

From: "Sona Ayvazyan (TI AM)" <sona@transparency.am>
To: aarhus compliance <aarhus.compliance@unece.org>
Cc: Fiona Marshall <Fiona.Marshall@unece.org>, "Sebastian.Bechtel@unece.org" <Sebastian.Bechtel@unece.org>
Date: 15/03/2018 09:12
Subject: RE: Fw: open session on the implementation of decision VI/8a

Dear Fiona and Colleagues,

Unfortunately, I will not be able to take part in the open session on the implementation of the decision VI/8a due to urgent matters out of my control. However, I would like to express my concern regarding the continuous failure of the Republic of Armenia to provide access to justice to NGOs, which we assess as an INTENDED ACTION against the environmental democracy in the country.

As a representative of an NGO who actively cooperated with the Ministry of Justice on drafting the new Law on Public Organizations, I can confirm that:

1. We have been trying hard to advocate for the legal standing of NGOs in general public interest-related matters (actio popularis), which was unsuccessful and the authors of the law decided to provide access only to the environmental NGOs with justification that the government firstly needs to meet the requirements of the Aarhus Convention. However, now we can say that this was done for the window-dressing purposes to indicate compliance with the ACCC decisions.
2. We were lobbying hard to ease the conditions set for the environmental NGOs in Article 16 (compliance with the charter goals and objectives, but also the earlier participation in EIA public hearings or the lack of possibility for participation, and 2 years of experience), however were not successful as there was apparently an intention to make the NGOs access to courts as hard as possible.
3. The case of Ecological Right NGO indicates that even in the situation of meeting the legal restrictions for environmental organizations, an organization may be rejected access to justice by decisions of courts, not only with an aim of not resolving the given dispute, but also of creating a precedent for an NGO to question the decisions at least in the mining sector, which is being aggressively and unlawfully developed in the recent years in Armenia. Given the high dependence of courts on the executive in our country, we can say that in reality the government of Armenia does everything to prevent access to justice for the Armenian NGOs, though at the same time making efforts to create an image of good follower of the Aarhus convention.

I would very much appreciate if this note is announced or disseminated during the session. We would appreciate if the Compliance Committees decision on this matter is enough strict so that compels the Armenian authorities to take more seriously their commitments under the Aarhus Convention. Should you need further clarification of the mentioned issues, please do not hesitate to contact me.

Best regards,

Sona Ayvazyan

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