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# **Environmental Justice: *ADB and Asian Judges for Sustainable Development***

## ***OGC Law and Policy Reform Program***



**Atsuko Hirose**

**Advisor, Office of the General Counsel**

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# OGC's LAW AND POLICY REFORM (LPR) PROGRAM

Started in 1995. All conducted as Technical Assistance (TA) of ADB.  
81 LPR TAs to date.

- ▶ Infrastructure law and regulation
- ▶ Financial law and regulation
- ▶ **Environmental and natural resources law**
- ▶ Private sector development
- ▶ Inclusive growth



# OGC'S LAW AND POLICY REFORM (LPR) PROGRAM

## Focus:

legal development through strengthened policy, legal, judicial, and regulatory systems

## Central premise:

the “rule of law” and a functioning legal system is essential for inclusive and sustainable development



# OGC'S WORK ON ENVIRONMENT TO COMPLEMENT ADB OPERATIONS



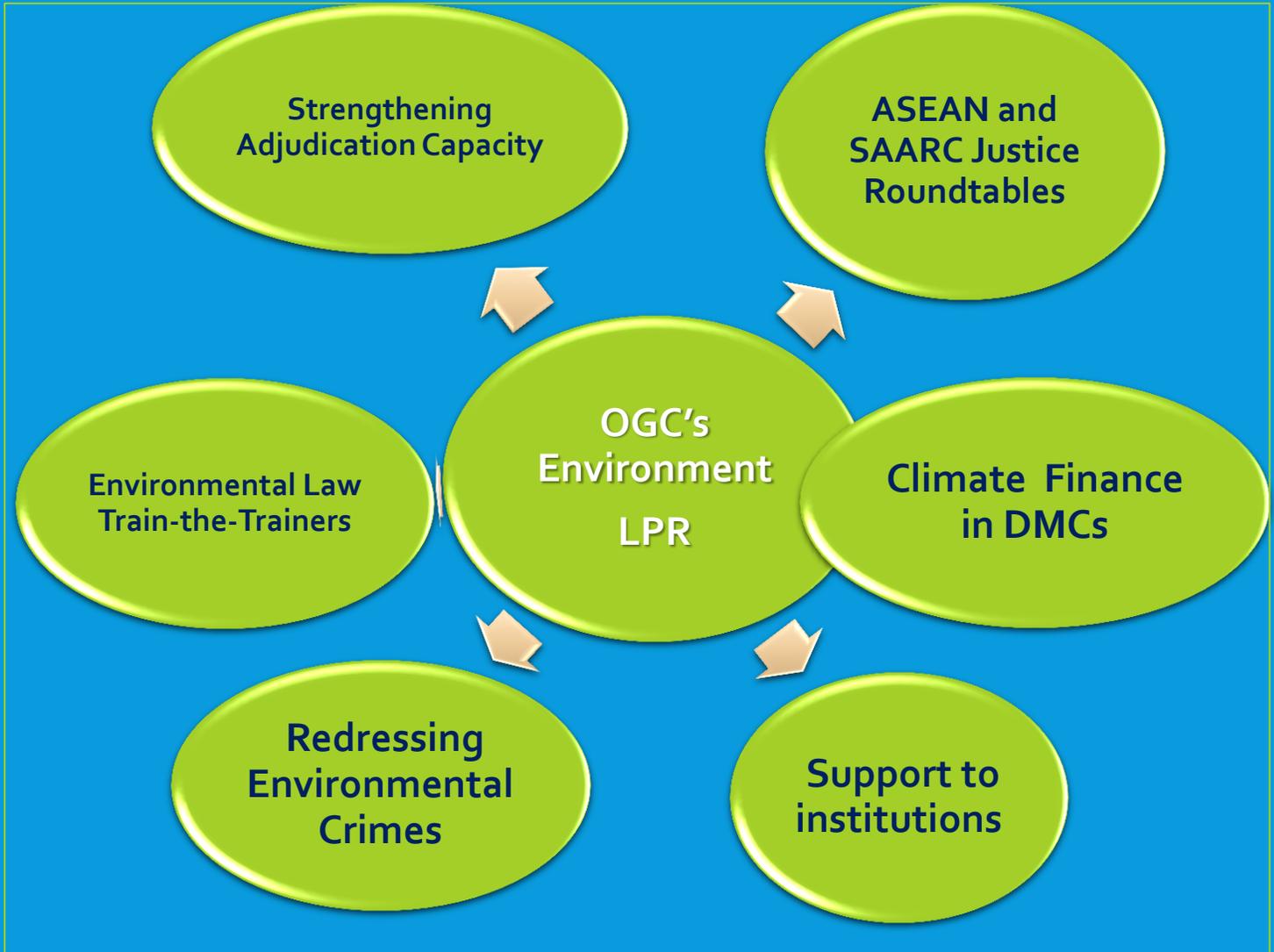
- ▶ ADB's Long-Term Strategic Framework
  - **good governance and capacity development**
    - a driver for change
  - **environment**
    - a core operational area
- Good governance and functioning system help develop the capacity of DMCs generally - consistent with ADB's Operations.
- ADB's Environment Operational Directions specifically refers to OGC's environmental TA work.



OFFICE OF THE GENERAL COUNSEL

# LAW AND POLICY REFORM PROGRAM

EFFECTIVE LEGAL SYSTEMS FOR SUSTAINABLE DEVELOPMENT



# ASIA AT THE CENTER OF THE CLIMATE CRISIS

- Some statistics:
  - By 2030 **Asia's GHG emissions will increase to 45%** from 31% in 2007.
  - **6 of the 10 most vulnerable nations** to climate change are in Asia-Pacific (Philippines, India, Cambodia, Pakistan, Laos PDR, and Viet Nam).
  - Climate change will result in a 10% hike in food prices, **pushing 64 million people into poverty.**



# ASIA AT THE CENTER OF THE CLIMATE CRISIS

- Between 1970-2010 – **1.7 million hazard related deaths** in Asia-Pacific (**51%** of global total)
  - Average annual cost of disasters = \$53.7 billion
- **41.2%** of the world's reported natural disasters between 2004 and 2013 occurred in Asia-Pacific
  - 1.5 billion people affected, over 700,000 deaths





# THE PILLARS OF THE ENVIRONMENTAL JUSTICE SYSTEM

- Pillars of the Environmental Justice System

Community/Public

Prosecutors

Law enforcers

Courts/Tribunals

International Organizations

- Coordination and cooperation among pillars ensures:

- **Effective enforcement of environmental laws**
- Realization of **Environmental Justice** and **sustainable and inclusive development**



# WHY WORK WITH JUDGES?

- A global, environment and climate crisis – innovative approaches needed – everyone must contribute
- Judges make work of other pillars more **effective**
- Recognition of the role of judges
  - as **protectors of environment**
  - as **protectors of fundamental and natural rights**
  - as **enforcers of rule of law**



# RESULTS OF ADB'S WORK: THE ASIAN JUDGES NETWORK ON ENVIRONMENT



**AJNE** Asian Judges Network on  
Environment





## AJNE: ENVIRONMENTAL JUSTICE TA



**Goal:** Increased knowledge, strengthened adjudication of environmental law, improved networking and regional cooperation among Asia's judiciaries

- ▶ **Regional:** Roundtables attended by Chief Justices from each jurisdiction
- ▶ **National** activities: Judicial trainings on environmental laws, bench books and establishment of green benches
- ▶ Establishment of the **Asian Judges Network on Environment (2013)**





# AJNE Asian Judges Network on Environment

## ASEAN Chief Justices roundtable on environment

- Brunei Darussalam
- Cambodia
- Indonesia
- Laos PDR
- Malaysia
- Myanmar
- Philippines
- Singapore
- Thailand
- Viet Nam

## Other Asian Countries

- PRC
- Observers**
- Fiji
- Australia
- New Zealand
- USA
- United Kingdom
- Brazil

## South Asian Judicial roundtable on environment

- Afghanistan
- Bhutan
- Bangladesh
- India
- Maldives
- Nepal
- Pakistan
- Sri Lanka





## Bhutan

Compendium of  
laws and **Green**  
Benches





## Pakistan

- **Green** Benches
- **Environmental** Justice Committee
- Institutionalization of **Environmental** Law Training in Judicial Academies



ADB



# CHIEF JUDGE OF SABAH & SARAWAK JUSTICE RICHARD MALANJUM: A “CHAMPION”

*“There have been some positive developments on the part of the Malaysian Judiciary in protecting the environment. This is largely due to its involvement in the ASEAN Chief Justices Roundtable on Environment.”*





Thailand

Philippines

Vietnam

*South China Sea*

**SABAH**

Brunei

MALAYSIA

*Celebes Sea*

Singapore

Indonesia





# AJNE'S POSITIVE IMPACT - WORK OF SABAH AND SARAWAK JUDICIARY

- ▶ **Establishment of State and District Working Group on Environment**
- ▶ **Multi-phased Workshop conducted**
  - Brought together Judges, government enforcement agencies and NGOs.
  - Conducted awareness building – sensitized on the importance of protecting environment.
  - Capacity building of the prosecuting officers and investigating officers.
  - **Positive outcomes**
    - Encouraged courts to expeditiously handle environmental cases to protect environment.
    - Impose meaningful sentences to environmental offenders.
    - Marked increase in the sentences passed by courts.





# IMPACTS OF THE AJNE



- ▶ **Strengthen judges' capacity**
  - Provide like-minded support group
  - Introduce and exchange innovative ideas
  - Provide economic and technical information
  - Encouraged specialized courts and trained judges
- ▶ **Bringing all stakeholders together** - prosecutors, lawyers, judges, regulators, and civil society
- ▶ **Neutral platform** to conduct frank discussions
- ▶ **Motivation and acknowledgement to judges**





# ENVIRONMENTAL JUSTICE ROUNDTABLES

- ▶ **ASIAN JUDGES SYMPOSIA**
  - ▶ Manila, 2010 and 2013



## ▶ **ASEAN**

- ▶ Indonesia (December 2011)
- ▶ Malaysia (December 2012)
- ▶ Thailand (November 2013)
- ▶ Vietnam (December 2014)
- ▶ Cambodia (December 2015)

## ▶ **South Asia**

- ▶ Pakistan (March 2012)
- ▶ Bhutan (August 2013)
- ▶ Sri Lanka (August 2014)
- ▶ Nepal (December 2015)





**AJNE** Asian Judges Network on  
**Environment**



# Third Asian Judges Symposium on Law, Policy, and Climate Change

26-27 September 2016, Asian Development Bank, Manila,  
Philippines

***PLEASE JOIN US!***

# THANK YOU

OGC Law and Policy Reform Program: [lpr@adb.org](mailto:lpr@adb.org)

[www.adb.org](http://www.adb.org)

