

Ms. Fiona Marshall  
Acting Secretary to the Aarhus Convention Compliance Committee  
United Nations Economic Commission for Europe  
Environment and Human Settlement Division  
Room 332, Palais des Nations  
CH-1211 Geneva 10, Switzerland

RE: Progress Report on Armenia's Implementation of the Aarhus Convention

Dear Ms. Marshall,

We would like to inform the Aarhus Convention's Compliance Committee on the developments regarding implementation of decision IV/9a of the Meeting of the Parties on compliance by Armenia with its obligations under the Aarhus Convention.

1. The draft law on the Environmental Impact Expertise (Assessment) which was developed by the Ministry of Nature Protection and adopted by the National Assembly has been rejected by the President of the Republic of Armenia and was sent back to the National Assembly. It is going to be revised completely by the Ministry of Nature Protection and resubmitted to the National Assembly.
2. According to decision 1122-A of the Prime Minister of the Republic of Armenia dated 25 November, 2011 an Interagency Commission was set up comprising of representatives of 15 ministries and other Governmental entities as well as 4 representatives of the civil society. The first meeting of the Interagency Commission, which took place on 14 February 2012, proved the unwillingness the Ministry of Nature Protection to accept both decisions III/6b and IV/9a of the Meeting of Parties to the Aarhus Convention. The Minister of Nature Protection Mr. Harutyunyan as well as the Focal Point of the Aarhus Convention Ms. Aida Iskoyan openly rejected the fact of failure of the implementation the Convention by Armenia. The Action Plan on implementation of the Aarhus Convention developed for submission to the Compliance Committee by 1 April, 2012 does not meet the recommendations of the Meeting of Parties either. Immediately after the first session of the Interagency Commission the NGOs made a public statement calling the Government to take necessary measures to ensure implementation of recommendations of the Compliance Committee and the Meeting of Parties to the Convention. It was provided to the members of the Working Group on 2 April, 2012. The Action Plan is low –quality, it has not take into account the practice of the Aarhus Convention particularly: UNECE/UNITAR Guidance 2004, more it has not been provided for public discussion timely.
3. According to decision 212-A, dated on 13 March, 2012 the Prime Minister established a Working Group with a mission to organize a public discussion on construction of a factory for exploitation of copper and molybdenum deposits in Teghut area. This working group organized a stakeholder meeting on 23 March 2012. According to the agenda presented by the organizers the discussion would comprise of talks over economic aspects of the project and its potential positive contribution to the social and economic development of the concerned region as well as provide information about the legal aspects of the project implementation. Briefly, the purpose of the meeting was to prove the legitimacy of the works that had already started. Some NGOs participated at the meeting and presented their estimation of foreseen damages to nature and concerns for human health which will be incommensurable and, hence, the project economically is not justified. Some other NGOs and civic movements refused to participate in the meeting as believed that the main topic of the discussion should have been the illegal nature of mine exploitation rather than the talks over the construction process itself and economic benefits, especially given the Aarhus Convention Compliance Committee's conclusions on the country's failure to comply with its obligations under Article 3 par. 1, and Article 6 par. 2, 4 and 9.

We would like to express our concern on the fact of not taking into account by the Ministry of Nature Protection the findings of the Compliance Committee on that the decision-making process on exploitation of Teghut mine was made with violations and without due public participation in accordance with Article 6 of the Convention.

We believe that the abovementioned facts demonstrate the lack of political will of the Ministry to follow recommendations of the Compliance Committee. We state that

- up till now, as a matter of fact, the reasons of failure of the Aarhus Convention implementation have not been analyzed by the Ministry of Nature Protection;
- the Action Plan developed by the Government is pure imitation and nullify the opportunities for constructive work towards implementation of the Convention.

The situation described is a threat not only to the development of democracy in Armenia, but also undermines the authority of the Secretariat of the Aarhus Convention and imperils the philosophy of the Aarhus Convention.

In light of the foregoing, we would like to ask the Secretariat of the Aarhus Convention, if possible, to take the necessary measures for inclusion of the issue of non-compliance with the provisions of the Aarhus Convention by Armenia into the political Agenda of the UN Secretary- General to push the leadership of Armenia to respect its international obligations.

Thank you for consideration.

Sincerely,

Hrayr Savzyan, Chair of "EcoEra" NGO.