

Transparency of court decisions in favor of the environmental issues during pandemic times

Robert Murataj
Aarhus Information Centre
Vlore - ALBANIA

- The COVID-19 pandemic has overturned judicial operations, just as it has overturned every other aspect of daily life. One response to the need to ensure physical distancing has been to shift personal court hearings to virtual formats. Beyond the usefulness of virtual hearings as short-term emergency measures, there is reason to believe that this moment may mark the beginning of a shift towards the increasing use of virtual hearings in the long run..



New Relations with legislation and court decisions regarding the climate change

- Every country in the world now has at least one climate law or policy, and in some jurisdictions there are over 20 such.
- The number of climate laws a country has adopted, however, is not a perfect indicator of current field policy (Escander et al., 2020), nor does it indicate the number of climate-related cases brought before the court.
- The role of climate litigation in advancing or minimizing climate change action is crucial. Climate change litigation is 'regulatory' in that it can be a deliberate activity that seeks to control or influence the behavior of governments, corporations and individuals.
- The regulatory function of climate court cases is most noticeable in developed countries

Conducting online court hearings in Albania

- So far, the implementation of the law on civil protection through the conduct of online civil court hearings due to the COVID-19 pandemic, can be considered a positive step to increase the transparency of the judiciary in Albania.
- The implementation of this law in this difficult time gives the green light to the conduct of online court hearings on the environment, bringing an innovation to increase transparency and community participation in environmental issues.
- In addition to online broadcasting which includes a limited number of followers due to the capacity of the platforms used, an important step would be the broadcasting of these live sessions through social networks expanding the viewership.
- In this way making the right environmental decisions Within the framework permitted by law will be the responsibility of all.

The legislation in Albania was adopted quickly to the pandemic situations and restrictions.

- The High Judicial Council based on articles 147/1, 147 / a, point 1, of the Constitution of the Republic of Albania, in articles 61 and 89 of Law no. 115/2016 "On the governing bodies of the justice system", as amended, in articles 7, 36 of Law no. 98/2016 "On the organization of the judiciary in the Republic of Albania", in article 42 of Law 45/2019 "On civil protection", as well as in article 4 of Normative Act no.9, dated 25.03.2020 "On taking measures special in the field of judicial activity, during the duration of the epidemic caused by COVID19 ", on the proposal of the Temporary Commission established by decision no. 135, dated 16.04.2020, Decided: 1. Approval of the use of computer software Microsoft Teams for court sessions.

What's next?

- Following the COVID-19 pandemic, Public interest litigation in environmental matters, are likely to reflect major changes in both the types of new cases that have been brought in and the case review practices in a distant social world;
- However, climate litigation can remain as important as ever, with pandemic economic recovery packages providing the opportunity to fully review political, economic, and social systems, and thus doing so, have the potential to be either extremely harmful or extremely beneficial to the climate.
- Understanding the impact of litigation on climate change will help inform how it can best be used to hold governments and companies accountable for their efforts to ensure a safer and more sustainable world following the COVID-19 pandemic.



If governments, parliaments and business can be organizing online conferences why the courts can not?

- Public interest litigation in environmental matters are crucial to be accessed by all groups of interest;
- The notification of groups of interest and the wide public for such important environmental issue should be quick;
- A system of “discussing session” at the end of the court session, must aloud the interested groups to give/ present their opinion for environmental issues;
- The sustainable development has stuck somehow, mainly because of the non transparent decisions and not taking into consideration the rights of every group of citizens to participate in decision making processes that affect the environment and human health.

Thank You!

- Questions?
- Suggestions?
- Discussion!