

# ***CAN NATURE GET IT RIGHT?***

## ***Rights of Nature in a European Context***

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# ***“Environmental Democracy”***

## **Principle 10 of the Rio Declaration**

***Environmental issues** are best handled with the **participation** of all concerned citizens, at the **relevant level**. At the national level, each individual shall have appropriate access to **information concerning the environment** that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to **participate in decision-making processes**. States shall facilitate and encourage public awareness and participation by making information widely available. **Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.***



# ***The Aarhus Convention (1998)***

**UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

## ■ **Three pillars**

- ✱ **Information**
- ✱ **Public participation**
- ✱ **Access to justice**



# ***“Rights” and representation in the EU***

It follows more generally that the last sentence of the third paragraph of Article 10a of Directive 85/337 must be read as meaning that the ‘**rights capable of being impaired**’ which the **ENGO** are supposed to enjoy **must necessarily include the rules of national law implementing EU environment law and the rules of EU environment law having direct effect.**

C-115/09 *Trianel* [2011], para. 48

**Aarhus + Art 47 of the EU Charter (CFR)**

**= the principle of judicial protection +  
direct effect**



# ***What is Rights of Nature?***

- **RoN rests on three assumptions:**
  - ✱ **Current law cannot solve the environmental challenges of today, an urgent need a shift of paradigm...**
  - ✱ **The introduction of legal personhood for natural entities is the key factor (scientific evidence)...**
  - ✱ **The RoN concept is better suited to solve the most pressing issues of the future, such as climate change and biodiversity losses...**



# ***RoN in EU law ..?***

- **Constitutional protection?**
- **Stronger adaptivity requirements, for example in permits...**
- **Wider use of legal-technical standards...**
- **Reform of EU Nature directives: scientific basis for the listing...**
- **Enforcement**
  - ✱ **Better means (*commissario ad acta*)...**
  - ✱ **Administrative independence and resources...**
  - ✱ **Specialization and education of courts...**
  - ✱ **Damages on behalf of the environment...**
  - ✱ **Preliminary rulings...**



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**....and finally...**

**THANK YOU FOR LISTENING..!**



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