

U N I K A S S E L
V E R S I T Ä T



Masterstudiengang
Umweltrecht



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The Importance of Participation for Environmental Protection

**2. German-Turkish Joint Seminar between Kassel University, Bielefeld University and Istanbul University in Istanbul, March 2014
(Master Umweltrecht/M8, Master Wirtschaftsrecht)
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Language: English (Presentation and Discussion)

Excursion: Istanbul, March 2014 (Benefit for students enrolled at Kassel University – Master Environmental Law and Master Economic Law only)

Concept: The Joint Seminar will be arranged in cooperation with Prof. Dr. Ayse Nur Tütüncü, Law Faculty of Istanbul University in March 2014 in Istanbul. Law students from Bielefeld University under the direction of Prof. Dr. Fisahn will also participate. All topics are prepared in English and presented by Turkish and German students. The conference will take place in 560 years old Istanbul University.

Contents: KONULAR VE İÇERİKLER:

Seminer'in konusu, dünya, avrupa ve milli toplumun genel çevre konularında yasama, yürütme ve yargı üzerine katılım imkanları ve etkileridir. Bu konuya eleştireci bir bakışla yaklaşıyoruz ve yeni katılımcı modellerin gereğini tartışıyoruz.

Vatandaşların çevre konularında katılım imkanları iklim koruma çağında önemi artıyor. Katılımcılık her sivil toplumun özerklik ifadesi olarak ulusal ve uluslararası düzeninde gitgide halk tarafında sıkça isteniyor. Bunu Almanyada ve Türkiyede gözetliyoruz. Hukuk bu bakımda yenileniyor. Bizim seminerin araştırma konumuz, hukukun katılımcılık bakımda yeni değişimi olacak.

Dünya düzeninde devletler hukuku ön planda ve onun bazı özel mevzuları: küresel çevre ve ekonomik politikası. Bu arada Kyoto II-Protokollun uluslararası başarısızlığı ve bu konuda sivil toplumun katılım imkanları, yada serbest ticaret anlaşmaların yan etkisi olarak çevre kirlenmesi ve özelleştirme politikası tartışılacak.

Avrupa düzeninde gitgide katılımcılığın imkanı sağlayan kanunlar Avrupa Çevre Hukukunda geçiyor. Misal olarak Su Çerçeve Yönergesinin 14 maddesi, veya Çevre Enformasyon Yönergesi 2003/4/EG ve saire veriyoruz. Avrupa'nın sivil toplumun ve sivil toplum kuruluşların gücü 2013'ün ilk sivil inisiyatifinden görüldü. Avrupa komisyonun su sektörün özelleştirme girişimi engellemek için, internet üzerinden imza kampanyası başlatıldı ve başarıyla tamamlandı.

Türkiye ekonomi ve siyasi bakımında önemi artıyor. Avrupa Birliği Katılım Müzakereleri sürecinde çevre başlığı 2009 yılında açıldı. 2012 yılın raporunda çevre değişimi konu olarak alındı ve Enerji başlığı (Fasıl 15) müzakerelerin içinde açılışını bekliyor. Gezi Olayların ardından Türkiye'de çevrecilik ve demokratik katılımcılık vatandaşın duyarlılığı artı ve toplumun ayrılmaz bir parçası olmuş.

Links:

EU Law and related documents; national implementing measures and case-law; legislative procedure, <http://new.eur-lex.europa.eu/homepage.html?locale=en>

International and European negotiation processes, <http://europa.eu.int/eurolex/de/index>

Courts of the EU (European Court of Justice (ECJ), European General Court (EGC)), <http://curia.europa.eu/jurisp/>

European Court of Human Rights (ECHR), http://www.coe.int/T/D/Menschenrechtsgerichtshof/Dokumente_auf_Deutsch/Volltext/Urteile/

International Court of Justice, <http://www.icj-cij.org>

EarthSystemGovernance Project, <http://www.earthsystemgovernance.org/publications>

Contract database of the UN, <http://untreaties.un.org>

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Federal Constitutional Court of Germany, <http://www.bverfg.de/en/index.html>

Federal Administrative Court of Germany – Decisions (in German):
<http://www.bverwg.de/entscheidungen/entscheidungen.php>

German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety,
<http://www.bmu.de/en/>

German Federal Environment Agency, <http://www.uba.de/en>

The German Law Journal, <http://www.germanlawjournal.com/>

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List of Topics

1.	What does it mean, „Participation“? – Placement from the point of view of Theory of Democracy.
2.	NGOs as a specific model of Participation – How can one justify that model with regard to Theory of Democracy?
3.	Participation and International Legislation in favour of Environmental Protection – How is Participation possible for the International, European and National General Public and how is the effect?
4.	Participation in favour of Environmental Protection by International Law, esp. by the Aarhus-Convention (History, Contents, Effect; „Paradigm Change“ of International Law)

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6.	Importance of the Aarhus-Convention for German Law and the National General Public (Implementation, Jurisdiction and Effect)
7.	Importance of Participation for the development of the European legislation concerning the environment (retrospective and current status)
8.	Participation and „Good Environmental Governance“ – a view on the EU / Germany / Turkey
9.	Participation, „Environmental Justice“ and the role of Court Judgement – a view on EU / Germany / Turkey
10.	The European Citizens Initiative [s. Article 11 TEU and Article 24 TFEU, Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, Official Journal L 065 , 11/03/2011 P. 1 - 22] – A participatory instrument to strengthen European General Public for the protection of European environment?
11.	Do we need a new wave of environmental democracy (“Democratization”) by way of stronger participation? – Reflection and legal prospect