

## **Information of the Republic of Armenia on progress in fulfillment of the recommendations of the point 8 under Decision III/6b of the Meeting of the Parties to the Aarhus Convention concerning compliance by Armenia with its obligations under the Convention\***

The Republic of Armenia continually introduces the relevant provisions necessary to full implementation of the Convention. Certain measures are undertaken to improve national legislation and implement its approximation to the provisions of Aarhus Convention, especially providing appropriate legal base for realization of its three pillars: Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

In response to the requirements of paragraphs 8 (a), (b), (c) of the Decision III/6b of the Meeting of the Parties to the Aarhus Convention the Republic of Armenia has undertaken the following measures to ensure the practical application of the provisions of Aarhus Convention:

**1. Progress in Access to Justice:** The Administrative Court was established in the Republic of Armenia in 2007. A person may seek administrative justice only if he/she finds that administrative proceedings have directly touched his/her rights and interests. Persons may not anticipate the check of legality of any administrative proceeding not directly related to the merely because they are generally interested in lawful actions of administrative bodies.

Recent practice of the Administrative Court was due to Teghut case. “Transparency International Anti-corruption Centre” public organization and “Ecodar” environmental public organization submitted a lawsuit to the Administrative Court of RA to challenge a range of decisions and acts of state institutions. Lawsuit was based on the alleged breach of Art. 1,6, 10 and 33.2 of RA Constitution, some articles of RA Land Code, RA Water Code, RA Code of Earth Resources, RA Law on Concession, RA Law on Flora, RA Law on Fauna and RA Law on Environmental Impact Assessment in a Transboundary Context as well as of the Aarhus Convention.

In particular, Communicants claimed in the lawsuit that there was a breach of Art. 6(2), 6(4), 6(8), 6(9) and 6(10) of the Aarhus Convention (ratified by the Republic of Armenia on August 1, 2001). Briefly, these statements were justified by the following considerations: Lawsuit has not been considered by the Court. Decisions of Administrative Court from July 9, 2009 rejected acceptance of the application with following justification: “A person cannot apply to the court with any or an abstract demand, but may make a claim only if he/she is a person concerned, i.e. if the administrative body has violated his/her public subjective rights ... a person may seek administrative justice only if he/she finds that administrative proceedings have directly touched his/her rights and interests. Persons may not anticipate the check of legality of any administrative proceeding not directly related to the merely because they are generally interested in lawful actions of administrative bodies”.

The decision of the Administrative Court was claimed before Cassation Court. The Cassation Court in its ruling from 30 October, 2009 approved the former decision in respect of “Transparency International Anti-Corruption Centre”. The part for the claim of “Ecodar” Environmental organization was changed.

The Cassation Court found that the statute of “Ecodar” Environmental Organization includes the directions of activities related to Environment Protection. “Ecodear” Environmental Organization was recognized as “Concerned Community” according to Art.2(5).

The decision of the Cassation Court is a precedent for implementation of Art. 9 by national Courts.

2. Public authorities take measures to provide **public participation in Environmental decision-making**. According to the assignment of Prime Minister of RA the drafts of legal acts elaborated by Ministries and adjunct bodies of Government are placed on their web-pages for minimum time limit of 15 days before adoption and these drafts are widely available to the public. This method of organization of Government activities gives opportunity to the public and NGOs to receive information in “passive” way, admit proposals and remarks to the drafts of legal acts, thus implementing the requirements of Aarhus Convention “on providing public participation in discussion process of the drafts of legal acts”.

In the web-page of the Government of RA there is a special part concerning Government meetings and every Monday information on upcoming meeting agenda (usually it takes place on Thursdays) is placed. Every person has the right to get acquainted with these acts and introduce his opinion and suggestions.

Since August, 2009 a new web-page “Unified Information Platform” <http://www.iprc.am/forum/> is launched by President office. It provides opportunity for wide public to receive information on press releases, announcements and daily press review.

This system is applied by National Assembly or RA, Government of RA, General Prosecutor’s Office of RA, Central Bank of RA, Ministries of Foreign Affairs, Nature Protection, Justice, Labour and Social Issues, Territorial Governance, Health, Emergency, Agriculture, Economy, Energy and Natural Resources, Education and Science, Culture, Defense, Sport and Youth Issues, Diaspora, Transport and Communications, Urban Development, Finance and other adjunct state authorities.

3. Often the breaches of the right of the public participation, inadequate implementation of the provisions of Aarhus Convention are the result of low-level awareness of decision makers on Aarhus Convention and national environmental legislation. Low level awareness and superficial knowledge by judges of environmental legislation and Aarhus Convention promotes the spread of negative practice. However, Civil Society Institutions and Institutions of Higher Education in collaboration with public authorities have initiated trainings on environmental legislation and Aarhus Convention. There is certain progress in terms of awareness raising on the mentioned field.

A number of trainings on environmental legislation and Aarhus Convention for broad public, mayors and coordinators of Aarhus Centers has been organized by the Ministry of Nature Protection, Environmental Law Resource Centre of Law Department, Yerevan State University and OSCE. This practice will be continued in 2010, including also trainings for legal specialists of the ministries.

For the current half-year trainings are scheduled for judges within the framework of requalification program of judges. The training is initiated by Judicial School of RA and has duration of 16 academic hours.

4. Public authorities and NGOs in collaboration with the Ministry of Nature Protection of RA organized public hearings on the drafts of significant laws thus providing opportunity for civil society institutions to be involved in environmental decision-making process and express his attitude and critical feedback to future legal acts. Within September-November 2009 public hearings on the draft laws “On concept of environmental education and upbringing of the population”, “On implementing self-control to act pursuant to environmental legislation”, “On addendums and changes to Forest Code”, as well as on draft Governmental Decision “On approval of Red Book” were held. The representatives of the public were in position to send their suggestions and comments to the mentioned papers within the certain time framework. The Ministry of Nature Protection periodically organizes round tables to inform the representatives of civil society about international projects, to introduce interim and final reports on the process and results of their implementation.

5. As positive example could be mentioned the process on the improvement the Law of RA “On Expertise of Environmental Impact”. The process was initiated by the Ministry of Nature Protection in collaboration with the Secretariat of Espoo Convention. The international expert nominated by the Secretariat jointly with Armenian specialists worked on the improvement of national legislation relating the environmental impact assessment and provisions of Espoo convention, including the public participation issues. The recommendations of the expert including comments of the Armenian specialists have been submitted to the Secretariat of Espoo Convention.

National Focal Point to Aarhus Convention

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