



Aarhus Convention Secretariat
Environment Division
United Nations Economic Commission for Europe
Palais des Nations, Av. de la Paix 10
1211 Geneva 10
Switzerland

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29/03/2011

To: Ms. Ella Behlyarova
Secretary to the Aarhus Convention

Subject: Comments of The Access Initiative to the
Draft Chisinau Declaration

TAI welcomes the opportunity provided by the Aarhus Convention Secretariat and the Bureau to comment publicly on the Draft Chisinau Declaration, i.e. the Ministerial Declaration of the upcoming MOP 4 of the Aarhus Convention.

We think that the text adequately captures the major trends and processes emerging in relation to the implementation of access rights, such as information, participation and justice. We would like to share with the Secretariat the views of our colleagues who are working in **TAI Europe** as well as of those access practitioners who participate in our **TAI Rio 2012 Task Force** created for preparatory work for the June 2012 Rio de Janeiro UNCSD. This Task Force, which represents TAI as a whole (TAI comprises some 200 civil society organizations in 50 countries), has members from Africa, Asia, Europe, North America, and South America, and hence has significant regional coverage.

Title

In our understanding, the title of the Draft Declaration "*Rio Plus Aarhus – 20 Years On:*" tries to very briefly reflect what the Aarhus Convention can contribute to the Rio Summit, however, we feel that these words are not sufficiently clear for those who are not familiar with the topic and its details. For this reason we recommend a plain language title such as "**Promoting environmental access rights at Rio 2012**".

Page 1 Paragraph 1

We suggest amending the last sentence of this paragraph by adding “a” after the words “potential and” and also adding the words “and in other regions” after the word “globally”; finally, we suggest replacing “it” by “access rights” in order to give the last sentence of the Declaration a truly universal meaning not restricted to the Aarhus Convention. The sentence reads as follows: “*We celebrate today our achievements and state that we have potential and a willingness to further the Convention’s implementation in our region and advocate access rights globally and in other regions.*”

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Page 3 Paragraph 2

This paragraph resonates well with the important sentiments in the last sentence of Paragraph 1 of Page 1, stating (as amended – see above) “*we state that ... we have potential and a willingness to further the Convention’s implementation in our region and advocate **access rights globally and in other regions.***”

TAI Europe and TAI Rio 2012 Task Force welcome the willingness of the Secretariat, the Bureau and the MOP to acknowledge the diversity of processes that aim to enhance the implementation of a universal demand of humankind to make real change on the ground and to be part of the decisions that sustain its livelihoods.

We believe that the rights of access to information, participation in decision-making and access to justice (“access rights”) based on Principle 10 of the 1992 Rio Declaration are universal values and rights. **The Aarhus Convention has played an important role in improving the status of such access rights and is widely regarded as providing an internationally recognized model on these issues.** Significant efforts should be made to guarantee access rights to peoples in other regions. This can be achieved either by countries not being members of the UNECE region joining the Aarhus Convention, or by enacting regional conventions regulating procedural access rights of the public, or by adopting a global convention on such rights, or by promoting the practical application of the UNEP Voluntary Guidelines on Principle 10 adopted in February 2010 in Bali.

We suggest in the current text of the Draft Chisinau Declaration, notably in the very last sentence of the draft, that all options to promoting access rights through all possible solutions be left open and made possible. We don’t see any contradiction between the measures we noted above and feel strongly that all these options can be progressed together *in tandem*. Ensuring that the Chisinau Declaration signals the willingness of Aarhus Parties to support all of these options in promoting access rights is crucial to sending the right message to the Rio 2012 Summit.

For these reasons, TAI welcomes these efforts and strongly urges the revision proposed to the last sentence of Paragraph 1 on Page 1 above.

TAI Europe
TAI Rio 2012 Task Force