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ECONOMIC COMMISSION FOR EUROPE

**MEETING OF THE PARTIES TO THE CONVENTION ON
ACCESS TO INFORMATION, PUBLIC PARTICIPATION
IN DECISION-MAKING AND ACCESS TO JUSTICE
IN ENVIRONMENTAL MATTERS**

Third meeting
Riga, 11–13 June 2008
Item 14 of the provisional agenda
Discussion and adoption of the Riga Declaration

DRAFT “RIGA DECLARATION”

Draft declaration prepared by the Bureau¹

We, the Ministers and Heads of delegation from Parties and Signatories to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), together with representatives of other States, international, regional and non-governmental organizations, parliamentarians and other representatives of civil society from throughout the UNECE region and beyond, gathered here in Riga at the third session of the Meeting of the Parties,

¹ The Bureau has prepared this draft on the basis of the outcome of the discussion at the ninth meeting of the Working Group of the Parties (13–15 February 2008) and the subsequent written commenting process agreed upon by the Working Group (ECE/MR.PP/WG.1/2008/2, para. 23).

Have resolved as follows:

1. We affirm our belief in the importance of the Aarhus Convention as a uniquely effective international legal instrument promoting environmental democracy; strengthening the link between the protection, preservation and improvement of the environment and human rights; and thereby contributing to sustainable and environmentally sound development.

2. We welcome the increase in the number of States that have ratified, approved, accepted or acceded to the Convention since our last meeting and encourage other States, both within and outside the UNECE region, to ratify, approve, accept it or accede to it at the earliest opportunity.

3. We welcome furthermore the real and tangible progress made by many Parties to implement the Convention, as reflected in particular in the national implementation reports. In many countries throughout Europe and Central Asia, Governments have adapted their laws and are improving practices to bring their countries into line with the requirements of the Convention. We consider this as a major achievement.

4. We note, however, that in a [significant] number of countries, major challenges remain with regard to the task of fully implementing the Convention. The national implementation reports, the findings of the Compliance Committee and the outcomes of various workshops, seminars and surveys indicate that these challenges include but are not limited to the following:

- (a) The need to establish adequate legislative, regulatory or administrative frameworks and develop detailed procedures;
- (b) The need to reduce gaps between the legal, regulatory and administrative requirements and the actual practice;
- (c) The need to implement the provisions of the Convention effectively in transboundary contexts;
- (d) The need for public authorities to take responsibility for the quality and level of public participation, especially where developers are mandated to organize the public participation process;
- (e) The need to provide for appropriate levels of discussion and feedback in the course of public participation, including where consultation is organized through electronic means;
- (f) The need to ensure that non-governmental organizations are afforded appropriate opportunities to participate effectively in decision-making processes, *inter alia*, by providing for a sufficiently broad interpretation of the public concerned and establishing broad standing criteria in the context of appeals procedures;
- (g) The need to remove or reduce practical barriers to access to justice, such as financial barriers, access to legal services and lack of awareness among the judiciary.

5. We therefore commit ourselves, within our own jurisdictions or spheres of activity, to facing those challenges. In doing so, we recognize that the Convention, as an international treaty, establishes a set of standards that are designed to be achievable across a large and politically diverse region, and that achieving basic compliance with those standards, while essential, should not set a limit on our efforts. In this regard, we encourage each Party to consider going further in providing access to information, public participation in decision-making and access to justice than the minimum required under the Convention.

6. We reaffirm that any reduction in the extent to which the rights of access to information, public participation in decision-making and access to justice are guaranteed within our respective jurisdictions should be prevented.

7. We note that a small number of Parties have significant problems of compliance. Taking into account the non-confrontational and consultative nature of the compliance mechanism, we express the hope that the facilitation and support provided through the compliance mechanism will help those Parties to achieve full compliance. At the same time, we recognize the need to take firm action with respect to Parties that persistently fail to comply with the Convention and do not make efforts to achieve compliance.

8. The adoption of a long-term strategic plan marks an important milestone for the Convention. Through this plan, we commit ourselves to prioritizing more effective implementation of the Convention, including through capacity-building activities, while recognizing the need to encourage more countries to become Parties to the Convention as well as the need for further work on particular themes under the Convention. Furthermore, we are convinced that the experience gained in implementing the Convention serves as a basis for further strengthening environmental democracy in sustainable development policy formulation and implementation.

9. Public access to information, as well as being a right in itself, is essential for meaningful public participation and access to justice. When properly implemented, the right to information leads on the one hand to more transparent, accountable government and on the other to a more informed, environmentally aware public. We resolve to strengthen our efforts to streamline the flow of environmental information to the public and to ensure that any use of exemptions to the release of information is kept to a minimum and is always strictly justified.

10. Electronic tools have dramatically increased the possibilities for putting environmental information in the public domain, but their potential has yet to be fully realized. Whereas increasing volumes of environmental information may be obtained through the Internet, greater use of electronic tools to facilitate public participation processes could and should be made.

11. Pollutant release and transfer registers are effective tools contributing to the prevention and reduction of pollution of the environment, promoting corporate accountability and enabling the public to know about immediate sources of pollution in their neighbourhood. We welcome the increasing number of States that have established such registers. We [note][welcome] the progress towards entry into force of the Kiev Protocol on Pollutant Release and Transfer Registers and call upon all Signatories to the Protocol and other interested States to ratify, approve, accept or accede to it at the earliest opportunity with a view to bringing about its entry into force by the end of 2008. We also encourage prospective Parties to the Protocol to apply its provisions to the maximum extent possible pending its entry into force.

12. The Aarhus Clearinghouse for Environmental Democracy has proven itself as a leading portal to a wide range of information relevant to the themes of the Convention. We welcome the growth in both its content and usage, and encourage the secretariat and the focal points for the national nodes to continue to work with this valuable resource.

13. We recognize that procedures enabling the public to participate effectively in decision-making, whether on specific activities or on more strategic levels, lie at the heart of the Convention. Despite this, significant challenges in creating the conditions for effective participation remain, such as failure to adequately notify the public concerned, lack of early opportunities for participation, unwillingness among public authorities to take due account of comments received, insufficient expertise among the public or public authorities, and difficulties in applying public participation procedures in transboundary contexts. We recognize that there is a need to increase our activities in this area in such a way as to address these challenges. We also consider it important to engage more fully with the experts responsible for designing and facilitating public participation procedures.

14. With respect to public participation in strategic decision-making, we note the mutually reinforcing character of parts of the Aarhus Convention and the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), and call upon Parties and other interested States to ratify and implement the Protocol on Strategic Environmental Assessment at the earliest opportunity.

15. We acknowledge the important role that the public, and in particular environmental organizations and public interest lawyers, can play in supporting the enforcement of laws related to the environment when adequate opportunities to challenge decisions, acts and omissions through administrative or judicial review processes are provided. We encourage all Parties to create the conditions which can enhance that role, including through the establishment of broad standing criteria, the implementation of measures aimed at overcoming financial or other obstacles, and support for public interest environmental law non-governmental organizations.

16. The emergence of genetic engineering is one of the major technological developments of the modern era, with significant implications for the environment. Given the high level of public interest in the topic and the need for rational and informed debate, establishing balanced procedures to facilitate effective public participation in decision-making in this field is of paramount importance. In this regard, we [note][welcome] the progress towards entry into force of the amendment on genetically modified organisms that was adopted by consensus at our second session and encourage all Parties that have not done so to ratify, approve or accept the amendment with a view to bringing about its entry into force by early 2009. We also encourage Parties to apply the provisions of the amendment to the maximum extent possible pending its entry into force.²

17. We welcome the work done to consult widely with international forums on the subject of the Almaty Guidelines on promoting the application of the principles of the Aarhus Convention in international forums, which has led to greater awareness of both the Convention and the Almaty Guidelines. We affirm our commitment to promoting and applying the Guidelines and recognize that more emphasis needs to be given to consultations within governments so as to ensure that the Guidelines are applied consistently by all branches of

² The Meeting of the Parties may wish to include additional text concerning further work in this area, taking into account the outcome of the workshop on genetically modified organisms scheduled to take place in Cologne in May 2008.

government. We also affirm that the processes under the Convention itself, as well as those under the Meeting of the Parties to the Kiev Protocol on Pollutant Release and Transfer Registers, once it is established, should be a model for the application of the Almaty Guidelines.

18. We recognize the importance of measures to raise awareness and build capacity both within public authorities and the judiciary and among those seeking to exercise their rights under the Convention, notably non-governmental organizations. We call on the donor community to increase its support for capacity-building programmes and projects aimed at strengthening the implementation of the Convention. We welcome the emergence of "Aarhus Centres" in several countries and encourage their development in more countries.

19. We welcome the constructive role that representatives of civil society and in particular environmental organizations continue to play in supporting the implementation of the Convention, including through awareness-raising and capacity-building, through providing input to the compliance and reporting mechanisms and through participation in the Bureau.

20. The support provided by international and regional organizations, including the regional environmental centres, has also been crucial to the successes achieved in promoting more effective implementation of the Convention and will remain crucial in facing the challenges ahead. We welcome the efforts of the secretariat to coordinate relevant capacity-building activities of international and regional organizations through the capacity-building coordination framework, and invite all those involved to continue to collaborate within this framework so as to achieve synergies and optimize the use of resources.

21. The Convention's compliance and reporting mechanisms have provided essential information on the extent to which the objective and principles of the Convention have become a reality on the ground and on the problems that remain. We note that the public involvement in those mechanisms has enriched them, increased the sense of broad ownership of the Convention and helped to expose problems with regard to implementation and compliance which would otherwise not necessarily have come to light.

22. The *Implementation Guide* to the Convention has provided a valuable source of guidance on the text of the Convention. Since it was published in 2000, experience with the implementation of the Convention has accumulated, both within the Parties and through the compliance and reporting mechanisms. In addition, the amendment on genetically modified organisms and various sets of recommendations and guidance have been adopted by the Meeting of the Parties. These combined factors point to the possible need for an updated version of the *Implementation Guide* to be produced during the coming intersessional period.

23. Recalling decision II/9, we reiterate the invitation to States outside the UNECE region to accede to the Convention where it suits their particular circumstances, and reaffirm our willingness to support the promotion of principle 10 of the Rio Declaration on Environment and Development at the global level and in countries outside the UNECE region.

24. While the Convention has promoted more democratic values and practices in the environmental field, it can and should serve as an inspiration for promoting greater transparency and accountability in all spheres of government. In this regard, we express our willingness to

share the experiences gained with promoting access to information, public participation and access to justice in the environmental fields with those promoting these values in other fields as an essential contribution to sustainable development.

25. We commit ourselves to maintaining the open and participatory character of the processes under the Convention, working in partnership with a wide range of actors as we move forward to achieve our common goals.

26. We express our appreciation and gratitude to the Government of Latvia for having undertaken to host the third meeting of the Parties. [We welcome and accept the offer of the Government of [...] to host the fourth meeting of the Parties in [...].]
