

**Meeting of the Parties to the Convention on Access to Information, Public Participation in
Decision-making and Access to Justice in Environmental Matters
Working Group of the Parties, Twenty-fourth meeting
Geneva, 1-3 July 2020
Statement on behalf of the United Nations Environment Programme
Thursday, 2 July 2020
11:45-12:10pm**

Agenda item 5: Developments and interlinkages relevant to the Aarhus Convention

Distinguished Delegates,

Thank you for giving the United Nations Environment Programme (UNEP) the opportunity to brief this session on developments in our work relevant to promoting the Aarhus Convention and its principles.

The Environmental Rights Initiative:

Through the Environmental Rights Initiative and UNEP's long-term cooperation with the UN Special Procedures and the UN Office of the High Commissioner on Human Rights (OHCHR), we are working to enhance the capacity of states and citizens to understand and operationalise the linkages between human rights and the environment. This includes assistance with legislation and legal resources based on rights-based approach, work with the judiciary, support to environmental defenders, work with the media to improve the coverage of rights issues and calling on the private sector to move beyond a culture of compliance to one where environmental rights are championed.

In carrying out this work, we rely on a network of partners from governments, the UN system, MEA Secretariats, IGOs, CSOs, judiciary, environmental activists, including indigenous and local communities and their leaders, NHRIs, media, academia and private sector actors.

Our work in the area of environmental rights takes into account the strengthened mandate from the UN Human Rights Council. In August 2019, we concluded an MOU with OHCHR to formalise our partnership on human rights and the environment. At this time, we are focusing on delivering on the joint workplan under the MOU. We have continued supporting the work of the Special Rapporteur. In March 2020, we joined the Special Rapporteur in the presentation of his report on Good Practices related to the Right to a Healthy Environment to the 43rd session of the Human Rights Council. With our support, a user-friendly version of this report was released a few weeks ago, for the purposes of reaching a wider audience.

UNEP's Defenders' Policy

Perhaps one of the issues very relevant to the work under the Aarhus Convention is UNEP's support to environmental defenders. You may recall from our earlier interventions, that in 2018 UNEP adopted Defenders' Policy. The Policy has a three-pronged approach: it aims to raise awareness of the specific situations of defenders, to facilitate the availability of legal assistance and to provide capacity building.

The awareness raising is done through the Response Mechanism. It enables us to raise concerns on emerging situations, particularly through social media and high-level statements on behalf of UNEP. In the past year, several such statements have been issued responding to the concerns about the situation of activists and calling for investigations and prosecutions of groups and individuals involved in these acts. On capacity building, we conducted several events for defenders in Africa and Asia Pacific in response to the priority needs identified by them. Together with our key partner, OHCHR, and civil society partners, we have also facilitated networking of environmental defenders' in Africa and Asia. Encouragingly, in 2019 the UN Human Rights Council explicitly recognized UNEP's Policy as good practice example of promoting protection of defenders and urged other organizations to adopt similar policies (resolution 40/11).

Early this year, we embarked on a process of revising the 2018 Policy to better align it with the lessons learnt, the needs and concerns of environmental defenders, and to allow us to improve the way we react and respond to these needs. This is particularly important at this time in the context of COVID-19 and the worrying examples of lowered environmental standards, suspension of some environmental monitoring requirements, reduced environmental enforcement, and restricted public participation.

Allow me to mention additional key developments in UNEP's work that may be of interest:

Other developments which support the promotion of the Aarhus Convention and its principles

Since we last briefed this Working Group in 2019, the ad hoc open-ended working group established by the UN General Assembly resolution 72/277 entitled "Towards a Global Pact for the Environment," completed its mandate and presented its recommendations to the General Assembly. To support this work, UNEP facilitated the development of a report on possible gaps in international environmental law and related instruments.

In August 2019, the General Assembly adopted resolution 73/333 which mandates the UN Environment Assembly to prepare a political declaration during its fifth session to be held in Nairobi in February 2021. The work of the informal consultation process on this will start in July 2020.

Since our last presentation to this meeting, we have worked to develop key resources to support our legal and policy advisory services. The first ever global assessment of environmental rule of law was released in 2019. It found weak enforcement to be a global trend that is exacerbating environmental threats, including climate change, pollution, and species and habitat loss. This is despite prolific

growth in environmental laws (38-fold increase since 1972) and growth in the number of environmental agencies worldwide over the last four decades.

Building on the findings of the first Global Report, UNEP plans to publish the second Report in 2021. It will provide a data-informed assessment of global trends on environmental rule of law, gaps analysis and recommendations for future directions. Through the report, UNEP aims to establish benchmarks and opportunities for future action and collaboration, including continued partnership with the Aarhus Convention.

Judiciary remains one of the key stakeholders and partners for UNEP. You may recall that we are working on launching a Judicial Portal on the Environment which more comprehensively collects jurisprudence from around the world. The Beta version of the portal is now ready, and the portal will be formally launched in November this year. The caselaw on the portal comes from a range of official sources. And we are currently discussing with the colleagues in the Aarhus Convention Secretariat technical ways of including the relevant information from the Aarhus Clearing House into the portal.

In addition, under UNEP's long-standing Montevideo Program, we are developing a platform to provide environmental legal assistance and resources to Member States and other stakeholders. The platform will include (a) a clearing-house mechanism where countries can request support; (b) a knowledge hub of all legal guidance materials and relevant environmental law products produced by UNEP and partners; and (c) country profiles that contains information on national legislation, national case law, and focal point contact details.

And while I have the floor on this issue, the Europe region so far has rather few national focal points for the Montevideo Programme. So, we will be approaching some 20 or more countries from this region in the coming weeks to seek again the nominations of their senior legal experts.

Region-specific collaboration

Going forward and with the specific focus on our region, we aim to intensify our work on legislation and governance in the region. And our ongoing cooperation with the Convention is crucial in this regard.

I am sure there are a number of potential collaborative areas. But I would like to focus on three of them today.

In the area of national legislation, we would be happy to discuss with countries any specific needs for technical assistance. We would also very much like to extend our work with the judiciary to this region, and there may be particular benefits of exploring how this interlinks with the work under the Convention, including the access to justice task force. And last but not least, we see the discussions on environmental defenders under the Convention as a very important development in the region on an issue of crucial importance to sound environmental governance. We see it as being complementary to UNEP's Environmental Defenders Policy while allowing to take into account the specificities of the region and also providing for an important contribution from the region to the global efforts. So we look forward to developing close collaboration with you in this context.

Thank you.