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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

Sixth session

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

Third session

Joint High-level Segment

Budva, Montenegro, 14 September 2017

Item 4 of the provisional agenda

**Budva Declaration on Environmental Democracy
for Our Sustainable Future**

Draft Budva Declaration on Environmental Democracy for Our Sustainable Future

**Prepared by the Bureaux of the Meetings of the Parties to the
Convention and its Protocol**

Summary

The present document contains a draft declaration for consideration and adoption by the Meetings of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and its Protocol on Pollutant Release and Transfer Registers at the Joint High-level Segment convened by the two bodies. It was prepared by the Bureaux of the two Meetings of the Parties with the assistance of the secretariat, in accordance with the

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decision of the Working Group of the Parties to the Convention at its twentieth meeting (ECE/MP.PP/WG.1/2016/2, para. 85) and the request of the Bureau to the Protocol at its tenth meeting (see meeting report, para. 22).¹ The Working Groups of the Parties to the Convention and the Protocol and their Bureaux, by their terms of reference, are mandated, inter alia, with preparing the sessions of the Meetings of the Parties.

The draft declaration constitutes a short and focused policy-oriented document, which strives to communicate the key messages regarding the role of the Aarhus Convention and its Protocol in implementing the Sustainable Development Goals and the commitment of the Parties to the Convention and the Protocol in that regard. It is expected that all the specific substantive issues regarding the work of the Convention and the Protocol will be addressed through the respective decisions of the Meetings of the Parties, and not through the declaration.

The document was made available to Parties to both treaties and all stakeholders for comments. National focal points for the Convention and the Protocol were requested to coordinate their comments on the document and to submit to the secretariat one consolidated input per country before 18 November 2016. The document was thereafter considered by the Working Group of the Parties to the Protocol, which entrusted the Protocol's Bureau to consider the comments received and prepare the revised draft jointly with the Convention's Bureau. The current draft was thus prepared by the two Bureaux for a second commenting round with the deadline 15 March 2017, and was submitted at the same time to the Convention's Working Group of the Parties for consideration at its twenty-first meeting (Geneva, 4–6 April 2017). At its twenty-first meeting the Working Group revised and approved, as amended at the meeting, the draft declaration (AC/WGP-21/CRP.5/Rev.1)² and mandated the Bureau of the Meeting of the Parties to the Convention to finalize it in cooperation with the Bureau of the Meeting of the Parties to the Protocol, and to submit it for consideration by Parties to both instruments at the Joint High-level Segment for their consideration.

¹ Available from [http://www.unece.org/index.php?id=42385#/#/](http://www.unece.org/index.php?id=42385#/).

² Available from [http://www.unece.org/index.php?id=43897#/#/](http://www.unece.org/index.php?id=43897#/).

I. Introduction

1. We, the ministers and heads of delegation from Parties and signatories to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and its Protocol on Pollutant Release and Transfer Registers, together with representatives of other States, international, regional and non-governmental organizations (NGOs), parliamentarians and other representatives of civil society throughout the United Nations Economic Commission for Europe (ECE) region and beyond, gathered jointly at the sixth session of the Meeting of the Parties to the Convention and the third session of the Meeting of the Parties to the Protocol, affirm the following.
2. We reaffirm our strong commitment to promote environmental democracy and its key components, namely, access to environmental information, public participation and access to justice, in the ECE region and beyond, as essential prerequisites for building a sustainable future for current generations and those to come.
3. We recognize that the Aarhus Convention and its Protocol on Pollutant Release and Transfer Registers have been leading and inspiring actions to promote democracy and the rule of law in environmental matters across the globe. Within the ECE region, the Convention and the Protocol play an important normative role and help to strengthen the involvement of civil society, including environmental NGOs, local communities, academic institutions and marginalized groups, in decision-making. We also recognize the important role of the compliance mechanisms in the implementation of the Convention and its Protocol. Furthermore, Aarhus Centres have established themselves as important bridges between public authorities and civil society.
4. At the same time, we note with great concern that human rights violations, terrorism, and radicalism are undermining the foundations of democracy in many countries around the world, including in countries that are party to the Aarhus Convention and its Protocol and other ECE countries. We believe that measures undertaken to combat terrorism are no justification to reduce the rights under the Convention. The democratic right of appeal to an independent judiciary through open and transparent mechanisms of access to justice is as important as ever to counter these tendencies.
5. We are particularly alarmed by the increase in the harassment, silencing and even murder of environmental activists around the world. To this end, we recall our commitment made through the Maastricht Declaration on Transparency as a Driving Force for Environmental Democracy (Maastricht Declaration)³ to protect the rights of environmental activists and whistle-blowers. We also recall the resolution of the Human Rights Council on protecting human rights defenders, including those addressing environmental issues.⁴
6. We call upon Parties to ensure due protection of environmental activists, whistle-blowers and NGOs so that they can exercise their rights under the Aarhus Convention and its Protocol on Pollutant Release and Transfer Registers without being threatened in any way.
7. We stress that access to information, public participation and access to justice increase transparency and accountability, lead to better decisions with enhanced ownership and support, and ultimately help reduce conflicts and increase stability.

³ ECE/MP.PP/2014/27/Add.1–ECE/MP.PRTR/2014/2/Add.1.

⁴ Resolution 31/32 on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights, adopted on 24 March 2016.

8. We thus welcome the initiatives taken by several Parties to take measures to protect the rights of whistle-blowers, and we encourage Governments to also take steps that ensure adequate protection of the freedom of speech and the safe participation of people in decision-making on environmental matters.

II. The Aarhus Convention, its Protocol and the Sustainable Development Goals

[This section addresses the role of the Convention and the Protocol in implementing the Sustainable Development Goals]⁵

9. We recognize that the world is facing a number of fundamental challenges, such as climate change and the depletion of natural resources, which require profound transitions towards sustainable development, including by ensuring sustainable consumption and production patterns, introducing a circular economy and minimizing releases of pollutants. At the same time, ambitious international instruments have been adopted to meet these challenges, such as the 2030 Agenda for Sustainable Development (2030 Agenda), the Paris Agreement on climate change and the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer.

10. We acknowledge that these challenges cannot be met by any one actor alone. The effective engagement of civil society, including NGOs, academia and other stakeholders, greatly reinforces and complements the ability of Governments to address these problems. Such stakeholders also play a key role in holding Governments to account. Access to information and dialogue with stakeholders is therefore essential. All existing instruments to promote partnerships and leverage the necessary action from all stakeholders, including the innovative science community and the private sector, should also be used to the fullest extent.

11. We stress that the Aarhus Convention and its Protocol provide solid frameworks to assist countries in achieving the Sustainable Development Goals, in particular Goal 16, by implementing commitments on access to information, public participation and access to justice regarding a wide range of issues that affect the environment, including their impact on human health. Owing to their cross-cutting nature, these treaties can significantly contribute to the implementation of the Sustainable Development Goals, whether they relate to good health and human well-being, the prevention and reduction of pollution, or the reduction of inequalities, such as through strengthening the resilience of the poor and reducing obstacles to public participation in decision-making and to access to justice. These treaties also provide a unique opportunity to build synergies with different multilateral environmental agreements and initiatives that share similar objectives, and such cooperation can also contribute to the effective achievement of the Sustainable Development Goals.

Furthering transparency

[This subsection focuses on the role of access to information and transparency (e.g., in relation to the first pillar of the Convention and to the Protocol) in implementing the Sustainable Development Goals]⁵

12. We recognize that effective public access to environmental information is critical for the successful implementation of a number of the Sustainable Development Goals and may

⁵ This is an explanatory text in intermediate drafts. This text will be deleted in the final document.

significantly contribute to the work on a data revolution, the environmental dimension of e-Government and open data initiatives.

13. We also recognize the great opportunities arising from education for sustainable development and information sharing. Access to information is essential for people to take decisions concerning their future. It is also an essential precondition for effective public participation and can help save lives with respect to reducing exposure, particularly of the poor and of persons and groups in vulnerable situations, to hazardous substances, climate-related extreme events and other economic, social and environmental shocks and disasters.

14. We reaffirm the Protocol's importance in promoting sustainable consumption and production patterns. Recalling our commitments made through the Maastricht Declaration to further sustainable development, inter alia, through the promotion of the Protocol, we encourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information, such as on emissions and on the use of water, energy and other resources, into their reporting cycle. We call upon Parties and signatories to develop and further operate efficient user-friendly pollutant release and transfer registers, to further raise awareness about them and to ensure that people everywhere have convenient and digital access to relevant information on releases of hazardous substances and the transfer of waste. We also recognize the need to address the problem of chemical substances in products and their releases into the environment.

15. We call upon Parties to the Convention to ratify the amendment on genetically modified organisms to ensure its entry into force.

Ensuring sustainable decision-making

[This subsection focuses on the role of public participation (in relation to the second pillar of the Convention and to the Protocol) in implementing the Sustainable Development Goals]⁵

16. We acknowledge that the implementation of the Sustainable Development Goals requires the coordinated and coherent efforts of Governments, civil society, industry, the private sector and other stakeholders, and fully transparent, accountable and participatory decision-making processes. Only by taking due account of the views of the public can we contribute to a sustainable future.

17. We welcome the outcomes of the Eighth Environment for Europe Ministerial Conference (Batumi, Georgia, 8–10 June 2016). We stress that the Convention and the Protocol empower the public, including local communities, with the right to participate effectively in decision-making on a wide range of issues addressed by the Sustainable Development Goals, such as: health protection (Goal 3); water and sanitation management (Goal 6); clean energy (Goal 7); green economy (Goals 8, 9 and 12); the reduction of inequalities (Goal 10); climate action (Goal 13); tourism (Goals 8, 12, 14 and 15); and urban planning (Goals 11 and 13). These treaties are relevant for the planning and implementing of different activities, from constructing a coastal resort to building highways or industrial facilities.

Building peaceful and just societies

[This subsection focuses on Goal 16 and the role of access to justice (in relation to the third pillar of the Convention and to the Protocol) in implementing the Sustainable Development Goals]⁵

18. We welcome the inclusion in the 2030 Agenda of Goal 16 on peaceful and inclusive societies, access to justice for all and effective, accountable and inclusive institutions, since Goal 16 has particular relevance to the Aarhus Convention and its Protocol.

19. We recognize in this regard that effective access to justice in environmental matters is critical for the successful implementation of Goal 16 and also other Sustainable Development Goals.

20. We stress that environmental decision-making and consensus building, both within countries and between them, have greatly benefited from the framework provided by the Convention, and from information on environmental pollutants that is transparently available as a result of the Protocol's implementation.

21. We call on Parties and signatories to provide effective and equal access to justice for all in line with the requirements of the Convention and to work closely with international organizations, civil society, including public interest lawyers, academia and all relevant stakeholders to develop transparent, accountable and inclusive governance structures.

III. Inspiring others

[This section focuses on the global and cross-sectoral relevance of the Convention and its Protocol, and on promotion of the two treaties and their principles]⁵

22. We welcome the civil society participation in the preparation of the 2030 Agenda for Sustainable Development, and particularly the attention given to the voices of the poorest and persons and groups in vulnerable situations, and call for continuing this practice during the follow-up to and review of the implementation of Agenda 2030 at the high-level political forum on sustainable development and other international forums.

23. We note that the implementation of the Convention and its Protocol is work in progress. Over time, reports by Parties provide knowledge on the state and pace of their implementation. The compliance mechanisms have considerably helped countries align their national legal systems and daily practices with the provisions of the treaties. At the same time, they are actively used, mainly by NGOs, to assess how Parties have implemented the provisions of the Convention and its Protocol.

24. We recognize that the Protocol on Pollutant Release and Transfer Registers has helped Governments and policymakers by providing key indicators with which they can measure and track the gradual reduction of pollutants, thereby advancing sustainability and realizing the potential of a green economy. It has benefited people by helping to reduce the release of toxic chemicals and greenhouse gases, and has served as a major driving force for pollution reduction and eco-innovation throughout many sectors of the economy. The establishment of pollutant release and transfer registers has led to benchmarking among companies to reduce their polluting releases, and their operation nowadays acts not only as a register but also as a deterrent against pollution.

25. We see good examples of the spillover effects from environmental democracy on other sectors. The principles enshrined in the Aarhus Convention and its Protocol have become benchmarks and a source of inspiration for climate change processes, trade negotiations and the policies of international financial institutions. We recall the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in

International Forums, recognizing the importance of involving the public not only at the national and local levels, but also at the international level. We should make sure that these guidelines are known and applied effectively, including within our national administrations and agencies, both with respect to the processes of international forums and the treatment of relevant substantive issues.

26. We call upon Parties to encourage the development of effective public participation and access to information policies for international environment-related processes, including those of international financial institutions or dealing with trade discussions, and to ensure that the interests of the public are duly taken into account. In this context, we call on the United Nations Environment Assembly to adopt a strong stakeholder engagement policy at its third session, in accordance with paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, “The future we want”.⁶

27. We recognize that accession by other United Nations Member States to the Convention and its Protocol will greatly support Governments’ policies in different areas to achieve related Sustainable Development Goals by ensuring that all persons, including the poorest and persons and groups in vulnerable situations and rural communities, are able to participate in decisions that impact their lives and well-being.

28. We [welcome new Parties and] invite interested States to accede to the Convention and its Protocol or to apply their provisions, and we stand ready to offer our experience and knowledge in that regard. In the forthcoming period, we will strive to encourage new accessions, in line with the Strategic Plan for 2015–2020 (ECE/MP.PP/2014/2/Add.1, decision V/5, annex). We also welcome the progress achieved in — and offer our continued support to — the development of a regional agreement on access to information, public participation and access to justice in environmental matters in Latin America and the Caribbean. We encourage other initiatives aimed at developing regional instruments on environmental rights or the establishment of pollutant release and transfer register systems around the globe.

29. We recognize the significant role played by partner organizations in capacity-building for the implementation of the Convention and its Protocol at the national and local levels and in promoting subregional cooperation.

30. We commit to promoting the Aarhus Convention and its Protocol throughout the implementation of the 2030 Agenda, including its Sustainable Development Goals, in cooperation with our Governments, international and non-governmental organizations, the private sector, academia and other stakeholders. We are ready to share our experiences with other colleagues, through transboundary and multilateral cooperation, to achieve the Goals.

⁶ Resolution 66/288, annex.