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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

Working Group of the Parties

Fifth meeting

Geneva, 23 and 24 November 2016

Item 7 (b) (iv) of the provisional agenda

Preparations for the third session of the Meeting of the Parties to the Protocol: substantive preparations: declaration

Draft Budva Declaration: Environmental democracy for our sustainable future

Prepared by the Bureaux of the Meetings of the Parties to the Convention and its Protocol*

Summary

The present document contains an initial draft of a declaration to be adopted by the governing bodies 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, at a joint session (Budva, Montenegro, 14 September 2017). It was prepared by the Bureaux of the two Meetings of the Parties, with the assistance of the secretariat, in accordance with the decision of the Working Group of the Parties to the Convention at its twentieth meeting (ECE/MP.PP/WG.1/2016/2, para. 85) and the request of the Bureau to the Protocol at its tenth meeting (see meeting report, paras. 19 and 22). The Working Groups of the Parties to

* This document was submitted late owing to its late receipt by the secretariat. Additional time was required for the two Bureaux to finalize their consultations on the document.



the Convention and the Protocol and their Bureaux, by their terms of reference, are mandated, inter alia, with preparing the sessions of the Meetings of the Parties.

The draft declaration constitutes a short and focused policy-oriented document, which strives to communicate the key messages regarding the role of the Aarhus Convention and its Protocol in implementing the Sustainable Development Goals and the commitment of the Convention's and Protocol's Parties in that regard. It is expected that all the specific substantive issues regarding the work of the Convention and the Protocol will be addressed through the respective decisions of the Meetings of the Parties, and not through the declaration.

The document is being submitted to the Working Group of the Parties to the Protocol and also being made available to Parties to both treaties and all stakeholders for comments. National focal points for the Convention and the Protocol are kindly requested to coordinate their comments on the document and to submit to the secretariat one consolidated input per country, **before 18 November 2016**. Thereafter, it is expected that the document will be revised, taking into consideration the comments received, and will be made available to Parties and stakeholders for a second commenting round. It will also be submitted to the Convention's Working Group of the Parties at its twenty-first meeting in 2017. The document will then be revised again by the two Bureaux, in the light of the comments received, and submitted to Meetings of the Parties for consideration at their joint high-level session.

I. Introduction

1. We, the ministers and heads of delegation from Parties and Signatories to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and its Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs), together with representatives of other States, international, regional and non-governmental organizations (NGOs), parliamentarians and other representatives of civil society throughout the United Nations Economic Commission for Europe (ECE) region and beyond, gathered jointly at the sixth session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Protocol, affirm the following.
2. We reaffirm our strong commitment to promote environmental democracy and its key components, namely, access to environmental information, public participation and access to justice, in the ECE region and beyond, as essential prerequisites for building a sustainable future for current generations and those to come.
3. The Aarhus Convention and its Protocol on PRTRs have been leading and inspiring actions to promote a democratic change in environmental matters across the globe. Within the ECE region, the Convention and the Protocol play an important normative role and help to strengthen public participation and the involvement of civil society, including environmental NGOs, local communities and marginalized groups, in decision-making. Furthermore, Aarhus Centres have established themselves as important bridges between public authorities and civil society.
4. At the same time, we note with great concern that human rights violations, terrorism, radicalism and populism are undermining the foundations of democracy in many countries around the world, including in countries that are party to the Aarhus Convention and its Protocol on PRTRs and other ECE countries. The democratic right of appeal to an independent judiciary through open and transparent mechanisms of access to justice is as important as ever to counter these tendencies.
5. We are particularly alarmed by the increase in the harassment, silencing and even murdering of environmental activists. To this end, we recall our commitment made through the Maastricht Declaration¹ to actively protect and guarantee the rights of environmental activists and whistle-blowers. We also recall the resolution of the Human Rights Council on protecting human rights defenders, including those addressing environmental issues.²
6. We call upon Parties to ensure due protection of environmental activists, whistle-blowers and NGOs so that they can exercise their rights under the Aarhus Convention and its Protocol on PRTRs without being threatened in any way.
7. We stress that access to information and public participation increase transparency and accountability, lead to better decisions with enhanced ownership and support, and ultimately help reduce conflicts and increase stability.
8. We thus welcome the initiatives taken by several Parties to establish bodies that protect the rights of whistle-blowers and we encourage other Governments to take similar steps that ensure adequate protection of the freedom of speech and safe participation of people in decision-making on environmental matters.

¹ Maastricht Declaration on transparency as a driving force for environmental democracy (ECE/MP.PP/2014/27/Add.1–ECE/MP.PRTR/2014/2/Add.1).

² Resolution 31/32 on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights, adopted on 24 March 2016.

II. The Aarhus Convention, its Protocol and the Sustainable Development Goals

[This section addresses the role of the Convention and the Protocol in implementing the Sustainable Development Goals]

9. The world is facing a number of fundamental challenges, such as climate change and the depletion of natural resources, which require profound transitions towards a carbon-free and circular economy. At the same time, ambitious international instruments have been adopted to meet these challenges, such as the Paris Agreement on Climate Change and the 2030 Agenda for Sustainable Development.

10. These challenges cannot be met by public authorities or the private sector alone. The support of NGOs, academia and other experts greatly helps Governments supplement their resources to address these problems. Such stakeholders also play a key role in holding Governments to account. Access to information and dialogue with stakeholders is therefore essential. All existing instruments to promote partnerships and leverage the necessary action from the innovative science community, the private sector and other stakeholders should also be used to the fullest extent.

11. The Aarhus Convention and its Protocol provide solid frameworks to assist countries in achieving the Sustainable Development Goals by implementing commitments on access to information, public participation and access to justice regarding a wide range of issues that affect the environment and human health. Due to their cross-cutting nature, both treaties are instrumental for the implementation of all the Sustainable Development Goals, whether they relate to good health and well-being or to the reduction of inequalities between stakeholders, such as through strengthening resilience of the poor and reducing obstacles to public participation in decision-making. These treaties also provide a unique opportunity to build synergies with different multilateral environmental agreements and initiatives that share similar objectives, and such cooperation can facilitate an effective achievement of the Sustainable Development Goals.

Furthering transparency

[This subsection focuses on the role of access to information and transparency (e.g., in relation to the first pillar of the Convention and to the Protocol) in implementing the Sustainable Development Goals]

12. We recognize that effective public access to environmental information is critical for the successful implementation of a number of the Sustainable Development Goals and for supporting the work on a data revolution, the environmental dimension of e-Government and open data initiatives.

13. We also recognize the great opportunities arising from information sharing. Access to information is essential for people to take decisions concerning their future. It is also an essential precondition for effective public participation and can help save lives, particularly with respect to reducing the exposure of the poor and vulnerable to hazardous substances, climate-related extreme events and other economic, social and environmental shocks and disasters.

14. We reaffirm the Protocol's importance in promoting sustainable consumption and production patterns, by encouraging companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle. We call upon Parties to further raise awareness about pollutant release and transfer registers and to ensure that people everywhere have access to relevant information on releases of hazardous substances and the transfer of waste. We also

recognize the need to address the problem of chemical substances in products, as potential emerging pollutants.

Ensuring sustainable decision-making

[This subsection focuses on the role of public participation (in relation to the second pillar of the Convention and to the Protocol) in implementing the Sustainable Development Goals]

15. The implementation of the Sustainable Development Goals requires the coordinated and coherent efforts of Governments and civil society and fully participatory decision-making processes. Only by taking due account of citizens' views can we build a sustainable future.

16. We stress that the Convention and the Protocol empower the public, including local communities, with the right to participate in decision-making on a wide range of issues addressed by the Sustainable Development Goals, such as: health protection (Goal 3); water and sanitation management (Goal 6); clean energy (Goal 7); green economy (Goals 8, 9 and 12); the reduction of inequalities (Goal 10); climate action (Goal 13); tourism (Goals 8, 12 and 14); and urban planning (Goals 11 and 13). These treaties are relevant for different activities, from constructing a coastal resort or road to building a waste management plant. Echoing the outcomes of the eighth Environment for Europe Ministerial Conference (Batumi, Georgia, 8–10 June 2016), through the Aarhus Convention and its Protocol it must be ensured that the Sustainable Development Goals are implemented with the effective participation of the public.

Building peaceful and just societies

[This subsection focuses on Goal 16 and the role of access to justice (in relation to the third pillar of the Convention and to the Protocol) in implementing the Sustainable Development Goals]

17. We welcome the inclusion of Goal 16 on peaceful, inclusive and just societies in the 2030 Agenda for Sustainable Development, a Goal that has particular relevance to the Aarhus Convention and its Protocol.

18. We recognize in this regard that effective access to justice in environmental matters is critical for the successful implementation of Goal 16 and other Goals.

19. Environmental decision-making and consensus building, both within countries and between them, has greatly benefited from the framework provided by the Convention, as well as by information on environmental pollutants that is transparently available as a result of the Protocol's implementation.

20. We call on Parties to work closely with international organizations, civil society and all relevant stakeholders to develop transparent, accountable and inclusive governance structures.

III. Inspiring others

[This section focuses on the global and cross-sectoral relevance of the Convention and its Protocol, and on promotion of the two treaties and their principles]

21. Implementation of the Convention and its Protocol is work in progress. Over time, reports by Parties provide knowledge on the state and pace of their implementation. The compliance mechanisms have greatly helped countries align their national legal systems and daily practices with the provisions of the treaties. At the same time, they are actively

used, mainly by NGOs, to assess how Parties have implemented the provisions of the Convention and its Protocol.

22. The Protocol has helped Governments and policymakers by providing key indicators with which they can measure and track the gradual reduction of pollutants, thereby advancing sustainability and the potential of achieving the new green economy. It has benefited people by helping to reduce the release of toxic chemicals and greenhouse gases, and has served as a major driving force for pollution reduction and eco-innovation throughout many sectors of the economy. The establishment of pollutant release and transfer registers has led to competition amongst companies to reduce their polluting releases and their operation nowadays acts as much as a deterrent as a register.

23. Good examples can be seen of the spill-over effects from environmental democracy on other sectors. The principles enshrined in the Aarhus Convention and its Protocol have become a benchmark and source of inspiration for climate change processes, trade negotiations and the policies of international financial institutions. The Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums³ are a response to the growing recognition that, where the environment is concerned, public involvement is important not only at the national and local levels, but also at the international level.

24. We call upon Parties to encourage the development of effective stakeholder participation and access to information policies for international environmental processes, entering into a dialogue to include the ideas of other State and non-State actors, the private sector as well as NGOs.

25. We also call upon Parties and organizations participating in international negotiations on instruments that have an effect on the environment to agree at an early stage on such policies.

26. We also call upon Parties that participate in and govern the work of international financial institutions to promote the implementation of the principles of the Aarhus Convention and its Protocol on PRTRs in that context.

27. We recognize that accession by other United Nations Member States to the Convention and its Protocol will greatly support Governments' policies in different areas, including to tackle poverty and inequality by ensuring that all persons, including the poorest segments of society and rural communities, are able to participate in decisions that impact their lives and as a result can benefit from the income generated by different sectors of the economy.

28. We invite interested States to accede to the Convention and its Protocol or apply their provisions, and we stand ready to offer our experience and knowledge in that regard.

29. We welcome civil society participation during the preparation of the 2030 Agenda for Sustainable Development and particularly the attention given to the voices of the poorest and most vulnerable.

30. We commit to promote the Aarhus Convention and its Protocol throughout the implementation of the 2030 Agenda, with its Sustainable Development Goals, in cooperation with our Governments, other intergovernmental organizations and institutions, the private sector, non-governmental and civil society institutions. We are ready to share our experiences with other colleagues, through transboundary and multilateral cooperation, to achieve the Goals.

³ See ECE/MP.PP/2005/2/Add.5.