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To: <Fiona.Marshall@unece.org>, "aarhus compliance" <aarhus.compliance@unece.org>
Cc: "Artur Grigoryan" <art.grigorian@gmail.com>, "Hrayr Savzyan" <hsavzyan@gmail.com>, <varuzh@transparency.am>
Date: 24/03/2014 16:03
Subject: RE: Decision IV/9a - comments from the Party concerned on the Compliance Committee's draft

Dear Ms. Marshall,

On behalf of Transparency International Anticorruption Center and "Ecoera" NGO I would like to thank for the opportunity to comment on the Aarhus Convention Compliance Committee draft report on the implementation of decision IV/9a of the Meeting of Parties concerning compliance by Armenia.

We generally agree with the content of the report, however would like to highlight a few concerns for your information and consideration.

First, the Armenian government has approved the draft Law on EIA, which was developed with participation of NGOs, including our organizations. It was submitted to the National Assembly in 2013, however there is no progress in respect with its hearing and adoption yet. Though elaboration of the law is indeed a step forward, however we would like to make sure that it is not considered as implementation of decision IV/9a of the Meeting of Parties.

Second, the draft report has not addressed the access to justice problem, given its reflection in the recommendations on communication ACCC/C/2011/62 directly to the Meeting of Parties. Hereby, we would like to stress that since ratification of the Aarhus Convention in 2001 there has been no progress in this regard. Armenia has not taken any steps to ensure access to justice for NGOs neither in pursuit of the decision III/6b of the Meeting of Parties from 2008, nor following the Compliance Committee's decision ACCC/C/2011/62 from 2011. NGOs pursuing environmental goals do not have a legal standing in the court system of Armenia, which is justified by a statement that their 'concrete' rights are not being violated. This problem creates a serious obstacle on the way of implementation of the Aarhus Convention in Armenia, actually failing the whole process. And though in present there is a new Law on Public Organizations being drafted by the government, there is a clearly demonstrated unwillingness to accept NGO recommendations in regard with the access to justice in environmental as well as other public interest matters.

We believe that in respect with the systematic failure of Armenia to implement critical (not only cosmetic) measures to actually put the Aarhus Convention into force there shall be a stricter response by the Compliance Committee as well as by the Meeting of Parties, such as clear cautions or sanctions that would compel the country to implement measures to guarantee practical access to justice in environmental matters.

Should you have questions in regard with the mentioned comments, please do not hesitate to contact me at sona@transparency.am.

Sincerely,

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Transparency International Anti-corruption Center NGO was founded in 2000.

We represent Transparency International global anti-corruption movement in Armenia.

Our goal is to promote effective anti-corruption policy, transparent and accountable governance.