

GOOD ENVIRONMENTAL GOVERNANCE: THE ROLE OF OMBUDS-INSTITUTIONS IN PROTECTING ENVIRONMENTAL RIGHTS

Good management of natural resources and the environment is of fundamental importance for sustainable development. However, implementation of environmental national and European legislation, as well as multilateral environmental agreements and other environmental measures is often quite weak, mainly in developing and transitional countries. There is now a growing consensus emphasizing that **governance has a strong effect on environmental actions and outcomes**. Rule of law, citizen´s rights of **access to information, public participation and equal access to justice is a basis for sustainable development**. The aim of this conference is to elaborate on how Ombuds-institutions can support enhanced implementation of environmental legislation (including multilateral environmental agreements) and other environmental measures through promoting good environmental governance.

Hosted and organized by: Ararteko – Ombudsman of the Basque Country (within the framework of the 2018 IOI International programme of activities)

Dates: 16 and 17 May 2018

Conference venue: Vitoria-Gasteiz, Palacio Europa. Avenida de Gasteiz 85. Estíbaliz room.

DRAFT PROGRAMME AND AGENDA

TUESDAY, 15 MAY 2018

Pick-up of delegations **at the airport.**

20:30: Welcome dinner at the restaurant of the Hotel Silken-Ciudad de Vitoria.

WEDNESDAY, 16 MAY 2018

VENUE: PALACIO EUROPA VITORIA-GASTEIZ

9:00-9:30 - OFFICIAL OPENING

9:30-10:00.-OPENING KEYNOTE SPEECH

The right to a healthy environment as a fundamental human right in the light of the case-law of the European Court of Human Rights

At a global and European level there is an increasing awareness about the need to recognize, promote and protect an emerging fundamental human right which is the right to a healthy and sustainable environment. From a human rights' point of view, the right to a healthy and quality environment is a fundamental right whose nature and characteristics do not change over time or as a consequence of circumstance changes. The right to a healthy environment has been recognized through the interpretation of the scope of certain rights proclaimed in the provisions of the European Convention of Human Rights. Although there are no provisions in the Convention or its additional Protocols, that expressly refer to the right to a healthy and sustainable environment, the European Court of Human Rights has recognized in its case-law, that certain types of deteriorations of the environment entailing serious consequences for the individuals, the failure by public authorities to provide information regarding the ecological risks may amount to breaches of certain rights protected through the provisions of the Convention, such as right to life, right to private and family life or right to property. Furthermore the European Charter of Fundamental Rights provides, that a high level of environmental protection and its improvement must be integrated in the EU policies and be guaranteed according to the principle of sustainable development.

Moderator: - European Ombudsman 's Office (*to be confirmed*)

Speaker: *Luis López Guerra*, Constitutional Law Professor (University of Madrid), Judge at the ECtHR.

10:00-10.30 - Coffee Break

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10:30-12:30 - FIRST WORKING SESSION

THE ROLE OF OMBUDSMAN INSTITUTIONS IN ENFORCING THE PRINCIPLE OF A GOOD ENVIRONMENTAL GOVERNANCE

This session will be devoted to discuss the role of the Ombuds-institutions in enforcing good governance in the environmental domain, especially by improving the implementation degree of the right to access to information, participation and environmental justice deriving from European Law and from main international instruments, such as the *Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*.

Therefore, two experts will introduce this issue, followed by a presentation by two Ombudspersons of own case studies, and by the point of view of civil society, represented by two NGOs. Presentations will be followed by an open debate.

Moderator: *Caty Arévalo*. Environmental Journalist (EFE Agency)

1. Introductory remarks:

- **Juli Ponce Sole**, Administrative Law Professor at Universidad de Barcelona: *La buena gobernanza ambiental: la motivación de las decisiones ambientales "discrecionales" y el derecho de la ciudadanía a participar.*
- Expert (to be confirmed): *Good environmental governance, in regard to access to information, public participation and citizen´s access to environmental justice*

2. Case studies:

By 2 Ombudspersons- IOI members

3. Civil society:

- Rosy Battaglia**, Environmental Journalist, founder of Cittadini Reattivi (Italy): *El papel de las defensorías en el cumplimiento del principio de buena gobernanza ambiental.*
- Cristina Álvarez Baquerizo**, Environmental Lawyer (Spain): *El papel de las defensorías en el cumplimiento del principio de buena gobernanza ambiental.*

4. Open debate:

Open discussion with the input of other experiences or case studies by different Ombudspersons, as well as by other participants.

12.30-13.00 -WORKSHOP- Other technical aspects to this issue (Just in case, depending on the answers of participants to the questionnaire)

13.30- Group Photo and BREAK FOR LUNCH

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15:00-17:00- SECOND WORKING SESSION

THE ROLE OF OMBUDS-INSTITUTIONS IN FACING CURRENT ENVIRONMENTAL CHALLENGES: POLLUTION CONTROL, CLIMATE CHANGE AND TRANSITION TOWARDS A NEW ENERGY MODEL

This session will analyse the instruments and mechanisms incorporated into legal systems in order to evaluate public plans and programmes carried out by public administrations to prevent and reduce the environmental impact and risks that may derive from human activities prone to generate noise, air or water pollution.

It will also address the current energy model and possible advisable guidelines for the transition towards a more sustainable and low in greenhouse gas emissions society model should be. This new energy model must be built on a three-fold foundation: a safe and high quality energy model; a sustainable model based on saving, energy efficiency and renewable energy sources; and finally, a transparent, participative and decentralized model.

Therefore, two experts will introduce this issue, followed by a presentation by two Ombudspersons of own case studies, and by the point of view of civil society represented by two NGOs. Presentations will be followed by an open debate.

Moderator: *To be confirmed*

1. Introductory remarks:

- **Wioletta Dunin-Majewska**, European Commission, former Policy Coordinator at Directorate General for Energy: ***European priorities on the transition towards a new energy model.***

- **Antonio Vercher**, Attorney- coordinator for environment at the *Fiscalía General del Estado* (Spain): *Colaboración y coordinación entre instituciones que ejercen el control de la contaminación*

2. Case Studies:

By 2 Ombudspersons –IOI members

3. Civil society:

-NGO activist (*to be confirmed*): *Towards a new energy model: proposals for a social debate*

- NGO activist (*to be confirmed*): *Propuestas ciudadanas para el debate social sobre la transición a un modelo energético más sostenible*

4. Open debate:

Open discussion with the input of other experiences or case studies by different Ombudspersons, as well as by other participants.

17.00-17.30 - WORKSHOP. Other technical aspects to this issue (Just in case, depending on the answers of participants to the previous questionnaire).

THURSDAY, 17TH MAY 2018

9.00 -11.00 - THIRD WORKING SESSION

THE ROLE OF OMBUDS-INSTITUTIONS IN ENFORCING MEASURES TO PRESERVE NATURAL RESOURCES AND BIODIVERSITY

This session aims at analysing policy measures and guarantees related to the protection and conservation of natural spaces, natural resources, endangered species, biodiversity and landscapes. The degree of implementation and compliance of commitments deriving from the Bern Convention on the Conservation of European Wildlife and Natural Habitats and the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora of the European Council will be used as a benchmark.

Moderator: *Eladio Fernández Galiano*, Head of the Culture, Nature and Heritage Department of the Council of Europe.

1. Introductory remarks:

- Expert from the European Commission (*to be confirmed*): ***European priorities to preserve biodiversity***
- Mario Sáenz de Buruaga, Biologist at *Consultora de Recursos Naturales* (Spain): ***Buenas prácticas para la conservación de especies salvajes como el lobo ante los conflictos que se generan con las comunidades locales***

2. Case Studies:

By 2 Ombudspersons –IOI members

3. Civil Society:

- NGO activist (*to be confirmed*): ***Relevant experiences and main priorities for IUCN in the field of protection of biodiversity***
- NGO activist (*to be confirmed*): ***El papel de las asociaciones y sus propuestas para la mejora de la protección de la biodiversidad y las especies salvajes***

4. Open debate:

Open discussion with the input of other experiences or case studies by different Ombudspersons, as well as by other participants.

11.00-11:45 - Coffee Break

11.45-12:30 - CONCLUDING REMARKS AND OFFICIAL CLOSING

13:00-15:00. Lunch

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17 and 18 May- Pick-up at the hotels and transfer to the airport at the times indicated to the organization
