

**Closing Remarks for the Workshop on Environmental
Adjudication**
By Hon. Justice Kuenlay Tshering, Supreme Court of Bhutan

Hon. Lyonpo Tshering Wangchuk, the Hon. Chief Justice of Bhutan, Justice Qazi Faez Isa, Supreme Court of Pakistan, Justice Hima Kohli, Delhi High Court, India, Judge Kathie Stein, US Environment Protection Agency, Ms. Irum Ahsan, Senior Counsel, ADB and Mr. Andrew Raine, UN Environment Program, Hon. Judges, eminent jurists and officers of the judiciary.

Kuzuzangpo la! A very Good afternoon!

I am confident that my brother and sister judges from the High Court, the District Courts, the Dungkhag Courts and officers of the judiciary must have immensely benefited from the two day workshop facilitated by the eminent environmental experts and the Hon. Judges from India, Pakistan and the USA.

Bhutan's effort towards conservation of environment dates back to the early 1970s under the wise leadership of His Majesty the Fourth King, Jigme Singye Wangchuck.

His Majesty the Fourth King stated that,

“Throughout the centuries, the Bhutanese have treasured their natural environment and have looked upon it as the source of all life. This traditional reverence for nature has delivered us into the 20th century with our environment still richly intact. We wish to continue living in harmony with nature and to pass on this rich heritage to our future generations.”

His Majesty the Fourth King’s vision has taken shape. Today, there are about 10 protected areas that are declared as Wildlife Sanctuary, Parks and Reserve Forest lands besides providing biological corridors. More than 43% of the land area falls under the protected area. This effort on the part of the visionary King and the Royal Government was recognized by the World Environment Organization by awarding the *‘Champions of the Earth Award 2004-05’* to His Majesty the Fourth King and the people of Bhutan. His Majesty the fourth King was also awarded the prestigious *‘J. Paul Getty Conservation Leadership Award, 2006’* by the World Wild Life Fund.

Bhutan's voluntary commitments on conserving and safeguarding environment is now constitutionally mandated to further conserve and safeguard the environment under Article 5 of our Constitution. Article 5 of the Constitution enunciates several universally accepted principles that are in application to environmental litigations.

Bhutan's commitment towards environment can be seen through organizational and legal frameworks that were put in place. We have established several government organizations for playing pivotal roles in protecting environment in the country. The National Environment Commission; the Gross National Happiness Commission and the Department of Forest and Park Services, are some of the notable ones.

Further, there are more than 7 laws enacted for conservation and protection of environment and some worthy of mentioning are: the Environmental Assessment Act, the Biodiversity Act and the National Environment Protection Act of Bhutan.

In addition to the organizational and legislative frameworks, Bhutan has shown keen interest in international cooperation on

environmental protection. We have signed and ratified several international instruments including the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and the International Plant Protection Convention, among others.

In the golden words of His Majesty the King who is deeply concerned for the state of the environment of not only Bhutan but of the whole world:

“If you listen to these numbers, it is alarming how reckless we have been and continue to be. Something as fundamental as the environment – the Earth – has been forsaken for profit:

Up to 70% of the world’s known species risk extinction if the global temperatures rise by more than 3.5 degrees centigrade.

Every second, rainforests the size of a football field disappear.

Water problems affect half of humanity.

Glaciers are receding.

Often as a direct result of the disrespect for the environment, natural disasters become more frequent and forceful.

The costs of natural disasters can set back a community or a nation by decades – not to speak of the lasting emotional damage inflicted on the people affected”.

In Keeping with His Majesty's deep concern and the strong commitment towards environment coupled with the constitutional mandate, the Judiciary under the leadership of the Hon. Chief Justice of Bhutan, Lyonpo Tshering Wangchuk established the Green Bench on 2 June 2015 at the High Court to pay tribute to His Majesty the Fourth King on His 60th Birth Anniversary.

The objectives of establishing the Green Bench is to enhance environmental conservation and the continued protection in accordance with Gross National Happiness (GNH) policy; to adjudicate environmental disputes expeditiously and effectively; to enhance access to justice, to promote environmental compliance by the entire stakeholders through effective enforcement of the judgments; to build uniformity and fairness in the matter of environmental disputes of the same nature and to develop expertise who would in turn share and exchange knowledge on current issues of environment with the judges, prosecutors and lawyers.

The establishment of the Green Bench is an organizational arrangement within the judiciary to prepare and acquaint the court to deal with complex environmental litigations. While we have the

legislative and organizational frameworks in place, it is the judges who play the most crucial role in the environmental adjudication. They give life by putting soul in the laws which otherwise would only remain in words. This timely workshop will truly be of immense use to them in preparation towards achieving that goal.

Finally, I would like to thank the learned resource person(s) for sparing time to share the current state of global environment, the challenges of climate change and its way forward, and also for sharing your expertise on environmental adjudication and developing special rules for environmental cases with our judges. I am sure our judges will take with them whatever they have learnt from this workshop and use the knowledge whenever the environmental cases come before them.

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