

**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 Ms. Marta Szigeti Bonifert, Director, REC CEE**

Mr. Chair, Ministers, Distinguished Delegates, Ladies and Gentlemen,

It is an honour to take part in this high level panel at the 4<sup>th</sup> Meeting of Parties of the Aarhus Convention on behalf of the Regional Environmental Center.

The Aarhus Convention as a unique international legal instrument has been increasing transparency and environmental democracy in Europe and beyond and significantly has contributed to sustainable development and improvement of governance.

The Convention is providing rights for public access to environmental information, right to participate and influence decision-making from the early stage. It provides a framework for short, medium and long-term decision-making (project level, policies, programs, plans, legislation) in environmental matters. It also ensures right for the public to access to justice in environmental matters through Article 9 and its unique compliance mechanism.

Aarhus Convention is offering the grounds for better environmental governance. Good environmental governance is essential for real implementation of sustainable development. An effective public participation done on each and every phase of a decision making process will reinforce the endorsement of stakeholders and citizens providing a broad consensus and preventing future conflicts with social sectors.

There are however, factors which may limit the application of the Convention. These include problems of practical implementation especially on public participation and access to justice pillars.

The pressure by short term political and economic interests to leave out public participation and reduce transparency is still present. Public participation is often perceived more just as an additional procedure and not as an opportunity. Sometimes the complexity of the administrative procedure is an obstacle for an active public participation.

Key challenge of implementation of the Public Participation Pillar is to increase the quality of public participation. Public involvement should not be formal, meeting only legal criteria but should be tailored to specific decisions and needs in order to ensure that the public is reached, informed and involved (with a clear follow up). The public participation procedure should be planned in advance, and proper resources, including human and financial ones, should be allocated for carrying it out. The implementation practice should not differ across regions and sectors in a country.

Public participation needs to be strengthened in strategic decision-making as these decisions determine major environmental, social and economic directions for the longer term. It is necessary that decision-making in sectors with environmental, social and economic

components (i.e. decision-making on climate change, energy and renewable energy, and those related to the green economy, etc.) are open for public participation and the public has a chance to influence them by putting forward comments and proposals. The Aarhus Convention experiences thus offer a potential to improve the quality of decision-making on sustainable development matters via stronger involvement of public.

Most is to be done for improving the implementation of the **access to justice pillar** in all regions in Europe as there are still serious challenges in this regard. Concerted actions are needed on the European regional level, under the Convention as well as by the Parties at the country level. This should include the cooperation and dialogue with the environmental and judicial actors (environmental and justice ministries, judiciary, legal professionals, NGOs, judicial training centers) on how to improve the situation. The key actors should understand which are the most serious gaps and obstacles and actions should be initiated to reduce or remove access to justice barriers. Awareness should be increased also among the judiciary of the Convention in order to understand better its requirements and implement these requirements in their practice. It is also necessary to make aware citizens and NGOs about their rights and opportunities for access to justice and how to use them. The lack of free legal advice and assistance by public interest lawyers are other barriers which should be overcome.

The Regional Environmental Center as an active contributor and actor since the birth of Convention in Central and Eastern Europe has accumulated a wealth of experience and expertise and can offer this for sharing with the Aarhus community.

Among the lessons learned, the following can be mentioned:

- Strategic approach is needed to support practical implementation to achieve efficient results on a long term basis
- Systematic and complex support should be offered to authorities, Civil Society and other actors and a combination of technical assistance and different capacity building methods, pilot projects could be used
- Dialogue should be promoted among the key actors with the involvement of the civil society in the Aarhus Convention implementation
- Special focus should be given to areas where the biggest problems lie: practical implementation problems in second and third pillars
- Synergies should be built with other processes (EU accession) and cooperation should be carried out with other key international actors
- The Aarhus Convention provisions and approach should be integrated and applied during decision-making in the different sectors where there is or may be a likely significant effect on the environment and health – such as environment and water, waste, energy, climate change – in a more prominent way.

As a conclusion, transparent and participatory mechanisms are essential for good environmental governance, sustainable development in the same way as a proper legal and financial framework is fundamental for an effective environmental policy. The Regional Environmental Center is committed to bring its expertise and experience to promote all 3 pillars of the Aarhus Convention in our region and beyond, and is keen to assist also in the future in all these strategic directions.

Thank you for your attention!