



**To the President of the Republic of Armenia  
Mr. Serzh Sargsyan**

*October 31, 2011  
N31/11*

Dear President,

After long fruitless attempts to settle the following issues with the Government of the Republic of Armenia's Ministry of Nature Protection, we are forced to turn to you.

As you know it has already been 10 years since the Republic of Armenia joined the United Nations Economic Commission for Europe convention related to environmental issues on access to information, public participation in decision making and access to justice (hereinafter referred to as the Aarhus Convention).

The fact that the Convention is consistent with the RoA Constitution and is approved by the RoA Constitutional Court December 26, 2000 N 269 resolution /is attached/.

Joining the Convention, Armenia has undertaken a number of obligations which, in addition to being enshrined in the Convention, are recorded in the above mentioned resolution of the RoA Constitutional Court and based on the Constitution of the RoA.

They are basically:

- to ensure public participation in decision making related to the environment
- to ensure proper recognition of associations and groups acting in the field of environmental protection
- to ensure access to environmental information in accordance with the terms of the national legislation and the Convention, including the update of legal acts and regulations, and at the same time provide the comprehension of that information by the corresponding state bodies.
- to ensure the steady implementation of the rights of physical and legal persons in accordance with the Convention provisions
- to provide easy access through an independent and impartial body /system/ for recovering the violated rights of the persons envisaged by the Convention, up to the elimination of financial or other barriers /i.e. free of charge/ or by reduction, ensuring support by the appropriate state bodies and officials.

The Aarhus Convention occupies a special place among all the international environmental conventions. Observing the right of living in a favorable environment as a fundamental human right, the convention regulates public-government relations, the accountability of the governments, and their transparent and responsible work.

In addition the Convention creates a legal framework for the proper development of a civil society.

The Convention aims at the same time to strengthen both state institutions and civil society through raising their efficiency. It aims to ensure the protection of human rights and freedom, protection of property rights, safe environment and reasonable use of natural resources,

as well as provides access to information for the implementation of the right to live in a safe environment. The obligations stipulated by the Convention must ensure judicial protection and legal aid for the protection of a person's violated rights and freedoms without any obstacles.

You see this is a long process, but naturally, one day it should be started.

Unfortunately, ten years later, we note a regression in all these matters.

Currently it is obvious to the international community that among the 44 member countries to the Convention only the activities of six were assessed negatively. Armenia, in particular, stands out, as two decisions exist on it: firstly it failed to implement the Convention; secondly it has violated the provisions of the Convention- access to information, public participation in decision making and access to justice.

Therefore, UN Economic Commission for Europe has made appropriate decisions ( III/6b 2008, IV/9a 2011) first on the Dalma Gardens case and secondly on the Teghut case.

We would like especially to mention that if the decision made on the Dalma Gardens case was assessed by the Government in a proper time frame, within the period of 2004-2008, and Armenia took full responsibility for the violation of the Convention, the story of Teghut would not have begun and Armenia would not be subject to monitoring by UN EEC.

Up to this point the Government has still not formed an Interdepartmental Working Group and has not developed an Action Plan for the implementation of the Convention and does not even respond to the questions raised by the stakeholders on the causes and consequences of the failure of the RA prime Minister 16.10.2006 N 774 resolution recommendations and on not providing the necessary information.

Furthermore, the reasons for failure were not analyzed by the Ministry of Nature Protection.

A number of provisions ensuring the implementation of obligations are envisaged in the convention and which are connected with the control of the Convention implementation. In our opinion, there has been absolutely no control in this regard.

One of the reasons may be the fact that the National Coordinator responsible for the Implementation of the Constitution provisions is the president of an NGO. The NGO according to the National legislation has not any obligations towards the Government and of course there is no any Agreement and Terms of References between the Government and the NGO. The president of the NGO concurrently represents the Convention at the Convention meetings. The same person is also a Focal Point – in other words the communication channel between the RA Government and the Convention secretariat. Correspondence on behalf of the RA Government is carried out by the e-mail addresses of that NGO which proves that the Government was involved.

The RA Ministry of Foreign Affairs was informed of the above mentioned problems in 2004 /is attached/ by the Secretariat of the Convention.

This situation has no precedent. For comparison we would like to say that the Austrian Government representative, a high-ranking civil servant, coordinates the participation of experts on behalf of the government providing both feedback and the implementation of the convention by the government in their country.

On July 1, 2011, on the eve of the regular meeting of the Parties in Chisinau /Moldova/, 26 NGOs of Armenia spread an announcement in which they assessed the work of the RA Ministry of Nature Protection to be insufficient.

Only after the Chisinau meeting was a discussion held by the Ministry for the purpose of listening to NGO representatives. Some questions were heard and assurances given. However, four months later nothing has changed.

Armenia, for so long, has registered one defeat after another in this field.

Dear President,

We would like to ask Your direct participation in the solution of these important issues for our country:

- to take necessary steps towards implementation of the Convention;
- to bring into accountability those responsible for the failure of the Governmental Decision N 774 dated 16 October, 2006
- To keep under your personal monitoring the Convention's implementation.

Thank you in advance,

CC: to Mr. Jan Kubis  
Executive Secretary  
United Nations Economic Commission for Europe

Ms. Ella Behlyarova  
Secretary to the Aarhus Convention

E-mail: [ella.behlyarova@unece.org](mailto:ella.behlyarova@unece.org)



Best Regards

S. Adamyan

Coordinator of 50 NGOs of Environmental Public Alliance.

31.01.11