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To:

Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee
United Nations Economic Commission for Europe
Environment and Human Settlement Division
Room 332, Palais des Nations
CH – 1211 Geneva 10
Switzerland

From:

James Thornton

By:

email to: Public.Participation@unece.org

London, 8 June 2012

Dear Mr Smagadi

Decision IV/9i of the Meeting of the Parties of the Convention

I write further to your letter to Ms Barbara Anning, Department for Environment, Food and Rural Affairs dated 9 May 2012, a copy of which I received.

I am deeply concerned by the UK's ongoing prevarication in addressing its non-compliance with the Convention. It is now nearly a year since the Meeting of the Parties formally adopted decision IV/91 confirming the UK's non-compliance with its Convention obligations. In that time no meaningful progress has been made on improving access to environmental justice in England and Wales.

Indeed, a number of recent developments have made conditions considerably worse. In particular, the Legal Aid, Sentencing and Punishment of Offenders Act (the "LASPO Act"), which received royal assent on 1 May 2012, has made it more difficult for claimants in environmental cases to obtain affordable legal representation.

The Ministry of Justice held a public consultation on cost protection for litigants in environmental judicial review claims at the end of last year. ClientEarth, along with a number of other stakeholders including the Coalition for Access to Justice for the Environment, responded to this consultation, stating that the proposals were highly flawed and would not be compliant with the Convention. The Government's response to this consultation was due in March 2012, but has still not been published, despite the fact that the Government had earlier assured the Committee that proposed rule changes would be implemented by April 2011 at the latest.

I note that the Committee plans to review the material submitted by the UK at its next meeting on 26th-29th June. I would welcome the opportunity to have a ClientEarth lawyer attend that meeting in order to give the Committee a brief update on the LASPO Act, the Government's current proposals for cost protection, and the current state of access to justice in the UK more generally. As the original Communicant, we have been following the matter closely and would greatly welcome assisting the Committee in its deliberations. Please confirm whether this would be of interest.

Yours sincerely



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Cc. Ms Barbara Anning, Defra
Mr Jonathan Djanogly MP, Ministry of Justice
Mr Paul Stookes, Richard Buxton
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Mr Simon Brockington, Marine Conservation Society
Mr Robert Latimer
Ms Carol Day, WWF-UK on behalf of CAJE