

**Welcome Address by the Acting Chief Justice  
Supreme Court of Fiji  
Hon. Mr. Justice Kamal Kumar  
at the Asia-Pacific Judicial Conference  
on Climate Change Adjudication (Trends and Impacts)  
7-8 October 2019 – Nadi, Fiji**

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*“Every person has the right to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations through legislative and other measures.”* [This is what is provided for in s.40 of the 2013 Constitution of the Republic of Fiji]

Honourable Attorney-General of Fiji and Minister for Justice,  
Mr. Aiyaz Sayed-Khaiyum  
Honourable Chief Justices from various Jurisdictions  
Honourable Judges  
Honourable Ministers  
Their Excellencies  
Chief Magistrates  
Magistrates  
Permanent Secretaries  
Ms Catherine Marsh, the Assistant General Counsel,  
Asian Development Bank  
Mr. Andrew Raine, International Head, Environmental Law Unit, UNEP  
Director, Legal Aid Commission, Mr. Shahin Ali  
Ms Cristina Casella, from the European Union  
Ms Virisila Lidise, from the Fiji Law Society  
Resource Persons  
Members of the Secretariat, and Invited Guests

Good Morning to you all.

I, on behalf of Judicial Department, Asian Development Bank and United Nations Environment Programme, am most grateful to extend a very warm welcome to each one of you to Asia-Pacific Judicial Conference on Climate Change Adjudication (Trends and Impacts).

To our Chief Guest, Honourable Attorney-General of Fiji, I thank you for your kindness in accepting our invitation to be present here this morning to deliver the key note address. I am very much aware of your busy schedule and commitments. Your presence here demonstrates our Government's commitment towards providing a safe, sound and healthy environment for us, our children, grandchildren and generations to follow.

To the delegates and resource persons from overseas, I hope you had a safe trip to Fiji and wish you a pleasant and enjoyable stay here over the next few days.

At this point in time, I wish to thank, Asian Development Bank and United Nations Environment Programme for choosing Fiji as the host for this Conference which I believe is being held in the Pacific for the first time. Thank you.

We all agree that environment and climate change is one issue that affects us all irrespective of whether we are a developing nation or developed nation. As was rightly pointed out by our Prime Minister at United Nations Climate Action Summit in New York last month that "although small islands bear the least responsibility for the climate change, we stand to lose the most as a result of its effects, owing partly to our small size and fragile economies."

Even though we as Judicial Officers deal with matters that come before the Courts and are not involved in enacting legislation or making policies, we must not lose foresight of the fact that we play an important role in protecting the rights of all individuals to have a safe, and healthy environment, which of course would be subject to certain limitations such as national security, economic policy and availability of resources.

We in Fiji, more so our Government is very much concerned about the global warming because there are almost 300 Islands forming Fiji in low lying areas. This is not an issue faced by Fiji but almost all Pacific Island countries.

I quote from what our Prime Minister said at COP21 Conference in Paris in 2015:

*"I appeal to the international community to make the drastic cuts in carbon emission needed to save us. Unless we take decisive action here in Paris this week, we in the Pacific are doomed. The rising sea levels and extreme weather events caused by climate change are already destroying other Islands and altering our way of life."*

He further went on to say:

*"... we in the Pacific have the prospect of losing three nations altogether – the low lying atolls of Kiribati, Tuvalu and the Marshall Islands. And even for a nation like Fiji, with our mountainous volcanic islands, we too are in the process of relocating 45 communities and so far identified 830 that are at risk."*

It is our duty to make sure, that the environment we live and leave for our children and generations to follow, are safe for them to live in harmony and peace.

There is no doubt that environment and human rights are inter-dependent, meaning that if we as individuals want right to life, housing, food, water and health guaranteed and protected, then it is for us to do as much as we can to have safe, healthy and clean environment.

It is evident that we cannot enjoy our rights to housing, sanitation, healthy food and so on if we cannot restrain rising sea level, soil erosion, and destruction of rainforests. Therefore, to enjoy human rights guaranteed to us, we must ensure that we have safe, clean and healthy environment.

I am sure that by the end of this Conference we as Judges and Magistrates will be able to better equip ourselves when we are called upon to adjudicate on matters relating to environment and climate.

I think, I should not go any further on climate change because if I do, I may step in the shoes of the presenters.

I am sure that after hearing the dynamic and able presenters present here this morning, you will broaden your knowledge and expertise in the area of environment law and climate change.

Before I conclude I wish to thank all those involved in working towards organising this Conference today. I look forward to your continued support towards end of this Conference. One thing that is certain, and that is, that all the preparations for this Conference will go towards 20 to 30% of its success. The remaining 70 to 80% will depend on your contribution and participation. Hence, please do not hesitate to make comments, share your experience and seek clarifications in respect to topics covered over the next two days.

I once again extend a very warm welcome to our Chief Guest, all the delegates, resource persons, secretariat and invited guests, and thank you for your presence at this Conference.

Kamal Kumar  
**Acting Chief Justice**