

European ECO Forum Statement to the Fourth Meeting of the Parties to the Aarhus Convention

We, >100 non-governmental organisations and representatives of civil society from 35 countries of Caucasus, Central Asia and Europe, agree the following on 29 June 2011, in Chișinău, Moldova.

A. Access to Information

We welcome the establishment of the Task Force on Access to Information and endorse the draft decision on access to information in its support for mechanisms that enable public access to product information and access to environmental information held by the private sector, taking into account issues identified through the reporting and compliance mechanisms and the relevant objectives of the Strategic Plan 2009–2014.

B. Public Participation

We welcome the approval of the draft work plan of the Task Force on Public Participation by the 13th Working Group of the Parties (WGP-13), and the Working Group's decision that it should be forwarded for consideration by the 4th Meeting of the Parties (WGP-13 report, para. 16).

The inclusion by the WGP-14 of a more accurate description of the provisions of the draft work plan of the Task Force on Public Participation in the draft decision on the work programme is a welcome improvement. The European ECO Forum now urges the Parties to give wholehearted support to this urgent and important work that focuses on the heart of the Convention.

C. Access to Justice

Limitations on access to justice are substantially impeding access to information, public participation, environmental protection, and indeed the rule of law in many countries.

It is crucial to eliminate barriers to access to justice by adopting workable solutions. These should include: elimination of the rules that in some countries expose NGOs (and other public interest litigants) to legal costs that are prohibitively expensive; reduction of court fees; national and region-wide financial support for public interest environmental litigation; removal of restrictions on justiciability, including standing; and the revival of the proposed EU Directive on access to justice in environmental matters.

We call on Parties and Signatories also to implement affordable systems that provide both temporary and final injunctive remedies against illegal public and private acts.

These issues require systemic solutions, not just case-by-case results. We therefore call upon the Access to Justice Task Force and Parties and Signatories individually to find effective ways to achieve these reform goals.

D. Compliance

Without its compliance mechanism, the Convention would be little more than a promise.

We stress the importance and trailblazing nature of the compliance mechanism of the Convention, in particular the salutary work of the Compliance Committee in ensuring compliance of the Parties with the Convention. We urge the Parties to make available additional resources to this crucial work, so that the Compliance Committee continues to play this important role effectively. We call on Parties and Signatories to promote and apply similar approaches to reviewing compliance under other multilateral environmental agreements.

E. GMO Amendment

Six years after the adoption of the GMO Amendment, the people of the UNECE region are still waiting for it to come into force. In order to establish and protect the right for the public to be involved in informed decision-making relating to GMOs it is essential for this Amendment to be ratified by all the Parties to the Convention. The European ECO Forum calls on all Parties that have yet to ratify this important amendment to make its ratification a priority. In the meantime, we would urge all Parties and Signatories to transpose its provisions into their national legislation and to take practical steps to implement and apply its provisions pending its entry into force.

F. Penalization, persecution and harassment

The European ECO Forum calls on all Parties and Signatories to apply Article 3(8) of the Convention effectively, so as to ensure that persons exercising their rights in conformity with the provisions of the Convention shall not be penalized, persecuted or harassed in any way for their involvement. In that regard, and by way of example, we would highlight the deteriorating situation in Belarus, as detailed in a parallel European ECO Forum statement to be released during MOP4.

G. Public Participation in International Fora (PPIF)

The Aarhus Convention is already improving international environmental governance. The Task Force on PPIF is to be commended for its work in relation to the EBRD and the climate negotiations, for example. The Task Force has great potential for continuing to improve governance in these areas and in new processes such as Rio+20. However, we observe that the Task Force is being disbanded, and that the Working Group of the Parties will now oversee PPIF. Sufficient time, focus and resources must be allocated within meetings of the Working Group to carry out this task. We call for a performance

review of this matter in one year to see whether the Working Group has been able to fulfil this mandate or/and whether the Task Force needs to be revived.

We endorse adoption of the draft decision on PPIF encouraging the Parties to request the Secretariat to provide advisory assistance to interested international bodies to continue to promote Aarhus principles in other international fora, such as the Espoo Convention (including through the use of strategic environmental assessment), climate and biodiversity negotiations and international financial processes. We also call upon the European Union to apply Aarhus principles to its policies, such as the European Neighbourhood Policy.

For all Aarhus Parties (and particularly for EECCA countries) it is vital that constituencies of the public have effective channels of direct input into international environmental processes that are separate from input at the national level.

H. Accession by Non-UNECE Countries

The draft decision on accession to the Convention by non-UNECE countries creates unnecessary obstacles that are likely to deter such countries from becoming Parties. The Parties should strive towards inclusion, not exclusion. Requiring such countries to complete their internal decision-making processes before even being able to approach the Aarhus Meeting of the Parties (MOP) for permission to accede would create an unacceptable deterrent and two-tier system. Keeping the Convention open to non-UNECE countries is particularly urgent for those nearest the UNECE region, where citizens and civil society are newly demanding both real democracy and participatory democracy. It would be an historical mistake to discourage their aspirations. Finally, the Convention should be amended to remove the requirement for MOP approval for accession by non-UNECE countries. This would put all countries on an equal footing, and enable the Convention to be more effective in promoting environmental democracy around the world.

I. Looking to Rio+20

The message from MOP4, as Rio+20 approaches, should be one of clear support for implementing Principle 10 (P10) globally without hesitation. We welcome the Parties' and Signatories' offer in the draft Chișinău Declaration to share their experience with all countries that wish to join the Aarhus family, to replicate its achievements, and to be inspired by this most ambitious venture in environmental democracy. At Rio+20, we encourage all Parties and Signatories to pursue every opportunity to promote the spread of P10, including easing accession to the Aarhus Convention, support for the negotiation and adoption of other regional P10 conventions, and both financial support and encouragement for countries that wish to reform their systems to grant citizens and NGOs greater access rights.