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Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

(First meeting, Lucca, Italy, 21-23 October 2002)
(Item 4 of the provisional agenda)

DRAFT LUCCA DECLARATION */

We, Ministers and heads of delegation of Parties, Signatories and other States, parliamentarians, NGOs and representatives of civil society from throughout the ECE region and beyond, gathered at the first meeting of the Parties to the Aarhus Convention, affirm the following:

I. CREATING PARTNERSHIPS FOR SUSTAINABLE DEVELOPMENT

1. The engagement of the public is vital for creating an environmentally sustainable future. Governments alone cannot solve the major ecological problems of our time. Only through building partnerships with and within an aware and empowered civil society, within the framework of good governance and respect for human rights, can this challenge be met.

2. Access to information, public participation and access to justice are fundamental elements of **good governance** at all levels and essential for sustainability. They are necessary for the functioning of modern democracies that are responsive to the needs of the public and respectful of human rights and the rule of law. As integral elements of **participatory democracy**, they underpin and support more traditional forms of representative democracy.

*/ As proposed by the Chairman of the Working Group for the preparation of the first meeting of the Parties.

3. *[Paragraph on relevant outcomes of the World Summit on Sustainable Development, to be completed following the Summit – reference to the invitation to further implement Principle 10 of the Rio Declaration]*

II. THE AARHUS CONVENTION A BREAKTHROUGH IN PARTICIPATORY DEMOCRACY

4. The Aarhus Convention is, as stated by the United Nations Secretary-General Kofi Annan, the most ambitious venture in **environmental democracy** undertaken under the auspices of the United Nations. It represents a major step forward in international law. We express our satisfaction that the Convention has entered into force within a relatively short period of time, and at the same time acknowledge the considerable challenges that lie ahead in achieving its full and widespread implementation.

5. The Aarhus Convention is **a new kind of environmental agreement**. It acknowledges our obligation to future generations. It confers rights on individual members of the public, without regard to their nationality, citizenship or domicile. It recognizes the key role of an active and well-informed public in ensuring sustainable and environmentally sound development. Through seeking to guarantee public rights to information, to participation and to justice in the environmental sphere, it addresses, in a tangible and concrete way, the relationship between governments and individuals. It is thus more than an environmental agreement; it is an agreement that addresses fundamental aspects of democracy, including government accountability, transparency and responsiveness.

6. We recognize the close relationship between **human rights** and environmental protection. Through its goal of contributing to the protection of the right of every person of present and future generations to live in an environment adequate to health and well-being, the Convention reflects this link.

III. STRENGTHENING THE IMPLEMENTATION OF THE CONVENTION

7. We welcome the rapid progress in ratification of the Convention, which has brought about its early entry into force, and express our determination that this momentum should be maintained in its implementation and further development.

8. We urge all **Signatories** to the Convention which have not yet ratified it to do so as soon as possible and, in the interim, to seek to apply the provisions of the Convention to the maximum extent possible.

9. We believe that the Convention should be implemented in such a way that the public is able to effectively **exercise the rights** that the Convention seeks to guarantee, including by removing practical obstacles, such as cost barriers and lengthy procedures.

10. We urge each Party to consider going further in providing access to information, public participation in decision-making and access to justice than required under the Convention, noting that the Convention provides for **minimum standards**.

11. **Civil society** and its actors, including non-governmental organizations, the private sector and the media, as well as regional environmental centres, all have a crucial role to play in the implementation, promotion and further development of the Aarhus Convention. Their expertise is needed to 'make Aarhus work'.

12. We warmly welcome the active involvement of non-governmental organizations, in particular **environmental organizations**, in supporting the implementation of the Convention at both the national and international levels and urge donors to support the continuation of this engagement with adequate finance.

13. There is a need to raise wider **public awareness** of the Convention, to encourage the public to exercise the rights that the Convention confers and to reach out to individual members of the public, including those who are not members of any organization.

14. Public authorities and decision makers at all levels and in all sectors, as well as the judiciary and legislators, need to be fully aware of the obligations arising under the Convention.

15. Effective implementation of the provisions of the Convention is a significant challenge for many Parties. We encourage Parties to draw as necessary upon available assistance mechanisms, such as the **capacity-building service and clearing-house mechanism**, to overcome obstacles to the full application of the Convention.

16. The successful implementation of the Convention is linked to the availability of adequate financial resources in all countries. In this regard, it is important to provide **financial and technical assistance to countries with economies in transition**, in particular in the early stages, to help them fulfil their obligations under the Convention. We therefore call upon public, private and international donors to give high priority to financing activities to implement the Convention.

17. We believe that the financial base for the Convention should be broadened and that **stable and predictable funding** for the activities under the Convention should be secured. We welcome the establishment of the financial arrangements based on shares as a first step to meet this need and urge Parties and others in a position to do so to contribute financially to the Convention in accordance with the arrangements.

18. In order to secure effective and timely implementation, we agree on the need to establish an adequate **reporting system** and an effective **compliance mechanism**, including the involvement of the public.

IV. FURTHER WORK ON KEY TOPICS

19. We believe that **pollutant release and transfer registers** provide a powerful mechanism to increase corporate accountability and reduce pollution, and therefore welcome the progress achieved towards the preparation of a protocol on this topic for adoption at the Kiev Ministerial Conference.

20. We recognize the need for more precise provisions on access to information, public participation and access to justice with respect to **genetically modified organisms**, taking into account the public concern that surrounds the issue and the rapid pace of scientific and technological development. The adoption and implementation of guidelines, as well as further work on a legally binding approach to further developing the application of the Convention in this area, are intended to address this need.

21. **Access to justice** as provided for under the Convention is indispensable both to underpin the rights of access to information and public participation set out in the Convention, and, more generally, to enable the public to play a fuller role in supporting the enforcement of environmental law. Further work is required to support Parties in overcoming practical barriers to effective access to justice, including through the development of information and guidance materials for relevant target groups.

22. In the light of the ongoing revolution in **electronic information technology**, the area of electronic information tools should be kept under active review, to ensure that activities under the Convention remain abreast of the latest developments and to contribute to bridging the 'digital divide'. We will provide input, as appropriate, to the World Summit on the Information Society.

23. We recognize the need to reflect the Aarhus Convention's principles in the draft protocol on strategic environmental assessment to the Espoo Convention, expected to be adopted at the Kiev Ministerial Conference, and, in light of the content of the new protocol, to consider if further work is needed under the Aarhus Convention on the issue of **public participation in strategic decision-making**.

V. STRENGTHENING INTERNATIONAL COOPERATION

24. The Aarhus Convention emerged out of the "**Environment for Europe**" process. We recognize the need to maintain strong links with that process and look forward to making an appropriate contribution to the fifth Ministerial Conference "Environment for Europe" (Kiev, May 2003).

25. Cooperation between the bodies of the Aarhus Convention and those of other **multilateral environmental agreements**, including ECE environmental instruments, should be strengthened on an ongoing basis in order to promote the principles of the Convention in all areas of environmental policy.

26. We recognize the need for guidance on promoting the **application of the principles of the Convention in international bodies and processes relating to the environment** and, therefore, undertake to develop guidelines on this topic in time for adoption at our second meeting.

27. We encourage other regions and international organizations to develop appropriate arrangements and action relating to access to information, public participation in decision-making and access to justice in environmental matters. Where requested, we will endeavour to support **initiatives** aimed at applying the principles contained in the Aarhus Convention, including the development of global and/or regional guidelines or other instruments promoting access to information, public participation and access to justice [*relevant results of the World Summit on Sustainable Development to be reflected here*].

28. We note that, where it suits their particular circumstances, **States outside the ECE region** may wish to accede to the Convention. We believe that the involvement of such States could be of mutual benefit and could enrich the processes under the Convention, and would, therefore, be broadly supportive of their accession.

VI. CONCLUSION

29. We celebrate the **constructive spirit** and close cooperation among stakeholders which have characterized the processes associated with the Aarhus Convention, and express our firm hope that this will continue.