi Faez Isa, Judge, Supreme Court of Pakistan (15 minutes)
4. **WIN, WIN, WIN for Climate, Communities, and our Cooperative** by Mr. Deepak Ashwani, Dazin – Happy Green Cooperative (15 minutes)

Q&A

Tea Break 3:30pm – 4:00pm

Q&A AND DAY 1 WRAP-UP SESSION

4:00pm – 5:00pm

Summary: Ms. Marlene Oliver, Former Environment Commissioner, New Zealand (10 minutes)

Wrap-up Discussion: Mr Gregorio Rafael P. Bueta, Legal and Policy Specialist (Consultant), ADB; and Ms. Maria Cecilia Sicangco, Knowledge Management Specialist (Consultant), ADB

End of Day 2

**Day 3
20 July 2018**

TRAINING SESSION 1: MANAGING ENVIRONMENTAL CASES AND ENVIRONMENTAL COURTS AND TRIBUNALS BEST PRACTICES

9:00am – 9:30am

By Ms. Marlene Oliver, Former Environment Commissioner, New Zealand

TRAINING SESSION 2: DEVELOPING SPECIAL RULES FOR ENVIRONMENTAL CASES

9:30am – 12:30pm

By Judge Kathie Stein, US EPA, Environmental Appeals Board

1. Presentation: Through this Session, judges will:
 - Consider the role of courts in environmental cases
 - Consider some guiding principles of the adjudicative process as it relates to environmental cases
 - Discuss the use of procedural rules, standing orders and guidance documents as a means of developing court rules for environmental cases; identify ways of using/leveraging existing rules for environmental cases
 - Learn about best practices from other jurisdictions in developing special court rules
 - Learn about alternative means of resolving environmental disputes.
2. Interactive Activity: Participants will divide into groups. Using the information provided, each group will exchange ideas about what types of environmental procedural rules would be helpful to courts in Bhutan. Groups will then report out on the main ideas of what they have discussed.
3. Q&A

Note: Working Tea Break

Lunch 12:30pm – 1:30pm

TRAINING SESSION 3: DEALING WITH EVIDENCE IN ENVIRONMENTAL CASES

1:30pm – 4:30pm

Facilitated by: Ms. Ammie Roseman-Orr, Senior Counsel
US EPA, Environmental Appeals Board

1. Presentation: Through this Session, judges will:
 - Consider issues relating to evidence in environmental cases
 - Understand the use of different kinds of evidence (i.e., technical, scientific, economic, etc.)
 - Learn about the threshold assessments of evidence and standards for admissibility
 - Learn about the different techniques, tools, and skills in managing the presentation of evidence in environmental cases, including the handling and treatment of experts
 - Hear suggestions for how to weigh and evaluate the scientific evidence presented and for dealing with the lack of certainty.

2. Interactive Activity: Participants will divide into groups. Each group will evaluate a hypothetical case provided in advance and, using the principles presented, determine what type of evidence is needed to prove a certain position and what elements are necessary for admissibility. The groups will then report on the exercise.

3. Q&A

Note: Working Tea Break

CLOSING SESSION

4:30pm – 5:30pm

Day 2 Wrap Up by Ms. Marlene Oliver, Former Environment Commissioner, New Zealand (10 minutes)

Closing Remarks by Hon. Mr. Justice Kuenlay Tshering, Judge, Supreme Court of Bhutan (5 minutes)

Closing Remarks from the Workshop Organizing Team by Ms. Irum Ahsan, ADB; and Mr Andy Raine, UN Environment (5 minutes)

Awarding of Certificates

End of Day 3