

**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
High-Level Segment**

**Statement by Mr. Jeremy Wates, Secretary-General of EEB, European Eco-forum,
and the former Secretary of the Aarhus Convention**

Let me begin by thanking you, Minister Salaru, and your officials for the warm welcome you have given us and the excellent arrangements for this meeting. I would also like to express my appreciation of secretariat's efficient preparations for the meeting. Having served with UNECE as Secretary to the Convention for more than a decade up until last summer, I probably know as well as anyone what is involved in organizing an Aarhus MoP and it has been a particular pleasure to come here as a participant and to see the high quality of the preparations from a 'consumer' perspective.

The Aarhus Convention is relevant to both of the major themes of the Rio+20 Conference, but that relevance has not been sufficiently recognised in the preparatory process so far, including by the Aarhus Parties themselves.

The institutional framework for sustainable development is not just about strengthening international institutions such as UNEP, important as that is. A fundamental aspect of that framework is the need to establish democratic, transparent, accountable, participatory systems of governance at all levels, not just at the international level.

We will not succeed in creating a green economy that benefits the poor if we exclude their voices from the process. An empowered civil society and an open and responsive government are essential to the kinds of socio-economic transformations necessary to achieve sustainable development.

Unfortunately, there has been a tendency in some quarters to interpret the Conference themes in a rather top-down way that ignores the role of the public and the values of environmental democracy. A recent example of this was the European Commission's Communication on Rio+20 which came out last week. This Communication contains many useful and important ideas, but it almost completely fails to mention the importance of transparency, accountability and civil society empowerment, and the value that our more-than-a-decade of experience with the Aarhus Convention can contribute to the Summit. I hope that in reacting to the Communication and preparing the EU position, the EU member States will rectify this shortcoming and put Aarhus centre stage.

Of course all of us in this room know in our hearts what the developing world really wants out of Rio + 20. They want a fairer deal. They want an end to the situation where 1.4 billion people live in extreme poverty, where infant mortality is at levels one or two orders of magnitude above those in the developed world, where the national economy is crippled by the need to pay off historic debts, often the legacy of colonialism.

But we also know that that is not really on the cards. Given that only a handful of countries have managed to come up with the meagre 0.7% of GDP which for decades governments in the developed economies have repeatedly pledged to give, there is not really much hope of a big change on that front. Of course we should continue to hope that governments will show the vision, courage and leadership to make meaningful commitments to redressing the gross inequities which exist and to promote a green economy which is really taking into account the interests of the developing world.

But there is one thing that this region can offer the rest of the world, something which does not cost the Earth. It can offer the Aarhus Convention. It can offer an important tool for a more participatory, transparent form of governance. The Convention is open to accession by States from anywhere in the world.

The Aarhus Convention has pushed forward the frontiers of international law. Even if it should not be seen as a blueprint or perfect model for environmental democracy, it stands out as the most far-reaching initiative undertaken to promote Rio Principle 10. What better present to take to Rio? The draft declaration that is before us for adoption this afternoon appears to offer that. It is a nice document.

Unfortunately, the Strategic Plan's goal of having Parties from outside the UNECE region by 2011 will not be met. This may be due to a variety of reasons. However, one obstacle to accession to the Convention by States from outside the UNECE region is article 19, paragraph 3, of the Convention, which makes such accession subject to approval by the Meeting of the Parties (MoP), a body which meets only once every three years.

There was, and is, a simple way to solve this problem. It involves amending the Convention to remove the requirement of MoP approval. This would not be a radical or unprecedented change. The Convention's own Protocol on Pollutant Release and Transfer Registers allows for accession by non-UNECE States without any requirement for MoP approval.

I regret that we are not today going to witness the adoption of an amendment to the Convention to remove this obstacle, and that the draft decision on accession by non-ECE countries that has been put before you for adoption this afternoon rather serves to reinforce the two-tier system which is inherent in the requirement of MoP approval. While an amendment would take some time to enter into force, and therefore a procedure clarifying the process for obtaining MoP approval would in any case have been needed at least as a bridging measure, the procedure proposed is unduly burdensome and will act as further deterrent – I say 'further' deterrent because the Convention is already seen as a largely European initiative, which itself can deter non-European countries from acceding.

I therefore call on the Meeting of the Parties, on behalf of the ECO Forum, to commit to amending the Convention to remove the requirement of MoP approval for accession by non-UNECE States and to instruct the Working Group of the Parties to make the necessary preparations so that such an amendment can be adopted at MoP-5. This would then be the message that is carried to Rio: After more than a decade of working with the Aarhus Convention, we, the Aarhus Parties, are ready to open up the Convention to the whole world and are taking the necessary steps to remove all procedural obstacles.

In view of the negative signal sent by the decision on non-ECE States, it is all the more important to make proactive efforts to support interested States in going through the various steps to accede to the Convention, and also to pursue other channels to promote environmental democracy around the world.

The political developments in North Africa and the Middle East 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. Some parallels could be drawn with the changes that took place in Eastern Europe at the end of the 1980s which provided fertile ground for the development of the Environment for Europe process and eventually the Aarhus Convention.

The Aarhus Parties should continue to affirm their support for the development of regional conventions on environmental democracy in other regions of the world, following the example of Aarhus. The willingness of UNECE's sister organizations, the Economic Commission for Latin America and the Caribbean (ECLAC), to broker the development of a legally binding instrument in the Latin American region is very much to be welcomed in this context. The MoP should instruct the Bureau and Secretariat to take up direct contact with ECLAC concerning the modalities whereby the Aarhus Parties could most effectively support such an initiative.

The Aarhus Parties should also reiterate in the Rio+20 process their willingness to support any initiative to develop a global instrument, again offering the Aarhus Convention as a useful model - even if the main push for such an instrument should logically come from other countries.

As we approach the beginning of the second decade following the entry into force of the Convention, it is time to start looking outward.