

**Opening Statement on behalf of the European ECO Forum
15th Meeting of the Task Force on Access to Justice
Geneva, 4-5 April 2023**

Thank you for the floor, Chair. My name is Summer Kern and I am a lawyer with Justice and Environment, but speak now on the behalf of the European ECO Forum in my capacity as the NGO Observer to the Bureau of the Aarhus Convention.

We first express our appreciation for the thematic focusses for this 15th Meeting of the Task Force. Why? Because they are all crucially related. Scientists, policy-makers and lawyers agree, we cannot mitigate or adapt to climate change at the cost of biodiversity. We cannot have one without the other. And energy-related cases are at the forefront of concern to all of those here in this room and beyond. They present both the greatest chances and greatest threats.

Now I realize that we are living in trying times. The war in Ukraine is having devastating effects on both the people and the environment in Ukraine. And I realize that the war is pushing pre-existing and emerging crises throughout the UNECE region and beyond. So we live daily in an era of multiple crises happening all at once.

And I realize that in this context it is easy for some to argue that access to justice is a luxury that can be dispensed with; it is an obstacle. We see very dangerous trends implementing this very flawed point of view, perhaps most concerningly in RePowerEU and the Emergency Regulation.

Access to justice, going to courts as a last resort not only strengthens the rule of law and societal resilience, it enhances the capacity to deal with the unexpected... Indeed, we would argue that had access to justice in climate cases been facilitated, the shift to renewables and attainment of Paris Agreement targets would be achieved sooner, insulating us from the oil and gas shortages we now face due to the war against Ukraine.

It is thus of great concern to us that the Parties have failed to observe the outcomes of the last Task Force meeting. The measures I just outlined run directly contrary to several outcomes the Parties expressly agreed to. Yet as my colleagues will tell you, these promises are not being fulfilled; precisely the opposite is happening as we speak. What is also lacking is a discussion on people in vulnerable situations and the agreement made at the last Task Force Meeting on Access to Justice to concentrate on SLAPPs.

Finally, I would like to express our appreciation for the judicial colloquia. We recognize the need for judges to have a safe space where they can engage one another. At the same time, it must be recognized that we are essentially the “end-users” for courts to play their role to protect human health and the environment. As such, we welcome any efforts, side discussions, ways in which our input, our concerns can flow into that process as well. I fear the prospects for obtaining effective access to justice in environmental matters are looking quite dim right now, are under constant threat, all during dangerous times when it is precisely the time when NGOs, the courts, and close cooperation with bodies like this Task Force, the Aarhus Convention Compliance Committee and the Special Rapporteur for Environmental Defenders under the Aarhus Convention are most needed.

Thank you.