AARHUS CONVENTION AND INTERNATIONAL ENVIRONMENTAL TREATIES OF RA

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INTERNATIONAL ENVIRONMENTAL TREATIES OF RA (1)

- UNECE Convention of Environmental Impact Assessment in Transboundary context, Espoo, 1991
- «Protocol on Strategic Environmental Assessment» (Kiev, 2003)
- UN «Convention on Biodiversity» (Rio de Janeiro, 1991)
- Cartagena Protocol «On Biosafety» (Montreal, 2000)
INTERNATIONAL ENVIRONMENTAL TREATIES OF RA (2)

- UN «Framework Convention on Climate Change» (New York, 1992),
- UN «Combat desertification Convention» (Paris, 1994)
- «Convention on Wetlands of International Importance, especially as Waterfowl Habitat» (Ramsar, 1971)
- UNECE «Transboundary Effects of Industrial Accidents» (Helsinki, 1992)
- UNECE «Convention on Long-range Transboundary Air Pollution» (Geneva, 1979)
INTERNATIONAL ENVIRONMENTAL TREATIES OF RA (3)

- The Vienna Convention for the Protection of the Ozone Layer (Vienna, 1985)
- Stockholm Convention on Persistent Organic Pollutants (Stockholm, 2001)
INTERNATIONAL ENVIRONMENTAL TREATIES OF RA (4)

- «Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques» (Geneva, 1976)
- «European Landscape Convention» (Florence, 2000)
- «Convention concerning the protection of the world cultural and natural heritage» (Paris, 1972)
Aarhus Convention in Armenia

- Necessity of Aarhus Convention
- Ratified: 14 May 2001
- Entered into force: 30 October 2001
- Armenia has prepared 4 National Reports in framework of Convention
- Aarhus Centers: 15 in Yerevan and Regions/Marzes
- Other institutions
  - Scientific-educational center of environmental law in Yerevan State University (YSU) Law Faculty
  - Sustainable Development Center in Faculty of Geography and Geology of YSU
STRUCTURE OF THE CONVENTION

1. Preamble
   - Definitions
   - General Provisions

2. Access to information
   - Passive way
   - Active way

3. Public Participation
   - Types of activities,
     - Plans, programs and policies
     - Regulatory framework/documents

4. Access to justice

5. Convention bodies
   - Meeting of Parties
   - Compliance Committee
   - Secretariat

5. Procedural Issues
ACCESS TO INFORMATION (ARTICLES 4 AND 5)
LEGISLATION

- Law on “Freedom of Information” of RA
- Environmental Legislation
  - Law on “Environmental Impact Assessment and Expertise” of RA
  - Law “On Nature Special Protected Areas” of RA
- Legislation on Natural Resources
  - RA Land Code
  - RA Water Code
  - RA Forest Code
  - RA Code on Underground Resources
  - Other laws
- Other legislation
  - Normative mechanisms
  - Normative-guarantee
PRACTICE

- Regular update of the web site of Ministry of Nature Protection of RA (MNP)
- Environmental information request/application template is placed on MNP web site
- Weekly report on hydro meteorological data is provided to Aarhus Centers.
- Trainings for civil servants, judges and other groups.
- In 2013 the Justice Academy was established, which is planning to include “Environmental Law and Aarhus Convention” in its training program.
PUBLIC PARTICIPATION IN DECISION MAKING (ARTICLES 6-8)
LEGISLATION

- Law on “Environmental Impact Assessment and Expertise” of RA

- Draft Law of RA “On Establishing Rules of the Public Notifications and Hearings”

- Corresponding provisions of RA legislation on natural resources and other legislative system

- Decree of RA “On approval of the rules of organization and implementation of public discussions”.
Law on “Freedom of Information” of RA

Environmental Legislation
- Law on “Environmental Impact Assessment and Expertise” of RA
- Law “On Nature Special protected Areas” of RA

Legislation on Natural Resources
- RA Land Code
- RA Water Code
- RA Forest Code
- RA Code on Underground Resources
- Other laws

Other legislation
- Normative mechanisms
- Normative-guarantee
PRACTICE

- The interagency commission on implementation of Aarhus convention is established
- «Sotk Gold factory»
- «Golden Ore» poly-metallic mine
- On 17 March 2014 public hearings on “RA national Action Program on and Strategy of Nature Special Protected Areas”
- 21 May 2012 –public hearings on Draft Law On Use of Genetically Modified Organisms
ACCESS TO JUSTICE (ARTICLE 9)
LEGISLATION

- RA Law On Non-Governmental Organizations
- RA Law On «Constitutional Court»
- RA Code on Administrative Justice
- RA Code on Civil Justice
- RA Code on Criminal Justice
- RA Law on «Administrative basics and administrative cases»
- RA Law On Ombudsman.
RA Court of Appeal (CA) decided regarding the case on legal criteria of NGO juridical rights (VD/3275/05/09),

- In case if any NGO is in compliance with the requirements of national legislation and its Mission and Goals as introduced in its Charter and applies environmental matters accordingly, it must be considered as concerned public in accordance with the provisions of Aarhus convention and must have the right to apply for cases in the court in respect to the documents, activities and lack of activities of state and local self-governing bodies and their officials.

Law on CA in Article 3 Subject of Constitutional Justice (ՀԿՀ-906)

- "Այս իրավիճակում պետական պահպանության հանրային շահերի պաշտպանության համար, երբեմն ինչպես Արհուս մրցակցության համաձայն, պահպանության պարկի կարգի կարգավորմամբ, կարող են կատարել համաձայն պահակարգի իրավունքը.

- Փոխարարության դիմումը կարող են կատարել միջազգային համագործակցության համաձայն պահակարգի իրավունքը.

- Համաձայն պահակարգի իրավունքը կարող են կատարել ազգային համակարգի իրավունքը.
MAIN PUBLICATIONS

- RA Environmental Legislation (regulatory act publications handout) – 2009
- “Guidleines on RA Forest Code” scientific-practicioner comments– 2012
- RA Land Rights (Handout of regulatory acts) – 2014
- Other publications.
THANK YOU FOR ATTENTION