Kathmandu Declaration 2015 for Judicial Cooperation in Ensuring Sustainable Development and Protection of Environment in South Asia

The Fourth South Asia Judicial Roundtable on Environmental Justice held in Kathmandu, Nepal on 28-29 November 2015, and attended by chief justices, judges, court officials, and environmental experts from Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka;

Reiterating the need for an enhanced framework for regional judicial cooperation to support sustainable development, protection of environment, and the promotion of environment governance in South Asia,

Taking note of the post-2015 development agenda and the Sustainable Development Goals in the context of environment protection and resolving that judges can make significant contribution to the success and achievement of these goals,

Being concerned with the impacts of the recent earthquakes in some South Asian countries- Afghanistan, Nepal, Pakistan- on the people and environment, and noting the role of judicial cooperation in ensuring earth and climate justice to address such unanticipated events and promote disaster resilient sustainable development,

Realizing the issue of environment as a cross border issue with trans-boundary effect and being further committed to a shared vision of sustainable development and effective collaboration on continuing and sustaining the Asian Judges Network on Environment (AJNE) in South Asia,

Expressing appreciation for the commitments made by the Judiciary of Nepal at this Fourth Roundtable to enhance and promote environmental justice,
Further reaffirming the commitment to enhance mutual cooperation founded on the common vision and commitments, made during the previous South Asia Judicial Roundtables on Environmental Justice, and

Having extensively deliberated on the agenda items of this Roundtable, have, by consensus, adopted the Declaration as follows:

**Information sharing**

1. Take further initiatives jointly for open, comprehensive, and regular exchange of information, through an information technology (IT) based real time information sharing system, as appropriate and as available through AJNE, among the South Asian judiciaries, on South Asia's common environmental concerns, challenges, legal issue and best practices in environmental adjudication.

2. Contribute to the development of modalities for judges to make effective contribution to the achievement of the Sustainable Development Goals.

3. Strengthen measures to ensure that judicial decisions on environmental cases are shared within the AJNE, and are made easily and conveniently available to the public periodically.

4. Sensitize judges about the issues of climate change, migration and urbanization and resulting environmental challenges, particularly about the ongoing rapid urbanization without adequate urban governance and service provision.

**Capacity building**

5. Provide environmental training for the judiciary and other members of the legal community, including prosecution agencies and lawyers' professional associations, as an integral part of judicial planning and programs.

6. Develop an effective mechanism for invitation of members of the South Asian Judiciaries to share their
respective experiences and participate in training programs for judges in South Asia.

Regional collaboration and harmonization

7. Collaborate to further promote regional approach through harmonization of environmental laws, development of common panels of experts, and establishment of partnership with organizations with similar objectives, including mass media organizations.

8. Designate, as a matter of priority, judicial focal points by the South Asian Judiciaries for effective communication and liaison with their counterparts and facilitation of environmental judicial cooperation.

9. Organize and collaborate through working groups on specific environmental issues.

10. Work towards and fully support the establishment of a South Asia Regional Secretariat on Environmental Justice to complement and to work with the AJNE, and to host the Secretariat permanently or on a rotational basis.

Promotion of environmental justice

11. Encourage law schools and universities to impart education on environmental law and justice so that environmental justice can be recognized and internalized as a movement in South Asia.

12. Urge the South Asian Judiciaries to develop and implement, as appropriate, rules of procedure for environmental cases, with a view to ensuring effective access to environmental justice, which may include, among others: flexibility in legal standing; special rules of evidence; expeditious disposal of cases; alternative dispute resolution methods, particularly at the community level; special remedies including injunctive relief for environmental cases; and other innovative environmental processes.

13. Review and revise, as appropriate, the existing tools and methodologies available at the disposal of judges to ensure effective access to environmental justice.
14. Consider establishing specialized environmental tribunals or green benches, as appropriate, for dispensation of environmental justice promptly and effectively, and collaborate on devising appropriate mechanisms to ensure earth justice in South Asia.

15. Further collaborate with civil society, including the media, with a view to ensuring enforcement of and compliance with environment related decisions and judgments so that fruits yielded by such decisions and judgments reach the common people.

16. Encourage the conduct of research on environmental laws from the perspective of environmental and climate justice in order to foster better compliance and protection of environment.

17. Develop a system to recognize whenever exceptional contribution is rendered by judges and environmentalists for the cause of environment in South Asia.

18. Encourage the national governments to design appropriate precautionary measure to prepare the country against unanticipated events including natural disasters.

Memorandum of Understanding

19. The Roundtable reiterated the commitment to the finalization and adoption of the Memorandum of Understanding for Cooperation amongst the South Asian Judiciaries in earlier Roundtables and notes with satisfaction the readiness of some judiciaries present in this Roundtable to conclude the MOU.

20. In view of the discussions being held in other jurisdictions, urgently call upon to complete necessary formalities with a view to concluding the MOU with consensus in the next Roundtable.

Commitments of the Judiciary of Nepal

21. For regional knowledge sharing, prepare and disseminate English versions of the decisions and judgments of the
Supreme Court of Nepal relating to environmental justice and development.

22. Develop environmental law curriculum for judicial training at the National Judicial Academy.

23. Designation by the Chief Justice of the Supreme Court of his or her focal point for the purposes of effective communication and liaison with other judiciaries, promoting mutual cooperation activities, and holding periodic consultations, as appropriate and required for the implementation of the vision and guidelines envisaged in this Declaration.

The judiciaries of South Asia present here acknowledge the individual contribution of judges and experts from Brazil, the United Kingdom, and the United States of America.

This Declaration has been approved and adopted by the participants of the Fourth South Asia Judicial Roundtable on Environmental Justice this 29th day of November 2015, in Kathmandu, Nepal.