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**FIRST MEETING OF THE PARTIES TO THE AARHUS CONVENTION
(Lucca, Italy, 21-23 October 2002)**

**Opening remarks by Mrs. Brigita Schmögnerová, Executive Secretary,
United Nations Economic Commission for Europe**

Your Excellencies, Distinguished Delegates, Ladies and Gentlemen,

It gives me great pleasure to welcome you to the first meeting of the Parties to the Aarhus Convention, which is indeed a historic occasion. The Aarhus Convention represents a major step forward in international law. It is unique among multilateral environmental agreements in the extent to which it seeks to protect the rights of the public, and to empower ordinary people to have a say in decisions which affect their environment. It has been rightly described by the UN Secretary-General as 'the most ambitious venture in environmental democracy undertaken under the auspices of the United Nations' and today we may celebrate this achievement.

The Aarhus Convention improves the relationship between people and governments in environmental matters. It recognizes that involving the public tends to improve the quality of decision-making as well as to strengthen public confidence in the credibility of the decision-making process and its outcome. The convention ensures public rights and rights of access to information, public participation and access to justice. Most important, it establishes concrete procedures to deliver those rights.

The history of the Aarhus Convention is seven years old. Seven years ago, almost to the day, Environment Ministers meeting in Sofia, Bulgaria, at the Third Ministerial 'Environment for Europe' conference endorsed what became known as the Sofia Guidelines – Guidelines on Access to Environmental Information and Public Participation in Environmental Decision-making. The Guidelines were an important stepping-stone to the Convention.

At the same time as approving the guidelines, the Sofia Conference paved the way for the start of negotiations on the Convention. The negotiations that followed were intense and at times difficult. Countries with long-established democratic traditions worked alongside the new democracies of Eastern Europe to produce a text which, without going as far as some would have wished, is impressive in its detail, extensive in its breadth and far-reaching in its depth. NGOs enriched the process and kept governments on their toes. The negotiations culminated in the adoption of the Convention at the Aarhus Conference in Denmark on 25 June 1998.

The Convention entered into force within little more than three years, an impressively short amount of time. It is to the credit of many of you present here today that the momentum that was established during the negotiation of the Convention has been maintained right up to the present.

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I welcome the fact that so many States from the Commonwealth of Independent States have been in the forefront of ratifying the Convention. The fact that these include many of the less wealthy countries of our region sends out a strong message to the world that the democratic values that the Convention seeks to uphold are not merely something for the more developed countries to enjoy.

The Western countries have in general been slower to ratify but we are all aware of the high levels of activity in many Western capitals aimed at putting the necessary implementing legislation in place, which reflects a solid commitment to the Convention. Let us hope that well before the second meeting of the Parties, most States in Western and Central Europe will have become Parties.

Clearly much work remains to be done in a number of countries in transition to enable them to establish the infrastructure that they need to fully realise the potential of the Convention. But this should be seen as a challenge rather than an obstacle. I strongly urge the donor community to help to meet that challenge, by providing financial support to projects which will assist countries in transition to fully implement the Convention and maximise its benefits.

Capacity building, primarily but not only in countries in transition, must be a high priority if we are to make progress along 'the road from words to practice' - to borrow the title of the NGO conference which took place over the weekend. In recognition of this, ECE has worked together with organizations such as UNEP, OSCE and the new and old RECs to organize a series of sub-regional multi-stakeholder workshops in countries in transition, aimed at promoting greater understanding and fuller implementation of the Convention. These workshops were made possible through generous support from donor governments. We are committed to continuing this work and hope to put it on a more stable footing through the capacity building service and clearinghouse mechanism which we are in the process of establishing together with UNEP and GRID-Arendal.

I would like to take the opportunity to mention the extensive collaboration we have enjoyed with the Regional Environmental Center for Central and Eastern Europe (REC) in capacity building. Over the years, the REC has undertaken numerous projects to promote the Convention and support its implementation in Central and Eastern Europe and elsewhere. Its work on the Aarhus Convention Implementation Guide has been particularly useful. More recently, the new RECs in the CIS countries have also become important partners.

The Organisation for Security and Co-operation in Europe (OSCE) has also been a strong supporter of the Aarhus Convention, notably through its support for awareness-raising workshops in countries in transition. Security issues and participatory democracy issues are closely connected. Involving civil society in decision-making by public authorities is an important long-term measure to strengthen democracy, to build a more integrated and cohesive society and thereby to enhance security.

Despite its regional status, the Convention is widely recognised to be of global significance. This is underlined by the presence of Dr Töpfer here and I welcome him and thank him for the support which UNEP has given to the Convention over the years, both through its headquarters and through its Regional Office for Europe. I hope this co-operation will continue into the future.

The Secretary-General, in his Foreword to the Aarhus Convention Implementation Guide, alluded to the possibility that the Convention could serve as a possible model for the implementation of principle 10 of the Rio Declaration in other regions of the world, mentioning the World Summit on Sustainable Development as a forum in which this issue could be examined. In fact, neither the Political Declaration nor the Plan of Implementation adopted at the Johannesburg Summit last month make any commitment to further concrete steps to promote principle 10 at the regional or global level, which is perhaps disappointing. On the other hand, the Summit did provide a valuable forum for networking and dialogue on principle 10 issues, through its various side-events, parallel events and informal discussions on the margins. One of these was a side-event organized jointly between ECE, the Council of the Europe and the Regional Environmental Centre for Central and Eastern Europe linking the topics of participatory democracy, good governance and human rights in the context of sustainable development. In the longer

term, these informal outcomes of the Summit may prove to be of greater value than the formal outcomes in stimulating activities around the world to promote principle 10.

In this regard, there have been some very positive indications in other regions of an interest in promoting principle 10 and I am delighted that colleagues from the UN Economic and Social Commission for Asia and the Pacific (ESCAP) and the UN Economic Commission for Latin America and the Caribbean (ECLAC) have been able to join us here in Lucca. Clearly it will be for each region to decide what is relevant and appropriate in light of its own priorities. Other regions may wish to consider developing different regional instruments promoting environmental democracy, either of a binding or a non-binding nature. What we can say is that in many countries of our region, even at this early stage, there can be no doubt that the Aarhus Convention has already been an enormous stimulus to activities promoting environmental democracy. We are willing to share with other regions the experiences we have gained and the lessons learned through this process. I am happy to reaffirm ECE's support to ESCAP in its new initiative to develop regional guidelines on access to information, public participation and access to justice for the Asia-Pacific region. We stand ready to provide similar support to whatever equivalent processes emerge in other regions if so requested, and in this connection were pleased to participate in the recent ECLAC seminar exploring the possibilities for a regional approach to these issues.

Distinguished delegates, the decisions that you will take during these days will set the future direction of the Convention for many years to come. Several of those decisions will establish the institutional architecture of the Convention and these will have especially far-reaching consequences.

Most noteworthy among these is the proposal to establish a **compliance mechanism** that is open to communications from the public and whose committee members may be nominated by NGOs. While this is entirely consistent with the principles of the Convention and is likely to significantly increase the effectiveness of the mechanism, it is also highly innovative and groundbreaking when compared with existing compliance mechanisms under multilateral environmental agreements.

Similarly, the proposed **rules of procedure** under which you will operate provide for access to documentation and for participation of an NGO representative in the Bureau of the governing body, an arrangement which to my knowledge is unprecedented in other international convention bodies but which again follows logically from the principles of the Convention.

The proposed guidelines on **genetically modified organisms** address an issue which is of particular public interest and concern. The Signatories considered that further work on this topic was necessary, and these guidelines could be a useful first step, even if a legally binding approach, such as an amendment to the Convention, may be considered necessary in the longer term.

The proposed task force on **access to justice**, through identifying obstacles to access to justice and providing a forum for the exchange of information on good practices, is expected to strengthen the implementation of the Convention in this crucial area.

The activities of the proposed task force on **electronic information tools** will help to ensure that the benefits of the electronic revolution result in greater public access to information throughout the region and will undoubtedly make a contribution towards bridging the 'digital divide'.

The draft decision confirming the preparation of a draft protocol on **pollutant release and transfer registers** is of particular importance. PRTRs are a powerful tool for generating information on potentially polluting activities and bringing it into the public domain. Whereas the Convention has focussed on the relationship between governments and the public, and specifically the need for the public to have access to information held by public authorities, the new protocol will bring the information held by the private sector into the picture. It will thus address in a very practical way the question of corporate accountability which was a theme running through the Johannesburg agenda. The goal of having a Protocol on PRTRs ready for adoption and signature at the Fifth Ministerial Conference 'Environment for Europe' is an ambitious one but it is also one of crucial importance. I particularly welcome the participation of the North American ECE member States in the negotiation of the draft protocol, despite their status as non-

Signatories and non- (or not-yet) Parties to the Convention. Their involvement can help to produce an instrument spanning both sides of the Atlantic which will set a global benchmark.

Before I conclude, I wish to recognise the crucial role of NGOs in the Aarhus process. As representatives of civil society, environmental organizations were deeply involved in the development of the Convention, to an extent unprecedented in the negotiation of any international law. It was an inspired move on the part of governments to decide to allow NGOs such a central role in the process, because it undoubtedly increased the relevance of the resulting text to the actual needs and concerns of members of the public. NGOs have continued to be actively involved in the implementation process. I am firmly convinced that their involvement has been, and will continue to be, essential to the success of the Convention.

To conclude: we have much to celebrate today. But although much has been achieved, major challenges lie ahead. The full and effective implementation of the Convention will require hard work over many years. It will also require political will. We must also remember that the Convention is a living document which may need to be further developed in the future.

I would like to end by expressing my appreciation of the warm welcome we have been given here in Lucca by Minister Matteoli and his team. This represents the culmination of a well-established tradition of Italian support for the ECE's youngest environmental convention. Italy was already an active participant during the negotiation of the Convention, and became a central player in the four-year process leading up to this meeting. The skilful leadership of Italy was a key factor in the success of the preparatory process which we are able to enjoy today. We are grateful to you for all of that.

Thank you.

For more information, please refer to the Convention's web site: <http://www.unece.org/env/pp> or contact:

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