



ENVIRONMENTAL RULE OF LAW AND THE ROLE OF ACCESS TO JUSTICE IN DELIVERING ON SDGS 16 AND 13 | RFSD 2024

14 MARCH 2024 | 8:30 - 9:45 CET | ONLINE

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TECHNICAL INFORMATION

- Throughout the event, you may raise your questions in the Q&A box
- Automatically translated subtitles in many languages are available through the captions button on the bottom left of your screen
- The recording, summary and documents will be made available on the event's website

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Sean O'CONNELL

Rule of Law, Security, and Human Rights Policy Specialist,
UN Development Programme | Moderator



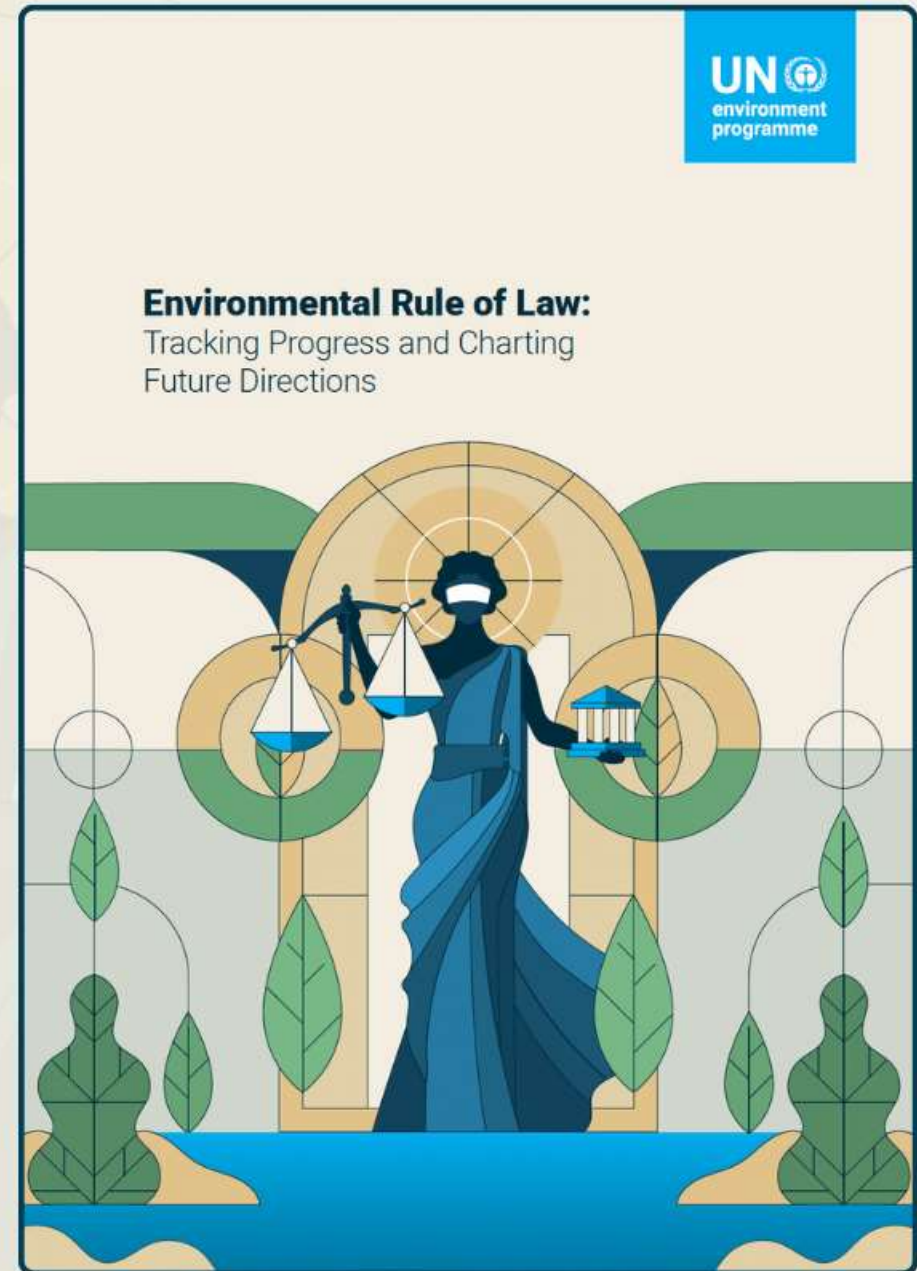
2023 SECOND EROL REPORT

Environmental Rule of Law: Tracking Progress and Charting Future Directions



READ THE REPORT

<https://www.unep.org/resources/publication/environmental-rule-law-tracking-progress-and-charting-future-directions>



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Environmental Rule of Law:
Tracking Progress and Charting
Future Directions

ENVIRONMENTAL RULE OF LAW AND THE ROLE OF ACCESS TO JUSTICE IN DELIVERING ON SDGS 16 AND 13



SPEAKERS

By order of intervention.



Arnold KREILHUBER 

Director, Europe Office, UN Environment Programme



Soo-Young HWANG 

Legal Officer, UN Environment Programme



Luc LAVRYSEN   

President, Constitutional Court of Belgium; Chair, Aarhus Convention Task Force on Access to Justice & President, European Union Forum of Judges for the Environment



Christina VOIGT  

Chair, IUCN World Commission on Environmental Law; Professor of Law, University of Oslo & Co-chair of the Paris Agreement's Compliance and Implementation Committee



Fatima MRDOVIC 

Judge of the Supreme Court of Federation of Bosnia and Herzegovina



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Moderated by Sean O'CONNELL, Rule of Law, Security, and Human Rights Policy Specialist, UN Development Programme

Opening Remarks

- Arnold KREILHUBER | Director, Europe Office, UN Environment Programme

Introduction of Key Trends and Findings from the Environmental Rule of Law Report

- Soo-Young HWANG | Legal Officer, UN Environment Programme

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INTRODUCTION OF KEY TRENDS AND FINDINGS FROM THE ENVIRONMENTAL RULE OF LAW REPORT

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Soo-Young HWANG

Legal Officer, UN Environment Programme



Environmental Rule of Law and the role of access to justice in delivering on SDGs 16 and 13

14 March 2024

UNEP, UNECE and UNDP, in partnership with the Geneva Environment Network

Soo-Young Hwang
Legal Officer
UN Environment Programme

A stylized graphic of a tree on the left side of the slide. The tree has a brown trunk and several green leaves of various shapes and sizes. The background behind the tree consists of several overlapping circles and lines, suggesting a globe or a network. The bottom of the slide features a blue wavy line representing water, with a tan-colored landmass on the right side.

Environmental Rule of Law (EROL)

“The principles of rule of law applied in the environmental context”.

SDGs Target 16.3

“Promote the rule of law at the national and international levels, and ensure equal access to justice for all”.

First Global Report

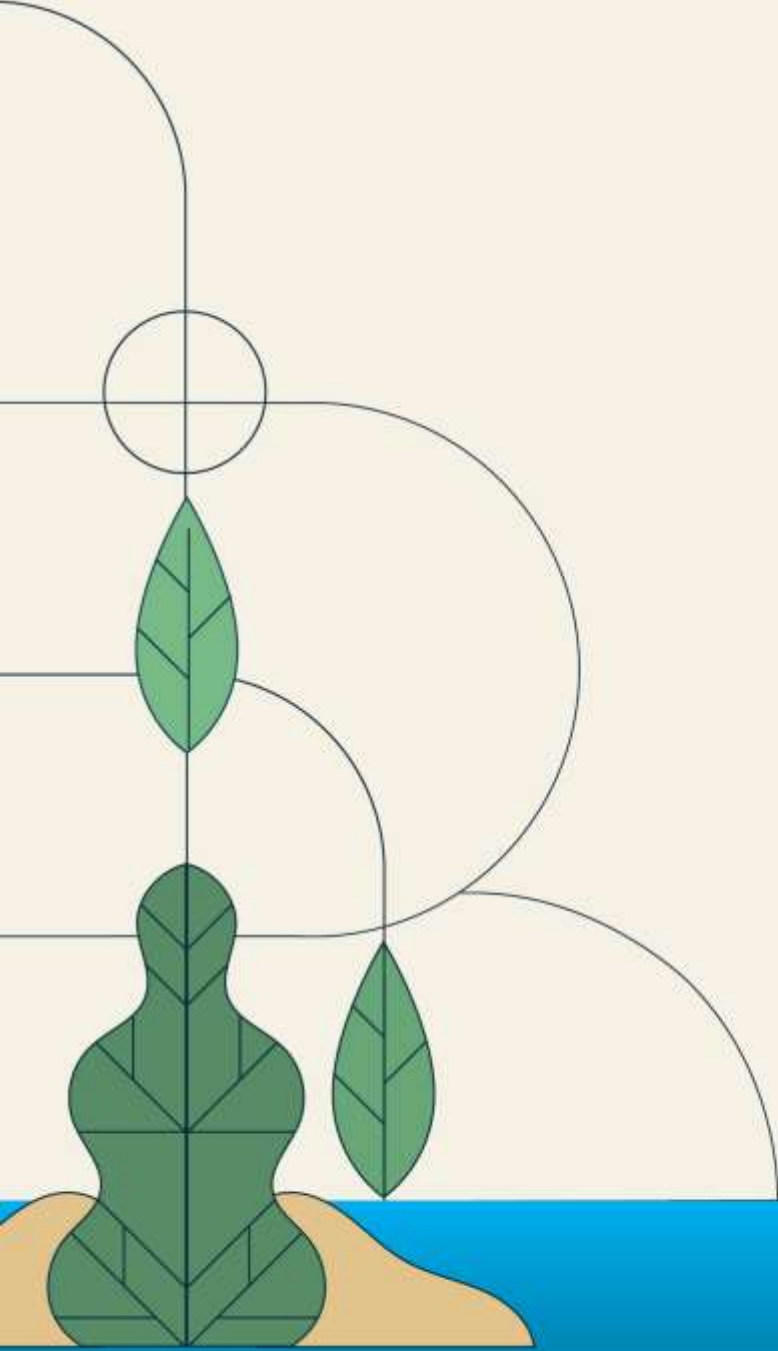
“EROL and SDGs are mutually reinforcing. SDGs promote [...] a framework that [is] essential to environmental rule of law; meanwhile, many of the Goals are only achievable under conditions of effective EROL”.

Environmental Rule of Law

Tracking Progress and Charting Future Directions

GOALS:

- Undertake a global assessment of **global trends** and **gaps** related to EROL;
- Support countries to **promote and strengthen** EROL;
- Establish **benchmarks** and identify opportunities for **future action** and **collaboration**.

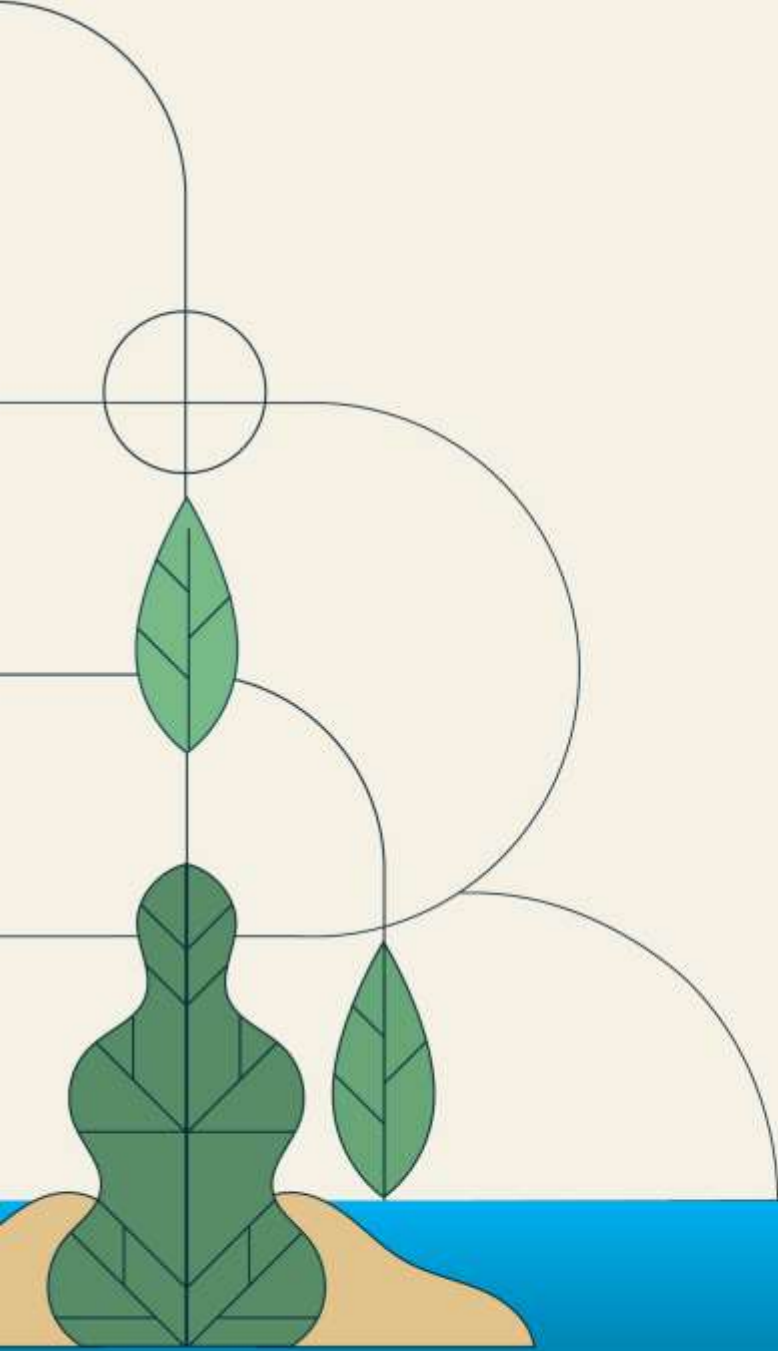


Environmental Rule of Law

Tracking Progress and Charting Future Directions

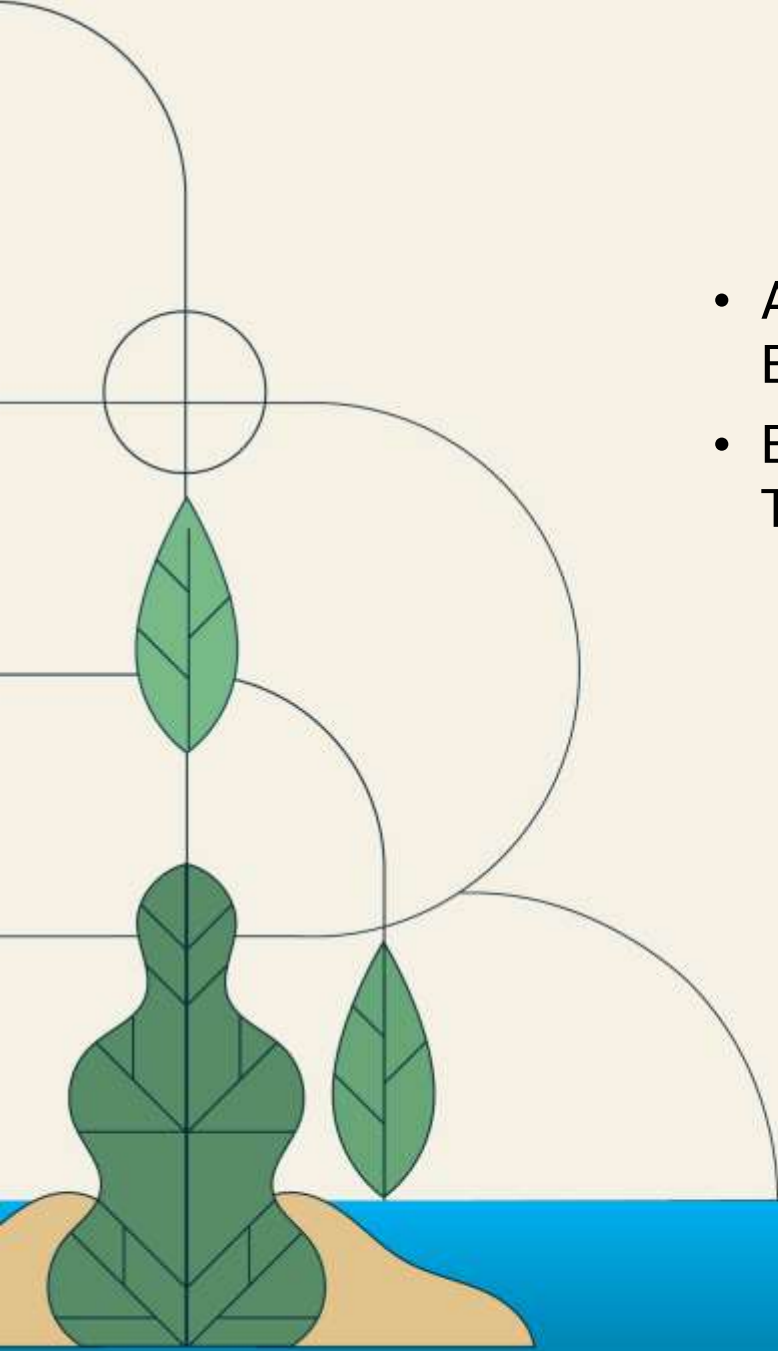
STRUCTURE:

1. *Introduction;*
2. *Laws and Institutions;*
3. *Civic Engagement;*
4. *Rights;*
5. *Justice;*
6. *Conclusions and Recommendations.*



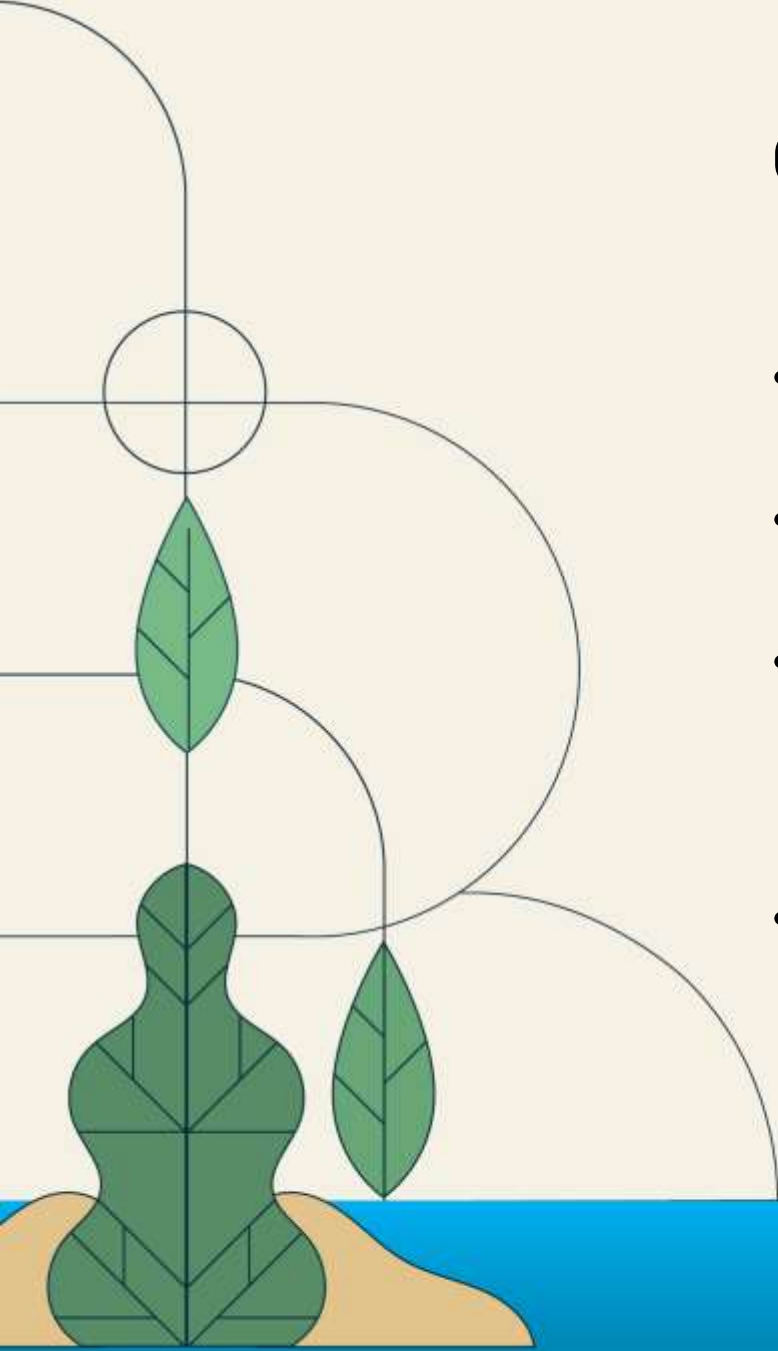
Takeaways on Justice

- A **fair, legitimate and well-functioning justice system** is crucial for EROL and vice-versa;
- Ensuring **equal access to courts** allows for equality before the law. This can be done by:
 - ✓ Facilitating **financial and geographical accessibility** (SDGs Targets 16.3 and 16b);
 - ✓ Providing for **open standing** (SDG Targets 16.3 and 16.b);
 - ✓ **Overriding the loser-pays principle** in particular cases (e.g. public interest, good faith) (SDGs Targets 16.3 and 16.b);
 - ✓ Creating **specialized environmental courts** (SDGs Target 16.a);
 - ✓ Promoting **thematic training, information-sharing** and **judicial capacity** (SDGs Targets 13.3, 16.6 and 16.a).



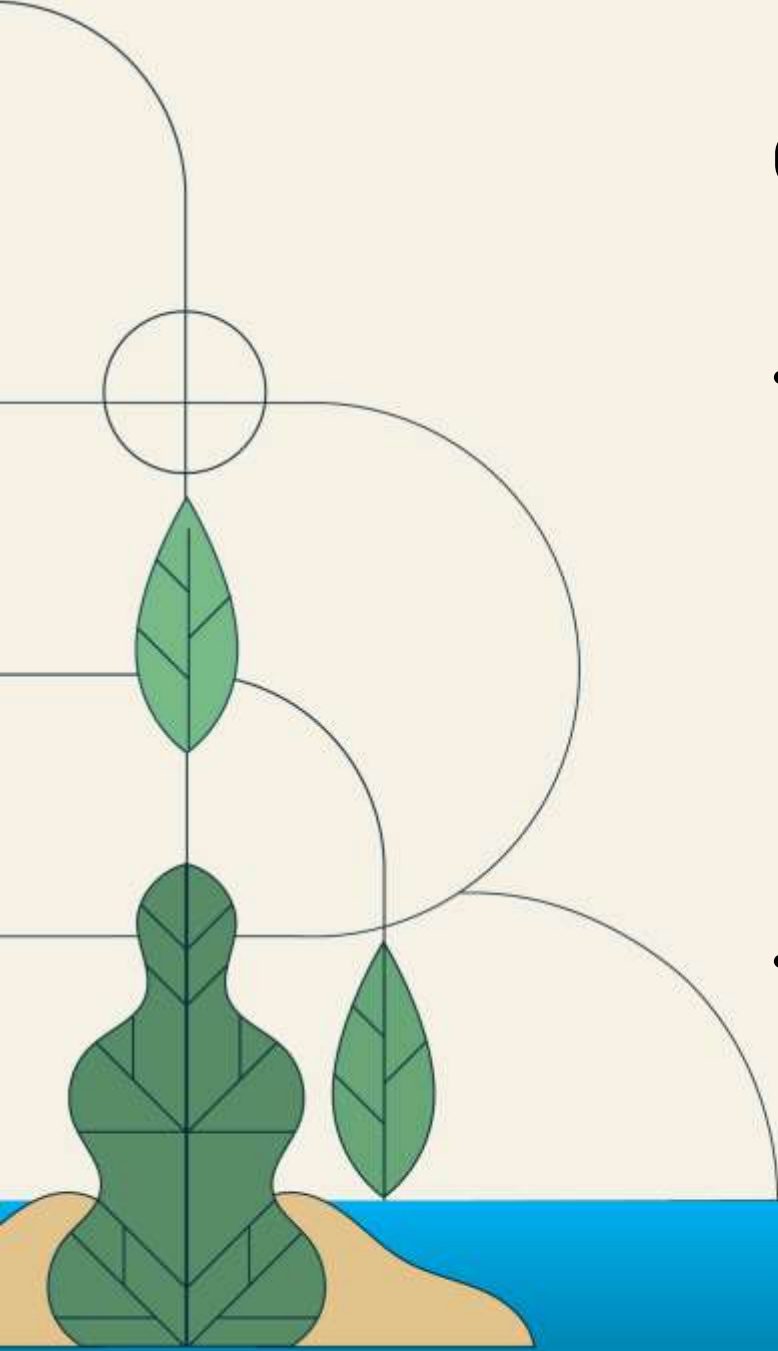
Global trend 1: Digitalization of the judiciaries

- Most courts adopted **teleconferencing technologies** to adapt to the logistical problems of the COVID-19 pandemic;
- Systems that had **emergency plans** in place (e.g. the CJEU and Lithuania) were able to adjust more nimbly;
- To assist in this transition, the Council of Europe developed the '**Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment**', including relevant principles on data security and transparency;
- While digital tools enhanced **access to justice** for many, they also excluded people with limited access to Internet connections;



Global trend 2: Climate change litigation

- Judicial action on climate change has **grown at an unprecedented pace**:
 - ✓ To **remedy inaction** from other branches of the government (*SDGs Targets 13.2, 16.6, 16.7 and 16.b*);
 - ✓ To **challenge specific projects** and programs whose climate impacts violate the law (*SDGs Targets 13.2, 16.10 and 16.b*);
 - ✓ To hold **companies accountable** for their emissions (*SDGs Targets 16.10 and 16.b*);
- Judgments are increasingly based on **human rights**, including the right to a clean, healthy and sustainable environment and the rights of future generations (*SDGs Target 16.10*).



Global trend 2: Climate change litigation

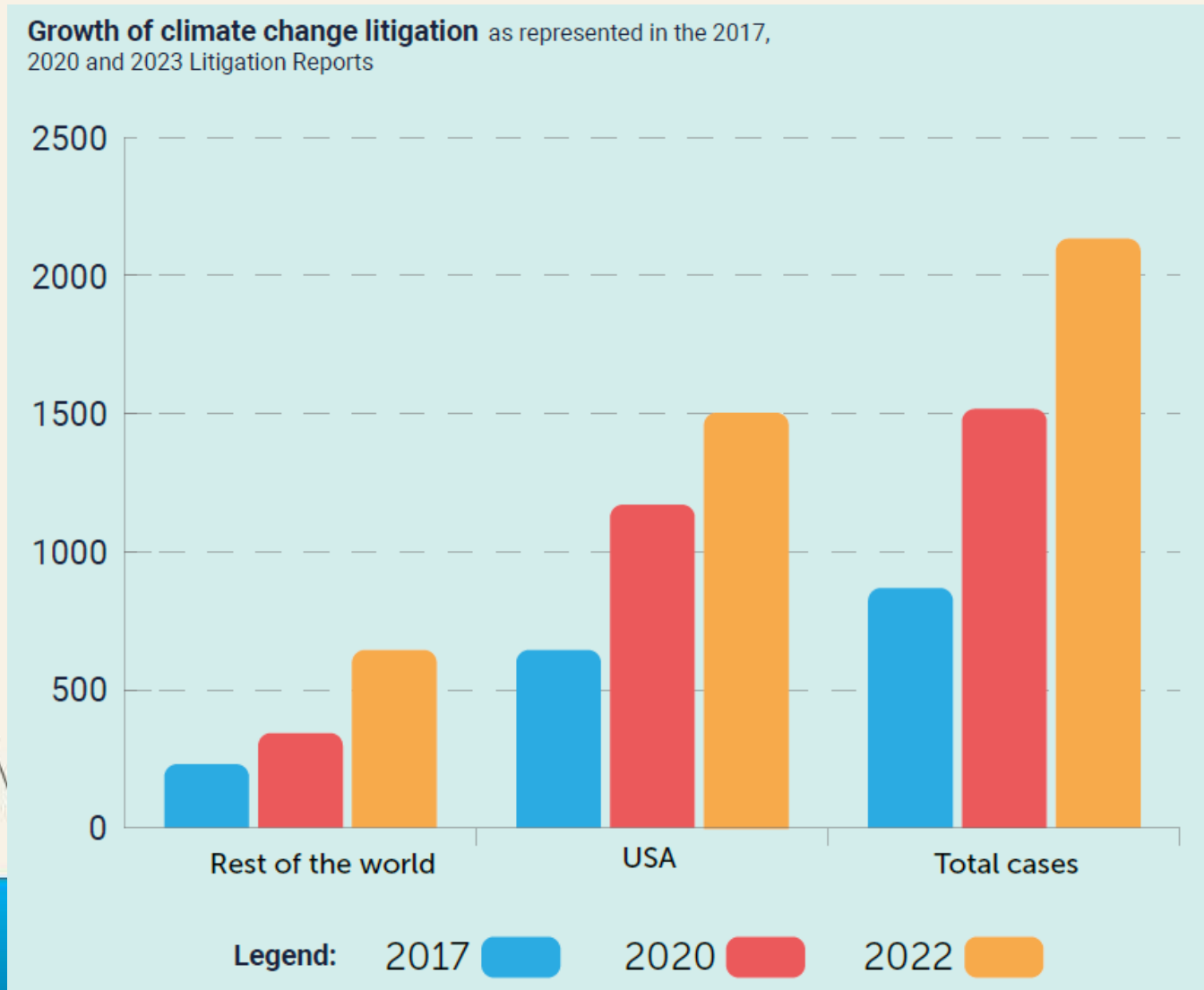
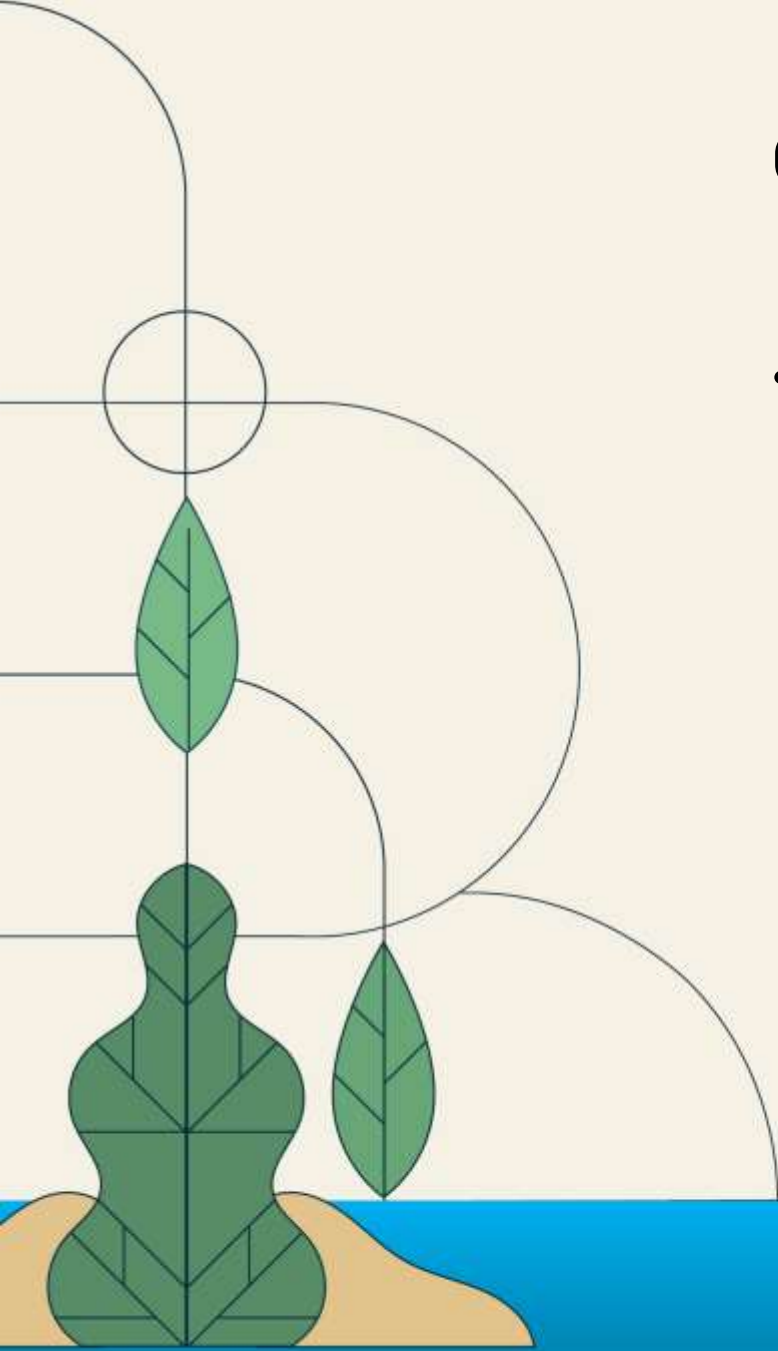


Figure: United Nations Environment Programme (2023). Global Climate Litigation Report: 2023 Status Review. Nairobi.

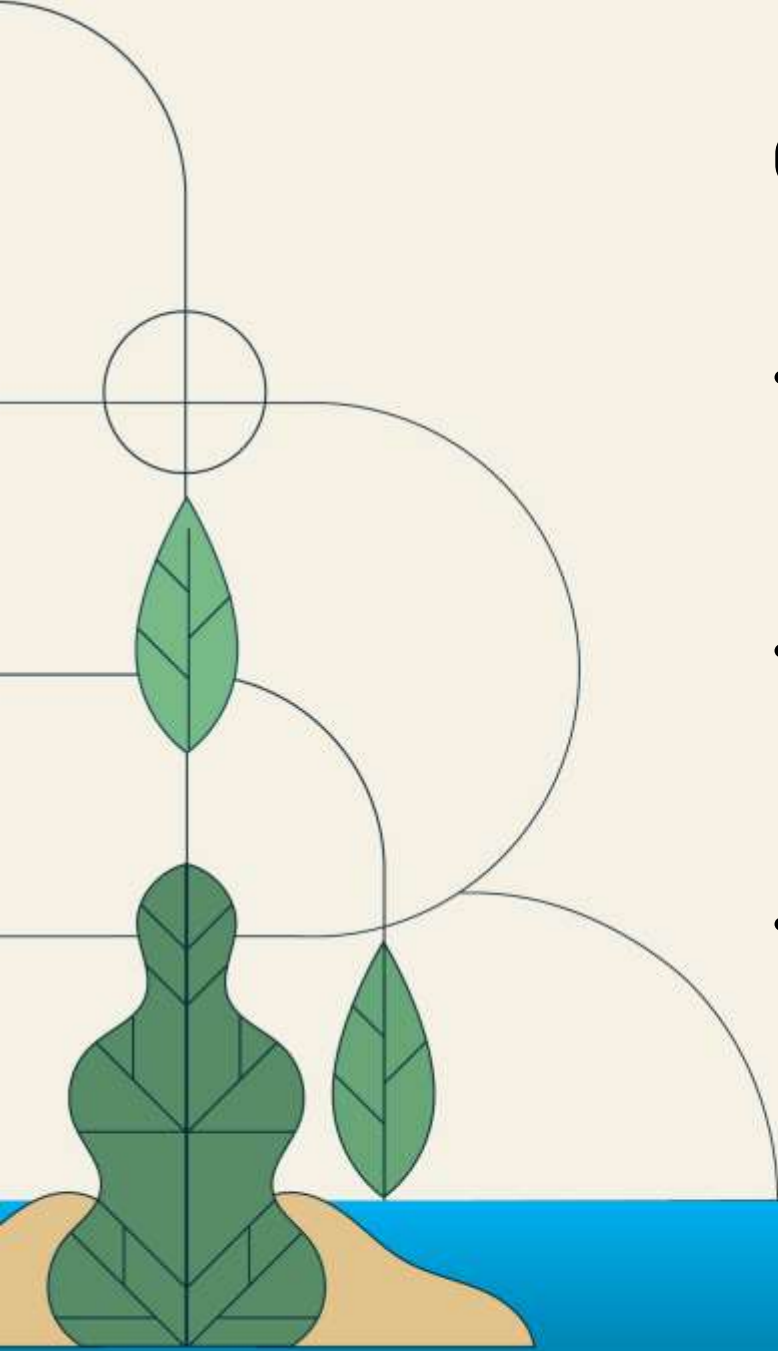
Global trend 3: Number and variety of remedies

- Courts are granting an **increasing number and variety of remedies** in environmental cases, including:
 - ✓ Orders to restore environmental harm;
 - ✓ Symbolic compensation and declaratory judgments;
 - ✓ The establishment of programmes to educate the public;
 - ✓ Injunctions to public authorities to undertake or stop certain activities, to enact new legislation or strengthen existing norms;
 - ✓ Legal mechanisms enabling judges to closely monitor the progress in the implementation of their orders.



Global trend 4: Transboundary liability

- Due to the transboundary nature of many environmental issues, victims of environmental harm are increasingly resorting to **transnational lawsuits** (e.g. *Four Nigerian Farmers and Milieudefensie v. Royal Dutch Shell*);
- Judges are becoming more open to hearing the claims of foreign plaintiffs who have suffered **environmental damage caused by entities** domiciled within their jurisdiction (e.g. *Luciano Lliuya v. RWE AG*);
- Courts are increasingly imposing **liability on parent companies** for harm caused by their subsidiaries abroad (e.g. *Okpabi v. Royal Dutch Shell*).



Thank you

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Open Discussion

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ENVIRONMENTAL RULE OF LAW AND THE ROLE OF ACCESS TO JUSTICE IN DELIVERING ON SDGS 16 AND 13 | RFSD 2024

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CLOSING

ENVIRONMENTAL RULE OF LAW AND THE ROLE OF ACCESS TO JUSTICE IN DELIVERING ON SDGS 16 AND 13



THANK YOU!



Arnold KREILHUBER 

Director, Europe Office, UN Environment Programme



Soo-Young HWANG 

Legal Officer, UN Environment Programme



Luc LAVRYSEN   

President, Constitutional Court of Belgium;
Chair, Aarhus Convention Task Force on
Access to Justice & President, European
Union Forum of Judges for the Environment



Christina VOIGT  

Chair, IUCN World Commission on
Environmental Law; Professor of Law,
University of Oslo & Co-chair of the Paris
Agreement's Compliance and
Implementation Committee



Fatima MRDOVIC 

Judge of the Supreme Court of
Federation of Bosnia and Herzegovina



**Emma
PAGLIARUSCO**  

Advocacy and Policy Coordinator, Youth
and Environment Europe and the
European ECO Forum



Sean O'CONNELL 

Rule of Law, Security, and Human Rights
Policy Specialist, UN Development
Programme | Moderator

14 MARCH 2024 | 8:30 - 9:45 CET
ONLINE (WEBEX)

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NEXT ON THE GENEVA BEAT POLLUTION AGENDA



State of the Science on Plastic Chemicals

Identifying and addressing chemicals and polymers of concern

VIRTUAL

Launch and Panel Discussion | State of the Science on Plastic Chemicals: Identifying and Addressing Chemicals and Polymers of Concern

14 MAR 2024 14:00 – 15:30

Online | Webex
GEN

- 🕒 Chemicals and Pollution | Plastics
- 🕒 SDG12

CLIMATE IMPACTS OF PLASTICS

GLOBAL ACTIONS TO STEM CLIMATE CHANGE AND END PLASTIC POLLUTION



VIRTUAL

Launch and Panel Discussion | Climate Impacts of Plastics: Global Actions to Stem Climate Change and End Plastic Pollution

20 MAR 2024 14:00 – 15:30

Online | Webex
GRID-Arendal, GEN

- 🕒 Chemicals and Pollution | Climate | Plastics
- 🕒 SDG12 | SDG13



CONFERENCE

Biodiversity and the Global Plastics Treaty: IUCN's Proposal for a Specific Article on "Biodiversity Aspects" in the Future Treaty

26 MAR 2024 13:00 – 14:30

International Environment House I, Room 3 & Online | Webex
IUCN, GEN

- 🕒 Chemicals and Pollution | Nature | Plastics
- 🕒 SDG12 | SDG14 | SDG15

BEAT WASTE POLLUTION

CONFERENCE

International Day of Zero Waste 2024 | Geneva Celebration

27 MAR 2024 14:00

Palais des Nations, Room VIII & Online
Türkiye, GEN

- 🕒 Chemicals and Pollution
- 🕒 SDG3 | SDG8 | SDG12



With the support of the

GENEVA **BEAT PLASTIC POLLUTION** DIALOGUES

REPORT LAUNCH AND PANEL DISCUSSION

14 March 2024 | 14:00 - 15:30 CET
Online | Webex

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State of the **Science** on **Plastic** **Chemicals**

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and polymers of concern

WHAT'S NEXT?

 genevaenvironmentnetwork.org



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