Category: Obligation to Provide Access to Legal Remedies

Sub-Category: Civil Society Monitoring Mechanisms

Name of Good Practice: **Research on Application of Finland’s Environmental Right**

Key Words: Constitutional Right to Environment, Research, Compliance, Monitoring, Public/Private Partnership

Implementing Actors: Academic Institution: University of Tampere, Public Law Research Group, and University of Lapland Northern Institute for Environmental and Minority Law (NIEM); National Ministry: Ministry of Environment of Finland

Location: Finland

Description: The project partners conducted a research project on the implementation of Section 20 of the Constitution of Finland, which provides, *inter alia*, that “The public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment.” This research included thematic interviews and surveys of civil servants across different branches of government both at the central and regional level, judges both at the appellate and Supreme Court level, NGOs/CSOs representing environmentally oriented associations as well as businesses and industry, corporations and private citizens. One of the research team’s participatory methods involved an open internet-based survey which dealt with three particular aspects of environmental rights: (1) access to information, (2) right to an effective remedy, and (3) participatory rights. The survey provided an avenue for people to openly provide information about the status of environmental rights.

The final report was published in September 2014 and is available online at <http://www.ymparistoministerio.fi/download/noname/%7BEEC13568-8CDF-4462-8169-6384ED0CC029%7D/103920>. According to the English summary of the report, “The complexity of the environmental decision making procedures makes it difficult for an individual to participate sufficiently in matters that concern his or her own living environment. The main problems occur due to the lack of knowledge, when and how to participate during the long process. Especially vulnerable groups, such as indigenous people, young, children, disabled, low-educated persons and elderly have special needs that should be taken into account more carefully. The threshold to participate should be diminished by positive measures from environmental authorities.” The research also found that access to courts is reasonably well protected in the Finnish law. It found, however, concerns about the length of proceedings and recommended that the use of alternative dispute mechanisms like environmental mediation could be tested. In addition, the research recommended that courts should introduce a priority policy in environmental cases.

Further Information: The University of Tampere’s web page at <http://www.uta.fi/jkk/tutkimus/alat/julkisoikeus/english.html>.