

## **International trend of access to justice in environmental matters and EIA litigation**

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### Abstract

Environmental impact Assessment (EIA) is a basic tool to reduce as much as possible the environmental load generated by human activities. At the same time EIA has offered one of the most important opportunities for public participation in Asia as well as in other regions. Guidelines on Public Participation in Environmental Impact Assessment (EIA) in the Mekong Region were adopted in 2017. There is the clear trend also in Asia to strengthen public participation in accordance with the international standards, such as Principle 10 of Rio Declaration (1992), Aarhus Convention (1998) and Bali Guidelines (2010).

This time we have made a comparative study of seven Asian countries, China, India, Indonesia, Philippines, Japan, Taiwan and Thailand. All of these countries have adopted the EIA system which requires public participation. While the system of public participation in EIA in each region is relatively similar at first sight, in terms of detail, it varies from country to country. And all countries face common and/or specific issues, such as exclusion of some important projects from mandatory EIA, insufficient public notice about the process and improper consideration of public comments.

Access to justice helps to ensure that the obligations of EIA law are attained and public concerned exercises rights. Although access to justice in environmental matters has been strengthened in some Asian countries, many challenges still have been recognized in practice.

This presentation identifies such challenges and discusses the additional measures to be taken. It would be helpful to refer to several international instruments that indicate the key elements to secure effective access to justice, such as wide legal standing, adequate and effective remedies including injunctive relief, appropriate assistance mechanism etc. They also cover intensity of judicial review. This comparative study by members and collaborators of Green Access Project could contribute to sharing good practice, to making regional indicators for environmental access to justice and to promoting the reform process.