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Speech by the Plataforma contra la contaminación de Almendralejo in the twenty-sixth session of the Aarhus Convention Compliance Committee

Good morning,

Members of the Committee, assisting public, fellow communicants. We would like to use our minutes to speak about the Aarhus Convention from the point of view of ordinary citizens.

We are not lawyers, we are not part of any great national organization, we are a small group of people aware of the importance that environmental conservation has for future generations.

When in December 2004, Spain ratified the Aarhus Convention, we made ours its principles and put them as the motto of our organization. The main objective of the Aarhus Convention is to achieve real and effective participation of citizens in issues related to environment and health; in the words of Kofi Atta Annan "the most ambitious adventure in environmental democracy area taken under the auspices of the United Nations". Perhaps for this reason, the legislators made a clear and easily interpreted treaty, so that any citizen of the world, regardless of culture, training and resources, could understand it. This fact, however, pretending to be an advantage for the citizen can become a problem if governments do not act according to the principles of the Convention.

Such is the case which brought us here. The Platform Against the Contamination of Almendralejo is a small association of about 150 members who pay a symbolic annual fee of 1 €. It was made up to improve environmental conditions of our city and, more importantly, try to spread the concern for the environment among citizens. Our way of working is very simple; first, we request information from the administration about environmental problems and the impact that these might suppose to public health, transferring this information to all citizens and, second, require the authorities to take steps to solve the causes that generate them. In short, the principles of access to information and

participation encompassed in the Aarhus Convention. And so, members of the Platform, convinced that the Convention protects us, take our job to ask for information. And here appears the first problem when governments and rulers do not answer our requests for information. Then, what can we do? As citizens we seek the common good, but without financial resources to require compliance with information access in the courts, we are forced to resort to legal aid which, under the Convention, we are entitled. But the law transposing the Convention in Spain recognizes the right to legal free aid only to associations declared of public utility. We must inform you that the government decides which associations are declared of public utility, so directly, the government says capriciously who is and who is not entitled to access to legal aid, eliminating any possibility for a small association, a group of citizens, and even one person, may be eligible for this type of justice.

If the administration fails in its duty to give information and citizens cannot appeal to justice because of lack of resources. What use is the Aarhus Convention?

Another of the principles of the Aarhus Convention is effective participation. As before, the Platform members inform citizens and the authorities of the problems we have in our environment, we present arguments to projects that violate environmental regulations and publicly denounce illegal activities, all of which encouraged and supported by the Aarhus Convention. Or so we thought, confident in its effectiveness. Our commitment with the environment makes us a lot of problems, because local Government insults us and besieges us in the media, without that we can turn to the justice to defend us for lack of financial resources. If a citizen, who works voluntarily for the common good, suffering persecution, to defend him, must spend money that he does not have, the question is, who will want to participate in improving their environment?

With this brief presentation I have tried to make you understand that, if governments do not observe scrupulously which the Aarhus Convention states, and citizens have no access to legal aid to force them out, the Convention is not only useless, but also can be dangerous for people who, naively, believe an ethical duty to implement its admirable principles.

For this reason, we presented this report in front of the Aarhus Convention Compliance Committee in order that, if you estimate it necessary, act in consequence.

I do not want to finish my intervention without thanking you for the great work you do to ensure that the agreement is enforced. We are hopeful because the Committee has accepted our communication

in spite of the fact that we are not more than a tiny association of a Spanish small town. This encourages us to continue believing in the “spirit of Aarhus”.

Thank you very much.

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