



New rights for citizens in climate justice fight?

New analysis from an all-island environmental justice expert group reveals that EU plans to bolster access to justice rights will help Irish citizens seeking to challenge decisions that may be detrimental to nature.

The EU is considering strengthening the rights of citizens to challenge member states who fail to comply with its flagship climate law. Under the proposals from the European parliament, new access to justice provisions would be introduced later this year which would allow individuals and NGOs to take action in national courts against member states who breach EU climate rules. The proposed provisions could help Irish citizens exert their right to participate in environmental decision-making and force government to take a more ambitious stance on climate action.

[Research](#) undertaken by the [Environmental Justice Network Ireland](#) (EJNI), an all-island research and advocacy platform launched in 2019, asserts that there are a range of very compelling reasons for member states to support the proposed access to justice rights.

Dr Ciara Brennan, Director of EJNI, suggests that “these new access to justice rights would ensure that the EU and its members comply with international legal obligations under the UN Aarhus Convention, but would also reflect the urgent need to enable the public to participate fully in the transition to a climate neutral economy – including holding governments to account where they fail to take meaningful action on climate”.

The new proposals come as the response to the Covid-19 pandemic continues to occupy governments across the world. However, pressure is also mounting on global leaders to take urgent action in response to the climate crisis in what is considered the last decade where a difference can be made.

According to Professor Sharon Turner, who is a leading thinker on EU level climate action and a co-author of the EJNI research, “There is no vaccine for climate change. It is imperative therefore that the public should be able to take their government to court where they fail to take effective climate action. The European Parliament has voted to insert that right into the EU Climate Law. It is now for Member States to do likewise. Anything else signals a lack of seriousness about climate action by the EU and its governments just as the world starts the decade that will determine the difference between policy success or failure”.

For those standing ready to hold Ireland to account should it fail to play its equal part in the EU’s fight against the climate crisis, the proposals have been welcomed.

[Friends of the Irish Environment](#) (FIE) have been involved in a number of high-profile challenges to the Irish Government’s action on climate, notably the recent [Climate Case Ireland](#). Tony Lowes from FIE believes “the proposed measures will enhance effective accountability before national courts and are urgently needed to help ensure our fundamental right to challenge decisions taken on our behalf which undermine the common responsibility to transition to climate neutrality”.

Rose Wall, the CEO of [Community Law and Mediation](#) and founder of CLM’s new [Centre for Environmental Justice](#) also believes the European Parliament’s proposals will help ensure public participation in a just transition. ‘A key element of environmental justice is to ensure that climate action takes into account the needs of communities who are most vulnerable to the effects of climate change and indeed our responses to it. The public

will have to live with consequences of policy failure on climate change so the proposed new rights of access help ensure that the public can insist on environmental and social justice if government fails to plan appropriately and take necessary measures to halt the climate crisis.'

EU institutions are currently engaged in negotiations which will decide the final text of the EU Climate Law. While the European Parliament is strongly committed to their access to justice proposal it will need the support of member states. The next few weeks will therefore be crucial in determining not only whether the EU and its members are serious about their commitment to climate action, but also whether the bloc has a good enough decision-making framework for delivering the most important project it has taken on in its history.

For citizens residing north of the border, the future of environmental justice remains shrouded in uncertainty. Dr Ciara Brennan concludes that, 'Further [delays](#) to the implementation of the UK's post-Brexit environmental governance arrangements have created a yawning accountability gap at a time when we can least afford it. Current and future generations will pay the price unless action is taken on an all-island basis to deliver environmental protection and this must include meaningful avenues through which everyone can hold governments to account'.

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