

“The implementation of Aarhus Convention – the right tool to ensure equal access to justice for all”

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# First and second pillar of the Convention – a milestone for Access to Justice.



- ▶ Raising the public awareness of community, groups of interests and civil society about the right of Information is a long and difficult process, but very important one for countries such as Albania that comes from a long term rough dictatorship;
- ▶ People at first can not even spell the “Aarhus” name correctly and furthermore some of them think it is an exotic fruit;
- ▶ Local officials need to be more aware of their obligation according to Aarhus convention and when they are in the same table with community and groups of interests, their attitude and behavior start to change;
- ▶ By attending public consultation the local community feels its power and becomes more alert about projects that affects community life.



# How the Aarhus Convention can ensure equal access to justice for all?



- ▶ The first hydropower plant in Vjosa, was planned to be build in Kalivaçi's back in 1997;
- ▶ Only in 2007 the construction of the dam started at the site, but even today is still a ping pong game between government and investors. Works are at hold right now;
- ▶ Vjosa is the last wild river in Europe. It flows untouched through valleys and fields for about 270 km, starting from the Pindy Mountains in Greed and ending in the Adriatic Sea in Albania.

# How the Aarhus Convention can ensure equal access to justice for all?



- ▶ Another Hydropower plant was planed to be constructed at Vjosa river, without first one finished;
- ▶ Civil society and community, as well as friends of nature across Europe started a wide campaign against the second hydropower plant planed to build in Pocem;
- ▶ From 2016 to 2017 more than 70 meetings and 6 model public consultations were held with local communities at both sides of Vjosa River in Pocem area.

# How the Aarhus Convention can ensure equal access to justice for all?



- ▶ The network of national and international Organization and the persistence and courage of the local residents were finalized with filing a lawsuit against building the Poçemi hydropower;
- ▶ On May 2, 2017, the Tirana Administrative Court accepted the indictment of residents and activists, finding that the procedures followed in the award of a concession contract, including the public consultation process, were committed in violation of Albanian laws and Aarhus Convention pillars.



# Conclusions and lessons learned



- ▶ It is of course a great news, for now, as the battle has not finished yet, however this victory is building the self confidence of the local residents and serves as a success story for other community fighting to stop the 364 planned, adding this figures to 177 existing ones and 43 in the process of building;
- ▶ Aarhus Convention as an environmental, good governance and human right convention has been a powerful tool, that if used right, bring great results, better investments and sustainable development.

## Challenges/support needed for the communities to take a stand and get access to justice

- ▶ More important and immediate interventions it is the access to injunctive relief;
- ▶ Also another point is the access to expertise for all groups of communities and especially the rural areas as there the information goes slowly or not at all;
- ▶ Change of burden of proof;
- ▶ Expertise for judges and prosecutors about Aarhus Convention Pillars and especially the third one;
- ▶ Free legal aid for all groups of interests;
- ▶ access to clear information on review procedures;

# Thank You for Your attention!

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