

Justice and Environment News Edition

Visegrad 4 Aarhus News

In the last half a year lawyers from J&E member organizations were helping people in the Czech Republic, Slovakia, Poland and Hungary in their fascinating environmental struggles:

“Thanks to the support of the [International Visegrad Fund](#) and [LIFE+ funding](#) we were able to assist people with 40 pieces of legal advice, we started an online Aarhus Guide in all 4 countries and we improved rules for public to influence environmental decision-making,” summarized the impacts of the V4 Aarhus Center so far Csaba Kiss, who coordinated the project.

Below are some of the stories that happened between June and November 2014:

Czech Aarhus Center – court victories of Frank Bold Society

“Three new paths have been opened for people who want to influence decision-making in our country”, explains Jana Kravčíková from the Frank Bold Society (FBS). She continues:



“Based on the decision of the Aarhus Convention Compliance Committee and a landmark Constitutional Court verdict, we posted on our website a set of tools on how to better protect the environment in land use planning and against excessive noise pollution.”

An important source of drinking water in southern Moravia, with a distribution potential of 200 000 people, has been threatened by a planned industrial zone. “People were afraid that their drinking water would be contaminated by toxic substances from planned operations”, explains Hana Sotoniaková how Frank Bold Society got involved. In October 2014, one of their several legal submissions scored at the court that issued a preliminary injunction, followed by the abolishing of building permits for dangerous operations.

<http://frankbold.org/zpravodaj/kategorie/povedlo-se/dalsi-vyhra-v-ochrane-pitne-vody-v-holesove>

<http://us3.campaign-archive1.com/?u=274e01d3cce9730953cb37fb6&id=44d517ad49>

<http://frankbold.org/zpravodaj/kategorie/povedlo-se/otevrel-ijsme-obcanum-nove-moznosti-zapojeni>

Slovak Aarhus Center – VIA IURIS improving environmental legislation

VIA IURIS scored in the legislative playing field. “Projects with significant environmental impact such as highways, incinerators or industrial operations will now have a binding EIA statement. People can also challenge EIA processes at the court”, explains this big legislative step forward Imrich Vozár from VIA IURIS.

The second legislation game involved the Construction Code of Slovakia: “Almost 2 500 Slovaks supported comments we have prepared in the drafting process, trying to revert the negative development proposed by the Government”, says Imrich. The Government’s draft would limit the ability of towns and citizens to decide on development of their neighborhoods. An opinion poll and an online mobilization campaign helped to attract the public attention to this issue.



<http://www.viaiuris.sk/aktualne/498-prelomove-zmeny-zakona-eia-p.html>
<http://www.viaiuris.sk/aktualne/494-obcania-nesuhlasia-aby-nov-.html>
<http://www.viaiuris.sk/aktualne/487-novy-stavebny-zakon-oklies.html>
<http://www.viaiuris.sk/aktualne/487-novy-stavebny-zakon-oklies.html>
<http://www.viaiuris.sk/aktualne/498-prelomove-zmeny-zakona-eia-p.html>

Polish Aarhus Center – Fundacja Frank Bold defending the Krakow greenery

Our colleagues from the Fundacja Frank Bold are helping defenders of a flooded quarry – now the largest green area in Krakow, popular for climbing, picnics and cycling. Zoning plan allowing development would entirely ruin these green lungs of the smoggy city. There is still a chance to reverse the plan, even turn this location into a special protection area.

According to Tomasz Włodarski: “Local groups, such as the one in Krakow, gain vital strengths if we provide them with legal arguments. They do have a chance to win conflicts with the authorities.”

<http://blog.frankbold.pl/zakrzowek/>
<http://blog.frankbold.pl/dostep-do-informacji-o-srodowisku-czy-wiesz-jakie-prawa-ci-przysluguja/>

Hungarian Aarhus Center – Environmental Management and Law Association watching pillars of democracy

Growing pressure on civil society from the government and the parliament brought investigation also against Environmental Management and Law Association, EMLA, but has not stopped our colleagues from providing legal assistance:



EMLA lawyers are helping the NGO Energy Club to claim information from the Hungarian Electricity Company regarding the extension of the Paks

Nuclear Power Plant. “The timespan within which they can usually get the required information is 3 years, after two instances of court procedures”, explains Csaba Kiss from EMLA why they turned to the Aarhus Convention Compliance Committee complaining about the conduct of the state electricity company.

Another heated case concerns the Gabčíkovo-Nagymaros Dam. EMLA client requested “all related data” of the Hungarian - Slovakian negotiations that followed the judgment of the International Court of Justice on this case. The domestic court refused the claim for being formulated in too general a manner. “Putting the burden of specifying publicly held data on citizens is a concept inherently alien to the philosophy of the access to information and lacks any specific legal ground” according to Csaba Kiss.

<http://www.bosnagymaros.hu/>

These cases, where J&E lawyers gave legal advice or provided legal representation to citizens and NGOs, demonstrate that there is an urgent need for specialized legal support for the public in environmental matters. While this is foreseen by the Aarhus Convention and supported in declarations by the United Nations Economic Commission for Europe, Aarhus Convention Secretariat, there is little done by governments and intergovernmental organizations to service the public in such critical issues. There are only a few exceptional donors who devote resources to this, and one of them is International Visegrad Fund. And there are only a few exceptional lawyers who devote themselves to helping people in these cases. That is why it is always a great momentum when such extraordinary initiative meets and creates a number of success stories – just like the case of the Visegrad 4 Aarhus Center!

*Csaba Kiss, Coordinator of Justice and Environment
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