Agenda item 8(e) Update on UN Environment initiatives on access to information, public participation and access to justice in environmental matters

Excellencies, Distinguished Representatives, Ladies and Gentlemen,

1. Thank you for giving UN Environment the opportunity to brief this session on initiatives and activities of the United Nations Environment Programme relevant to the Aarhus Convention.

2. In the years since the last Meeting of the Parties to the Aarhus Convention, we have seen considerable developments across the world promoting sustainable development and protecting our environment and our health and wellbeing.

3. The United Nations Environment Programme is continuously engaged in promoting the further integration of human rights concerns into environmental decision making including participatory rights. As many of you know, UN Environment enjoys a strong partnership with the UN Special Rapporteur on Human Rights and the Environment, Prof. John Knox, in the fulfilment of his mandate to clarify the relationship between human rights and the environment. Human Rights Council Resolution 34/20 on Human Rights and the Environment calls on UN Environment to enhance cooperation with other agencies in the protection of human rights and the protection of the environment. In this context, and in particular in support of environmental human rights defenders, who are at the forefront of environmental protection, an online resource portal was developed with the Special Rapporteur and partners, compiling good practices including facilitating claims to international and regional human rights mechanisms and general assistance.

4. UN Environment also continues to strongly promote the environmental rule of law as mandated through the first session of the UN Environmental Assembly in June 2014 and expects soon to launch the first ever “Global Environmental Rule of Law Report” analyzing the global implementation of the rule of law on environmental matters developed by UN Environment in partnership with the Environmental Law Institute.

1 [https://www.environment-rights.org/](https://www.environment-rights.org/)
5. The “the fundamental role of the rule of law in delivering a sustainable future” was also chosen as the theme of the first ever IUCN World Environmental Law Congress in Rio de Janeiro in 2016, co-organized by UN Environment and the International Union for Conservation of Nature’s (IUCN) World Commission on Environmental Law (WCEL). It identified key priorities for the fast-developing field of environmental law such as a) the need to strengthen ethics, principles and rights, b) addressing gaps in existing legislative frameworks, and c) reinforcing compliance mechanisms and access to justice.

6. This process led to the Establishment of the Global Judicial Institute for the Environment with the mission to promote the rule of law and support the role of courts and tribunals in applying and enforcing environmental laws and the fair distribution of environmental benefits and burdens. Judges from 15 countries and six continents gathered for the Institute’s first, inaugural meeting. For its current two-year term the fourteen-member Interim Governing Committee has been established to spearhead the Institute’s initial operations.

7. The Implementation Guide for the Bali Guidelines that UN Environment developed with the assistance of the Advisory Group on International Environmental Governance (of which the Aarhus Convention Secretariat is a part), has been made available also in Spanish and includes a full range of real life examples of legislation and practice from developing countries. The Guide has been described by the former UN Secretary General, Ban Ki-Moon, as a “valuable tool that will support efforts by countries around the world to adopt national legislation and to take other innovative actions reflecting the Principle 10 concepts.”

8. Let me also draw your attention to the recently published Judicial Handbook on Environmental Constitutionalism and the Guide for Policy Makers on Environmental Courts & Tribunals both of which seek to support processes towards enhanced access to Justice and Principle 10.

9. In the context of Access to Information, UN Environment has transitioned to a clearer and acronym-free way of communication close to people to allow them to understand, engage and participate in environmental issues, including inviting individual commitments to beat pollution on the way to United Nations Environment Assembly. The UN Environment’s Access-to-Information Policy, finalized in 2016, ensures that any information in the custody of UN Environment including environmental information generated and maintained through programmes of UN Environment is available to the public, in the absence of a compelling reason for confidentiality in line with the exceptions listed in the Policy.

10. Furthermore, the UN Environment jointly with the European Union has supported the InforMEA Initiative for many years which brings together about 20 global and regional Secretariats of Multilateral Environmental Conventions, including the Aarhus Secretariat, and partner UN agencies such as the Food and Agricultural Organization, the UN

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Educational, Scientific and Cultural Organization (UNESCO), UN Institute for Training and Research (UNITAR) and the UN Development Programme (UNDP). The multilingual UN Portal on Multilateral Environmental Agreements - InforMEA - is designed to facilitate better access to all relevant international and national legal frameworks. InforMEA allows the user to search through over 2 000 treaty texts and over 11 000 governing body decisions, and -thanks to the partnership with International Union for the Conservation of Nature (IUCN) and FAO on “ECOLEX” - The Gateway to Environmental Law - over 140 000 pieces of national legislation and over 2000 judicial decisions. In the context of the latter category of information – jurisprudence - UN Environment is very interested to join forces with UNECE and its partners in enhancing the collection and retrievability of judicial decisions and to potentially jointly develop learning material on Principle 10 and its components for the InforMEA E-learning section.

11. Let me also here draw your attention to the fact that the latest introductory course launched on the Learning Section of the InforMEA Portal, in partnership with UNITAR, deals with Human Rights and the Environment, and as such Principle 10 of the Rio Declaration and the Aarhus Convention.

12. At its second session of the UN Environment Assembly in May 2016, Member States successfully concluded the adoption of a record number of 25 resolutions opening new pathways for action on green finance, oceans and the blue economy, big data, transportation and air pollution, waste management, sustainable urbanization, natural capital, as well as identifying policies to address the health and environment nexus.

13. Most relevant in the context of the Aarhus Convention, Resolution 2/25 focuses specifically on the application of Principle 10 of the Rio Declaration on Environment and Development in the Latin America and Caribbean region. It notes the progress made to advance the development of a regional agreement on access to information, public participation and access to justice in environmental matters. UN Environment is committed to supporting this process, and has recently:

- convened a regional judicial colloquium on the practice and implementation of constitutional environmental rights with over 60 judges from the region considering procedural matters;
- co-organized with the Economic Commission for Latin America and the Caribbean (ECLAC) a judges’ round-table on Environmental Justice and Access Rights for Sustainable Development (at the occasion of the fifth round of negotiations on a regional agreement principle 10).
- jointly with Judicial Training Institutes, investigators and prosecutors built curricula supporting effective prosecution of environment related cases in all courts; and
- supported negotiators involved with the Regional Legal Agreement including during the Seventh Meeting of the Negotiating Committee which concluded last month.

14. In the context of public participation, allow me also to note that UN Environment has one of the most progressive approaches to Stakeholder Engagement within the United Nations. Respecting the inter-governmental nature of the decision making process, representatives of stakeholders accredited to UN Environment may participate and intervene, also in written form, in all public sessions of the United Nations Environment Assembly and its subsidiary organs. They have access to the same documentation as member states and information is pro-actively shared with them.
15. One example of UN Environment’s support towards the implementation of Multilateral Environmental Agreements in a regional context is the collaboration with the Global Environment Facility and the Secretariat of the Convention on Biological Diversity in over 35 Pacific countries and their different stakeholders to more effectively participate and have better access to information relevant to the implementation of Cartagena Protocol on Biosafety.

16. UN Environment is also excited to engage with the French Government and others in the development of a Global Pact on the Environment which places significant emphasis on human rights related to the environment and is firmly footed on the acquis of the Aarhus Convention and its three dimensions.

17. In December this year, the third UN Environment Assembly will convene under the theme "Towards a Pollution-free Planet", where one of the leadership dialogues will be devoted to the environmental rule of law. In this context, the experience by the UNECE Conventions including Aarhus Convention and its PRTR Protocol in promoting access to information on pollutants/pollution for a broad spectrum of stakeholders will serve as an inspiration for the potential resolutions emanating from United Nations Environment Assembly.

18. 2015 was the year of transformation in designing the foundations for our future sustainability, with the adoption of the 2030 Agenda and its 17 Sustainable Development Goals, the Sendai Framework on Disaster Risk Reduction; the Addis Ababa Action Agenda on Financing for Development and the Paris Agreement on climate change. 2016 and beyond are the crucial years where putting these frameworks and agreements into action and ultimately delivering on these bold commitments has begun. UN Environment aligned its strategic planning to the 2030 Agenda and has strengthened interactions with the rest of the UN system to build universality and partnerships

19. Sustainable Development Goal 16 which calls for peaceful and inclusive societies, access to Justice for all as well as effective and inclusive institutions at all levels, presents us with a great opportunity to join hands with other agencies and institutions involved in the implementation of the environmental dimension of the 2030 Agenda for sustainable development. UN Environment stands ready to explore all possible opportunities for synergies under the activities of the Aarhus Convention, as we all continue our efforts to support people all around the globe to realize their participatory rights in line with Principle 10, and to enable them to better understand how to make them work in practice for the benefit and wellbeing of people and the planet.

Thank you.