



**Supplementary Oral Statement to the 24th Working Group of the Parties to the Aarhus Convention,  
Agenda Item 8,  
Promotion of the principles of the Convention in international forums**

*[Statement delivered as part of a suite of oral statements from European ECO Forum on July 3<sup>rd</sup> 2020](#)  
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*This supplementary submission on behalf of the European ECO Forum was co-ordinated by the Environmental Law Officer of the Irish Environmental Network, following discussions with member organizations of the European ECO Forum. Contact: [attracta@ien.ie](mailto:attracta@ien.ie)*

Thank-you for the floor Madame Chair, to further expand on the European ECO Forum statement.

I wish to refer to the Parties obligations under Article 3(7) in relation to two very specific international fora.

The first is the United Nations Human Rights Council, Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights. This is in effect negotiations for a new UN treaty in respect of corporate accountability for impacts on human rights.

At a time when we are witnessing the fast pursuit of many new global Free Trade Agreements, which include very alarming, special and very strong provisions to protect foreign corporate investors, it is even more concerning to witness on the other hand, the much slower pace and focus in the negotiation of a treaty on the most basic protections for human rights, recourses and remedies, which could provide some small counter-balancing measure.

What is however of very particular concern is the absence of the voice of you UNECE State Parties in advocating for the reflection of Aarhus principles in the substantive text of this new treaty, and in particular:

- for adequate focus on environmental human rights;
- on the rights and role of civil society in preventative action, (particularly in respect of environmental damage, where the consequences as we all know can be to all practical purposes, sometimes be so difficult, costly and take lifetimes to remediate); and of course
- on the necessity for eNGO *locus standi*, or standing; and
- on the whole framework of principles of all 3 pillars of the Aarhus Convention in the text of this new treaty.

These concerns are even more heightened when we hear the voice of industry over and over again disputing the inclusion of environmental human rights in the treaty text, and also some State Parties arguing similarly.

To be very clear – we also consider what we are asking for is entirely consistent with the resolution 26/9<sup>1</sup> underpinning these negotiations.

Given the manner in which State Parties organise their representation in such fora, and that in many instances the representatives may be from other divisions or departments of your Governments, and they may be less familiar with your country's obligations under Article 3(7) of the Aarhus Convention, our call is for you to:

- Engage most proactively with your colleagues involved in these negotiations, and to
- Highlight to them the relevance of your State's legal Aarhus Convention obligations to these negotiations, and to
- Support an increase in advocacy by your State in this regard.

I am very happy to engage personally to elaborate further, should any of you wish to discuss and clarify this further.

In particular, I would also call on the EU Member States to press for a strong negotiating mandate for these negotiations, and to support the calls of some nine Member States asking the European Commission and the European Union External Actions Services, EEAS for an analysis of the treaty, and a timeline for joint coordination and engagement.

The second international forum which I wish to refer to is - the Meeting of the Parties, (MoP) for the UNECE Convention on Environmental Impact Assessment in a Transboundary Context, the Espoo Convention, which will take place this December.

To say the last inter-sessional MoP was controversial would be an under-statement, and again we would call for very proactive engagement with your Espoo Focal point colleagues, to ensure your State supports Aarhus principles, particularly in respect of

- Robust standards for public participatory rights in respect of the decisions and importance guidance which will be in focus at that MoP, and also
- the manner in which that fora operates and UNECE State Parties at it,

- obviously while respecting the separate nature of the Espoo Convention.

Finally, I call on you to give further practical effect to your Article 3(7) obligations in your financial contributions to support the engagement of the Aarhus secretariat in being able to follow & contribute effectively to both of these important fora, and thus aid us all in influencing what happens there positively for our collective benefit and that of the environment on which we all depend.

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<sup>1</sup> [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/26/9](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/9)