



European Ecoforum: Addnl statement #2 - Attracta Uí Bhroin

Agenda Item **4(a) Thematic session on access to justice,**

(A) violations of laws relating to the environment.

Good morning Chair, Distinguished delegates, Fellow Participants,

Firstly, European Eco Forum, wishes to take this opportunity to commend the leadership of the Chair of the Task force, the work undertaken by the taskforce and the support of the secretariat, and to thank today's panellists. We also note the valuable work in securing and assessing inputs from the survey undertaken. That is central to our wider understanding of how violations of laws relating to the environment can, or cannot be addressed.

Ideally, it would be useful to address the gaps in the responses received across Parties.

Also, in looking at how Parties have differently configured their access to justice systems, I was conscious that it would be helpful to have wider contextual information on the practical circumstances facing an applicant seeking access to justice. For example on the scale of likely costs in the jurisdiction, the volumes of cases given issues with the quality of environmental decision-making, and the extent to which historic or proposed future barriers operate to limit the pursuit of such cases. I appreciate naturally that there is a balance to be met given the volume & complexity of information being sought, but these are material to any consideration of the adequacy and appropriateness of solutions implemented, and on whether they really constitute best practice in the context.

Secondly, the reality of what the Intergovernmental Panel on Climate Change have described as interdependent climate and biodiversity crises, which are further compounded by the pollution crisis, and increasingly de-stabilising geopolitical world events, means we are already seeing the start of what will be an increasing flood of displaced peoples, who we must welcome, consistent with the ethos of the Article 1 objective of the Convention.

In both ensuring their rights are respected and the objective of the Convention for that every person of current and future generations to be able to live in an environment adequate to his or her health and wellbeing – it is increasingly

incumbent on us to ensure we make urgent adjustments and accommodation in our systems for access to justice to ensure displaced peoples are not discriminated against in respect of decisions immediately impacting them as human beings – as elements of the environment in their new homes. This will require of course ensuring the all important general obligation in Article 3(1) of the Convention on the compatibility of the three pillars of the Convention and for enforcement, transparency and consistency of the implementation framework. This will necessitate focus for example on ensuring we respond to more challenging language requirements in environmental decision-making in national and transboundary contexts. The practicalities of collective redress which the next discussion will touch on, are also of particular importance, in providing a feasible and safe context for all in which to pursue redress, and one which provides for important economies of scale and efficiencies also for the Courts in dealing with such matters.

Finally, I wish to mention the disturbing context which we are seeing across a number of Parties, where access to justice is increasingly under threat and with that the rule of law. Judicial Review is a fundamental element of the architecture of the rule of law. It is the mechanism whereby the public hold authorities to account for the lawfulness of their decisions, given the power we cede to such authorities. We are also seeing an increasing polarisation of our societies, and without wishing in anyway to comment inappropriately on the outcomes of a whole range of recent elections, we stand at a precipice, in terms of our future direction of travel. How we ensure accountability of our authorities particularly, but not just in environmental decision-making, will be important in ensuring the courts can still be seen to play a central role in how we hold authorities to account in the midst of an increasingly frustrated and polarised society. It is key also in mitigating the future risks of a narrative which is increasingly hostile toward the environment on which we all depend, at a time when the environment and human beings have never needed that solidarity more, and where access to justice is central to the practical realisation of that solidarity. This is particularly in the context of marine and renewable energy which we propose as a priority issue in the next intersessional period.

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