

## UNDP Judicial Integrity Network in ASEAN (“JIN ASEAN”)

### Evolving Justice: ASEAN Judges Conference

5-6 October 2023 Bangkok

#### SESSION OUTLINE

##### Session 7: Environmental Adjudication: Upholding Environmental Justice

11:00-12:30 Bangkok time, 6 October 2023

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#### Background

Goal 16 of the Agenda 2030 for Sustainable Development focuses on Peace, Justice and Strong Institutions and includes targets to ensure effective, accountable and transparent institutions along with access to justice for all. Further, the United Nations Convention Against Corruption (UNCAC) binds States to take measures to strengthen integrity and prevent corruption among members of the judiciary<sup>1</sup>.

The judiciaries in ASEAN have a great responsibility in driving progress towards the achievement of the sustainable development goals in the region. Judicial integrity and court excellence are a means to ensure that all citizens have equal access to transparent and effective justice. A strong and independent judiciary catalyses sustainable growth and lifts people out of poverty, contributing to fairer, just and peaceful societies.

Aligned with these global goals, and with the support of the Bureau of International Narcotics and Law Enforcement Affairs (INL), U.S. Department of State, the UNDP Bangkok Regional Hub convened the inception meeting of the [Judicial Integrity Network in ASEAN](#), *a Network for Judges by Judges*, in 2018. The initiative was designed to support countries in pursuing judicial reforms, focusing particularly on transparency, accountability, integrity, accessibility and court excellence. This group aims to strengthen a forum for networking, peer-to-peer exchange, and collaboration among ASEAN judges interested in exchanging knowledge and seeking solutions related to court excellence.

In 2019, the Supreme Court of Indonesia and UNDP hosted the Second Network Meeting, “[The Path towards judicial excellence](#)”, where the [Judicial Integrity Self-assessment Checklist](#) developed by UNDP in consultation with the International Consortium for Court Excellence (ICCE), was presented as a tool for courts to readily identify measures for improving judicial integrity.

In 2021-2023, JIN ASEAN supported the implementation of country-specific initiatives in [Indonesia](#), [Thailand](#), [Lao PDR](#) and [Vietnam](#), gathered judiciaries for online and in-person [events](#), and published three research projects: [Gender and Judicial Excellence](#), [Emerging Technologies and Judicial Integrity](#) and [Empowering Judiciaries to Bring ROLHR Leadership to Decisions about Court Technology](#).

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<sup>1</sup> Article 11 of the UNCAC: Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.

## Objectives of the event

The event aims to achieve the following objectives:

- Facilitate the exchange of experiences and lessons learned among judges and legal professionals to enhance judicial excellence and integrity.
- Share the results of the regional and country-led efforts to improve court performance, enhance transparency, integrity and accountability and achieve internationally accepted standards of judicial excellence.
- Discuss the benefits of the International Framework for Court Excellence and particularly the e-version of the Integrity Checklist as a tool for guiding judicial reform
- Reflect on how innovation and technologies can be instrumental in improving court performance, including access to justice, transparency and accountability of the courts.
- Present the results of the regional survey on judicial integrity and independence.
- Discuss future priorities for the Network and ways to ensure its impact and sustainability.
- Strengthen regional cooperation and collaboration among judiciaries and legal institutions for a more cohesive and effective response to regional and global challenges.

## Session Description

This session delves into the vital role of courts in advancing environmental rule of law. It explores the judiciary's involvement in adjudicating environmental rights and responsibilities, the importance of capacity building for environmental adjudication and case studies from Asia and around the world.

## Session Objectives

To highlight the importance of capacity building for environmental adjudication and share case studies from Asia and around the world.

## Speakers and Panellists

Panellists: United Nations Environment Programme, Asian Development Bank, Supreme Court of Thailand, UNDP

- Patricia Kameri-Mbote, Director UNEP Law Division
- Briony Eales, Law and Policy Advisor: Climate Change, Environment, and Sustainable Development, ADB (virtually)
- Sean O'Connell, Global Focal Point on Environmental/Climate Justice, UNDP
- Sallie Yang, UNEP Law Division
- Judge Angkana Sinkaseam, Supreme Court of Thailand
- Justice Suntariya Muanpawong, Appeal Court, Region 2, Thailand (virtually)

Moderator: Georgina Lloyd, Regional Coordinator (Asia and the Pacific) of Environmental Law and Governance, UNEP

## Detail Agenda

11:00 – 12:30	<b>Session 7: Environmental Adjudication: Upholding Environmental Justice</b>
	<p>Introduction and Regional Context</p> <ol style="list-style-type: none"><li>1. Building judicial capacity for environmental adjudication (Patricia Kameri-Mbote, Director UNEP Law Division -5 mins)</li><li>2. Environmental judicial networks and peer exchange in Asia (Briony Eales, Law and Policy Advisor: Climate Change, Environment, and Sustainable Development, ADB – 5 mins)</li></ol> <p>Panel Discussion -10 mins (Facilitator -Georgina Lloyd Regional Coordinator, Asia and the Pacific, of Environmental Law and Governance, UNEP)</p> <ol style="list-style-type: none"><li>3. Environmental Justice Strategy - the role of the judiciary in increasing access to justice (Sean O’Connell, Global Focal Point on Environmental/Climate Justice, UNDP -10 mins)</li><li>4. Environmental law judicial curriculums in Asia Pacific (Sallie Yang, UNEP Law Division - 10 mins)</li><li>5. Environmental rules of procedure in Thailand (Judge Angkana Sinkaseam -10 mins)</li><li>6. Benefits of trained environmental judges, environmental courts / benches and environmental rules of procedure to increase access to justice in environmental matters (Justice Suntariya Muanpawong -10 mins)</li></ol> <p>Discussion on environmental access to justice (Facilitator -Georgina Lloyd- 25 mins)</p> <ul style="list-style-type: none"><li>○ How in your jurisdiction can we leverage existing initiatives to enhance environmental adjudication?</li><li>○ How does environmental adjudication address the implementation gap in environmental law?</li></ul>



**Ms Patricia Kameri-Mbote** is the Director of the Law Division at UNEP. She leads the Division charged with carrying out the functions of UNEP in the field of environmental law, governance, and related policy issues. Previously, Patricia was Founding Research Director of the International Environmental Law Research Centre (IELRC). She is a member of the Senior Counsel Bar in Kenya and a Professor of Law. Patricia holds Doctorate (1999) and Master's (1996) degrees in law from Stanford University and a higher doctorate from the University of Nairobi (2019). Because of her cutting-edge work in the fields of women's law, natural resources law, human rights and law and development, she was awarded an honorary degree in law by the University of Oslo (UiO) in 2017.



**Ms Briony Eales** is the team leader for judicial capacity building in environmental and climate change law at the Asian Development Bank (ADB). She specializes in environmental, social, and governance law and is currently leading the development of a judicial curriculum on environmental law, emphasizing teaching legal syllogism and case management in the context of environmental law. Ms Eales was previously the editor-in-chief and a lead author of *Climate Change, Coming Soon to a Court Near You*, ADB's four-part climate law report series. She has advised public and private sector clients in Australia and Asia for 25 years. Her work crossed many areas such as national climate law, climate change strategy, corporate resettlement, social impact, etc.



**Mr Seán O'Connell** is Policy Specialist on Rule of Law, Security and Human Rights, and is leading on global support to implementation of UNDP's Environmental Justice Strategy. Seán was previously with UNDP in Southeast Asia, including in Viet Nam and Lao PDR, working on governance, human rights, rule of law, and parliamentary strengthening. Before joining UNDP, Seán worked with the Department of Foreign Affairs of Ireland and the Department of Justice of Ireland on human rights and refugee law. Seán is a law graduate of University College Dublin and he holds an LLM in Human Rights Law from the University of Nottingham and is a qualified attorney at the New York State Bar.



**Ms Sallie Yang** is a Programme Officer in the Law Division at UNEP. She has been managing UNEP activities contributing to environmental safety and circular economy. Before she joined UNEP, Sallie led the law and policy activities for USAID counter wildlife trafficking (CWT) programs in the Southeast Asia region including strengthening political will, capacity building and the development of CWT tools across the ASEAN region. Prior to environment conservation and protection, Sallie spent 18 years as a corporate lawyer in the private sector, including the renewable energy industry. She holds a law degree (LLB, Hons) from the University of London, UK and a Masters (MSc) in Environment Management from the National University of Singapore (NUS).



**Judge Angkana Sinkaseam** serves as the Secretary of the Environmental Case Division of the Thai Supreme Court. She holds a bachelor's degree in law from Thammasat University and a master's degree in environmental law and policy from University College London (UCL). Since joining the Thai judiciary in 2016, she has served as a judge in various courts, during which she was appointed as a research judge in the Environmental Case Division of the Thai Supreme Court. Additionally, she instructs on environmental law at the Judicial Training Institute for appellate judges and judge trainees.



**Justice Suntariya Muanpawong** is currently the Justice of the Appeal Court Region 2 in Thailand. She was the first supervisor of the Judicial Research Institute and was the Secretary of the Sub-Commission of the Constitution Drafting Assembly of 2007, responsible for drafting the environmental constitutional rights provisions. She played an important role in the development of the Bill on the Environmental Judicial Process, which is currently under revision by the Council of State. Previously as Deputy Chief Justice of the Court of Justice Region 5, she oversaw the environmental cases in 26 northern courts of Thailand. Justice Suntariya has been continuously supporting people-oriented justice reform, child rights protection, gender justice, prisoners' rights, etc. She holds bachelor's and master's degrees in law from Thammasat University and master's and doctor's degrees (Summa Cum Laude and Magna Cum Laude) in Public Environmental Law from the Westphalian Wilhelm University of Muenster, Germany.



**Ms. Georgina Lloyd** serves as the Regional Coordinator (Asia and Pacific) for Environmental Law and Governance at UNEP. Her extensive experience spans 18 years in environmental law and governance in Asia, encompassing environmental rights, environmental crime, technical assistance, and capacity building at both national and regional levels. Her work includes research and consultancy in environmental law and policy, heritage law, heritage and tourism management, and the promotion of effective environmental governance. Georgina has played an important role in capacity-building initiatives for environmental law within the judiciary and other stakeholders, offering valuable guidance to both government and non-government entities.