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

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28 November 2015
Fourth South Asia Judicial Roundtable on Environmental Justice
Kathmandu, Nepal
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.
OGC’s Projects on Environmental Law

OGC’s LPR Program

- Strengthening Adjudication Capacity
- ASEAN and SAARC Environmental Law Champions
- Support to CITES
- Wildlife Crimes

OGC’s Projects on Environmental Law

OGC | Office of the General Counsel
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
Impacts of ADB’s Work
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
Bhurban, 24-25 March 2012

Development of Environmental Laws and Jurisprudence in Pakistan
Irum Ahsan and Saima Amin 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 Gawel and Irum Ahsan

ASIAN DEVELOPMENT BANK
Knowledge Products

Third ASEAN Chief Justices' Roundtable on Environment
ASEAN's Environmental Challenges and Legal Responses
The Proceedings

Editors
Kala K. Mulqueeny
Francesse Joy J. Cordon

Proceedings of the Third South Asia Judicial Roundtable on Environmental Justice for Sustainable Green Development
Colombo, Sri Lanka | 8-9 August 2014
Prepared by Irwan 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 and District Court judges on environmental law.

- **Bhutan** - Development of a Bench Book for judicial capacity development; establishment of green bench at the High Court.
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
Among other information, AJNE website provides laws, rules, regulations, case laws of several Asian countries.
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: Particular Outcomes

- Green benches or courts where required;
- Green bench books and environmental law curriculum;
- Judicial working groups and committees on environmental governance;
- Judicial certification program in environment;
- Knowledge products in the form of country reports and reports of the proceedings of each roundtable to serve as a repository of the discussions and presentations;
- Innovative ideas and evolving concepts in international environmental law like the concept of “Environmental Justice”;
- Champion Judges;
- Establishment of AJNE.
Tremendous results achieved- Judges making success stories to strengthen environmental rule of law and governance in their respective countries

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

Regional judicial networks have been established for cross-border consultations and knowledge sharing
Imagine if trees gave free wifi. We'd all be planting like crazy. It's a pity they only give us the oxygen we breathe.
Thank you

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