



Third Asian Judges Symposium on Law, Policy and Climate Change 26-27 September 2016, Asian Development Bank, Manila, Philippines

AGENDA

Day 1: 26 September 2016

Inaugural Session

9:00 am - 10:00 am

Moderator: Ms. Deborah Stokes, Vice-President for Administration and Corporate Management, ADB

1. **Welcome Remarks – Mr. Takehiko Nakao, President, ADB (10 minutes)**
2. **Welcome Remarks – Hon. Maria Lourdes P.A. Sereno, Chief Justice, Supreme Court of the Philippines (10 minutes)**
3. **Opening Remarks – Dr. Arnold Kreilhuber, Head, International Environmental Law Unit, Division of Environmental Law and Conventions, United Nations Environment Programme (UNEP) (10 minutes)**
4. **History of the Asian Judges Network on Environment (AJNE) and its Significant Achievements – Mr. Christopher Stephens, General Counsel, ADB (10 minutes)**
5. **Keynote Address – Ms. Loren Legarda, Senator, Republic of the Philippines (20 minutes)**

Photo Session and Tea Break: 10:00 am – 10:30 am

Technical Session 1: Introduction to Climate Change

10:30 am - 12:00 pm (15 Minutes for each Presentation and 45 Minutes for Q&A)

Session Chair: Hon. Mr. Justice Swatanter Kumar, Chairperson, National Green Tribunal, India

Facilitator: Ms. Atsuko Hirose, Advisor, OGC, ADB

1. **The International Climate Change Regime and its 2015 Paris Agreement**
Dr. Lavanya Rajamani, Research Professor, Centre for Policy Research, India

Overview of the UNFCCC regime, especially the key pillars of the Paris Agreement. Particular focus on the legal commitments, differentiation between developed and developing countries and the oversight system.

2. Will the Paris Climate Agreement Really Make a Difference?

Professor Ralph Sims, Massey University, New Zealand

Together, the nationally determined contributions of the 195 parties that negotiated the agreement are inadequate to reach the pathway needed to stay below the 2°C average temperature rise above pre-industrial levels as internationally agreed. Climate mitigation solutions exist and disruptive technologies are showing potential. National and state policies and legislation to accelerate deployment and help change behavior are lagging, with more encouraging progress coming from many cities that are taking the initiative.

3. Climate Change Rights: Trends and Developments in Asia-Pacific

Professor Ben Boer, University of Sydney and Wuhan University Law School

The presentation explores current legal and policy approaches to climate change and human rights, with a focus on the Asia-Pacific region. It introduces the global debate on the right to a clean and healthy environment, and explores how this plays out through incorporation in national constitutions as well as interpretation by the courts.

**Lunch Break 12:00 pm – 1:30 pm
(Executive Dining Room – Coffee Lounge)**

Special Case Study Presentation: Descaling Climate Change and UNSDG 7: Case Study on Sino- Singapore Tianjin Eco-City 1:30 pm – 1:45 pm

Emeritus Professor Koh Kheng-Lian, Faculty of Law, National University of Singapore and Honorary Director, Asia-Pacific Centre for Environmental Law (APCEL)

Special Session 1: A Dialogue with Judges 1:45 pm - 3:00 pm

Moderator: Ms. Irum Ahsan, Senior Counsel, ADB

Panelists:

Hon. Mr. Chief Justice Tun Arifin Bin Zakaria, Supreme Court of Malaysia

Hon. Mr. Justice Qazi Faez Isa, Judge, Supreme Court of Pakistan

Hon. Mr. Justice Emmanuel Ugirashebuja, President, East Africa Court of Justice

Hon. Mr. Justice Adolfo Azcuna, Chancellor, Philippine Judicial Academy

Tea Break: 3:00 pm – 3:15 pm

Special Session 2: Law Moot – Adversarial Format 3:15 pm - 4:45 pm

Presiding Judge: The Rt. Hon. Lord Robert Carnwath of Notting Hill, CVO

Oralists: Ateneo de Manila University and the University of the Philippines

International Mooting Teams

Moderator: Mr. Gregorio Rafael P. Bueta, Consultant (Legal and Policy Specialist), ADB

This particular moot will demonstrate the traditional adversarial system of litigation where two parties represent their opposing cases before a judge to decide in favour of one of the parties based on the questions of facts and law. This moot will also highlight an important feature of how this type of litigation is practiced by environmental judges in most civil law countries.

**Technical Session 2: Climate Change - Food and Water Security and Urbanization
4:45 pm - 6:00 pm (15 Minutes for each Presentation and 30 Minutes for Q&A)**

Session Chair: Hon. Mr. Chief Justice Surendra Kumar Sinha, Supreme Court of Bangladesh
Facilitator: Ms. Briony Eales, Environmental Lawyer – Consultant, ADB

1. Climate Change Impacts on Food and Water Security – Legal and Judicial Responses

Mr. Sanjay Upadhyay, Managing Partner, Enviro Legal Defence Firm, India

There is a need to establish the link between climate change and food and water security and to urgently push for climate change adaptation and mitigation to address the depletion of food, water, and aquatic resources, particularly in Asia and the Pacific region. The law and the courts have been used to push this agenda, resulting in both opportunities and challenges as the world continues to face this phenomenon.

2. Urbanization and Green City Development

Dr. Nilmini Silva-Send, Assistant Director/ Professor, Energy Policy Initiatives Center, University of San Diego School of Law

Urban climate planning has been taking place at a fast rate in the last few years in California. The City of San Diego adopted an aggressive Climate Action Plan in December 2015, which reflects the regulatory and litigation drivers that are leading to such plans. Three significant recent cases in California based on its Environmental Quality Act and the regulations relied on by the courts will be presented.

3. Towards Water and Food Security Through Energy Efficiency: Addressing the Adaptation Gap

Dr. Eva Abal, Associate Professor, Global Change Institute, The University of Queensland, Australia

Science, Technology, Engineering, and Mathematics (STEM) has a key role in developing knowledge and tools for climate change adaptation and mitigation. New technologies, made available most especially for developing countries, are crucial to address the impacts of this phenomenon. The session will explore solutions and best practices on adaptation and mitigation measures addressing climate change impacts on water, food, and urban development.

**6:00 pm – 9:00 pm Dinner Reception at ADB co-hosted by the
Philippine Supreme Court and ADB**

Day 2: 27 September 2016

Recap of Day 1 by Ms. Atsuko Hirose, Advisor, OGC, ADB - 8:45 am- 9:00 am

**Video Presentation by Hon. Mr. Justice Antonio Herman Benjamin, Superior Tribunal
Justicia, Brazil 9:00 am – 9:15 am**

**Technical Session 3: Global Legal Jurisprudence's Role in Climate Change
9:15 am - 10:45 am (15 Minutes for each Presentation and 30 Minutes for Q&A)**

Session Chair: Hon. Mr. Chief Justice Syed Mansoor Ali Shah, Lahore High Court, Pakistan
Facilitator: Mr. Andy Raine, Legal Officer, UNEP

1. **Role of Developing Countries in the Development of International Environmental Rule of Law**

Dr. Parvez Hassan, Chair Emeritus, World Commission on Environmental Law, IUCN
Presentation on how climate change and the rule of law are intertwined and/or have developed.

2. **Public Interest Litigation: Climate Change and the Environment**

Hon. Mrs. Justice Hima Kohli, Judge, High Court of New Delhi, India
The focus of this presentation is the role played by the Supreme Court of India and the State High Courts in redressing grievances related to environmental degradation and climate change, by entertaining Public Interest Litigations.

3. **Addressing Climate Change - Evolving Legal Jurisprudence in the ASEAN Region and its Challenges**

Hon. Mr. Justice Tan Sri Datuk Seri Panglima Richard Malanjum, Chief Judge, High Court of Sabah and Sarawak, Malaysia
The judiciaries of ASEAN have also been at the forefront of climate change. Significant jurisprudence from around the region present both promising developments and the challenges judges will face in the future.

4. **Mapping Climate Change Adjudication**

Hon. Mr. Justice Brian J. Preston, Chief Judge, The Land and Environment Court of NSW, Australia
Climate change is a persistent, pervasive and pernicious problem. Climate change litigants have increasingly brought a variety of legal actions before courts and tribunals across the world seeking to compel governments and others to take effective action to grapple with this problem. Such litigation has led courts and tribunals to: compel the implementation of mitigation and adaptation measures, redress the inadequate assessment and consideration of climate change in decision-making, consider climate change issues in making de novo development approval decisions, refuse approval to activities or developments with unacceptable climate change consequences, redress climate change related human or constitutional rights violations and remedy the making of misleading commercial claims relating to climate change.

Tea Break: 10:45 am – 11:00 am

Special Presentation: Chinese Experience in Judiciary Countermeasures for Climate Change 11:00 am – 11:15 am

Hon. Bi Dongsheng, Senior Judge, Supreme People's Court, People's Republic of China

Special Session 3: A Dialogue - Climate Change Case Study from Pakistan Showcasing Inquisitorial Style of Resolution 11:15 am - 12:15 pm

Moderator: Ms. Irum Ahsan, Senior Counsel, ADB

Presenters:

Ms. Saima Amin Khawaja, Managing Partner, Progressive Advocates and Legal Consultants, Pakistan; and

Mr. Mansoor Awan, Founder, AJURIS Advocates and Corporate Counsels, Pakistan

This particular dialogue will demonstrate the somewhat non-traditional inquisitorial system of litigation. In this method the judge endeavors to discover facts while simultaneously representing the interests of the parties and public at large. Unlike the adversarial system, the judge is not a passive recipient of information. Rather s/he is responsible for supervising the gathering of evidence and best solutions for resolving the case.

**Lunch Break: 12:15 pm – 1:45 pm
(Cafeteria Mezzanine)**

Special Session 4: A Dialogue with Judges 1:45 pm - 3:00 pm

Moderator: Ms. Briony Eales, Environmental Lawyer – Consultant, ADB

Panelists:

- Hon. Mr. Chief Justice Lyonpo Tshering Wangchuk, Supreme Court of Bhutan
The Rt. Hon. Lord Robert Carnwath of Notting Hill, CVO
Hon. Mr. Justice Swatanter Kumar, Chairperson, National Green Tribunal, India
Hon. Mr. Justice Takdir Rahmadi, Judge, Supreme Court of Indonesia
Hon. Mr. Justice Ananda Mohan Bhattarai, Judge, Supreme Court of Nepal

Tea Break: 3:00 pm – 3:15 pm

**Technical Session 4: Climate Change: Its Social Impact and Success Stories
3:15 pm - 4:45 pm (15 Minutes for each Presentation and 45 Minutes for Q&A)**

Session Chair: Ms. P. Imrana Jalal, Senior Social Development Specialist, ADB

1. Impacts of Climate Change on Vulnerable Groups

Ms. Irum Ahsan, Senior Counsel, ADB

Overview of how certain vulnerable groups are affected by climate change; how their current state is worsened due to climate impacts; and how their needs have been overlooked. Solutions and best practices will also be presented.

2. Climate Refugees: Legal Rights and Status in International Law

Hon. Mr. Chief Justice Syed Mansoor Ali Shah, Lahore High Court, Pakistan

The displacement of communities and even whole nations due to climate change has given rise to the concept of climate refugees. Although absent a definition in international law, certain rights and legal remedies are available to these groups.

3. Climate Change: Mitigation and Adaptation Solutions and Success Stories

Ms. Sarah Khan, Founder/Film Maker, Jugnoo Foundation, Pakistan

Best solutions for climate change adaptation and mitigation are only possible if communities also work hand-in-hand with their governments. This session will share communities' efforts by sharing some of the success stories (including how some women have taken lead and have offered solutions to the impacts of climate change).

Closing/Valedictory Session

4:45 pm - 5:15 pm

Moderator: Ms. Atsuko Hirose, Advisor, OGC, ADB

1. Closing Remarks – **Ms. Deborah Stokes, Vice-President for Administration and Corporate Management, ADB**
2. Closing Remarks – **Dr. Arnold Kreilhuber, Head, International Environmental Law Unit, Division of Environmental Law and Conventions, UNEP**

**6:00 pm – 10:00pm Farewell Dinner at EDSA Shangri-La Hotel
hosted by ADB**