



# Coalition for Access to Justice for the Environment

## Aarhus and Access Rights: the New Landscape

A day of inspirational presentations and workshops on environmental access rights into Rio + 20 and beyond

### Keynote Speaker

Sir Francis Jacobs, Centre for Environmental Law,  
Kings College London

### Morning chair

Nathalie Lieven QC, Landmark Chambers

### Afternoon chair

Robert McCracken QC, of Francis Taylor Building

### Opening remarks

Lord Justice Sullivan

### With perspectives from:

#### Jeremy Wates

Secretary General, EEB & former Secretary to the  
Aarhus Convention

#### Veit Koester

Former Chair, Aarhus Convention Compliance  
Committee

#### Andrew Slaughter MP

Shadow Justice Minister

#### Professor Richard Macrory QC CBE

University College, London

#### Carol Day

WWF-UK on behalf of CAJE

### Date:

**Monday 10th October 2011 9.45am – 4pm**

### Venue:

**The Great Hall King's College Strand London WC2R 2LS**

### Price:

**£45** practitioners and public bodies

**£5** for community groups, academics and NGOs

### CPD :

5.5 points tbc

CAJE is a Coalition of the following organisations



CAJE includes a number of leading environmental NGOs in the UK including WWF-UK, Friends of the Earth, Environmental Law Foundation, Greenpeace, Capacity Global and the Royal Society for the Protection of Birds. CAJE's goal is ensure that access to justice in environmental matters is fair, equitable and not prohibitively expensive; that it is genuinely accessible to all; and that the justice system, so far as possible, works to protect the environment in accordance with the law.

### Contributions:

- The importance of environmental access rights in democratic society - **Sir Francis Jacobs**
- The UK's performance on the Aarhus Convention - **Andrew Slaughter MP**
- A Response to the UK position - **Professor Richard Macrory QC CBE and Carol Day**
- The Aarhus Compliance Mechanism - **Mr Veit Koester**
- The Aarhus Convention: past achievements and future challenges - **Mr Jeremy Wates**

### Workshops:

- Access to Information
- Public Participation in Decision-making
- Access to Justice

### Followed by a panel discussion

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## Reservations and Payments

### Cheque

Post stating the number of places required to  
E.L.F. 2-10 Princeton Street, London WC1R 4BH

### Bank transfer

Account Name: Environmental Law Foundation  
Account Number: 10748229 and Sort Code 60-40-04

### Debit or Credit Card

Visit [www.elflaw.org](http://www.elflaw.org) to make online card payments via Paypal (account not needed)  
Please send e-mail confirmation of payment by bank transfer or online payment.

**E:** [admin@elflaw.org](mailto:admin@elflaw.org) **T:** 020 7404 1030

Reduced price places for Community Groups and NGOs limited: book early to avoid disappointment.

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## Chairs and Speakers:

**Sir Francis Jacobs KCMG QC** is Professor of Law at King's College London and previously Advocate General at the Court of Justice of the European Communities between 1988 and 2006. He is the author of several books on European law, including books on the European Convention on Human Rights and on the European Court of Justice, and of many articles in legal journals. He was founding Editor of the Yearbook of European Law (Oxford University Press), and is chairman or member of the editorial advisory boards of many scholarly. Recent university appointments include the visiting Marcel Storme Chair at the University of Ghent (2005-2006) and the LeRoy Fellowship at the University of Michigan (March 2006). In November 2005 he was appointed a member of the Privy Council and he was knighted in 2006.

**Nathalie Lieven QC** specialises in public law, human rights, planning and environmental law. She took silk in 2006 and before that was on the A Panel of Treasury Counsel. She regularly represents central government, local authorities, NGOs and private clients in the High Court, Court of Appeal, planning inquiries and a range of tribunals. She has

extensively advised government departments on decision letters, and on the terms of planning policy and was a member of Kate Barkers Panel of Experts on the recent Barker Review of land-use planning in England.

**Robert McCracken QC** is a leading public, planning and environmental lawyer. He appears at all levels from the European Court of Justice to magistrates courts and planning inquiries. His wide experience includes the petrochemical industry, renewable and conventional power, water, retail and transport sectors, waste and contaminated land and statutory nuisance. He represents a wide range of clients including multinationals, utilities, regulators, planning authorities, community groups and individual citizens. He is recognised as a leading silk by Planning Magazine and by Chambers Directory in the fields of Environment, Planning and Local Government. He is a past chairman of the United Kingdom Environmental Law Association and past Secretary of the Planning and Environmental Bar Association. He is a Fellow of the Centre for European Law at King's College London.

**Lord Justice Sullivan** has been a Lord Justice of Appeal since 2009. He chairs the Working Group on Access to Environmental Justice in England and Wales, which has produced influential reports on costs in environmental cases (May 2008 and August 2010). His many notable rulings include the case of *Garner*, in which the Court of Appeal provided guidance on the effect of the EIA Directive on the principles governing the making of PCOs.

**Andy Slaughter** has been a Member of Parliament since 2005, representing Hammersmith in West London. Born and bred in the constituency, he has been in local and then national politics for 30 years. In 2010 Andy was appointed Shadow Justice Minister by Ed Miliband, with responsibility for courts and tribunals, criminal law, youth justice, the Parole Board, Freedom of Information, and Legal Aid. Andy practiced as a barrister prior to being elected to the House of Commons.

**Professor Richard Macrory QC CBE** is a barrister at Brick Court Chambers, London and was the UK's first professor of environmental law. He is currently director of the Centre for Law and the Environment at University College, London where he runs the Carbon Capture Storage Legal Programme. He has been a member of the Royal Commission on Environmental Pollution, a board member of the Environment Agency, England and Wales and a member of the Sullivan Working Party on Access to Environmental Justice. He was awarded a CBE in 2000 for services to the environment and the law, and made a Q.C. (Hon Causa) in 2008.



**Carol Day** is a Solicitor at WWF-UK and has been involved in numerous cases in the domestic courts and the Court of Justice of the European Union. She has experience of the Aarhus Compliance mechanism, regularly attends meetings of the Aarhus Task Force on Access to Justice in Geneva and

was a member of the Sullivan Working Group on Access to Environmental Justice. She formerly worked as a campaigner for WWF-UK and other environmental charities and has a Masters Degree in Nature Conservation from University College, London.

**Veit Koester** is a Master of Law and Administration, Barrister, external professor at Roskilde University Centre in Denmark and visiting professor at United Nations University, Institute of Advanced Studies, Yokohama, Japan. Between 2003-2011, he was Chair of the Compliance Committee of the Aarhus Convention, having previously been vice-Chair of the Working Group of the Parties between 2000-2002 and representing the Danish Government in the negotiation of the Convention since 1996. He has served as elected chair or vice-chair at many biodiversity-related COPs and other intergovernmental negotiating conferences as well as having represented the EU Presidency at such conferences. He has published numerous articles in English and Danish on international and Danish environmental law.



**Jeremy Wates** is the Secretary General of the European Environmental Bureau, Europe's largest federation of environmental organizations comprising 143 member organizations from 29 European countries. Prior to taking up

his present post in May 2011, he served for more than a decade as Secretary to the Aarhus Convention with the Geneva-based UNECE. During the 1990s, Jeremy led the campaign by the European ECO Forum, an NGO coalition, to persuade governments to start work on a treaty on environmental democracy and then coordinated the input from civil society organizations into the official negotiations over the Aarhus Convention text.

**Ben Jaffey** is a member of Blackstone Chambers. He specialises in public law and has a particular interest in costs issues in judicial review and environmental cases. He acted for the Claimant in Corner House 1 and 2 and for Public Law Project in Compton (all on protective costs orders) and for CAJE in its application to intervene in the Supreme Court and before the CJEU in *Edwards*.

**Gita Parihar** is Head of Legal at Friends of the Earth. She trained with charity specialist firm Bates, Wells & Braithwaite, before moving into the human rights and the environment. Before joining Friends of the Earth she worked for development NGO Actionaid, a Holocaust claims tribunal and for Public Interest Lawyers on environmental and human rights cases such as *Al-Jedda v Secretary of State for Defence*. She has been at Friends of the Earth for five years and has brought a range of cases on matters from airport expansion to contaminated land. As well as working on the implementation of the Aarhus Convention, Gita also advises Friends of the Earth International during the international climate negotiations.

## Panel:

**David Wolfe** works as a barrister at Matrix specialising in public law including environmental law. He represented CAJE when it intervened in the complaint against the UK before the Aarhus Convention Compliance Committee. He acts for Mrs Palikaropoulos in *Edwards* (now being referred to the ECJ on "prohibitive expense"). He was also a member of the Sullivan Working Group on Access to Environmental Justice.

**Kate Cook** is a member of Matrix and has wide-ranging expertise in environmental law, public international law, European Union law, human rights, and domestic public law. She regularly advises states, international organisations, NGOs and others on a wide range of environmental issues including most recently climate change, marine conservation, biodiversity, access to justice and illegal logging. Notable cases include: *Argentina v Uruguay* (Pulp mills) (ICJ) and *Croatia v Fry* (ICJ) (genocide) (ongoing). Kate lectures and publishes widely and is the sole author of *Wildlife Law: Conservation and Biodiversity* (Cameron May, 2004).

# Programme

Subject	Timing	Speakers
Morning Chair	9.45 - 9.55	Nathalie Lieven QC (Landmark Chambers)
Welcoming remarks	9.55 - 10.00	Lord Justice Sullivan
Keynote speech	10.00 - 10.20	"The importance of environmental access rights in democratic society" - Sir Francis Jacobs (Director, Centre for European Law, King's College)
The UK's performance on the Aarhus Convention	10.20 - 10.40	Andrew Slaughter MP, Shadow Justice Minister
A Response to the UK position	10.40 - 11.25	"Access to Justice in England and Wales – A decade of leading a horse to water"- Carol Day (WWF-UK on behalf of CAJE) "Strengthening the Environmental Tribunal" - Professor Richard Macrory, UCL
Coffee	11.25 – 11.45	
The International dimension	11.45 - 12.45	"The Aarhus Compliance Mechanism" – Mr Veit Koester (former Chair, ACCC) "The Aarhus Convention: past achievements and future challenges" – Jeremy Wates (Secretary General, EEB and former Secretary to the Aarhus Convention )
Lunch	12.45 - 1.45	
Afternoon Chair	1.45 - 1.50	Robert McCracken QC (Francis Taylor Building)
Workshop 1 - Access to Information	1.50 - 2.45 Hosted by Laura Gyte (Friends of the Earth)	"Smartsources, Sewage and Scrutiny – why the water companies should be subject to EIR" (Justin Neal, Fish Legal) "Environmental Information Regulations: delays and late exemptions" (Gerry Facenna)
Workshop 2 - Public Participation in Decision-Making	Hosted by Maria Adebowale (Capacity Global)	Barbara Willis-Brown, SCAWDI Naomi Luhde-Thompson (Friends of the Earth and the Greenest Planning Ever Coalition) Dr Kieron Stanley (Environment Agency) "A just white paper for the Natural Environment or just a white paper for the natural environment?"
Workshop 3 - Access to Justice	Hosted by Kate Harrison (Greenpeace/Harrison Grant)	"Action in the domestic courts: <i>Edwards, Garner, Austin</i> and others" Richard Buxton "ECJ and standing" Richard Stein
Tea	2.45 - 3.00	
Panel discussion - what next for Aarhus?	3.00 - 3.45	David Wolfe (Matrix) Kate Cook (Matrix) Ben Jaffey (Blackstone Chambers) Gita Parihar (Friends of the Earth)
Concluding remarks	3.45 - 4.00	Chair

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