
Economic Commission for Europe

Meeting of the Parties to the Convention on
Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters

Working Group of the Parties

Twenty-fourth meeting

Geneva, 28–29 October 2020

Item 3 (a) of the provisional agenda:

Substantive issues: Access to Justice

Programme for the thematic session on access to justice

held on Wednesday, 28 October 2020, from 3 to 5.30 p.m.¹

Chair: Mr. Jan Darpo

Introduction

A thematic session on access to justice aims to promote implementation of article 9 of the Aarhus Convention and to draw on recent developments and trends in this area. Its outcomes are expected to support implementation of other important commitments, notably, the achievement of Sustainable Development Goals, in particular Goal 16 with its target 16.3.

The thematic session will be organized in a format of a panel followed by a general discussion. Discussion will be focused on a number of subjects based on decision VI/3 on promoting effective access to justice (see ECE/MP.PP/2017/2/Add.1) adopted by the Meeting of the Parties at its sixth session (Budva, Montenegro, 11–13 September 2017) and the key outcomes of the work of the Task Force on Access to Justice².

The session will consider the role of public interest litigation (*e.g. in challenging refusals of information requests, acts or omissions that contravene permit requirements or laws relating to the environment*) which is expected to be addressed through different presentations and will provide an opportunity to discuss the achievements and barriers in relation to the following key issues: standing; scope of review; assistance mechanisms and costs; timeliness; remedies; protection against harassment and other forms of retaliation. The Working Group of the Parties will also consider synergies with relevant activities under other international forums. Further, the session will touch upon the issue of cooperation between ministries of the environment and ministries of justice.

I. Introduction by the Chair

Timing: 3.00-3.10 p.m.

The Chair of the session will introduce organization of work during the thematic session and the main topics for discussion.

¹ This document was not formally edited.

² Background information on work area on access to justice is available from:
<http://www.unece.org/env/pp/tfaj/background.html> .

II. Setting the scene: key achievements, challenges and trends in relation to access to justice

Timing: 3.10-3.40 p.m.

Speakers:

Lord Robert Carnwath, former Justice of UK Supreme Court, representing the European Union Forum of Judges for the Environment

Ms. Harriet Owens, Environmental Lawyer, ClientEarth and the European ECO Forum

Ms. Marianna Bolshakova, Regional Coordinator, Environmental Law and Governance, UNEP

Justice Serhii Burlakov, Judge, Civil Cassation Chamber, Supreme Court of Ukraine

This item will be organized in the format of keynote statements by the representatives of judiciary, international and non-governmental organizations on recent developments and trends with regard to the implementation of article 9 of the Aarhus Convention.

III. The role of public interest litigation in environmental matters

Timing: 3.40–5.20 p.m.

Introduction: Mr. John E. Bonine, Professor, School of Law, University of Oregon

Mr. Csaba Kiss, Coordinator, Justice and Environment

Speakers:

Ms. Marta Osleja, Legal Division, Ministry of Environmental Protection and Regional Development, Latvia

Ms. Tina Janjatovic, Senior Legal Adviser, Ministry of Environmental Protection, Serbia

Ms. Lena Hehemann, Legal Affairs Division, Swiss Federal Office for the Environment, Switzerland

This item will be organized in the format of a panel presentation followed by a general discussion aimed at sharing challenges and good practices in addressing barriers related to public interest litigation with regard to the following key issues: standing; scope of review; assistance mechanisms and costs; timeliness; remedies; protection against harassment and other forms of retaliation.

IV. Concluding remarks by the Chair of the thematic session

Timing: 5.20–5.30 p.m.

The Chair of the thematic session will make concluding remarks.
