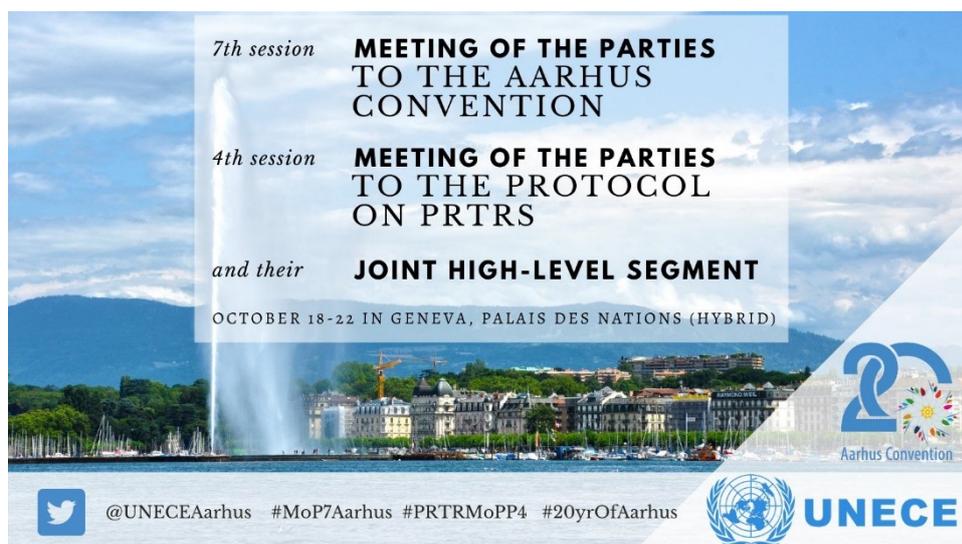


Together for sustainable, inclusive and resilient development: Interviews with the leading lights of the Aarhus Convention and its Protocol on PRTRs



Environmental democracy for sustainable, inclusive and resilient development lies at the heart of the UNECE 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 (Protocol on PRTRs), which will hold sessions of their Meetings of the Parties at the Palais des Nations Geneva from 18-22 October 2021. The meetings will feature a joint High-level Segment (HLS) on 21 October. At these meetings, Parties are expected to discuss global promotion of the two treaties and agree on a number of decisions to guide their implementation for the next four years. At the High-Level Segment, Parties to both instruments will reaffirm their political commitment to participatory environmental democracy by adopting a Declaration which will form the basis for promoting transparency, access to justice and inclusive and effective public participation in environmental matters in large-scale infrastructure projects and spatial planning. The Joint High-Level Segment aims to demonstrate the interlinkages between the two treaties and sustainable development in this regard and address the ways the Convention and the Protocol can provide answers to global challenges, including, but not limited to sustainable, inclusive and resilient development for all.

UNECE spoke to some of the leading lights of the Geneva meetings to learn their views about the current state of the Aarhus Convention and its Protocol and their expectations for the future:

Ms. Maia Bitadze, Chair of the Meeting of the Parties to the Aarhus Convention

After 20 years of being in force, the Aarhus Convention has led the way in environmental democracy across the globe. What do you think the future of the Aarhus Convention looks like? What should be the main priorities for the near future?



The Aarhus Convention remains the most aspiring venture in the field of environmental democracy and the world's primary international instrument that links environmental and human rights. While it has been successful so far, it is also expected that the Aarhus Convention will continue to have such an impact in the future. As per the main objective of the Aarhus Convention to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, this clearly defines the significance and long-term outcome that can be attained with the Aarhus Convention. Main priorities, as well as challenges for the nearest

future, are the increase of transparency and more cooperation partnerships among many different actors at all levels, such as policy makers and legislators, the judiciary, NGOs, and of course, the public.

I believe that excellent cooperation and experience sharing are vital for a proper understanding of the Aarhus Convention to emerge and to ensure its continued success and to promote environmental democracy and sustainable development.

Parties across the world have been challenged in many ways by the COVID-19 pandemic. In your view, how will the Geneva Declaration help Parties achieve a sustainable, inclusive, and resilient recovery?

The pandemic situation and new emerging problems associated with COVID-19 obliged us to move to virtual platforms and to the use of information and communications technologies. This move offered new opportunities to fulfil the commitment of "leaving no one behind." However, as not all members of the public may be able to access such tools, in particular older persons, persons with low literacy skills, and economically disadvantaged persons, this led to new challenges.

However, with the guidelines, efficient experience sharing and discussions on mitigating unexpected conditions, the Geneva Declaration is helping Parties to overcome arisen challenges and find new ways to remove barriers that prevent the meaningful participation of vulnerable and marginalized groups. These guidelines will assist in a resilient recovery from the pandemic situation for the long-term, and it is feasible to apply them even under abnormal circumstances.

In addition, overcoming new emerging challenges will strengthen the capacity of governmental officials, NGOs and other stakeholders to promote effective public participation in environmental matters despite any unforeseen situation.

How do you think the rapid response mechanism for the protection of environmental defenders will impact environmental democracy in practice?

I believe that all people have a right to express their attitude towards protecting the environment and for ensuring respect for their environmental rights. The main goal of transparency and civil participation in decision-making is to encourage more and more ordinary people to express their thoughts, to participate in the battle to defend their environmental rights from violations by corporate or state actors and from unsustainable exploitation, so that this path will lead them

to become environmental defenders in the means that suits them individually. The rapid response mechanism for the protection of environmental defenders is a contribution to end the violence against those people who are ordinary citizens, indigenous peoples and local communities and it encourages States to clearly cognize their role. Due to the above mentioned, I am certain that the rapid response mechanism for the protection of environmental defenders will play a crucial positive role and in the long run will lead to more enhanced environmental democracy and increased public participation in decision-making at all levels.

Ms. Tina Skårman, Chair of the Meeting of the Parties of the Protocol on PRTRs

In what ways does the Geneva Declaration respond to contemporary environmental, economic and social challenges and what is the role of the Protocol on PRTRs in this regard?



The Geneva Declaration highlights that spatial planning and large-scale infrastructure projects are complex and often includes elements of conflicts between different interests, such as environmental, economic, and social. Access to information and public participation are fundamental elements of fact-based decision-making concerning our future. In this sense, the Protocol on PRTRs plays an important role as it ensures easy access to information for all. The Geneva Declaration inspires stakeholders to use PRTR as a tool for identifying potential risks for the environment and health. To this end, PRTR facilitates identification of suitable locations for infrastructure projects as it includes a map-based visualization of the geographic location of

registered sources of pollutant releases.

What are the main priorities for the Protocol on PRTRs? How would you like to see the Protocol develop in the future?

The main priorities for the Protocol on PRTRs in my opinion is to increase the awareness of the usefulness of PRTRs as a harmonized system across the globe, as well as to keep the Protocol up-to-date, relevant, useful, and interesting for its stakeholders.

A PRTR system is not fully effective unless it is known and used by the public and by key stakeholders. Thus, I think raising public awareness about the usefulness of PRTR and to interact with stakeholders and learn about their needs is key priority. During the last intersessional period, major efforts were dedicated to the future development of the Protocol. During this process, personally I have realized that the reporting mechanism of PRTR is truly unique and that this can be used for other purposes, for example reporting to other Multilateral Environmental Agreements (such as the Stockholm Convention and the Minamata Convention). If streamlining with relevant agreements and regulations is achieved, the overall reporting process will be more efficient, and the data quality and comparability will be improved. It has also become obvious to me that adding contextual information would make data more understandable for the public as well as increase the usefulness of data for reporting related to sustainable development and circular economy.

I am confident that the upcoming years will be very interesting for the development of Protocol on PRTRs.

Mr. Jonas Ebbesson, Chair of the Aarhus Convention Compliance Committee

After 20 years of being in force, the Aarhus Convention has led the way in environmental democracy across the globe. What have been some of the main achievements of the Aarhus Convention compliance mechanism, and what are the main challenges ahead?



The Compliance Committee has shown how important it is to have an independent international body to review compliance with the Convention, and how much such a mechanism matters for ensuring that the rights set out in the Convention not only remain in the text but are also reflected in practice. The compliance mechanism prevents Parties from getting away with inadequate, self-serving and minimalist interpretations of what the Convention requires. It also provides for a continuous dialogue among the Parties (including their governments, parliaments and judiciaries), civil society organizations and others on how to effectively implement, apply and comply with the Convention.

It has helped confirm that participatory rights are indeed rights of members of the public, and not only some vague ambitions. Without the Compliance Committee, we would have seen Parties compromising on participatory rights far more than we see today. I think the work of the Compliance Committee has also contributed significantly to making participatory rights in environmental matters an established area of international law, in the UNECE region as well as around the world.

In your view, what is the added value of the rapid response mechanism for the protection of environmental defenders to compliance with the Convention? How do you think this rapid response mechanism will impact environmental democracy in practice?

We see increasing concerns around the world, including in the UNECE region, that members of the public cannot exercise their participatory rights out of fear for negative sanctions or reactions from governments, corporations, landowners, militias etc. Of course, when you cannot trust that you can safely exercise participatory rights that have been agreed and adopted in legal contexts, this has a profound adverse effect on democracy. As the Compliance Committee asserted in one of its findings, “If members of the public are penalized, harassed or persecuted for exercising their rights under the Convention, it puts in grave jeopardy the implementation of the Convention as a whole by the Party concerned.” The rapid response mechanism is intended to quickly react and respond to such situations. Thereby it can help in remedying or stopping such a situation when it arises, and hopefully also reduce the risk for such situations to arise in the first place. That would not be a small achievement. In that sense it also adds to the work by the Compliance Committee in promoting compliance by the Parties with the Convention as a whole.

Mr. Juan Luis Martin Ortega, Chair of the Compliance Committee of the Protocol on PRTRs

Following the third reporting cycle for the Protocol on PRTRs, what are the main conclusions? Have there been solid achievements in the region?



Parties' reporting reveals that PRTRs are continually improving, particularly in terms of electronic data provision and validation, improved promotion of public awareness of PRTR, and enhancements to searchability features and user friendliness of PRTR portals. The majority of Parties have enacted implementing legislation and are taking their responsibilities seriously. Almost all Parties' PRTRs are more extensive than the minimum requirements in the Protocol and continue implementing measures to enhance their PRTRs.

What do you see as the main challenges ahead?

Despite the progress made in implementing the Protocol, there is plenty of room for improvement, including completing national Registers concerning emissions from diffuse sources, minimizing duplicative reporting at national level, ensuring public participation, helping stakeholders to be aware of the availability of PRTR data and enhancing public awareness. In this sense, PRTR will not be entirely successful unless the public and key stakeholders are aware of it and use it. As a result, boosting public awareness is an important part of the PRTR planning and implementation process. Reinforcing international cooperation is another big challenge for widening the impact of PRTR.

Mr. Jeremy Wates, Secretary General of the European Environmental Bureau

Parties across the world have been challenged in many ways by the COVID-19 pandemic. In your view, what were the major challenges for civil society linked to the public rights?



States have taken a wide range of measures to prevent the spread of the virus, ranging from limiting travel to curtailing movement and ordering full country lockdowns. Some of these measures significantly interfere with the ability of NGOs and other civil society actors to continue to function effectively, facilitate citizen engagement and protect people's rights to information, participation and justice. There was a need for quick and effective responses to the pandemic, no doubt, but the manner in which these measures have been implemented has highlighted how crisis responses may exacerbate authoritarian and nationalist tendencies and worsen existing inequalities.

What lessons can Parties to the Aarhus Convention draw from this experience and what actions/measures should they implement to ensure a sustainable, inclusive, participatory and resilient recovery from the pandemic?

There are several positive lessons to be learned. By forcing everyone out of their normal routines, the pandemic has clearly shown that we can do things differently. And we need to do things differently, if we are to limit global warming to 1.5°C, reverse biodiversity loss and prevent widespread pollution. The pandemic has also demonstrated the value of and indeed necessity for international cooperation, even if current levels of cooperation fall short of what

is needed. Also positive is the way that the pandemic has tapped a deep narrative of solidarity in the face of adversity.

What are your expectations from the rapid response mechanism for the protection of environmental defenders?

Environmental defenders are literally in the front line of preventing destruction of the environment, often at great personal risk – more than 200 lost their lives around the world in 2020. In theory, the Aarhus Convention and its compliance mechanism should provide protection to environmental defenders, but the compliance mechanism was designed for a different purpose – it moves too slowly to protect those who may be facing intimidation, surveillance, violation, detention and even murder. So the environmental movement is very keen to see a rapid response mechanism put in place at the upcoming MoP, made operational as soon as possible and provided with adequate funding.

After 20 years of being in force, the Aarhus Convention has led the way in environmental democracy across the globe. What do you think the future of the Aarhus Convention looks like? What should be the main priorities for the near future?

If you had asked me this 20 years ago, I would have hoped that by now Parties would have been ready to adopt a series of strengthening amendments, a sort of Aarhus 2.0, but sadly the ambition is not there and some Parties even drag their feet over implementing their existing obligations. I would therefore highlight the following priorities:

- Safeguarding implementation of the Convention and respect for the Compliance Committee;
- Bringing the Genetically Modified Organisms (GMO) amendment into force and developing a protocol on access to environment-related product information;
- Encouraging other States to accede to the Convention, including from outside the UNECE region, following the example of Guinea-Bissau.

Follow along on Twitter for updates: @UNECEAarhus #MoP7Aarhus #PRTRMoPP4 #20yrOfAarhus

For more information on organization of the events and documents, please visit the UNECE website: <https://unece.org/environmental-policy/events/MoP7-MoPP4-JHLS>.