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Statement from the chair of the Task Force on Access to Justice on the future mandate 2014-2017

The existing mandate

Summarizing the mandate from 2005 and 2008 and recalling the decision from 2002:

- Examine, consider and analyse materials on the implementation of the Convention, especially with regard to costs, remedies, criteria on standing, delay and other obstacles to access to justice, assistance mechanisms, scientific and technical expertise in the decision-making and Alternative Dispute Resolutions (ADR),
- Develop training materials, training of trainers,
- Continue to perform strategic capacity-building activities – that is workshops – particularly for senior members of the judiciary on sub-regional level.

What the Task Force has achieved so far

The ambition of the Task Force has been to deal with *systematic issues* concerning the implementation of the Convention *in all countries and regions that are Parties*. In view of this, the systematic collection of information and discussion on the outcomes of such studies has been a major part of our assignment. As of today, we have undertaken analytic studies on costs and effectiveness (remedies and timeliness) in the environmental procedure in EU and in the EECCA countries. We are for the moment involved in studies on standing for individuals and ENGOs in six of the EECCA countries and in South-East Europe. We have also taken part in similar studies undertaken by ENGOs and regional bodies, such as REC and the European Commission. Furthermore, concerning outreach activities, the Task Force have organized – together with OSCE – workshops in Kiev 2007, Tirana 2008 and Almaty 2012. We have also taken part in access to justice events in different regions (e.g. Nagoya 2013). Finally, the Task Force have organized a data base for jurisprudence from national and regional (CJEU) courts on access to justice issues.

The outcome of the evaluation 2013 (Stec) was very positive for the Task Force. I think one reason for this is the meetings of the Task Force. As the participants are experts who attend in their own capacity and as the ENGOs are allowed to participate on an equal basis with the national experts, the discussions can be held more freely and concern a wider scope of issues than at the official meetings with delegates from the parties. This way, the work of the Task Force is able to present conclusions on different crucial issues on access to justice (findings and good examples) to be discussed at the Meeting of the

Parties. In a similar procedure, the Task Force is able to develop training material on access to justice and discuss outreach activities.

Priorities for future studies made by the 6th Task Force meeting

On the 6th meeting of the Task Force in Geneva 17-18 June 2013, we took note of the initiative of the European Commission to launch a study covering mediation mechanisms in the Member States. We also began the discussion about the substantive issues to be studied in the intersessional period 2015-2017 and found that it would be interesting to explore the linkages between standing and the scope of the review, effectiveness of the specialised tribunals and administrative review bodies, timeliness, standing of members of the public – including ENGOs – in cases of environmental damage among others. The meeting also expressed an interest in studying good practices in access to expertise and reducing expert costs and criteria for injunctive relief.

Food for thoughts about the future mandate

In the Draft Work programme 2015-2017, the mandate for the Task Force on Access to Justice is begins with the following paragraph:

Implementation of decisions adopted at the fourth and fifth sessions of the Meeting of the Parties, as well as previous decisions, as appropriate; exchange of information on good practices; raising awareness of the access to justice provisions of the Convention and building capacity among key groups of stakeholders, such as the judiciary and other legal professionals.

When the mandate then clarifies what subjects to be studied by the Task Force in the intersessional period 2015-2017, it consists of a list with detailed examples. The list is long and comprehensive, to say the least. I think that everybody is aware of the fact that if the Task Force ever was to undertake all those subjects in one period, we would need ten times the financial and personal resources compared with those we have today. Be that as it may, but from my viewpoint, *the most important thing about the future mandate is that it is kept open*. List or no list, it is vital for the dynamic work of the Task Force that the more detailed discussions on the tasks to be undertaken in the coming year – studies, outreach activities and development of training materials and electronic resources – is allowed to be held at our meetings. Here we can have an open discussion about what priorities to be made and what tasks to be undertaken within the mandate. Therefore, let the TF meetings keep on doing the proposals for the assignment, to be confirmed by the Working Group of the Parties.

Thank you for listening,
Jan Darpö