



CABINET JURIS ECO CONSEIL
ENVIRONNEMENTAL SECURITY STRATEGY
EXPERTISE & MEDIATION

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Sixth meeting of the Working Group on Access to Information under the Aarhus
Convention
October 2 to 4, 2019
Building E, Room XXII, Palais des Nations, Geneva, Switzerland.

Proposals following intervention of 3/10/2019

Reminder: Convention adopted on 25 June 1998 by the UN-ECE and entered into force on 30 October 2001. Ratified by France on 8 July 2002 and entered into force on 6 October 2002¹.

- Consecrate three fundamental rights for citizens and associations
 - Access to environmental information
 - Participation in the decision-making process
 - Access to justice
- Specifically deals with two major issues of transparency:
 - The OGM amendment
 - Emissions and transfers of pollutants (Article 5.9 of the Convention) Kiev Protocol of 23 May 2003 on Pollutant Release and Transfer Register (PRTR) transposed in Europe². Since 2005, obligation³ operators of a declaration of pollutant emissions on the website⁴
- **Limits in 2019:** register not imposed by Europe on certain industrial operators

Example 1: indoor air pollution in confined space

Building sector (ERP submitted to RT2012)

Air transport sector (aerotoxic syndrome despite warnings from 2010 by ICAO⁵, or FAA⁶.)

Example 2 : Human Pollution by Heavy Metals (Environmental Health Sector)

Example City of Rouen Incident SEVESO September 2019

➤ **Propositions n°1**

1. Strengthen partnerships Independent experts – EU
2. Reinforce the transversal recognition of the anxiety-provoking phenomenon by the European authorities
3. Strengthen the training of instructors, magistrates and new typologies of environmental risks
4. Strengthen the use of new cross-cutting security strategies based on:
 - new legal indicators proposed by the CIDCE
 - secure legal expertise and mediation by all appropriate means

¹ Loi n° 2002-285 du 28 février 2002 autorisant l'approbation de la Convention d'Aarhus et décret n° 2002-1187 du 12 septembre 2002 portant publication de la Convention d'Aarhus

² Règlement Européen UE 166/2006 du 18 janvier 2006, entré en vigueur le 24 février 2006. Et ratifié par la France le 10 juillet 2009.

³ Arrêté du 31 janvier 2008 relatif à la déclaration annuelle des émissions polluantes des installations classées soumises à autorisation (NOR DEVP0773558A)

⁴ <https://prtr.eea.europa.eu/#/diffemissionsair>

⁵ Note de travail OACI (Organisation de l'aviation civile internationale) A37WP.230TE.133 du 16.09.2010 relative à l'impact sur la sécurité aérienne de l'exposition à des vapeurs d'huile pendant les vols commerciaux

⁶ FAA Aircraft Cabin Bleed Air Contaminants_ A Review Novembre 2015/ SAFO Safety Alert for Operators U.S. Department of Transportation Federal Aviation Administration, SAFO 18003, DATE: 3/26/18, Flight Standards Service, Washington, DC

ODD 16

Promoting peaceful and inclusive societies for sustainable development, ensuring access to justice for all and building effective, accountable and inclusive institutions at all levels

Reminder of some objectives

16.3 Promote the rule of law at the national and international levels and provide equal access to justice for all

16.4 By 2030, significantly reduce illicit financial flows and arms trafficking, strengthen the recovery and return of stolen goods and combat all forms of organized crime

16.6 Establish effective, accountable and transparent institutions at all levels

16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

Propositions n°2

1. Strengthening Partnerships Independent Experts-International Criminal Police Organization based on the Palermo Convention of 15 November 2000 and UN Convention A / RES / 55/25 of 8 January 2001 against Transnational Organized Crime
 2. Reinforce the transversal recognition of the anxiety-provoking phenomenon of risks by the administration and the justice
 3. Strengthen the training of state instructors, magistrates, police, gendarmerie, new types of environmental risks
 4. Strengthen the use of new cross-cutting security strategies based on:
 - new legal indicators proposed by the CIDCE
 - secure legal expertise and mediation by all appropriate means
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Sendai Framework for Disaster Risk Reduction 2015-2030

Reminder: Global Agreement to Reduce and Prevent Disaster Risk Worldwide.

Goal: To strengthen social and economic resilience to mitigate the negative effects of climate change and human-induced risks.

The EU's important role in the negotiations of the agreement and the realization of the objectives of the Sendai Framework for Action.

June 2016, action plan focused on 5 points:

- 1 - EU Civil Protection (Support for Disaster Risk Management at Home and Worldwide - Hazard Consultations and Advice)
- 2- International Cooperation and Development (Global Alliance against Climate Change and Risk Management)
- 3- Humanitarian Aid, Disaster Preparedness, Voluntary Aid Program of the EU
- 4- Risk Information and Adaptation Strategies (Floods Directive - Sustainable Finance - Action Plan Seveso Directive - Technological Risk Reduction)
- 5- Knowledge: Disaster Risk - Management Knowledge - Center: DRMKC- Risk Index - Management: InfoRM- Copernicus Emergency-Management Service -EU Framework -Programmes for Research & Innovation)

Propositions n°3

1. Strengthen partnerships Independent experts- Civil protection -EU
2. Reinforce the transversal recognition of the anxiety-provoking phenomenon of risks by the administration and the justice
3. Strengthen the training of state instructors, magistrates, police, gendarmerie, new types of environmental risks
4. Strengthen the use of new cross-cutting security strategies based on:
 - new legal indicators proposed by the CIDCE
 - secure legal expertise and mediation by all appropriate means

Annexed to 8/10/2019

Draft IUCN motion on legal indicators 3 May

CENTRE INTERNATIONAL de DROIT COMPARÉ de L'ENVIRONNEMENT

INTERNATIONAL CENTRE OF COMPARATIVE ENVIRONMENTAL LAW

Special consultative status with the United Nations Economic and Social Council (ECOSOC)

Observer Status with the United Nations Environment Assembly and its subsidiary bodies

Consultative status with La Francophonie

Draft IUCN motion

Measuring the effectiveness of environmental law through legal indicators

CONSIDERING that the conservation of nature requires the effective enforcement of international, regional, national and local rules on the environment;

AWARE that the implementation of these rules often leaves something to be desired and that their application involves, through a complex legal process, all relevant stakeholders: government agencies, economic actors, judicial professions, environmental associations;

OBSERVING that state of the environment reports evaluate policies only by means of scientific or economic indicators, thus failing to assess their legal effectiveness;

CONCERNED that existing indicators related to the Sustainable Development Goals seldom refer to the role of the law and do not reflect qualitative data that allow to assess the effectiveness of the rules, thereby undermining the contribution of the law to the success or failure of environmental policies;

WELCOMING the emerging interest in more representative indicators of the difficulties encountered in enforcing environmental law, as evidenced by the 7th Environment Action Programme of the European Union calling for specific indicators to monitor environmental legislation, or by the Ministerial Declaration of the 3rd United Nations Environment Assembly encouraging the development of multidisciplinary indicators;

NOTING that the Escazú Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean provides for indicators to assess the effectiveness, efficiency and progress of environmental policies;

TAKING NOTE of the promotion by IUCN, UN Environment, IFDD-OIF and ECOWAS of an innovative methodology developed by the International Center for Comparative Environmental Law on the creation of legal indicators at the Symposium on Effectiveness of Environmental Law in Francophone Africa (Yaoundé, 2018);

CONVINCED that such legal indicators will make it possible to measure the effective implementation of environmental law by using qualitative and quantitative data, on the basis of questionnaires on the existence and content of the rules, and on their enforcement and monitoring procedures;

PERSUADED that the legal indicators will increase the visibility and legitimacy of environmental law, thus making it possible to better understand the reasons why it is badly or poorly enforced, as well as progress or setbacks in the protection of the environment, while also facilitating the development of new rules to safeguard the common natural heritage;

The World Conservation Congress, at its session in Marseille, France, 11-19 June 2020:

CI DCE

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- 1 REQUESTS the World Commission on Environmental Law and its members, with support of the IUCN Program on Environmental Law, to develop tryouts and training courses on the design of legal indicators for nature conservation, involving law professors, lawyers, judges, prosecutors and environmental law enforcement officers;
- 2 REQUESTS the IUCN Secretariat to invite the United Nations System and other international and regional organizations to introduce legal indicators as part of the environment-related indicators of the Sustainable Development Goals;
- 3 REQUESTS States Parties and the European Union Party to regional and global environmental conventions to also introduce legal indicators to measure the effectiveness of these conventions in the compliance reports required by such conventions;
- 4 CALLS UPON all State and non-State members of IUCN to take voluntary initiatives to experiment and promote the establishment of legal indicators in their national environmental legislation, particularly in the area of nature protection;
- 5 URGES all governments and secretariats of international and regional organizations to introduce legal indicators in their regular reports on the state of the environment at the global, regional, national and local levels.

Proposal by the CIDCE (international center of comparative environmental law)
international NGO member of the UICN

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