

## AARHUS CONVENTION COMPLIANCE COMMITTEE

### Oral Submission Introduction by Christine Gibson (3½ minutes)

Firstly, thank you to those who have allowed for this application to be mooted today, I realise that this is a complex and possibly unprecedented Complaint filed to date.

I will begin with a little about myself which will provide you with the context of my experience in NI since 2015, in attempting to uphold environmental protection.

I set-up and was Chair of a local environmental community group called Keep it Green at the same time as I was tasked as Chair of the local resident Group to represent the residents in the consultations on a ferry terminal application in a nature reserve. Then began my steep learning curve of terrestrial and marine legislation and an arduous process of attempting to secure information from a plethora of environmental agencies and public bodies. This knowledge awareness triggered something in me that sought justice in what was, in my opinion, a fabricated application. Two years of High Court and Appeal Court hearings then ensued. I was the first person in NI to win an Aarhus case and costs awarded, albeit only at leave stage and it was solely against a condition change against the application.

The two following cases I brought were the planning decision and the marine licence, both taken a year apart and with the Court's delaying procedures, they decided to merge the two into one case making it extremely difficult for me in the increase in the number of the Respondents to three and in the complexity of two different forms of legislation. After three days of a hearing I was denied leave and then I proceeded to Appeal Court where I also lost the case although my case instigated the new cost capping at that level for Litigants in Person. I was denied leave for Supreme Court and was made to wait over a year to receive my formal Judgement by which time I had lost momentum to continue to fight for a hearing at Supreme Court. Reasons why I cannot trust the legal system to bring another judicial review again are found in my Complaint.

The process opened my eyes to the situation in NI which is distinct from any other nation in Europe and even within the UK it also fails to enjoy equal status *inter alia*, in environmental protection. It is the forgotten nation or intentionally made the vulnerable nation. Every action I took, I failed to protect my environment. From ionising radiation to non-ionising radiation in the water and air, to light and noise pollution I have sought assessments and remedies in every way that was available to me. From FOIs to lobbying, from consultation responses to petitions to the EU and an ECHR case, I have failed to make any positive impact on the environment.

The reason for this is the lack of a coherent, consistent and transparent system supported by effective legislation with directed accountability and enforcement across NI. This stems from the fact that there are a plethora of players in this matrix but none with accountability; we do not enjoy the comprehensive protection from an Environmental Protection Agency (EPA) as the other nations of the UK do, in addition to Ireland having two EPAs (please note my letter I wrote to Mr Tusk which was also sent to all MPs, Mrs May and Mr Varadkar).

Now with Brexit having been formalised we are left with the legacy of inadequate legislation or none at all within the UK and have no recourse to remedy this situation. The EU were, and are, aware of this situation (please see letter from the EU Environment Directorate) and have not undertaken any action to ensure that "the Deal" safeguarded our environmental features and/or to set-up a critical EPA or equivalent.

Before you discuss and decide upon whether this case be admissible, I would like to emphasise the generality of this Complaint that has provided such information that is relevant to each of the three pillars of the

**PRE/ACCC/C/2020/184 (United Kingdom and European Union)**

Convention for which you all advocate and work to uphold. Further, it is the very fundamental aim of the Convention that is at stake here and as a signatory to the Convention, regardless of what specific laws have been transposed, the UK has failed to ensure its adherence to the fundamental principle of the Convention.

I have no other remedial recourse to take and now look to the Convention to support me in my aim of creating an improved system that will bring about effective mechanisms to protect our extremely vulnerable nation.

To finish, I would like to ask one question: In my experience, the justification of national security often usurps the obligations of the public bodies concerned but what is more critical to national security than a safe environment within which to live?

Thank you.

Christine Gibson