

## European ECO Forum response to the Secretariat paper WGP-12/Inf. 4 on elements for the 2012-2014 Workplan under the Aarhus Convention

### General remarks

1. The European ECO Forum welcomes the initiative of the Secretariat to launch a discussion on the 2012-2014 Workplan. We regret however that the proposal was sent very late and without earlier notice that this issue would be on the agenda.
2. While we find fair comments in the paper, we have serious concerns with its general orientation. We agree that it is necessary to assess the effectiveness of the Convention's Task Forces as they function now, but this has to be done in a systematic and step by step approach. We disagree with the assumption that all Task Forces have become meaningless. Following the Secretariat's proposals could lead to the loss of the dynamic, progressive, challenging nature of the Convention, which has made it so unique.
3. We are concerned that crucial issues would be downscaled not only from international to national level, but also from strategic to a fragmented case by case and re-active approach. We already observe differences between the European countries and Eastern Europe, Caucasus and Central Asia in implementation of the Aarhus Convention. If Task Forces function well, they can lead to initiatives to make governments to go beyond its original intentions, find solutions for problems because there is international pressure to do so, clarify whether problems are systematic across Parties or incidental, compare and harmonise, if necessary, interpretations of the Convention. Proposals for specific capacity building initiatives, and necessary research can be discussed in Task Forces. Task Forces also form a platform for citizens organizations to engage in debate with government representatives as well as international and regional organisations in an international, creative context. The consequence of the approach proposed by the Secretariat is to downscale the Convention to a re-active local capacity building exercise on the basis of requests of individual parties on an ad-hoc base without taking into account needs and requests from civil society.
4. In Riga the Parties adopted, after intensive discussions, a Strategic Plan 2009-2014 which is not fully implemented. The Workplan 2012-2014 should contain the necessary actions to complete the implementation of that plan. The European ECO Forum insists that that Workplan contains activities covering all three Focal Areas: Implementation, Expansion and Development. The Strategic Plan does contain a list of implementing activities in all Focal areas, and we want these to be fully reflected in the Workplan.

### Specific issues

5. With regard to the compliance and reporting mechanisms (para 5 and 6) we support the proposal to strengthen the link between the Compliance Committee's and the MOP's recommendations as well as the national reports with regard to capacity building activities. However, we disagree with the idea that needs and challenges should be identified by the countries only. Until now the NGOs were unsatisfied with the reports by the parties since

frequently critical issues raised by the public were not addressed in these reports and thus didn't reflect the real situation.<sup>1</sup>

6. The perception that a new assistance mechanism that functions upon "country's request" can replace other activities is not acceptable. The idea to leave further implementation efforts to the pure discretion of the parties is not ambitious. It would significantly reduce the ambition for innovation, exchange of experience and best practice performances in which also NGOs are fully involved. An assistance mechanism, of which we have seen no details on how it should work, can only function in addition to other activities and with the guidance of thematic Task Forces or similar bodies.

GMO par 13 and 14

7. We welcome the positive appraisal of activities relating to **GMOs** with regard to the Convention on Biodiversity and the Cartagena Protocol. What was done until now is only the starting point for enhanced collaboration. We are not convinced that the assistance mechanism should be the major tool to bring improvements in this perspective. Exchange of know-how and experience, awareness raising and the establishment of contacts with GMO related decision makers would be crucial elements for a Workplan in this segment. We also believe that it is important to recognise citizens as equal partners there.

Access to Justice para 15

8. The European ECO-Forum strongly disagrees with the assessment regarding the Access to Justice Task Force. The activities in the Task Force are not academic, but very practical. It is crucial and in fulfilment with the Strategic Plan to continue collection of information regarding financial barriers and assistance mechanisms or as to national courts case law on access to justice. The latter is still by far the weakest pillar of the Convention not only in the EECCA region but also in the EU countries<sup>2</sup>, as this is reflected in the case law of the Compliance Committee. The Task Force should serve as a constructive pressure and innovation tool with regard to Access to Justice.

Electronic tools par 17 and 18:

9. The reconsideration of the Task Force on the Electronic Tool's existence or mandate is appropriate. Here, country specific assistance mechanism could indeed be a useful follow up of the work done by the Task Force.
10. Serious problems are reported with regard to access to information in various EECCA countries. Activities in this regard should be developed. But it is not clear for us at this moment whether only a country specific approach will be sufficient to solve the problems encountered. We believe it is necessary to ensure regional scope (approach) and activities.
11. Para 21 mentions the intention to organize outreach to non-ECE countries, and give priority to countries that have expressed interest in acceding. The Strategic Plan has a clear objective of having non-UNECE Parties already by 2011, and says that Parties should "actively encourage accession" by such States. But the Plan also identifies the Secretariat as a player here. In the Workplan we would like to see concrete initiatives, allocation of resources. This should include the organisation of an active and coordinated involvement of Parties and the Secretariat in the follow up work related to the UNEP guidelines on public participation adopted this year. The Convention could well serve as an immediate available

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<sup>1</sup> European ECO Forum report on Aarhus implementation, 2008

<sup>2</sup> Meaning: in comparison with the implementation of the first and second pillar in the EU countries.

option for non-UNECE countries that want, on the basis of these guidelines, make a step further and engage in a legally binding instrument.

PPIF para 23:

12. The activities regarding PPIF are of crucial importance. Whereas the structure and role of the Task Force can be reviewed, the assistance mechanism is not the right tool to replace the Task Force. The Convention needs to proceed activities both on national and international level even though we recognise the importance of country-based capacity-building. It is crucial to bring focal points and secretariats of international bodies together in a structured way. Conventions regarding climate change and biodiversity could well serve for this purpose. We are interested in extending the Almaty guidelines also to bilateral forms of international cooperation and synergies with other UNECE conventions.
  
13. The proposal does not refer to the **third focal area of** the Strategic Plan adopted at the 3<sup>rd</sup> MOP in Riga. The Parties then agreed for a the comprehensive review of the Convention 10 years after its entry into force (October 2001), inclusion of product information in the scope of the Convention, and the contribution the Convention can give to public participation with regards to decisions relevant for sustainable development. We expect the Workplan to include the necessary steps to implement these crucial activities with an obligation to involve civil society.

20 September, 2010