

Mr. Jan Dusik  
Chair of the Meeting of the Parties to the Aarhus Convention  
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14 December 2010

Dear Mr. Dusik,

**Proposed item for inclusion on agenda for 4<sup>th</sup> MOP  
and for discussion at WGP-13**

The Access Initiative (TAI) is the world's largest network of civil society organizations and activists working to ensure that people have the right and ability to influence decisions and policy about the environment and sustainable development. We currently comprise some 200 civil society groups in 50 countries.

We are in the process of formulating TAI's policy for promoting access rights at Rio+20 (formally the UN Conference on Sustainable Development 2012: <http://www.uncsd2012.org/>). In that regard, we should be very grateful if you would consider including the following item on the agenda for the 4<sup>th</sup> MOP to the Aarhus Convention, which we understand is to be held in Chisinau, Moldova, from 15-17 June 2011:

**“Promoting access rights internationally at Rio+20, 2012”**

We would propose two items for discussion at the MOP under the above heading:

*1. Rio+20 and Article 3(7) of the Aarhus Convention*

In respect of the UN Conference on Sustainable Development (Rio+20), to be held in Rio de Janeiro, Brazil, from 14-16 May 2012, what practical steps do the Parties to the Aarhus Convention propose taking to apply Article 3(7) of the Convention? Article 3(7) provides:

*“Each Party shall promote the application of the principles of this Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment.”*

*2. Regional conventions along the lines of the Aarhus Convention*

As the Parties will be aware, the Almaty Guidelines,<sup>1</sup> which develop the Article 3(7) obligation, contain a series of general considerations, including:

*“11. Access to information, public participation and access to justice in environmental matters are fundamental elements of good governance at all levels and essential for sustainability.”*

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<sup>1</sup> See <http://www.unece.org/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf> and [http://www.unece.org/env/pp/mop3/ODS/ece\\_mp\\_pp\\_2008\\_2\\_add\\_6\\_e\\_PPIF.pdf](http://www.unece.org/env/pp/mop3/ODS/ece_mp_pp_2008_2_add_6_e_PPIF.pdf).

*12. Providing international access opportunities in environmental matters, and establishing and strengthening procedures that enable the taking of these opportunities, generally improves the quality of decision-making and the implementation of decisions.”*

In light of these considerations, Article 3(7), and more generally, will the Parties to the Aarhus Convention support TAI’s call for a formal declaration at Rio+20 mandating appropriate regional bodies with capacity (e.g. perhaps the UN Regional Commissions other than the ECE, or regional associations such as ASEAN and SAARC or regional headquarters of UNEP) to begin negotiating (by December 2013) appropriate regional or sub-regional conventions building upon the UNEP Principle 10 Guidelines adopted in Bali in February 2010 and drawing upon experience with the Aarhus Convention?<sup>2</sup>

Currently, TAI has a declaration along the following lines in mind:

**“RECOGNIZING the importance of making Principle 10 of the Rio Declaration on access to information, public participation and access to justice on environmental matters enforceable, and further recognizing that many member States have made considerable progress in implementing the said principle and making the principle enforceable, the Conference mandates [appropriate regional bodies, to be determined] to begin negotiating (by December 2013) appropriate regional or sub-regional conventions building upon the UNEP Principle 10 Guidelines adopted in Bali in February 2010 and drawing upon experience with the (ECE) Aarhus Convention.”**

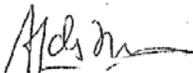
In parallel with this, TAI would propose calling for UNEP to commit resources to help nations improve their laws to be in conformity with UNEP’s Principle 10 Guidelines.

TAI would be happy to provide the Aarhus Secretariat and the Parties with a position paper explaining in detail the reasons for our call for regional or sub-regional conventions, in parallel with support for implementing UNEP’s Principle 10 Guidelines. Equally, a TAI representative would be happy to make a presentation at the 4<sup>th</sup> MOP on the same topic.

We should be very grateful if you would raise the above matters with the Bureau of the MOP and at the thirteenth meeting of the Working Group of the Parties.

We look forward to hearing from you.

Yours sincerely,



Lalanath de Silva  
Director, The Access Initiative,  
On behalf of the Access Initiative & the Rio+20 Task Force

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<sup>2</sup> For example, and by way of precedent, valuable experience can be drawn from the extensive involvement of environmental civil society organizations in the negotiating and drafting processes of the Aarhus Convention. See Morgera, E. (2005) An update on the Aarhus Convention and its continued global relevance. *RECIEL* 14(2): 138-147, at 139-140.