

6th Meeting of the Parties to the Aarhus Convention
(Budva, 11-13 September 2017)

Agenda Item 6 (c): Access to Justice

Norway's contribution

Norway takes this opportunity to thank the Bureau and the Chair of the Task Force on Access to Justice for the draft decision on access to justice, the report of the Task Force and its work to date.

As stated in the preamble of the decision, effective access to justice in environmental matters is critical for the successful implementation of a number of Sustainable Development Goals, in particular Goal 16.

If access to environmental information and participation in decision-making in environmental matters is not provided in accordance with the Convention, the potential for contributing to a better environment and the health and well-being of those living from and in the environment is not put into effect.

The Special Rapporteur on Human Rights and the Environment has referred to the Aarhus Convention as an example of good practices on procedural requirements, including requirements to provide access to legal remedies. The Human Rights Council in its resolution 34/20 on Human Rights and the Environment calls upon States to adopt and implement strong laws ensuring, among other things, the rights to participation, to access to information and to justice.

Furthermore, access to justice is of fundamental importance to contribute to the protection of human rights defenders, including those addressing environmental issues. The Human Rights Council, in its resolution 31/32, has expressed grave concern at the observations and findings of the Special Rapporteur on the situation of human rights defenders, including those addressing environmental issues, and called upon all States to take all measures necessary to ensure the rights and safety of human rights defenders, and who, in so doing, exercise the rights to seek an effective remedy.

As stated in the draft decision, challenges remain to the full implementation of access to justice in accordance with the Convention. Some of these challenges have been highlighted during the discussion of the draft decisions on the compliance of Parties with the Convention.

It is encouraging to hear from the Chair in his report that the picture with regard to the status on access to justice is mixed, and that there are some positive developments. However, as he also stated, improving access to justice is an ongoing work.

We would therefore like to take this opportunity to highlight the encouragement in the draft decision to Parties, among others, to undertake further considerable efforts to improve the effectiveness of public access to justice in environmental matters, e.g., by removing as the case may be financial and other barriers, such as standing and scope.

We appreciate the efforts of the Chair of the Task Force and welcome the offer of Sweden to continue to chair the Task Force. We also welcome to work undertaken by the Task Force on access to justice. We believe that the Task Force has an important role, since the exchange of information and best practices helps pinpoint main obstacles that need to be tackled and solutions that can be implemented, and thus contributes to effective access to justice in accordance with the Convention and to the implementation of the Sustainable Development Goals.

Norway therefore supports the draft decision on access to justice.