



Intervention:

Speaker: Attracta Uí Bhroin

Timing: Thursday, 29 October,

Sub-element 8 Promotion of the Convention's principles in the international trade negotiations

Chair, Honourable Delegates,

I am privileged to be making this further intervention for the EEB, as one of its Vice Presidents, and also for European EcoForum

Critical to our systems of consumption and production and their sustainability is of course trade. There is no point in talking about a new health regime, if we continue the old bad habits of consumption, and effectively fiddling the books in how we account for our impacts on the sustainability of the planet given our impact upon it.

A key moment is upon us all, not only in the context of the reality check arising from the effect of the covid-19 pandemic, but also in the context of the EU as a major trading block conducting a consultation on its trade policy, concluding on November 15th, and decisions on the fate of the EU Mercosur trade agreement given its extraordinary implications for this planet. This is now a critical time for us all to urge the EU to properly align its trade policy with the EU Green Deal, to reel in rogue deals advanced without Aarhus principles, and to ensure that Aarhus principles are reflected in trade negotiations and decisions, and that trade deals don't act to undermine the access to information, participation and access to justice rights of citizens.

The investment arbitration elements of EU trade deals are a serious threat to the practical implementation of EU environmental law - as has been highlighted in academic papers including from the esteemed and very learned Advocate General Kokott and Dr Christoph Sobotta.

In that context, it is the Aarhus Convention and its rights which may ultimately be the critical line of defence in upholding environmental law within the EU, for its citizens and for the benefit of those neighbours at its borders and with whom it shares common environmental elements such as seas, rivers, air and nature.

Never have we been so vulnerable and needed to be so vigilant with the increasingly precarious state of the sustainability of our planet with climate change and the inter-twined biodiversity crisis, and the further complications and uncertainties with Brexit, and the efforts of nations re-build their economies and trade in the context of the Covid-19 pandemic. It is the Aarhus Convention and of course the Espoo Convention, as international law which we must then look to, and to ensure our rights in respect of decisions on activities and developments by other nations which impact upon us are not overlooked and are complied with.

Of serious concern therefore is that efforts to implement Aarhus rights more effectively and progressively may themselves become the target of investment arbitration claims, and the clauses introduced in trade agreement which may operate to undermine the implementation of the Convention and the protection it affords us all.

Thus, the negotiations of trade agreements and our trade policy - need to be incredibly vigilant, as do the decisions of countries when they decide to sign up to trade agreements.

The obligation to uphold the principles of the convention must be uppermost in all the parties minds when it comes to trade, and indeed in the negotiations of a new UN Human Rights convention also happening this week on corporate accountability of transnational corporations – given the effect of their operations and influence particularly in the context of trade.

Attracta Uí Bhroin, Environmental Law Officer, Irish Environmental Network, IEN.

Attracta@ien.ie