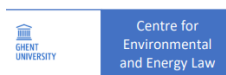


# TOENEMENDE SPECIALISATIE VAN RECHTBANKEN IN HET MILIEURECHT OP MONDIAAL VLAAK: TENDENSEN

Prof. Em. Dr. Luc LAVRYSEN - Gent, 1 april 2022

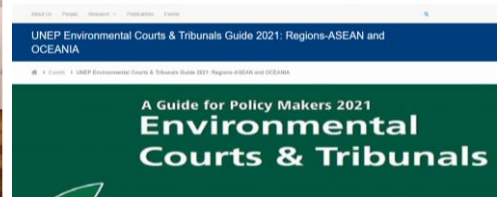
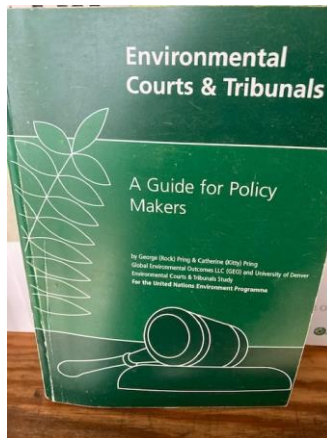
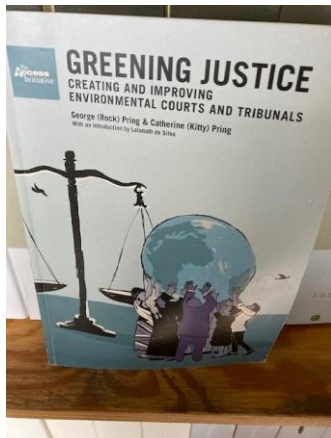


1

2009

2016

2022



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- G. Pring & C. Pring, ***Greening Justice. Creating and Improving Environmental Courts and Tribunals***, World Resources Institute, Washington, 2009, 119 p.
- G. Pring & C. Pring, ***Environmental Courts & Tribunals: A Guide for Policy Makers***, Nairobi, UN Environment, 2016, 120 p.
- L.I. Sulistiawati e.a., ***2022 UNEP ECT Guide for Policy Makers***, Nairobi, 2022, *to be published*



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## Globale Tendensen

- Groei van het aantal milieurechtbanken of milieuafdelingen van rechtbanken:
  - 1970-2000: 100 tal;
  - 2000-2009: + 250 = 350 in 41 landen;
  - 2009- 2016: 1200 in 44 landen (China: 456);
  - 2021: 3.000 in 88 landen (China: 1.300)
- Gestuurd door snelle ontwikkeling van milieurecht en milieurechtelijke beginselen op diverse beleidsniveaus



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## Globale Tendensen

- Link tussen milieurecht en mensenrechten (effectieve rechtsbescherming)
- Ernst van de milieu- en klimaatcrisis
- Twijfel of het algemeen gerechtelijk systeem in staat is een effectief antwoord te bieden



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## Diversiteit

Grote verschillen tussen diverse systemen: 5 modellen

### **Model 1: Uitgebreide bevoegdheden**

- Administratief, burgerlijk en strafrecht
- Milieurecht in brede zin, ruimtelijke ordening en hernieuwbare energie



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## DIVERSITEIT

- Groot territorium (soms regionale afdelingen of lokale hoorzittingen)
- Combinatie van juridische, wetenschappelijke en technische expertise (technische rechters, raadgevers of experts van de rechtbank)

### ***Land and Environment Court of New South Wales (Australia)***



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## DIVERSITEIT

### Model 2 + 3: Beperkte bevoegdheden

Model 2 : combinatie van administratieve en civiele bevoegdheden – milieu- en ruimtelijke ordening, geen energierecht – juridische en technische expertise – ruim territorium

***Vermont Superior Court, Environmental Division (US) – Land- and Environmental Courts (Sweden) - Tribunales Ambientales (Chile) – Environment and Land Court (Kenya) - National Green Tribunal (India)***



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## DIVERSITEIT

### **Model 3 : combinatie van burgerlijk en strafrecht 1300 milieurechtbanken in PR China**

### **Model 4 : gespecialiseerde administratieve rechtbanken**

***Vasaa Court*** (Finland), ***Environmental Court of New Zealand***,  
***Raad voor Vergunningsbetwistingen*** en ***Milieuhandhavingscollege***

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**China's supreme court sets up environment cases division**

The Supreme People's Court (SPC) has set up a tribunal for environment cases to better implement the revised environmental protection law, said a court spokesman here on Thursday.

The tribunal will hear civil cases involving pollution, exploitation of natural resources and conservation of natural environment such as forests and rivers, said Sun Jangong, SPC spokesman, at a press conference.

It will also hear appeal cases forwarded from lower courts, supervise the trial of environment cases at lower courts and draft judicial explanations about such cases, Sun said.

The SPC expects that the tribunal can set the standards for trials of environment cases, better protect people's environmental rights and help fight pollution and other

**Chinese courts conclude over 700,000 environmental, resource cases in past 3 years**  
2021-12-10

Chinese courts nationwide concluded more than 700,000 environmental and resource cases over the past three years, according to a Supreme People's Court (SPC) work conference on Friday.

With the operation of more environment tribunals, Zheng expects the number of these cases to increase.

China's top legislature revised the environmental protection law in April, imposing much harsher punishment on polluters and heavier liability on government.

The new law allows public litigation on environmental issues and expands the range of the plaintiff, from parties directly affected by environmental damage to officially registered social organizations that engage in public litigation on environmental issues for more than five years.

China has faced an increasing number of protests, or "mass incidents", over environmental issues. Cases have seen incidents take to the streets against polluting projects, which they believe are a major threat to the environment and public health.

Courts are considered a more rational way for people to express their concerns without triggering chaos and violence.

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## Environment Court of New Zealand

Te Kōti Taiao o Aotearoa

ENVIRONMENT COURT

**Auckland Unitary Plan Appeals**

**Overview of the Environment Court's processes**

**About the Environment Court**

**Representing yourself in the Environment Court**

**Forms & fees**

**Environment Court cases online**

**Decisions & publications**

**Speak to reo Māori or use sign language**

**Contact us**

**Nau mai haere mai ki te pae tukutuku o te Kōti Taiao**

Most of the Environment Court's work involves the Resource Management Act 1991. The court largely deals with appeals about the contents of regional and district plans and appeals arising out of applications for resource consents. The consents applied for may be for land use, a subdivision, a coastal permit, a water permit or a discharge permit or a combination of these. The Environment Court sits in a number of courthouses in different parts of the country.

**Auckland Unitary Plan Appeals »**

You may appeal the Auckland Council's Unitary Plan decision on the recommendations of the Independent Hearing Panel.

**About the Environment Court »**

Read the the Environment Court's practice note, learn about the court's jurisdiction and history, and read biographies of the Environment Judges and Commissioners.

**Forms & fees »**

Forms & the fees you'll need to pay if you make an application in the Environment Court, including how to pay the fees.

**POPULAR LINKS**

Practice note 2014

Practice note

Notices of hearing

Notices of hearing

**RELATED LINKS**

- [Ministry for the Environment](#)
- [Resource Management Act 1991](#)

**Overview of the Environment Court's processes »**

How resource consent appeals and plan appeals typically progress through the Environment Court.

**Representing yourself in the Environment Court »**

In the Environment Court you don't need a lawyer and you can represent yourself.

**Environment Court cases online »**

Matters before the Environment Court with a high level of public interest or a large number of interested parties, have case information published

Vaasan hallinto-oikeus

OIKEUSTALO  
JUSTITIEHUSET

» Siirry Vaasan hallinto-oikeuden sisältöön

[Oikeus.fi](#) » [Tuomioistuinlaitos](#) » Vaasan hallinto-oikeus

Vaasan hallinto-oikeus

Vaasan hallinto-oikeuden esittely

Ohjeita muutoksenhakijalle

Tiedotteet

Hallinto-oikeuden Finlex-ratkaisut

Hallinto-oikeuden ratkaisuja

Hallinto-oikeuden julkiset kuulutukset

Uusimmat tiedotteet

**3.1.2022**  
Lehdistötiedote 3.1.2022

**13.12.2021**  
Lehdistötiedote 13.12.2021

**22.6.2021**  
Lehdistötiedote 22.6.2021

**31.12.2020**  
Lehdistötiedote 31.12.2020

Uusimmat Finlex-ratkaisut

**21.1.2022**  
Vaasan HAO 21.1.2022 22/0004/4 ja 22/0005/4

Lahjaverot - Ennakkoratkaisu- Lahjoittaminen osakeyhtiölle - Sukupolvenvaihdoshuojennus- Yritystoiminnan jatkaminen

**1.12.2021**  
Vaasan HAO 1.12.2021 756/2021  
Handläggningsspråket hos myndighet -

»Valituksia koskevat julkiset kuulutukset

»Päätöksiä koskevat julkiset kuulutukset

»Hallinto- ja erityistuomioistuinten asiointipalvelu

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## DIVERSITEIT

### - Model 5 – Gespecialiseerde afdelingen van gewone rechtscolleges

***Environmental Courts*** (Philippines), ***Lahore High Court Green Bench*** (Pakistan), ***Hawai'i Environmental Courts***



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The screenshot displays the Lahore High Court website. At the top, there is a navigation menu with links: Home, About Us, Judges, Case Management, Reported Judgments, Certified Copy Status, District Judiciary, Downloads, Contact us, and Members Area. A search bar is also present. The main content area features a large banner image of a green landscape with a fountain, titled "Lahore court". Below the banner, there are social media icons for Facebook, YouTube, and Twitter, and a publication date: "Published on 20/09/2015, 2:00am". The article headline reads: "Farmer's legal challenge makes history as judge tells government to get its act together on tackling global warming". A large image of a mountainous landscape with green fields is shown below the headline. The article is attributed to "By Malini Mehra" and the text states: "Pakistan's federal government must start implementing its climate change plans a judge at Lahore High Court said last week, ruling on a legal challenge brought by a farmer." On the left side, there is a sidebar with a "Reported Judgments" section, including links for "Judgments Approved for Reporting", "Green Bench Orders", "Green Bench Notification", and "School Security Orders". Below this, there is a "Green Bench Orders" section with a search form containing fields for "Tag Word" (set to "Any"), "Hon'ble Judge" (set to "Mr. Justice Syed Mansoor Ali Shah"), "Case No.", "Hearing Date", and "Party(ies)", with "Submit" and "Clear" buttons.

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Projects

## Hawaii Environmental Court

*Hawaii's Environmental Court is a historic milestone for our islands and the U.S.*  
—Denise Antebi, UH William S. Richardson School of Law

KHIB, along with several others including the UH William S. Richardson School of Law and The Outdoor Circle, helped establish the statewide Hawaii Environmental Court, the second statewide environmental court system in the nation (Vermont was first). Judge Larry Plotter, from the Shelby County (TN) Environmental Court was of significant help in initiating the process and giving support and guidance. The E-Court was officially launched on July 1, 2015, with the goal of ensuring fair, consistent, and effective resolution of cases involving the environment. The Hawaii Environmental Court has been in part modelled off of other environmental courts around the world, including those in India, Brazil, and across the U.S.

A total of twenty-two **Environmental Court judges** are designated in district and circuit courts across the state, with scheduled calendars for environmental hearings. Between July 2015 and May 2016, over 1,600 cases have been filed through the Environmental Court, including 10 criminal cases.

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events are expected

What's Next?

As the Hawaii Environmental Court continues to develop, a new group, The Friends of the Hawaii Environmental Court, has been created to help in outreach and education. This group consists of diverse stakeholders across Hawaii and works to disseminate updates and information regarding the Environmental Court.

### Environmental Court

Overview: The goal of the Hawaii Environmental Courts is to ensure the fair, consistent, and effective resolution of cases involving the environment. Hawaii's Environmental Courts were established pursuant to Act ... [Continue reading](#)

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## VOORDELEN

- *expertise*: betere beslissingen dankzij een grondige opleiding in het milieurecht en in de milieuwetenschappen;
- *doeltreffendheid*: snellere besluitvorming ten gevolge van de opbouw van knowhow;
- *zichtbaarheid*: de oprichting van milieurechtbanken geeft aan dat het beleid de milieubescherming en de duurzame ontwikkeling ernstig neemt en er wordt een voor het publiek zichtbaar juridictioneel forum ter beschikking gesteld;
- *kosten*: de milieurechtbanken kunnen de kosten voor de partijen beperken;

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## VOORDELEN

- *eenheid van rechtspraak*: een grotere eenvormigheid in de milieurechtspraak kan bekomen worden, wat bijdraagt tot de rechtszekerheid;
- *toegang tot de rechter*: de criteria inzake hoedanigheid en belang kunnen aangepast worden aan het milieucontentieux;
- *beheer van de prioriteiten*: het is makkelijker om voorrang te geven aan de meest dringende zaken;
- *innovatie*: creatieve remedies en meer flexibele procedures kunnen ontwikkeld worden;
- *ADR*: er is meer ruimte om alternatieve procedure voor geschillenbeslechting toe te passen;

## VOORDELEN

- *geïntegreerde remedies*: sancties en herstelmaatregelen van strafrechtelijke, civiele en administratieve aard kunnen op geïntegreerde wijze gecombineerd worden

- Afhankelijk van concrete vormgeving
- Nationale tradities en grondwettelijke vereisten meebepalend
- Potentiële nadelen, kunnen door intelligente vormgeving voorkomen worden



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 FACULTEIT  
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