



**Meeting of the Parties to the Aarhus Convention and to the Protocol on PRTRs,  
Budva, Montenegro**

**Agenda item 8 (b) – Public Participation in International Fora: keynote statement by  
the European ECO Forum and Center for International Environmental Law, delivered  
by Mr. Sébastien Duyck, CIEL**

Merci Madam Chair,

I would like to begin by expressing our gratefulness to the secretariat and to the chair of the thematic sessions for their support on these issues since the last MOP.

Their engagement and outreach have made a significant contribution to the promotion of the Aarhus Principles in other international forums.

And we are grateful to France for having continuously championed this issue within this forum.

---

Let us first take a short moment to consider what are the legal obligations of all parties in relation to the promotion of the Aarhus Convention.

First, Article 3.7 of the convention provides a legally binding obligation to promote the Aarhus principles in international forums. This is not simply a recital of the preamble but of a core legal obligations for all parties.

Second, this obligation relates not only to public participation but to all principles of the Convention. Consequently, parties must promote all three key pillars of the convention in international forums and in addition must also promote other core principles provided in the convention.

Such principles include

- the protection of those standing for the environment,
- the prohibition of discrimination,
- the recognition of the public interest of environmental organisations and
- the importance of proactive action to ensure that all rightsholders can effectively exercise their procedural rights.

Third, this legal obligation has two key components:

1. The Aarhus Principles must be promoted in relation to the processes and working modalities in international forums.
2. But they must also be promoted in relation to the outputs and decisions of these international processes, to ensure that procedural rights become embedded in new international agreements and decisions related to the environment.

---

But perhaps some of you are wondering whether these obligations are still relevant today or whether their importance has faded since the adoption of the Convention in 1997 – or since the adoption by the MOP in 2002 of the Almaty Guidelines?

To try to answer this question, let's us consider briefly the global situation of civil society and of individual standing for the protection of the environment today.

Environmental defenders are currently paying a very high price around the world for their engagement. Since the start of 2015, 512 local leaders – or often mothers or fathers defending their land, forests and rivers – were murdered – and sadly this situation is only deteriorating.

UN Special Rapporteur on Human Rights and the Environment John Knox commented on this situation – and I quote.

Everywhere in the world, defenders are facing threats. There is an epidemic now, a culture of impunity, a sense that anyone can kill environmental defenders without repercussions, eliminate anyone who stands in the way.

These numbers relate to those who paid the highest price but they are only the tip of the iceberg, hiding more widespread threats, discriminations and violations of rights.

This situation is not only the result of criminal individuals and businesses but it is also the result of a increasing climate of impunity as governments in many regions of the world are working to close the civil society space. These restrictions often target organisations dedicated to environmental protection.

Of course and as we have heard during the past two days - these two issues sadly do not only concern developments outside of the UNECE region.

---

In this context, I hope that we can agree that the obligation defined in article 3.7 remains highly relevant today – and that it should be taken more seriously by all parties to the Aarhus Convention and by civil society.

This is not to say that the Aarhus Convention will be the solution to solve these issues overnight or to impose new norms on other countries.

But its principles provide part of the response necessary to address these challenges in particular as the Convention builds on the recognition of the interrelated nature of environmental policy and human rights.

---

The Aarhus Principles should be seen as keys to more effective implementation of environmental and sustainable development frameworks.

– and I would like to refer you to the excellent report commissioned by the secretariat and available on the webpage of the MOP concerning the interlinkages between the Aarhus Convention and the Sustainable Development Goals.

This relevance is particularly high at a time when environmental frameworks increasingly fail to provide effective centralised mechanisms to promote accountability and compliance – the Paris Climate Agreement being a good example of this issue.

Many of us note with concerns a growing trend to privilege the access and voice of the private sector in international sustainable development governance – from the increasing showcasing of actions of private entities in UN environmental forums to the unprecedented attribution of observer status to the International Chamber of Commerce at the UN General Assembly - a status that has not been granted to any civil society organisation except for the International Committee of the Red Cross.

This is not to reject the importance of acknowledging the expertise and role of the businesses contributing to solutions – but the legitimacy of their presence in UN processes remains different than that of the public.

The principles of the Aarhus Convention, as they relate to democracy and human rights – provide important tools to ensure that the voices of those impacted by policies can be heard in international forums.

The Almaty Guidelines that your governments adopted by consensus in 2002 call for processes in international forums to be designed – and I quote

to promote transparency,

minimize inequality,

avoid the exercise of undue economic or political influence,

and facilitate the participation of those constituencies that are most directly affected and might not have the means for participation without encouragement and support.

Much more could and should be done to fully implement this very important guideline in forums related to the environment – particularly if the ambition is to leave no one behind.

### **Effective Implementation**

I will not address today the challenges and opportunities related to specific international forums. The relevant decision of the MOP that you will consider in a few minutes highlights

climate change,

chemicals and waste,

biosafety, and

trade negotiations

as key areas of focus for the next intersessional period and we look forward to working with the parties to help them fulfill their obligations in such forums as well as in other important processes.

But over the past years experts and civil servants invited to discuss their experience in relation to the promotion of the Aarhus principles have systematically highlighted bureaucratic fragmentation within national administrations as a key challenge hampering more progress and ambition when it comes to the promotion of the Aarhus principles in international governance.

At the same time - we have also heard in several forums that some of the Aarhus focal points have become more insistent within their administration and have reached out to relevant colleagues before the participation of those to environmental conferences. We recognise the efforts that some of you have made over the past years to address these challenges.

At the end of the questions, the effective promotion of the Convention in international forums depends on two factors:

1. Have governmental delegates involved in thematic international environmental negotiations really been thoroughly briefed on the scope and implications of their legal obligations under Article 3.7 of the Aarhus Convention?
2. Have the Aarhus Principles been integrated up front within the national negotiations mandate so as ensure that governmental representatives are ready to promote these principles **proactively** and in a **meaningful manner**?

To turn these two dimensions into more concrete proposals, let me respectfully suggest that the representatives of the parties sitting in this room consider in the coming weeks – with their colleagues at the capital - the following two questions:

1. How will their administration put forward or support actively any proposal at the UN Environmental Assembly seeking to better protect and support individuals and organisations standing for the environment.
2. How will their administration put forward or support actively any proposal at the next UN climate conferences for the integration of access to information, public participation and access to remedies as overarching principles integrated to the guidelines for the implementation of the Paris Agreement.

### **Conclusion**

This is not the time to lower ambition when it comes to the promotion of human rights, environmental democracy and good governance. The Aarhus Principles are more important and more relevant than ever at the international level.

The obligation to promote the principles of the Aarhus Convention in the International Forums can contribute to sustainable development and to progress on environmental and sustainable development goals.

In addition it can also make a critical difference to organisations and individuals whose ability to stand for their rights and for the environment are currently restricted.

Thank you.