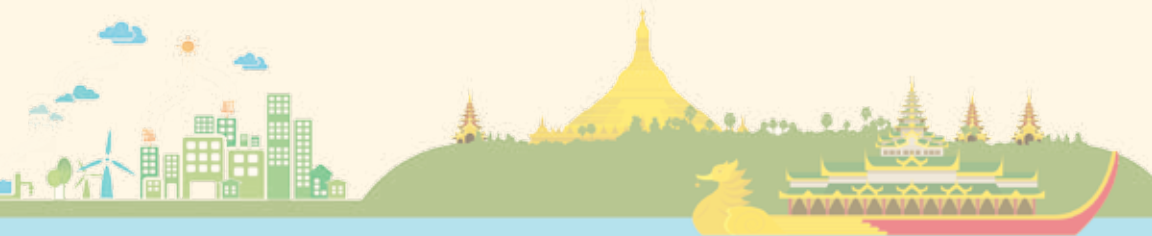




AJNE Asian Judges Network on
Environment

Asia-Pacific Judicial Conference on Environmental and Climate Change Adjudication

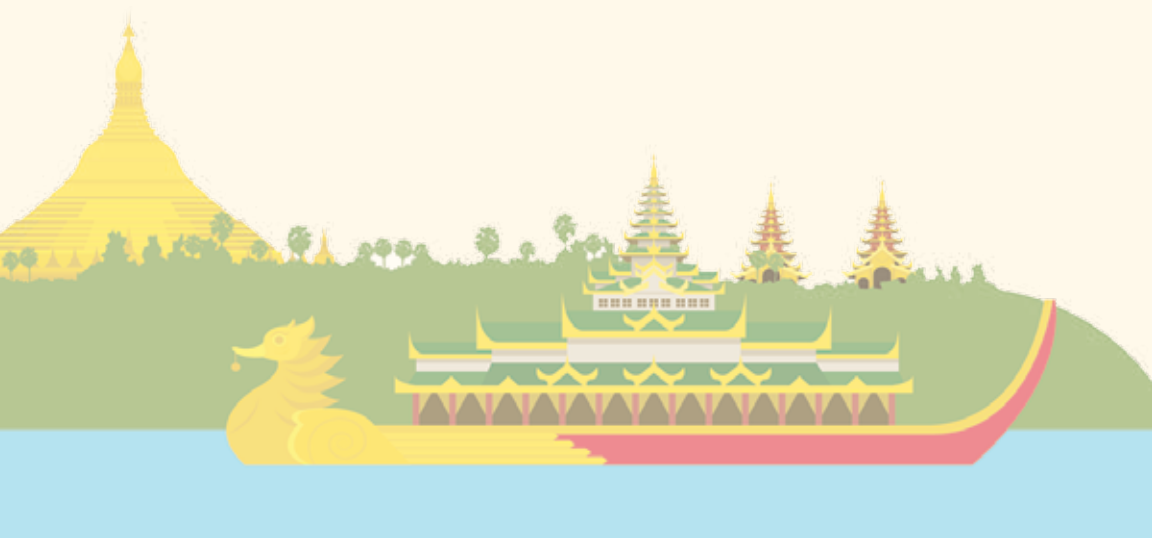
29–30 October 2018 • Nay Pyi Taw, Myanmar





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INAUGURAL SESSION

9 a.m.–10 a.m.

Facilitator: Ms. Irum Ahsan, Principal Counsel, Asian Development Bank

- **Traditional Ceremony**
- **Welcome Remarks** by the Supreme Court of the Union of Myanmar
 - *Hon. Chief Justice Htun Htun Oo, Supreme Court of the Union of Myanmar*
- **Remarks from the Asian Development Bank**
 - *Mr. Christopher Stephens, General Counsel, ADB*
- **Remarks from the United Nations Environment Programme**
 - *Ms. Isabelle Louis, Deputy Regional Director and Representative for Asia and the Pacific, UN Environment*
- **Group Photo**

TEA BREAK

10 a.m.–10:30 a.m.

SESSION 1:

Focus on Myanmar: Environmental and Climate Law Challenges

10:30 a.m.–12 p.m.

Facilitator: Hon. Judge Teris Samuel Ni Khoi,
High Court of Chin State, Myanmar

1. **Overview of Myanmar's Environment and Climate Change Issues and Legal Framework for Protection and Enforcement**
 - *Ms. Tin Nwe Soe, Director General, Office of the Union Judiciary Supervision, Supreme Court of the Union of Myanmar*
2. **Resolving Environmental Issues in ASEAN Through EIAs and Other Tools for Enforcement**
 - *Mr. Matthew Baird, Director, Asian Research Institute for Environmental Law*

3. It's Gettin' Hot in Here, So Let's Talk GHGs: A Lawyer Talks About Climate Change

- *Ms. Briony Eales, Knowledge Management Specialist (Consultant), ADB*

■ Q&A

SESSION 2:

Environment, Climate Change, and Human Rights

12 p.m.–1:30 p.m.

Facilitator: Mr. Andrew Raine,
Head of the International Environmental Law Unit, Law Division,
UN Environment

1. Who Suffers the First and the Worst: Is Climate Change Unfair?

- *Ms. Irum Ahsan, Principal Counsel, ADB*

2. The Paris Agreement – A Judge's Perspective

- *The Rt. Hon. Lord Carnwath of Notting Hill CVO, Supreme Court of the United Kingdom*

3. The Different Types of Climate Change Litigation Against Governments and Entities

- *Hon. Justice Brian J. Preston, Chief Judge, Land and Environment Court of New South Wales, Australia*

■ Q&A

LUNCH BREAK

1:30 p.m.–2:30 p.m.

**SESSION 3:
Urbanization and Environment**

2:30 p.m.–4 p.m.

Facilitator: Mr. Gregorio Rafael P. Bueta,
Legal and Policy Specialist (Consultant), ADB

1. Urbanization Issues: Air and Plastic Pollution and Their Impacts

- *Prof. Jeffrey Seadon, Senior Research Fellow, Built Environment Engineering, Auckland University of Technology*

2. Shipbreaking: Hazards and Solutions

- *Ms. Syeda Rizwana Hasan, Executive Director, Bangladesh Environmental Lawyers Association*

3. Extent of Utilization of Groundwater by Corporations: Legal and Judicial Challenges

- *Mr. Abu Zar Salman Khan, Advocate and Partner, Raja Muhammad Akram and Co.*

■ **Q&A**

End of Day 1

WELCOME DINNER

hosted by the Supreme Court of the Union of Myanmar

6:30 p.m. – 8:30 p.m.

**Coming Soon to a Court Near You:
ADB's Climate Change Litigation Benchbook**

8:45 a.m.–9 a.m.

Irum Ahsan, Principal Counsel, ADB

SESSION 4:

Green Communities in Action: Inspiring Grassroots Stories

9 a.m.–11 a.m.

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

- 1. Eliminating Lead in Paint in the Philippines: How Multi-Stakeholders Collaboration is Protecting Children's Health and the Environment**
 - *Mr. Emmanuel Maria C. Calonzo, Adviser, EcoWaste Coalition, Inc. Philippines and IPEN Global Lead Paint Elimination Campaign*
 - 2. Community Action to Address Climate Change in the Pacific: Kiribati Experience**
 - *Mr. Robert Karoro, IVA Specialist and Research Analyst, Kiribati Climate Action Network*
 - 3. Surviving Disasters for the Most Vulnerable: Teach a Girl to Swim (TAGS) Campaign**
 - *Ms. Malini Mehra, Chief Executive, GLOBE International Secretariat*
 - 4. ADB's Bottom-Up Approach through the Train the Trainers Program: Developing a Cohort of Expert Trainers on Environmental Law**
 - *Ms. Christina Pak, Senior Counsel, ADB*
 - *Prof. Camena Guneratne, The Open University of Sri Lanka*
 - *Dr. Hanim Kamaruddin, Universiti Kebangsaan Malaysia*
- **Q&A**

TEA BREAK

11 a.m.–11:30 a.m.

SESSION 5:
**Regional and Global Judicial Perspectives:
Enhancing the Judges' Role in the Age of Climate Change**

11:30 a.m.–12:30 p.m.

Moderator: Mr. Christopher Stephens,
General Counsel, ADB

This panel discussion brings together judges from different regions to discuss the increasingly important role of judges in the era of climate change. It is also envisioned as an opportunity where judges can share ideas, best practices, and avenues for inter-judicial and inter-regional cooperation.

■ **Southeast Asia**

- *Hon. Vice Chief Justice Takdir Rahmadi, Supreme Court of Indonesia*
- *Hon. Justice Aung Zaw Thein, Supreme Court of the Union of Myanmar*

■ **South Asia**

- *Hon. Justice Jawad Hassan, Lahore High Court, Pakistan*

■ **The Pacific**

- *Hon. Justice Ambeng Kandakasi, Supreme and National Courts of Justice of Papua New Guinea*

■ **The Americas**

- *Hon. Justice Michael D. Wilson, Supreme Court of Hawaii*

LUNCH BREAK

12:30 p.m.–1:30 p.m.

SESSION 6: Developments and Challenges in Green Litigation

1:30 p.m.–3 p.m.

Facilitator: Ms. Christina Pak,
Senior Counsel, ADB

- 1. Global Judicial Efforts to Enhance Environment Litigation**
 - *Hon. Justice Antonio Herman Benjamin, National High Court, Brazil*
 - 2. Environment and Climate Change Litigation in India**
 - *Mr. Ritwick Dutta, Executive Director, Legal Initiative for Forests and Environment (LIFE)*
 - 3. Case Study: Deforestation and Indonesian Forest Fires Cases**
 - *Mr. Conrado Cornelius, Independent Legal Consultant and Researcher*
- Q&A

TEA BREAK

3 p.m.–3:30 p.m.

SESSION 7: Climate Change Litigation Multi-Stakeholder Perspective

3:30 p.m.–4:30 p.m.

Moderator: Ms. Rizwana Hasan,
Executive Director, Bangladesh Environmental Lawyers Association (BELA)

This panel discussion intends to gather the views of various stakeholders involved in climate change litigation, especially with respect to challenges and best practices. The panel will discuss the international and domestic drivers of 'climate suits', and the effect, if any, of judgments in other jurisdictions. In addition, the panel will touch upon the global and regional landscape of climate change litigation, and if ideological and/or constitutional factors perpetuate a divide between litigation in the Global North as against the Global South.

■ Judiciary

- *Hon. Justice Sapana Pradhan Malla, Supreme Court of Nepal*
- *Hon. Justice Syed Refaat Ahmed, High Court Division, Supreme Court of Bangladesh*
- *Hon. Justice Soe Naing, Supreme Court of the Union of Myanmar*

■ Litigators

- *Mr. Ritwick Dutta, Executive Director, Legal Initiative for Forests and Environment (LIFE)*
- *Mr. Abu Zar Salman Khan, Advocate and Partner, Raja Muhammad Akram and Co.*

■ Academic

- *Prof. Ben Boer, Emeritus Professor, University of Sydney National Distinguished Professor, Wuhan University Law School*

CLOSING SESSION

4:30 p.m.–5 p.m.

Facilitator: Ms. Irum Ahsan,
Principal Counsel, ADB

■ Closing Remarks by the Supreme Court of the Union of Myanmar

- *Hon. Chief Justice Htun Htun Oo, Supreme Court of the Union of Myanmar*

■ Remarks from the Asian Development Bank

- *Mr. Newin Sinsiri, Country Director for Myanmar, ADB*

■ Remarks from UN Environment

- *Mr. Andrew Raine, Head of the International Environmental Law Unit, Law Division, UN Environment*

Introduction

The Supreme Court of the Union, the Asian Development Bank (ADB), and the United Nations Environment Programme (UN Environment) are pleased to host the Asia Pacific Judicial Conference on Environmental and Climate Change Adjudication in Nay Pyi Taw, Myanmar. Judiciaries across Asia and the Pacific uphold the rule of law in their countries. In an increasingly dynamic field of law such as environmental and climate change, people cling more to the courts in their pursuit of clarification amidst conflicting laws and even legal voids. The event aims to update the participants with knowledge about pressing environmental and climate change issues that require their urgent attention and solutions that they can readily adopt. We appreciate the support provided by LexisNexis in gathering information for this background paper.

Key Environmental and Climate Change Challenges and Responses

Southeast Asia

Southeast Asia is a known global hotspot of biodiversity and endemism, but the region is also one of the most biotically threatened places on the planet.¹ Deforestation and other land-use changes, habitat degradation and alteration, introduction of invasive alien species, genetic erosion, and overexploitation of certain wildlife species endanger biota and ecosystems.² Across the region, Southeast Asian countries have lost at least 14.5% of their forests over the last 15 years.³ Indonesia and the Philippines, for instance, already lost half of their original forest cover, and studies show that as much as 98% of the region's forest cover could be depleted in the next 10 years.⁴

¹ The ASEAN Secretariat. 2017. Fifth ASEAN State of the Environment Report. <http://environment.asean.org/wp-content/uploads/2018/01/SOER5.pdf>

² The ASEAN Secretariat. 2017. Fifth ASEAN State of the Environment Report. <http://environment.asean.org/wp-content/uploads/2018/01/SOER5.pdf>

³ M. Gaworecki. 2017. New study analyses biggest threats to Southeast Asian biodiversity. *Eco-Business*. 16 January <https://www.eco-business.com/news/new-study-analyses-biggest-threats-to-southeast-asian-biodiversity/>

⁴ A. Hughes. 2017. Understanding the drivers of Southeast Asian biodiversity loss. *Ecosphere*. 6 January. <https://esajournals.onlinelibrary.wiley.com/doi/full/10.1002/ecs2.1624>

BACKGROUND PAPER

Myanmar, the host country, is no different from the rest of the region. An estimated 10.2 million hectares of forest was lost between 1990 and 2015, with the remaining forest reserves severely expended.⁵ Losing at least 546,000 hectares of forest each year since 2010, Myanmar has the world's third highest deforestation rate.⁶ Worse, with only 57% of the population having access to electricity, the people are forced to rely on traditional energy sources such as wood and coal.⁷ Such loss of forest coverage makes the country more vulnerable to environmental disasters and extreme weather events, biodiversity loss, and overall environmental degradation.

Rapid economic growth is driving most of the increase in natural resource exploitation and biodiversity loss in Southeast Asia.⁸ Between 1990 and 2010, carbon dioxide emissions in the region have increased faster than anywhere else in the world.⁹ Climate change intensifies river flooding, coastal inundation and sea level rise, water stress, and frequency of severe cyclones and storms, and aggravates the loss of life and damage to infrastructure and property that natural disasters cause. Unmitigated climate change brings about (i) reduced agricultural and labor productivity; (ii) weakened human health; (iii) greater demand for energy and other resources; (iv) loss of terrestrial forest cover and biodiversity; and (v) the collapse of entire coastal ecosystems—all resulting in substantial economy-wide consequences.¹⁰ Moreover, rice yields in Indonesia, the Philippines, Thailand and Viet Nam could decline by up to 50% by 2100 from 1990 levels without scientific and technological intervention.¹¹

⁵ Forest Legality Initiative. 2016. Risk Tool: Myanmar. <https://forestlegality.org/risk-tool/country/myanmar#tab-resources>

⁶ A.S. Phyu. 2015. Myanmar third-worst for deforestation rate, says UN. Myanmar Times. 11 September. <https://www.mmtimes.com/national-news/16436-myanmar-third-worst-for-deforestation-rate-says-un.html>

⁷ World Bank. Access to Electricity. <https://data.worldbank.org/indicator/EG.ELC.ACCS.ZS> (accessed 8 October 2018).

⁸ The ASEAN Secretariat. 2017. Fifth ASEAN State of the Environment Report. p. 18. <http://environment.asean.org/wp-content/uploads/2018/01/SOER5.pdf>

⁹ ADB. 2015. Southeast Asia and the Economics of Global Climate Stabilization. Manila. p. 2. <https://www.adb.org/sites/default/files/publication/178615/sea-economics-global-climate-stabilization.pdf>

¹⁰ ADB. 2015. Southeast Asia and the Economics of Global Climate Stabilization. Manila. p. 2. <https://www.adb.org/sites/default/files/publication/178615/sea-economics-global-climate-stabilization.pdf>

¹¹ A. Prakash. 2018. Boling Point. Finance & Development. 55(3). September. <http://www.imf.org/external/pubs/ft/fandd/2018/09/southeast-asia-climate-change-and-green-house-gas-emissions-prakash.htm>

Southeast Asian countries have actively implemented several international mechanisms and agreements that promote the reduction of air pollution and degradation as well as climate change impacts and drivers.¹² They have also been undertaking activities in furtherance of the 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals (footnote 10), and adopted different approaches to promote environmental justice within their respective constitutional and legal frameworks. Countries such as Malaysia, the Philippines, and Thailand have set up specialized courts or divisions to deal with environmental issues. Indonesia has established an environmental judicial certification scheme to institutionalize environmental training and ensure that only certified judges try and decide environmental and natural resource cases. The Philippine Supreme Court recognized the concepts of intergenerational responsibility and intergenerational justice¹³ and promulgated its rules of procedure for environmental cases.

South Asia

Home to about 1.8 billion or about one-fourth of the world's population, South Asia's geography makes it highly vulnerable to severe natural hazards.¹⁴ Unmitigated climate change aggravates a range of natural disasters already plaguing countries in the region, including glacial lake outburst floods, sea-level rise, coastal erosion, cyclones, storm surges, water and soil salinization, droughts, earthquakes, landslides, and tsunamis.¹⁵ Both climate-induced and non-climatic factors induce human migration (see footnote 15).

Maintaining its fossil fuel dependence exposes South Asia to total climate change-related economic losses amounting to an average of 1.8% of its annual gross domestic product (GDP) by 2050, and progressively, up to

¹² The ASEAN Secretariat. 2017. Fifth ASEAN State of the Environment Report. p. 71 <http://environment.asean.org/wp-content/uploads/2018/01/SOER5.pdf>

¹³ *Oposa v. Factoran*, G.R. No. 101083, 30 July 1993.

¹⁴ Worldometers. Southern Asia Population. <http://www.worldometers.info/world-population/southern-asia-population/> (accessed 11 September 2018).

¹⁵ International Organization for Migration. 2016. Assessing the Climate Change Environmental Degradation and Migration Nexus in South Asia. December. https://publications.iom.int/system/files/pdf/environmental_degradation_nexus_in_south_asia.pdf

8.8% by 2100.¹⁶ On the other hand, decoupling greenhouse gas emissions from the business-as-usual scenario and fulfilling all its commitments under the Copenhagen Accord and the Cancun Agreements, and therefore keeping the global mean temperature below or within 2°C, cuts its losses to a mere 1.3% of GDP by 2050 and about 2.5% by 2100 (see footnote 14).

For decades, South Asian countries have been improving their legal and governance frameworks for environmental protection. Many have adopted new constitutions or amended their existing ones to specifically provide for environmental protection and sustainable development following the UN Conference on the Human Environment on 5–16 June 1972.¹⁷ Some countries, such as Bangladesh, Bhutan, India and Pakistan, also set up specialized tribunals to deal with environmental cases and continuously enrich their environmental jurisprudence. For instance, the Lahore High Court ruled that the Pakistan government's inaction and delay in implementing its climate policy violated the constitutional right to life and dignity.¹⁸ The court also ordered the relevant government ministries to submit a list of adaptation measures and created a commission to assist in monitoring the government's progress (footnote 18). In another, the National Green Tribunal, upholding its authority to initiate cases on its own, mandated state authorities to redress the environmental harms made more likely and extreme by climate change, citing Article 21 of India's constitution.¹⁹

The Pacific

Pacific Island Countries are among the worst hit by climate change, despite being among the least contributors to global warming. The United States National Oceanic and Atmospheric Administration expects that overall warming in the region will reach 1–3°C, with maximum warming

¹⁶ ADB. 2014. *Assessing the Costs of Climate Change and Adaptation in South Asia*. Manila. pp. xv, 76. <https://www.adb.org/sites/default/files/publication/42811/assessing-costs-climate-change-and-adaptation-south-asia.pdf>

¹⁷ P. Hassan. 2012. *Environmental Jurisprudence from Pakistan: Some Lessons for the SAARC Region*. Paper presented at the South Asia Conference on Environmental Justice. Pakistan. 24–25 March.

¹⁸ Leghari v. Federation of Pakistan W.P. No. 25501/2015

¹⁹ Court on its own Motion v. State of Himachal Pradesh and Others, Application No. 237 (THC)/2013 CWPI No. 15 of 2010 M.A. Nos. 389/2014 and 263/2014.

happening in the central equatorial Pacific.²⁰ Climate change magnifies the intensity and frequency of high-temperature extremes, the average maximum cyclone intensity, the destruction of coral reef systems, the salinization of fresh water and arable land, exposure to storm surges, the existential threat posed by constant sea level rise, and the loss of island biota.²¹ These countries also face many environmental challenges, such as overfishing, soil and plant loss, marine pollution, water shortages, and improper solid waste management, forcing multitudes of people to leave their present home.²²

Australia and Pacific Island Countries have ratified relevant international instruments and created jurisprudence, among other steps to manage climate change. Fiji and Palau are the first two nations to ratify the Paris Agreement. *Australian Conservation Foundation v. Minister for Planning*, regarded as the first climate change litigation in Australia, involved the Victorian Civil and Administrative Tribunal's decision to prevent the expansion of a coal mine that could increase indirectly the greenhouse gas emissions of a nearby power station.²³

The region has also explored issues relating to climate-induced displacement. In one case, various New Zealand courts and tribunals rejected a Kiribati citizen's application for refugee status and/or protected person status on the basis of changes to his environment in Kiribati caused by climate-induced sea level rise.²⁴ The courts ruled that the term "refugee" under the UN Convention Relating to the Status of Refugees does not apply in climate change cases.

²⁰ Commonwealth Marine Economies Programme. 2018. Pacific Marine Climate Change Report Card 2018. https://climateanalytics.org/media/cefas_pacific_islands_report_card_final_amended_spreads_low-res.pdf

²¹ World Bank. 2013. Acting on Climate Change & Disaster Risk for the Pacific. p. 9. <http://www.worldbank.org/content/dam/Worldbank/document/EAP/Pacific%20Islands/climate-change-pacific.pdf>

²² UN Environment. 2017. Informing action: Pacific nations unite on the environment. 14 December. <https://www.unenvironment.org/news-and-stories/story/informing-action-pacific-nations-unite-environment>

²³ *Australian Conservation Foundation v. Minister for Planning* [2004] VCAT 2029.

²⁴ *Teitiota v. Chief Executive Ministry of Business, Innovation and Employment* [2015] NZSC 107.

The Conference

The conference features seven sessions dealing with the following topics:

- (i) the environmental and climate change challenges confronting countries in the region, particularly their judiciaries;
- (ii) the impact of climate change on vulnerable groups and the role of judges in delivering climate justice;
- (iii) the problems brought about by urbanization, shipbreaking, and waste, and the means to create sustainable and resilient cities;
- (iv) community action geared towards protecting the environment and addressing climate change;
- (v) regional and global judicial perspectives about the role of judges in dealing with climate change;
- (vi) the developments and challenges in green litigation; and
- (vi) the perspectives of stakeholders in climate change litigation.

The organizers hope that by the end of this conference, the participants will emerge more confident to deal with the legal and technical issues concomitant with environmental and climate change litigation, and equipped to preside over cases that shape the course of future environmental and climate change laws, policies, regulations, and conflicts.

INAUGURAL SESSION

HON. CHIEF JUSTICE HTUN HTUN OO SUPREME COURT OF THE UNION OF MYANMAR



Chief Justice Htun Htun Oo was appointed as the Chief Justice of the Supreme Court of the Union of Myanmar in March 2011. He was previously appointed as the Deputy Chief Justice of the Supreme Court in March 2007.

Chief Justice Htun Htun Oo was born in 1956. He completed and received his B.A. (Law) degree in 1978, and LL.B. degree in 1979, from the Yangon Arts and Science University.



CHRISTOPHER STEPHENS GENERAL COUNSEL, ASIAN DEVELOPMENT BANK

Christopher Stephens has been the General Counsel of the Asian Development Bank since the end of 2012. ADB's legal team comprises 75 staff from 17 countries, and advises ADB's Board of Governors, resident Board of Directors, Management, and operations and administrative departments. In 2017, the legal team advised on loans and investments of nearly \$30 billion in more than 150 financing and investment transactions in 42 of the poorest countries in the Asia-Pacific region.

The legal department also runs ADB's Law and Policy Reform – or LPR – Program, in which the legal team provides technical assistance (TAs) to ADB's client countries in areas relating to the role of law in their development. The legal team currently manages a portfolio of 16 LPR projects, funded with \$14.1 million from internal and external sources, covering law reforms on gender equality, environmental and climate law,

INAUGURAL SESSION *(continued)*

international arbitration, anti-money laundering and counter terrorism financing, and reforms to create a favorable investment climate for private and foreign investment and to create or improve capital markets.

ADB's legal team and the LPR program have won more than 20 international awards from Financial Times, ALB Thompson-Reuters, Euromoney and others, including "Most Innovative," "Market Reform Leader," "Best In-House Team," and "Best Banking and Financial Services Team."

Mr. Stephens is originally from New York, where he practiced law for 12 years before relocating to Hong Kong, where he practiced for 17 years until joining ADB. In Hong Kong, he was the Managing Partner for Asia and a member of the Management Committee of U.S. law firm, Orrick, Herrington & Sutcliffe. Before that, he was the Vice Chairman and Asia Managing Partner for the New York-based Coudert Brothers law firm.

ISABELLE LOUIS

DEPUTY REGIONAL DIRECTOR AND
REPRESENTATIVE FOR ASIA AND THE PACIFIC,
UN ENVIRONMENT



Ms. Isabelle Louis has been Deputy Regional Director at UN Environment Asia Pacific Office in Bangkok since September 2014. She coordinates UN Environment's work programme in the region pursuant to the organization's mandate to support the UN Member States in the region on issues related to the environment and sustainable development, including initiatives on climate change, environmental governance and law, pollution, sustainable consumption and production, sustainable financing, gender inclusiveness and the implementation of the Sustainable Development Goals. She also coordinates UN Environment's strategic partnerships including with governments, research institutions and the private sector.

SPEAKERS

in alphabetical order



IRUM AHSAN

PRINCIPAL COUNSEL, ASIAN DEVELOPMENT BANK

Irum Ahsan completed her legal education from the London School of Economics and Political Science. Before joining the Asian Development Bank (ADB), she practiced on contentious and non-contentious legal matters in Pakistan. In addition, Irum taught law at various prestigious institutions.

At ADB, she works in the Office of the General Counsel where she advises on multi-sector projects for inclusive growth. Irum currently leads the Law and Policy Reform Program (LPR) with her projects focused on areas such as environmental and climate change adjudication and enforcement, legal literacy for women, corporate governance, energy laws, and regional cooperation. ADB's LPR work is based on the premise that a functioning legal system – anchored by the Rule of Law – is an essential component of sustainable development. Her work has led to the establishment of the Asian Judges Network on Environment, the first such network in the world; more than 6 green courts in Asia; and Asia's first gender-based violence court in Pakistan.

Irum has also organized several symposiums for Chief Justices on environmental and climate change laws, and presented her work at numerous international forums. She is also a member of ADB's Governance, Gender and Environment Thematic Groups.

Irum is an active advocate for gender consciousness and for women's rights and passionately steers the gender discussion in ADB. Her work led to ADB winning the 2018 Financial Times Most Innovative In-House Legal Team in Asia and the Pacific Award, and the Innovation in Rule of Law and Access to Justice Award.

MATTHEW BAIRD

DIRECTOR, ASIAN RESEARCH INSTITUTE FOR ENVIRONMENTAL LAW



Matthew Baird is an environmental lawyer with over 30 years experience in both Australia and Asia. He was a practicing Barrister in Sydney from 1994 to 2014. Since 2010 he has been based in Asia as an environmental law consultant working with a number of governments, non-government organizations, and international organizations such as the Asian Development Bank, United Nations Development Programme, UN Environment, and the Vermont Law School.

He has assisted with training for judges and environmental law professors and was involved in the drafting of the Cambodian draft Environmental and Natural Resources Code with the Myanmar Ministry for Natural Resources and Environment Conservation. He has also worked with the ASEAN Intergovernmental Commission on Human Rights on environmental impact assessments (EIA) and human rights.

He was the editor with Earth Rights of the *Environmental Impact Assessment in the Mekong Region* manual, and is currently the Director of the Asian Research Institute for Environmental Law.



HON. JUSTICE ANTONIO HERMAN BENJAMIN
NATIONAL HIGH COURT, BRAZIL

Prof Dr. Dr. *h.c.* Antonio Herman Benjamin is a member of the National High Court of Brazil (STJ), Chair of the IUCN World Commission on Environmental Law, and Secretary-General of the UNEP International Advisory Council for Environmental Justice. He has published over thirty books and articles on environmental law.

Justice Benjamin is the original proponent and a leading advocate of the Global Judicial Institute for the Environment, which was launched during the 1st World Congress on Environmental Law, held in Rio de Janeiro in April 2016. In addition to the several awards that he received in Brazil and abroad, Justice Benjamin is a Knight of the National Order of the Legion of Honor of the Republic of France and a Commander of the Order of Leopold of the Kingdom of Belgium, awards bestowed on him in recognition of his global public service.

EMMANUEL MARIA C. CALONZO
ADVISER, ECOWASTE COALITION, INC. PHILIPPINES
AND IPEN GLOBAL LEAD PAINT ELIMINATION
CAMPAIGN



Manny C. Calonzo from the Philippines is the immediate former co-chair of IPEN, a network of non-governmental organizations working in more than 100 countries to reduce and eliminate the harm to human health and the environment from toxic chemicals. Presently, he serves as adviser to the IPEN Global Lead Paint Elimination Campaign. Before this, Manny was regional specialist for the EU-funded Asian Lead Paint Elimination Project. He is current adviser and former president of the EcoWaste Coalition, a non-profit environmental and health advocacy group. Last April 2018, Manny received the Goldman Environmental Prize in San Francisco, USA in recognition of his contributions to the ban on lead-containing paints in the Philippines.



THE RT. HON. LORD CARNWATH OF NOTTING HILL CVO
SUPREME COURT OF THE UNITED KINGDOM

Lord Carnwath has been a Justice of the UK Supreme Court since April 2012, having been a judge of the High Court and Court of Appeal since 1994. He had previously practised as a barrister specializing in planning and environmental law, including a period as Attorney-General to HRH the Prince of Wales (for which he was made a Companion of the Victorian Order). From 1999 to 2002, he was Chairman of the Law Commission for England and Wales, and from 2004 to 2012 he was the first Senior President of Tribunals, responsible for reform of the specialist tribunal system. Since 2004, he has worked as an adviser to UN Environment on judicial training, and is currently a member of their International Advisory Council on Environmental Justice.

CONRADO CORNELIUS
INDEPENDENT LEGAL CONSULTANT AND
RESEARCHER



Conrado M. Cornelius obtained his Sarjana Hukum (S.H.) from the Faculty of Law, Universitas Indonesia in 2017. He is currently working as a lawyer and researcher with research interests in philosophy, jurisprudence, environmental law, tort law, and economic analysis of law. His latest research on climate change litigation titled “*A Tale of Climate Justice: The Indonesian Experience – Hope or Nope?*” has been presented in several different international conferences and will soon be published in an editorial book.



RITWICK DUTTA

EXECUTIVE DIRECTOR, LEGAL INITIATIVE FOR
FORESTS AND ENVIRONMENT

Ritwick Dutta is an environmental lawyer and the Managing Trustee of the Legal Initiative for Forest and Environment. He has focused exclusively on environmental litigation and has supported communities, civil society groups and affected citizens in bringing environmental issues before the Court. His principal focus is the National Green Tribunal where he also serves as the Secretary of the National Green Tribunal Bar Association. Ritwick is an Ashoka Fellow and is the recipient of the Carl Zeiss Roll of Honour 2005, the Sanctuary ABN Amro Award 2007, the NDTV Green Hero Award 2010, and the Balipura Foundation Award 2015. He is a board member of NGO Platform on Shipbreaking and leads The Access Initiative – South Asia, the largest network of civil society organizations working on access to information, public participation, and access to justice. He has authored 13 books on environmental law including *The Supreme Court on Forest Conservation* and *National Green Tribunal* published by Universal Law Publishing.

BRIONY EALES

KNOWLEDGE MANAGEMENT SPECIALIST
(CONSULTANT), ASIAN DEVELOPMENT BANK



Briony Eales is an Australian lawyer specializing in environmental and climate change law. Briony is a consultant with ADB's Law and Policy Reform Program, where she is developing a benchbook on climate change litigation for Asian judges. She is also advising ADB and Lao PDR on development of a climate change law and updated climate change strategy. On previous ADB projects, Briony advised on environmental prosecution, adjudication, dispute resolution, compliance, governance, and enforcement in ADB's Southeast Asian developing member countries. Briony has also advised private sector clients in Asia. She advised Xstrata plc on envi-

ronmental and social compliance, resettlement, and indigenous peoples' engagement on a project in the Philippines. In Australia, Briony worked as a solicitor in litigation. She specialized in administrative law litigation while working for the Australian Government Solicitor. While in private practice, she litigated matters on behalf of large insurance clients. Briony is passionate about justice, particularly justice for people and the planet.



CAMENA GUNERATNE

PROFESSOR, OPEN UNIVERSITY OF SRI LANKA

Camena Guneratne obtained an LL.B from the University of Colombo, an LL.M from Harvard Law School, and a PhD from the University of Waikato, New Zealand. She is Professor in the Open University of Sri Lanka where she taught Environmental Law for many years. She has also served as Head of the Department of Legal Studies and also of the Environmental Studies Unit, and as Dean of the Faculty of Humanities and Social Sciences. She has been involved with non-governmental organizations working in the fields of environment, gender, and human rights, and has also served on many government committees on environmental law, human rights, women's issues, and legal education. She is presently a member of the Law Commission, the National Committee on Women and the Expert Panel to advise the Constitutional Assembly on constitutional reform. She has received the Smuts Visiting Fellowship in Commonwealth Studies in 2000/2001 at Cambridge University and the Fulbright Advanced Research and Lecturing Award in 2012/2013 at the University of Colorado at Boulder.

SYEDA RIZWANA HASAN

EXECUTIVE DIRECTOR, BANGLADESH
ENVIRONMENTAL LAWYERS ASSOCIATION



Syeda Rizwana Hasan is an enrolled lawyer with the Supreme Court of Bangladesh. She works for the cause of environment as the Chief Executive of the Bangladesh Environmental Lawyers Association (BELA) focusing on the promotion of environmental justice in Bangladesh.

Rizwana completed her masters in law from the University of Dhaka with distinction. She has filed cases on various environmental issues, most of which have received favorable orders/judgments. Rizwana is a visiting faculty in the University of Asia Pacific, State University and Easter University.

Rizwana has received several prestigious awards, such as the Ramon Magsaysay Award in 2012, the Goldman Environmental Prize for the year 2009, and the 'Annanya Top Ten Award' given by a reputed journal in Bangladesh. She is also amongst the first five South Asian women to receive the 'Celebrating Womenhood' Award (2008) given by the Creative Statement and South Asia Partnership based in Nepal. She has also been named as one of the 40 Environmental Heroes of the World by TIME magazine.



HANIM KAMARUDDIN

PROFESSOR, UNIVERSITI KEBANGSAAN MALAYSIA

Dr. Hanim Kamaruddin is currently a senior lecturer at the Faculty of Law, Universiti Kebangsaan Malaysia. She obtained her PhD degree in Law from University Malaya focusing on research in the legal aspects of transboundary haze pollution in Malaysia and the ASEAN region. Prior to that, she received her LLB (Hons) degree from Universiti Kebangsaan Malaysia where she wrote a final year thesis on the effectiveness of environmental impact assessments in Malaysia from a legal standpoint. In 1996, she was called to the Malaysian Bar as a qualified Advocate and

Solicitor of Malaya. She further obtained a Masters degree in the legal aspects of marine affairs at University of Wales in Cardiff in 1997 where she wrote a thesis on management of Straits of Malacca from Malaysia's legal framework. She was exposed to many facets of the law and practice throughout her tenure at the Faculty but she concentrated on environmental law which she is currently teaching. Apart from that, she has also taught other law subjects including Torts, International Trade and Marine Affairs, and Contract law.

Her research focus is on the legal aspects of atmospheric pollution and its transboundary or cross-border implications arising from various manmade activities and marine pollution in Malaysia, including issues of accountability and liability under international law. She is also interested in (i) the legal issues pertaining to climate change conditions and how the law can prevent or mitigate the consequence of atmospheric or marine pollution on human condition, and (ii) issues of environment linking to corporate social governance (CSR) of companies. Dr. Hanim also focuses on the involvement of ASEAN in environmental protection at the regional level. She has several postgraduate and undergraduate students under her supervision writing on various aspects of environment law and issues. She has done several publications and case head noting in law journals, research publications in proceedings, and publications in books/chapters in the area of environmental law, mainly on transboundary effects of pollution from a legal perspective.

Dr. Hanim is a member of the Disciplinary Board of Bar Council Malaysia and is a certified mediator. She is also an advisor to the Steering Committee Rules and Procedures of the Environmental Court in Malaysia, and is the Country Focal Person for Malaysia in the Asian Development Bank's Train the Trainers program.

ROBERT KARORO

IVA SPECIALIST AND RESEARCH ANALYST,
KIRIBATI CLIMATE ACTION NETWORK



Robert David Karoro was born and raised in Fiji but his roots originate from Banaba (Ocean Island), which is part of the Kiribati Islands. His grandparents relocated from Banaba to Fiji (Rabi Island) after the Second World War due to phosphate mining. He graduated from the University of the South Pacific with a degree in Environmental Geoscience and worked for the University as Part Time Tutor for Environmental Science and Marine Science from 2012 to 2017. He moved to Kiribati in 2018 to work for the Kiribati Climate Action Network as Research Analyst. At the same time, he also works for the Office of the Beretitenti (President) (OB) as an Analyst for the Integrated Vulnerability Assessment (IVA) of their Climate Change Division.

Robert believes that living in Kiribati is an awakening experience as he gets to know firsthand what the people in the outer islands experience, and what adaptive measures they take to be more climate change resilient.



ABU ZAR SALMAN KHAN

ADVOCATE AND PARTNER, RAJA MUHAMMAD
AKRAM AND CO.

Abu Zar Salman Khan is an Advocate of the Lahore High Court, Lahore, Punjab, Pakistan. As Chairman of the Human Rights and Environment Protection Committee of the Lahore High Court Bar Association, he recently organized the First Lahore High Court Conference on Environmental Law. Held in September 2018, the Conference was a big success, with Justices from the Supreme Court and the Lahore High Court, senior lawyers of the Supreme Court, and 300 other delegates participating.

Abu Zar also participated as a Rapporteur in the Asia Pacific Judicial Colloquium on Climate Change: Using Constitutions to Advance Environmental Rights and Achieve Climate Justice, hosted by the Lahore High Court. This colloquium was co-organized by UN Environment, under the leadership of the UN Special Rapporteur on Human Rights and the Environment John Knox, and the Asian Development Bank.

As an opinion writer for leading newspapers in Pakistan, Abu Zar has written on various social, legal and political issues over the last five years. He has also written on various environmental issues, especially in relation to the right to a healthy environment and the conservation of groundwater. He regularly appears on news channels in Pakistan to advocate for human rights and the environment.

MALINI MEHRA

CHIEF EXECUTIVE, GLOBE INTERNATIONAL
SECRETARIAT



Malini Mehra is Chief Executive of GLOBE International, the leading cross-party network of parliamentarians working on climate change and environment issues. Since being appointed CEO in 2014, Malini has introduced innovative programmes of work on the Sustainable Development Goals and convergent policymaking, and dialogue between legislators and judges on climate change and environment issues.

Malini brings three decades of experience on sustainability and climate change issues. Over a distinguished international career, she has founded an award-winning Indian NGO working on corporate responsibility and climate change; led international campaigns for global NGOs; led for the government of the United Kingdom on international sustainable development; and established pioneering inter-governmental partnerships with China, India, Brazil, Mexico and South Africa. Malini's film on corporate India and the climate challenge, *In Good Company* (2009), was the first to mark out the game-changing role of leading Indian companies and eco-entrepreneurs on the climate challenge.

Malini has more than two decades of experience working with the United Nations, including serving as adviser to the UN Secretary-General on UN-civil society reform and co-authoring the UN's influential Human Development Reports. She has served on the boards of numerous non-government organizations and leading corporates, including multinational companies such as Unilever, Hewlett-Packard, Kimberly-Clark and BHP Billiton.

A political scientist and gender specialist by training, Malini has degrees from Smith College (USA) and the Institute for Development Studies (Sussex). Her many awards include Asian Woman of the Year 2013 and Young Global Leader of the World Economic Forum. In 2017, she founded the global campaign Teach A Girl to Swim, to address the hidden global crisis of drowning and its links with climate change, disaster risk and gender inequality. An Indian citizen, Malini presently lives in London with her husband and three children.



CHRISTINA PAK

SENIOR COUNSEL, ASIAN DEVELOPMENT BANK

Christina Pak is Senior Counsel of the Asian Development Bank (ADB). She specializes in international finance and has been working on multi-sector projects across the Southeast, East Asia and Central West regions. She is also a member of ADB's Climate Change and Environment thematic groups, and develops and implements environmental law, climate finance and international arbitration law reform technical assistance projects under ADB's Office of the General Counsel's Law and Policy Reform Program. In particular, she heads ADB's Environmental Law Champions Train-the-Trainers project, which aims to strengthen the capacity of environmental law professors and institutions across Asia.

Prior to joining ADB, Ms. Pak worked as legal counsel and vice president for markets and international banking at The Royal Bank of Scotland in Singapore, and as a capital markets and structured finance associate at

two large New York City law firms. She is admitted to the bar in the States of New York and New Jersey and is a member of the Chartered Institute of Arbitrators, International Union for Conservation of Nature World Commission on Environmental Law and International Bar Association.

HON. JUSTICE BRIAN J. PRESTON

CHIEF JUDGE, LAND AND ENVIRONMENT
COURT OF NEW SOUTH WALES, AUSTRALIA



Justice Preston is the Chief Judge of the Land and Environment Court of New South Wales. Prior to being appointed in November 2005, he was a senior counsel practising primarily in New South Wales in environmental, planning, administrative and property law. He has lectured in post-graduate environmental law for over 26 years. He is the author of Australia's first book on environmental litigation and 123 articles, book chapters and reviews on environmental law, administrative and criminal law. He holds numerous editorial positions in environmental law publications and has been involved in a number of international environmental consultancies and capacity-building programs, including for judiciaries throughout Asia.

Justice Preston is an Official Member of the Judicial Commission of NSW, Fellow of the Australian Academy of Law, Fellow of the Royal Society of NSW, Honorary Fellow of the Environment Institute of the Australia and New Zealand and also a member of various international environmental law committees and advisory boards. He is currently an Adjunct Professor at the University of Sydney, Western Sydney University and at Southern Cross University.



ANDREW RAINE

HEAD OF THE INTERNATIONAL ENVIRONMENTAL
LAW UNIT, LAW DIVISION, UN ENVIRONMENT

Andy is the Head of the International Environmental Law Unit in the Law Division at UN Environment, and is based in Nairobi. He was previously the Regional Coordinator for Environmental Law and Governance at UN Environment's Asia and Pacific office, where he worked with governments and legal stakeholders across the Asia Pacific region on a wide range of environmental law and governance issues. He has worked in legal roles with the United Nations for the last ten years, based in both New York and Bangkok. Prior to his positions in the UN, Andy worked as an environmental lawyer in leading international law firms in both London (at Linklaters) and Melbourne (at Freehills), advising governments, banks and corporates around the world on a wide range of environmental law issues and transactions.

Andy has a Master of Laws (Environmental Law and Policy) with Distinction from University College London, as well as a Bachelor of Laws (Hons) and a Bachelor of Business (Management) from the University of Queensland. He is a member of the World Commission on Environmental Law, and has published numerous articles on environmental law and governance. Andy is married with two children that keep him very busy.

JEFFREY SEADON

SENIOR RESEARCH FELLOW, BUILT ENVIRONMENT
ENGINEERING, AUCKLAND UNIVERSITY OF
TECHNOLOGY



Dr. Jeff Seadon has had experience in waste as an academic, a researcher in a government research institute, and as a manager in the national government. In addition, he has consulted to business at all levels from micro-businesses to multi-nationals and local government to the United Nations. In his national government role, he led the New Zealand Waste Minimisation Act through its par-

liamentary stages and this, combined with his experience from different stakeholder perspectives, led to him developing the Guidelines for Framework Legislation for Integrated Waste Management for UN Environment, published in 2016. This was followed by being one of the lead authors for the Asia Waste Management Outlook published in 2017 and he is currently the Editor-in-chief for the SIDS Waste Management Outlook, due to be finalized later this year.

Dr. Seadon has also been an invited speaker at numerous ASEAN and UN Environment meetings as well as national and international conferences. He takes an integrated approach to waste that encompasses solid, liquid and gaseous wastes.



NEWIN SINSIRI

COUNTRY DIRECTOR FOR MYANMAR, ASIAN DEVELOPMENT BANK

Mr. Newin Sinsiri has over 20 years of economic development cooperation experience in Asia. This includes 16 years of strategic engagement with ADB's developing member countries in Southeast Asia, South Asia and East Asia, focusing on regional cooperation, finance sector development, country strategy and program coordination, and capacity development.

Mr. Sinsiri was closely involved in ADB's re-engagement with Myanmar since the country's opening in 2012. He supported the financial resource allocation and preparation of the interim country partnership strategy and country operations and business plan for Myanmar, as well as the establishment of ADB offices in Nay Pyi Taw and Yangon.

In 2013–2014, he led ADB's regional cooperation unit where he was in-charge of the Greater Mekong Subregion Economic Cooperation (GMS) Program Secretariat and supported Myanmar's participation in the program. Prior to that, he worked as a principal institutional coordination specialist in the Director General's Office of the Southeast Asia Department where he oversaw the operations in all Southeast Asian countries including

country strategies and business plan formation, financial and technical assistance resource allocation, and coordination with 7 resident missions. In South Asia, he managed and coordinated ADB's regional cooperation programs including SAARC, BIMSTEC, and South Asia Subregional Economic Cooperation (SASEC) programs. He worked in the areas of financial and capital markets development and private sector development in India, Sri Lanka, Philippines, Indonesia and Thailand.

He worked for ADB Institute, a think tank and training institute in Tokyo, Japan, where he managed capacity building programs in the areas of public sector administration and financial market development from 2003 to 2006. Prior to joining ADB, he was with the Asia Foundation, Citibank, and Siam City Cement.

Mr. Sinsiri left ADB in 2014 to become the President of the Neighbouring Countries Economic Cooperation Agency of Thailand. During his term, he worked closely with CLMV countries, Bhutan, Sri Lanka, and Timor-Leste, in developing infrastructure projects that support regional connectivity.

Mr. Sinsiri has a Master's degree in Business Administration from Chulalongkorn University, Thailand, and a Bachelor's degree in Engineering (Electronics) from King Mongkut's Institute of Technology, Lardkrabang. He undertook his post graduate studies in international finance in Keio University, Tokyo, Japan.

TIN NWE SOE

DIRECTOR GENERAL, OFFICE OF THE UNION JUDICIARY SUPERVISION, SUPREME COURT OF THE UNION OF MYANMAR



Tin Nwe Soe is the Director General of the Office of the Union Judiciary Supervision of the Supreme Court of the Union. She assumed office on 1 February 2018. As Director General, she has supervisory responsibility over the effective and efficient operations of courts at different levels.

She graduated with a Bachelor of Laws (LL.B) from Yangon University in 1986 and a Master of Laws (LL.M) from Yangon University in 1993. She pursued her post-graduate studies at Kyoto University and later at Hiroshima University, where she was conferred her Master of Art in Asian Law (M.A) in 2004. She also received the Postgraduate Diploma in International Humanitarian Law from the National Academy of Legal Studies and Research (NALSAR) University of Law, Hyderabad, India in 2007.

She has been with the judiciary since 1987. She was a presiding judge at first instance courts and appellate courts before being appointed as Deputy Director at the Office of Union Supreme Court in 2012. She has led the Judicial Strategic Planning Team for judicial reform in Myanmar since 2014, and performs many judicial activities for the Supreme Court of the Union.

PANELISTS

in alphabetical order



HON. JUSTICE SYED REFAAT AHMED

HIGH COURT DIVISION, SUPREME COURT OF BANGLADESH

Justice Syed Refaat Ahmed was elevated to the High Court Division, Supreme Court of Bangladesh in April 2003. He obtained degrees in Jurisprudence from Wadham College, University of Oxford and from the University of Dhaka. Justice Ahmed earned a Ph.D from The Fletcher School of Law and Diplomacy, Tufts University where he was a Ford Foundation Fellow in Public International Law. A third generation lawyer and Judge, Justice Ahmed previously worked in the City of London and with the UNHCR in Hong Kong and Washington, DC. His book *“Forlorn Migrants: An International Legal Regime for Undocumented Migrant Workers”* is one of his noteworthy publications. Justice Ahmed lectures at home and abroad on constitutional law, judicial reform and refugee and migration affairs. He is one of the founding members of the Global Judicial Institute for the Environment (Brazil), and was an organizer/participant of the 2016 South Asia Judicial Conference on Environment and Climate Change in Dhaka, Bangladesh. He has attended conferences on environment and climate change in Amritsar, Kathmandu, and Manila. An aficionado collector, Justice Ahmed curates his personal archive of film, theater and music memorabilia.

BEN BOER

DISTINGUISHED PROFESSOR OF LAW, WUHAN UNIVERSITY (CHINA) AND EMERITUS PROFESSOR, SYDNEY LAW SCHOOL, UNIVERSITY OF SYDNEY (AUSTRALIA)



Ben Boer has taught and researched in the area of environmental law since 1979. He was appointed as a professor in environmental law at the University of Sydney in 1992. He was one of the founders of the Australian Centre for Environmental Law, co-established with Prof. Rob Fowler at the University of Adelaide, and colleagues at the Australian National University and the University of Sydney.

Between 2006 and 2008, he was the international Co-Director of the IUCN (International Union for the Conservation of Nature) Academy of Environmental Law and Visiting Professor based at the University of Ottawa. He was named as Emeritus Professor in the University of Sydney in 2008.

In 2011, he was appointed as a Distinguished Professor at the Research Institute of Environmental Law, Wuhan University, People's Republic of China. He now teaches and researches in Wuhan part-time.

He was appointed as the Deputy Chair of the IUCN World Commission on Environmental Law for 2012–2016.

Ben has written articles and reports on a wide range of environmental law topics and has produced a number books in the field, including *International Environmental Law in the Asia Pacific* (Kluwer Law International 1997, with Ross Ramsay and Donald Rothwell, now being revised for a second edition), *Heritage Law in Australia* (Oxford University Press, with Graeme Wiffen) and *Environmental Law and Sustainability after Rio*, edited with Jamie Benidickson, Antonio Benjamin and Karen Morrow. He is the Co-chief, with Prof. Qin Tianbao, of the new *Chinese Journal of Environmental Law* (see <http://booksandjournals.brillonline.com/content/journals/24686042>).

In 2018 he initiated the Wuhan University Environmental Law Clinic with his Wuhan colleagues.

Recent books are:

- Boer B. (ed) *Environmental Dimensions of Human Rights* (Oxford 2015); see <http://ukcatalogue.oup.com/product/9780198736141.do>; and
- Boer, B., Hirsch, P., Johns, F., Saul, B., Scurrah, N. (2016). *The Mekong: A Socio-Legal Approach to River Basin Development*. United Kingdom: Routledge; see <https://www.routledge.com/products/9781138788459>.



RITWICK DUTTA

EXECUTIVE DIRECTOR, LEGAL INITIATIVE FOR FORESTS AND ENVIRONMENT (LIFE)

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HON. JUSTICE JAWAD HASSAN LAHORE HIGH COURT, PAKISTAN



Justice Jawad Hassan was elevated to the High Court in November 2016 and is adjudicating all sorts of constitutional, environmental, tax, banking, labor, corporate, and commercial cases by delivering some landmark judgments both as a single Bench and appellate Bench. Justice Hassan was born on 28 July 1967 and has an LL.M. in environmental law from Pace University, School of Law, New York, USA. Before his elevation to the Bench, he was a Senior Partner of a corporate law firm (with offices in Islamabad, Lahore and Karachi), where he gained extensive experience in environmental, commercial and international arbitration work. He has drafted various laws, rules and regulations and has been a member of various committees, commissions and advisory boards of the Provincial and Federal Government, companies, and non-government organizations.

Justice Hassan has been a speaker at various international conferences abroad. He has authored books on media and environmental laws, and has numerous international publications and research articles in law journals, both in and outside Pakistan. Mr. Hassan is a visiting lecturer at leading institutions in Pakistan since 1996, including judicial academies. In 2014, he was instrumental in establishing a law school in his mother's name, Nadira Hassan Law Department at the prestigious Kinnaird College, Lahore est. 1908 (the first female law school). The Honourable Chief Justice of Pakistan, along with the Chief Justice of Lahore High Court, presided over the groundbreaking of the Law Department in March 2014.



HON. JUSTICE AMBENG KANDAKASI

SUPREME AND NATIONAL COURTS OF JUSTICE
OF PAPUA NEW GUINEA

Justice Ambeng Kandakasi was appointed Justice of the Supreme and National Courts of Justice of Papua New Guinea (PNG) in 2000. He holds a master's degree in Law from the University of San Diego, USA and a Bachelor of Laws degree from the University of PNG. He also is accredited as a mediator in Australia, New Zealand and PNG. Before his appointment to the Supreme Court, he was a partner of the firm Young & Williams Lawyers and taught law at the University of PNG.

Presently, Justice Kandakasi chairs the PNG Judiciary's Alternative Dispute Resolution (ADR) Committee overseeing the development and successful implementation of court-annexed mediation in PNG. He is part of the team designing ADR and mediation systems and structures and implementing them. Most of his trainees have been judges, magistrates, lawyers and other professionals in Solomon Islands, Australia, Fiji, Malaysia, and PNG. He has attended and facilitated at a number of local and international workshops and trainings in a number of areas of the law, ADR and, in particular, mediation. He has presented and published a number of papers at international and local conferences and journals, in the areas of mediation, ADR and human rights. Justice Kandakasi was and continues to be the Vice President of the Perth-based Asia Pacific Mediation Forum.



ABU ZAR SALMAN KHAN

ADVOCATE AND PARTNER, RAJA MUHAMMAD AKRAM AND CO.

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HON. JUSTICE SOE NAING

SUPREME COURT OF THE UNION OF MYANMAR

Justice Soe Naing was appointed Justice of the Supreme Court of the Union of Myanmar on 14 June 2017. He started his legal career as a Higher Grade Pleader in 1979. In 1982, he joined the Central Law Office as a Law Officer Grade-4. He subsequently served as a Law Officer at progressively higher levels for over 33 years, culminating in the post of Director-cum-Region Law Officer (Mandalay).



Justice Naing was born in 1955. He got his B.A. (Law) degree in 1977, and LL.B. degree in 1978, from the Yangon Arts and Science University.



HON. JUSTICE SAPANA PRADHAN MALLA

SUPREME COURT OF NEPAL

Justice Sapana Pradhan Malla was appointed Justice of the Supreme Court of Nepal in 2016. She was also recently elected as the President of the South Asian Association for Regional Cooperation (SAARC) Law Nepal Chapter. As a member of the first Constituent Assembly of Nepal, she provided extensive contributions to the drafting of the Constitution, which recognizes the right to a clean environment as a fundamental right.

Before her appointment as Justice of the Supreme Court, Justice Malla was a practicing lawyer before the Supreme Court of Nepal. She was regarded as a public interest lawyer for advocating a number of cases on a range of issues, from environmental concerns (e.g., water pollution, Godavari marble case, and the pesticide case) to civil rights (e.g., right to inheritance, reproductive health rights, criminalization of marital rape, witness protection, and maintainance of confidentiality). She was also previously a member of the United Nations' Committee Against Torture, the body of ten independent experts that monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by its state parties.

HON. VICE CHIEF JUSTICE TAKDIR RAHMADI SUPREME COURT OF INDONESIA



Takdir Rahmadi is a Justice in the Civil Chamber of the Supreme Court of the Republic of Indonesia. He also holds the position as Deputy Chief Justice in charge of Resource Development since December 23, 2014.

Prior to his appointment as Justice at the Supreme Court of Indonesia on December 30, 2008, he was a professor in environmental law at the Faculty of Law, Andalas University in Padang, West Sumatra, Indonesia.

His first degree in Law (1979) is from Andalas University, while his LL.M. (1987) is from the Faculty of Law, Dalhousie University, Halifax Canada. His Doctor in Law degree (1997) is from the Faculty of Law, Airlangga University, Surabaya, Indonesia.

Since his appointment as a Justice, he has become the Vice Coordinator of the Judicial Reform Team at the Supreme Court. In this capacity, he participated extensively in judicial reform programs, such as (i) the Green Bench Program and/or Certification for Judges Handling Environmental Cases (Judicial Certification Program), where he was a member of the Working Group; (ii) the Selection Committee tasked with choosing trainee candidates for the Judicial Certification Program, where he served as the Chairperson; (iii) trainings of selected candidates for the Judicial

Certification Program, where he also served as the Chairperson from 2012–2013; and (iv) the evaluation of the Green Bench Program, where he served as the Chairperson in 2014.

Justice Rahmadi is also a trainer/instructor in the Judicial Certification Program trainings held by the Training Center under the Supreme Court. His articles have also been published by international printing companies, such as:

- *Forestry Law and Policy in Relation to Environmental Management in Indonesia*, in *Towards Integrated Environmental Management in Indonesia*, Adriaan Bedner & Nicole Niessen (eds), 2003, School of Asian, African and American Studies, Leiden, the Netherlands; and
- *Toward Integrated Environmental Law: Indonesian Experiences So Far and Expectations of A Future Environmental Management Act*, in Michael Faure and Nicole Niessen (eds), 2006, *Environmental Law in Development, Lessons from the Indonesian Experiences*, Edward Elgar, Cheltenham, UK, Northampton, MA, USA.



HON. JUSTICE AUNG ZAW THEIN

SUPREME COURT OF THE UNION OF MYANMAR

Justice Aung Zaw Thein was appointed as Justice of the Supreme Court of the Union of Myanmar in March 2011. He previously served at the Office of the Judge Advocate General for over 25 years, holding progressively higher positions culminating in the post of Assistant Judge Advocate General.

Justice Thein was born in 1957. He got his B.A. (Law) Degree in 1978, and LL.B. Degree in 1979, from the Yangon Arts and Science University.

HON. JUSTICE MICHAEL D. WILSON
SUPREME COURT OF HAWAII, UNITED STATES OF
AMERICA



Associate Justice Michael Wilson was appointed to the Hawaii State Supreme Court on April 17, 2014, after serving as a Judge of the Hawaii State Circuit Court of the First Circuit since May 10, 2000. As a Circuit Court Judge, he presided over adult drug court, adult mental health court and the felony criminal trial court.

Prior to his appointment as a Circuit Court judge, Justice Wilson was the director of the Department of Land and Natural Resources, Chair of the Board of Land and Natural Resources, Chair of the State Water Commission and a Trustee of the Kahoolawe Island Reserve Commission. He was awarded a lifetime membership in the Western Association of Fish and Wildlife agencies in 1999. Previously, he was a partner in the law firms of Pavey Wilson & Glickstein and Hart Wolff & Wilson where he practiced civil and criminal trial and appellate law.

Justice Wilson is a member of the Governing Committee of the Global Judicial Institute on the Environment; a member of the Climate Change Task Force for the International Union for the Conservation of Nature; and a member of the International Advisory Committee to the China Ecocivilization Forum.

Justice Wilson received his law degree from Antioch School of Law in Washington D.C., and bachelor's degree from the University of Wisconsin-Madison.

FACILITATORS

in alphabetical order



IRUM AHSAN

PRINCIPAL COUNSEL, ASIAN DEVELOPMENT BANK

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GREGORIO RAFAEL P. BUETA

LEGAL AND POLICY SPECIALIST (CONSULTANT),
ASIAN DEVELOPMENT BANK



Grip has a Bachelor of Arts degree in Political Science from the Ateneo de Manila University. He earned his Juris Doctor Degree from the same institution and was the recipient of the St. Thomas More Most Distinguished Award for his graduating class. Grip is currently a Consultant with the Asian Development Bank as a Legal and Policy Specialist working on environment and climate change law with the judiciaries, as well as legal and regulatory reforms in South Asia in areas such as energy trade and corporate governance.

Prior to joining ADB, he headed the Strategic Initiatives Management Office in the Office of the President of the Philippines focusing on environment and climate change related government policies and programs. As a private legal practitioner and independent consultant, Grip is an advocate for environmental rights and justice, protection of biodiversity, promotion of human rights, development of good governance, and integrity in the public service. He has written several published works on environment and natural resources law and human rights, among others.

Grip has also worked with the United Nations Development Programme, the Philippine Judicial Academy, the Ateneo School of Government, the Council for the Welfare of Children, Ayala Corporation, the EcoWaste Coalition, and various NGOs and private companies.



SYEDA RIZWANA HASAN

EXECUTIVE DIRECTOR, BANGLADESH ENVIRONMENTAL LAWYERS ASSOCIATION (BELA)

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HON. JUDGE TERIS SAMUEL NI KHOI

HIGH COURT OF CHIN STATE, MYANMAR

Judge Teris Samuel Ni Khoi was appointed Judge of the High Court of Chin State (Myanmar) in August 2017. He was appointed as the Head of the Judicial Office of Chin State in 2014.



Judge Teris Samuel Ni Khoi was born in 1956. He got his LL.B Degree from Yangon University in 1982. He started his judicial career as a judicial officer Grade-4 in 1985, and has served as a Judge at different levels of judiciary for over 30 years.



CHRISTINA PAK

SENIOR COUNSEL, ASIAN DEVELOPMENT BANK

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ANDREW RAINE

HEAD OF THE INTERNATIONAL ENVIRONMENTAL LAW UNIT, LAW DIVISION, UN ENVIRONMENT



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MARIA CECILIA T. SICANGCO

KNOWLEDGE MANAGEMENT SPECIALIST
(CONSULTANT), ASIAN DEVELOPMENT BANK

Maria Cecilia T. Sicangco is a Knowledge Management Specialist (Consultant) under the Law and Policy Reform Program of the Asian Development Bank (ADB). Her work includes environmental law, climate change law and policy, women's legal literacy and access to justice in Islamic countries, gender sensitization, and energy and water sector regulation in Southeast Asia and small-island developing states in the Pacific.

Prior to joining ADB, Cecille was a Fellow at the International Development Law Organization (IDLO), an international organization headquartered in Rome, Italy. She edited the publication *Consumer Protection and Microfinance – Country Reports*, a book that discusses the current state of the microfinance industry in India, Colombia, Kenya, and Cameroon, and sets forth legislative and policy recommendations to better protect microfinance consumers. She also collaborated on an academic research project regarding the international normative and administrative drivers of domestic rule of law.

Cecille holds a Bachelor of Applied Economics and Accountancy double degree (cum laude) from De La Salle University and a Bachelor of Laws degree (cum laude, saluatorian) from the University of the Philippines. Thereafter, she pursued a Master of Laws in International Legal Studies degree from New York University where she was the Starr Foundation Global Scholar, Hauser Scholar, and Thomas M. Franck Scholar in International Law. She is qualified as an Attorney and Counsellor at Law in the State of New York (United States of America) and the Republic of the Philippines.

CHRISTOPHER STEPHENS

GENERAL COUNSEL, ASIAN DEVELOPMENT BANK

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OHNMAR AYE

DEPUTY DIRECTOR, INTERNATIONAL RELATION AND RESEARCH DEPARTMENT, SUPREME COURT OF THE UNION OF MYANMAR

Ohnmar Aye is the Deputy Director of the International Relation and Research Department of the Supreme Court of the Union of Myanmar. She joined the judicial service as a Deputy Township Judge in 1991. She subsequently became a Judge at different Township Courts and the District Court. Thereafter, she was assigned as a Judicial Officer at the Supreme Court of the Union, until her promotion to Deputy Director in 2017.

Ms. Aye graduated from Yangon University with an LL.B. degree in 1987 and an LL.M. degree in 1994. She also completed a Masters degree at Yokohama National University (Japan) from 2006 to 2009 through the Japanese Government Scholarship (JDS program). She joined the JICA Environmental Program in Japan in 2007, and also went to Malaysia for a study tour on environmental issues in 2008.

GREGORIO RAFAEL P. BUETA

LEGAL AND POLICY SPECIALIST (CONSULTANT),
ASIAN DEVELOPMENT BANK



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FRANCESSE JOY CORDON-NAVARRO
LEGAL SPECIALIST (CONSULTANT),
ASIAN DEVELOPMENT BANK

Francesse is a consultant legal specialist at ADB's Law and Policy Reform (LPR) Program, working on projects focused on environment and climate change, corporate governance, and international arbitration. She has published all proceedings of the annual ASEAN Chief Justices' Roundtable on Environment and the Symposium on Combating Wildlife Crime: Securing Enforcement, Ensuring Justice and Upholding the Rule of Law. Outside ADB, she had worked as an associate at one of the biggest law firms in the Philippines, a legal consultant for the University of the Philippines Law Center, and a lecturer on law, children, and the environment at the Oxbridge Academic Programs in Cambridge.

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Emeline Pluchon is an Environmental Law Specialist with UN Environment's Regional Office for Asia and the Pacific. Prior to joining UN Environment, Emeline worked as an in-house lawyer in an energy company in Paris, where she was responsible for providing legal advice on environmental matters related to offshore projects. Emeline holds an LLM in International Energy and Environmental Law from the University of Oslo and a Masters in Comparative Law from the University of Paris Panthéon Sorbonne.



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