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Meeting of the Parties to the Convention on
Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters

Fifth session

Meeting of the Parties to the Protocol on Pollutant
Release and Transfer Registers to the Convention
on Access to Information, Public Participation in
Decision-making and Access to Justice in
Environmental Matters

Second session

Maastricht, the Netherlands, 2 July 2014

Item 4 of the provisional agenda

Maastricht Declaration

Draft Maastricht Declaration

Transparency as a [multivitamin] [driving force] **the backbone for
environmental democracy**

Prepared by the Bureaux of the Meetings of the Parties to the Convention and its
Protocol under the leadership of the Bureaux Chairs

Comment [s1]: The EU +MS contribute
to the suggestions for the title of the
Maastricht Declaration

Summary

The present document was prepared by the Chairs of the Meetings of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and its Protocol on Pollutant Release and Transfer Registers, with the assistance of the secretariat. This is in accordance with the decision of the Meeting of the Parties to the Convention at its fourth session (Chisinau, 29 June–1 July 2011), in which it tasked the Working Group of the Parties and the Bureau with the preparation of substantive documents for the fifth session of the Meeting of the Parties (see ECE/MP.PP/2011/2/Add.1, decision IV/6, annex I, item X).

As agreed by Parties, the draft declaration constitutes a short and focused policy-oriented document, which strives to communicate the key messages regarding the importance of transparency for furthering environmental democracy and the commitment of the Convention's and Protocol's Parties in this regard. It is expected that all the specific substantive issues relevant for the work of the Convention and the Protocol will be addressed through the respective decisions of the Meetings of the Parties, and not through the declaration.

A draft of the current document was submitted to the Working Group of the Parties to the Protocol at its third meeting (Geneva, 20–21 November 2013),¹ and was also made available to Parties to the Aarhus Convention and stakeholders for comments. National focal points to the Convention and to the Protocol were requested to coordinate their comments and to submit to the secretariat one consolidated input per country. Thereafter, the document was revised by the two Bureaux under the leadership of the Chairs, taking into consideration the comments received, and was made available to Parties and stakeholders for a second commenting round. The revised document was submitted to the Convention's Working Group of the Parties for consideration at its seventeenth meeting (Geneva, 26–28 February 2014). At that meeting, the Working Group further revised and approved, as amended at the meeting, the draft of the joint declaration (AC/WGP-17/CRP.8), and mandated the Convention Bureau to finalize it in cooperation with the Bureau of the Meeting of the Parties to the Protocol and to submit it for consideration by Parties to both instruments. The document was revised once again by the two Bureaux, in the light of the comments by the Convention's Working Group, and is now being submitted to the Meetings of the Parties at the Joint High-level Segment for their consideration.

¹ The key outcomes of the meeting are available online from http://www.unece.org/prtr_wgp3.html.

Introduction

1. We, the Ministers and heads of delegation from Parties and Signatories to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and to its Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs), together with representatives of other States, international, regional and non-governmental organizations (NGOs), parliamentarians and other representatives of civil society throughout the United Nations Economic Commission for Europe (ECE) region and beyond, gathered jointly at the fifth session of the Meeting of the Parties to the Convention and the second session of the Meeting of the Parties to the Protocol, affirm the following.

2. We are convinced that provision of effective access to environmental information to the public is highly important; it is an essential prerequisite for successful public participation and, as a consequence, also impacts on access to justice. All of the three Aarhus pillars — access to environmental information, public participation and access to justice — are essential elements of environmental democracy. We therefore reaffirm our strong commitment to transparency and democracy which will lead to environmental decision-making that makes a truly positive difference for the living conditions of present and future generations.

3. In the “The Future We Want”² the world recognized that good governance and a truly sustainable economy requires the effective involvement of the public, be it in their role as voters, consumers or shareholders. Broad public participation and access to environmental information and effective judicial and administrative proceedings are recognized as essential to the promotion of sustainable development, which requires the meaningful involvement and active participation of regional, national and subnational legislatures and judiciaries and other interested stakeholders. This once again reaffirmed the value of the Aarhus Convention and its Protocol on PRTRs as effective tools for furthering environmental democracy, through encouraging the active participation of all interested stakeholders in processes that contribute to better decision-making, planning and implementation of policies and programmes at all levels and for furthering the implementation of a green economy in the context of sustainable development and poverty eradication.

4. We reiterate our strong commitment to empowering people with the right to a healthy and favourable environment, as expressed in article 1 of the Convention improving the state of the environment and to furthering sustainable development through the promotion of the Convention and its Protocol and their principles within the ECE region and beyond.

Comment [s2]: The EU +Ms wish the addition of this phrase

I. Information in the Age of Knowledge

5. We recognize close links between the effective implementation of the Convention and its Protocol and the importance of protecting environmental activists and whistle-blowers, freedom of speech and the safe participation of citizens in decision-making affecting their lives. In any case, Governments should recognize the important role played, as well as the risks faced, by such activists and whistle-blowers, and ensure that they enjoy

² Outcome document of the United Nations Conference on Sustainable Development, Rio de Janeiro, 20–22 June 2012 (A/RES/66/288, annex).

adequate protection. On the other hand, to reduce the need for whistle-blowers, Governments must ensure transparency as well as remove barriers and overcome challenges to accessing justice. Nowadays the organized actions of citizens, including those related to the environment, have more of an impact on Governments than ever. Governments are often well informed about the actions of their citizens, including those related to the environment. Governments must strive to ensure openness and transparency in environmental matters, thus providing citizens with a solid basis for public participation. In order to achieve this, the Convention's and Protocol's Parties should adapt their national legislation as far as possible.

6. Access to environmental information is a precondition for participatory and transparent governance. Especially in times of economic crisis, the efforts made to improve governance are investments in democracy; the economic crisis should not be seized as an excuse to cut down on environmental protection and procedural rights. In times of economic crisis, access to information, participation and access to justice are even more important, as the focus on solving the crisis has in many cases led to increased pressure to weaken measures aimed at protecting the environment. Openness and transparency not only create a foundation for sustainable development leading to an attractive investment climate, but may also be relevant to support policies to tackle inequality and poverty by ensuring ~~(to ensure)~~ that all persons are provided with information and can engage meaningfully in decision-making that affects them. Transparency with regard to environmental information is also an important instrument to support innovation, as well as to promote best available techniques and good practices towards the implementation of green economy. In addition, pollutant release and transfer registers (PRTRs) help to evaluate progress in the implementation of green economy.

Comment [s3]: The EU+MS wish to amend this text

Comment [s4]: The EU is in favour of the original text "to tackle inequality and poverty" and the deletion of the words "to ensure" if previous comments in the same paragraph are taken on board.

7. We consider that, on the one hand, the Convention and its Protocol can play an important role in facilitating the development of shared environmental information systems (SEIS) across the ECE region and, on the other hand, that implementation and ratification of the Protocol can be highly facilitated by development of national SEIS and the establishment of a streamlined reporting system on pollutants at the national level. In this regard, in implementing the Protocol we will strive to contribute to enhancing consistency with other relevant reporting obligations.

8. We acknowledge and encourage increased use of new opportunities offered by modern communication tools, Internet-based and other social media, which are becoming increasingly important for the fast distribution of environmental information to and by the public with instant Internet access, thereby contributing to the promotion of transparency. Another recent trend has demonstrated that the public can play an essential role in drawing attention to potential environmental damages, including through the use of mobile devices to gather and spread environmental information.

Comment [s5]: The EU requests the deletion of "s"

II. Environmental democracy for all

9. We recognize that the efficiency of international governance on environmental matters should still be significantly improved. The Aarhus Convention and its Protocol remain the only legally binding horizontal international instruments established to implement Principle 10 of the Rio Declaration on Environment and Development. Promoting their principles in international forums in matters relating to the environment remains essential. This holds true not only for forums dealing directly with environmental matters as such, but also for related forums, such as the international financial institutions and trade-related organizations, where transparency in decision-making processes that impact the environment is of the utmost importance. We therefore reaffirm our commitment to promoting open information and the effective engagement of stakeholders, including

environmental NGOs, in international forums within the scope of the paragraph 4 of the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums.³

10. The non-confrontational compliance mechanisms of the Convention and the Protocol on PRTRs contribute among others to the mediation and resolution of conflicts between the public and Governments and are directed towards assisting countries in implementing the requirements of the Convention and its Protocol. We will therefore strive to further increase the effectiveness of these compliance mechanisms, and offer to share these experiences with other interested forums.

Comment [s6]: The EU+MS suggest the addition of these words in order not to overestimate one aspect of the compliance mechanisms

11. Due to their cross-cutting nature, the Aarhus Convention and its Protocol provide a unique opportunity for building synergies with a number of multilateral environmental agreements (MEAs), organizations and processes. We welcome these partnerships and recognize the positive role that partner organizations play in assisting to implement the two treaties. We also underline the necessity to seek further synergies with those organizations and other MEAs sharing similar objectives in order to facilitate their implementation and ratification, as appropriate, but also to improve their efficiency.

12. We warmly welcome the initiative on developing a regional instrument on environmental rights in the region of Latin America and the Caribbean as well as the establishment of PRTR systems around the globe. We encourage similar initiatives intending to replicate the achievements of the Aarhus Convention and its Protocol and we stand ready to support these initiatives. We also call upon countries that are interested in doing so to join the Aarhus family, since the Aarhus Convention and its Protocol are open to accession by countries outside the ECE region, and express our renewed commitment to encouraging such accessions.

13. The improvement of the quality and the completeness of data reported and the effective access to information by the public in relation to the pollutants that are released into the environment remain important tasks to be fulfilled. We call upon the Protocol's Parties to continue to pursue this goal by working towards the full implementation of the Protocol.

14. We also call upon the countries within the ECE region that have not yet ratified or acceded to the Protocol to do so at the earliest opportunity and to apply its principles and provisions. We recognize the importance of subregional cooperation and of promoting capacity-building in countries with economies in transition, as well as the important role of Aarhus Centres, international and non-governmental organizations in facilitating implementation of the Convention and its Protocol in these countries.

15. We also call upon Parties to the Convention to ratify the amendment on genetically modified organisms to ensure its entering into force.

III. Achieving the future we want

16. We note with great concern that in many countries across the world people are still denied basic information about and influence over the quality of their drinking water, the air they breathe, the land they live on and the food which they receive. Projects with a significant impact on the environment are implemented despite the objections of the public concerned and the impact they may have on people's living conditions and health, in particular that of vulnerable groups, such as children and women, rural communities and

³ See ECE/MP.PP/2005/2/Add.5, available from <http://staging.unece.org/env/pp/mop2/mop2.doc.html>.

the poor, and with little or no possibility for them to appeal such decisions through the courts.

17. At the same time, one can see active citizenship flourishing. Citizens want to be taken seriously and they want to mould their own future. They increasingly play a role in collecting environmental information and distributing it through modern media. The Aarhus Convention and its Protocol are therefore becoming increasingly relevant for people's daily lives. These are truly people's instruments enjoying wide recognition. Coalitions of the private sector, NGOs and citizens, but also institutes of science and learning, international organizations and Governments, engage frequently in initiatives that set ambitious goals to contribute to greening the economy or that promote a sustainable future. This trend requires that Governments as well as private actors ensure transparency in their policies related to environmental information, so that everyone can make informed choices about their future. We encourage companies to integrate sustainability information in their reporting cycle. We also encourage the improvement of models for the integration of sustainability reporting based on existing frameworks.

18. "The Future We Want" made a number of appeals to improve transparency, access and participation. We will strive to implement these words in our daily actions.

19. We recognize that products can significantly impact the environment throughout their life cycle and when they have reached the end of their lifetimes. We therefore consider that promoting greater transparency in relation to information about products and product-related decision-making is an important topic which would merit further consideration under the Convention and Protocol.

20. Moving to more sustainable lifestyles as envisaged in "The Future We Want" implies substantially reducing our consumption of resources, inter alia, through improving the resource efficiency of products and processes. Here, too, transparency plays a crucial role by ensuring easy availability of objective information about the resource footprint of products and processes, including data on inputs such as energy, water and other resources.

21. In addition, greater transparency concerning the pollutants stored on-site in facilities or the on-site transfers of waste would help the public to be better aware of the scale of the risk from accidental releases.

22. While increasing the number of ratifications and ensuring full implementation by the Parties are still priorities for the Protocol, we recognize that, on the basis of experience gained, possible future developments with regard to the issues described in the three preceding paragraphs, could merit further consideration in order to keep the Protocol's principles and provisions under continuous review and to ensure that it continues to serve as an adequate instrument to achieve its objectives.

23. Transparent national and multilateral processes that would benefit from the inputs of both Governments and stakeholders, including NGOs, international organizations, academic institutions, parliaments, local authorities and the private sector, will be critical for setting a people-centred post-2015 development agenda and sustainable development goals, as well as for evaluating the progress made in their implementation. We are convinced that the Convention and its Protocol provide a solid framework for Governments to effectively engage a wide range of stakeholders in decision-making, thereby providing the key to effective environmental governance.
