



## Economic and Social Council

Distr.: General  
7 September 2017  
English  
Original: English, French and  
Russian

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### Economic Commission for Europe

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

#### Sixth 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

#### Third session

#### Joint High-level Segment

Budva, Montenegro, 14 September 2017

Item 3 of the provisional agenda

**Thematic session on the role of the Convention and its Protocol  
in implementing the Sustainable Development Goals**

## **Your Right to Build a Sustainable Future: the Aarhus Convention, its Protocol on PRTRs and the Sustainable Development Goals**

### **Note by the Secretariat\***

#### *Summary*

The present document offers an overview on the relevance and the practical role of the Convention on Access to Information, Public Participation in Decision-making and

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\* This document was prepared by a consultant commissioned by the Convention secretariat. The document is being issued without formal editing



Access to Justice in Environmental Matters (Aarhus Convention) and its Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) in implementing the Sustainable Development Goals.

The Working Group of the Parties to the Aarhus Convention at its twentieth session (Geneva, 15–17 June 2016) agreed to hold a joint high-level segment of the Meetings of the Parties to the Convention and the Protocol with a thematic session on the role of the Convention and its Protocol in implementing the Sustainable Development Goals. At its fifth meeting (Geneva, 23 and 24 November 2016) the Working Group of the Parties to the Protocol on PRTRs approved the draft provisional agenda of the third session of the Meeting of the Parties, including the organization of the joint high-level segment, and requested the secretariat to prepare a note on the role of the Convention and the Protocol in implementing the Sustainable Development Goals as an official pre-session document for the joint high-level segment of the sixth session of the Meetings of the Parties to the Convention and the third session of the Meeting of the Parties to the Protocol (Budva, Montenegro 14 September 2017), to facilitate discussions on the topic. The present document was prepared pursuant to the above decisions.

## Contents

	<i>Page</i>
Introduction .....	4
I. Public rights and sustainable development.....	5
II. Objectives of the Convention, the Protocol and the Sustainable Development Goals : remarkable synergies .....	5
III. The Convention, the Protocol and the attainment of the Sustainable Development Goals .....	7
A. “Outcome-related” targets and their relationship to the Aarhus Convention and its Protocol on PRTRs .....	7
B. “Access to resources-related” targets and their relationship to the Aarhus Convention and its Protocol on PRTRs.....	9
C. Targets that engage rights relating to access to information.....	10
D. Targets that engage rights relating to public participation.....	12
E. Targets that engage rights relating to access to justice .....	15
F. Links between the Convention, its Protocol and the Sustainable Development Goals in relation to international activities .....	17
G. The Sustainable Development Goals, the Convention, the Protocol and non-discrimination .	20
IV. Main conclusions .....	20
V. Way forward.....	22
A. Umbrella Practices.....	22
B. “Outcome-related” targets .....	23
C. Public access to resources.....	23
D. Rights of Access to Information .....	24
E. Rights of Public Participation .....	25
F. Rights of Access to Justice .....	25
G. Application of rights in international context .....	26
H. Non-discrimination and the Sustainable Development Goals.....	27
I. Contribution of the Aarhus Convention and its Protocol on PRTRs to the follow-up and review of the Sustainable Development Goals .....	27

## Introduction

1. In September 2015 Heads of State and Government adopted the 2030 Agenda for Sustainable Development (2030 Agenda) with 17 Sustainable Development Goals, which cover objectives across the social, economic and environmental pillars of sustainable development.<sup>1</sup> The Goals have 169 targets within them which set out quantitative and qualitative objectives for the next 15 years.<sup>2</sup> The Goals provide a framework for global action by all member States of the United Nations and stakeholders; the targets are global in nature and universally applicable, taking into account different national capacities.

2. The present document offers an overview on the relevance and the practical role of 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 (Protocol on PRTRs) in implementing the Sustainable Development Goals, their follow up and review.

3. Drawing on the work of the governing and subsidiary bodies to the Convention and the Protocol, this document focuses on few selected areas where the interlinkages with the Sustainable Development Goals are most evident and addresses priorities for different work areas. This paper examines the relevance of the Convention and its Protocol to these Goals by grouping the Goals and targets that engage the following aspects of sustainable development and implementation of the Aarhus Convention and its Protocol:

- (a) “Outcome-related” targets and their relationship to the Convention and Protocol;
- (b) “Access to resources-related” targets and their relationship to the Convention and Protocol;
- (c) Targets that engage rights relating to access to information;
- (d) Targets that engage rights relating to public participation;
- (e) Targets that engage rights relating to access to justice;
- (f) Links between the Convention, its Protocol and the Sustainable Development Goals in relation to international activities;
- (g) The targets, the Convention, its Protocol and non-discrimination.

4. While this document serves as background material for relevant events of the Aarhus Convention and its Protocol on PRTRs, it can also provide valuable input to other forums on environmental matters or sustainable development, including the Regional Forum on Sustainable Development for the United Nations Economic Commission for Europe (ECE) region and the High-level Political Forum on Sustainable Development. Furthermore, countries and stakeholders are encouraged to translate the document into national languages and promote and use it for processes related to the Sustainable Development Goals and the environment in their national contexts.

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<sup>1</sup> UN General Assembly, 2015, Transforming our world: the 2030 Agenda for Sustainable Development, resolution A/RES/70/1, September, New York, (available from: <https://sustainabledevelopment.un.org/post2015/transformingourworld>)

<sup>2</sup> Owing to word limits for the present document, the wording of the targets has not been reproduced here. For the text of the targets please see the 2030 Agenda (resolution A/RES/70/1) .

## I. Public rights and sustainable development

5. The Aarhus Convention grants public rights and imposes on Parties and public authorities obligations regarding access to information, public participation and access to justice, reinforced by the compliance review system. Sustainable development is evident as a key concern right from the preamble to the Convention, which recognizes that sustainable and environmentally sound development depends on effective governmental decision-making that reflects both environmental considerations and input from members of the public. When governments make environmental information publicly accessible and enable the public to participate in decision-making, they help meet society's goal of sustainable and environmentally sound development. Therefore, the three pillars of the Convention have a role to play in the attainment of sustainable development by helping to "protect, preserve and improve the state of the environment".<sup>3</sup>

6. The Protocol is the only legally binding instrument on pollutant release and transfer registers. As the offspring of the Convention, it echoes its broad themes and applies them to its sphere of operation. Its preamble specifically recognises the link between adequate environmental information systems and the exercise of the rights contained in the Aarhus Convention. It goes on to note that the systems developed should take into account principles of sustainable development, such as the precautionary principle.

## II. Objectives of the Convention, the Protocol and the Sustainable Development Goals: remarkable synergies

7. The Aarhus Convention, the Protocol on PRTRs and the 2030 Agenda share a common concern of ensuring the health and well-being of present and future generations.<sup>4</sup> The human rights approach offered by the Convention and the Protocol to sustainable development provides a useful tool for breaking the silos and for an integrative perspective on sustainable development. The Convention seeks to achieve this objective through the promotion of access to information, public participation and access to justice. The Protocol offers an integrative approach to the provision of information on pollutants in order to "achieve a high level of protection for the environment as a whole, to move towards sustainable and environmentally sound development".<sup>5</sup>

8. By enhancing transparency and accountability, the Convention and the Protocol play a central role in promoting peaceful and inclusive societies, and good governance (Goal 16). Of all Goals, the objective of Goal 16 (peace and justice) is particularly closely linked to the overall principles of the two treaties. It includes targets on promoting the rule of law at the national and international levels and ensuring equal access to justice for all (target 16.3); developing effective, accountable and transparent institutions at all levels (target 16.6); ensuring responsive, inclusive, participatory and representative decision-making at all levels (target 16.7); and ensuring public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements (target

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<sup>3</sup> See *Aarhus Convention: An Implementation Guide (second edition)*, (United Nations publication, Sales No. E.13.II.E.3.) p.18.

<sup>4</sup> See article 1 of the Aarhus Convention, the preamble to the Protocol on PRTRs and the preamble of the 2030 Agenda for Sustainable Development (A/RES/70/1) The full text of the Convention is available from <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>. The text of the Protocol on PRTRs is available from [http://www.unece.org/fileadmin/DAM/env/pp/prtr/Protocol%20texts/PRTR\\_Protocol\\_e.pdf](http://www.unece.org/fileadmin/DAM/env/pp/prtr/Protocol%20texts/PRTR_Protocol_e.pdf).

<sup>5</sup> See preamble to the Protocol on PRTRs.

16.10). Equally and as demonstrated by the analysis below, the principles of accountability, transparency, inclusivity and the rule of law contained within Goal 16 and enshrined within the Aarhus Convention and Protocol on PRTRs are key for the implementation of all Goals, whether directly referred to or otherwise.

9. The preamble to the Aarhus Convention indicates that, from the outset, its implementation was expected to strengthen democracy in the ECE region. The Convention focuses on the fact that rights of access to information, public participation and access to justice lead to better decision-making and also create more transparency, accountability and public ownership of decisions, all of which contribute to easing tensions and stabilising democracy. As the Convention and the Protocol are open for accession by all United Nations member States, their relevance for achieving the Sustainable Development Goals goes beyond the ECE region.

10. The Protocol also advocates for environmental democracy by enhancing public access to environmental information through the establishment of coherent, integrated, nationwide pollutant release and transfer registers.

11. The Convention and its Protocol are widely recognised as effective tools for furthering environmental democracy, through encouraging the effective and inclusive participation of all interested stakeholders in processes that contribute to better decision-making, planning and implementation of policies, projects, legislation and programmes at all levels and for furthering the implementation of a green economy in the context of sustainable development and poverty eradication.

12. The relationship between the Convention, the Protocol and good governance and sustainable development has also been emphasised in a number of declarations adopted by Parties to the two treaties.<sup>6</sup> Parties to the Convention and Protocol, along with the governing and subsidiary bodies of both treaties, the public, NGOs and other stakeholders are crucial partners in advancing implementation of the Sustainable Development Goals, the Convention, the Protocol and national frameworks and policies in an integrative way.

13. The Convention and the Protocol and their activities thereby further the implementation of the seventeen Sustainable Development Goals in the following ways:

(a) By providing a legal and institutional framework to assist countries in ensuring that the outcomes and processes envisaged within the Sustainable Development Goals are achieved and handled in transparent, inclusive and participatory manner;

(b) By facilitating consensus-building among Parties in the areas within their remit as well as providing support to multilateral processes;

(c) By assisting Parties to implement their commitments through recommendations, guidance material, advisory services, capacity building and coordination mechanisms;

(d) By sharing their experience and offering support to other countries and regions.

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<sup>6</sup> See Riga Declaration adopted by the Meeting of the Parties to the Aarhus Convention at its third meeting (ECE/MP.PP/2008/2/Add.1 ), Chisinau Declaration on Rio plus Aarhus – 20 years on: bearing fruit and looking forward, adopted by the Meeting of the Parties to the Aarhus Convention at its fourth meeting (ECE/MP.PP/2011/2/Add.1) and Maastricht Declaration: Transparency as a driving force for environmental democracy, adopted by the Meetings of the Parties to the Aarhus Convention and its Protocol on PRTRs at their fifth and second ordinary session respectively (ECE/MP.PP/2014/27 Add.1-ECE/MP.PRTR/2014/2 Add.1).

### **III. The Convention, the Protocol and the attainment of the Sustainable Development Goals**

#### **A. “Outcome-related” targets and their relationship to the Aarhus Convention and its Protocol on PRTRs**

14. The first grouping of targets described below either relate directly to environmental outcomes or address outcomes in social and economic areas that have an environmental dimension. They focus on end result rather than process, and while they do not refer directly to the engagement of the public, “Aarhus rights” are key to their implementation in practice. In order to identify synergies these “outcome-related” targets have been divided into four broad groupings: targets geared toward reducing the impacts on human beings from harmful activities; those geared towards protection of ecosystems; those that promote sustainable production and consumption and those that improve infrastructure.

##### **Reducing the impacts of harmful events on human beings**

15. Some targets focus on reducing death and harm from hazardous chemicals (target 3.9), as well as the pollution and contamination of air, land and water (target 12.4). Others refer to strengthening the capacity of all countries, including least developed countries, landlocked developing countries, small island developing States and middle-income countries to manage and reduce global health risks (target 3.d) and strengthening global resilience to climate-related hazards and natural disasters (target 13.1).

##### **Protecting ecosystems upon which we rely**

16. A number of Goals and targets relate to ecosystem protection. Goal 6 focuses on improving water quality (target 6.3), increasing water-use efficiency (target 6.4), water resources management (target 6.5) and protecting water-related ecosystems (target 6.6). Goal 14 and related targets deal with the prevention and reduction of marine pollution (target 14.1); the sustainable management of marine and coastal ecosystems (target 14.2) and addressing the impacts of ocean acidification (target 14.3). Goal 15 deals with the protection and sustainable use of terrestrial ecosystems, including the equitable sharing of genetic resources (target 15.6), sustainable management of forests, reducing desertification and land degradation (target 15.2) and halting biodiversity loss, invasive species and species extinction (targets 15.5 and 15.8).

##### **Promoting sustainable practices in consumption and production**

17. Another focus of the Sustainable Development Goals relates to sustainable practices in the use of natural resources. These refer to the sustainable use of natural resources (target 12.2); sustainable food production systems and climate resilient agricultural practices (target 2.4); global resource efficiency in consumption and production, including decoupling economic growth from environmental degradation (target 8.4); and the reduction of waste generation (target 12.5).

18. Some targets in this grouping focus on companies. For example, target 12.6 encourages companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle and target 12.7 focuses on sustainable public procurement practices. In addition, target 12.3 requires the halving of per capita global food waste at the retail and consumer levels and the reduction of food losses along production and supply chains by 2030.

### **Improving infrastructure**

19. Specific targets refer to infrastructure-related matters. Because of their relevance to the rights under the Convention and Protocol, these targets are included in a separate grouping within this paper. Target 9.1 refers to the need to develop sustainable and resilient infrastructure, including regional and transborder infrastructure, to support economic development and human well-being. Target 9.4 deals with upgrading infrastructure and retrofitting of industries to make them more sustainable. Finally, target 11.6 requires the environmental impact of cities to be reduced, including through addressing air quality and waste.

### **Relevance of Convention and Protocol to the above outcomes**

20. There are particular provisions of the Convention and the Protocol that are relevant in the context of these outcome-related targets. For example, the objective of the Protocol is to enhance public access to information relating to polluting emissions.<sup>7</sup> In addition, the Convention provides that in the event of any imminent threat to human health and the environment, whether through natural causes or human activities, all information held by a public authority that could help the public prevent or mitigate harm should be disseminated immediately.<sup>8</sup> These provisions apply particularly to the targets listed above that focus on the prevention of harm to human beings and ecosystems, as well as on reducing the environmental impact of cities. The establishment of publicly accessible databases on the release of hazardous chemical substances can facilitate early warning, risk reduction and management of health risks. In all circumstances, collection and active dissemination of data on pollution, and public rights to information, public participation and access to justice are necessary for the attainment of “outcome-related” targets. As noted in Principle 10 of the Rio Declaration on Environment and Development, environmental issues are best handled with the participation of all concerned citizens, at the relevant level.<sup>9</sup> This will be evident from the targets that specifically refer to the role of the public, discussed in more detail below.

21. Furthermore, the Aarhus Convention is also relevant in the context of sustainable corporate practices, as it requires Parties to find ways of making product information available to consumers to inform their choices.<sup>10</sup> The preamble of the Convention notes the importance of such choices. Collecting and publishing information through PRTRs is a further requirement in the above context. While public availability of such information incentivises companies to prevent pollution and communicate their efforts in this regard, the collected data allows for fact-based policy evaluation and sound management of chemicals (target 12.4). In this way, it contributes to the adoption of innovative and sustainable practices (target 12.6).

22. Information on industrial emissions and releases (e.g. PRTR data) is important for achieving environmentally sound management of chemicals and wastes (target 12.4) and helps substantially reduce waste generation (target 12.5). Competition to reduce emissions fosters innovation and investment in green technologies and ultimately helps increase energy efficiency (target 7.3) and use of renewable energy (targets 7.2, 7.a and 7.2.1). In this context, Parties to the Convention and the Protocol have encouraged companies to

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<sup>7</sup> See article 1 of the Protocol on PRTRs.

<sup>8</sup> See article 5, paragraph 1 (c) of the Convention.

<sup>9</sup> See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex.

<sup>10</sup> See article 5 (8) of the Convention.

adopt sustainable practices and incorporate sustainability information into their working practices.<sup>11</sup>

23. PRTRs can serve as a major driving force for pollution reduction, increased efficiency and eco-innovation throughout many sectors of the economy.<sup>12</sup> They can also become a tool for assessing the development of a green economy in the context of sustainable development (Goal 8).<sup>13</sup>

## **B. “Access to resources-related” targets and their relationship to the Aarhus Convention and its Protocol on PRTRs**

24. Many of the targets refer to rights of public access to resources and public goods. They focus on ensuring that the poor and vulnerable have equal rights and access to, inter alia, safe water, housing and basic services, economic resources, green space, transport and infrastructure and marine resources, and ownership and control over land and natural resources (target 1.4).<sup>14</sup> There is also reference to building the resilience of the poor and vulnerable and reducing the impact of climate events and other disasters (target 1.5).

25. The Convention makes clear that the rights contained within it aim to contribute to a healthy environment. The preamble to the Convention also emphasizes that adequate protection of the environment is essential to the attainment of human rights, including those engaged through ensuring the types of access mentioned above, such as rights to property, shelter, livelihood, food and water and so on.<sup>15</sup> The Protocol is also rooted in the aim of contributing to a healthy environment by covering 64 sectoral activities ranging from chemicals and energy to waste and water. When understood from this perspective, the rights guaranteed under the Convention and the Protocol provide a channel through which to meet the basic conditions of life by enabling access to environmental goods and resources, as well as their preservation regardless of the status or economic development of specific social groups.

26. Public participation and transparent and accountable governance are essential for the kind of access described above. People, including the poorest and most marginalised and vulnerable segments of society, such as rural communities, need access to reliable information. The role of the Convention and Protocol in this is key as they contribute to tackling the inequalities that perpetuate poverty. However, people also need to be able to participate in decisions that impact their lives. In order to facilitate this, the Convention and the Protocol provide Parties with the capacity to promote effective access to environmental information and engage all interested groups, including the public and NGOs, in developing and implementing different plans, programmes and projects. Such an inclusive participatory approach promotes a higher degree of protection of natural resources.

### **Genetic Resources and food security**

27. The Convention is directly relevant to the rights of access referred to in target 15.6. This target requires the fair and equitable sharing of the benefits arising from the utilization

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<sup>11</sup> See Maastricht Declaration on Transparency as a Driving Force for Environmental Democracy (Maastricht Declaration) (ECE/MP.PP/2014/27 Add.1-ECE/MP.PRTR/2014/2 Add.1).

<sup>12</sup> See Draft Budva Declaration on Environmental Democracy for Our Sustainable Future (ECE/MP.PP/2017/17–ECE/MP.PRTR/2017/3).

<sup>13</sup> See Focal area III of the decision V/5 on the Strategic Plan for 2015-2020 adopted by the Meeting of the Parties to the Convention at its fifth session (ECE/MP.PRTR/2014/4/Add.1).

<sup>14</sup> See also Goal 6 (targets 6.1 and 6.2 in particular) and targets 1.4, 9.1, 11.1, 11.2, 11.3, 11.7 and 14.b.

<sup>15</sup> See preamble and article 1 of the Convention.

of genetic resources and for states to “promote appropriate access to such resources, as internationally agreed”. It takes particular account of information and decisions pertaining to genetically modified organisms (GMOs), as well as those falling within the definition of environmental information under the Convention.<sup>16</sup> Public participation in decisions on the deliberate release and placing on the market of GMOs is also crucial as it helps raise public awareness and can lead to better decisions regarding the use of genetic resources.<sup>17</sup>

28. The Convention and the Protocol also support targets related to food security, improved nutrition and sustainable agriculture (targets 2.2 and 2.4). They help local and national authorities build the capacity to provide the public with early and accurate information and offer opportunities for public participation in decision-making concerning the development and implementation of relevant agriculture-related plans, programmes and projects.

### **C. Targets that engage rights relating to access to information**

#### **Awareness-raising and education**

29. The importance of awareness-raising and education for the implementation of the Sustainable Development Goals is widely acknowledged throughout the text of the 2030 Agenda. Target 12.8 is addressed towards “ensuring that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature.” This complements Target 4.7, which refers to the need to ensure the acquisition of the knowledge and skills needed to promote sustainable development.

30. The relevance of the Convention to these targets can be seen in its preamble which refers to the importance of environmental education in establishing an understanding of the environment and sustainable development and to promote public participation in decisions relating to these issues. In addition, the Convention requires the promotion of environmental education and awareness.<sup>18</sup> This is consistent with obligations and statements found in a number of international instruments.<sup>19</sup> While environmental education involves general education at all levels, environmental awareness-raising is more topic-oriented and can often be applied to the modification of behaviour in relation to the environment.<sup>20</sup>

31. In this context, efforts to raise awareness on the Convention’s principles have been addressed both towards the public and governmental authorities. To this end, Parties to the Convention have been developing educational and training programmes, publishing

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<sup>16</sup> See article 2 of the Convention.

<sup>17</sup> Article 6 bis and Annex 1 bis of the Convention set out specific requirements for the release and placing on the market of GMOs.

<sup>18</sup> See article 3, paragraph 3 of the Convention.

<sup>19</sup> See for example: Principle 19 of the Declaration of the United Nations Conference on the Human Environment (A/CONF.48/14/Rev.1); article 6 of the United Nations Framework Convention on Climate Change (United Nations, Treaty Series, vol. 1771, No. 30822) (a); article 13 of the Convention on Biological Diversity (United Nations, Treaty Series, vol. 1760, No. 30619); article 19 of the Convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa (United Nations, Treaty Series, vol. 1954, No. 33480); and various paragraphs of Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda), vols. I-III.

<sup>20</sup> See *Aarhus Convention: An Implementation Guide* (second edition), (United Nations publication, Sales No. E.13.II.E.3.), p. 64.

guidance material and promoting the wider use of electronic tools including social media. It is important to note that numerous programmes and projects were carried out to “green” the curriculum of schools and high schools, and to promote the Sustainable Development Goals. Recently, sustainable development has been included in national educational strategies of several countries. In their efforts, they have been supported by various international partners and the network of Aarhus Centres.

32. The preamble to the Protocol also sets out its aim of contributing to healthy environments “by ensuring the development of publicly accessible environmental information systems”. The Protocol further requires that Parties provide guidance in understanding and using the PRTR information.<sup>21</sup> Moreover, recognizing that PRTRs can be a valuable tool for environmental education,<sup>22</sup> Parties have been working towards improving public awareness both through capacity-building for and guidance to public authorities, and through assistance and guidance to the public. The main means used include, inter alia, online information tools, guidance material, trainings and awareness-raising campaigns.<sup>23</sup>

### **Access to Information**

33. Effective public access to environmental information is crucial for guiding any decisions related to the environment and for the successful implementation of a number of Goals, including, but not limited to, health-related targets, disaster risk reduction, biodiversity and climate change.<sup>24</sup> The importance of access to information for sustainable development is further underlined by target 16.10, which refers to the need to “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”. This clearly links to several articles of the Aarhus Convention, which provide for rights of access to environmental information<sup>25</sup> and emphasize the duty of public authorities to disseminate such information.<sup>26</sup>

34. Work under the Convention and the Protocol has helped strengthen national legal frameworks for promoting access to environmental information by supporting the development of mechanisms and safeguards at local, national and international level for the active dissemination of up-to-date, accurate and functional information. In turn, active dissemination of environmental information has been beneficial for monitoring, controlling and reporting on emissions, hazardous substances and wastes. In addition, exchange of knowledge and good practices has further improved the quality of environmental data as well as the methods used for collecting information, analysing it and reporting on it.

35. The use of modern electronic information tools including e-governance initiatives has already proven to be an effective instrument for handling the increasing number of requests from the public for environmental information. Their wider use, including through public-private partnerships could play a significant role in promoting sustainable development. A number of tools such as Shared Environmental Information Systems, geospatial information management, Earth observation data, e-Government and open government data are already available and could be used to achieve and/or monitor the implementation of several Sustainable Development Goals.

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<sup>21</sup> See article 15, paragraph 1 of the Protocol.

<sup>22</sup> See Guidance on Implementation of the PRTR to the Aarhus Convention ECE/MP.PP/7, page 4.

<sup>23</sup> See Synthesis Report on the implementation of the Protocol on PRTRs (ECE/MP.PRTR/2017/10).

<sup>24</sup> For example targets 15.1, 15.4, 15.5, 15.9 (biodiversity); 13.1, 13.2, 13.3, 13.b (climate change); 13.1 (disaster risk reduction); and 3.4, 3.d, 12.4 (health-related).

<sup>25</sup> See article 4 of the Convention.

<sup>26</sup> See article 5 of the Convention.

36. The Protocol is also of key relevance here as its objective, clearly set out in article 1, is to enhance public access to information, which should be presented in a way that is meaningful to the public.<sup>27</sup> Implementation of the provisions under the Protocol allows governments, industry and the public to track releases to air, land and water [and transfers of waste and via waste water treatment plants] over time. This in turn provides indicators to measure the reduction of pollutants, and results in making progress towards sustainability. For instance, by tracking the quantity of chemicals released into the air, water and soil, PRTR data can help reduce pollution and contamination and consequently the number of deaths and illnesses from hazardous chemicals (Target 3.9). The preamble to the Protocol notes that PRTRs can also benefit industry through improved management of pollutants, which corresponds perfectly with target 12.4 on environmentally sound management of chemicals and wastes by 2020. Indeed, past experience has already demonstrated that PRTR registers have led to benchmarking amongst companies to reduce their polluting releases, acting as a deterrent against pollution.<sup>28</sup> Such competition can also potentially help create a downward spiral for reducing waste generation (target 12.5) together with eliminating dumping and minimizing release of hazardous chemicals and materials (Target 6.3).

37. The Protocol through its legally binding minimum standards is a leading example in this regard. Its current work in promoting transparency can serve as guidance for the future monitoring of implementation of the Sustainable Development Goals. For example, in the overwhelming majority of Parties to the Protocol, all PRTR data is available through direct electronic means which is essential for real-time access to information. Progress is also evident in improving the user-friendliness and transboundary accessibility of data and information available online. To the extent possible, efforts by Parties are focused on making technical information clear, simple and understandable and on developing online reporting tools that are easy to use. The use of social media and various e-tools including geographic information systems and the translation of national webpages into English has also helped to considerably improve public access to data from other countries.

#### **D. Targets that engage rights relating to public participation**

38. Given the global challenges related to climate change, energy, use of new technologies and chemicals, early, inclusive and meaningful public participation in decision-making in the context of sustainable development gains additional importance. Not only does it lead to better decision-making but it also increases the probability of effective engagement of the public in the implementation of outcomes of decision-making, including concrete measures at the international, national and subnational levels.

39. From an Aarhus perspective, the pledge that “no one will be left behind” (as contained in the preamble of the 2030 Agenda) also means that no Goal can be achieved without the engagement of the public. The challenges associated with sustainable development are best dealt with if governments, civil society and all other stakeholders are brought together to exchange experience and explore possible good practices and joint actions. The importance of public participation in implementing the Sustainable Development Goals is further reinforced by the specific references to the engagement of the public in target 16.7 which refers to ensuring responsive, inclusive, participatory, and

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<sup>27</sup> See preamble, article 1 and article 11 of the Protocol on PRTRs.

<sup>28</sup> See Draft Budva Declaration on Environmental Democracy for Our Sustainable Future (ECE/MP.PP/2017/17-ECE/MP.PRTR/2017/3).

representative decision-making at all levels. This target applies across all Goals and it is critical to ensure that it is met when implementing other Goals and targets.

40. As with the “outcome-related” rights discussed above, which are necessarily achieved with the participation of the public, there are a number of targets that refer to planning which do not directly refer to the role of the public, but where public involvement is implicit. These, *inter alia*, deal with strengthening national and regional development planning (target 11a); adoption of climate change plans by cities and holistic disaster risk management (target 11.b). They also address the integration of climate change and biodiversity measures into planning, strategies and policies (target 15.9).

41. One other target that deserves special attention is target 17.17, which refers to effective public, public-private and civil society partnerships. The expertise built up within Convention processes on the engagement of the public and the distinction between the terms “public” and “stakeholders” is of particular value in this context as “stakeholder involvement” carried out under processes relating to sustainable development is less inclusive than “public participation” as provided for by the Convention and the Protocol.<sup>29</sup> Parties should therefore ensure that public participation in areas pertaining to the Sustainable Development Goals is implemented effectively in accordance with the requirements of the Convention and Protocol. Such participation will also help ensure that there is no cherry-picking amongst the goals and that there is effective monitoring of their implementation.

42. From an Aarhus perspective, achieving the Sustainable Development Goals requires the engagement of the public. This work is mandated by the provisions of the Convention concerning public participation in decisions on specific activities (article 6); public participation in plans, programmes and policies relating to the environment (article 7) and public participation during the preparation of executive regulations (article 8).

43. Public participation is also important for decision-making in a transboundary context. The non-discrimination provisions of the Aarhus Convention are relevant here.<sup>30</sup> When projects, plans or programmes are carried out in a transboundary context, the provision of effective public participation requires state cooperation and the sharing of good practice, as well as making investors and developers aware of the need to respect the relevant legislation well in advance.<sup>31</sup> It requires states to notify the public in all affected countries and consult each other on all major projects that are likely to have a significant adverse environmental impact across borders. This bears the advantage of avoiding lengthy, complex and costly remedial actions later.

44. Several Parties to the Aarhus Convention have already established national mechanisms to achieve the Sustainable Development Goals and have endeavoured to strengthen participation of the public in decision-making through the adoption of relevant legislation. They have successfully organised wide public consultations during the development of national programmes, plans and strategies relating to environmental protection, climate change, waste and water management. A trend worth mentioning is NGO participation in the development of national strategies on sustainable development and in the preparation of voluntary national reviews on sustainable development.<sup>32</sup>

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<sup>29</sup> See Report of the Task Force on Public Participation in Decision-making at its seventh meeting (ECE/MP.PP/WG.1/2017/5).

<sup>30</sup> For a more detailed discussion on these provisions, see section 3.7 below.

<sup>31</sup> See Report of the seventh meeting of the Task Force on Public Participation in Decision-making (ECE/MP.PP/WG.1/2017/5).

<sup>32</sup> See for instance E/HLPF/2016/7.

45. The sharing of good practices and experiences has also been instrumental for the broader application of successful innovative practices that facilitate effective public participation without entailing additional significant financial or human resources on the part of public authorities.

46. Similarly, the Protocol on PRTRs provides a legal right of public participation in the development of national pollutant release and transfer registers and focuses on promoting public awareness and capacity building.<sup>33</sup> Public involvement is relevant both during the establishment and the modification of a PRTR<sup>34</sup> as this helps to ensure that the PRTR is user-friendly for the public.<sup>35</sup> Raising public awareness and the capacity to understand and use the information in the registers is closely tied to the successful prevention and reduction of pollution and the environmentally sound management of chemicals and waste, which are objectives shared by the Protocol and by a number of Sustainable Development Goals.<sup>36</sup>

47. The Protocol on PRTRs provides minimum standards. It is important to note that most Parties have legislative and regulatory measures that exceed these standards. Taking due account of the concerns of the public, most Parties have established systems that monitor a larger number of activities and pollutants than those covered by the Protocol. In addition, several Parties are already using PRTRs as a tool for assessing the development of a green economy in the context of sustainable development.

### **Technology and the achievement of gender equality**

48. Goal 5 includes targets relating to the full and effective participation of women (target 5.5) and the use of enabling technology, in particular information and communications technology, to empower women (target 5.b).

49. The Aarhus Convention and the Protocol on PRTRs make no distinction with respect to gender and require the equal treatment of all persons. They are clearly aimed at protecting the right of every legal person to live in an environment adequate to “his” or “her” health and well-being.<sup>37</sup> This approach also encompasses the use of technology. Thus, the preamble to the Aarhus Convention notes the importance of the media and of electronic and other future forms of communication. Its definition of information includes information in electronic form. The Convention highlights the importance of progressively disseminating information in electronic databases including those related to pollutant releases.<sup>38</sup> The Protocol requires Parties to ensure that information is easily available by electronic means without an interest having to be stated and to facilitate electronic access in public locations when data is not easily accessible by electronic means.<sup>39</sup>

50. Technological developments have already greatly improved the capacity of the public and public authorities to process and use information and to engage in public participation. Further efforts to spread their use and electronic access are therefore very important to empower and effectively engage women in decision-making related to sustainable development.

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<sup>33</sup> See articles 13 and 15 of the Protocol on PRTRs.

<sup>34</sup> Article 13 of the Protocol on PRTRs.

<sup>35</sup> See Executive summaries of voluntary national reviews (ECE/MP.PP/7) p.3.

<sup>36</sup> Article 15 of the Protocol addresses both of these issues. See also Executive summaries of voluntary national reviews (ECE/MP.PP/7) p.87. Also see targets 3.9, 6.3, 12.4 and 12.5.

<sup>37</sup> The same wording is used in the preambles of both the Convention and the Protocol.

<sup>38</sup> Article 5, paragraphs 3 and 6 of the Convention.

<sup>39</sup> See article 11, paragraphs 1,2 and 5 of the Protocol.

## E. Targets that engage rights relating to access to justice

51. As with the other areas discussed above, some targets implicitly require access to justice to ensure their implementation in practice, while others refer to it more explicitly.

52. The Goals and targets which indirectly require access to justice include the improvement of water quality and conservation of marine areas, regulating harvesting and illegal overfishing, ending the poaching and trafficking of protected species, protecting the world's cultural and natural heritage and giving women equal rights to economic resources, access to ownership and control over land.<sup>40</sup> Many of these are drafted in a manner that refers to ending illegal activities or acting in accordance with national and/or international law.

53. The role of access to justice is even more evident in targets which explicitly refer to the importance of promoting the rule of law and protecting fundamental freedoms. For example, target 16.3 requires Parties to “promote the rule of law at the national and international levels and ensure equal access to justice for all.” Target 16.10 refers to the need to “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.”

54. In order to enforce these goals and targets, it is necessary to have effective access to justice and the courts as provided for by the Aarhus Convention.<sup>41</sup> This requires not only that the rights and obligations concerning access to information and public participation are enforced, but that provisions of national law relating to the environment be enforced in this way also.<sup>42</sup>

55. Through their actions at national and international level, Parties to the Convention have made noticeable steps towards enhancing effective access to justice, including through the establishment of review procedures guaranteeing the right to appeal decisions or challenge acts and omissions by private persons and public authorities that contravene environmental legislation. In addition, they have recognised the need to strengthen judicial networks and promote the exchange of information on challenges and good practices across the pan-European region.<sup>43</sup> By further building the capacity of legal professionals such as judges, prosecutors, public interest lawyers and NGOs, these networks can play a substantial role in monitoring the implementation of the sustainable development goals and in providing valuable guidance and advisory support towards developing relevant indicators. For instance, information on access to justice in National Implementation Reports could be used by Parties when reporting on the implementation of relevant Goals.<sup>44</sup>

56. Parties and stakeholders have implemented initiatives aimed at monitoring the effectiveness of access to justice in environmental matters and collecting quantitative data on the practical implementation of the relevant provisions of the Convention. Further development of arrangements for collecting, coordinating, aggregating and processing information from various statistical sources in order to monitor the implementation of the access to justice provisions of the Convention would significantly contribute to achieving Goal 16 and its target 16.3.

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<sup>40</sup> See Goal 6. Also see targets 14.4; 14.5; 15.7; 11.4 and 5.a.

<sup>41</sup> See article 9 of the Convention.

<sup>42</sup> See *The Aarhus Convention: An Implementation Guide* (United Nations Publication Sales No.: E.13.II.E.3), p. 187, where it is mentioned that “the provisions on access to justice essentially apply to all matters of environmental law.”

<sup>43</sup> See Report of the eighth meeting of the Task Force on Access to Justice (ECE/MP.PP/WG.1/2016/11).

<sup>44</sup> See Report of the ninth meeting of the Task Force on Access to Justice (ECE/MP.PP/WG.1/2017/6).

57. Furthermore, the provisions of the Aarhus Convention support international human rights instruments, such as those that provide for the right to a fair trial.<sup>45</sup> The Aarhus Convention takes these principles and adapts them to the environmental context, ensuring that the public and NGOs have access to the courts. In this way, the Aarhus Convention has been considered in the jurisprudence of the European Court of Human Rights, which has decided several cases on Aarhus Convention issues, and has also quoted the Aarhus Convention in its decisions.<sup>46</sup> In these times of increasing pressure on human rights and ongoing security concerns, access to an independent judiciary and open mechanisms of access to justice remains of crucial importance and relevant across all Goals.

58. The Protocol is also relevant for achieving targets 16.3 and 16.10 as it contains wording similar to the Convention with regard to access to justice. Parties to the Protocol have already been developing legislation to improve the accessibility of both administrative and judicial review procedures where there is a denial of access to PRTR information. It is significant that in several Parties specific administrative authorities are empowered to review decisions concerning the provision of environmental information, which includes data derived from PRTRs.

### **Environmental Defenders**

59. Access to justice is of critical importance when it comes to the safety of environmental defenders: people who are at risk of violence or other harm, either to themselves or their loved ones, for taking action to protect their environment. This is relevant to target 16.1, which refers to the need to “significantly reduce all forms of violence and related death rates everywhere.”

60. The Convention is relevant here as it draws on human rights obligations, such as protecting the right to life, and applies them in an environmental context. It requires Parties to ensure that “persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement.”<sup>47</sup>

61. There is growing concern at the moment about the harassment, silencing and even murder of environmental activists around the world. The Human Rights Council has passed a resolution to protect human rights defenders, which specifically encompasses environmental defenders.<sup>48</sup> The Special Rapporteur on human rights defenders has stressed

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<sup>45</sup> For example article 6 of the European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, Europ.T.S. No. 5; 213 U.N.T.S. 221) and article 14, paragraph 1 of the International Covenant on Civil and Political Rights (General Assembly resolution 2200A (XXI)).

<sup>46</sup> The Aarhus Convention has been quoted in *Tatar v. Romania*, Application No. 67021/01, ECHR, Judgement of 29 January 2009 and also mentioned in *Branduse v. Romania*, Application No. 6586/03, ECHR, Judgement of 7 April 2009. For other cases before the European Convention on Human Rights that concerned issues covered by the Aarhus Convention, see for instance, *Zander v. Sweden*, Application No. 14282/88, ECHR, Judgement of 25 November 1993; *Guerra v. Italy*, Application no. 14967/89, ECHR, Judgement of 19 February 1998; *Taskin et al v. Turkey*, Application No. 46117/99, ECHR, Judgement of 10 November 2004; *Giacomelli v. Italy*, Application No. 59909/00, ECHR, Judgement of 2 November 2006; *Okuy et al v. Turkey*, Application No. 36220/97, ECHR, Judgement of 12 July 2005; *Társaság a Szabadságjogokért v. Hungary*, Application No. 37374/05, ECHR, Judgement of 14 April 2009; *Kenedi v. Hungary*, Application 31475/05, ECHR, Judgement of 26 May 2009.

<sup>47</sup> Article 3, paragraph 8 of the Convention.

<sup>48</sup> See Resolution 31/32 on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights (A/HRC/31/32).

that the Convention's three pillars are not only important to promote environmental rights but also to protect environmental rights defenders. He has suggested that the Aarhus Convention's rights-based approach should be put to good use in order to empower the work of human rights defenders and achieve the Convention's objective – to protect the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.<sup>49</sup>

62. In turn, Parties of the Convention have recognised the importance of creating a safe and enabling environment for the exercise of Aarhus rights and several of them have taken specific steps to strengthen the protection of whistle-blowers against penalization, persecution, harassment and other forms of retaliation in conformity with the provisions of the Convention both at national and international level. The protection of human rights defenders and whistle-blowers is already a strategic objective for Parties to the Convention.<sup>50</sup> Moreover, Parties to the Convention and the Protocol have firmly committed to pursue this objective through the Maastricht Declaration<sup>51</sup> and are planning to reiterate their commitment through a new declaration to be adopted Parties at the upcoming joint High -level Segment under the Meetings of the Parties to the Convention and the Protocol in Budva, Montenegro (14 September 2017).<sup>52</sup>

## **F. Links between the Convention, its Protocol and the Sustainable Development Goals in relation to international activities**

### **Strengthen capacities of authorities to engage effectively NGOs, local communities and other stakeholders in international decision-making**

63. A good many Goals have an international dimension to them. There is reference to the need for the international cooperation of governments, NGOs, academia and the scientific community to promote clean energy research and technology, science and innovation. There are also targets dealing with international efforts to rationalize fossil fuel subsidies, prohibit certain fisheries subsidies, combat poaching through increasing the capacity of local communities to adopt sustainable livelihoods, promote a multilateral trading system, enhance the global partnership for sustainable development and promote the rule of law, including at the international level.<sup>53</sup>

64. The attainment of the above targets demands, inter alia, cross-cutting measures that can help strengthen capacities of authorities to promote effective access to information and participation of NGOs, local communities and other stakeholders in international forums dealing with matters relating to the environment. The Convention explicitly refers to the application of its principles “in international environmental decision-making processes and

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<sup>49</sup> See keynote address by Michel Forst, UN Special Rapporteur on the situation of human rights defenders to the 10th meeting of the Task Force on Access to Justice, available from: [https://www.unece.org/fileadmin/DAM/env/pp/a.to.j/TF10-2017/statements\\_and\\_presentations/2.1\\_Art3.8\\_SR\\_HRD\\_Forst.pdf](https://www.unece.org/fileadmin/DAM/env/pp/a.to.j/TF10-2017/statements_and_presentations/2.1_Art3.8_SR_HRD_Forst.pdf).

<sup>50</sup> See decision V/5 on the Strategic Plan for 2015-2020 adopted by the Meeting of the Parties to the Convention at its fifth session (ECE/MP.PP/2014/2/Add.1).

<sup>51</sup> See Maastricht Declaration: Transparency as a driving force for environmental democracy, adopted by the Meetings of the Parties to the Aarhus Convention and its Protocol on PRTRs at their fifth and second ordinary session respectively (ECE/MP.PP/2014/27 Add.1-ECE/MP.PRTR/2014/2 Add.

<sup>52</sup> For the draft declaration see ECE/MP.PP/2017/17-ECE/MP.PRTR/2017/3.

<sup>53</sup> See targets 6.a, 7.a, 9.a, 12.b, 12.c, 14.6, 3.b, 14.c, 15.c, 17.6, 17.9,17.10, 17.16, 17.19 and 16.3.

within the framework of international organizations in matters relating to the environment.”<sup>54</sup>

65. This obligation under the Convention is also relevant to the processes related to the 2030 Agenda itself. All of the international processes and activities highlighted in the targets referred to at the beginning of this section are ones where Parties’ obligations to enhance access to information, public participation and access to justice under the Convention come into play. These provisions apply not only to the negotiation and implementation of multilateral environmental agreements and conferences, but also to other agreements and processes that relate to the environment including forums dealing with sustainable development.

66. Parties are keeping under review the application of the Convention’s principles in a number of forums<sup>55</sup> including those dealing with the Sustainable Development Goals.<sup>56</sup> In addition, Parties have been encouraged to involve themselves more fully in the design of the access to information and safeguard policies of several international financial institutions, as these come up for review, to ensure that the Convention’s principles are applied.<sup>57</sup> This would ensure that transparency and effective public participation would become guiding principles for all future investments linked to the implementation of the Sustainable Development Goals.

67. The application of Principle 10 of the Rio Declaration and the Almaty Guidelines on promoting the application of the principles of the Aarhus Convention in international forums<sup>58</sup> has also been promoted through synergies with other international organisations, both within the ECE region and more globally.<sup>59</sup> As a result, progress has been achieved by including NGOs in official delegations to key international negotiations and by offering opportunities for the public to comment on the official position of a country. This manifests the Convention’s solid relevance to the efficacy of other forums in the context of sustainable development.

### **Strengthening developing country participation in global governance, co-operation and capacity building**

68. Other targets relate to strengthening developing country participation in global governance, as well as cooperation and capacity building with developing countries in different areas.<sup>60</sup> Implementation of the Convention can help achieve these targets by continuing outreach to other multilateral environmental agreements and other relevant processes in relation to the global implementation of Principle 10. This is being evidenced through support by Convention processes for the development of a Principle 10-related

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<sup>54</sup> See article 3, paragraph 7 of the Convention.

<sup>55</sup> For example UNEP, UNFCCC, World Trade Organization and international Environmental Health Processes.

<sup>56</sup> See Report of the Working Group of the Parties to the Aarhus Convention on its twenty-first meeting (ECE/MP.PP/WG.1/2017/2, paragraph 66(m)).

<sup>57</sup> See Report of the Working Group of the Parties to the Aarhus Convention on its sixteenth meeting (ECE/MP.PP/WG.1/2013/2) paragraph 59.

<sup>58</sup> ECE/MP.PP/2005/2/Add.5.

<sup>59</sup> For progress on these synergies see for example reports of the Working Group of the Parties to the Aarhus Convention on its nineteenth (ECE/MP.PP/WG.1/2015/2), twentieth (ECE/MP.PP/WG.1/2016/2) and twenty-first (ECE/MP.PP/WG.1/2017/2) meetings.

<sup>60</sup> Such as in water-related activities and programmes (targets 6.a and 6.b), sustainable infrastructure development (e.g. targets 9.1 and 9.4), sustainable consumption (target 12.1) and universal and affordable access to the internet (target 17.8) and climate change-related planning, in particular by women, youth and local marginalised communities (target 13.b).

agreement in the region of Latin America and the Caribbean. Furthermore, accession to the Convention and its Protocol by non-ECE states would promote globally the solid standards of transparency, public participation and access to justice in the context of the implementation of the Sustainable Development Goals.

### **Engaging civil society in the preparation of the Sustainable Development Goals**

69. With the above in mind, it is important to stress that civil society has already been involved in the preparation of the Sustainable Development Goals and is also playing a key role in regional multi-stakeholder meetings as well as regional and global coordination mechanisms, by sharing challenges and good practices in the implementation of the Goals. For example, the first stand-alone Regional Forum on Sustainable Development for the ECE region, which took place in Geneva on 25 April 2017, was preceded by a one day, self-organised civil society consultation. The expertise within the Convention processes on how to engage the most vulnerable communities could also be shared within such processes.

### **Enhanced international cooperation and technical assistance through the Protocol**

70. The provisions of the Protocol require Parties to cooperate and assist each other in international actions in support of the objectives of this Protocol and cooperate together and with international organizations to promote public awareness of it at the international level, as well as transfer of technology and technical assistance to developing countries and economies in transition in relation to the Protocol.<sup>61</sup> This obligation makes the Protocol a valuable tool for addressing international cooperation between countries with very different economic situations.

71. Ongoing efforts to make PRTR-related technical information clearer, as well as more easily accessible and understandable for the public, are essential for achieving “outcome-related” targets and targets that engage rights relating to access to information through building capacities and broadening technological awareness such as the use of electronic tools. This relates to significantly increasing access to information and communications technology (target 9.c) and striving to provide universal and affordable access to the internet in least developed countries by 2020, as well as the other targets mentioned in the preceding sections, which PRTR registers contribute to achieving.

72. Several Parties to the Protocol have already developed synergies with other multilateral environmental agreements<sup>62</sup> in relation to sustainable resource management, information sharing on energy and water consumption<sup>63</sup> or reducing costs of collecting data. This cooperation supports the achievement of the Sustainable Development Goals by avoiding duplicative reporting and improving data quality, together with facilitating reporting by governments to international organizations and multilateral environmental agreements. Convergence of PRTR systems and the use of PRTRs to assess the progress towards a green economy in the context of sustainable development are key areas for international cooperation.

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<sup>61</sup> See article 16 of the Protocol. Also see synthesis report on the implementation of the Protocol on PRTRs (ECE/MP.PRTR/2017/10).

<sup>62</sup> See Minamata Convention on Mercury (UNEP(DTIE)/Hg/INC.5/3), Stockholm convention on persistent organic pollutants (United Nations, Treaty Series, vol. 2256, No. 40214); Convention on long-range transboundary air pollution (United Nations, Treaty Series, vol. 1302, No. 21623). This is in line with decision V/5 on the Strategic Plan of the Protocol for 2015-2020 ((ECE/MP.PRTR/2014/4/Add.1, Focal Area II, d).

<sup>63</sup> See decision V/5 on Strategic Plan of the Protocol for 2015-2020 (ECE/MP.PRTR/2014/4/Add.1 Focal Area III, c/d).

## **G. The Sustainable Development Goals, the Convention, the Protocol and non-discrimination**

73. A number of Goals highlight non-discriminatory application. Target 16.b stresses the need to promote and enforce non-discriminatory laws and policies for sustainable development and targets 10.2 and 10.3 focus on achieving the inclusion of all, ensuring equal opportunity and reducing inequalities of outcome, including eliminating discriminatory laws and practices.

74. The Convention is relevant here as it provides the public with the rights of access to information, participation and access to justice “without discrimination as to citizenship, nationality or domicile”.<sup>64</sup> This addresses the fact that environmental problems can often be transboundary or international in nature. The provision makes clear that distinctions based upon citizenship, nationality, residence or domicile, place of registration or seat of activities are not permitted under the Convention. The Protocol uses the same definition of “the public” as the Convention and is guided by its provisions.<sup>65</sup> By ensuring equal opportunities for all to access information on pollutants, the Protocol thereby promotes non-discrimination.

75. The references to non-discrimination and equality within the Sustainable Development Goals and Convention echo international human rights instruments which include them as core principles.<sup>66</sup> They are fundamental given that the most marginalised individuals and communities are often the most impacted by issues such as environmental harm but face the most difficulties in upholding their rights.

## **IV. Main conclusions**

76. By promoting transparency, accountability and inclusive and effective public participation, the Convention and the Protocol play a catalytic role in fulfilling the pledge made through the 2030 Agenda that no one will be left behind.<sup>67</sup>

77. The cross-cutting rights of environmental information, participation and access to justice enshrined within the treaties are therefore fundamental for the attainment of all seventeen Goals, from the reduction of pollution and inequalities, building resilience and transforming economies, to promoting transparency, participatory and accountable democracy. The two treaties also enable cooperation with and the promotion of transparency and public participation in the work of other multilateral environmental agreements, international organisations and initiatives. Therefore advancing implementation of the provisions of the Convention and Protocol will contribute steadily towards the sound attainment of the Sustainable Development Goals and targets across various international forums. Building upon these synergies will help secure the right of every person to be effectively involved in this joint venture for a sustainable future.

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<sup>64</sup> Article 3, paragraph 9 of the Convention.

<sup>65</sup> See preamble and article 1 of the Protocol.

<sup>66</sup> Non-discrimination and equality provisions are contained in a number of international agreements. See for example: article 2 of the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)); articles 2 and 26 of the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI)); and article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Europ.T.S. No. 5; 213 U.N.T.S. 221) .

<sup>67</sup> See preamble of the 2030 Agenda (A/RES/70/1).

78. A new avenue through which the Convention and Protocol could contribute to the full attainment of the Sustainable Development Goals would be, to facilitate the involvement of future generations in decision-making on environmental issues for sustainable development and evolution of the PRTR system towards providing data and information on long-term considerations relevant to such decision-making.

79. In practice, the Convention and its Protocol provide solid frameworks for Governments that help enhance the capacity of public authorities to ensure transparency and to effectively engage NGOs, local communities and other stakeholders in developing and implementing plans, programmes and projects in relation to different Goals. They also provide an institutional structure through which public participation and access to information and justice in the implementation of the Sustainable Development Goals can be advanced and monitored with engagement of Governments, public and other actors.

80. Furthermore, there is good potential for Aarhus Centres to serve as a platform to promote multi-stakeholder dialogue on sustainable development. Building on existing experience, they can organize trainings, awareness-raising activities and workshops aimed at promoting transparency and public participation in the context of sustainable development.

81. Finally, practical tools have been developed under the two instruments that could facilitate the implementation of the Sustainable Development Goals, for example:

(a) The Aarhus Clearinghouse for Environmental Democracy<sup>68</sup> and PRTR.net<sup>69</sup>, which help to raise awareness of public rights in implementing the Goals;

(b) The Maastricht recommendations on promoting effective public participation in decision-making in environmental matters<sup>70</sup> and the Aarhus Good Practice database<sup>71</sup>, which help to engage effectively the public and different stakeholders in implementing the Goals;

(c) The guidelines on access to information, public participation and access to justice with respect to genetically modified organisms (Lucca Guidelines)<sup>72</sup> and associated documents, which help to promote transparency and effective public participation in implementing the Goals related to biosafety and biodiversity;

(d) The Almaty Guidelines and associated documents, which promote effective public participation in international decision-making relevant to the Sustainable Development Goals;

(e) Analytical studies on access to justice<sup>73</sup> and the jurisprudence database<sup>74</sup>, which help to support implementation of Goal 16 in particular;

(f) Recommendations on electronic information tools, the Aarhus Convention Implementation Guide<sup>75</sup> and the Guidance on implementation of the Protocol on PRTRs<sup>76</sup>, which help to promote transparency and public participation across the 2030 Agenda.

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<sup>68</sup> <https://aarhusclearinghouse.unece.org/>.

<sup>69</sup> <http://www.prtr.net/>.

<sup>70</sup> *Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters* (United Nations Publication Sales No.: E.15.II.E.7).

<sup>71</sup> <https://aarhus-good-practices.unece.org/>.

<sup>72</sup> See MP.PP/2003/3.

<sup>73</sup> [http://www.unece.org/env/pp/tfaj/analytical\\_studies.html](http://www.unece.org/env/pp/tfaj/analytical_studies.html).

<sup>74</sup> <http://www.unece.org/env/pp/tfaj/jurisprudenceplatform.html>.

<sup>75</sup> *Aarhus Convention: An Implementation Guide* (second edition), (United Nations publication, Sales No. E.13.II.E.3).

## V. Way forward

82. In the light of the above, ways in which Parties and interested countries could contribute to the attainment of the Sustainable Development Goals and targets through the Convention and Protocol could include the following key selected actions:

### A. Umbrella practices

*Relevant for the implementation of all Goals and targets across the 2030 Agenda*

(a) Further implement Goal 16 and ensure its coherent application to all other Goals;

(b) Promote awareness of and education on the rights of the public in the context of the Sustainable Development Goals;

(c) Use the provisions of the Convention and Protocol and their international institutional frameworks to enhance legal frameworks, structures and monitoring processes that would support the transparent and inclusive implementation of the Sustainable Development Goals;

(d) Note the distinction between the obligations to the public under the Convention and Protocol and the opportunities for stakeholder participation in the context of the 2030 Agenda and ensure that work in this area is compliant with Convention and Protocol obligations;

(e) Given the cross-cutting nature of the Sustainable Development Goals, ensure effective inter and intra-ministerial cooperation through which to promote the obligations of the Convention and the Protocol in sustainable development-related decision-making;

(f) Develop domestic frameworks and enhance the capacities of public authorities to prevent harassment or any kind of retaliation against members of the public for exercising their rights in environmental matters (including in the context of the Sustainable Development Goals); protect whistle-blowers, environmental human rights defenders and other environmental activists concerned; ensure safe reporting in such cases and their prompt independent and impartial investigation;

(g) Ensure that investors and developers are aware of relevant obligations under the Convention and the Protocol at an early stage, to guarantee their appropriate application in support of the implementation of the Sustainable Development Goals;

(h) Encourage companies to adopt sustainable practices and incorporate sustainability information into their product labelling and reporting cycles in order to promote sustainable practices and disclosure of information on sustainability by corporate actors;

(i) Consider developing measurable indicators relating to the promotion of public participation and access to information and justice in relation to the implementation of the Sustainable Development Goals in the national context;

(j) Make use of Aarhus Centres, where established, or other relevant organizations, as a platform for a dialogue between public authorities, NGOs, the private sector and other stakeholders on promoting transparency and public participation in matters related to the Sustainable Development Goals, including community-based transition

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<sup>76</sup> See ECE/MP.PP/7.

towards greening the economy, disaster risk reduction and work on the security-related impacts of natural and man-made hazards;

(k) Develop relevant publications and organize trainings, workshops and other events to build the capacity of different actors and raise public awareness of the importance of transparency and effective public participation for the implementation of the Sustainable Development Goals and the critical relevance of the Aarhus Convention and Protocol on PRTRs in this context;

(l) Support the exchange of good practices and use the guidance material, online databases and information tools developed under the Convention and the Protocol to promote access to information, public participation and access to justice when implementing or monitoring implementation of the Sustainable Development Goals at national or international level.

## **B. “Outcome-related” targets**

*Relevant in particular for the implementation of Goals 2,3,6,7,8,9,10,11,12,13,14,15 and relevant targets*

(a) Recognise that “outcome-related” targets such as those related to the prevention of harm to human beings and ecosystems, the promotion of sustainable consumption and production, the improvement of infrastructure, and the reduction of the environmental impact of cities can particularly benefit from effective public participation;

(b) Ensure that decision-making and other processes to achieve “outcome-related” targets are in line with the Convention and the Protocol provisions notwithstanding that these targets do not refer directly to the engagement of the public.

## **C. Public access to resources**

*Relevant for the implementation of all Goals and targets across the 2030 Agenda, and in particular Goals 1,2,6,9,11,14 and 15 and relevant targets*

(a) Recognise and promote “Aarhus rights” as a channel through which to ensure access to and preservation of the environmental resources on which all people depend, particularly the poorest and most vulnerable, in accordance with the Convention provisions relating to a healthy environment;

(b) Ratify and fully implement the GMO amendment to the Aarhus Convention. This will help achieve the Goals and targets related to biodiversity and biosafety through solid obligations and concrete measures to raise awareness, increase transparency, involve the public in decision-making, build capacities and facilitate the exchange of expertise in this field;

(c) Mainstream issues on access to information and public participation covered by the Aarhus Convention and the Cartagena Protocol and promote access to justice in broader processes on biodiversity, environment and sustainable development.

## **D. Rights of Access to Information**

*Relevant for the implementation of all Goals and targets across the 2030 Agenda and in particular Goals 3,4,12,13,15 and 16 and relevant targets*

- (a) Fully apply the obligations under the Convention and Protocol on active dissemination of and access to environmental information to the implementation of the Sustainable Development Goals, including e.g. environment-related product information, information on the quality of the environment, emissions into the environment, hazardous substance and wastes, genetically modified organisms, and environmental decision-making procedures;
- (b) Ensure that the scope of environmental information, including information related to the implementation of the Sustainable Development Goals and associated targets, is interpreted as broadly as possible and that any exceptions to disclosure of information are interpreted restrictively, taking into account the public interest served by disclosure;
- (c) Implement e-Government, Open Data and Shared Environmental Information Systems initiatives and establish single web access points to improve transparency, public awareness, and sharing of environmental information, including those relevant to the Sustainable Development Goals;
- (d) Improve the accessibility of unified databases of environmental information, including PRTRs, available to the public in a user-friendly format and containing up-to-date, real-time, accurate and functional environmental information, as this can help raise public awareness and effectively underpin implementation, monitoring and review of specific Goals and targets;
- (e) Consider addressing the implementation of nationally adapted Goals, their targets and indicators, touching on access to information, in reports on the state of the environment to be published and disseminated in accordance with the Convention;
- (f) Broaden activities and pollutants covered by PRTRs to ensure that PRTRs address all sources of pollution relevant to the implementation of the Sustainable Development Goals and as well as data related to, inter alia, future releases of pollutants from diffuse sources, energy consumption, water consumption and on-site transfers of waste or storage;
- (g) Promote the Protocol as a tool to benefit industry through stimulating improved environmental management thereby supporting a number of Goals;
- (h) Ensure that considering PRTR data is a prerequisite for decision-making relating to the use of resources, thereby achieving a variety of Goals and targets;
- (i) Use PRTRs to monitor, highlight and learn from changes in policies, industrial processes and consumers' choices and to share experience in tracking trends in order to address different aspects of the Sustainable Development Goals;
- (j) Build trust among different actors, such as workers, consumers, the industry and governments, by providing easy and effective access to information and by supporting actions that increase the knowledge of concerned stakeholders in relation to the impact of pollutants on the attainment of several targets, for example in relation to health.

## **E. Rights of Public Participation**

*Relevant for the implementation of all Goals and targets across the 2030 Agenda*

- (a) Ensure early, inclusive and meaningful public participation in decision-making on a range of topics relevant to the Sustainable Development Goals, including climate change, chemicals, natural resources, emerging technologies, greening the economy, product-related decision-making, health and energy;
- (b) Focus attention on overcoming a number of specific challenges in the context of implementing the Sustainable Development Goals, namely the participation of rural communities, women, vulnerable and marginalized groups and the protection of whistle-blowers;
- (c) Develop obligations and practices for involving children and young people in decision-making around the environment and the Sustainable Development Goals, as well as processes for including more long-term considerations in such decision-making, in order to take into account the position of future generations;
- (d) Encourage the use of innovative practices and technology that facilitate more effective and inclusive public participation and contribute to the empowerment of women to use their rights under the Convention and Protocol;
- (e) Collect and share examples of good practice and bottom up approaches to public participation in sustainable development-related decision-making, including within a transboundary context, in order to assist countries in the implementation and monitoring of the Sustainable Development Goals.

## **F. Rights of Access to Justice**

*Relevant for the implementation of all Goals and targets across 2030 Agenda and in particular Goal 16 and its relevant targets*

- (a) Support the implementation of Goal 16 through taking effective actions at the national and international level to ensure timely and effective access to administrative or judicial review procedures for members of the public, to enable them to effectively challenge decisions, acts and omissions with regard to access to information, public participation in environmental decision-making or violations of national environmental law. This would include undertaking efforts to reduce and eliminate financial and other barriers that may prevent access to such review procedures and establishing assistance mechanisms to that end;<sup>77</sup>
- (b) Progress work on evaluating the effectiveness of domestic administrative and judicial review procedures in environmental matters, including in the context of the Sustainable Development Goals, with a focus on standing, scope of review, costs and effective remedies;
- (c) Develop specific arrangements to collect, coordinate, aggregate and process the information from various statistical sources needed for monitoring the implementation of access to justice, thereby contributing to monitoring the achievement of Goal 16;

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<sup>77</sup> See decision V/5 on the Strategic Plan for 2015-2020 adopted by the Meeting of the Parties to the Convention at its fifth session (ECE/MP.PP/2014/2/Add.1).

(d) Promote multi-stakeholder dialogues and e-justice initiatives, and the dissemination of information on access to review procedures, relevant case law and collection of relevant statistics to support the implementation of Goal 16;

(e) Integrate, to the extent possible, the topic of access to justice in matters related to the environment and the Sustainable Development Goals into the curriculum of law faculties, public administration and judicial training institutions and other relevant institutions;

(f) Facilitate cooperation and networking among members of the judiciary, judicial institutions and other review bodies to support the implementation of Goal 16.

## **G. Application of rights in international context**

*Relevant for the implementation of all Goals and targets across 2030 Agenda and in particular Goals 3, 6,9,12,13,14,15,16,17 and relevant targets*

(a) Enhance transparency and public participation in international decision-making by ensuring that there is awareness and application of the obligation to promote the principles of the Convention when the Sustainable Development Goals are discussed and implemented at the international level, including Goals related to climate change, chemicals and waste, natural resources and biosafety, health, trade and energy;

(b) Further promote the application of the principles of the Convention by continuing outreach to and collaboration with intergovernmental bodies and processes relevant to the implementation of the Sustainable Development Goals;

(c) Ensure the effective participation of environmental NGOs and the systematic application of the Almaty guidelines to the procedures of international forums and in the work programmes, projects, decisions, instruments and other substantive outputs of those forums in the context of the Sustainable Development Goals;

(d) Promote, at both the national and subnational levels, effective public participation before, during and in the follow-up to meetings and events of international forums related to sustainable development. This would include promoting innovative practices for engaging the public and for the self-organization of different groups in international decision-making related to the Sustainable Development Goals;

(e) Promote the application of the principles of the Convention in sustainable development-related decision-making in the context of transboundary, bilateral or multilateral cooperation;

(f) Promote international cooperation aimed at ensuring the protection of environmental defenders, including whistle-blowers. In this regard, the Aarhus process could provide a multi-stakeholder platform for peer learning and exchange of experience on this matter;

(g) Encourage technical assistance and technology transfer to countries seeking to develop PRTR systems through promoting the Protocol, including in the context of obligations under other international treaties, thereby supporting implementation of a variety of Goals;

(h) Use PRTR data to make assessments at a global level, through the development of internationally compatible national PRTR systems, which allow the effective analysis and comparison of different policy and management strategies that ultimately leads to the prevention and reduction of pollution;

(i) Promote the application of Principle 10 through support for accession to the Convention and Protocol and the development of other similar instruments, thereby expanding international standards on public participation and access to information and justice in implementing the Sustainable Development Goals.

## **H. Non-discrimination and the Sustainable Development Goals**

*Relevant for the implementation of all Goals and targets across 2030 Agenda*

(a) Ensure the non-discriminatory application of Aarhus rights through providing all members of the public and their associations with equal and effective opportunities to participate in decision-making and access to information and justice in environmental matters, including in the context of the Sustainable Development Goals;

(b) Ensure non-citizens are able to enforce Aarhus rights and avoid rules that discriminate against NGOs dealing with environmental matters, including in the context of the Sustainable Development Goals;

(c) Promote the exchange of good practices and multi-stakeholder capacity building activities in relation to non-discrimination involving governments, international and non-governmental organizations, academia, the private sector and others.

## **I. Contribution of the Aarhus Convention and its Protocol on PRTRs to the follow-up and review of the Sustainable Development Goals**

(a) Consider addressing the promotion of public participation and access to information and justice in relation to the Sustainable Development Goals in the national implementation reports of the Aarhus Convention and the Protocol on PRTRs;

(b) Ensure that when aligning legislation, plans, programmes and policies with the Sustainable Development Goals, this is done through a transparent and participatory process in accordance with the provisions of the Aarhus Convention and Protocol on PRTRs, and provide the relevant input as required;

(c) Provide thematic input on public participation and access to information and justice to the follow-up and review of implementation of the Goals, including to the voluntary national reviews and reviews by the High-Level Political Forum<sup>78</sup>, the Regional Forum on Sustainable Development under the auspices of ECE and other relevant forums;

(d) Use single web points for environmental information and PRTRs to collect and disseminate data to assist with monitoring the implementation of the Sustainable Development Goals.

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<sup>78</sup> For example, in 2018 the High-level Political Forum will consider the following relevant theme “Transformation towards sustainable and resilient societies” with focus on Goals 6, 7, 11, 12 and 15. In 2019 it will discuss “Empowering people and ensuring inclusiveness and equality” with focus on Goals 4, 8, 10, 13 and 16. The Regional Forum on Sustainable Development will be focused on the relevant themes.