

## **South Asia Judicial Conference on Environment and Climate Change**

Radisson Blu Water Garden, Dhaka, Bangladesh

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### **WELCOME REMARKS OF GENERAL COUNSEL CHRISTOPHER STEPHENS**

#### **Introduction**

Your Excellency President Mohammad Abdul Hamid, Honorable Chief Justice Surendra Kumar Sinha, chief justices and judges present, ladies and gentlemen, good morning.

On behalf of the Asian Development Bank, I am pleased to welcome you all to the fifth South Asia Judicial Conference on Environment and Climate Change. It is our pleasure to partner with the Supreme Court of Bangladesh in convening this conference. We sincerely thank the Supreme Court of Bangladesh, the Government of Bangladesh, and the Bangladeshi people for the warm welcome and hospitality.

Today, I will provide a brief overview of the Law and Policy Reform – LPR– Program run by our Legal Department (the Office of the General Counsel or OGC), and the key engagements we have with judiciaries in strengthening the rule of law and environmental governance in Asia and the Pacific.

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

Our legal department established the Law and Policy Reform – or LPR– Program in 1995 in order to support the role of legal systems in the region's economic development.

The central premise of the LPR Program is that a properly functioning legal system is essential to sustainable development. Such a system must be anchored on the Rule of Law and comprise a comprehensive legal framework with effective legislative, regulatory, administrative and judicial institutions that establish, implement, and enforce laws and regulations fairly, consistently, ethically and predictably.

This is legal infrastructure – and compliments the basic premise of ADB's broader commitment to physical infrastructure development, such as power generation and transmission projects, roads, rail, ports and water facilities, and our overall development strategy over the last 50 years.

Legal infrastructure supports physical infrastructure objectives by creating and enforcing rules-of-the-game that encourage all essential components of society to engage and transact and to participate by investing in the physical infrastructure and using that infrastructure to maximum efficiency in the production and trading of goods and services.

The result will be to build the economy that will create jobs, drive incomes and reduce poverty, and create tax revenues that enable government to further invest to create more growth, higher incomes and still less poverty – a virtuous cycle.

But none of this works without capable and resourced judiciaries at the center of the legal framework. The judiciary is crucial to ensuring the fairness, certainty, predictability, integrity, and stability of the rule of law and good governance that is the foundation of financial investment and commerce, and indeed a civil society.

As you well know, there has been a spate of environmental treaties, national laws, agencies, and regulations that have come about over the last 25 years. And now we are adding climate change to an already-complex body of environmental law. With the Paris Agreement having entered into force less than three weeks ago [4 Nov 2016], the Nationally Determined Contributions (NDCs) of signatory countries will directly affect countries' investment policies, plans and projects. New national laws now focused on climate-related commitments and policies will proliferate.

In short, the new laws, regulations and workloads headed for your honorable courts promise to test the limits of your capabilities as well as your good humor.

Judges play an ever-important role by adjudicating disputes that establish precedents on environmental issues; promulgating rules on environmental litigation; and establishing green benches, as was done in several countries in this region over the last few years. Your decisions are also having real economic consequences that affect policymaking, development priorities and the allocation of billions of dollars of investment capital across the region.

For these reasons, OGC views our engagement with judiciaries in Asia and the Pacific as an important part of our member countries' economic and social development.

### **OGC's Key Engagements with the Judiciary**

One key forum for that engagement is the **Asian Judges Network on the Environment (AJNE)**. As some of you may recall, the Asian Judges Network was established after the Inaugural Asian Judges' Symposium in 2010. The Network is an informal organization of senior judges from 23 countries that serves as a means for judicial capacity building and knowledge-sharing on environmental adjudication. The AJNE website – [www.asianjudges.org](http://www.asianjudges.org) and [www.ajne.org](http://www.ajne.org) – has been revamped to provide more comprehensive content in a more user-friendly manner.

We are committed to improving the Asian Judges Network website and making it the “one-stop shop” environmental law resource for Asia and the Pacific. We plan to expand the database to include inputs from countries like Australia, PRC, and New Zealand, and a number of Pacific small-island developing states.

ADB complements regional level support with sub-regional initiatives such as judicial roundtables devoted specifically to environmental justice and adjudication in the context of regional collaboration. Just two weeks before this fifth South Asia conference, we organized the sixth ASEAN judicial roundtable in the Philippines.

We are delighted that we have had tremendous and consistent support from Your Honors over the years. The Supreme Court of Bangladesh was one of the pioneer members of AJNE. South Asia has been a rich source of groundbreaking and precedent-setting jurisprudence on environment, and now on climate change, cited and emulated by other judiciaries and international courts. And today, judges of this region are continuously finding ways to translate discussions in gatherings such as these to concrete action on the ground – be it through green courts or institutionalization of judicial training in environmental law. ADB is committed to be your partner as you continue to be the leaders and stewards for people’s rights and the protection of the environment

### **Conclusion**

I wish everyone many productive discussions over the next 2 days.

Thank you again and best wishes for the success of the conference.