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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

Working Group of the Parties

Third meeting

Geneva, 20 and 21 November 2013

Item 7 (b) (vi) of the provisional agenda

**Second session of the Meeting of the Parties to the Protocol:
substantive preparations: declaration**

Draft elements for the Maastricht Declaration¹

Transparency as a multivitamin for environmental democracy

Summary

The present document was prepared by the Chairs of 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, with the assistance of the secretariat, in accordance with the decisions of the Working Groups of the Parties to the respective treaties (ECE/MP.PP/WG.1/2013/2, para. 66, and ECE/MP.PRTR/WG.1/2012/2, para. 36 (d) (iv), respectively). The Working Groups of the Parties, by their terms of reference, are mandated, inter alia, with preparing the sessions of the Meetings of the Parties.

As was agreed by Parties, the draft declaration constitutes a short and focused policy-oriented document, which strives to communicate the key messages regarding the importance of transparency for furthering environmental democracy and the commitment of the Convention's and Protocol's Parties in this regard. It is expected that all the specific

¹ This document was submitted late owing to its late receipt by the secretariat.

substantive issues relevant for 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 is being submitted to the Working Group of the Parties to the Protocol at its third meeting (Geneva, 20–21 November 2013), and also being made available to Parties to the Aarhus Convention and stakeholders for comments. National focal points to the Convention and to the Protocol are kindly requested to coordinate their comments on the document and to submit to the secretariat one consolidated input per country, preferably prior to the third meeting of the Protocol's Working Group of the Parties. Thereafter, it is expected that the document will be revised, taking into consideration the comments received, by the two Bureaux under the leadership of the Chairs, and will be made available to Parties and stakeholders for the second commenting round; it will be also submitted to the Convention's Working Group of the Parties at its seventeenth meeting in 2014. The document will be then revised again by the two Bureaux, in the light of the comments received, and submitted to the joint high-level segment of the next Meetings of the Parties (Maastricht, the Netherlands, 2 July 2014) for consideration.

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 to its Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs), 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 fifth session of the Meeting of the Parties to the Convention and the second session of the Meeting of the Parties to the Protocol, affirm the following.
2. We acknowledge that provision of effective access to environmental information is an essential prerequisite for successful public participation and, as a consequence, also impacts on the need to seek access to justice. We therefore reaffirm our strong commitment to transparency and democracy which, in turn, will lead to environmental decision-making that makes a truly positive difference for the living conditions of the current generation and generations to come.
3. In the “The Future We Want”² the world recognized that good governance and a truly sustainable economy requires the effective involvement of the public, be it in their role as voters, consumers or shareholders. This once again reaffirmed the value of the Aarhus Convention and its Protocol on PRTRs as effective tools for furthering environmental democracy and facilitating the implementation of a green economy in the context of sustainable development and poverty eradication.
4. We reiterate our strong commitment to empowering people, improving the state of the environment and to furthering sustainable development through the promotion of the Convention and its Protocol within the ECE region and beyond.

I. Information in the age of knowledge

5. We recognize close links between the effective implementation of the Convention and its Protocol and the protection of whistle-blowers, freedom of speech and the safe participation of citizens in decision-making affecting their lives. If they do not want to encourage whistle-blowers, Governments must ensure transparency and remove barriers to accessing justice; the latter remains a challenge across the region. Furthermore, nowadays Governments are well informed about the actions of their citizens, including those related to the environment. It is an obligation for Governments to exercise in their turn openness and transparency in environmental matters.
6. Access to environmental information is a precondition for good governance. Especially in times of economic crisis, good governance is an investment in democracy; the economic crisis should not be seized as an excuse to cut down on environmental information, public participation or on environmental protection. Openness and transparency not only create a foundation for sustainable development leading to an attractive investment climate, but also support policies to tackle inequality and poverty by ensuring that all persons, including the poorest among the population, are provided with

² Outcome document of the United Nations Conference on Sustainable Development (Rio+20 Conference) (Rio de Janeiro, 20–22 June 2012) (A/RES/66/288, annex).

information and can engage meaningfully in decisions that affect them. Balanced transparency with regard to environmental information respecting the legitimate interests of private and public entities, including intellectual property rights and the protection of confidential information may encourage to support innovation, as well as to promote best available techniques towards the implementation of green economy. In addition, pollutant release and transfer registers (PRTRs) help to measure progress in the implementation of green economy.

7. We consider that, on the one hand, the Convention and its Protocol can play an important role in facilitating the development of shared environmental information systems (SEIS) across the ECE region; and, on the other hand, that implementation and ratification of the Protocol can be highly facilitated by development of national SEIS. In this regard, we will strive for further efficiency, simplification and harmonization of the Protocol's requirements in relation to and in coordination with other relevant reporting obligations.

8. We acknowledge new opportunities offered by Internet-based and other social media, which are becoming increasingly important for the fast distribution of environmental information to large groups of citizens, thereby contributing to the promotion of transparency. Another recent trend has demonstrated that citizens can play an essential role in collecting and sharing environmental data through mobile telephones, which allow for raw data information to be gathered and uploaded online, thus contributing to formal environmental monitoring systems.

II. Environmental democracy for all

9. We recognize that the efficiency of international governance on environmental matters should still be significantly improved. The Aarhus Convention and its Protocol remain the only legally binding instruments that implement Principle 10 of the Rio Declaration on Environment and Development. Promoting their principles, notably access to information and public participation, in international forums remains important. This holds true not only for forums dealing directly with environmental matters as such, but also for related forums, such as the international financial institutions and trade-related organizations, where transparency in decision-making processes that impact the environment is of the utmost importance. We therefore reaffirm our commitment to promoting open information and effective engagement of stakeholders, including environmental NGOs, in international forums.

10. The non-confrontational compliance regime of the Convention and the Protocol on PRTRs contributes to the mediation of conflicts between citizens and Governments and is directed towards assisting countries in implementing the requirements of the Convention and its Protocol. We will therefore strive for the further improvement of the effectiveness of this compliance regime, and offer to share this experience with other interested forums.

11. Due to their cross-cutting nature, the Aarhus Convention and its Protocol provide a unique opportunity for building synergy with a number of multilateral environmental agreements (MEAs), organizations and processes. We welcome these partnerships and recognize the important role that partner organizations play in helping to implement the two treaties. We also underline the necessity to seek further synergies with those organizations and other MEAs sharing similar objectives in order to facilitate their implementation and ratification, as appropriate.

12. The Aarhus Convention and its Protocol are open to accession by countries outside the ECE region. We call upon countries that are interested in doing so to join the Aarhus family or to replicate its achievements. In this regard, we warmly welcome the initiative on developing a regional instrument on environmental rights in the region of Latin America

Comment [A1]: Full transparency is not compatible with innovation and is not the aim of the Aarhus Convention. In order to develop innovative and competitive products, industry needs to have the guarantee that the commercially valuable information provided to public authorities in regulatory processes will not be disclosed. Protecting regulatory data and intellectual property is essential to enable innovation and investments.

Comment [A2]: This sentence is not clear. We suggest deleting it or re-phrasing.

Comment [A3]: Once more, we would like to remind that activities to enhance transparency such as posting information on the internet may harm the competitiveness of industry and have a negative effect on innovation. In addition, the privacy of individuals and personal data need also to be protected. We suggest reworking this paragraph to take into consideration these aspects.

and the Caribbean as well as the establishment of PRTR systems around the globe, and we stand ready to support these initiatives.

13. The improvement of the quality and the completeness of data reported and the effective access to information by the public in relation to the ~~substances-pollutants~~ that are released into the environment remain important tasks to be fulfilled. We call upon the Protocol's Parties to continue to pursue this goal by working towards the full implementation of the Protocol, through increasing the number of its Parties within the ECE region or applying its principles and provisions, in particular in countries with economies in transition. In this respect, we recognize the important role of the Aarhus Centres in facilitating implementation of the Convention and its Protocol in these countries.

III. Achieving the future we want

14. We note with great concern that in many countries across the world people are still denied basic information about the quality of their drinking water, the air they breathe and the land they live on. Large, polluting projects are pushed through over the objections of local residents, who have no possibility to appeal such decisions through the courts. However, these projects can impact people's living conditions and health, and in particular that of vulnerable groups, such as children and women.

15. At the same time, one can see active citizenship flourishing. Citizens want to be taken seriously and they want to mould their own future. They increasingly play a role in collecting environmental information and distributing it through modern media. Coalitions of the private sector, NGOs and citizens, but also institutes of science and learning and Governments, engage frequently in initiatives that set ambitious goals to contribute to greening the economy or that promote a sustainable future. This trend ~~requires-is an incentive for that~~ Governments as well as private actors ~~to promote ensure~~ transparency in their policies related to environmental information, so that everyone can make informed choices about their future.

16. The Aarhus Convention and its Protocol are therefore becoming increasingly relevant for people's daily life. These are truly people's instruments.

17. "The Future We Want" made a number of appeals to improve transparency and access. It is our obligation to implement these words in our daily actions.

18. Transparent national and multilateral processes which would benefit from the inputs of both Governments and stakeholders, including NGOs, academic institutions, parliaments, local authorities and the private sector, will be critical for setting a people-centred post-2015 development agenda and sustainable development goals, as well as for evaluating the progress made in their implementation. We are convinced that the Convention and its Protocol provide a solid and comprehensive framework for Governments to effectively engage a wide range of stakeholders in decision-making, thereby providing the key to effective environmental governance.