



# **Strength, Challenges and Solutions** **for better implementation of the Aarhus** **Convention**

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“Implementing the Aarhus Convention today: paving  
the way to a better environment and governance  
tomorrow” Almaty, 22-23 May 2012



# What I would like to cover are

- 1. Strength**
- 2. Challenges**
- 3. Possible solution**
- 4. European ECO Forum's work on the Aarhus Convention**



## Principle 10 Rio Declaration

**Environmental issues are best handled with participation of all concerned citizens, at the relevant level.** At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. **States shall facilitate and encourage public awareness and participation by making information widely available.** Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.





# Strength of the Aarhus Convention

- ❑ The Aarhus Convention represents the most comprehensive and ambitious effort to establish international legal standards in the field of individual environmental rights and
- ❑ Has a considerable impact on national systems of environmental law and administrative practices in many countries in Europe and beyond



# Strength of the Aarhus Convention

(1)

- Full engagement of civil society in environmental policy making process is perceived as the main purpose
- Aims at increase of openness and democratic legitimacy of government policies on environmental protection and to develop a sense of responsibility among citizens by giving them means to obtain information, to assert their interests by participating in the decision-making process, to monitor the decisions of public bodies and to take legal action to protect environment



# Strength of the Aarhus Convention

## (2)

### Most unconventional Convention

- Unique among MEAs in the extent to which it seeks to guarantee procedural rights of the public
- A treaty less about Party-to-Party relations, more about the relations between governments and civil society
- Unprecedented involvement of NGOs both in the negotiations and implementation of the Convention
- Big political impact in countries with less democratic traditions (EECCA but not only)





# The Aarhus Convention in practice

Despite the weaknesses in the Convention and its “daughters”:

- Aarhus Convention is an important symbol for democracy = a challenge for authorities and a hope for the public

This means a lot of work to be done to motivate people, capacity building etc. and

Its implementation requires legislative basis, implementation tools AND CULTURE CHANGE!



# Strength of the Aarhus Convention is in its implementation

Three main tools for implementation:

- Capacity building
- Reporting
- Compliance mechanism

But also:

- Task forces, working groups, ad hoc expert groups etc.





# Challenges in the implementation

- different legal systems (ratification prior transposition = direct applicability in some countries)
- different interpretation of the Convention by public authorities
- Lack of education and failure to promote effective implementation on the national level



# Challenges in the implementation (1)

- information upon request vs active information dissemination
- Interpretation of term « environmental information »
- no clear rules for public participation



## Challenges in the implementation (2)

- often reluctance of public authorities to involve public
- Judicial system, independence of judges, lack of trust in judiciary, length of proceedings, financial barriers etc.





# Some potential solutions

- common strategy for implementation, including National Action Plan(s)
- Regional initiatives to promote implementation
- Awareness raising & capacity building for different levels of public authorities and the judiciary
- Coordination of capacity building activities
- Promotion and stimulation of better cooperation between different partners
- Support for and strengthening of civil society



# European ECO Forum's work on the Aarhus Convention

- ❑ European ECO Forum is a coalition of more than 250 Environmental Citizens' Organisations from the UNECE region, created in 1993 to follow up on the UN Environment for Europe process
- ❑ Public Participation Campaign (PPC) of the European ECO Forum was established to follow implementation, development and use of the Aarhus Convention
- ❑ PPC is led by the European Environmental Bureau (EEB) which is the largest federation of environmental organisations in the EU and neighbouring countries

# Role of NGOs in the Aarhus Convention



- **1993: involved in drafting “Sofia Guidelines”**
- **1995: Environmental NGOs key role in decision to draft the Convention, and intensively involved**
- **From 1998 successful pressure for Protocols on PRTRs, Strategic Environmental Decision-making, GMO clarification/amendment, Open Compliance process, Almaty Guidelines, process to clarify and improve public participation requirements for plans, programmes, policies and legislation etc.**





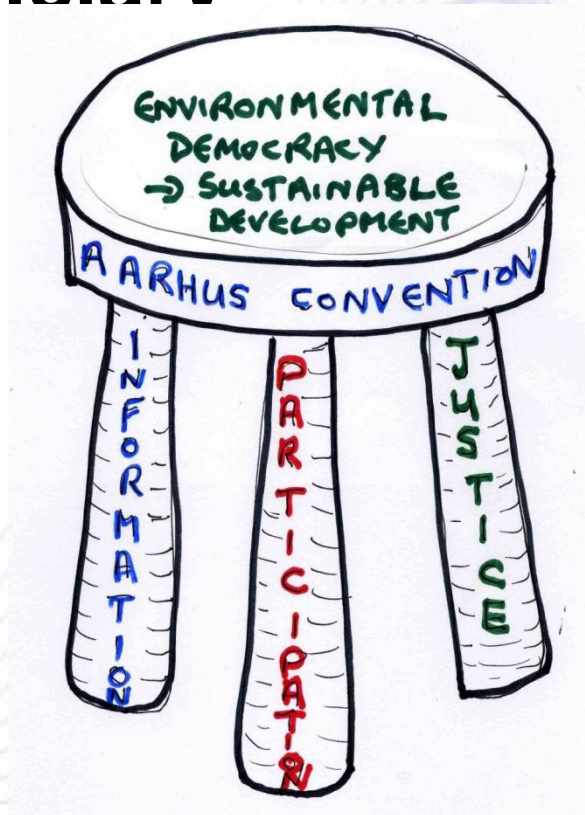
# European ECO Forum Activities

## Main areas of activity:

- Meaningful participation at official meetings
- General co-ordination of campaign
- Issue specific work: SEA Protocol, PRTR Protocol, GMOs, Access to Justice, Information, Public Participation etc.
- Capacity building, support national activities, encourage information exchange and fundraising
- Use of the Compliance mechanism

**Tools: newsletter and website « Participate », list servers, publications, networking, trainings on compliance mechanism etc.**

**Three legged Convention =  
three main stakeholders: authorities,  
public and judiciary**





**Thank you!**  
**You are always welcomed to join us!**

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