



ECONOMIC COMMISSION FOR EUROPE

COMMITTEE ON ENVIRONMENTAL POLICY

Working Group for the Preparation of the
First Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Second meeting, Geneva, 22-24 May 2002)

PROMOTING EFFECTIVE ACCESS TO JUSTICE

Prepared by the secretariat

1. At the second meeting of the Signatories (July 2000), it was agreed to establish a task force on access to justice to support the implementation of the third pillar of the Convention. The task force would be led by Estonia. Its mandate was to focus on means of practical implementation, measures to remove financial obstacles to those seeking access to justice and consideration of assistance mechanisms. It was to gather information on good practices and provide a forum for the sharing of experience, building also on the workshop on the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) held in May 2000 in the Netherlands (CEP/WG.5/2000/2, paras. 46 and 47).

2. In line with this mandate, the task force has developed a draft handbook on good practices of access to justice, based on a number of selected case studies from all over the region. The preparation of the draft handbook was coordinated by the Regional Environmental Center for Central and Eastern Europe, with financial support from the United Kingdom. The draft handbook also provided input to a workshop on access to justice held in Tallinn (September 2001) to share experiences with access to justice, with the financial support of

Finland and the Netherlands. The report of the workshop (CEP/WG.5/2001/5) gives a number of good examples of how different countries have dealt with the different issues of the access-to-justice provisions of the Convention.

3. In addition, the workshop identified some areas where further activities of the task force seemed important. These included, in particular, assessing and addressing the needs of other target groups, such as the public, lawyers and judges, based on the understanding that the handbook would be addressed mainly to government officials. It was also considered that the next step for the task force could be to assist each country in analysing its existing legal and practical frameworks for access to justice, using the findings of the workshop and the handbook to identify priorities for action.

4. The Preparatory Working Group considered and welcomed the work undertaken by the task force. It agreed to extend the mandate of the task force up to the first meeting of the Parties to allow for the finalization of the handbook. It recognized that more work could be done in particular to address the identified target groups. The Preparatory Working Group requested the secretariat to prepare a draft decision identifying possible future activities in this field for consideration at its next meeting. The text of a draft decision is included in the annex below.

Annex

DRAFT DECISION I/[..]

PROMOTING EFFECTIVE ACCESS TO JUSTICE

The Meeting,

Recalling the provisions of article 9 of the Convention,

Welcoming the work undertaken by the task force on access to justice established under the auspices of the Meeting of the Signatories and believing this to provide a useful basis for future work,

1. Welcomes the Handbook on Access to Justice and recommends that it should be widely disseminated and used and updated as necessary from time to time;

2. Establishes a task force on access to justice under the authority of the Working Group of the Parties to continue and further develop the work undertaken by the task force established under the auspices of the Meeting of the Signatories;

3. Requests the task force to:

(a) Assess and address the needs of the public, environmental lawyers and the judiciary, inter alia by developing information and guidance material for these groups and holding training workshops;

(b) Continue the collection of case studies and make them available in a database, accessible through the Convention's web site;

(c) Identify possible measures to support the implementation of article 9, paragraphs 3, 4 and 5, which could form the basis for recommendations of the Meeting of the Parties; and

(d) Report on its activities to the Working Group of the Parties, which may thereupon decide to submit draft recommendations to support the implementation of the Convention in this area for consideration by the Meeting of the Parties;

4. Urges all Parties to contribute to the work of the task force and welcomes the offer of the [...] Government to lead the work of the task force;

5. Invites Signatories and other States, as well as relevant inter-governmental and non-governmental organizations, to also take part in, and contribute to, the work of the task force.