

STRENGTHENING CAPACITY FOR ENVIRONMENTAL LAW IN THE ASIA-PACIFIC: DEVELOPING ENVIRONMENTAL LAW CHAMPIONS

Reflections on the Training Courses – Manila

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Introduction

In March 2015, the IUCN Academy of Environmental Law's 'Train the Trainers' program, was implemented in the first of two five day training programs, held in Manila, at the offices of ADB. The second five day training took place in early June 2015. The implementation of this program was a result of an agreement concluded in January 2015 between the Asian Development Bank (ADB) and the International Union for the Conservation of Nature (IUCN), represented by its Asian Regional Office in Bangkok, Thailand, as amended by an amendment to the implementation agreement dated 29 May 2015 (collectively, the 'implementation agreement').¹ The agreement provided that IUCN, through the IUCN Academy of Environmental Law (IUCNAEL), was to be the implementing agency for two programs under the regional Technical Assistance (TA) program of ADB.²

This TA was developed through close cooperation with the IUCNAEL and drew on its experience in developing the Train the Teachers (TTT) project.³ The intention of the TA was to build 'Environmental Law Champions', with one of the outcomes set out in the implementation agreement being an 'enhanced capacity of law professors, university lecturers and public interest environmental lawyers in environmental law and natural capital and the cultivation of environmental law champions.'

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¹ Final Report to Asian Development Bank, submitted by IUCN (Asian Regional Office) and IUCN Academy of Environmental Law (IUCNAEL), December 2015.

² Technical Assistance: Strengthening Capacity for Environmental Law in the Asia-Pacific: Developing Environmental Law Champions (2015) (S-CDTA NO. 8616).

³ Although many people have been involved with the final design of the TTT course, the initial draft of the structure and the teaching methodologies took place in April 2009 over three days by Rob Fowler, Ben Boer and Karen Bubna-Litic.

The TTT project, developed by the IUCNAEL and previously taught in China (in 2011 and 2013), was originally designed to build capacity in developing country law schools by training experienced environmental law professors in a wide range of teaching methodologies that can be utilised in the teaching of environmental law, enabling them to assist in the delivery of in-country training to less experienced colleagues. The intention was that each subsequent in-country course would be run by the experienced professors who had undertaken the TTT course with support from the IUCN Academy, that support being in the form of one or two trainers from the Academy, who had some familiarity with the environmental laws of that region.

The TA program was developed on a different basis in that the initial two courses were to train participants from a number of different countries within the Asian region, in the one course. Under the agreement, the IUCN Academy was to set up a TA Management Unit (TAMU) comprising of three international environmental law experts and three national experts on environmental law from the region. For these two courses, the 'international' members of the TAMU were Lye Lin Heng, Ben Boer, Karen Bubna-Litic and Rob Fowler. The 'national experts' were Gloria Estenzo Ramos, Laode Muhamid Syarif and Grizelda Mayo-Anda. Ben Boer was unavailable for the first course and Gloria Ramos was unavailable for the second course. All of the 'international' members had been extensively involved in the development of the IUCNAEL TTT project. Each of the trainers brought between 15-20 years of teaching in environmental law and practice in a variety of contexts which enhanced each of the training courses. The cooperation and camaraderie amongst the group of trainers was a notable element of the TAMU and commented upon by many of the participants. Here are some participant comments, 'It was wonderful gathering among the trainers of environmental law of the Asia Pacific Region. We were successful to exchange experiences, skills and create networking among the potential trainers of the Asia Pacific Region.' 'It was indeed a beautiful and enriching experience to have been part of this Programme. One is enormously grateful to have had the opportunity to share ideas and thoughts and also to forge new friendships across the region. May the momentum from the trail-blazing initiative grow in the fullness of time with the planned/proposed ideas and projects.' 'Let's make TTT Program live by using the teaching methods prescribed by it.' 'Some of the techniques discussed were very innovative and definitely to be followed.' 'The trainers have all been symbols of cooperative teaching'.

Who were the participants? Each course was intended to focus on particular regions in Asia. The first course was to cover south Asia and south-east Asia and the second course was to focus on the Mekong region. IUCNAEL collaborated with ADB to provide as wide as possible contact list to help identify potential participants.

Potential participants were asked for their views on their motivation and views on environmental law teaching and their environmental law teaching and experience at both undergraduate and postgraduate levels. They were also asked to detail the impact their participation in the training program would have and whether they would be willing to lead or contribute to the 'train the teachers' program in their country. In the end, both courses had a combination of experienced environmental law professors (including some Law School Deans) and some less experienced scholars. The first course had 26 participants from eight countries: Bangladesh (1), India (5), Indonesia (7), Malaysia (2), Nepal (1), Pakistan (1), Philippines (7), and Sri Lanka (2), with the gender balance being M (17), F (9). The second course had 31 participants from six countries: Cambodia (3), Laos (2), Myanmar (3), China (5), Thailand (7), Vietnam (11), with the gender balance being M (13), F (18).

Content, Challenges and Opportunities from the TA

The courses focused on building capacity in teaching methodologies, rather than environmental law content, as was demonstrated to IUCN Academy members at the Teaching workshop at the IUCN colloquium in Jakarta. The content of each course was developed in close collaboration with ADB with each course containing the following two key elements:

- i) An overview of the core, substantive elements of environmental law that may be covered by teachers of an environmental law course; and
- ii) A demonstration of a diverse range of teaching methodologies that may be well suited to the teaching of environmental law.

Each course comprised 20 modules and each module included statements of learning outcomes for both the substantive content and teaching methodologies focusing on in that particular module.

The substantive content included global and regional environmental issues, environmental planning and impact assessment, environmental protection law, protection of biodiversity and natural and cultural heritage, natural resources management law, climate change and clean energy law, environmental dispute resolution and the courts, IEL and environmental rights.

Examples of teaching methodologies included small group discussions, reflective journals, field trips, guest lectures, case studies, comparative approaches, use of films, 'free form' class discussions, brainstorming, structured class discussions, constructive feedback, mootings and role-plays. To see how this type of combination worked, take as an example the module on Alternative Approaches to Environmental Dispute Resolution. The learning outcomes for the session topic were:

- a) Appreciation of the role of alternative approaches such as mediation to the resolution of environmental disputes; and
- b) Awareness of the multiple, and often conflicting, interests involved in most environmental disputes

The learning outcomes for the teaching methodology was the appreciation of the function of a role-play exercise in enhancing student understanding of the nature of environmental disputes and of alternative approaches to their resolution.

Originally the TTT course had been designed for in-country training so having participants from different countries, posed quite a challenge in answering the question of which substantive law do you actually teach in the substantive part of each session. This challenge turned into an opportunity for each of the participants and the trainers to learn from each other about environmental regulation in each other's jurisdictions. In the feedback from the first course, the participants identified the comparative aspect of the teaching as one of the most valuable aspects of the course. This came from listening and sharing experiences, particularly in small groups and joint feedback sessions.

This feedback from the first course was incorporated more robustly into the second course where the six jurisdictions had many common regional issues and the feedback again highlighted the value of incorporating comparative perspectives.

Another opportunity arising out of these courses was the establishment of joint research and teaching opportunities. There was much discussion of having guest lecturers from different jurisdictions, either in person or through video links, participate in environmental law courses, in particular areas of their expertise. A joint research initiative came out of the first course between a participant from Malaysia and a participant from Indonesia who jointly presented at a conference in London on the issue of forest haze and the palm oil industry.⁴

There were some challenges with language in the second TA, with two of the countries requesting a translator. We were unsure how this would all go, as all of the presentations were delivered in English. After observing the first few sessions closely, the TAMU discussed the various options with the relevant participants and in the end, having a translator available enhanced the experience of all of the participants.

⁴ Hanim Kamaruddin, Cecep Aminuddin, 'Transboundary Haze Polluters and Accountability: The legal Landscape in Indonesia and Malaysia' published proceedings of the 18th International Academic Conference, London, International Institute of Social and Economic Sciences, August, 2015 <http://www.iises.net/proceedings/18th-international-academic-conference-london/table-of-content/detail?article=transboundary-haze-polluters-and-accountability-the-legal-landscape-in-indonesia-and-malaysia>

Plans for the Future

At the end of each course, there was an open discussion to get feedback on whether the participants were willing to assist in similar training in their countries in the future. The participants were enthusiastic about this prospect. Following the courses, a template for proposing in-country training, was distributed by ADB and participants were invited to submit their proposals.

A contract was signed on December 24th 2015 between IUCNAEL and ADB for the delivery by the Academy of four in-country training courses during 2016. A Roundtable of Environmental Law Champions and Academy trainers will be held at ADB in mid-2016, after two in-country training courses have been delivered, which will bring together the TAMU team and the environmental law champions to share inspirational stories and experiences conducting the in-country TTT programs.

Conclusion

The feedback from the participants, both formal and informal, strongly supported the design and philosophy of the courses, in that they felt inspired to adopt many of the teaching methodologies into their environmental law courses and to contribute to the future capacity building of environmental law in their own countries. Their commitment to the long-term advancement of environmental law teaching, illustrates the importance of the selection process, to ensure none of the participants had only a token interest in the courses.⁵ This was confirmed by participant feedback which stated that they felt constantly engaged in, and stimulated by, the subject matter of every session over the five days and did not lose focus or interest at any time.⁶ One participant emphasized the value of informal education, during coffee breaks, lunches and after a day's training at local spots.

The two courses run in Manila in 2015 have been successful 'train the trainers' courses. Out of the fourteen jurisdictions trained, seven countries put in proposals for in-country training, which was one of the main outcomes envisaged. Four of these will now take place in 2016. Some of the participants with less experience have already implemented some of the teaching methodologies into their courses and in this sense the TA has also served as a successful 'train the teachers' exercise.

⁵ Final Report to Asian Development Bank, submitted by IUCN (Asian Regional Office) and IUCN Academy of Environmental Law (IUCNAEL), December 2015.

⁶ Ibid.