

KEY-NOTE SPEECH AT CELEBRATION OF ENTRY INTO FORCE OF THE
AARHUS CONVENTION.

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For environmental organisations, the Road to the Aarhus Convention started on a boat between Vienna and Budapest in March 1990. The first ever pan-European conference of independent environmental organisations, held just a few months after in Central and Eastern Europe totalitarian regimes were abolished, was symbolically called "Bridging the Gap". It called for the Ministers' Conference of UN-ECE, meeting in Bergen (Norway) in June that year, to include in their preparation for the Earth Summit in Rio, the elaboration of a Charter on Environmental Rights. While this Charter did not materialize, the debate did contribute to the adoption of the 10th of the Rio Principles endorsed by that unique Summit.

This Principle said: "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunities to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided"

When the UN-ECE decided to elaborate this principle for its own region, environmental organisations were invited to take part from the start. And we gladly accepted. We saw this as a great opportunity to stimulate transparency and democratisation, as well as real opportunities for active involvement of citizens in environmental policy making and enforcement throughout the region.

But we did emphasize from the beginning that we need a legally binding instrument. We know too well the weakness of political declarations. And particularly in this case the devil is in the detail. Nobody denies in principle the right to information. But the formulation of the exemptions, the opportunities to question arbitrary non-disclosure, delaying tactics, extraordinary charges or even the very unavailability of information in a comprehensive way are part of the many devils that obstruct the road from principles to practise.

It was the Danish government that caused the breakthrough, in at the Sofia Environment for Europe Conference in 1995, supporting our demand for a Convention. But also other governments have been giving us concrete support throughout the process so far, including the Netherlands, Norway, Finland and Italy. We thank them for this. We also thank ALL the governments to allow us to take part in the negotiation process, as

observers of course, but with full possibility to bring in our views and proposals. This created a unique example of preparation for a legally binding international instrument. And it shows that such process leads to better quality, as well as to more enthusiasm for its implementation among the environmental movement.

So the UN-ECE work, first on the Sofia Guidelines, later on the Aarhus Convention, was characterized by openness and recognition of the role of environmental organizations in the preparatory process. While we regretted the weaknesses in the final result, we have become strong advocates of the Convention. We campaign for its ratification and accession in the entire pan-European region, as well as in regional and international bodies. We will not be satisfied with formal introduction in national laws only. Full implementation needs recognition by authorities at all levels of the need to encourage, stimulate and facilitate the actual use of the rights laid down in the Convention.

I would like to ask your attention for a survey the European Ecoforum did a few months ago. The study is called *“Implementing Rio Principles in Europe: Participation and Precaution”*, and was published with the assistance of UNEP. The survey included 13 countries, 6 of them having ratified or acceded to the Convention, 5 having signed but not ratified yet, 2 are not being part of the Convention. The survey shows that there are major practical challenges before the Convention will really do its job. To mention a few:

- all administrations making decisions that affect the environment, not “environment authorities” only, should implement the Aarhus requirements. This needs major awareness raising programmes among civil servants leading to a change of mentality in their relation to the public;
- access to justice in many countries is improving, but serious constraints remain. Since access to justice is absolutely fundamental to any real guarantees of citizens’ rights, limitations in this area undermine any system of public participation. Limitations include restrictions to the right of standing, time consuming court procedures and prohibitive costs for complainants;
- the ongoing process of privatisation creates the risk of a serious limitation of access to environmentally relevant information;
- public participation will only work if the public can be confident that the authorities are really taking their comments into account. Cynicism about the lack of weight given to public opinions and environmental protection can lead to public protests outside of the official processes and bring people to the streets!

The Convention sends out a strong signal: the environment needs transparency and public participation! Authorities need to see the public and its organisations as allies in facing the joint challenge of changing unsustainable production and consumption patterns.

The Convention is not perfect. But the Signatories started immediately to work on three deficiencies: compliance, GMOs and public registers on pollutants. And as environmental organisations we asked them to add three more issues on the list: a Protocol on Strategic Environmental Assessment, with a clear procedure for public involvement; guidelines for an ambitious implementation of the access to justice requirement of the Convention; and proposals for the full use of the possibilities of the internet for access to information. To

our satisfaction, the Signatories agreed on all these points, and currently work is on its way in all areas, with our involvement.

But again, the devil is in the details:

- We want to see a strong compliance regime, with the right of citizens to draw attention to shortcomings and powers to correct them.
- We want to see a legally-binding right to public participation in decision-making on GMO releases. The public should surely have a role in decision-making in such a hugely important topic, which may have disastrous consequences for our food, agricultural practices, and environment.
- We call for the development of a comprehensive and legally-binding system for a Pollutant Release and Transfer Register (PRTR), covering a wide range of pollutants. PRTRs already exist in a number of countries and have been shown to stimulate pollution reduction and prevention measures, leading to benefits for the public and the environment, and for workers and the reporting enterprises themselves.
- We call for the Protocol on Strategic Environmental Assessment to have strong public participation included and a wide scope, so that environmental assessment be performed on not only plans and programmes, but also on regulations, policies, and legislation.
- We call upon the Task Force on Access to Justice to continue and expand its work so that the vital role that citizens can play in protecting the environment by challenging violations of environmental law will be facilitated and encouraged throughout the region.
- And finally, we call upon the governments to further the work on electronic tools for information, with greater participation by consumer, health, labor and other civil society representatives to further understanding of end-user perspectives and needs.

Today is a historic day. Thanks to 17 countries. I want to end with calling upon all the other Signatories to proceed swiftly with their ratification processes so to make sure that also their citizens and their authorities will enjoy the benefits of this Convention as soon as possible.