

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

General Segment

Item 6 (c):

Promotion of the Convention and relevant developments and interlinkages:

Update on United Nations Environment Programme initiatives on access to information, public participation and access to justice in environmental matters

Statement by the United Nations Environment Programme

Thank you Mr. Chairman, for giving me the floor and for giving UNEP the opportunity to update the distinguished delegates on initiatives from our side related to access to information, public participation and access to justice in environmental matters.

UNEP greatly values its close cooperation on environment with the UNECE and its conventions. The Aarhus Convention especially has a warm place in our heart. As the Director, UNECE Environment Division stated in his opening statement, the Aarhus Convention is a very good example of the Rio Declaration brought to life.

We have heard from many parties on how the Aarhus Convention has been implemented in their country and integrated into national legislation, and the positive effects this has had. In order to stimulate the use of Rio Principle 10 outside the UNECE region, UNEP has developed the **“Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters”**. These guidelines have been developed because many countries outside the UNECE region have enacted legislation on some of the elements of Principle 10, but often not all 3 elements have been covered adequately; and since there is no comparable instrument to the Aarhus convention in other regions, or at the global level.

These UNEP Guidelines have been adopted by its Governing Council/Global Ministerial Environment Forum at its eleventh special session in 2010 attended by 172 member states. The 26 guidelines are a milestone, representing an important achievement in elaborating Rio Principle 10 on a global level. The Aarhus Convention Parties and Secretariat, and NGOs and academics involved in the Aarhus Convention, played a major role in the development of these Guidelines.

The UNEP Governing Council in its decision adopting the Guidelines invited countries to take them into consideration in the development or amendment of their national legislation, and requested the UNEP Executive Director to assist countries upon their request with the development or amendment of national legislation.

Since its adoption, UNEP has embarked on the promotion of the Guidelines in various ways, including through an initiative focused on strengthening the capacity of major groups and

stakeholders, governmental institutions and authorities to apply the Guidelines at the country level. The project is aimed at enhancing countries' legislative capacity to implement their international environmental obligations and to move towards sustainable economies by strengthening institutions and adopting legislation or otherwise incorporating the Guidelines into national law and practice. Activities planned include eight meetings in different regions that will serve to promote and widely disseminate the Guidelines to civil society and government. The project also envisions the development of a Guide on the Guidelines that will be translated into the UN languages, as well as pilot demonstration projects in a few selected countries.

UNEP is also working with the United Nations Institute for Training And Research in implementing its global Principle 10 initiative, which provides methodological and technical support to countries to strengthen implementation of Principle 10. Countries prepare a National Profile and Action Plan, following a standard project methodology, based on an earlier project of UNITAR and UNECE that assisted countries in preparing a National Profile on the Implementation of the Aarhus Convention. This newer project is implemented in six countries in Latin America (Costa Rica, Dominican Republic, El Salvador, Honduras, Nicaragua, and Panama) and in three countries in Africa (Botswana, Democratic Republic of Congo, and Mali).

We hope that through the UNEP Guidelines the subject areas of principle 10 will gain further application outside the UNECE region and that reference to the Guidelines may be included in the Chisinau declaration given their complementarity with the Aarhus convention.

Another example of how the contents of the Aarhus Convention has been further developed can be seen in the framework of the Tehran Convention, the **Framework Convention for the Protection of the Marine Environment of the Caspian Sea** for which UNEP covers as interim secretariat serving the Caspian littoral countries Azerbaijan, Iran, Kazakhstan, Russian Federation and Turkmenistan. The text of the Tehran Convention envisages public involvement in its Articles 5 and 21 which mainly concern the element of access to environmental information. In the implementation of the Convention, the Parties “shall be guided by the principle of accessibility of information”; they “shall exchange information on a regular basis” and “shall endeavour to ensure public access to environmental conditions of the Caspian Sea” as well as measures taken to protect the Caspian environment. It is worth noting that with the Russian Federation and Iran the Tehran Convention covers two countries not yet Party to the Aarhus Convention. Furthermore, it is expected that the Parties will sign a Protocol on Transboundary Environmental Impact Assessment at the third Meeting of the Conference of the Parties, which will be held this August in Kazakhstan. Similar to the Espoo Convention, the Protocol contains the obligation to ensure public consultations prior to the authorization of activities with potential significant transboundary impacts on the environment.

In practical terms during the Tehran process, important public actors with a stake in the Caspian Sea environment form networks on the regional and national level, holding Caspian “stakeholders’ meetings” on a regular basis. Furthermore, the member states have formulated “National Public Participation Strategies” which contain concrete objectives to improve public involvement and in particular public access to environmental information in their respective countries. These strategies will be launched later this year. In order to make information on the Caspian environment easily accessible to the public, a web-based “Caspian Information Center” is under construction which will present the latest collected data in a clear and comprehensive manner.

Another regional convention, for which UNEP is also the Interim Secretariat, the **Framework Convention on the Protection and Sustainable Development of the Carpathians** adopted in 2003 entry into force in 2006, has now been ratified by 7 Aarhus parties, namely Czech Republic, Hungary, Poland, Romania, Serbia, Slovakia, and Ukraine.

The Carpathian Convention text has a strong public participation component. A longstanding cooperation with the Aarhus Convention, in particular in the fields of public participation and access to information. Every civil society organization with interest in the Convention can participate in and present information to the meetings of the Carpathian Convention without any prior admission procedure. Many NGOs, regional and local authorities, and increasingly the private sector make ample use of this opportunity in the COP meetings.

In the course of the implementation of the Carpathian Convention, stakeholder consultations have been held in all Carpathian countries with the help of REC and ANPED. The themes of cultural heritage, biodiversity conservation and local development meet particular interest. The Aarhus Centre in Serbia supported by OSCE and ENVSEC could be used to further promote the implementation of the Convention in Serbia. The COP3 of the Carpathian Convention, held in Bratislava in May 2011, recommended the preparation of a Public Participation Strategy for the Carpathian Convention. We would like to invite the cooperation of the Aarhus Convention Secretariat in the preparation of the Public Participation Strategy. This cooperation could benefit from a more institutionalized cooperation between the Conventions, such as the development of a Memorandum of Cooperation. The results of this cooperation could then be presented as a joint effort to COP4 of the Carpathian Convention, to be held in 2014 in the Czech Republic.

UNEP is the host of the **ENVSEC** Secretariat, but enough has already been said about the ENVSEC activities, so I do not wish to repeat this here, only to show how central are the principles embedded in Aarhus to the environment and security nexus.

On **PRTRs**, UNEP has developed, together with the International Pollutant Release and Transfer Register Coordinating Group and in consultation with the OECD PRTR Task Force, an information document for the ongoing intergovernmental mercury negotiations on PRTRs as a reporting mechanism for mercury releases and transfers.

Also on PRTRs, UNEP is the implementing agency of an ongoing GEF-supported global project on Persistent Organic Pollutants POPs monitoring, reporting and information dissemination using PRTRs, at the national level, of which stakeholder involvement is a critical project component. The project involves three countries in the Latin America and Caribbean region, two countries in the Central and Eastern Europe region (Kazakhstan and Ukraine), and two countries in Asia, providing a tool to address international requirements of Parties to the Stockholm Convention on POPs.

Lastly, I would like to inform this meeting about the **Eye on Earth Summit**, which will be held in Abu Dhabi, United Arab Emirates from 12-15 December 2011 under the patronage of the President of the United Arab Emirates. The Eye on Earth Summit represents an important opportunity and milestone to focus attention on the twenty years of collective efforts encompassing two World Summits on Sustainable Development, and making the best environmental information available to

support decision-making to achieve sustainable development, including reducing poverty and advancing the global economy. The Summit is being facilitated by the Abu Dhabi Global Environment Data Initiative program and hosted by the Environment Agency of Abu Dhabi in partnership with UNEP.

The purpose of the Summit is to promote the international agenda for improved access, and improved ability to use and leverage, environmental data and information for the benefit of all communities of our global society concerned with tackling global environmental issues, such as climate change, deforestation, and loss of biodiversity. The Government of the United Arab Emirates will invite over 700 thought- and action leaders from government, intergovernmental organisations, the donor community, the UN system of agencies, major groups – particularly business and industry – the science community and other civil society actors. The Summit will be a multi-stakeholder consultation accompanied by a major exhibition, including many side events.

An expected outcome of the Summit will be an agreed statement on ways and means to strengthen existing initiatives and fill gaps towards more informed policy making in support of a sustainable future. The Summit is expected to produce a ministerial Eye on Earth Declaration on environmental data and information that will be carried forward to Rio+20. A set of recommendations will also be developed for ratification by the Summit delegates. In addition, the Summit will launch a number of Special Initiatives aimed at improving global environmental data and information capacities.

The Executive Director of UNEP has written to all ministers for environment of UN member states and all heads of UN agencies, funds and programmes to inform them of the Summit and its preparatory process which is now well underway.

We stand ready to further contribute to the implementation of the Convention and cooperate with Parties and Aarhus Convention Secretariat. Thank you.