

**ENVIRONMENTAL
LAW CENTER
AT THE UNIVERSITY OF COLOGNE**

Vol. 2

SS 2021

WS 2021/2022

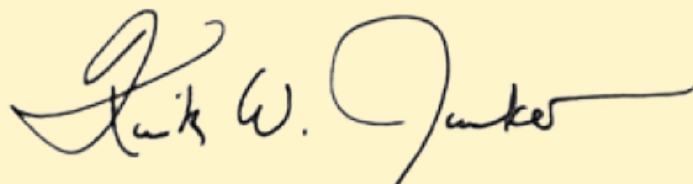


THE GREEN SHEET

ELC Semester Update

OPENING STATEMENT

The severe flooding that we experienced in Germany this summer was unexpected. Why? Climate science has warned us for years that extreme weather changes are coming, and that we cannot use old patterns and models to predict them. A problem with these serious warnings seems to be that knowledge alone is insufficient to inspire action. Until we experience it, we do not take action. Then, when the shock grabs the attention of people, they often ask "what can we do?" Plenty! And this is where the practice of law can enter the picture. Environmental lawyers can enable citizens of all types – individuals, organizations and businesses – to do something to prevent such things as the unexpected and deadly flooding that we experienced this past summer. So welcome to this edition of the Green Sheet. We hope you find something among our many activities that enables you to enable others. We can do something to prevent future flooding and to slow climate disruption, but we must take action. Why not take action by being an environmental lawyer?

A handwritten signature in black ink that reads "Kirk W. Junker". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Prof. Dr. Kirk W. Junker, Director, Environmental Law Center
Cologne, September 29, 2021

TABLE OF CONTENTS

UPCOMING EVENTS IN WINTER SEMESTER 2021/2022	4
PAST EVENTS IN SUMMER SEMESTER 2021	6
UPCOMING EXTERNAL ONLINE EVENTS	9
CURRENT PROJECTS AND INITIATIVES	10
OPPORTUNITIES SECTION	12
BOOK, ARTICLE AND PODCAST RECOMMENDATIONS	13
ENVIRONMENTAL LAW ALL OVER THE WORLD	14
HOW TO REACH US	16

UPCOMING EVENTS IN WINTER SEMESTER 2021/2022

LECTURE ON U.S. ENVIRONMENTAL LAW

Online lecture in English beginning on October 5 at 5:30 pm

In the United States of America, environmental law has been a discipline of its own since the early 1970's. Since that time, one can find constitutional provisions, statutory law, administrative regulations and binding court case decisions on both the federal and state level that are exclusively characterized as “environmental.”

In the upcoming course, Professor Junker will be teaching U.S. Environmental Law to students of the Université Paris 1- Panthéon Sorbonne as well as interested law students of the University of Cologne. Professor Junker classifies U.S. Environmental Law as foreign law and emphasizes the importance of comparative law. Furthermore he will be explaining Cooperative Federalism and the history of environmental law in the U.S. as well as the current procedural law. At the end, two case studies on Monsanto and the Volkswagen emissions scandal will be discussed.

The course will start on October 5 at 5:30 pm. The class will meet weekly until Christmas only. January is the research and writing month for the paper, if students are writing for a grade.

Successful participation in this lecture series may be credited toward the Environmental Law Certificate.

Places are limited! **Please register by stating your name, semester and matriculation number** via environmental-law-center@uni-koeln.de.

LECTURE ON GERMAN ENVIRONMENTAL LAW

Online lecture in German beginning on October 13 at 5:00 pm

After eight semesters without German environmental law lectures at the University of Cologne it is time to bring environmental law back. Prof. Dr. Kirk W. Junker will be teaching German environmental law at the University of Cologne together with practicing environmental lawyers. The lecture includes an introduction to European and German environmental law as well as special areas of environmental law such as climate protection law. **Lectures will be virtual** and will, if possible, include live excursions in Cologne. Lectures will be held on Wednesdays, starting on October 13 from 5:00 - 6:30 pm.

Successful participation in this lecture series may be credited toward the Environmental Law Certificate.

Places are limited! **Please register by stating your name, semester and matriculation number** via environmental-law-center@uni-koeln.de.

PRESENTATION ON HUMAN RIGHTS AND ENVIRONMENTAL LAW

On November 8, 2021 the director of the Environmental Law Center, Prof. Dr. Kirk W. Junker, will be participating in the "Ringvorlesung" organized by Prof. Dr. Dr. h.c. Dr. h.c. Angelika Nußberger MA at the University of Cologne. His presentation will be on Human Rights and Environmental Law.

Please contact the ELC via environmental-law-center@uni-koeln.de for more information.

"HOW TO BECOME AN ENVIRONMENTAL LAWYER"

Online event on November 18 from 5:00 - 6:30 pm

In this webinar, Mrinalini Shinde, Manager of the Environmental Law Certificate at the Environmental Law Center will offer the audience an informal insight into her personal journey pursuing environmental law as a student, and then later as a lawyer before the National Green Tribunal in India, as a lawyer at the Legal Affairs division of the UNFCCC secretariat in Bonn, and currently as a legal academic at the University of Cologne.

The talk is part of the "How to become an Environmental Lawyer" series organized by the Environmental Law Center and is intended to be an opportunity for students to interact with a diverse set of environmental legal professionals. You can find more information about Mrinalini's publications, ongoing projects and teaching at mrinalinishinde.com.

The webinar will be virtual on November 18 from 5:00 - 6:30 pm. Places are limited! **Please register by stating your name, semester and matriculation number** via environmental-law-center@uni-koeln.de.

"EIN WALD FÜR KÖLN"

Tree planting event on November 20, 2021

On November 20, 2021 the Environmental Law Center will be participating in the event "Ein Wald für Köln Lindweiler". "Ein Wald für Köln" is a project of the city of Cologne and the "Schutzgemeinschaft Deutscher Wald Köln e. V." where you can donate money for the planting of a piece of forest. Donations are possible from 5 € onwards. We encourage you to join us in donating.

For more information please visit: <https://www.stadt-koeln.de/leben-in-koeln/freizeit-natur-sport/wald/baum-statt-brautstrauss>

PAST EVENTS IN SUMMER SEMESTER 2021

KLIMAWENDE

On April 29, the Environmental Law Center welcomed Anna Prieß and Tim Petzoldt from the initiative “Klimawende Köln”. Lawyer Anna Prieß introduced the initiative and the goal of climate neutrality, the legal tool called “Bürgerbegehren” (citizens’ petition) in general and also specifically the petition organized by the “Klimawende Köln”. After the insightful presentation, participants asked questions and Tim and Anna stressed different aspects of the actual work in the initiative and the possibilities and limitations of the “Bürgerbegehren”, as well as the rise of such petitions related to climate action.

On August 28, the City of Cologne, the initiative Klimawende Köln and the RheinEnergie presented a position paper which they developed under the moderation of Prof. Dr. Manfred Fishedick, Scientific Director of the Wuppertal Institute for Climate, Environment, Energy. The goal is to completely decarbonize RheinEnergie’s electricity and heat supply by 2035. Annual monitoring also takes place and measures are adjusted if necessary (the paper can be found here: https://klimawende.koeln/wp-content/uploads/2021/08/Eckpunkte_RE-KWK_210824.pdf). Prof. Dr. Fishedick states that “RheinEnergie, Klimawende Köln and the City of Cologne are irreversibly setting out on the path to complete decarbonization of electricity and district heating generation, which is to be completed in 2035. This clear target focus and the defined specific implementation roadmap send a strong signal for the necessary climate protection at regional level.”

In the meantime, Klimawende Köln and RheinEnergie are asking the Council of the City of Cologne to pass a resolution to decarbonize the energy supply in Cologne based on the position paper and to commission the city administration to implement it. The citizens’ petition will not be pursued further if sufficient council resolutions are passed by the end of 2021. We congratulate the initiative on this success!

1ST AFRICAN ENVIRONMENTAL LAW CONFERENCE

The first African Environmental Law Conference was held virtually on May 28, 2021. The idea of organizing the conference was conceived by the Director of the Environmental Law Center at the University of Cologne last November and commissioned Dr. Dennis Agelebe, a research fellow at the Environmental Law Center, to organize and convene the conference. Graciously, the Global South Studies Center agreed to sponsor the conference.

The conference’s theme, “Environmental Justice Systems in Africa: Exploring the Economic and Cultural Factors,” was adopted to discuss the challenge the legal systems in Africa face. Primarily in keeping with their constitutional role of providing a judicial institution that can adjudicate fairly and timely matters that involve the environment and justice for the people affected by the environment.

Africa is a continent that lacks practical supranational cooperation or governance as a region. Unlike the European Continent with the European Union, every African state grapples with its systemic environmental challenges alone. It can only surmount its challenges by developing a tailor-made strategy or seek external cooperation.

Because people believe politics influence national environmental actions, the question arises as to the responsibility of state and non-state actors in the protection of the environment. The bid to institutionalize environmental justice in the national legal system is always fraught with ominous considerations. These considerations weigh on the economy and culture of the society. This assertion shows why the Environmental Law Center called on African lawyers and environmental experts, including academics and experts that are not Africans but working on African environmental affairs, to submit papers for presentation at the conference.

A total of fourteen speakers from Nigeria, South Africa, Malawi, Mauritius, France, Germany, and Kenya presented their papers at the conference. Sixty-six participants connected to the conference from different countries in Africa and Europe. Dr. Dennis Agelebe opened the conference with his welcome speech, followed by the keynote address by Prof. Kirk W. Junker. With Dr. Agelebe as the moderator, the speakers, starting with Dr. Collins Odote from Nairobi, Kenya, started presenting their papers. They were grouped sub-thematically into four panels. After each panel's presentation, the participants were called upon to ask questions and engage in a live discussion with the speakers. The Q & A sessions created a very interactive atmosphere, with participants and co-speakers from other panels asking questions and making comments. At the conference, speakers referred to real case situations related to how economic and cultural factors have fuelled environmental injustice and how subsidiary considerations under the same factors have negatively influenced the erosion of environmental justice in the legal systems of African countries. The CORTEC Mining case in Kenya and the Okpabi V Shell Case in Nigeria, but decided by the Supreme Court of the United Kingdom, are two of the several others examined and discussed during the conference. The speakers gave much attention to the activities in the extractive industry, particularly how state and non-state actors perceive the concept of the environmental rule of law as a legal doctrine that berths environmental justice as a social right that has crystallized into a human right. Anthropologists and geoscientists also shared their thoughts on the inadequacies of the African justice systems in protecting the conservation interest of indigenous people in Namibia and the land rights of the people of Abidjan in the Ivory Coast.

The conference was seen as a well organized success by the participants and speakers. Some used the coffee and lunch breaks to network with other participants and share contacts. The conference lasted over four hours and Dr. Agelebe closed by expressing his wish to see the participants and speakers at the next African Environmental Conference 2022 in Cologne.

For the whole program please visit:

https://elc.uni-koeln.de/sites/imes/user_upload/AELC_Program_small.pdf

WEBINAR ON JULIANA V. U.S.

On June 2, 2021 the Environmental Law Institute Washington (ELI) hosted a webinar on the case Juliana v. U.S. The lawyers who were involved in the case presented their respective positions: Julia Olson for Our Children's Trust and Jeffrey H. Wood for the government. Moreover, law professor Lisa Heinzerling from the Georgetown University intervened. In the discussion organized by the ELC, Prof. Junker pointed out that the parties referred to comparative law to make their arguments and that the U.S. had considerably more climate litigation cases than the rest of the world which is linked to its legal culture. Eventually, the participants agreed that the case, although dismissed, could positively influence future climate litigation in the U.S.

ONLINE DISCUSSION: NEW ENVIRONMENTAL REGULATIONS FOR THE U.S.

On June 9, 2021, together with the Kölner Verein zur Förderung der Forschung und Lehre im US-amerikanischen Recht (KöVUS e.V.) and the German-American Lawyers' Association (DAJV) the Environmental Law Center hosted a lively online discussion between U.S. lawyer Brett Marston from Washington D.C., Prof. Kirk W. Junker and the audience. Brett Marston presented the newly established priorities of the current administration, which partly consist of executive orders to reverse the questionable measures of the previous administration. The main focus however, is to establish sustainable structures among communities to enforce environmental rights, supported by a much larger budget – a tool that can be more effective than legislation. Most importantly, there will be a council of climate experts to advise the administration, reporting directly to the White House. These are significant signs for permanent changes in the political focus on the climate crisis.

"HOW TO BECOME AN ENVIRONMENTAL LAWYER"

After the well-received first event of the series "How to become an Environmental Lawyer" with climate lawyer Mr. Damon Jones back in winter semester 2019/2020, the Environmental Law Center once again had the pleasure – this time online – to welcome an environmental lawyer to answer questions, cast away doubts and inspire not be afraid of pursuing the path of an environmental lawyer.

Ida Oswalt, environmental lawyer specialized in waste regulation in the law firm GGSC, greeted the attending students and doctoral students with a brief introduction to GGSC, a nationwide working law firm, specialized in environmental, constructional, planning, waste, water and energy law, before introducing the almost entirely new area of law to all: waste regulation. After the introduction, Ms. Oswalt proceeded to talk about her individual path and experiences on her way to becoming an environmental lawyer. Towards the end of the event, the attending students had the opportunity to ask their questions like "Do you need to obtain specific knowledge in environmental law at the university to be able to start a career in this field of law?" – in case you understand the basics of administrative law the answer is no, since you will be learning by doing.

The event came to a closing providing the attending students with the relief that even if one did not study environmental law at the university, one does not have to fear a more difficult start into the career of an environmental lawyer.

As well as Mr. Jones, Ms. Oswalt once again proved by her individual example that it is indeed worth it to dare taking a new path into the legal jungle that is environmental law.

WEBINAR ON GREEN AMENDMENTS: VEHICLES FOR ENVIRONMENTAL JUSTICE?

On July 22, the Environmental Law Institute of Washington D.C. hosted a discussion panel with the title “Green Amendments: Vehicles for Environmental Justice?” Among the other panelists, Maya K. van Rossum who coined the term “Green Amendment” was invited and explained the concept. The basic idea is that clear environmental rights are included into the constitution as rights of all people (ideally generational), self-executing without specific laws needed and applied throughout the government. Today only the states of Montana and Pennsylvania have such Green Amendments but 13 other states followed with proposals and New York might be the third state to introduce a Green Amendment this year. The universal character of the rights would strengthen Environmental Justice according to van Rossum. Senator Antoinette Sedillo Lopez from New Mexico supported a Green Amendment in her state with a Hispanic majority and provided examples of environmental sacrifice zones. Furthermore, Terry Sloan added the perspective of Native Americans to the discussion. Recently graduated from high school, the environmental activist Artemisio Romero y Carver (Youth for Climate Justice) explained his rather apocalyptic perspective on the future. Eventually, the panelists stressed the importance of the discussion in the society and community action to have the courts recognize the constitutional value of environmental rights like the Pennsylvania Supreme Court did in 2013 when it declared that a new provision that allowed for extended fracking violated the Green Amendment.

UPCOMING EXTERNAL ONLINE EVENTS

- “China's Environmental Foreign Relations” by The Grantham Research Institute on Climate Change and the Environment (September 30, 2021, 6:00 – 7:30 pm CEST) https://lse.zoom.us/webinar/register/WN_NLFk8XaRSd2guRvei32uEg
- “Ministries for the Future in Environmental Law” by University College London (October 26, 2021, 7:00 - 8:00 pm CEST) https://www.eventbrite.com/e/ministries-for-the-future-in-environmental-law-tickets-156510433921?aff=ebdssbonlinesearch&keep_tld=1

- What About... Human Rights and Environmental Law?” by Lawyers Without Borders Student Division at Kings College London (December 9, 2021, 4:00 - 5:00 pm CEST) <https://www.eventbrite.com/e/what-about-human-rights-and-environmental-law-tickets-130624502403?aff=ebdssbonlinesearch>
-

CURRENT PROJECTS AND INITIATIVES

GREEN OFFICE INITIATIVE - CURRENT STATUS

The Green Office Initiative at the University of Cologne (UoC) wants to establish an office for sustainability matters within the university. This office is thought to bring together different sustainability-related student commitments and to be a point of networking. Moreover, the Green Office should serve as a multiplicator of the sustainability engagement.

The members are organized in working groups and meet regularly to exchange and update all members. Two members participate in the weekly meetings of the working group Sustainability of the senate of the UoC and help to integrate a Green Office at the university. A success story is that the Green Office has been firmly integrated into the university's sustainability strategy draft.

Another working group cooperates with the consumer advice center NRW (Verbraucherzentrale NRW), the KStW (Cologne student services) and other universities in the so-called NEIS project that is an acronym for Nachhaltige Ernährung im Studienalltag (sustainable nutrition in everyday student life). In this collaboration, students could take part in workshops to design future canteens, in presentations on sport nutrition and much more.

A third pillar of the initiative is the social media group, which manages the Instagram account and has recently launched the SDG Sunday where the group explains the 17 Sustainable Development Goals of the United Nations. The working group also seeks to recruit new members, make announcements, and advertise upcoming sustainability-related events. If you are interested in engaging in this working group while reading, please contact the Green Office!

Eventually, the initiative's members join networking events to exchange with and learn from other sustainability groups like the BNE - Bildung für nachhaltige Entwicklung (Education for Sustainable Development) or Netzwerk N (Network N) or a networking event with Green Offices of other universities in NRW.

The initiative is still developing and open for your ideas. If you want to get active, do not hesitate to contact the Green Office on social media (Facebook or Instagram: Green Office Initiative Köln, @greenoffice.uzk) or via e-mail: green-office@uni-koeln.de.

LAWYERS FOR FUTURE

What is it about?

Lawyers for Future is a network of more than 150 German lawyers who show explicit solidarity with the Fridays for Future activists and their claims for action against climate change. Lawyers for Future (L4F) has recently registered an association for its purposes.

The L4F not only want to support Fridays for Future. They also want to take responsibility as lawyers for the focus on environmental and climate protection. The goals for a democratic and livable future should be incorporated into national law while younger generations should no longer be left alone with the climate crisis.

Practicing lawyers, as well as students and legal trainees are calling for sustainable and future-oriented laws. Art. 20a of the German Constitution states: “Mindful also of its responsibility towards future generations the state shall protect the natural foundations of life and animals by legislation [...]” Therefore, L4F demands that the government, the parliament and the Länder act upon this with urgency, specifically with appropriate legislation regarding:

- A law that codifies compliance with the 1.5 degrees goal of the Paris Agreement
- An immediate legal implementation of a coal phase-out
- A serious implementation and enforcement of all planned legislation regarding environmental protection
- The protection of climate and the environment as a legal guideline to consider for every sovereign action

Ultimately, the law should no longer help to maintain the status quo enabling activities which cause harm to the environment. L4F urges their colleagues in courts and public offices to apply and interpret the law in a way that acknowledges the urgency of climate change. Courts are the places to solve legal conflicts, including those about environmental protection.

When asked, what lawyers could do for climate protection, Ida Westphal replied: “At a closer look, there are many fields of law that can be challenged on the basis of their potential for more environmental and climate protection. Lawyers who care about climate and the environment should simply start with the fields of law that they are currently working with anyway.” ([beck-aktuell, Magazin, 12.05.2021](#))

How can I support L4F?

Become a member of the public supporters’ list and stay up to date about events (e.g. you can join the L4F group for the next global climate strike) by registering here: <https://lawyers4future.org/unterstuetzerinnen.html>

CLIMATE CLINIC E.V.

What is the Climate Clinic e.V.?

The Climate Clinic e.V. is a young association of currently over 40 German law students, legal trainees, and doctoral candidates who want to help with their knowledge in legal issues related to environmental and climate (protection) law. The intention is to support initiatives (e.g. Fridays 4 Future), groups and other individuals by providing a clear overview and comprehensive statements on current legislation, jurisprudence, administration and other aspects related to German, European and international environmental and climate (protection) law.

The work in the Climate Clinic e.V. consists of research, generally with the support of lawyers, professors and other professionals, and providing an answer to a specific legal issue/question.

To join and support, one does not need to have solid knowledge in environmental and climate (protection) law already - all students of every semester are welcome to participate! The only condition is that you are interested in the relevant legal area(s), and have the motivation to work yourself through new topics.

Interested and want to know more?

Contact [Emma Shensher](#) for further information, e.g. regarding how to join, welcome meetings, research groups and any other questions you may have!

OPPORTUNITIES SECTION

ENVIRONMENTAL LAW CERTIFICATE

The Environmental Law Certificate is a new certificate offered by the Environmental Law Center, open to all matriculated students of the University of Cologne. The special feature of the Environmental Law Certificate is that courses from the legal and natural sciences are covered in order to do justice to the interdisciplinary field of environmental law. Events will also continue to be offered through the Environmental Law Center, such as visits to environmental law firms or lectures by practicing environmental lawyers. In order to successfully complete the certificate, students must complete a minimum of four courses in environmental law and environmental sciences, two from the law faculty and two from the mathematics and natural sciences faculties, along with attending an event organized by the Environmental Law Center. The application deadline for interested students is September 15th for the winter semester and March 15th for the summer semester.

The application form for the Certificate can be found [here](#).

ENVIRONMENTAL LAW BLOG: UMWELTRECHT.BLOG

Publishing Opportunity in Environmental Law

umweltimrecht.blog is a blog recently launched by 14 PhD students to cover environmental law topics. The PhD students are part of the joint project "Competence Network Future Challenges of Environmental Law" („Kompetenznetzwerk Zukunftsherausforderungen des Umweltrechts“, KomUR), which is funded by the German Federal Ministry of Education and Research (BMBF). The aim of the blog is to provide information about developments in environmental law and to encourage readers to exchange ideas. Readers are encouraged to network as well as to publish themselves with a scientific claim. Young as well as experienced scientists, practitioners and other interested parties are invited to submit their contributions, ideas and comments on environmental law issues and problems.

For further information please visit: <https://www.umweltimrecht.blog/>

BOOK, ARTICLE AND PODCAST RECOMMENDATIONS

BOOK: HANDELN IN DER KLIMAKRISE BY FRANK SCHÄTZING

In this book – evidence-based, captivating, and never lacking in humor – Frank Schätzing outlines different scenarios for our future, in some of which we have failed, in others prevailed. We get to know the protagonists and antagonists, decisionmakers in politics, economics, and society, and meet activists, denialists, and conspiracy theorists. Then the author opens up the overwhelming panorama of what is possible and shows us how we can escape the climate trap and still manage to make everything ok – or even better – again. We can save the world; we just have to want to. More information to be found at: <https://www.einfachdieweltretten.com>

ARTICLE: ZUSATZANGEBOT IM UMWELTRECHT AN DER UNI KÖLN

The Legal Tribune Online has recently published an article about the Environmental Law Center, additional courses in German Environmental Law at the University of Cologne as well as Environmental Law as a growing field of law. You can find the full article [here](#).

PODCASTS

In this episode of the podcast "Wo Recht lebt" central aspects of sustainability law are discussed and deepened. The podcast not only offers lawyers and those interested in law the opportunity to deal with the new area of law, but is also aimed at everyone for whom sustainability is a concern. The following episode is also featured by Prof. Dr. Judith Froese who is part of the Junge Forschungsgruppe Nachhaltigkeit at the University of Cologne: Wo Recht lebt: <https://podcast.verlagoesterreich.at/episode/1-nachhaltigkeitsrecht>

People Places Planet Podcast provides the public and environmental practitioners with cutting-edge, thought-provoking conversations about current issues central to environmental law and governance. To listen, visit www.eli.org/podcasts or find the podcast on your favorite podcast app.

ENVIRONMENTAL LAW ALL OVER THE WORLD

LANGUAGE AND PUBLIC PARTICIPATION IN ENVIRONMENTAL LAW: THE LATEST DISPATCH FROM INDIA

[W]e are of the view that it would be in aid of effective dissemination of the proposed notification if arrangements are made for its translation into other languages as well, at least those mentioned in the Eighth Schedule to the Constitution.” Thus, the High Court of Delhi in India (on June 30, 2021) emphasized the importance of translation in ensuring that public consultation and participation is effectively achieved when notifying new legislation or rules. In this particular case (Vikrant Tongad v. Union of India, W.P.(C) 3747/2020 & CM APPL.13426/2020) the petition was regarding the ambiguity in language and lack of translation of the Draft Environment Impact Notification 2020 that has been put forth by the Union Government of India.

In the present case, the petitioner argued among other issues, that the Draft Notification was only available to the public in English and Hindi languages, despite the fact that the notification when in effect, would apply across the territory of India, and therefore comments had been sought from the public across the country. The petitioner argued the lack of translation of the notification was not in keeping with previous instances such as the release of the draft notification for the regulation of coastal zones in 2010, where the government had translated the draft in nine coastal languages along with English and Hindi.

It is important to note that in accordance with the 2011 Census, only around 250,000 people list English as their native language and only 43 per cent of the country (around 530 million) list Hindi as their native language, the latter being largely concentrated around the Northern and Western region of the country. Despite significant bilingualism and trilingualism in India, using only English and Hindi seems a woefully non-inclusive method of organizing public consultations.

In response to the petition, the Delhi High Court ordered the Government of India to translate the Draft in the languages mentioned in the Eighth Schedule of the Constitution, “looking to the far reaching consequences of the public consultation process for which the draft notification has been published.” The Eighth Schedule of the Constitution of India recognizes 22 regional languages of India, although the Constitution does create a duty for the Union of India to promote the spread of the Hindi language in India without interfering with the other languages in the Eighth Schedule.

The Court ordered that the translation be effectively carried out within a ten day period so that the public would be able to respond to the draft within the time limits stipulated. Following this order, on August 27, 2021, the Government of India sought an additional four weeks’ time from the Court to complete the translation in the 22 vernacular languages. The government mentioned to the Court that the translation would lead to “administrative chaotic” owing to the administrative difficulties of translation. The Court granted the extension, and the next hearing is to be held on October 21, 2021.

The case before the Delhi High Court highlights the importance of effective translation of draft laws, in order to enable robust public participation especially in environmental matters where not only does the law apply to the public at large, but also the consequences of those laws directly impact the health and environment of the public.

Under the Convention On Access To Information, Public Participation In Decision-Making And Access To Justice In Environmental Matters, (“Aarhus Convention”) which applies to State members of the Economic Commission for Europe, Parties shall “guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.” Article 55 of the Treaty of the European Union, Articles 20, 24, 342 of the Treaty on the Functioning of the European Union (TFEU) and Rule 167 of the Rules of Procedure of the European Union enshrine the commitment of the EU to multilingualism and translation in the 24 official languages of the EU.

The 22 languages in the Eighth Schedule in the Constitution of India do not enjoy the same equal status as the 24 languages of the EU, owing to English and Hindi enjoying greater official and administrative importance in India. However, the number of languages in both these lists are similar enough to question whether there is any merit to imagining an EU-like model for translation of documents for effective public participation in environmental decision-making in India. Needless to say, the resources available to India and the administrative infrastructure are vastly different. However, if India is to commit to a genuine and bona fide effort to make democratic environmental decisions taking into account the views and objections of the public concerned, a stronger commitment to making the drafts accessible to the majority of the public is essential. One can hope that jurisprudence in this direction will lead to more legal linguists entering the workforce and strengthening research outcomes in the area of law and language.

by Mrinalini Shinde B.A., LL.B. (Hons.), M. Sc.

HOW TO REACH US

Environmental Law Center
Lehrstuhl für US-amerikanisches Recht
Aachener Str. 201
50931 Köln

Website: <https://elc.uni-koeln.de>

E-Mail: environmental-law-center@uni-koeln.de

Facebook: Environmental Law Center University of Cologne

Instagram: elc_cologne

Prof. Dr. Kirk W. Junker, Director of the Environmental Law Center

Saskia Münster, Mag. Iur., General Manager of the Environmental Law Center

Mrinalini Shinde B.A., LL.B. (Hons.), M. Sc., Environmental Law Certificate Manager

Contributors to "The Green Sheet": Prof. Dr. Kirk W. Junker, Saskia Münster, Mrinalini Shinde, Moritz Röhrs, Marie Pflüger, Emma Shensher, Dr. Dennis Agelebe, Marvin Jürgens, Matthew P. Roy

