



**REGIONAL CAPACITY DEVELOPMENT TECHNICAL ASSISTANCE:
STRENGTHENING THE CAPACITY FOR ENVIRONMENTAL AND
CLIMATE CHANGE LAWS IN ASIA AND THE PACIFIC**

**TRAIN-THE-TRAINERS PROGRAM
28th May – 1st June 2018
Colombo, Sri Lanka**

Day 1		28 th May 2018
TIME	ACTIVITY	PRESENTER(S)/CONVENOR
1. OPENING CEREMONY + INTRODUCTION TO THE COURSE		
8:30 – 9:00	Opening ceremony <ul style="list-style-type: none"> • Speeches by representatives of ADB, IUCNAEL and Country-based trainers • Group photo 	ADB Speaker – Ms. Sri Widowati, Country Director, ADB Sri Lanka Resident Mission IUCNAEL Speaker – Professor Rob Fowler, former Chair of IUCN Academy of Environmental Law and IUCNAEL Team Leader, TTT Program Country speakers: Sri Lanka: Professor Camena Guneratne, Open University of Sri Lanka, and India: Professor (Dr.) Sanjeevi Shanthakumar, GD Goenka University, .
9:00 – 9:05	Short break	
9:05 – 10:00	Introduction of international trainers & IUCNAEL Project Manager Introduction of trainers (local) Introduction of ADB support team Introduction of participants	International trainers to introduce each other Local trainers to introduce each other Cristina Velez, ADB Knowledge Products Team, to lead Participants to introduce each other (Assistant Professor Dr. Nupur Chowdhury, Jawarlalal Nehru University, India, convenor)
10:00 – 10:30	Introduction to the program: Explanation of: <ul style="list-style-type: none"> • Purpose • Structure and content • Focus on SDGs and climate change as key aspects of environmental law • Concept of learning outcomes 	Rob Fowler

	<ul style="list-style-type: none"> Teaching methodologies to be demonstrated during the course Reflective Journal 	
10.30 – 11.00	Tea Break	
2A. BUILDING ENVIRONMENTAL AND CLIMATE CHANGE LAW CHAMPIONS		
11:00 – 11:20	<ul style="list-style-type: none"> ADB video on Environmental Law Champions (5 mins) Presentation of ADB Knowledge Platform : http://www.teachenvirolaw.asia/ (15 mins.) 	Cristina Velez and Angelo Jacinto, ADB Knowledge Products team
2B. GLOBAL, REGIONAL & NATIONAL ENVIRONMENTAL AND CLIMATE CHANGE ISSUES		
11:20 – 11:35	<ul style="list-style-type: none"> Introductory presentation on GEO-6 report (global and Asian perspectives) (15 mins.) Note sustainability as a core challenge Identify climate change as a major driver of unsustainability 	Professor Dr. Bharat Desai, Jawaharlal Nehru University
11:35 – 12.10	<ul style="list-style-type: none"> Participants divided into 3 groups (2 from India and 1 from Sri Lanka) to identify 3 key national environmental and climate change issues (20 mins.) Each group to select 1 person for a 5-minute report back to the class (15 mins) 	Local trainers to assist each group
12.10 – 12.30	<ul style="list-style-type: none"> Plenary discussion on the environmental and climate change issues identified 	Bharat Desai to moderate
12.30 – 1.30	Lunch	
3 INTRODUCTION TO ENVIRONMENTAL AND CLIMATE CHANGE LAW : GOALS, PRINCIPLES & NORMS		
1.30 – 2.10	<p>Drafting exercise on legislative definition of “environment”:</p> <ul style="list-style-type: none"> Participants to be divided into 5 groups to draft legislative definition of “environment” (10 mins.) (Each group to write-up their legislative definition on whiteboard (5 mins.) Class discussion on the definitions (10 mins) Presentation of definitions in relevant environmental laws (15 mins.) 	Local trainers to assist small groups Camena Guneratne to lead discussion Bharat Desai
2:10 – 2:40	<p>Presentation: Introduction to Environmental and Climate Change Law</p> <ul style="list-style-type: none"> Goals: Sustainable Development & the UN Sustainable Development Goals (SDGs) National SD strategies and process for national reporting on implementation of SDGs Core principles of environmental law (directing and design) and their links to the goal of Sustainable Development (e.g., precautionary and prevention principles) Norms of environmental law: general rights and duties Core components of environmental law, including climate change law (introduction to Sessions 4-8) Relationship of environmental law to other disciplines (science, economics, ethics, philosophy and religion) <p>Q & A (5mins.)</p>	Professor Carmen Gonzalez, Seattle University
2:40 – 3:00	Participants to divide into 5 groups (2 Sri Lanka, 3 India) for a free form discussion on how the SDGs are being implemented in your country	Facilitated by local trainers

3.00 – 3 .30	Tea Break	
4. SPATIAL PLANNING AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA) LAW		
3.30 - 4:00	<p>Presentation: Overview of spatial planning and EIA law</p> <ul style="list-style-type: none"> • Relevant SDGs • Planning law (history, policy, development control, appeals, other measures) • EIA law (history, scope, procedures, public participation, mandate, judicial oversight, strategic EIA) • Consideration of how SD principles (e.g., precaution) and climate change are reflected in planning and EIA laws <p>Q & A (5 mins.)</p>	Rob Fowler
4:00 – 4:20	Participants to divide into 5 groups (2 Sri Lanka, 3 India) for discussion with local trainers regarding relevance of presentation to India/Sri Lanka environmental law.	Local trainers
4.20 – 4.35	Report back by local trainers on discussions within groups	Local trainers
4:35 - 5:15	Case-study: examination of development proposal involving the operation of EIA legislation: Port City project (25mins presentation + 15 mins Q &A)	Guest Lecturer: Mr. Pulasthi Hewammane, Attorney-at-Law.

TIME	ACTIVITY	PRESENTER
5 ENVIRONMENTAL PROTECTION LAW		
9:00 – 9:30	Presentation on environmental protection law <ul style="list-style-type: none"> • Relevant SDGs • Scope of environmental protection law (pollution, wastes, chemicals, site contamination and recent extension to carbon emissions) • General v specific environment protection laws • National – v sub-national laws • Institutional arrangements • Regulatory tools: standards, approvals, licences, orders • Economic tools: pollution taxes and emissions trading systems • Enforcement mechanisms (criminal and civil) • Voluntary schemes (e.g., ISO 14001 accreditation) Q & A (5 mins.)	Carmen Gonzalez
9:30 – 9:50	Participants to divide into 5 groups (mixed) for discussion with local trainers re relevance of presentation to India/Sri Lanka environmental law	Local trainers
9.50-10.05	Report back by representative from each group on discussions within groups (3 mins each)	
10.05 – 10:45	Tutorial exercise: hypothetical problem regarding water pollution from industrial chemical waste (participants to be allocated to 3 groups (1 Sri Lanka, 2 India) with local trainers to lead tutorial discussion; international trainers to observe and contribute as appropriate)	All trainers
10.45 – 11.00	Tea Break	
6. PROTECTION OF BIODIVERSITY / NATURAL AND CULTURAL HERITAGE		
11:00 – 11:30	Presentation: <ul style="list-style-type: none"> • Relevant SDGs • Concept of biodiversity and mechanisms for its protection (protected areas, species listings, regulation of trade etc) • concepts of natural and cultural heritage and links between them; • purpose of natural and cultural heritage laws and mechanisms employed to achieve these purposes • role of biodiversity protection laws in supporting climate mitigation and adaptation Q & A (5 mins.)	Bharat Desai
11:30 – 11:45	Participants to divide into 3 groups (mixed) for discussion with local trainers re relevance of presentation to India/Sri Lanka environmental law	Local trainers
11.45-12.00	Report back by selected participant from each group	
12:00 – 12.15	Short films on iconic natural/cultural heritage sites in India/Sri Lanka (10 mins.) + debrief on film (5 mins.)	Camena Guneratne to introduce films
12.15 – 12:30	“Free form” class discussion: “What in India/Sri Lanka is worth protecting in terms of its natural/cultural heritage, why, and how?”	Sanjeevi Shanthakumar
12.30 – 1.30	Lunch	

7. NATURAL RESOURCES MANAGEMENT LAW		
1.30 – 2.00	<p>Presentation: Overview of natural resources management law:</p> <ul style="list-style-type: none"> • Relevant SDGs • Eminent domain as basis of natural resources legislation • Mechanisms for allocation of rights to natural resources (permits, licences, title, etc.) • Integrated natural resources management • Public participation in natural resources management • Overview of relevant national measures: <ul style="list-style-type: none"> ○ Land (including indigenous land rights/communal title) ○ Water ○ Forests ○ Minerals and petroleum ○ Fisheries • Role of natural resources management laws in supporting climate mitigation and adaptation (e.g., sustainable management of carbon sinks, including soils, wetlands and forests) <p>Q & A (5 mins.)</p>	Rob Fowler
2.00 – 2.15	Participants to divide into 3 groups (mixed) for discussion with local trainers re relevance of presentation to India/Sri Lanka	Local trainers
2.15 – 2.30	Report back by selected participant from each group	
2:30 – 3:15	<p>Role play (part 1): re contamination of residential area by previous industrial pollution</p> <ul style="list-style-type: none"> • Describe nature of role-play exercise and allocate participants to small groups – 5 - 6 persons/role + identify two mediators (10 mins.) • Small groups to work on their contribution to the role-play (with local/international trainer in each group) (35 mins.) 	<p>Rob Fowler to introduce</p> <p>Local + international trainers</p>
3.15 – 3. 45	Tea Break	
8. CLIMATE CHANGE/CLEAN ENERGY LAW		
3.45 – 4.15	<p>Presentation:</p> <ul style="list-style-type: none"> • the science of climate change (causes, impacts) • international mitigation measures (including Paris Agreement) • Use of REDD and flexible mechanisms • Links between Paris Agreement and SDGs • NDCs: reporting and accountability mechanisms • Domestic mitigation measures (carbon tax, emissions trading schemes, clean energy legislation etc.) • Adaptation measures <p>Q & A (5mins.)</p>	Carmen Gonzalez
4.15 – 4.45	<p>Presentations on climate change legislation and NDC implementation (15 mins. each)</p> <ul style="list-style-type: none"> • India • Sri Lanka 	Bharat Desai Camena Guneratne
4.45 – 5.00	<p>Guided brainstorming exercise (full class)</p> <ul style="list-style-type: none"> • participants to address the question of “what role can environmental law scholars play in the implementation of NDCs in their country?” (with 3 participants to facilitate the discussion for 5 minutes each) 	Select 3 participants (2 from India/1 from Sri Lanka) as discussion facilitators
4.45 – 5.00	<p>Constructive Feed-back session:</p> <ul style="list-style-type: none"> • participant facilitators to reflect on their efforts • class to give constructive feed-back to facilitators • feed-back by trainer to class and facilitators • participants to reflect on feed-back session (reflective journal) 	All trainers

5.00 – 5.15	<p>Distribution of MEA research exercise (5 small groups to be assigned a particular MEA each – UNFCCC, CBD, CITES, World Heritage Convention & Basel Convention):</p> <ul style="list-style-type: none"> • When did India/Sri Lanka sign/ratify the particular MEA? • What implementing legislation has been adopted? • What are the administrative arrangements for this legislation? • What are the key measures in the implementing legislation? <p>[Groups to present their “assignment” in full class in Session 11]</p>	Carmen Gonzalez
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Day 3		30 May 2018	
TIME	ACTIVITY	PRESENTER	
9. ENVIRONMENTAL DISPUTE RESOLUTION AND THE ROLE OF THE JUDICIARY			
9:00 – 9:20	Presentation: overview of environmental litigation from a comparative perspective <ul style="list-style-type: none"> • Relevant SDGs • Public interest environmental litigation (PIEL): judicial review and civil enforcement • Innovative climate change-related PIEL (Urgenda, Juliana cases etc.) • administrative remedies and merits appeals • class actions • specialist environmental courts • publication and enforcement of judgments Q & A for 5 mins	Rob Fowler	
9.20-9.25	The Indian Experience with the National Green Tribunal	Bharat Desai	
9:25 – 9.50	Guest Presentation: The role of the judiciary in the operation of environmental law and emerging climate change law Q & A for 5 mins	Justice Priyantha Jawardene, Judge of the Supreme Court of Sri Lanka – to be introduced by Camena Guneratne	
9.50-10.15	Guest presentation - A practitioner's perspective on public interest environmental litigation Q & A for 5 mins	Anandal Nanajakkara, Attorney-at – Law – to be introduced by Camena Guneratne	
10.15 - 10.30	Panel discussion	Rob Fowler and Guest Presenters	
10.30 – 11.00	Tea Break		
10. RIGHTS IN ENVIRONMENTAL AND CLIMATE CHANGE LAW			
11.00 – 11.20	Presentation: <ul style="list-style-type: none"> • substantive rights in environmental law (using a comparative approach): <ul style="list-style-type: none"> - human rights and the environment - recognition of right to a clean and healthy environment (and links to SDGs) - environmental constitutionalism - Emerging recognition of rights for nature/public trust doctrine - Rights-based approaches to climate change (e.g., re small island states, indigenous peoples) • Procedural rights in environmental law: <ul style="list-style-type: none"> - Aarhus Convention and procedural rights - Recognition of right to information by International Court of Justice - 	Bharat Desai	
11.20 - 11.40	Comments by Judge followed by Q & A		
11.40 – 12.00	Presentation on role of environmental law clinics (20 mins)	Carmen Gonzalez	
12.00 – 12.30	Three small groups for a structured discussion to answer the following question (15 mins.) – “what are the challenges in establishing and operating an environmental law clinic in your law school?” Feedback from each group by a selected participant (15 min)		
12:30 – 1.30	Lunch Break		

11. INTERNATIONAL ENVIRONMENTAL LAW		
1.30 – 2.10	<p>Presentation:</p> <ul style="list-style-type: none"> - International law and its relationship with IEL - Sources and key concepts of IEL (including goal of sustainable development and relevant general principles) - Distinction between hard and soft law - Key international institutions - Summary of major MEAs (for climate change, see also Session 8) - Environmental dispute resolution at the international level - the role of the International Court of Justice and the Permanent Court of Arbitration - The role of the law moot as a teaching tool <p>Q & A + discussion re moot (10 mins.)</p>	Carmen Gonzalez
2:10 – 2:30	Presentation on the process for ratification of treaties in India/Sri Lanka	Sanjeevi Shanthakumar (India) / Camena Guneratne (Sri Lanka)
2.30 – 3.00	<p>Research exercise: National implementation of MEA's : groups to present their written "research assignment" in full class (5 X 5 minutes each)</p> <p>Class discussion (5 mins.)</p>	Carmen Gonzalez
3.00 -- 3.30	Tea Break (and final preparation for role-play)	
12. ALTERNATIVE APPROACHES TO ENVIRONMENTAL DISPUTE RESOLUTION - ROLE-PLAY EXERCISE		
3:30 – 4:30	Participants to engage in various roles, as previously allocated, for purposes of conducting a simulated mediation exercise + reflection on legal issues raised at conclusion of role play	Selected co-mediators to lead the exercise
4.30 – 5.00	<p>Class discussion:</p> <ul style="list-style-type: none"> • feedback on the process, including some reflections and critique of the value of mediation to resolve environmental disputes (20 mins) • Short class discussion: participants to reflect on whether and how they might incorporate a role play into an environmental law course. (10 mins) 	<p>All trainers</p> <p>Sarweswaran Arulanantham + Rob Fowler to moderate discussion</p>

Day 4		31 May 2018	
TIME	ACTIVITY	PRESENTER	
13. REGIONAL ENVIRONMENTAL AND CLIMATE CHANGE LAW			
9.00 – 9.30	Presentation: Overview of regional environmental law systems in South Asia (including recognition of goal of sustainable development and measures regarding climate change) (25 mins) Q& A (5 mins.)	Bharat Desai	
9.30 – 10.30	Presentation (20 mins) and class discussion (10 mins) for each case study on a regional environmental issue: (a) Fisheries dispute between India and Sri Lanka (b) Sethusamundram project	Dr. Steven Creech Sanjeevi Shanthakumar	
10.30 – 11.00	Tea Break		
14 DESIGNING AN ENVIRONMENTAL AND CLIMATE CHANGE LAW COURSE (PART 1) – REVIEW OF TEACHING METHODOLOGIES			
11.00 – 11.10	Introduction: Designing an Environmental and Climate Change Law Course – Methodology Options	Rob Fowler	
11.10 – 11.50	Plenary discussion of technology-based approaches: - Educating millennials on the use of technology in teaching (10 mins) - Online environmental and climate change law resources (15 mins) - Online teaching platforms (10 mins) (see also list of Electronic Data-Bases in preliminary materials (under “Teaching Resources”)) Q & A (5 mins)	Sanjeevi Shanthakumar Nupur Chowdhury Camena Guneratne	
11.50 – 12.30	Seminar: <ul style="list-style-type: none"> Review and discussion of teaching methodologies used in the course, including use of reflective journals maintained during the course by participants (lectures, seminars, tutorials, group work, class presentations, role-play, etc.) Discussion on lecturing skills (divide into 3 seminar groups to discuss challenges in using methodologies (20 mins.); report back from groups (10 mins.); and plenary seminar-style discussion (10 mins.))	Local trainers to lead seminar groups Carmen Gonzalez to moderate report-back/discussion	
12.30 – 1.30	Lunch break and preparation for field trip		
15 & 16 FIELD TRIP – BELLANWILA- ATTIDIYA SANCTUARY			
1.30 – 1.45	Field Trip Presentation: <ul style="list-style-type: none"> Safety/security briefing Distribution of field trip materials 	Rob Fowler	
1.45 – 2.45	Travel by bus to field trip site		
2.45 – 3.00	First stop (Bellanwila Park and Walkway) - Briefing on flood mitigation efforts	Prof. Devaka Weerakoon, Department of Zoology, University of Colombo Dr. Nalin Wikramanayake, Department of Civil Engineering, Open University of Sri Lanka.	
3.00 - 4.00	Second stop - Walking tour of the Bellanwila wetlands		

4.00 – 4.15	Visit to wildlife rehabilitation centre	
4.15 – 5.15	De-briefing session (at Central Environmental Authority Centre) <ul style="list-style-type: none"> • Discussion of legal and policy issues arising • discussion of field trip as a teaching methodology, including rationale, logistical considerations, safety issues, and function of the de-brief 	All trainers
5.15 – 6.00	Travel to dinner venue (OZO Hotel restaurant)	
6.00 – 8.00	Course Dinner	
8.00 – 8.30	Return by bus to hotel	

Day 5		
01 JUNE 2018		
TIME	ACTIVITY	PRESENTER
17. DESIGNING AN ENVIRONMENTAL AND CLIMATE CHANGE LAW COURSE (PART 2) - THE ROLE OF ASSESSMENT & REVIEW OF ASSESSMENT OPTIONS		
9:00 – 9:15	Presentation: Role of assessment <ul style="list-style-type: none"> • The need for assessment • Linking learning to assessment (learning outcomes) • Constructive feed-back (oral and written) • Assessment options • Plagiarism 	Carmen Gonzalez
9:15 – 9:30	Presentation: Assessment options: <ul style="list-style-type: none"> • Prescriptive v consultative assessment schemes • Oral v written assessment • Examination v written assignment (including nature of examination (e.g., take home?)) • Class presentations (individual v group assessment) • Problem-based v essay-style v multiple choice • Self-assessment v peer-assessment 	Bharat Desai
9.30 - 10:00	Participants to be divided into three groups to discuss their preferences for assessment options (free-form, self-directed discussion)	
10.00 – 10.30	Report back from groups by selected participants (10 mins. each group) and plenary discussion	Sarweswaran Arulunatham to moderate
10.30 – 11.00	Tea Break	
18. DESIGNING AN ENVIRONMENTAL AND CLIMATE CHANGE LAW COURSE (PART 3) – SYLLABUS DESIGN EXERCISE		
11:00 – 12:30	Participants to divide into 6 groups to prepare an environmental and climate change law syllabus for undergraduates in the LL.B programme in your country that addresses the following: <ul style="list-style-type: none"> - Course content (areas of environmental and climate change law to be taught); - Use of different teaching methodologies; and - assessment options 	Rob Fowler to coordinate
12.30 – 1.30	Lunch break	
19. DESIGNING AN ENVIRONMENTAL AND CLIMATE CHANGE LAW COURSE (PART 4) – PRESENTATION OF COURSE SYLLABUS DESIGNS		
1.30 – 2.30	Presentation of the syllabus by a representative from each group (10 mins each)	All trainers
2.30 – 2.45	Plenary free-form discussion on the syllabus presentations.	All trainers
2.45 – 3.00	<ul style="list-style-type: none"> • Description of the IUCN Academy of Environmental Law (see also: list of IUCNAEL Teaching Resources in preliminary materials (under “Teaching Resources”)) • Description of the IUCN World Commission on Environmental Law 	Carmen Gonzalez Rob Fowler
3.00 – 3.30	Tea Break	
20 CLOSING SESSION: PROGRAM OUTCOMES & REVIEW		
3.30 - 4.00	Discussion of course outcomes and in-country networking for India and Sri Lanka – Where to next? Participants to divide into two country groups for discussion	Rob Fowler + Camena Guneratne + Sanjeevi Shanthakumar

4.00 - 4.30	Report back and plenary discussion	
4.30 - 4.45	Completion of Program Evaluation Form by participants	
4.45 - 5.30	Closing Ceremony: Closing speeches + presentation of Course Certificates	All trainers