

Working Group of the Parties
Twenty-third meeting
Geneva, 26–28 June 2019

Interventions of the Guta Association (Association of Environmental Law of Central and Eastern Europe and the Newly Independent States)

Agenda item 3. Thematic session Public Participation in Decision-making

VI. Protection of persons exercising their rights in conformity with the provisions of the Convention

Guta Association supports the proposal for developing a rapid response mechanism under the Aarhus Convention for adoption during the next MOP which could immediately react to the infringement of rights of persons exercising their rights under the Convention. It is necessary to direct the attention of Parties to these infringements in time and give a strong signal to prevent or stop such actions or attempts. Such situations unfortunately may also exist in EU countries, not only in non-EU countries.

In addition to the rapid response mechanism, adoption of other measures are also needed for the protection of environmental defenders. These should include obligations for Parties to take measures to prevent harassment, intimidation of persons or use of even more aggressive threat or force against such activists when exercising their rights under the Convention. If such situation already happens, these measures should alleviate the situation, e.g. offer compensation, provide legal and/or other assistance, such as legal, financial, psychological assistance, etc.

Capacity building is also needed for the officials in different government institutions including the police to raise their awareness and change their behaviour or approach towards environmental defenders. Capacity building is also needed for environmental defenders potentially at risk, in order to assist them to prepare for such situations or to deal with it if it happens. The Escazú Agreement is the first international agreement which includes a separate article on this topic including more concrete details on the obligation of Parties regarding the protection of environmental defenders. (Escazú Agreement, Article 9, Human rights defenders in environmental matters.)

Next to the mechanisms under the Convention, different bilateral channels could also be used, e.g. mechanisms between the EU and the respective country, such as bilateral mechanisms or fora on human rights protection, where the issue of environmental defenders could also be raised. In these fora, stronger cooperation is needed between ENGOs and Human Rights NGOs to ensure that this issue can be put on the agenda.

Agenda item 3. Substantive issues

c. Access to justice

The Guta Association appreciates the report of the Access to Justice Task Force and the activities under the Task Force. We welcome the efforts strengthening the role of the judiciary in promoting the rule of law including also through colloquiums. We propose, however, to focus in the next upcoming period also on the challenges that public interest environmental lawyers face in the access to justice field, and to organize a parallel one-day event (seminar) back-to back with the next Task Force meeting on this topic for this target group. One option could be to invite both public interest lawyers and members of the judiciary to such event and promote a dialogue between them. The Guta Association offers its help in organizing such an event, in cooperation with other CSO networks working on access to justice issues. Fundraising may be needed to find funds for the proposed event.

Regarding the next inter-sessional period, the Guta Association supports the continuation of the work on access to justice in cases related to air quality, including the environmental and human rights dimensions, and the preparation of a study on this topic. This could also be the topic for the thematic session during the next year Working Group of Parties meeting, and the results of the study could be presented at the Task Force meeting in 2021, as well as at the next MOP.

Agenda item 4. Capacity-building and awareness-raising

The Guta Association which is active in capacity building, would like to call the attention of the Aarhus Parties and stakeholders to the unfortunate situation of one of its partners, the Regional Environmental Center (REC) which currently is in the closing procedure. The REC has been one of the most active players since the mid-1990s in the drafting of the Convention and after its adoption, in promoting its early ratification and implementation. During the almost 29 years of activities, huge experience and expertise was accumulated at REC, many useful tools and aides were developed, legal and technical assistance, capacity building and awareness raising was provided in the EU, SEE and EECCA countries, as well as in the LAC region, by the experts of REC's Public Participation Programme, later Participatory Governance Topic Area. More than 40 projects were implemented in the mentioned regions with the kind financial assistance of different donors to support the work under the Convention on sub-regional, national and local levels, targeting government officials, CSOs and businesses.

The Guta Association is working on continuing this legacy, in cooperation with the former experts of REC and with other organizations, and asks the support of the Aarhus Parties, the Secretariat, the Aarhus community and the donors to keep and use this valuable expertise and tools also in the future.

Agenda item 5. Thematic session on the promotion of the principles of the Convention in international forums

The Guta Association has submitted for the survey an example on CSO participation in the negotiation of an international agreement, namely, the Escazú Agreement, and on the efforts to ensure such participation in its governance structure. During the negotiations of the

agreement, CSO participation was ensured in the negotiation via elected CSO representatives who had regular meetings with the Presiding Officials and the Chair, before and during sessions, and coordinated the involvement of many different CSOs. As the agreement has been adopted and is open now for signature, the CSOs prepare for the first Meeting of Signatories, and after entering into force, for the first Conference of Parties. The CSOs aim to ensure the presence of the CSO representatives, as observers, in the governing body of the agreement, called currently Presiding Officials (similar to a Bureau). The Aarhus Convention's example and its good practices have served as inspiration for the drafting of the Escazú Agreement, and also for building its governance structure.

Agenda item 6. Promotion of the Convention and other relevant developments and interlinkages

The Guta Association welcomes the cooperation and support of the Aarhus Parties and the Aarhus Secretariat for the Escazú Agreement, and requests further support for the promotion of its early signature and ratification. The agreement is open to 33 LAC countries, and 11 is needed for its entering into force. Currently 16 countries have signed the Agreement and one country, Guyana, has ratified, while two more countries have concluded the parliamentary process for ratification (Bolivia and Uruguay), and soon will deposit their instruments. A CSO strategy was developed last year in the framework of one of the last REC projects, „Building Bridges between Regions”, funded generously by the Ministry of Environment, Land and Sea of Italy. This strategy provides guidance and assistance for the CSOs for the national and regional level activities, communication and awareness raising on the Agreement and for the preparation for the first meeting of Signatories on the key issues, such as development of Rules of Procedure, establishing a Compliance Committee, etc. The CSOs have been involved in awareness raising and campaigning for the early signature and ratification in several LAC countries, in the framework of a project funded by Open Society and on voluntary basis. This project supports mainly national/local level actions in appr. 8-10 countries and has only limited support for CSO coordination and preparation at the regional level for the upcoming important events (first Meeting of Signatories, first Conference of Parties). The Guta Association is supporting the LAC CSOs in their efforts on voluntary basis and has been involved in fundraising efforts in obtaining funding for the support of the CSO activities which would be crucial to have more effective actions at the mentioned levels. Therefore, we call donors to kindly provide financial support for this process, to the extent possible.