



Environmental Cooperation-Asia

ASIAN JUSTICES WORKSHOP: JUSTICES CALL FOR STRONG REGIONAL COOPERATION ON THE ENVIRONMENT



Senior justices and judicial experts from Indonesia, Philippines, Thailand, and the United States call for strong regional cooperation in solving environmental cases.



Justices from the Philippines and Indonesia visit the Judicial Training Institute of Thailand to exchange views with their Thai counterparts on a proposed exchange training program among Asian countries.

At the Asian Justices Workshop on the Environment held at the UN Conference Center in Bangkok, Thailand on April 26-27, 2006, senior justices and judicial experts from Indonesia, Philippines, Thailand, and the United States called for strong regional cooperation in solving common problems being faced by Asian countries in prosecuting environmental cases.

The Supreme Court of Thailand, the United States Agency for International Development (USAID) through its regional program Environmental Cooperation-Asia (ECO-Asia), the United States Environmental Protection Agency (US EPA), and the Asian Environmental Compliance and Enforcement Network (AECEN) co-organized the workshop. Through ECO-Asia and regional platforms like AECEN, USAID promotes partnerships with government agencies and courts to develop effective laws and practices for a cleaner environment.

The workshop was held in support of AECEN's mission to promote improved compliance and enforcement with environmental legal requirements in Asia through regional exchange of innovative policies and practices. AECEN was established by 13 Asian governments at a conference in Manila in 2005 where they recognized the need for improved environmental compliance in Asia.

Among the common problems discussed at the workshop include difficulties in gathering and presenting complex technical evidence in court and the limited expertise of judges to appreciate these evidences. Participants also noted that countries have different legal standards and court procedures, which may or may not be friendly to environmental causes that require class actions, precautionary measures or remedies that may be different from ordinary cases.

Participants to the workshop issued a joint statement calling for strong regional cooperation on the environment. They agreed to work collaboratively with AECEN to identify common challenges and innovative solutions for improving court policies and practices for the environment; develop strategies for country and regional cooperation on strengthening human and institutional capacity for adjudicating environmental disputes; create counterpart linkages between courts in Asia; and cooperate with programs aimed at promoting environmental compliance and enforcement.

Recognizing the key role of international development agencies and organizations in achieving these objectives, the participants called on USAID and other international development partners to collaborate closely in their support of judicial reform for the environment.

The participating international judicial experts worked with Thai judges in mapping out strategies for a proposed action plan for Thailand's Court of Justice in strengthening and expanding its green benches; identifying court procedures and practices for solving environmental cases; and strengthening capacity on environmental adjudication.

Justice Chanchai Likhitjitta, President of the Supreme Court of Thailand, opened the workshop. He thanked USAID for sponsoring past study tours for Supreme Court officials. "This workshop is a good opportunity for exchange of opinions and knowledge on environmental disputes and would strengthen the capacity of Thai judges," said Justice Likhitjitta.

Mr. Richard Whelden, Deputy Mission Director of USAID Regional Development Mission/Asia, emphasized the urgent need for all countries to work together to devise innovative strategies for addressing regional environmental disputes. "Creative and courageous decisions from courts set a new course to protect the needs of the poor, while recognizing that poverty leads to environmental destruction," said Mr. Whelden.

Justice Apichart Sukhaganond, President of the Environmental Division of the Supreme Court of Thailand, said the resolution of environmental cases is critical, as it has direct impact on the lives of people. He reported that Thailand is making headway in strengthening human and institutional capacity for addressing environmental cases. "We have made significant progress in establishing green courts in Thailand."

Justice Kathie Stein of US EPA shared with the international judges the legal tools and challenges of US courts in environmental protection. She asked the participants to consider strategies and standards that will simplify their work and make it efficient, effective and responsive.

Judge Andriani Nurdin, Vice-Chief of the Central Jakarta District Court, said "The Indonesian Supreme Court, in cooperation with the Ministry of Environment and the Indonesian Center for Environmental Law, is considering a One-Roof Enforcement System to improve planning, coordination, and environmental enforcement".

The two-day workshop concluded with a visit to the Judicial Training Institute of Thailand where retired Philippine Supreme Court Justice Ameurfina Melencio Herrera, current Chancellor of the Philippine Judicial Academy, proposed an exchange training program among Asian countries, starting with Indonesia, Philippines and Thailand.



Justice Chanchai Likhitjitta, President of the Supreme Court of Thailand, welcomes the Filipino justices who attended the Asian Justices Workshop on the Environment. The Philippines and Thailand agreed to work closely in strengthening environmental adjudication in the region.

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