

**Lessons, Experiences and Remaining Challenges in Implementing
the Aarhus Convention: Common Approaches and Best Practices.**

Side-event at the Sixth Ministerial ‘Environment for Europe’ Conference

Thursday, 11 October 2007

13.15 – 14.45

Room 5/1, Sava Centre, Belgrade

Chair’s Introduction and Summary

Chair’s introductory remarks:

I would like to welcome everybody to this side event on the Aarhus Convention, which has been organized by the United Nations Economic Commission for Europe and the Regional Environmental Center for Central and Eastern Europe. The side-event focuses on the ‘lessons, experiences and remaining challenges in implementing the Aarhus Convention.’

The Convention was adopted at the Aarhus Ministerial Conference and emerged from the Environment for Europe process. Indeed, the adoption of this Convention could be regarded as one of the most impressive and concrete achievements of that process. It is therefore highly appropriate to use the occasion of this sixth Conference, which is focussed on implementation and delivery, to hold a side-event that puts the Aarhus Convention in the spotlight.

It has been recognised that the public have a crucial role to play in promoting more environmentally sustainable forms of development – not only as consumers, but also as partners for public authorities in decision-making. However, members of the public can only play that role effectively if certain basic procedural rights are guaranteed: the rights to information, the rights to participate in decision-making and the right to seek access to justice. The Aarhus Convention is the world’s leading international instrument promoting and safeguarding these rights.

I was very pleased to accept the invitation to chair this event because the implementation of the Aarhus Convention is a matter of high priority to Latvia and we are also at the stage of reassessing our achievements towards its full implementation. Additionally, next summer, Latvia will have the honour of hosting the third meeting of the Parties to the Convention. This will be a milestone meeting, because it will be the ten-year anniversary of the adoption of the Convention in 1998. At that meeting, the Parties and other stakeholders will be able to review the achievements of the first decade and consider new goals for the next one. It will also be an opportunity to look at the hard questions on real problems in implementing the Convention and where we could be doing better. Ten years is a really notable period and thus an appropriate time to assess where we are now; what kind of lessons we have learned and the experience gained in ratification and implementation of the Convention. And what are challenges remaining to achieve full implementation.

And this brings me to the topic of our discussions today. The purpose of this side-event is to have an exchange of views on both the successes and the remaining challenges in the implementation process.

We will hear views from different parts of the region, and from different types of stakeholders. In identifying challenges, participants are invited to put forward best practices and useful common approaches which can offer possible solutions for the difficulties. Perhaps we will be able to identify areas where measures/actions could be taken and for which funding would be needed for more efficient implementation in the coming years.

Chair's summary

- While much progress has been made in implementing the Convention, there is no room for complacency. Introducing a really participatory culture is not something that happens overnight. Even the long-established democracies of Western Europe face challenges in implementing both the letter and the spirit of the Convention, and it seems that in some cases the newer democracies have overtaken them. On the other hand, in general the largest problems continue to be in the countries in transition, in particular for practical implementation of the Convention as we heard also from Environment Minister of Moldova.
- Thus, capacity building is important, and not only for countries in transition. Areas where capacity needs to be strengthened in significant numbers of countries include establishing an effective, sufficiently detailed legislative framework based on the principle of transparency, setting up institutional structures, training officials in how to apply the Convention and raising awareness and skills for the public and NGOs so that they are better able to exercise their rights under the Convention.
- An important point that was stressed was that the manner of implementation needs to be balanced, so that the Convention is implemented effectively without paralysing the work of administration. In addition, introducing sufficiently detailed national implementing legislation and procedures, rather than relying on the direct effect of the Convention, is crucial.
- Moreover, we have noted that lack of capacity exists in some sub-regions but it should not be used as an excuse for lack of political will. Without a strong political commitment from governments, capacity building efforts are likely to achieve little.
- Concerning States with federal systems, it was recognised that legislation should be appropriately elaborated and requirements harmonized within the country in a way which would allow to apply the Convention following the same rules.
- We heard good examples on implementation of access to information requirements, so there are experiences to share with and to learn from.
- One of the remaining challenges that was pointed out concerns the engagement of other, non-environmental ministries and agencies who make decisions affecting the environment and also hold information related to the environment. We need to consider how to involve them better in implementation in the Aarhus Convention.
- The work of the Compliance Committee, backed up by the endorsement of the Meeting of the Parties, is helping to identify problematic issues as regards implementation of the Convention in particular States.
- I see also that it could be interesting to discuss further possibilities to update the Convention's Implementation Guide taking into account the work of the Compliance Committee as well as more conventional jurisprudence.

- The Parties were invited to consider application of PPIF Guidelines more efficiently.
- It seems that it could be reasonable to work further also to promote the Aarhus principles outside this region and as we heard, some work has been done to that end.