



UNITED NATIONS

ECONOMIC COMMISSION FOR EUROPE

**THIRD MEETING OF THE PARTIES TO THE AARHUS
CONVENTION**

Riga, Latvia, 11-13 June 2008

Opening remarks by Mr. Marek Belka

Executive Secretary

Your Excellencies, Distinguished Delegates, Ladies and Gentlemen,

I am delighted to be able to join our Latvian hosts in welcoming you to the high-level segment of the third meeting of the Parties to the Aarhus Convention: I would also like to express my deepest appreciation and thanks to you, Minister Vejonis, and to the Government of Latvia for hosting us here in this historic city of Riga.

The Aarhus Convention is unique among multilateral environmental agreements in the extent to which it promotes citizens' environmental rights. Its core principles – the right to information, the right to participate and the right to seek access to justice – empower ordinary members of the public to hold governments accountable and to play a greater role in promoting more sustainable forms of development.

This meeting has a special significance, as it marks the tenth anniversary of the adoption of the Convention in the Danish city of Aarhus. But the significance is not just linked to the Convention's tenth year anniversary but also to the impressive progress that has been made during those ten years. Let me cite a few milestones:

- After a remarkably quick entry into force in October 2001, the first meeting of the Parties, held in Lucca in October 2002, put in place the institutional structures and mechanisms that today provide the foundation for the work under the Convention. The decision of the Parties to reflect the principles of the Convention in these structures and mechanisms – notably in the rules of procedure and in the compliance and reporting mechanisms – was an inspired one which will help to ensure that the processes under the Convention remain transparent and participatory.

- The adoption of the Protocol on Pollutant Release and Transfer Registers at the Kiev Ministerial ‘Environment for Europe’ Conference in May 2003 was another important milestone. **Whereas the Convention primarily addresses the relationship between the public and public authorities, the Protocol brought in a largely new element by indirectly creating mandatory reporting obligations for the private sector.** It may thus be seen as a tool for ensuring corporate accountability, enabling members of the public to know about sources of pollution in their immediate neighbourhoods. Through public engagement, the Protocol is expected to exert a downward pressure on levels of pollution and thereby contribute to sustainable development.
- At the second meeting of the Parties, held in Almaty in May 2005, the long-running discussions on **how the Convention should address the issue of genetically modified organisms** were brought to a successful conclusion with the adoption of an amendment which will expand the possibilities for the public to participate in decision-making in this hotly-debated area. The meeting also saw the adoption of the **Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums.** The Guidelines have already provided the basis for a dialogue between the Convention bodies and other interested international forums on how to involve representatives of civil society in international processes. The meeting further adopted recommendations on electronic information tools which solidified the Parties’ commitment to mobilize Information and Communication Technology – notably the Internet – to promote informed participation in decision-making on the environment.
- Throughout this period, the number of Parties to the Convention has continued to grow steadily. With 40 ECE member States now Party to the Convention, and the European Community itself also a Party, the standards established by the Convention now prevail throughout much of the region. Hopefully other interested ECE member States will accede to the Convention in the coming period.

Aside from these distinct milestones, the greatest achievement of the Convention, and the real measure of its value, concerns the changes it has brought about on the ground. In many cases, the progress achieved is well documented through the national implementation reports prepared by the Parties as well as through other studies and reports. These reveal that countries from throughout Europe and Central Asia have strengthened their laws and their practices in order to bring them into line with the Convention. **The assumption that anything that is not public is secret has been widely replaced by the assumption that anything that is not secret is public.** Participatory democracy is increasingly seen as a basic right, whose realisation enriches the quality of decision-making and reduces alienation among communities through creating a sense of involvement.

So, there is much to celebrate as we gather on this tenth anniversary. However, **many challenges remain.** The same implementation reports which confirm the importance of the Convention as the main driving force in delivering procedural environmental rights in our region also reveal that **there are shortcomings in its implementation in some countries, in particular but not only those with economies in transition.** They also show that **implementation of the provisions of the Convention concerning access to justice, and to some extent public**

participation, continues to be more problematic than the implementation of those concerning access to information.

The findings of the Compliance Committee that several Parties are in breach of their obligations under the Convention confirm the existence of such problems. Other sources of information, such as alternative reports on implementation submitted by NGOs, indicate that **even where the necessary implementing legislation is in place, there can be a gulf between the requirements of the law and the actual practice.**

These findings should not come as a surprise. It takes more than introducing a set of new laws to transform what in many countries has been a long-standing culture of official secrecy and lack of accountability.

More generally, it is not unusual that the implementation of international treaties is less than perfect – in fact, it is probably rather normal. **What is distinctive about the Aarhus Convention is that it provides a role for *the public* in identifying whether such problems exist.** I am referring on the one hand to the requirement under the reporting mechanism for each Party to consult the public when preparing its national implementation report, and on the other, to the provision under the compliance mechanism which allows any member of the public to trigger a review of a Party's compliance by writing to the Compliance Committee.

These innovative features are at least partly related to the particular character of the Convention. While in legal terms the Convention, like any international treaty, is an agreement between sovereign governments, in political terms it has some of the characteristics of a contract between governments and civil society. If a Party is in breach of its obligations, it is generally not another Party that suffers but rather members of the public, and in this context, it makes sense that the views of the public (the 'clients', if you like) on the degree of success or failure in implementation should be heard.

It is probably the case that the Aarhus Convention's compliance mechanism has revealed more cases of non-compliance than have been brought to light with respect to most other environmental conventions. However, **I believe it would be wrong to conclude from this that there is a disproportionate level of non-compliance with the Aarhus Convention as compared with other conventions. In my view, it is far more likely to be a direct consequence of the effectiveness of the Aarhus compliance mechanism.**

The Convention's compliance and reporting mechanisms, as well as independent studies, may help to reveal where the problems lie, but the question remains, what are the root causes and what can be done to address them? In some cases, it may be a question of lack of political will, or a matter of conflicting interests within government. In other cases, it may be a question of administrative culture at the level of individual public authorities. **Countries may sometimes have the political will but lack the basic capacity to deliver what the Convention expects of them.**

In such cases, **capacity building is and will remain of essential importance.** In this regard, **I wish to extend my thanks to the many partners involved in such work, notably the regional environmental centres, UNITAR, UNEP, OSCE, the European Commission through its EuropeAid programme, the Council of Europe, the Access Initiative and the European ECO Forum.** The 'Aarhus Centres' which have grown up in several EECCA and other countries over the past few years, established in most cases with the support of OSCE, are a particularly good example of institutional capacity building which bridges the gap between good intentions and concrete results. For its part, **UNECE stands ready to continue playing a coordination role between capacity building partners and to use the Aarhus Clearinghouse for Environmental Democracy to make available information on capacity-building projects.**

This meeting is not only an occasion to reflect on the past. The strategic plan 2009-2014 that is to be adopted later today will set the future direction of the Convention. **There seems to be a broad recognition among all Parties and stakeholders of the need to focus on effective implementation of the Convention as a top priority.**

There is also a widely held view that **the benefits of the Convention could and should be enjoyed in more countries.** Despite the large and growing number of Parties to the Convention, there are still a significant number of countries in the UNECE region that are not Parties. Countries from outside the region may also benefit from the Convention, either by using it as a model to develop their own instruments or, where it suits their particular circumstances, by acceding to it. Countries in other regions have already shown considerable interest in the Convention. For example, within the past two years, the Chinese government has twice invited UNECE to share the experiences gained with the Convention at first a symposium and then a conference in relation to the development of public participation in environmental protection in China.

The Convention may serve as an inspiration not only in other regions but also in other subject areas with a parallel interest in transparency, public participation and democratisation. For example, it is encouraging to see how processes such as the Internet Governance Forum have drawn inspiration from the Convention in discussions on developing their own guidelines on public participation and transparency. Similarly, the Aarhus Convention was recently invoked in discussions among the Parties to the UN Framework Convention on Climate Change which led to them committing to further work on public awareness, access to information and public participation.

It will be important to secure the early entry into force of the PRTR Protocol. The European Community's decision to implement the Protocol through an EC Regulation which is directly binding on the 27 EU Member States is an extremely positive development in this regard. It should ensure that the requirements of the Protocol are soon reflected in the reality on the ground throughout the EU countries. Several EECCA countries have shown the same level of interest in becoming Parties to the Protocol, though it must be acknowledged that greater efforts will be required to overcome the technical and financial barriers to establishing

PRTRs in countries with economies in transition. In this regard, I invite all donor governments and institutions to consider how they might support those efforts.

Before concluding, I would like to **pay particular tribute to the sustained input from non-governmental organizations into the work under the Convention. Civil society is important in all intergovernmental processes but nowhere more so than in a treaty which is all about the relationship between government and civil society.** NGOs played a major role in shaping the text of the Convention during its negotiation and they have played, and will continue to play, an equally important role in ensuring that it is implemented correctly.

I would like to conclude by once again thanking you, Minister Vejonis and to the Government of Latvia for hosting us here in this historic city of Riga. I am sure that your generous hospitality during this meeting has been an important factor in ensuring what I am convinced will be a successful outcome.

Thank you for your attention.
