



Developing Environmental Law Champions

Strengthening the Capacity For Environmental and Climate Change Laws
in Asia and the Pacific



Session 1: Environmental Law Advocacy and Practice

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Cebu City, Philippines
14-16 August 2019



What this Session is About

Session Topic:

- Learn about stories of advocacy and practice of environmental law

Teaching Methodology:

- Understand the need and rationale for reflective practice in teaching
- Understand how you can incorporate reflective learning activities in your courses for the benefit of students
- Develop skills of reflection to interrogate your own teaching practice



Learning Outcomes





Philippine Earth Justice Center, Inc.
Legal Defense for the Environment
and Defenseless: Focus on the
Dolphins Case



About US

PEJC is an organization of environmental lawyers pushing for the implementation of Philippine environmental laws, accountability of public officials and capacity building for citizens for benefit of enjoyment of the fundamental right to a balanced and healthful ecology by the current generation and the generations to come.



VISION

Environmental justice and the full implementation of Philippine environmental laws, accountability of public officials, and capacity building for citizens for the enjoyment of the fundamental right to a balanced and healthful ecology by the current generation and the generations to come.

MISSION

To provide expert legal assistance in pursuing legal action against individuals, organizations, agencies, and other entities, responsible for the destruction of the earth ecosystem including violation of or refusal to implement laws to protect and conserve natural resources and the elements upon which life depends - land, air and water.



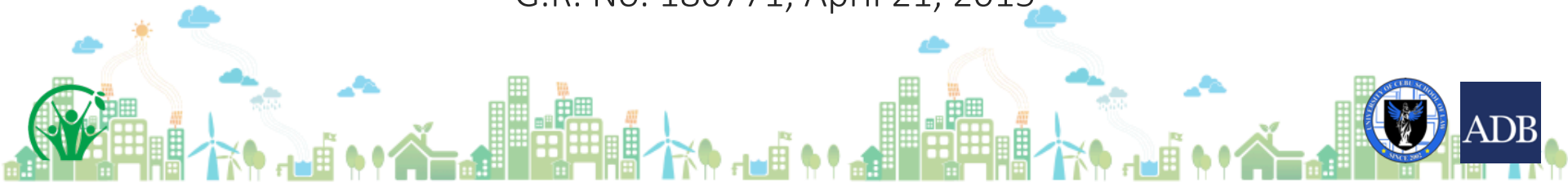


TAÑON STRAIT, PHILIPPINES





Resident Mammals & Dolphins of Tañon Strait, represented by legal guardians,
Gloria Estenzo Ramos and Rose-Liza Eisma-Osorio vs. Secretary Reyes, et al., SC-
G.R. No. 180771, April 21, 2015



Background of the Case

- The Philippine Government, thru its Department of Energy, entered into a Service Contract 46 (SC-46) for exploration, development, production of petroleum resources covering approx. 2,850 square meters offshore the Tañon Strait.
- SC-46 allowed JAPEX to conduct oil exploration in Tañon Strait where it performed seismic surveys and drilled one exploration well.
- Two Petitions were filed in 2007: (1) on behalf of resident marine mammals and dolphins in Tañon Strait by 2 individuals acting as legal guardians and stewards of the marine mammals and dolphins, and (2) NGO representing interests of fisherfolk and individual representatives from fishing communities impacted by the oil exploration activities.
- In 2008, JAPEX and Philippine government mutually terminated the service contract and oil exploration activities ceased.
- The Supreme Court later consolidated the two cases.



NIPAS ACT (RA 7586 AS AMENDED BY RA 11038)

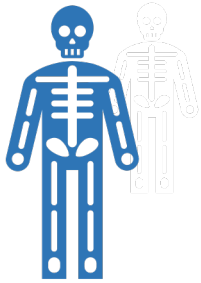
- SEC. 14. Survey for Energy Resources. - Consistent with the policies declared in Section 2, hereof, protected areas, except strict nature reserves and natural parks, may be subjected to exploration only for the purpose of gathering information on energy resources and only if such activity is carried out with the least damage to surrounding areas. Surveys shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made available to the public and submitted to the President for recommendation to Congress. **Any exploitation and utilization of energy resources found within NIPAS areas shall be allowed only through a law passed by Congress.**

Supreme Court Ruling

- **Two Key Issues:**
 - Whether marine mammals, through their stewards, have legal standing to sue
 - Whether the service contract violated the Philippine Constitution or other domestic law



The Court's Ruling: Liberalized Standing to Sue



Locus standi in environmental cases has been given a more liberalized approach.



While developments in Philippine legal theory and jurisprudence have not progressed as far as Justice Douglas's paradigm of legal standing for inanimate objects, the current trend moves towards simplification of procedures and facilitating court access in environmental cases.





The Court's Ruling: Reshaping Environmental Actions

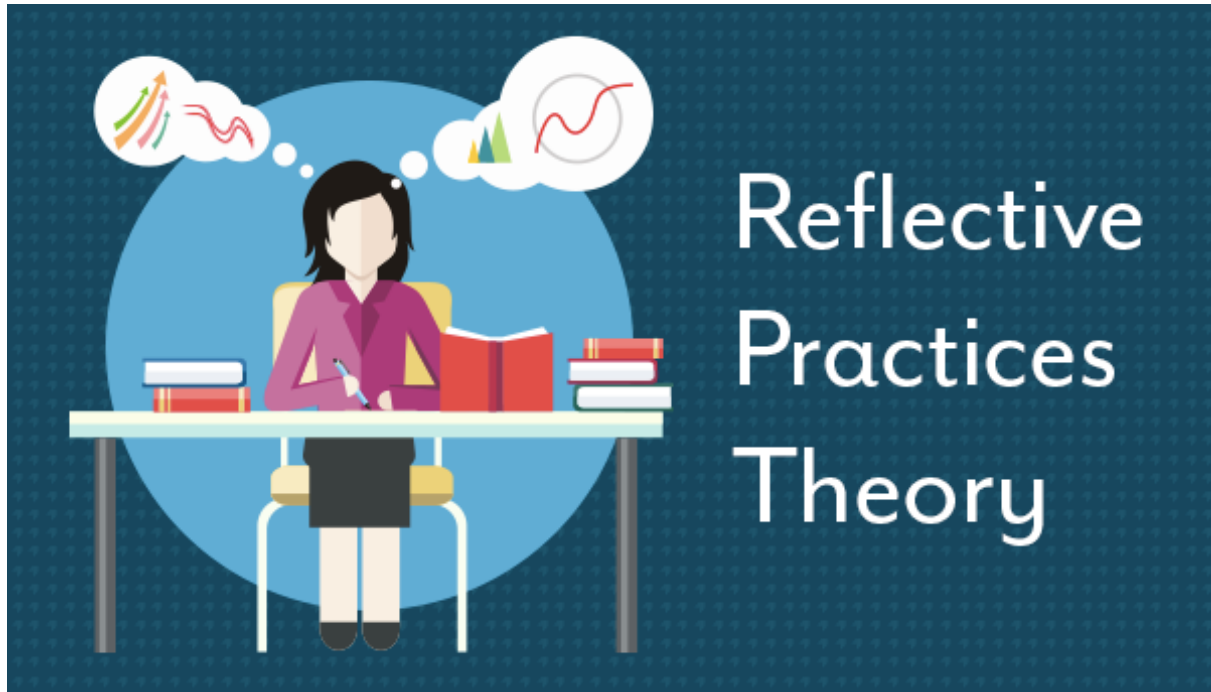
- A permissive position on the issue of locus standi in environmental cases
- The Rules of Procedure for Environmental Cases eliminated the need to give legal standing to the Resident Marine Mammals
- Human stewards who have joined as real parties in interest and not only just in representation of the marine mammals have legal standing as well.



EPO against Coal Ash: PEJC v. DENR, et al.

- A Petition for Environmental Protection Order was filed against KEPCO in Naga, Cebu (a coal-fired power plant) to stop them from dumping coal ash in a coastal area.





Reflective Practices Theory

Being a Reflective Practitioner

Professional reflection theory “is the active, persistent, and careful consideration of any belief or supposed form of knowledge in the light of the grounds that support it and the further conclusions to which it tends” (John Dewey, as cited in Tiano, 2006)



Modes of Reflection

Reflection in anticipation

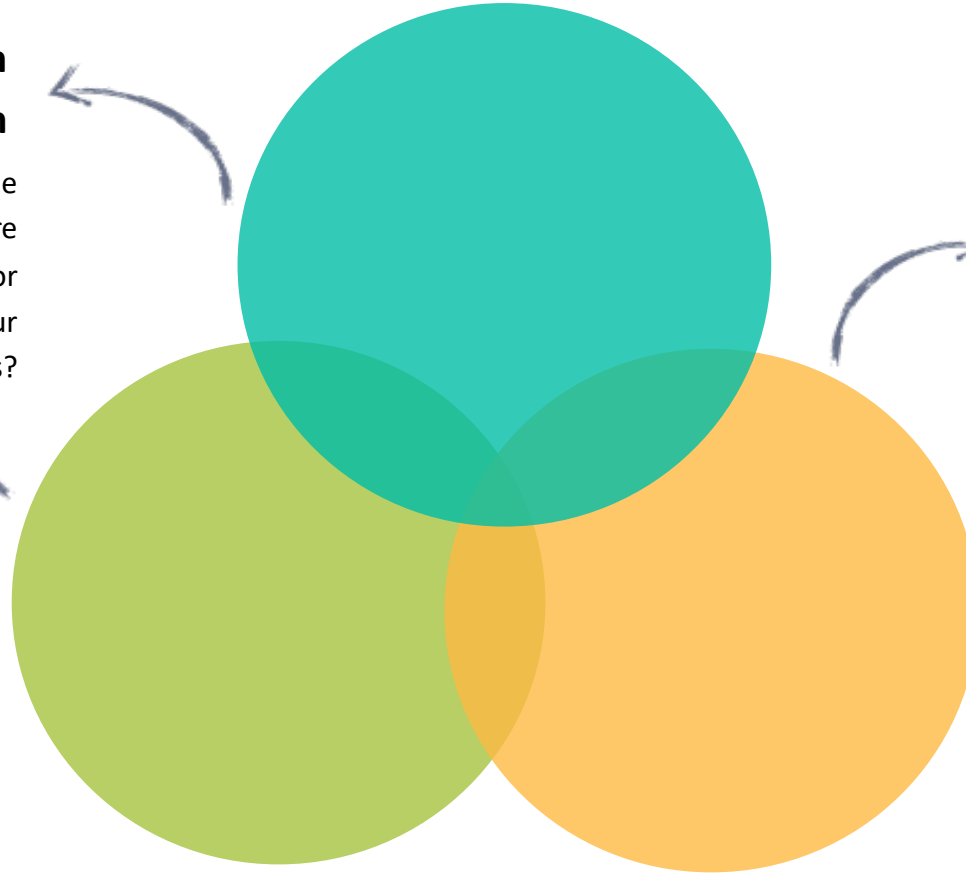
What do we bring to the experience? What are our expectations or goals? What are our assumptions?

Reflection in the midst of action

What have we noticed about an activity as it is unfolding? What decisions are being made? What assumptions underpin these?

Reflection after events

How did the activity play out? What were our feelings or emotions? What decisions were made and why?



Adapted from Schön, D. A., 'The Reflective Practitioner: How Professionals Think in Action'. New York: Basic Books, 1983.



Reflective Teaching Practice

- Collecting information about our teaching, analyzing and evaluating it
 - You may already do this without realizing!
- Various methods of gathering data
 - Peer observation / review of teaching
 - Recording and playback of class teaching
 - Student evaluation and feedback

New learning is acquired through reflection



STEPHEN BROOKFIELD
UNIVERSITY OF GUELPH
TEACHING & LEARNING INNOVATIONS CONFERENCE
2012

BECOMING A CRITICALLY REFLECTIVE TEACHER

PERMANENT PRESENCE
POWER
DYNAMIC

LANGUAGE IS VERY IMPORTANT
WHAT ABOUT FULLY ONLINE?
REFLECTIVE SILENCE
VERY SIMILAR TO FACE TO FACE
MODELING STILL IMPORTANT

NOT ARBITRARY HOOPS
END IN ?
DEVILS ADVOCATE
TEAM TEACH
ASSUMPTIONS ELIMINATED
BUILD TRUST
MODEL RISK-TAKING

SEQUENCE CURRICULUM
ALIGN ASSESSMENT

CHECK ASSUMPTIONS
CAUSAL THEN PRESCRIPTIVE PARADIGMATIC
JOURNALS & GROUPS NOT INHERENTLY BETTER

HEGEMONY IS EMBRACING OPPRESSION

HEALTHY PERSPECTIVES
UP
DOWN

CHALK TALK
STUDENTS' EYES
COLLEAGUES PERCEPTIONS
MOST ENGAGED
MOST DISTANCED
CRITICAL INCIDENT QUESTIONNAIRE
VOLUNTEER SUMMARIZER
LEGGS RRRRRR

THEORY / RESEARCH
PROFESSIONAL DEVELOPMENT
AUTOBIOGRAPHY AS A LEARNER
IMPOSTER
LOST INNOCENCE
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TEACHERS
BROADEN REPERTOIRE

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NEGOTIATION
NOT CAPITULATION
STUDENTS
FEEDBACK
INFLUENCE WAYS OF TEACHING
DATA

BRIDGE
STUDENT CENTRED

Source: Professor Amanda Kennedy, University of New England (2019)

@giliaforsythe

#TLI2012

Assessing Reflective Practice

- Assessing reflective practice can increase student willingness to engage in reflective activities
- There is no consensus on how assessment should be conducted
 - Criterion-based assessment framework is necessary
- The most common form of assessing reflection is the reflective journal
 - You have been given a reflective journal to record your observations for the TTT Course – not assessable!!

Source: Professor Amanda Kennedy,
University of New England (2019)



- ① Clarify exactly what you want to learn
- ② State current understanding in plain language
- ③ Acquire new knowledge
- ④ Document changes in understanding
- ⑤ Restate evolved understanding in plain

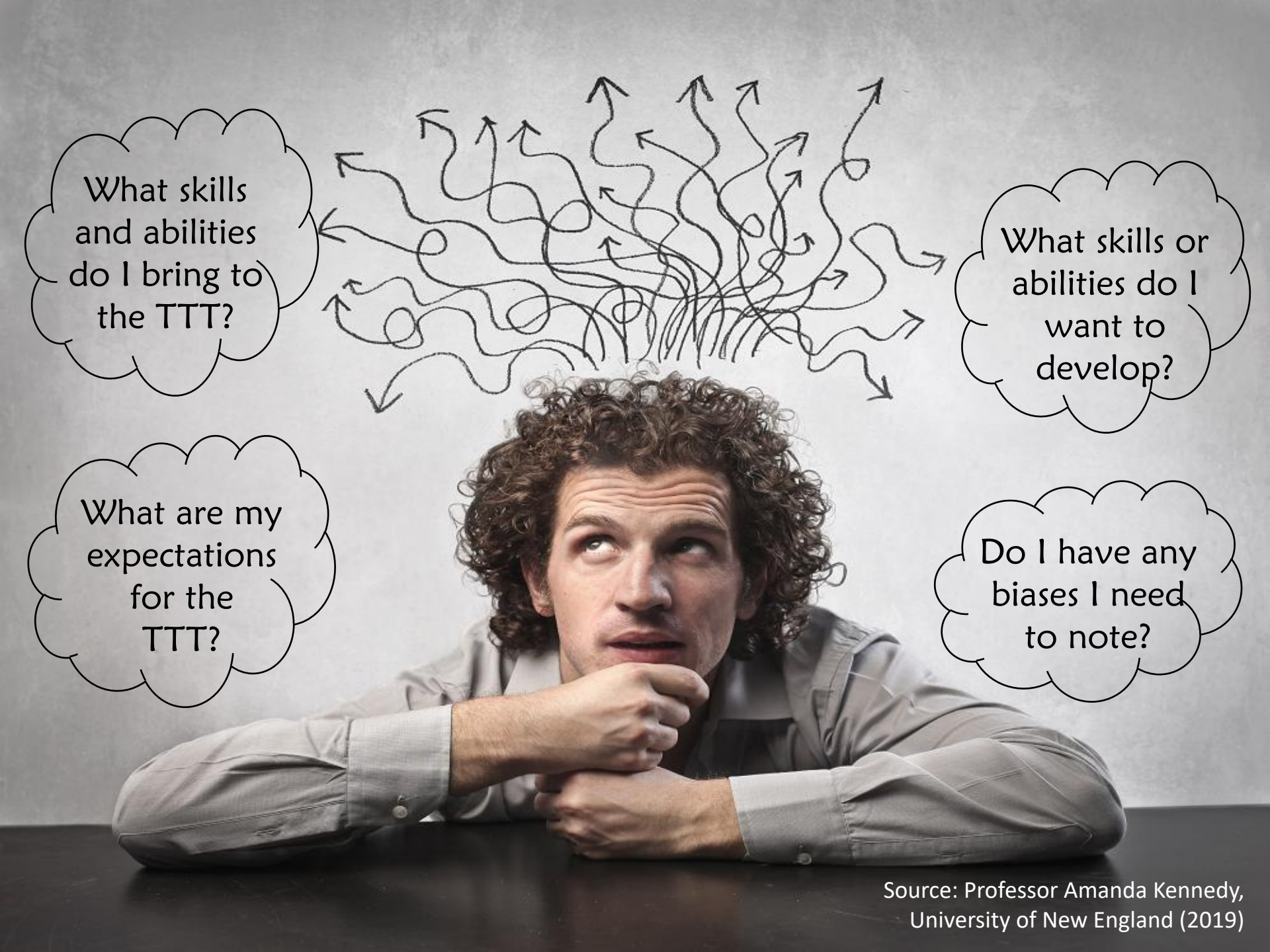
The Feynman Technique



Reflective Approaches

- “Reflective professionals should thus be able to draw on, or contribute to, many sources of evidence, and use them to inform their teaching practices” (Pollard, 2008, p. 11)
- Blogging
- Journal-keeping
- Developing a teaching portfolio
- Peer evaluation of teaching
- Reading the scholarly or professional literature
- Publishing articles in the scholarly or professional literature
- Presenting at conferences





What skills and abilities do I bring to the TTT?

What skills or abilities do I want to develop?

What are my expectations for the TTT?

Do I have any biases I need to note?