

Greening Justice and the role of the Judiciary in this process (Workshop I)

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ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Article 9 of the Aarhus Convention

- Aims at :
 - ❖ Protecting the right to access to environmental information
 - ❖ Protecting the right to public participation in environmental decision-making
 - ❖ Enforcing national law relating to the environment

Access to Justice in Environmental Matters – the most challenging issue

- ❑ Sensitive area within the Party's jurisdiction having old legal traditions although Parties have taken on obligations in this area
- ❑ Implementation of the Convention in this area might require changes in the general judicial framework that go beyond the competence of the ministries of environment
- ❑ Low awareness among legal professionals and other stakeholders
- ❑ Increasing quantity of communications from the public to the Aarhus Convention Compliance Committee that shows inefficiency of the existing remedies
- ❑ Many communications directly allege non-compliance by the Party concerned in the area of access to justice

Addressing Access to Justice

- Meeting of the Parties
- Compliance Committee
- Task Force on Access to Justice

STRATEGIC DIRECTIONS (1)

- Strategic plan for 2009-2014 and framework for its implementation adopted at MoP-3 (Decision III/8; objectives I.10 and III.6)
 - ❖ Ensuring access to administrative and judicial review to challenge acts and omissions which contravene provisions of national environmental law (Art. 9, para. 3)
 - ❖ Reduce or eliminate financial and other barriers (Art. 9, para. 4)
 - ❖ Establishing assistance mechanism (Art. 9, para. 3)
 - ❖ Exchanging of best practices with regard to criteria for standing (Art. 9, paras. 1 and 2)

STRATEGIC DIRECTIONS (2)

- Decision IV/2 on promoting effective access to justice
 - ❖ Extending the mandate of the Task Force on Access to Justice
 - ❖ Focusing on standing, costs and remedies
 - ❖ Continuing capacity-building efforts
- Decision IV/6 on the Work Programme for 2012-2014
 - ❖ Access to justice given priority
 - ❖ Meetings of the Task Force
 - ❖ Analytical and training material
 - ❖ Collection and dissemination of the case studies
 - ❖ Subregional capacity-building meeting

Task Force on Access to Justice bearing fruit

■ Analytical studies

<http://www.unece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpptfwg/envppatoj/analytical-studies.html>

■ Jurisprudence database

<http://www.unece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpptfwg/envppatoj/jurisprudenceplatform.html>

<http://aarhusclearinghouse.unece.org/>

■ Capacity-building initiatives

<http://www.unece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpptfwg/envppatoj/capacity-building.html>

MORE INFORMATION ON ACCESS TO JUSTICE:

<http://www.unece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpptfwg/envppatoj/background.html>

AARHUS CLEARINGHOUSE:

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