

Intervention at Aarhus WGP-24 by Francesca Carlsson on behalf of the European ECO Forum

Agenda Item 4(a): Compliance Mechanism

We welcome that the issue of a rapid response mechanism to protect environmental defenders is put on the agenda for decision-making in October. The proposal by the Bureau is promising and could respond to many of the stories and alerts we have received and heard from NGO colleagues before. The serious situation facing environmental defenders around the world, including in countries that are Party to the Aarhus Convention, has been well documented and is noted in the Bureau's proposal.

We raise this point under this agenda item because getting the relationship right between the rapid response mechanism and the compliance mechanism is important. We agree with the reasons presented in the Bureau paper as to why the compliance committee in its current form is not suitable for serving as a Rapid Response Mechanism, and believe that the most effective option is to establish the new position of Rapporteur on environmental defenders.

The Rapporteur's mandate should be based on possible violations of Article 3(8), but it should not be the role of the Rapporteur to replace or compete with the compliance committee in its careful process of assessing whether there is non-compliance. Rather, the aim is to introduce a preventive mechanism which can be set in motion quickly, is flexible enough and which allows the Rapporteur to investigate and intervene when there is reasonable suspicion of non-compliance. As such, it should also be possible for the Rapporteur to initiate a referral to the compliance committee when he/she believes that the Committee should make a determination on whether there is non-compliance by a Party.