

As of today, August 18, 2017

**THE NATIONAL WORKSHOP ON
MAINSTREAMING LEGAL KNOWLEDGE OF ENVIRONMENTAL ISSUES**

Phnom Penh, 21 – 22 August 2017

Siem Reap, 24 - 25 August 2017

Co-organized by the Supreme Court of Cambodia and the Asian Development Bank

AGENDA

DAY 1	
Registration and Arrival of Participants 8:00am – 8:45am	
Arrival of Honorable Guest Speakers Arrival of Honorable H.E Chiv Keng, Vice President; Representative of Supreme Court of Cambodia 8:45am – 9:00am	
INAUGURAL SESSION 9:00am – 10:00am	
National Anthem of the Kingdom of Cambodia	
Opening Remarks by the Supreme Court of Cambodia (5 minutes)	H.E. Chiv Keng, Vice President, Supreme Court of Cambodia
Remarks by ADB (5 minutes)	Mr. Samiuela T. Tukuafu, Country Director, Cambodia Resident Mission, ADB
Remarks by USEPA (5 minutes)	Judge Mary Kay Lynch, USEPA Environmental Appeals Board
Introduction to the Workshop (15 minutes) <ul style="list-style-type: none">- Overview of the topics and the workshop- Overview of AJNE and ADB's work with judges on environment and climate change law	Mr. Gregorio Rafael P. Bueta, Legal and Policy Specialist (Consultant), ADB
Group Photo (15mins)	
Coffee Break – 10:00am – 10:20am	
SESSION 1: Environmental Courts and Tribunals and Pre-workshop Survey Results 10:20am – 12:00nn Facilitators: ADB Team	
(1) <u>Presentation</u> : Role of Environmental Courts and Tribunals – International Experience (15 minutes) – Mr. Matthew Baird, International Legal Capacity Development Specialist (Consultant), ADB	
(2) <u>Presentation</u> : USEPA Environmental Appeals Board – An introduction of the EPA's environmental tribunal and where it fits into environmental adjudication in the U.S. (15	

mins) – Judge Mary Kay Lynch, USEPA Environmental Appeals Board

- (3) Presentation of Pre-workshop Survey: - Ms. Ma. Cecilia T. Sicangco, Knowledge Management Specialist (Consultant), ADB; and Mr. Gregorio Rafael P. Bueta, Legal and Policy Specialist (Consultant), ADB

Lunch – 12:00nn – 1:30pm

SESSION 2: Environmental Laws in Cambodia and the New Draft Environmental Code

1:30pm – 3:00 pm

Facilitator: Mr. Matthew Baird, International Legal Capacity Development Specialist (Consultant), ADB

- (1) Presentation: Brief Overview of Cambodia’s Main Environmental Laws (20 minutes) – Mr. Matthew Baird, International Legal Capacity Development Specialist (Consultant), ADB
- (2) Presentation: Environmental Law Principles in Cambodia (20 minutes) – Judge Chay Chan Daravan, Court of Appeals, Cambodia
- (3) Presentation: Dispute Resolution Mechanisms in the Draft Environmental and Natural Resources Code (20 minutes) – Atty. Sam Long, Vishnu Law Group
- (4) Q&A Session

Coffee Break – 3:00pm – 3:20pm

SESSION 3: Developing Special Rules for Environmental Cases

3:20 pm – 4:45 pm

Facilitators/Trainers: USEPA Judges Mary Kay Lynch and Kathie Stein

- (1) Presentation: Through this Session, judges will:
- Consider the role of courts in environmental cases
 - Consider some guiding principles of the adjudicative process as it relates to environmental cases
 - Discuss the use of procedural rules, standing orders and guidance documents as a means of developing court rules for environmental cases; identify ways of using/leveraging existing rules for environmental cases
 - Learn about best practices from other jurisdictions in developing special court rules (including from the Philippines and China)
 - Learn about alternative means of resolving environmental disputes.
- (2) Interactive Activity: Participants will divide into groups. Using the information provided, each group will exchange ideas about what types of environmental procedural rules would be helpful to courts in Cambodia. Groups will then report out on the main ideas of what they have discussed.
- (3) Q&A Session

DAY 1 - WRAP UP - 4:45pm – 5:15pm

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

DAY 2

SESSION 4: Environmental Impact Assessments (EIAs) and Development Planning

08:30am – 10:00am

Facilitator/Trainer: Mr. Matthew Baird, International Legal Capacity Development Specialist (Consultant), ADB

- (1) Presentation: Through this Session, judges will:
- Understand the concept of EIA and development planning
 - Know about the latest trends and developments
 - Learn how EIA is an important tool for environmental protection and how EIA can guide judicial decision-making
- (2) Interactive Activity: Participants will divide into groups. Each group will evaluate a hypothetical case provided in advance, based on questions provided by the facilitator. The groups will then report on the results of their discussions.
- (3) Q&A Session

Coffee Break – 10:00am – 10:20am

SESSION 5: Dealing With Evidence in Environmental Cases

10:20am – 12:00 pm

Facilitator/Trainer: USEPA Judge Kathie Stein

- (1) Presentation: Through this Session, judges will:
- Consider issues relating to evidence in environmental cases
 - Understand the use of different kinds of evidence (i.e., technical, scientific, economic, etc.)
 - Learn about the threshold assessments of evidence and standards for admissibility
 - Learn about the different techniques, tools, and skills in managing the presentation of evidence in environmental cases, including the handling and treatment of experts
 - Hear suggestions for how to weigh and evaluate the scientific evidence presented and for dealing with the lack of certainty.
- (2) Interactive Activity: Participants will divide into groups. Each group will evaluate a hypothetical case provided in advance and, using the principles presented, determine what type of evidence is needed to prove a certain position and what elements are necessary for admissibility. The groups will then report on the exercise.
- (3) Q&A Session

Lunch 12:00nn – 1:30pm

SESSION 6: Climate Change Law: General Principles and Best Practices

1:30pm – 2:45pm

As of 18 August 2017

Speaker: Ms. Ma. Cecilia T. Sicangco, Knowledge Management Specialist (Consultant), ADB

Presentation: This Session will provide a short introduction to climate change law, the international legal framework, and how climate change cases and issues are being litigated in different jurisdictions. Among others, the presentation will cover:

- The prevailing international regime, including institutional documents and agreements (UNFCCC, Paris Agreement, etc.)
- Cambodia's national obligations and contributions under the international regime
- The consequences of climate change on vulnerable groups
- Examples of climate change litigation

Coffee Break – 2:45pm - 3:00pm

WORKSHOP EVALUATION

3:00pm – 4:00pm

Facilitator: ADB Team

The workshop outcomes will be discussed, identifying key points and learnings from the presentations and discussions. Participants will also be asked to identify next steps for the judiciary and how to implement the lessons learned during the workshop.

CLOSING CEREMONIES

4:00pm – 5:00pm

Synthesis/Next steps for the judiciary	ADB Team/SCC
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Closing Remarks	ADB, SCC
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Awarding of Certificates	ADB and SCC
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END OF WORKSHOP