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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Fourth session

Chisinau, 29 June–1 July 2011

Report of the fourth session of the Meeting of the Parties

Addendum

Chair's summary of the thematic session of the high-level segment on the role of the Aarhus Convention¹ in promoting sustainable development²

1. The Meeting of the Parties was honoured to begin its high-level segment with a message delivered by the United Nations Economic Commission for Europe (UNECE) Executive Secretary, from United Nations Secretary-General Mr. Ban Ki-Moon, who expressed his view that the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was today more important than ever. He considered that the Convention's powerful twin protections for the environment and human rights could help in responding to many challenges facing the world, from climate change and the loss of biodiversity to air and water pollution, and could help keep Governments accountable.

2. The first session of the high-level segment considered the Aarhus Convention's success (or failures) in advancing sustainable development in the UNECE region. The second session considered the Aarhus Convention as an inspiration for the United Nations Conference on Sustainable Development (Rio+20) for delivery on Principle 10 beyond the UNECE region.

¹ Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

² The thematic session of the high-level segment, held on 1 July 2011, was chaired by Mr. Gheorghe Salaru, Minister of Environment of the Republic of Moldova.

I. The impact of the Aarhus Convention extends beyond the environmental domain

3. Mr. Raimonds Vejonis, Minister of Environment of Latvia, took the view that the Convention was one of the best manifestations of the progress made in advancing sustainable development since the Stockholm Declaration.³ In Latvia, for example implementation of the Convention had exceeded the original environmental domain. It had contributed significantly to granting broad access to information in any field under the responsibility of public authorities. The public participation pillar had penetrated deeply into the legislative process, allowing the public to participate in preparation of virtually any legislative proposal. The Aarhus principles were also used in policy on regional development.

II. Collective efforts and partnerships for sustainable development

4. Mr. Philippe Henry, Minister of Environment, Land-use Planning and Mobility of the Walloon Region of Belgium, stressed that they had to continue their collective efforts to make environmental information more accessible by and comprehensible for all, to avoid the demobilization of citizens and their loss of confidence in economic and political worlds during the present period of economic crisis. They had to continue to share experiences in the collaborative UNECE process. Mr. Simon Papyan, First Deputy Minister of Nature Protection of Armenia, also noted the importance of partnerships to further the implementation of the Aarhus Convention's contribution to sustainable development. Such partnerships might include:

- Partnerships between civil society and Government authorities.
- Partnerships between the Aarhus Convention secretariat and other international organizations. For example, the Organization for Security and Cooperation in Europe (OSCE) Aarhus Centres, which played an important role in facilitating dissemination of information, awareness-raising, debating environmental issues and promoting principles of democracy.
- Linkages between Aarhus and other multilateral environmental agreements: For example, Armenia was currently elaborating its legislation related to environmental impact assessment with the support of the secretariat of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context.

5. Ms. Esra Buttanri, on behalf of Ms. Desiree Schweitzer, Deputy Coordinator of OSCE Economic and Environmental Activities, considered that the Aarhus Convention had been more effective in sustaining commitment than some less formal instruments in the field of sustainable development. The Convention was unique in the extent to which it promoted citizens' environmental rights. Its core principles — the right to information, the right to participate and the right to seek access to justice — empowered ordinary people to play a greater role in advancing sustainable development in their country. Environmental governance had been visibly on the agenda across the UNECE region over the past decade. That was owed in part to the normative force of the Convention, buttressed by an efficient implementation review mechanism.

³ The Declaration of the United Nations Conference on the Human Environment, or Stockholm Declaration, adopted on 16 June 1972, is the first international environmental law document to recognize the right to a healthy environment.

III. A tool for environmental security

6. Ms. Buttanri noted that “information”, “participation” and “partnerships” in the Rio spirit were cornerstones of environmental security. In that respect, the Aarhus Convention was an exceptional tool to promote good environmental governance within and between States. UNECE was one of the partner agencies of the Environment and Security Initiative (ENVSEC), along with OSCE, the United Nations Development Programme, the United Nations Environment Programme, the Regional Environmental Centres and the North Atlantic Treaty Organization (NATO). ENVSEC was dedicated to finding solutions for environmental hazards before they crossed national borders and caused political instability. It aimed at transforming risks into opportunities for cooperation.

IV. The green economy

7. Ms. Buttanri also observed that the draft Chisinau Declaration postulated that citizens should participate in the design and implementation of green economy programmes. The provisions of the Aarhus Convention would be instrumental in ensuring that citizens had a say in the transition to a green economy. That applied to social and economic, as well as environmental, policies, which would need to converge strongly in a green economy. Good practice from implementation of the Aarhus Convention should be considered in that process.

V. However, still many challenges at home

8. Ms. Marta Szigeti Bonifert, Director of the Regional Environmental Centre for Central and Eastern Europe, considered that the Aarhus Convention provided the framework for short-, medium- and long-term decision-making (project level, policies, programmes, plans, legislation) in environmental matters; however, there were still problems of practical implementation, especially with regard to the second and third pillars. There was pressure by short-term political and economic interests to leave out public participation and reduce transparency. Public participation should not be just formalism. It should be equal across all regions and sectors (e.g., environment and water, waste, energy, etc.). It should have greater influence in those sectors with environmental, social and economic components (i.e., climate change, renewable energies, green economy-related decision-making, etc.) and in strategic decision-making determining major environmental, social and economic directions. Access to justice also presented challenges in all regions in Europe. Concerted actions were needed both at the national and European regional level.

9. Ms. Azra Rogovic-Grubic, on behalf of Mr. Mladen Zirojević, Minister of Foreign Trade and Economic Relations of Bosnia and Herzegovina, shared the example of how the preparation of the Aarhus Convention national implementation report could be a tool to support sustainable development through partnerships at the national level. Bosnia and Herzegovina had been supported in the preparation of its first National Implementation Report through an OSCE regional project in support of Aarhus Convention implementation in Serbia, Montenegro, Albania and Bosnia and Herzegovina. Environmental non-governmental organizations participated directly in the drafting of that report. Public hearings and Web consultations had been organized for the public to offer their comments on the draft country report. Through the drafting of the report, Bosnia and Herzegovina had been able to identify its concrete next steps to implement the Aarhus Convention, and in doing so to promote sustainable development.

VI. Using Aarhus principles in the Rio+20 process

10. Mr. Zoltan Illes, Secretary of State of Hungary, noted that access to information, public participation and access to justice in environmental matters — the main scope of the Aarhus Convention — were also fundamental elements of good governance at all levels. The effectiveness of preparations for Rio+20 would depend first and foremost on the national level preparations and the regional preparations that would feed into the global process. Rio+20, and its preparatory processes, provided a good opportunity for the UNECE region to share experience and best practices gained through the implementation of the Aarhus Convention. An example of good practice in implementing Principle 10 of the Rio Declaration was Hungary's Ombudsman for Future Generations. The Ombudsman's mandate was based on guaranteeing the right of citizens to live in a healthy environment, and contributed to the participation of citizens in ensuring the long-term accountability of policymaking for environmental resources.

VII. Aarhus — a gift for Rio+20?

11. Mr. Jeremy Wates, Secretary-General of the European Environmental Bureau, European ECO Forum, and the former Secretary of the Aarhus Convention, noted that the Aarhus Convention was relevant to both of the major themes of the Rio+20 Conference. One thing that the UNECE region could offer the rest of the world at Rio+20 — something which did not cost the Earth — was the Aarhus Convention. It could offer an important model for a more participatory, transparent form of governance. He nevertheless regretted what he considered a two-tier system inherent in the requirement of Meeting of the Parties approval for countries outside the UNECE region to join the Aarhus Convention, and which had been maintained in the draft decision on accession. The only way to send a clear signal welcoming the accession by non-UNECE States was to amend the Convention to remove the requirement for such approval. The political developments in North Africa and the Middle East, like the changes that had taken place in Eastern Europe at the end of the 1980s, could provide a specific near-term context in which the Aarhus Convention could be a vehicle for progress towards participatory democracy in neighbouring States across the Mediterranean. Aarhus Parties were encouraged to affirm their support for the development of regional conventions on environmental democracy in other regions of the world, following the example of Aarhus.
