

AARHUS STORYTELLING

Stories Part I – Convention’s Early Days and Evolution

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Member of the delegation of the Netherlands participated in negotiations on the Aarhus Convention; Chair of the fourth session of the Meeting of the Parties

Outline speech Prof. dr Jit Peters, Celebration 20th JUNE. My story and The Aarhus Convention

1. Willem Kakebeeke, my predecessor as Director of Environmental Policy within the Ministry of Environment asked me to chair a working group to draft non-binding guidelines on access to environmental information and participation in environmental decision making.
2. Those guidelines were adopted at the third Ministerial Environment for Europe Conference (1995) in Sofia
3. The fourth conference was planned in Aarhus in 1998. The Danish minister of environment of Denmark, Sven Auken, (deceased) was of the opinion that as a tradition a convention should be adopted at a conference of ministers in the framework of Environment for Europe. He thought that a Convention on the access to information, access to justice and participation would be feasible on the basis of the Sofia guidelines.
4. The negotiations took place from June 1996 to March 1998. I was fully involved in the process of negotiations during 10 working sessions as chairman of the Dutch delegation. The NGO’s were fully involved in the negotiating process and were considered as a negotiating party. I like to mention the influential role of Jeromy Wates. I also like to mention the positive role of the Belgian negotiator Marc Pallemakers (deceased). At the start of the process the EU coordination was weak and that helped the negotiations. Denmark did spend a lot of effort in pushing the process to make the Aarhus conference a success. They often offered hospitality in Copenhagen and at the end in Aarhus. I often was able to support the position of the NGO’s pointing to the experience in the Netherlands with NGO’s and with the openness of the decision-making process in The Netherlands.
5. After the adoption of the Convention I took a different job and moved to The Ministry of Interior. The Aarhus Convention influenced Dutch legislation as the Convention had a broader scope than Dutch legislation. The role of the EU became also more important and the EU adopted a binding guideline that had to be implemented by the member states. At the Ministry of the Interior I tried to broaden the scope of the Convention to other areas of decision making. Even after I left the government for becoming a professor in constitutional law I still was involved as advisor to expand the Law on Public Information following the lead of Aarhus. Why should transparency

be restricted to the environment? And even after my retirement at the University I am still involved in the process of trying to broaden the openness in The Netherlands following the lead of Aarhus.

6. To my surprise after my retirement, I was asked to chair the Working Group of the Meeting of the Parties of the Aarhus Convention to prepare the fifth session of the Meeting of the Parties. I succeeded in convincing the Dutch Minister of Environment to hold the Meeting of the Parties in The Netherlands, in Maastricht. The Meeting was organized back to back with the second session of the Meeting of Parties of PRTR.
7. The Meeting adopted the Maastricht Declaration in June 2014. I was of course as chairman together with the help of the Secretariat fully involved in the negotiating process of the Declaration. New elements in the Declaration were stressing the role of internet and social media in promoting the role of citizens to play as a source of collecting and sharing environmental information. Secondly, I like to point out the recognition of the role of whistleblowers and of the importance of protecting them. I used my position as chairman to focus on these points.
8. As chairman I travelled to Mongolia on the invitation of the Mongolian government to try to convince the politicians to accede to the Convention. So far, we were not successful, although there was a great enthusiasm on the side of the NGO's in Mongolia and the President of Mongolia at that time. We travelled on invitation to Lima to support the idea of a similar convention among the Latin American and Caribbean countries. (IAC). This support was successful.

9. Successes of the Aarhus Convention.

I consider the non- confrontational compliance mechanism as a great success. The workload of the Compliance Committee under the chairmanship of Jonas Ebbesson proves that the Convention is a living document. Even, there are cases pending against the Netherlands, one about windmills, one about the licensing of nuclear reactor and one about a coal installation. We were so arrogant to think that the Convention would be important to other countries but not to Netherlands because we thought we were so leading in the environmental democracy field. So, the Convention is important in all the member states and in the EU.

10. Future

I am of the opinion that transparency and the freedom of speech, active NGO's and protest and access to the judiciary and an independent judiciary are the fundamental pillars of any democracy. They are no less important than free elections. I think our convention can play an important role by stressing the importance. The Convention was written in a paper world; we live now in a digital world. The Convention has to be adapted to our new digital world by amending the Convention or by jurisprudence by for example The Compliance Committee. I see a bright future for the Convention in the light of the greater political importance of climate change and the greater attention of sustainability in general.