



## **Submission to the 24th Working Group of the Parties to the Aarhus Convention**

Promotion of the principles of the Convention in international forums

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The following brief submission is made to support the *submission of the European ECO Forum which was coordinated by the Center for International Environmental Law with input by member organizations of the European ECO Forum.*

As Environmental Law Officer of the IEN, the national coalition of eNGOs in Ireland, I would additionally like to make the following comments relating to future work on the promotion of the principles of the Convention in international forums to further the implementation of article 3.7 of the Aarhus Convention.

But first I wish to acknowledge and welcome the focus and contribution of the secretariat and all those parties and others involved in the work programme of the Convention. In particular I wish to acknowledge our appreciation for the work and dedication of the Compliance Committee and Secretariat. Without them the efficacy of the Convention in practical terms would be significantly compromised.

I would ask for some forbearance on the informal and hasty submission made here in respect of the two matters below, and ask for them to be considered appropriately in the context of the discussions of the Working Group and the promotion of the principles of the Convention in international forums.

### **1. United National Human Rights Council: Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights**

As the negotiations for this further Human Rights Convention continue, we are concerned with the extent to which the drafts fail to adequately reflect and build upon the environmental human rights at the heart of the Aarhus Convention. We are particularly concerned at the lack of advocacy from parties to the Aarhus convention in this regard, and the extent to which they are exercising their obligations to uphold the principles of the convention in international fora, not just in terms of how the negotiations are conducted, but much more so in respect of the interventions and submissions made to support Aarhus principles in the development of the further drafts. This is particularly so in the context of the extraordinary rights being afforded to transnational corporations and

other business enterprises, through the expansion of free trade agreements with special investor arbitration systems. It is thus imperative that a robust instrument is developed to maintain balance and to ensure environmental rights are not eroded. It is also important to ensure the new treaty is developed in such a way as to also to ensure it does not operate to undermine the positive effect of the Aarhus Convention and other like-minded agreements such as the Escazu Agreement.

**We would therefore call upon the Parties of the Aarhus Convention to continue to review this important issue during the intersessional work set out in the future MOP decision concerning PPIF, and to recall in particular the role and locus standi afforded to eNGOs as a voice to represent the voice of the voiceless environment as “the fish cannot go to court”, and the need to be able to take preventative action to protect the environment recognised by the Aarhus Convention. We urge the Parties to proactively seek these elements which are key to the effectiveness of the Aarhus Convention, and to seek that other key Aarhus Principles be reflected in the text of the new treaty.**

**We also call for practical financial and resource support for the secretariat to enable the following of this convention and other relevant agreements, without that over-burdening the Conventions’ valued staff and all elements of their work.**

#### **6. Meeting of the Parties in December 2020 to the UNECE Convention on Environmental Impact Assessment in the transboundary context, “The Espoo Convention”.**

Our environment has become increasingly vulnerable, given the extent to which its resilience and ability to recover has been compromised. This means the fundamental objective of the Aarhus Convention in respect of protecting the right of every person to an environment which is adequate to his or her health and wellbeing, has to be viewed ever more vigilantly in how we consider activities, plans and policies which impact our environment from outside our own countries, in addition to those within our own countries. The Espoo Convention is critical in this regard.

**We would therefore call upon the Parties of the Aarhus Convention to be vigilant in upholding the principles of the Convention in supporting the work of the Espoo Implementation Committee, and in their conduct at and of the Meeting of the Parties scheduled for December 2020, while of course respecting the separate and complementary nature of these two conventions.**

Many thanks for your consideration of my submission, and I wish all the participants well in these challenging times.

Yours sincerely

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