



Second Asian Judges Symposium on Environment

Natural Capital, the Rule of Law, and Environmental Justice

2-5 December 2013

ADB Headquarters, Manila, Philippines

Draft Program Agenda

ARRIVAL DAY: Monday, 2 December 2013

6:00 – 8:30 PM **Reception**
8:00 – 8:10 PM **Photo Session**

DAY 1: Tuesday, 3 December 2013

8:00 – 8:30 AM **Registration**

OPENING SESSION

8:30 – 8:40 AM **Welcome Remarks**

- **Mr. Takehiko Nakao**, President, Asian Development Bank (invited)

8:40 – 9:00 AM **Opening Remarks**

- **Honorable Maria Lourdes P. A. Sereno**, Chief Justice, Supreme Court of the Philippines
- **Mr. Young Woo-Park**, Regional Director, United Nations Environment Program – Regional Office for Asia and the Pacific

INTRODUCTORY AND OVERVIEW SESSION

Track 1 – Asian Judges Network on Environment (AJNE) Updates

9:00 – 9:30 AM **Asian Judges Network on Environment 2010 to 2013 (Video)**

ASEAN Chief Justices' Roundtable on Environment

- **Hon. Justice Tan Sri Abdull Hamid bin Embong**, Federal Court of Malaysia

SAARC Judicial Roundtable

- **Justice Syed Mansoor Ali Shah**, Lahore High Court, Pakistan

Q&A

9:30 – 9:45 AM **Natural Capital (Video)** (ADB/Freeland Foundation/Nat Geo/WWF)

9:45 – 10:00 AM **Overview of the Symposium: The Network, Natural Capital and the Rule of Law**

- **Ms. Kala Mulqueeny**, Principal Counsel, Asian Development Bank

Q&A

10:00 – 10:15 AM **Coffee Break**



MORNING SESSION

Track 1 – Asian Judges Network on Environment Updates Since 2010

Chair: Christopher Stephens, General Counsel, Asian Development Bank

10:15–11:15 AM **Green Benches and Environmental Rules**

- **Justice Anwar Zaheer Jamali**, Justice, Supreme Court of Pakistan and Chairman of Committee, Enhancing Environmental Justice, Supreme Court of Pakistan
- **Justice Dato' Hasan Lah**, Federal Court Judge, Federal Court of Malaysia
- **Hon. Diosdado M. Peralta**, Associate Justice, Supreme Court of the Philippines

11:15 - 12:15 AM **Judicial Innovation in Environmental Cases**

- _____ Thailand Supreme Court
- **Justice M. Enayetur Rahim**, Justice, Supreme Court of Bangladesh
- **Acting Chief Justice Mr. Damodar Prasad Sharma**, Nepal Supreme Court
- _____, Indonesia Supreme Court

12:15 – 1:30 PM **Lunch Break**

AFTERNOON SESSION

Track 2 – Natural Capital Overview of Ecosystem Services and the Rule of Law

1:30 – 3:00 PM **The Value of Ecosystem Services: Economics and Ecology**

- **Mr. Jeffrey A. McNeely**, former Chief Scientist, IUCN and current member, United Nations Environment Programme (UNEP) International Resource Panel
- **Mr. Vincent S. Perez**, Chair, WWF Philippines, Board Member, WWF International, former Energy Minister of the Philippines

Natural Capital and the Law

- **Dr. J.B. Ruhl**, David Daniels Allen Distinguished Chair in Law, Co-Director, Energy, Environment and Land Use Program, Vanderbilt School of Law (Video-message)
- **Hon. Robert G. Dreher**, Acting Assistant Attorney General, Environment and Natural Resources Division, US Department of Justice
- **Antonio A. Oposa Jr.**, President, Laws of Nature Foundation, Philippines



Natural Capital, Ecosystem Services and the Judiciary

- **Chief Justice Dhananjaya Y. Chandrachud**, Allahabad High Court, India

3:00 -3:15 PM

Coffee/Tea Break

Track 2 – Natural Capital Key Terrestrial Ecosystems in the Asia Pacific

3:15 – 4:45 PM

Forest Ecosystems:

The Ecosystem

- **The State of Asia-Pacific Forests and their Economic Value**
Mr. Andika Putraditama, Outreach Officer, World Resources Institute

Relevant Laws and Law Enforcement

- **Forest Law Frameworks**
Mr. Ritwick Dutta, Lawyer, Legal Initiative for Forest and Environment, India
- **Unsustainable Forest Clearing and Illegal Logging**
Mr. Julian Newman, Director, Environmental Investigation Agency
- **Combating Corruption and Illegal Logging: the Nexus and the Role of the Indonesian Judiciary**
Mr. Mas Achmad Santosa, Member, Presidential Anti-Judicial Mafia Task Force, Indonesia Government

The Judicial Role

- **Farms and Forest Harms: The Role of the Brazilian Judiciary**

Justice Adalberto Carim Antonio, Judge Titular, Court of Environment and Agrarian Issues, Auxiliary Judge of the President of the Tribunal of Justice of the Estate of Amazonas, Brazil

- **Concessions, Permits and Administrative Law**
Justice Marvic Mario Victor F. Leonen, Associate Justice, Supreme Court of the Philippines

Q & A

This session has three objectives: (1) to consider the state of Asia's forest ecosystems as a form of natural capital, its economic value, the threats thereto, and the resulting risks to development; (2) to consider the general framework of forest laws and forest law and enforcement challenges, including (i) administrative law issues of improperly issued timber and logging licenses and permits, (ii) civil law issues relating to disputes between competing rights holders, such as customary land holders verses mining rights resulting in



the depletion of natural capital, and (iii) criminal law issues of illegal logging; (3) Judges will share their experience of forest law issues in their courts.

4:45 – 6:00 PM

Chair: Ms. Irum Ahsan, Counsel, Asian Development Bank

Mountain and Upland Ecosystems:

The Ecosystem

- **The State of Mountain Ecosystems and their Value - the Living Himalayas**
Mr. Tariq Aziz, Leader, Living Himalayas Initiative, World Wildlife Fund (WWF)

Relevant Laws and Law Enforcement

- **Legal Stewardship of Emerging Mountain Eco-Regime: Pasture Governance in Bhutan**
Ms. Nima Om, Senior Legal Officer, Ministry of Agriculture and Forests, Bhutan

- **Mountain Ecosystem Challenges in the Courts**

Mr. Shiva Prasad Paudel, Attorney, Pro-Public, Nepal

Ms. Archana Vaidya, Glacial Lake Outburst Flood, India

The Judicial Role

- **Dr. Ananda M. Bhattarai**, Judge, Court of Appeal, Nepal

Q & A

This session has three objectives: (1) to consider the state of Asia's mountain and upland ecosystems as a form of natural capital, their economic value, the threats thereto, and the resulting risks to development; (2) to consider the general framework of laws and law and enforcement challenges, including (i) administrative law issues improperly issued permits such as for mining, (ii) civil law issues relating to disputes between competing rights holders, such as transboundary riparian rights holders, and (iii) criminal law issues of illegal logging; (3) judges will share their experience of the range of mountain law issues in their courts.

Reception



DAY 2: Wednesday, 4 December 2013

MORNING SESSION

**Track 2 – Natural Capital
Terrestrial Ecosystems**

9:00 – 10:30 AM

Chair: Dr. Alphonse Kambu, Division of Environmental Law and Conventions, United Nations Environment Program (UNEP)

Freshwater Ecosystems:

The Ecosystem

- **The State of Asia Pacific Freshwater and Wetland Ecosystems and their Economic Value**

Mr. Jeffrey A. McNeely, member, UNEP International Resource Panel (Water Resources)

Relevant Laws and Law Enforcement

- **Hon. Deborah Smith**, United States Magistrate Judge, District of Alaska

The Judicial Role

- **Pakistan: Pollution and the Ravi River, Judicial Oversight of Pollution Clean Ups**

Justice Syed Mansoor Ali Shah, High Court of Lahore, Pakistan

- **China: Inland Water Protection in China's Green Court's: the Role of the Judiciary and Green Courts**

Prof. Mingqing You, Associate Professor, Environmental and Resources Law Institute, Zhongnan University of Economics and Law, Wuhan, China

- **Philippines: The Manila Bay Case and the Current Pulse on Continuing Mandamus**

Hon. Presbitero J. Velasco, Jr., Associate Justice, Supreme Court of the Philippines

Q & A

This session has three objectives: (1) to consider the state of Asia's freshwater ecosystems as a form of natural capital, its economic value, the threats thereto, and the resulting risks to development; (2) to consider the general framework of water and related pollution law and enforcement challenges, including (i) administrative law (permits issued without appropriate environmental impact assessments or other planning and pollution controls) (ii) civil law issues (violation of water pollution laws and plaintiffs with health



problems), and (iii) criminal law issues; (3) judges will share their experience of water and pollution law issues in their courts.

10:30 – 10:45 AM **Coffee/Tea Break**

Track 2 – Natural Capital

Key Coastal and Marine Ecosystems in the Asia Pacific

10:45 – 12:15 PM **Coastal and Marine Ecosystems**

The State of Ecosystem

- The State of Asia Pacific Coral and Marine Ecosystems and their Economic Value - The Coral Triangle

Mr. Vincent S. Perez, Chair, WWF Philippines, Board Member, WWF International, former Energy Minister of the Philippines

Relevant Laws and Law Enforcement

- **Ocean, Coastal and Marine Law Framework**

Peter Wulf, Member, Commonwealth Administrative Appeals Tribunal, Barrister at Law, Scientist

_____, United States Department of Justice

The Judicial Role

- **Justice Saleem Marsoof**, Judge, Supreme Court of Sri Lanka
- _____, Indonesia Fisheries Court
- **Justice Dato' Hasan Lah**, Federal Court Judge, Federal Court of Malaysia

Q & A

This session has three objectives: (1) to consider the state of Asia's coastal and marine ecosystems as a form of natural capital, its economic value, the threats thereto, and the resulting risks to development; (2) to consider the general framework of coastal and marine laws, including related pollution laws, and associated enforcement challenges, (i) administrative law issues, including pollution sanctions (ii) civil law issues and (iii) criminal law issues, including illegal fishing; (3) judges will share their experience of coastal and marine law issues in their courts.

12:15 – 1:15 **Lunch Break**

AFTERNOON SESSION



1:15 – 2:15

**Track 2 – Natural Capital
Biodiversity
Biodiversity Loss, Protected Areas and Encroachment**

The State of Biodiversity

- **Ms. Clarissa C. Arida**, Director, Programme Development and Implementation, ASEAN Center for Biodiversity

Relevant Laws and Law Enforcement

- **Lye Lin Heng**, Director, Asia-Pacific Centre for Environmental Law (APCEL), Vice-Chairman, IUCN Environmental Law Academy, National University of Singapore

The Role of the Judiciary

- **Protected Areas, Conservation of Forests, and Illegal Logging: The Role of the Indian Judiciary**
Justice Himali Kohli, Delhi High Court, India
- _____, Supreme Court of Thailand
- **Biodiversity and Protected Areas in Costa Rica: Lessons for Asia**
Justice Alexandra Alvarado Paniagua, Jureza Coordinadora, Tribunal Agrario Nacional, Costa Rica
- **Marlene Oliver**, Commissioner, Environment Court of New Zealand

Q & A

This session has three objectives: (1) to consider the state of Asia's Biodiversity as a form of Natural Capital, its economic value, the threats thereto, and the resulting risks to development; (2) to consider the general framework of Biodiversity and protected areas law and law enforcement challenges, including (i) administrative law (permits issued for mining and other activities in protected areas, human encroachments and other administrative decisions and actions leading to harm to biodiversity) (ii) civil law issues, and (iii) any other possible criminal law issues, other than the illegal wildlife trade, that relate to biodiversity loss; (3) judges will share their experience of biodiversity and protected area issues in their courts.

2:15 – 3:45

Biodiversity Loss and the Illegal Wildlife Trade

The State of the Illegal Wildlife Trade

- **Video: Combating the Illegal Wildlife Trade** (ADB-WWF-Traffic)



Relevant Laws and Law Enforcement

- Wildlife Laws in the Asia Pacific
Dr. Theresa Mundita S. Lim, Director of the Protected Areas and Wildlife Bureau (PAWB), Department of Environment and Natural Resources
- **Mr. Ed Newcomer**, Special Agent/Deputy Resident Agent in Charge, U.S. Fish & Wildlife Service, Office of Law Enforcement

The Role of the Judiciary

- **Hon. Justice Tan Sri Abdull Hamid bin Embong**, Federal Court of Malaysia
- **Hon. Qazi Faez Isa**, Chief Justice, Balochistan High Court, Pakistan

Q & A

This session has three objectives: (1) to consider the state of the illegal wildlife trade and the implications of Asia's involvement; (2) to consider the general framework of Wildlife Protection issues, focusing on the criminal law; (3) judges will share their experience and the challenges of the illegal wildlife trade in the courts.

3:30 – 3:45 PM

Coffee/Tea Break

3:45 – 6:00 PM

Breakout Groups on Natural Capital:

- **Group A. Challenges in Judicial Decision-Making on Issues of Natural Capital: Substantive Law**
- **Group B. Challenges in Judicial Decision-Making on Issues of Natural Capital: Expert and Scientific Evidence and Evidentiary Rules**
- **Group C. Innovation for Judicial Decision-making: The idea of Natural Capital to assist Determining Remedies, Restorative Justice, Sanctions, and Penalties.**
- **Group D. Strengthening Capacity to Decide Natural Resource Cases; and Resisting Threats to, and Promoting, Integrity against Corruption**

See Annex A for Details on Break-out Groups

6:00 PM

Reception



DAY 3: Thursday, 5 December 2013

MORNING SESSION

**Track 1 – Asian Judges Network on Environment:
Updates in Judicial Innovation Since 2010**

9:00 – 10:15 AM **Natural Capital: Climate Change Impacts on Key Ecosystems**

The State of Climate Change

- **Preety Bhandari**, Advisor, Climate Change Unit, Asian Development Bank
- **The Economics of Climate Change in the Asia Pacific**
Lory Tan, Chief Executive Officer, Vice-Chairman of the Board, World Wildlife Fund Philippines

Climate Litigation in National Courts

- **Climate Cases in Australia and the United States**

Stephen Leonard, President, Climate Justice Program, New South Wales, Australia

Q & A

This session has three objectives: (1) to consider the state of Climate Change, including the most recent IPCC report, as well as its economic effects, including the economic effects as recorded in recent ADB reports on the economics of climate change in South-east Asia and East Asia, and the resulting risks to development so that Judges become aware of its impacts upon Natural Capital and development (2) to consider the challenges in considering Climate Change in the courts (largely because of causation barriers); and (c) to consider actual climate change litigation and its outcomes in Australia, the United States, and Thailand.

10:15 – 10:30 AM **Coffee/Tea Break**

**Track 2 – Natural Capital
Protecting the Asset**

10:30 – 12:00 PM **Planning, Permitting, and Environmental Impact Assessment (EIA)**

The State of EIA

- **Hydropower, Mining and Infrastructure, their Effects on Natural Capital and EIA**



Mr. Iain Watson, Greater Mekong Subregion, Environmental Operations Center

EIA Framework Law and Enforcement

- **Mr. Peter King**, Senior Policy Advisor, Institute for Global Environmental Strategies, Head, Asian Center for Environmental Compliance and Enforcement (AECEN)
- **Litigating for effective EIA in the Philippines Courts**
Hon. Terry Ridon, Congressman, Kabataan Partylist, Philippines

The Role of the Judiciary

- **Hon. Richard Jones**, Judge, District Court and Planning and Environment Court of Queensland, Australia
- **Justice Ashraf Jehan**, Judge, Sindh High Court, Pakistan

Q & A

This session has three objectives: (1) to consider the state of Asia's planning, permitting and environmental impact assessments; (2) to consider the general framework of EIA law and related law and enforcement challenges, including (i) administrative law (permits issued without appropriate environmental impact assessments or other planning and pollution controls) (ii) civil law issues (violation of pollution laws and plaintiffs with health problems), and (iii) criminal law issues; (3) judges will share their experience of pollution and EIA law issues in their courts.

12:15 – 1:15 PM **Lunch Break**

AFTERNOON SESSION

1:15 – 2:30 PM **Breakout Groups on Natural Capital:**

- **Group A. Challenges in Judicial Decision-Making on Issues of Natural Capital: Asian Judges Network on Environment and Natural Capital**
- **Group B. Challenges in Judicial Decision-Making on Issues of Natural Capital: Asian Judges Network on Environment and Natural Capital**
- **Group C. Innovation for Judicial Decision-making: The Asian Judges Network on Environment and Natural Capital**
- **Group D. Strengthening Capacity to Decide Natural Resource Cases; and Resisting Threats to, and Promoting, Integrity against Corruption: The Asian Judges Network on Environment and Natural Capital**

See Annex A for Details on Break-out Groups



2:30 – 3:30 PM **Reporting of Breakout Groups**

3:30 – 3:45 PM **Coffee/Tea Break**

3:45 – 5:00 PM **Asian Judges Network on Environment: Moving Forward**

- **Justice Saleem Marsoof**, Sri Lanka Supreme Court
- **Chief Justice Dhananjaya Y. Chandrachud**, Allahabad High Court, India
- **Dr. H.M. Zaharuddin Utama, SH, MM**, Justice, Supreme Court of Indonesia
- **Hon. Qazi Faez Isa**, Chief Justice, Balochistan High Court, Pakistan
- **Hon. Lyonpo Sonam Tobgye**, Chief Justice of the High Court of Bhutan
- **Hon. Damodar Prasad Sharma**, Acting Chief Justice, Supreme Court of Nepal
- **Hon. Khamphanh Siththidampha**, President, People's Supreme Court of Lao PDR
- **Hon. Truong Hoa Binh**, Chief Justice, Supreme Court of Viet Nam

Consensus on Key Symposium Statements

CLOSING SESSION

5:00 – 5:30 PM

- **Hon. Presbitero J. Velasco, Jr.**, Associate Justice, Supreme Court of the Philippines
- **Mr. Masa Ngai**, Senior Legal Officer, Division of Environmental Law and Conventions, UNEP
- **Mr. Christopher Stephens**, General Counsel, Asian Development Bank





ANNEX A

DETAILS OF PARALLEL BREAKOUT SESSIONS

4 December 2013, 3:45-6:00 PM

5 December 2013, 1:15-2:30 PM

Reporting Back 5 December 2013 2013, 2:30 PM to 3:30 PM

The Symposium will break out into four discussion groups who will convene on two days to consider the questions below. To retain continuity, group members are requested to stay in the same groups for both sessions. Each group will report findings to the plenary and be asked to deliver findings to the plenary. Panelists in this session will be asked to directly and briefly respond to any of the questions below when asked by the Chair, but will not be required to make a presentation, rather they will be responsible for leading other participants in the discussion.

Group A. Challenges in Judicial Decision-Making on Issues of Natural Capital: Substantive Law

Session Chair:

Rapporteur: Brenda Jay Angeles Mendoza, Environmental Lawyer, Environmental Law, Justice and Development Program, Asian Development Bank

Panel Discussion

- **Dhananjaya Chandrachud**, Chief Justice, Allahabad High Court India
- **Hon. Chief Justice Qazi Faez Isa**, Supreme Court of Karachi
- **Judge Agus Subroto, SH, MH**, Appeal Judge, Jakarta Appeal Court
- **Justice Dr Ananda M. Bhattarai**, Court of Appeal Nepal
- **Hon. Rep. Terry Ridon**, Kabataan Partylist House of Representatives
- **Dr. Parvez Hussain**, former Chair of the IUCN Commission on Environmental Law
- **Justice Tan Sri Abdull Hamid bin Embong**, Federal Court of Malaysia
- **Justice Mahyudin bin Mohamad Som**, Research Officer to Justice Tan Sri Abdull Hamid Embong, Federal Court of Malaysia
- **Prof. Dr. Bharat H. Desai**, Professor of International law Jawaharlal Nehru Chair in International Environmental Law
- **Peter Wulf**, Member, Commonwealth Administrative Appeals Tribunal, Barrister at Law, Scientist
- **Hon. Marvic Mario Victor V. Leonen**, Associate Justice, Supreme Court of the Philippines
- **Justice Slaikate Wattanapan**, Presiding Justice, Supreme Court of Thailand



Key Questions

4 December 2013, 3:45-6:00 PM

- What transboundary issues are involved in the exploitation of Natural Capital and the impairment or damage to ecosystem services or Natural Capital in adjacent jurisdictions?
- What legal and evidentiary principles and doctrines, such as the precautionary principle, the doctrine of public trust, and the law of nuisance affect decision-making on legal cases concerning forests; mountains and uplands; freshwater; coastal and marine ecosystems and biodiversity (“Natural Capital”)?
- How does the public nature of the benefits derived from Natural Capital (Res Communis Omnium) impact standing to sue, res judicata and the statute of limitations?
- How might recognition of the “Concept of Natural Capital” affect property rights issues? As one example, to what extent might a property owner be able to interfere and impair the positive externalities that benefit other property owners or the general public that derive from Natural Capital located on their property? As another example, what are the implications if an upstream riparian user exploits Natural Capital to the detriment of downstream users?
- How might an understanding of Natural Capital assist a Judge in deciding cases?

5 December 2013, 1:15-2:30 PM

- How might the Asian Judges Network on Environment facilitate or promote a wider understanding among the judiciary of Natural Capital as a relevant concept for informing decision-making amongst judges and the legal community in Asian Pacific countries?
- How might the Asian Judges Network on Environment assist your judiciary in doing so, and what would you want it to do?
- How can cooperation and effectiveness of law enforcement and decision-making for Natural Capital and the Environment in general, be enhanced by the Asian Judges Network on Environment.

Group B: Challenges in Judicial Decision-Making on Issues of Natural Capital: Expert and Scientific Evidence and Evidentiary Rules

Session Chair: **Harsha Fernando**, former Senior State Counsel, Attorney General’s Office, Sri Lanka; ADB Consultant

Rapporteur: Cecille Sicangoco, Legal Research Associate ADB

Panel Discussion

- **Justice Davaadorj Gooshookhuu**, Bayangol District Court, Mongolia



- **Pres. Sengsouvanh Chanthalonnavong**, Vientiane Capital Court
- **Hon. Diosdado M. Peralta**, Associate Justice, Supreme Court of the Philippines
- **Ms. Justice Huynh Thanh Duyen**, Appeal Court of the Supreme People's Court in Ho Chi Minh, Viet Nam
- **Justice M. Enayetur Rahim**, Justice, Supreme Court of Bangladesh
- **Acting Chief Justice Mr. Damodar Prasad Sharma**, Nepal Supreme Court
- **Mr. Ritwick Dutta**, Lawyer, Legal Initiative for Forest and Environment, India
- **Mr. Tariq Aziz**, Leader, Living Himalayas Initiative, World Wildlife Fund (WWF)
- **Justice Dato' Hasan Lah**, Federal Court Judge, Federal Court of Malaysia
- **Mr. Andika Putraditama**, Outreach Officer, World Resources Institute
- **Hon. Deborah Smith**, **United States Magistrate** Judge, District of Alaska
- **Hon. Richard Jones**, Judge, District Court and Planning and Environment Court of Queensland, Australia
- **Mr. Ed Newcomer**, Special Agent/Deputy Resident Agent in Charge, U.S. Fish & Wildlife Service, Office of Law Enforcement
- **Mr. Lory Tan**, Chief Executive Officer, Vice-Chairman of the Board, WWF Philippines

Key Questions

4 December 2013, 3:45-6:00 PM

- How might the acceptance of expert evidence be affected by a wider understanding of the “Concept of Natural Capital?”
- How should court's approach issues of the credibility of witnesses and the assessment of expert and scientific evidence in legal cases concerning forests; mountains and uplands; freshwater; coastal and marine ecosystems and biodiversity (“Natural Capital”)?
- How would application of the precautionary principle in legal cases concerning Natural Capital but involving scientific uncertainty play out?
- Are you aware of cases where the precautionary principle has been so applied, or alternatively, where scientific uncertainty has led to a decision adverse to preservation of Natural Capital?
- In what manner, if at all, is the burden and standard of proof affected by receipt of scientific evidence indicating the depletion of Natural Capital, or application of the precautionary principle in Natural Capital cases?
- How might an understanding of Natural Capital assist a Judge in deciding cases?

5 December 2013, 1:15-2:30 PM

- How might the Asian Judges Network on Environment facilitate or promote a wider understanding among the judiciary of Natural Capital as a relevant concept for informing decision-making amongst judges and the legal community in Asian Pacific countries?



- How might the Asian Judges Network on Environment assist your judiciary in doing so, and what would you want it to do?
- How can cooperation and effectiveness of law enforcement and decision-making for Natural Capital and the Environment in general, be enhanced by the Asian Judges Network on Environment.

Group C: Innovation for Judicial Decision-making: The idea of Natural Capital to assist Determining Remedies, Restorative Justice, Sanctions, and Penalties

Session Chair: Justice Rachel Pepper, New South Wales, Land & Environment Court

Rapporteur: Francesse Joy Cordon, Legal Researcher

Panel Discussion

- **Justice Syed Mansoor Ali Shah**, High Court of Lahore
- **Justice Presbitero Velasco**, Supreme Court of the Philippines
- **Justice Saleem Marsoof**, Supreme Court of Sri Lanka
- **Justice Himali Kohli**, High Court of Delhi
- **President Khamphanh Sitthidampha**, People's Supreme Court of Laos
- **Justice Dato' Hasan bin Lah**, Federal Court of Malaysia
- **H.E. Judge Myint Aung**, Supreme Court of the Union of Myanmar
- **Hon. Ali Hameed Mohamed**, Justice, Supreme Court of Maldives
- **Justice Chandra Ekanayaka**, Supreme Court of Sri Lanka
- **Justice Mr. Usukhbayar Tumurbaatar**, Capital City's Appellate Court, Mongolia
- **Biodiversity and Protected Areas in Costa Rica: Lessons for Asia**
- **Justice Alexandra Alvarado Paniagua**, Jureza Coordinadora, Tribunal Agrario Nacional, Costa Rica
- **Ms. Archana Vaidya**, Glacial Lake Outburst Flood, India
- **Mr. Julian Newman**, Director, Environmental Investigation Agency
- **Iain Watson**, Greater Mekong Subregion, Environmental Operations Center
- **Stephen Leonard**, President, Climate Justice Program, New South Wales, Australia

Key Questions

4 December 2013, 3:45-6:00 PM

- What remedies are available in your jurisdictions that have or could be applied to legal cases concerning forests; mountains and uplands; freshwater; coastal and marine ecosystems and biodiversity ("Natural Capital") and how do they work?
- How might the "Concept of Natural Capital," assist Judges determining damages and assessing penalties in cases concerning forests; mountains and uplands; freshwater; coastal and marine ecosystems and biodiversity, i.e. cases of Natural Capital?
- How might the acceptance of expert evidence in determining remedies and sanctions be affected by a wider understanding of the concept of Natural Capital?



- How might an understanding of Natural Capital assist a Judge in deciding cases?

5 December 2013, 1:15-230 PM

- How might the Asian Judges Network on Environment facilitate or promote a wider understanding among the judiciary of Natural Capital as a relevant concept for informing decision-making amongst judges and the legal community in Asian Pacific countries?
- How might the Asian Judges Network on Environment assist your judiciary in doing so, and what would you want it to do?
- How can cooperation and effectiveness of law enforcement and decision-making for Natural Capital and the Environment in general, be enhanced by the Asian Judges Network on Environment.

Group D: Strengthening Capacity to Decide Natural Resource Cases; and Resisting Threats to, and Promoting, Integrity against Corruption

Session Chair: Greg Alling, Independent Judicial Reform Specialist, Consultant, ADB

Rapporteur: Jesusa Loreto Arellano-Aguda, Consultant ADB

Panel Discussion

- **Mr. Mas Achmad Santosa**, Member, Presidential Anti-Judicial Mafia Task Force, Indonesia Government
- **Chief Justice Pohand Abdul Salam Azimi**, Supreme Court of Afghanistan
- **Geraldine Faith Econg**, Administrator, Judicial Reform Program, Philippines Supreme Court
- **Justice Asraful Kamal**, Supreme Court of Bangladesh
- **Delilah Magtolis**, Chief, Academic Affairs Office, Philippine Judicial Academy
- **Judge Sarawut Benjakul**, Thailand Judicial Training Institute
- **Agung Sumantha**, Head, Judicial Techniques, Indonesia Judicial Training Center
- **Justice Adalberto Carim Antonio**, Judge Titular, Court of Environment and Agrarian Issues, Auxiliary Judge of the President of the Tribunal of Justice of the Estate of ,Amazonas, Brazil
- **Justice Adolfo S. Azcuna**, Chancellor, Philippine Judicial Academy, Supreme Court of the Philippines
- **Hon. Abdullah Saeed**, Justice, Supreme Court of Maldives
- **Mr. Shiva Prasad Paudel**, Attorney, Pro-Public, Nepal
- **Ms. Nima Om**, Senior Legal Officer, Ministry of Agriculture and Forests, Bhutan
- **Marlene Oliver**, Commissioner, Environment Court of New Zealand
- **Lye Lin Heng**, Director, Asia-Pacific Centre for Environmental Law (APCEL), Vice-Chairman, IUCN Environmental Law Academy, National University of Singapore

Key Questions

4 December 2013, 3:45-6:00 PM



- What challenges and successes has your national judiciary faced in building capacity in natural resource cases, and could this be applied more broadly to building capacity and understanding across Natural Capital cases?
- What are the generalist training requirements for any new candidate judges? Do these training requirements cover legal issues relating to forests; mountains and uplands; freshwater; coastal and marine ecosystems and biodiversity (“Natural Capital”)? How might they be improved by doing so?
- What specialist training relating to legal issues of Natural Capital is provided to law enforcement officers, prosecutors, and judges in your jurisdiction? Are they using their expertise to prosecute and enforce legal issues relating to Natural Capital?
- How might the “Concept of Natural Capital” assist judges, law enforcement officials, and the legal community’s understanding of the environment and natural resource cases?
- Is there any role for the judiciary in combating corruption, within and beyond its ranks, by recognizing and reinforcing the “Concept of Natural Capital” and its long term economic value? What might that role be?
- How might wider recognition of the Concept of Natural Capital amongst judges and members of the legal and law enforcement community help disseminate information on its economic value and social importance and so strengthen resistance to corruption?
- How might an understanding of Natural Capital assist a Judge in deciding cases?

5 December 2013, 1:15-230 PM

- How might the Asian Judges Network on Environment facilitate or promote a wider understanding among the judiciary of Natural Capital as a relevant concept for informing decision-making amongst judges and the legal community in Asian Pacific countries?
- How might the Asian Judges Network on Environment assist your judiciary in doing so, and what would you want it to do?
- How can cooperation and effectiveness of law enforcement and decision-making for Natural Capital and the Environment in general, be enhanced by the Asian Judges Network on Environment.