

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*

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:

p. 8 a)

1. Public authorities take measures to provide public participation in Environmental decision-making. According to the assignment of Prime Minister of RoA the Draft legal acts elaborated by Ministries and other State bodies are placed on their web-pages 15 days prior their 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, as stated in Aarhus Convention, admit proposals and remarks to the Draft legal acts, thus implementing the requirements of Aarhus Convention "on providing public participation in discussion process of the drafts of legal acts".

The Ministry of Nature Protection has developed a range of Draft legal acts and information about them will be provided to the Secretariat in 2009 Progress Report.

2. Public authorities and NGOs organize public hearings of significant Draft Laws thus providing opportunity for civil society institutions to be involved in environmental decision-making process and express its attitude and critical feedback to future legal acts. Within the period October-November 2008 public hearings on Draft Laws "On Freedom to receive Information", "On Implementing Self-control to act pursuant to Environmental Legislation" and the Draft President Decree "On Forming State Forest Committee in the sphere of Governance of the Ministry of Agriculture" were held at the Environmental Law Resource Centre of the Yerevan State University. Besides the state body which had elaborated the Draft Laws, the representatives of NGOs, International Organizations, business sector as well as scientists and students participated in the public hearings. As a rule public authorities invite the representatives of the public to submit their suggestions and comments within certain time framework. The Ministry of Nature Protection of RoA 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 implementation of the projects.

Often the breaches of the right of 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.

3. According to the requirements of Cartagena Protocol a web-page www.bch.am is developed which provides accessible information on GMO and also gives opportunity to public

to address their questions to competent specialists. The creation of this web-page is also sign of realization of Clearing-house mechanism in Armenia.

p.8 b)

Concerning the procedures for public participation in decision-making on the activities referred to in art.6, paragraph 1, of the Convention:

Public participation is an important part of the environmental expertise process (EIA). The EIA procedure, including public participation issues, is regulated in Armenia by the RA Law on environmental expertise (1995). This Law does not provide completely the public participation requirements, particularly concerning transboundary cases.

Nowadays the new Draft Law on Environmental Expertise is developed, though not adopted yet. The Draft Law has been examined by a number of local and international experts.

On the basis of Armenian request the Secretariat of EIA convention started the process of providing assistance to Armenia regarding improvement of EIA legislation, and public participation issues are the most important ones in this approach.

During April-May 2009 the legal expert, nominated by the EIA convention secretariat will visit Armenia with mission to improve the existing legislation and/or develop, in collaboration with Armenian specialists, the draft(s) of legal acts, if necessary. It is foreseen that in June 2009 the developed documents will be submitted by the expert to the Implementation Committee of EIA convention (EIA IC), and in autumn 2009 the 17-th session of the EIA IC will consider the report of the expert on implemented work. The issues of public participation in decision-making process are one of the priority tasks of the planned work.

p. 8 c)

Certain difficulties are observed in the sphere of realization of the paragraphs 2, 3 and 4 of Article 9 of Aarhus Convention. The ongoing Court Reform in the Republic of Armenia, especially the reconstruction of judicial system is aimed to provide effective mechanisms of judicial protection of human rights. The Administrative Court is established in Armenia which has the power to review the appeals of citizens and NGOs on illegal activities and decisions of Administrative bodies concerning Environmental matters as well. However, the judicial practice in this area demonstrates that many judges avoid accepting cases from citizens and NGOs, as they consider that violation of certain rights of citizens or NGOs does not occur. Within this scope it is worth to mention that the courts more confidently provide opportunities for NGOs to bring cases before the courts on the issues falling in the framework of Article 9.

Low awareness level and superficial knowledge of judges on Environmental legislation and Aarhus Convention promotes the spreading 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. Such trainings will be held for the officials of local authorities (Marzpetarans) by their initiative.

In addition, it is worth to note that

1. On 29 December 2008, the Minister of Nature Protection invited the meeting of Interdepartmental Commission approved by the RoA Prime Minister Decision on "On implementation of obligations of RoA taken under UN/ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters" (Decision # 774-A of 16 October 2006). The following issues were included in the agenda: the necessity to develop the Action Plan on fulfillment of the provisions of Aarhus Convention, to raise the awareness of decision-makers, etc. During the meeting it was recommended that established Aarhus centers will serve as mechanism for sharing, disseminating environmental information put in the web-pages of the Executing Bodies to ensure the implementation of Article 5 of the Convention, and to use the resources of Aarhus centers in order to organize the discussions on the Draft legal acts with broad participation of NGOs and civil society. The activities and decisions of the Commission will be reported to the civil society.
2. An important undertaking was the establishment of Environmental Law Resource Centre at the Yerevan State University in collaboration with OSCE Yerevan Office according to the Memorandum of Understanding signed between the Ambassador of OSCE Yerevan Office, Rector of YSU and Dean of YSU Law Department. The Centre periodically organizes awareness-raising events for a wide circle of public: public hearings of draft law, lectures on the issues of Environmental Law by professors from European and national Institutions, scientific conferences. The professional assistance to the development of National Environmental Policy is one of the main objectives of the Centre.
3. The Republic of Armenia is willing to receive expert and technical assistance in implementation of the measures to be further undertaken with regard to implementation of article 7 of the Convention, particularly capacity building measures for public officials and the judiciary.