Panel (a) Access to justice to challenge violations of laws relating to the environment: key challenge(s), trends, good practices and suggestions for the way forward

a brief introduction to the discussions on:

Collective Redres in Environmental Matters: matter of fact or (still) work in progress?

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28th Working Group of the Parties to the Aarhus Convention,

Geneva, 2-4 July 2024
Collective litigation frameworks: defining collective redress

- Collective redress: the legal process obtaining compliance with the law if individual means of redress or legal action fail to do so

- Materially same content; accumulated individual interests

- (i) group actions
  (ii) representative actions
  (iii) group settlements
Models for Environmental Redress

(i) Public Law:
- administrative act challenging the environment
- locus standi for representative associations/NGO’s,
- possibilities for redress determined in administrative procedural law

(ii) Civil Law:
- claims related to violation of the environment,
- collective actions in the public interest: environmental NGO’s
- locus standi in civil procedural law, interest-based approach
- compensation through redress for damages

(Criminal Law: modalities for redress not widely used (?))
Collective Redress Framework

- Can a (well-established) framework of collective litigation be identified?
- Trends: increase of collective redress-actions
- Key challenges: legal certainty, case-load, judiciary
- Good practices: balancing procedural admission rules & effective compliance
- Suggestions for the way forward?
- Environmental Collective Redress: an already secure asset or still work in progress(?)