



ELI Environmental Law SIG Seminars

Friday 14 May 2021, 5:00 – 6:00 pm (CET)

Access to Justice in Environmental Matters

Speaker: Jerzy Jendrośka (University of Opole)

Discussant: Stephen Stec (Central European University)

Moderators: Alberto De Franceschi (University of Ferrara)

William Boyd (University of California Los Angeles)

The event will be held as a video conference via Google Meet.

Please register at alberto.defranceschi@unife.it

You will receive the login details one day before the event.

ELI Environmental Law SIG:

<https://www.europeanlawinstitute.eu/hubs-sigs/sigs/environmental-law-sig/>

Abstract

Access to justice in environmental matters or environmental justice means different things in different parts of the world. The European concept evolved from a traditional approach involving subjective rights to a healthy environment, to a mechanism for public control over administration in the interests of democracy and pluralism. The Green Deal takes this further towards considering access to environmental justice to be an indispensable tool in transforming societies through better regulation. It remains to be seen, however, how this approach will stand up to legal challenges and to what extent it can be carried out in judiciary and quasi-judicial processes.

The European approach can be seen as one example where judicial processes are being called upon to play a role in the transition to sustainability. Other parts of the world are doing the same with varying success, while specific challenges are being raised to judicial activism in the area of environmental justice.

Jerzy Jendrośka in his speech will outline the difference between the concept of “access to justice in environmental matters” which is a matter of debate in Europe as opposed to the concept of “environmental justice” which is a matter of debate in the US and elsewhere. Focusing on the European debate he will then present the different conceptual foundations which instruct the very concept of access to justice and the existing challenges in this respect in Europe. In this context particular attention will be given to the issue of standing for environmental NGOs and the issue of “justiciability” of environmental matters and the related differences in the scope of judicial review. The above challenges will be illustrated by referring to the examples of cases at the Aarhus Convention Committee related to compliance with the Convention of the access to justice frameworks at both the EU level and/or national level.

Stephen Stec in his speech as discussant will address some of the above issues in the wider context presenting insights into the debates on access to justice held at the global level and in some other regions of the world.