

Aarhus Convention - Future Work programme 2022-2025

Rapid Response Mechanism

Norway's preferred option

Norway refers to outcomes i. and ii. under Agenda Item 7 (a) of the 24th Meeting of the Working Group of the Parties to the Aarhus Convention as set out in Document AC/WGP-24/Inf.21, in which the Parties and interested stakeholders are requested to indicate the preferred option for a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention among those presented in Draft note ECE/MP.PP/WG.1/2020/13, to provide a brief explanation of the major reasons for choosing the option as the preferred one, and to submit this input to the secretariat by 1 December 2020.

The need to protect environmental human rights defenders

The protection of human rights defenders is an important priority for Norway. For 20 years, Norway has led the work on the resolutions on human rights defenders, including the resolution on environmental human rights defenders that was adopted by consensus in the UN Human Rights Council last year.

Many of those who defend both their own rights and the rights of others do so at great risk to themselves. This applies particularly to environmental human rights defenders. This is documented by inter alia the UN Special Rapporteur on Human Rights and the Environment and the organisation Front Line Defenders.

The need for a Rapid Response Mechanism under the Aarhus Convention

The additional information provided on the situation regarding environmental defenders in the parties to the Convention indicate that their situation may be challenging also within Parties to the Convention, and that breaches of the obligations under Article 3(8) might occur.

Norway is therefore positive to consider the establishment of a new Rapid Response Mechanism to protect environmental human rights defenders who exercise their rights in conformity with the Aarhus Convention.

The options as described in Draft note ECE/MP.PP/WG.1/2020/13

Option 1:

Zero option (current situation)

Option 2:

A rapid response mechanism is incorporated into the Compliance Committee

Option 3:

A rapporteur on environmental defenders established by the Meeting of the Parties

Option 4:

The Meeting of the Parties gives the Chair of the Bureau additional powers to respond to alleged violations of article 3 (8).

The preferred option

A preliminary preference subject to further discussions in light of views of the other Parties and Stakeholders

Option 3: A rapporteur on environmental defenders established by the Meeting of the Parties would seem the most preferable one based on the following

criteria that a Rapid Response Mechanism should meet:

- Increase protection and understanding of the important role that environmental human rights defenders play in the implementation of the Convention, human rights in general and the realisation of sustainable development in accordance with Agenda 2030.
 - A Rapporteur could contribute to increased protection and understanding by
 - providing quicker reactions and more active and continuous interaction with representatives of Parties and defenders/complainants concerned because
 - Option 1 entails no dedicated procedures or resources,
 - Option 2 entails constraints due to limitations set by the mandate, procedures and resources/existing work-load (as explained in draft note paras 32, 35 and 38)
 - Option 4 entails limitations due to constraints linked to the role of the Chair (as explained in draft note paras 42 and 38).
- Setting a high standard for how the rights of environmental human rights defenders can be protected internationally.
 - A Rapporteur could contribute to setting a high standard by
 - providing a dedicated procedure with a mandate which enables quick and tailored protection measures and
 - complementing and interacting with the Compliance Committee.
- Operate independently and impartially, react quickly and be both preventive and protective.
 - A Rapporteur could operate independently and impartially by
 - Providing a dedicated and independent person with a mandate established by the Meeting of the Parties, without being linked to other procedures or roles under the Convention other than the Compliance Committee, which the Rapporteur will complement and interact with. The only other option that could provide similar guarantees of independence and impartiality would seem to be Option 2.
 - A Rapporteur could react quickly and be both preventive and protective for the reasons set out under the first criteria above (increased protection and understanding).
- Complement and not complicate existing mechanisms under the Convention
 - A Rapporteur could complement and not complicate existing mechanisms by

- providing a dedicated person and procedure with a mandate established by the Meeting of the Parties, without being linked to other procedures or roles under the Convention other than the Compliance Committee, which the Rapporteur will complement and interact and not interfere with (as explained in the draft note para 38).
- Cost effectiveness
 - A Rapporteur could contribute to cost effectiveness by
 - entailing additional cost implications, but also increased protection and understanding and a higher standard of protection than Option 1 (see the draft note paras 22-23 and 38 b) and above), and
 - entailing lower costs than Option 2 (as explained in the draft note, paras 22, 31 and 34 and 38) and also less constraints (as explained in the draft note 32 and 35), and
 - entailing the same cost implications as Option 4, without the constraints linked to the role of the Chair (as explained in the draft note paras 38 c) and 42).
- Cooperate effectively with other relevant international organs procedures and mechanisms in the fields of human rights and environment.
 - A Rapporteur could contribute to effective cooperation by
 - providing a dedicated person with a mandate entailing interaction with other relevant organs, procedures and mechanisms (see draft note Annex 1 point 7 last bullet point),
 - providing a mechanism with similarities with other relevant procedures and mechanisms in the environmental and human rights fields (see for instance UNEP's rapid response mechanism and UN HRC Special Rapporteur on the situation of human rights defenders as described in the Overview of existing mechanisms (AC/WGP-24/Inf.7), and
 - providing a dedicated person and thus increased capacity to cooperate with other relevant organs, procedures and mechanisms.

Norway looks forward to hearing the views of the other Parties and Stakeholders and to consider the establishment of a new Rapid Response Mechanism on this basis.