

Judicial Colloquium and Task Force on Access to Justice

Strengthening Judicial Cooperation

28 April 2022

Background: Why It's Important to Network in Pushing Environmental Agendas

Mengapa Penting untuk Berjejaring Dalam Mendorong Agenda-Agenda Lingkungan

- The Supreme Court of Indonesia firstly recognize that environmental issues are a transboundary issue and are a common concern and interest of countries. Therefore, cooperations are not only a need but also an obligation to be fulfilled in order for world to hand in hand saving the earth in unity and holistically.
- Moreover, the Supreme Court of Indonesia acknowledge the dynamic and evolving nature of environmental law, even at the principal stage. This requires the Supreme Court to always in an active position to follow and being responsive to the development of environmental law in realizing environmental justice for all.

What We Have Done

Apa Saja yang Sudah Kita Lakukan – Contoh-contoh yang diberikan merupakan yang terbaru (tahun 2021) untuk mempersingkat waktu penyampaian

With the aforementioned background, there is a significant need for cooperation to be build with several important stakeholders, both in local, national even international level. For education purposes, cooperation is needed to increase the capacity of Indonesian Judges by learning from good practices abroad derived from the transfer knowledge mechanism. For the advancement of environmental law in Indonesia, collaboration and partnership is needed in order to design a more *pro natura* rules and legislation to achieve optimal environmental protection and management.

Hence, we have close and keen collaboration with key stakeholders. Nationally, our discussion and collaboration with the Ministry of Environment and Forestry (MoEF) become one of the reasons on the enactment of the environmental certification judges. Moreover, we are very open to civil society organization for the improvement of the Supreme Court. Supreme Court Center for Education and Training for example have had a long and close relationship with several NGOs, for example Indonesian Center for Environmental Law (ICEL), Indonesian Institute for Independent Judiciary, and many more NGOs in advancing the system and mechanism of Environmental Judges Certification and environmental law reform.

For international cooperation, The Supreme Court of Indonesia has held several collaboratives effort throughout time to improve the quality of Indonesia judiciary by opening up to input and good practices abroad. The most recent international collaboration in 2021 are:

- The Supreme Court of Indonesia (Mahkamah Agung) and The Supreme Court of Netherlands (Hoge Raad) are continued to make a regular visit as a way to discuss the current trends and to learn from each other for other's improvement as Indonesian legal system are quite similar with the Netherlands. The enactment of Indonesia chamber system even got inspired from the Netherlands practice

- We also set a series of discussions and meetings to discuss the revision of the Rules of procedure for environmental cases. Several arrangements from this guideline are planned to be compiled in the form of a more binding form (Supreme Court Regulation). These arrangements include, among others, the handling of Anti-SLAPP cases, citizen lawsuit and the issue on the implementation of environmental case ruling. In achieving that, we invite expert from abroad to discuss about specific topic. The recent one for example, we invite Jonathan Verschuuren of Tilburg University to discuss about *Actio Popularis*.
- We also working with abroad organizations. Previously, we have held a discussion with Environmental Law Institute (ELI) to have a better understanding of environmental valuation and restoration. With the help of ELI, we conducted an advance training for environmental certified judges entitled “Environmental Valuation, Restoration, and Damages in Indonesia's Environmental Cases and Comparative Studies with Other Country” where we invite Ret. Justice Merideth Wright (Former environmental judge in the States of Vermont, U.S), Justice Anders Bengtsson (Environmental Judge, Sweden), Dr. Jacob Phelps (Lancaster University, U.K), and ELI representatives.
- Not only for advance training, in environmental judge certification training, we also invite several international speakers to enrich the knowledge and discussions. Some of the newest are:

Batch XI

- Prof Ben Boer, in the lecture on *"Judicial Activism and the Impacts of Environmental Judges Court Decisions"*
- Hon. Chief Justice Brian J Preston from New South Wales Land and Environment Court, in the lecture on *"Examining Scientific Evidence in Environmental Cases"*

Batch XII

- Atty. Antonio A. Oposa. Jr, in the lecture on *"Strategic Environmental Litigation: The Impacts of court ruling to environmental policy and law reform"*
- Ret.Judge Merideth Wright (Former environmental judge in the States of Vermont, U.S), in the lecture on *"Crafting innovative remedies by the court and its implementation"*

Batch XV

- Hon. Justice Nicola Margareth Hope Pain from New South Wales Land and Environment Court, in the lecture on *"Examining scientific evidence in environmental cases"*
- Dr. Mark Chernaik dari Environmental Law Alliance Worldwide (ELAW), in the lecture on *"Examining scientific evidence in environmental cases"*

- We also contribute in the advancement of environmental workshops for capacity building of environmental judges throughout ASEAN. The ASEAN Judges Workshop entitled “Towards Climate Justice: Challenge, Strategy and Future Trend in Climate Change Adjudication” have been held with the assistance of Norway. The workshop was attended by 7 ASEAN member countries, namely Indonesia, the Philippines, Vietnam, Myanmar, Singapore, Brunei, and Thailand, and produced recommendations for the government and Supreme Court of each country as well as forums throughout

ASEAN. This then gives birth to the enactment of Council of ASEAN Chief Justice, that Indonesia also actively participate in the forum till now.

Future Arrangement

Rencana Kolaborasi Kedepan

- From the previous explanation, the Supreme Court has been heavily involved in cooperative work with all parties, both from fellow government elements, as well as civil society, organizations, and academics, both on a national and international scale with the aim of getting closer to achieving environmental justice.
- The Supreme Court is committed to continue on networking, be it in the context of formulating the rules and regulations for the advancement of environmental case handling, nor in organizing and conduct training for the development of judges, both in conducting environmental certification, as well as upgrading skills for judges who have environmental certification
- We will continue to conduct workshop based on the development of environmental discourse – in the upcoming training we are planning to conduct advance training related to Climate Change Litigation
- To end my presentation, I would like to note that we are very open and welcome for support from abroad countries and organization in the discourse and agenda on the development of environmental courts in Indonesia, just as Indonesia is also willing to help other countries advance their environmental courts. Let's hand in hand to achieve environmental justice for the world community.