

Statement by Belarus at the fifth session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Maastricht, the Netherlands, 1 July 2014

Item 7 (a) Implementation of the work Programme for 2012-2014

Practical obstacles in implementing of the Aarhus Convention in the Republic of Belarus:

1. A definition “condition” is applicable to the lands in terms of the para. 3a) article 2 of the Aarhus Convention and means qualitative characteristics (for example, degree of degradation) or status of the lands, cadastral characteristics of the land parcels, their purpose of use, etc. Is the size of the land parcel environmental information?

2. According to para. 1a) article 4 of the Aarhus Convention each Party shall ensure that government agencies submit environmental information to the public “without an interest having to be stated”. However, according to para. 3b) of above mentioned article that a request for environmental information may be refused if this request is “unreasonable”.

The Implementation Guide of the Aarhus Convention partly gives clarification of this paragraph, however, government agencies use in practice only the text of the Aarhus Convention, but between above mentioned paragraphs there is a linguistic contradiction.

3. What does it mean “residues” in the context of para. 6a) article 6 of the Aarhus Convention?

4. According to para. 2d) in the Annex I to the Guidelines on access to information, public participation and access to justice in GMOs matters it defines ‘Deliberate release’ is defined as any intentional introduction into the environment of a GMO or a combination of GMOs for which no specific containment measures are used to limit their contact with and to provide a high level of safety for the general population and the environment.

The proving ground which is used for GMO’s tests has a number of above mentioned control measures (barriers, security, security cameras, etc.).

Is a planting of GMO at the proving ground an intentional introduction of GMOs in the environment?

5. One issue is still remains unclear, how to apply provisions of the Aarhus Convention devoted to public participation in decision-making by concrete activities in terms of new (innovative) activities?

6. According to para. 1a) article 6 and List of Activities contained in the Annex I to Aarhus Convention the implementation of procedures for public participation in airports construction with a basic runway length of 2,100 m or more is obliged.

Questions:

Is it necessary to conduct procedures for public participation if it is planned to construct the second (not basic) runway with length of more than 2,100 m?

Is a length of runway specified in the Annex I taking into account in run and running-down zones or not?

7. According to para. 7 article 6 of the Aarhus Convention ‘Procedures for public participation shall allow the public to submit, in writing or, as appropriate, at a public hearing or enquiry with applicant, any comments, information, analyses or opinions that it considers relevant to the proposed activity’. Does it mean that government agency shall give public a right for verbally expression its opinion during public hearing?

Clarification that given in the Implementation Guide of the Aarhus Convention is not sufficient.

8. According to the definition which specified in the on Implementation Guide of the Aarhus Convention “The measurement of the extent to which Parties meet their obligations under article 8 is not based on results, but on efforts”. What does it mean “to take efforts”? If the Party “took efforts”, but nothing happened and a goal was not achieved, is it implementation of the Aarhus Convention?

5 (a) Report of the status of implementation of the Convention

In paragraph 23 of the Consolidated Report on the status of implementation of the Convention states that Belarus among some other countries did not provide information on whether they received any comments on the draft report from the public.

We would like to fill in this gap and provide the following information.

National report on the implementation of the Aarhus Convention by the Republic of Belarus (hereinafter - the national report) was presented and discussed with the public, whereby the comments and suggestions were received, some of which were taken into account, another one were removed in the course of consultations at the working meetings with representatives of environmental associations (organizations).

Materials of the public discussion of the national report are available in the Internet. These materials can be found by going to the link given at the end of the national report of Belarus (paragraph 37), which is posted on the official website of the Aarhus Convention.

Additional information: in total 114 comments and proposals were received from the public, 46 of which were taken into account, 68 – were removed in the process of consultations during the working meetings.

Reference <http://aarhusbel.com/news/> to the materials of the discussions posted on the official website of the Aarhus Convention at: http://apps.unece.org/ehlm/pp/NIR/listnr.asp?YearID=2014&wf_Countries=BY&Quarter_ID=&LngIDg=RU&YearIDg=2014

Thank you very much! We are able to give additional clarifications upon request.