

**Law, Justice and Development Program**

**ADB Regional Capacity Development Technical Assistance  
Strengthening Capacity for Environmental Law in the Asia-Pacific:  
Developing Environmental Law Champions**

**Train-the-Trainers Program**

**1 – 5 June 2015  
Manila, Philippines**

**Opening Remarks of  
Christopher Stephens, General Counsel,  
Office of the General Counsel, Asian Development Bank**

Good morning, I am Christopher Stephens, the General Counsel of ADB

- It is my pleasure to welcome a distinguished gathering of Greater Mekong Subregion law professors and practitioners to the opening of our Train-the-Trainers Program under the Regional TA for Strengthening Capacity for Environmental Law – developing environmental law champions.
- Today, we are at a critical time for Asia with respect to environmental challenges. Economic development has increased living standards for many, but it comes at a significant environmental cost. Asia's dynamic growth and development will have significant long-term and lasting effects on the regional and global environment.

Specifically:

- Asia's energy demand is projected to almost double by 2030. However, under current trends, fossil fuels will be the source that meets this increasing demand, meaning Asia will generate nearly half of the world's carbon emissions by 2030.
- Models project that these trends will have disastrous consequences for many Asian countries, including mass migration within and beyond Asia, and increased floods, typhoons, and other extreme weather events.
- Climate change is also projected to affect agricultural output in Asia because of seasonal and rainfall changes – changes that will affect agricultural output and overall GDP. Analyses conducted at ADB shows that losses from climate change in Thailand, Indonesia, Viet Nam and the Philippines may reach the equivalent of almost 7% of GDP by 2100. In

South Asian region, lives and livelihood of more than 1.6 billion people are going to be adversely affected by these climatic changes which threaten food and water security, two of the most pressing challenges faced by the region.

- Asia is already considered to be the world's most disaster-prone region -- nearly two-thirds of people who die in disasters worldwide are victims of natural disasters in Asia.
- 563 million people in Southeast Asia are potentially vulnerable to rising sea levels because they live along the region's coastlines, and 21 million people may need to be resettled by 2080 because of projected sea level rises.
- Moreover, many of Asia's environmental problems are worsened by illegal environmental activities, exacerbated by poor environmental enforcement and weak governance.
  - The illegal timber trade in East and Southeast Asia amounts to nearly \$2.3 billion per year.
  - 75% of Southeast Asia's fish stocks are endangered because of illegal fishing, threatening the livelihood of 120 million Southeast Asians dependent on coastal resources. 90% of reefs in Cambodia, Philippines, and Viet Nam are threatened by illegal fishing, such as dynamite blast fishing and cyanide fishing
  - Southeast Asia has an illegal wildlife trade that amounts to billions of dollars a year, and which threatens 42% of the regions plant and animal species with extinction.
- Even these few examples show why the effective implementation of environmental laws and good environmental governance are so important, and have become priorities for governments across Asia.
- Progress is also being made globally with the introduction of Sustainable Development Goals (SDGs), which will build upon the Millennium Development Goals and converge with the post 2015 development agenda and the prospect of a new global climate agreement.
- 2015 will be a milestone year for international focus on the environment. An agreement on the SDGs and the post 2015 agenda is expected to be reached at the September United Nations summit in New York. In December, a new climate deal is also expected to be agreed at the Conference of Parties – COP 21 – in Paris.

- The SDGs aim to eradicate extreme poverty, and tackle other unfinished business of the Millennium Development Goals by 2030. And yet the SDGs also place environmental and social sustainability at the core of the new integrated development agenda. If the member states agree to the draft SDGs at the UN summit in New York in September, they will become applicable from January 2016 to 2030.

- ADB plays an important role in supporting developing member countries' transitions to a green and inclusive economy, while pursuing economic development and the eradication of extreme poverty.

- In 2005, with the assistance from ADB, the GMS countries launched the Core Environment Program and Biodiversity Conservation Corridor Initiative (CEP-BCI) in response to growing concern about the environmental impacts of rapid economic development. Administered by ADB and overseen by the environment ministries of the six countries that form the Working Group on Environment (WGE), CEP-BCI aims to achieve an environmentally friendly and climate resilient GMS Economic Cooperation Program. ~~It is coordinated by the Environment Operations Center (EOC), which is hosted by ADB's Thailand Resident Mission.~~

- Phase I of CEP-BCI (2006-2012) helped improve environmental management in the GMS by strengthening planning processes, supporting enhanced biodiversity and livelihoods in key conservation landscapes, and improving national monitoring systems. In recognition of the program's achievements and continued relevance, a new 5-year phase was approved in 2011 and implementation began in 2012.

- Under Phase II (2012 – 2016), the GMS Core Environment Program has been strengthening capacities for environmental safeguards, increasing awareness about climate adaptation and resilience, and promoting low carbon technologies.

- ADB considers the role of environmental law professors, lecturers and practitioners in strengthening environmental laws and effective implementation and enforcement to be a key part of our efforts on environmentally sustainable development.

- This Trainer-the-Trainer Program is an enormously important program – aimed at leveraging the knowledge of experts and resources assembled for this program into an army of knowledgeable teachers, thinkers and practitioners across the region – forming a virtuous cycle of ever-increasing knowledge, skills

and experience – ultimately contributing to better environmental laws, and more effective implementation and enforcement.

- Reminds me of the purported Chinese proverb:
  - "Give a man a fish and you feed him for a day; teach a man to fish and you feed him for a lifetime."
  - But we're a bank, and so we think about leverage: So in this case:
    - train a regulator and she may be able to do her job better.
    - but if a group like yours can spread across the region and fill an army of open minds with knowledge and skills, and you can change the world
- This week's training is supported under ADB's "*Developing Environmental Law Champions*" TA, executed by ADB's Office of the General Counsel – our Law Department – under our Law, Justice and Development ("LJD") Program.
  - Since 1995, our Law, Justice and Development (LJD) Program has been managed by our legal department, and works in collaboration with Regional Departments (RDs), Resident Missions (RMs), Thematic and Sector Groups and other knowledge departments, to provide technical assistance to our client countries in areas relating to the role of law in their development.
  - The central premise of the LJD Program is that a functioning legal system, anchored by the Rule of Law and comprising a comprehensive legal framework and effective judicial, regulatory and administrative institutions that implement and enforce laws and regulations fairly, consistently, ethically and predictably are necessary preconditions to sustainable development.
  - This approach takes a holistic view of an entire legal regime, and includes a focus on (1) laws respecting property rights and the validity of contracts and commercial and financial agreements and transactions, (2) laws that facilitate sustainable and inclusive development, including those focusing on environmental regulation and gender equality, and (3) capacity building for government agencies and judicial institutions that ensure the competent, consistent, ethical and predictable enforcement of laws and contractual obligations, rights and remedies.
- Under our LJD Program, we have supported projects that strengthened the capacity of law professors, judges and other members of the law enforcement community to decide environmental cases and improve compliance and enforcement of environmental laws.

- We support
  - the Asian Judges Network on the Environment
  - the ASEAN Chief Justices Roundtable on Environment and
  - the South Asian Chief Justices Roundtable on the Environment –which in several countries has resulted in the establishment of “Green Benches” comprising judges with an expertise in environmental law and justice that can more efficiently and more effectively administer the application of environmental laws and treaties – much the same way that specialty tax courts implement tax laws and specialty bankruptcy courts handle bankruptcy matters.
- Our *Developing Environmental Law Champions* TA will train environmental law professors and public interest lawyers to become environmental law champions in their own countries and to further develop their leadership and advocacy skills.
- The TA will also produce various knowledge products (including training manuals, videos and books) that can be used by other environmental law professors, lecturers and practitioners to build their capacities in environmental law matters.
- ADB is committed to the alleviation of poverty through economic development and to doing so on an environmentally sustainable basis. The active engagement of you and other trainers on issues relating to the protection of the environment in the face of active economic and industrial development is crucially important – a prerequisite to sustainability of that development.

Finally:

- On behalf of all of ADB, I'd like to thank The IUCN Academy of Environmental Law. The Academy is a leader in supporting environmental law education and education capacity, recognizing that environmental legal education is a vital contributor to the rule of law and to robust environmental governance that is essential for sustainable development. You will hear more about the Academy during the sessions, and I would like to thank them for their work and the enormous contribution they made to this program.

- Thank you all for participating in this important program and I hope that you will go back to your countries inspired by the efforts that are being made, around the region and indeed around the world, to tackle what is probably one of the greatest challenges of our time, and one with the most long-lasting impact on our planet.

- I wish you every success in the week ahead and I look forward to hearing the results.



## Message from Regional Director

I am pleased to be able to welcome you to this important regional workshop focused on strengthening capacity for the development of environmental law in Asia-Pacific, and the creation of new environmental champions who can take this work forward.

As you know, we are at a point in time where Asia's global influence is growing rapidly. Many of the countries in the region are experiencing dynamic economic growth. While this growth has meant better living conditions for many, the reality is that 800 million people still live below the international poverty line. And this growth is exerting unprecedented pressure on biodiversity and ecosystem services.

When ecosystems degrade this further exacerbates the vulnerability of the poor – many of whom are still directly dependent on natural resources and environmental services for their lives and livelihoods. With seven out of 10 of the world's most disaster-prone countries located in Asia-Pacific, climate change threatens to make their lives even more precarious.

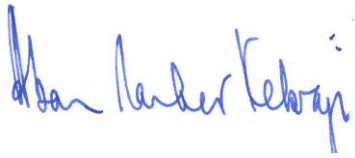
At the same time, there are also many signs of hope and emerging forms of alternative development models with roots in Asian philosophies: Eco-Civilization in China, Sufficiency Economy in Thailand, Low Carbon Growth in Japan and Inclusive Growth in India. And on the political front, the movement towards sub-regional integration, with the renewed focus on ASEAN and SAARC, is creating new opportunities for trans-boundary collaboration.

These emerging development alternatives need to be supported by solid legal frameworks at all levels with institutional frameworks based on respect for the rule of law. The challenge ahead ranges from the need to develop the best possible international treaties and other agreements, through to ensuring that each country has the capacity to effectively participate in the debate and to give effect to what is agreed.

Environmental law, in all its forms, has long been a key area of expertise for IUCN, which has played an instrumental role in the development of major multilateral environmental agreements including the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the World Heritage Convention, among others.

Our Environmental Law Programme assists decision makers at all levels and provides an opportunity for governments, NGOs and others to network and to share information and discuss ideas. It is supported through the collective efforts of the World Commission on Environmental Law (WCEL), an extensive global volunteer network of over 900 environmental law specialists in more than 130 countries; the Environmental Law Centre (ELC), a professional international office located in Bonn, Germany with 15 legal, policy and information specialists; the IUCN Academy of Environmental Law; IUCN member institutions in the region such as the Asia Pacific Centre for Environmental Law at the National University of Singapore and IUCN lawyers based in our offices around the world.

I am sorry not to have been able to join you for these important discussions, but I know that you are in good hands with the expert trainers from WCEL and the IUCN Academy. I wish you all the best for a successful workshop, and look forward to working closely with many of you on some of the most important issues our region faces. I would also like to extend our sincere appreciation to ADB for their support for this event.

A handwritten signature in blue ink, appearing to read 'Aban Marker Kabraji'. The signature is fluid and cursive, with the first name 'Aban' being the most prominent.

Aban Marker Kabraji  
Regional Director, IUCN Asia