

**7th Meeting of the Parties to the Aarhus Convention (MOP 7)
(Geneva 18-21. October 2021)**

**Agenda Item 2: Adoption of the agenda and of operating procedures to
facilitate remote participation and decision-making**

**Draft operating procedures to facilitate remote participation and
decision-making in the seventh session of the Meeting of the Parties to
the Convention due to extraordinary circumstances**

Statement of Norway

Thank you Chair,

Norway thanks the Secretariat and the Bureau for preparing the draft decision.

Norway supports the draft operating procedures to facilitate remote participation and decisions-making in this Meeting of the Parties to the Aarhus Convention. These operating procedures are not ideal. They are nevertheless the best possible solution and a necessary prerequisite for us to be able to take the necessary decisions for the continued and important follow-up of the Convention and realization of its rights and obligations under the current conditions and restrictions caused by the covid-19 pandemic.

We note the [comments](#) and suggestion for amendments from the European Union and its Member States. We also note the [explanatory note](#) provided by the Secretariat in consultation with the Bureau.

In light of this, Norway supports the possible revisions to paragraphs 10 and 18 (c) of the draft operating procedures as set out in Annex I to the explanatory note.

Thank you, Chair

7th Meeting of the Parties to the Aarhus Convention (MOP 7)
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Agenda item 6 (a): Access to Information, including electronic information tools

Norway

Thank you Chair,

Norway would like to thank the Secretariat and the Bureau for preparing the draft decision VII/1 on promoting effective access to information and the draft updated recommendations on the more effective use of electronic information tools. We thank the Republic of Moldova for efforts in leading the work on this issue and for their willingness to continue leading it.

Norway supports the draft decision and recommendations as originally proposed.

We appreciate the work undertaken by the Task Force on Access to Information. We believe that the Task Force has an important role, since the exchange of information and best practices helps pinpoint main obstacles that need to be tackled and solutions that can be implemented, and thus contributes to effective public access to information in accordance with the Convention.

As stated in the preamble of the draft decision, effective public access to environmental information is critical for the successful implementation of a number of Sustainable Development Goals and is specifically targeted by Sustainable Development Goal 16.

If you have information about the status of the environment, the impact on the environment of human activities and the consequences of the impact for the environment and the people living in it, you can engage directly to protect and improve the environment through your own actions, or indirectly to influence decisions on whether or not to allow activities and on what conditions. In this way, you can protect the environment and thereby also the health and wellbeing of the

people living from and within the environment and thus being affected by the status of the environment.

[As previous speakers] We support the issues the Task Force is requested to pay special attention to, as they are highly relevant for securing public access to information as required by the Convention and important for achieving its objectives.

We particularly welcome the focus on the protection of whistle-blowers and other persons exercising their rights in conformity with the provisions of the Convention against harassment and other forms of retaliation in cases relating to disclosure of environmental violations. We believe this focus is necessary also within the Parties to the Convention, even though they should ideally not be necessary in Parties that have signed up to ensuring the public the rights under the Convention and protecting those exercising them.

We further welcome the draft updated recommendations on the more effective use of electronic information tools. The draft set high ambitions and contains elements important for digital transformation in the environmental field in order to further enhance protection of the environment and public access to information and participation for this purpose. The high ambitions and in some parts quite detailed and prescriptive recommendations do however have resource implications. As they are recommendations that describe aims and measures to achieve them through establishment and further development without prescribing absolute time-limits, they also provide some flexibility for Parties to set their priorities and allocate resources for the establishment and further development of measures on the basis of the recommendations.

Norway has established strategies within the scope of the draft updated Recommendations as part of the digital transformation that we are aiming for.

Thank you Chair.

7th Meeting of the Parties to the Aarhus Convention (MOP 7)
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Agenda item 6 (b): Public participation in decision-making

Norway

Thank you Chair,

Norway would like to thank the Secretariat and the Bureau for preparing the draft decision VII/2 on promoting effective public participation in decision-making. We thank Italy for their leadership of the Task Force and the [Party] for its offer to lead the Task Force in its future work on this issue.

Norway supports the draft decision.

We appreciate the work undertaken by the Task Force on public participation. We believe that the Task Force has an important role, since the exchange of information and best practices helps pinpoint main obstacles that need to be tackled and solutions that can be implemented, and thus contributes to effective public participation in accordance with the Convention.

As stated in the preamble of the draft decision, effective public participation plays a critical role in the successful implementation of the Sustainable Development Goals. Access to environmental information combined with public participation in decision-making enlightens the decision-making process with views and knowledge from different perspectives. This contributes to broaden and increase knowledge about the status of the environment, the impact on the environment of human activities and the consequences of the impact for the environment and the people living in it. With increased knowledge, decision-makers can take better account of the environmental impact and thus contribute to reduce the impact. Reduced impact contributes to better protection and improvement of the environment and thus to protect the health and wellbeing of the people living from and within the environment and thus being affected by the status of the environment.

Safe public participation without persecution, harassment or penalization, and protection of environmental defenders and other persons exercising their rights in conformity with the provisions of the Convention is therefore particularly important. We believe focussing on this issue is necessary also within the Parties to the Convention, even though they should ideally not be necessary in Parties that have signed up to ensuring the public the rights under the Convention and protecting those exercising them.

We therefore welcome the draft decision and the actions for improvement of public participation that it entails.

Thank you Chair.

7th Meeting of the Parties to the Aarhus Convention (MOP 7)
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Agenda item 6 (c): Access to justice

Norway

Thank you Chair,

Norway would like to thank the Secretariat and the Bureau for preparing the draft decision VII/3 on promoting effective access to justice. We thank Sweden for their leadership of the Task Force and Belgium for its offer to lead the Task Force in its future work on this issue.

Norway supports the draft decision.

As stated in the preamble of the decision, effective access to justice in environmental matters is critical for the successful implementation of a number of Sustainable Development Goals, in particular Goal 16.

If access to environmental information and participation in decision-making in environmental matters is not provided in accordance with the Convention, the potential for contributing to a better environment and the health and well-being of those living from and in the environment is not put into effect.

The Special Rapporteur on Human Rights and the Environment has referred to the Aarhus Convention as an example of good practices on procedural requirements, including requirements to provide access to legal remedies. The Human Rights Council in its resolution 34/20 on Human Rights and the Environment calls upon States to adopt and implement strong laws ensuring, among other things, the rights to participation, to access to information and to justice.

Furthermore, access to justice is of fundamental importance to contribute to the protection of human rights defendes, including those adressing environmental issues. The Human Rights Council, in its resolution 31/32, has expressed grave concern at

the observations and findings of the Special Rapporteur on the situation of human rights defenders, including those addressing environmental issues, and called upon all States to take all measures necessary to ensure the rights and safety of human rights defenders, and who, in so doing, exercise the rights to seek an effective remedy.

As stated in the draft decision, challenges remain to the full implementation of access to justice in accordance with the Convention. Some of these challenges have been highlighted during the discussion of the draft decisions on the compliance of Parties with the Convention.

We appreciate the efforts of the Chair of the Task Force and welcome the offer of Belgium to take over the chairing of the Task Force. We also welcome the work undertaken by the Task Force on access to justice. We believe that the Task Force has an important role, since the exchange of information and best practices helps pinpoint main obstacles that need to be tackled and solutions that can be implemented, and thus contributes to effective access to justice in accordance with the Convention and to the implementation of the Sustainable Development Goals.

Norway therefore supports the draft decision on access to justice and the work it requests the Task Force to undertake in order to contribute to the improvement of access to justice.

Thank you Chair.

**7th Meeting of the Parties to the Aarhus Convention (MOP 7)
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Agenda Item 3 / 7 (b): Compliance

Draft decision VII/8: General issues of compliance

Thank you Chair,

Norway takes this opportunity to thank the Compliance Committee for their continued efforts to contribute to ensuring that the obligations of the Convention are adhered to by the Parties by thoroughly considering general issues, submissions and communications through transparent and fair procedures and reporting their conclusions and recommendations to the Meeting of the Parties for consideration.

We extend special thanks to the departing Chair of the Committee, Mr. Ebbesson, who has shown great leadership and dedication in his long-standing role as chair of the Committee and thus greatly contributed to the efforts made by the Committee to fulfill its mandate to review the Parties' compliance with their obligations under the Convention in a transparent, participatory and cooperative way.

We also thank the members of the Committee for their valuable and dedicated efforts, and not least the Secretariat for providing essential assistance to the Committee. Together they have contributed to ensuring that the rights set out in the Convention not only remain words on a paper but are also having a real impact.

Norway thanks the Secretariat and the Bureau for preparing the draft decision on general issues of compliance. Norway would like to express its support for the draft decision.

We share the appreciation expressed by the Committee of the constructive efforts made by several parties to follow-up on recommendations previously made by the Committee and endorsed by the Meeting of the Parties. We also share the concerns expressed by the Committee that not all Parties are taking the necessary

action to comply with the recommendations of the Meeting of the Parties and/or the Committee respectively or even recognizing the necessity of further action. We are as the Committee even more concerned that one party, despite constructive cooperation with the Committee, continues to take actions implying continued and increasingly serious breaches of obligations central to the Convention.

It is therefore important that the Meeting of the Parties continues its practice to endorse the findings and recommendations of the Committee and to request it to follow-up on the implementation by the Parties concerned of the recommendations endorsed.

Thank you, Chair

7th Meeting of the Parties to the Aarhus Convention (MOP 7)
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Agenda Item 3 / 7 (b): Compliance

Draft decision VII/8c concerning compliance by Belarus with its obligations under the Convention

Statement of Norway

Thank you Chair,

Norway thanks the Secretariat and the Bureau for preparing the draft decision and the proposed amendments to it following the conclusions and recommendations from the Compliance Committee in its supplementary report on compliance by Belarus with its obligations under the Convention.

We are deeply concerned about the deteriorating conditions for democracy and civil society and political opposition in Belarus and we express deep regret that the Belarusian government has made little effort to end the systemic denials of the human rights of the country's citizens.

In Belarus we witness an attempt to completely eliminate opposition and to silence all alternative voices, including those of environmental human rights defenders. The authorities have again and again demonstrated a blatant disregard for their international obligations, including their obligations under the Aarhus Convention.

According to the draft decision and the report of the Compliance Committee upon which it is based, Belarus still does not comply with the requirements in the previous decision by the Meeting of the Parties concerning its compliance with the Convention.

Furthermore, in its supplementary report on the compliance by Belarus with its obligations under the Convention, the Compliance Committee thoroughly, and in accordance with procedures established and equally applied in all compliance cases concerning the Parties to the Convention, documents that the environmental NGO Ecohome was liquidated on 31 August 2021 as a consequence of deliberate action by the Ministry of Justice and the Supreme Court of Belarus and through procedures with egregious lack of due process. The Committee considers that there is nothing in any of the documents provided that would show that the action taken by the Party concerned to liquidate Ecohome was objective, reasonable or proportional, or that it pursued a legitimate purpose. The Committee finds that this constitutes a further case of persecution, penalization and harassment in breach of the obligations under article 3 (8) of the Convention by Belarus. The Committee further finds that this is a particularly flagrant case of non-compliance, as it entails the silencing by Belarus of a communicant actively engaged in the Committee's follow-up procedure of a complaints case.

Given the gravity of the actions of Belarus, the Compliance Committee recommends that the Meeting of the Parties decide to suspend, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, the special rights and privileges accorded to Belarus under the Convention, that the suspension takes effect on 1 February 2022 unless the liquidation of Ecohome has been cancelled, its registration as a public association under the Act on Public Associations has been reinstated and this fact has been notified and documented to the Secretariat by 1 December 2021. It further recommends that the Committee is requested to establish that these conditions are fulfilled.

Pursuant to Decision I/7 on review of Compliance rule 37 litra (g), suspension is one of the measures that the Meeting of the Parties may decide upon when they consider a report and recommendations of the Compliance Committee. The choice of measure (or measures) depend upon the particular question and the cause, degree and frequency of the non-compliance of a Party.

Suspension is a serious measure and should be reserved for particularly grave cases where there seem to be none or very few other options available to ensure a Party's fulfillment of their obligations under the Convention, including to provide the public of that Party with the possibility to enjoy the rights provided in the Convention and to protect them while doing so.

Norway is gravely concerned about the serious and rapidly deteriorating situation in Belarus for persons exercising their rights under the Convention. We are also gravely concerned about the lack of willingness of Belarus to respect its international obligations, including those under the Convention, despite consistent and increasingly clearer calls for it to do so in and by bodies under the Convention and in other international foras. We agree with the Committee that Belarus' unjustified actions taken with egregious lack of due process is a particularly flagrant breach of its obligations. We also agree that it is essential that Belarus take immediate action to rectify this and the other previously established breaches of the Convention.

Norway therefore believes that the causes, persistence and degree of the non-compliance of Belarus with its obligations under the Convention are particularly grave. We also believe there are very few other options left to ensure its fulfilment of its obligations. We therefore believe that suspension is warranted in this case.

We note that Belarus was clearly warned by the Committee in its letter of the 20th of August this year that the instigated proceedings to liquidate Ecohom could constitute penalization, persecution or harassment in violation of article 3 (8) of the Convention. It was also asked to immediately reconsider the steps taken through these proceedings. It was furthermore informed that the Committee would report these events and any subsequent developments to the Meeting of the Parties. The liquidations process was nevertheless fulfilled. Belarus has in our opinion had ample time – more than seven weeks – to prepare the necessary information and reconsider its actions.

We furthermore note that the Compliance Committee in paragraphs 36 to 53 of its supplementary report clearly and convincingly explains why the liquidation of Ecohome is not a new and separate case but a further incident and particularly flagrant case of non-compliance with Article 3(8) of the Convention which is covered by the follow-up requested by the Meeting of the Parties to the Committee in paragraph 7 of decision VI/8c. Finally, we note that the Committee in paragraph 38 explains why Belarus has been treated equally with other Parties with regard to time to comment on the Committee's draft report, and why providing yet another extension of the time to do so would mean the Belarus would be treated differently and more favourably than the other Parties.

For all these reasons we therefore support the first of the two alternative reactions recommended by the Compliance Committee to be decided by the Meeting of the Parties, that is option (a) in paragraph 63 of its supplementary report on the compliance by Belarus with its obligations under the Convention, and included as Alternative option A in para 7 of the proposal from the Bureau for an amended draft decision.

We note that the Compliance Committee has once before considered suspension and its effects. We refer to paragraphs 33-34 in the [Report from the 32nd meeting of the Committee](#). Suspension covers *special* rights and privileges accorded to a Party concerned under the Convention. It does not cover voting rights, as rights accorded to all Parties of the Convention, are not special rights or privileges. Consequently, although a serious reaction reserved for serious cases of non-compliance, it is far from such a serious deprivation of a Party's rights under the Convention as Belarus has actively ensured with regard to the rights of representatives of the public under the Convention by the proceedings its authorities has taken to ensure liquidation of Ecohome, which as a consequence has deprived Ecohome of all its possibilities to exercise any of their rights under the Convention. It is therefore clearly a justified and proportionate reaction against Belarus in this case.

Suspension will not enter into force on the 1st of February next year, and it will only enter into force if Belarus does not reinstate Ecohome and documents

that this has been done to the full satisfaction of the Compliance Committee. Belarus therefore has ample opportunity to avoid suspension. We urge Belarus to reinstate Ecohome as a legal NGO in Belarus and thus fulfill its obligations under Article 3(8) of the Convention. By doing so, they will ensure that Ecohome has the possibilities to exercise their rights under the Convention and simultaneously ensure that they also keep their special rights and privileges under the Convention.

We express our deepest sympathy with Ecohome and all the others that are suffering under the repression by the authorities of Belarus and our deep admiration for the courage and endurance they show in their struggle for the enjoyment of their rights under the Convention and for the environment.

We also take this opportunity to repeat the calls made by Norway together with other Parties to the Convention in other fora for the authorities of Belarus to respect human rights and fundamental freedoms, and strongly urge the authorities to cease their persecution, penalization and harassment of those exercising their rights under the Aarhus Convention.

Thank you, Chair

7th Meeting of the Parties to the Aarhus Convention (MOP 7)
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Agenda Item 3 / 7 (b): Compliance

**Draft decision VII/8f concerning compliance by the European Union
with its obligations under the Convention**

Statement of Norway

Thank you Chair,

Norway thanks the Secretariat and the Bureau for preparing the draft decisions concerning the compliance of individual parties with the Convention.

As stated in our intervention on general issues of compliance, Norway believes it is important that the Meeting of the Parties continues its practice to endorse the findings and recommendations of the Committee and to request it to follow-up on the implementation by the Parties concerned of the recommendations endorsed.

With regard to the draft decisions on the compliance of individual Parties, Norway therefore continues to support the long-standing and consistent practice of the Meeting of the Parties to endorse the findings of the Compliance Committee and recommend to the Party concerned to take actions in accordance with the recommendations of the Committee.

We are aware of the challenges faced by Parties being subject to communications and findings of non-compliance and recommendations for measures to rectify the shortcomings. We should however bear in mind that Communications are a result of challenges faced by members of the public trying to exercise the rights that we as parties to the Aarhus Convention signed up to guarantee. The importance of these rights are

emphasized by the Sustainable Development Goals, including but not limited to Goal 16.

The Compliance Mechanism of the Aarhus Convention is one of the strongest and most efficient among the mechanisms of environmental conventions. To keep it that way will require continued shared efforts from the public to use it wisely, the Compliance Committee to carefully consider the cases brought before it through transparent and fair procedures, the Parties to actively engage and respect the outcome through the decision of the Meeting of the Parties in line with long-standing and consistent practice.

If in exceptional circumstances the Meeting of the Parties is considering deviating from this practice, it should be very carefully considered whether that is warranted and desirable. We should take into account not only the consequences of its decisions for the Party subject to the decision on compliance, but also for the other Parties, the Convention, its bodies and mechanisms and – not least - for those depending on the rights of the Convention.

At its last Meeting of the Parties it was decided to deviate from this practice. In the spirit of reaching consensus and considering exceptional circumstances, the draft decision concerning the compliance of European Union with its obligations under the Convention was postponed to this Meeting of the Parties. The European Union then expressed its willingness to continue exploring ways and means to comply with the Convention in a way that was compatible with the fundamental principles of the European Union legal order and with its system of judicial review. We note with appreciation that the European Union has now followed up on this and introduced measures that the Compliance Committee considers sufficient.

The European Union has thus demonstrated that it remains committed to ensuring that it respects its international obligations under the Aarhus

Convention and that it will follow-up on the Compliance Committee's findings and recommendations even if it in an exceptional case has requested time to analyse the implications and assessing the options available, and therefore was not willing to accept the obligation follow up immediately.

The aim of the long-standing and consistent practice of the the Meeting of the Parties to endorse the findings of the Compliance Committee and recommend to the Party concerned to take actions in accordance with the recommendations of the Committee, is to ensure that the Committee's role is respected and the rights and obligations under the Convention are fulfilled.

We should therefore bear also this in mind when we are once again finding ourselves in the very unfortunate situation where deviations from the long-standing, consistent practice of the Meeting of the Parties are being proposed by the European Union, this time with regard to the part of the draft decision VII/8f concerning compliance by the European Union with its obligations under the Convention in case ACCC/C/2015/128.

Norway does not support the amendments proposed by the European Union in paragraphs 11, 12 and 13 of the draft decision. We believe these amendments provide for too large a margin of appreciation with regard to the extent and consequences of its obligations under the Convention.

Norway does however believe it will be very difficult, most probably impossible to reach consensus on a decision as proposed by the Bureau and also on an amended decision as proposed by the European Union. We believe in the importance of making every effort to reach decisions by consensus and to avoid voting.

We note that the European Union also with regard to this case expresses its continued commitment to ensuring that the EU respects its international obligations in matters pertaining to the Aarhus Convention, that it

acknowledges the concerns raised in the findings Compliance Committee in the case, that it is currently analysing the implications of the findings, assessing the options available and that it sets itself a time-limit to do so and to come forward with measures as appropriate before the next Meeting of the Parties in light of the obligations of the EU and its Member States under the Aarhus Convention and taking into account the rules of Union law concerning state aid.

Norway therefore believes that postponement of the part of the draft decision concerning case ACCC/C/2015/128 would be the best option. This is yet another exceptional circumstance and it should not set a precedent for any future decision-making even if this would be the second time the Meeting of the Parties has reluctantly accepted deviation from previous practice in a case concerning one Party. We do expect the European Union to follow up on its commitments to respect its international obligations, and to analyse the implications of the findings, assess the options available and come forward with measures as appropriate before the next Meeting of the Parties.

The Meeting of the Parties should therefore state in its meeting report that in the spirit of reaching consensus, considering exceptional circumstances, it decided by consensus to postpone the decision-making on the part of the draft decision VII/8(f) concerning the European Union with regard to case ACCC/C/2015/128 to the next ordinary session of the Meeting of the Parties in 2025, express the expectation mentioned above in the meeting report, and request the Compliance Committee to review the follow-up by the European Union on the matter and to report to the Meeting of the Parties accordingly.

Ask that concerns of Norway and reasons for accepting this as exceptional solution not creating precedence and the expectations that EU will follow-up as outlined and the CC will review EU actions in this regard to be reflected in the meeting report.

Thank you, Chair

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Agenda Item 3 / 7 (b): Compliance

**Draft decision VII/8f concerning compliance by the European Union
with its obligations under the Convention**

Statement of Norway

Thank you Chair,

Norway continues to support the long-standing and consistent practice of the Meeting of the Parties to endorse the findings of the Compliance Committee, to recommend to the Party concerned to take actions in accordance with the Committee's recommendations and to request the Committee to follow-up on their implementation by the Parties concerned. The aim of this practice is to ensure that the Committee's role is respected and the rights and obligations under the Convention are fulfilled.

We are aware of the challenges faced by Parties being subject to communications and findings of non-compliance and recommendations for measures to rectify the shortcomings. We should however bear in mind that Communications are a result of challenges faced by members of the public trying to exercise the rights that we as parties to the Aarhus Convention signed up to guarantee. The Compliance Mechanism of the Aarhus Convention is one of the strongest and most efficient among the mechanisms of environmental conventions. To keep it that way will require continued shared efforts from the public to use it wisely, the Compliance Committee to carefully consider the cases brought before it through transparent and fair procedures, the Parties to actively engage and respect the outcome through the decision of the Meeting of the Parties in line with practice. If in exceptional circumstances the Meeting of the

Parties is considering deviating from this practice, it should be very carefully considered whether that is warranted and desirable.

We should take into account not only the consequences of its decisions for the Party subject to the decision on compliance, but also for the other Parties, the Convention, its bodies and mechanisms and – not least - for those depending on the rights of the Convention. At its last Meeting of the Parties it was decided to deviate from this practice. In the spirit of reaching consensus and considering exceptional circumstances, the draft decision concerning the compliance of European Union with its obligations under the Convention was postponed to this Meeting of the Parties. The European Union then expressed its willingness to continue exploring ways and means to comply with the Convention in a way that was compatible with the fundamental principles of the European Union legal order and with its system of judicial review. We note with appreciation that the European Union has now followed up on this and introduced measures that the Compliance Committee considers sufficient. The European Union has thus demonstrated that it remains committed to ensuring that it respects its international obligations under the Aarhus Convention and that it will follow-up on the Compliance Committee's findings and recommendations even if it in an exceptional case has requested time to analyse the implications and assessing the options available, and therefore was not willing to accept the obligation follow up immediately.

We should therefore also bear this in mind when we are once again finding ourselves in the very unfortunate situation where deviations from this practice are being proposed by the European Union. The amendments proposed by the European Union provide for too large a margin of appreciation with regard to the extent and consequences of its obligations under the Convention. Norway believe it will be very difficult to reach consensus on a decision as proposed by the Bureau and also on an amended decision as proposed by the European Union. We believe in the importance of making every effort to reach decisions by consensus and to avoid voting.

We note that the European Union also with regard to this case expresses its continued commitment to ensuring that the EU respects its international obligations in matters pertaining to the Aarhus Convention, that it acknowledges the concerns raised in the findings Compliance Committee in the case, that it is currently analysing the implications of the findings, assessing the options available and that it sets itself a time-limit to do so and to come forward with measures as appropriate before the next Meeting of the Parties in light of the obligations of the EU and its Member States under the Aarhus Convention and taking into account the rules of Union law concerning state aid. Norway therefore believes that postponement of the part of the draft decision concerning case ACCC/C/2015/128 would be the best option.

This is yet another exceptional circumstance and it should not set a precedent for any future decision-making. We do expect the European Union to follow up on its commitments to respect its international obligations, and to analyse the implications of the findings, assess the options available and come forward with measures as appropriate before the next Meeting of the Parties. The Compliance Committee should be requested to review the follow-up by the European Union on the matter and to report to the Meeting of the Parties accordingly. This should be reflected in the meeting report.

Thank you, Chair

7th Meeting of the Parties to the Aarhus Convention (MOP 7)
(Geneva 18-21. October 2021)

Agenda Item 3 / 7(c): Rapid response mechanism

Norway

Thank you Chair,

Norway would like to thank the Bureau and the Secretariat for the draft decision on a rapid response mechanism.

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. As the discussions we have just had concerning Parties' compliance with their obligations under the Convention have demonstrated, the situation of environmental human rights defenders may be challenging also within Parties to the Convention, as breaches of the obligations under Article 3(8) do occur. Environmental human rights defenders who exercise their rights in Parties to the Convention may therefore also need more rapid protection than the compliance procedure under the Convention provides for.

Norway therefore supports the establishment of a new rapid response mechanism to increase protection of environmental human rights defenders who exercise their rights in conformity with the Aarhus Convention.

We thank Austria and Ireland for their generous offers to contribute financially and through leadership to get this important mechanism up and running.

A rapid response mechanism could contribute to increased 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. It could also contribute to setting a high standard for how the rights of environmental human rights defenders can be protected internationally.

The amendment proposed by the EU and its Member States to paragraph 10 to request the Working Group of the Parties to elect the independent special rapporteur on environmental defenders at its next meeting in 2022, would provide for a swifter and easier election and could contribute to the mechanism becoming up and running earlier.

With regard to the amendment proposed by Belarus to para 21, we refer to rules 43, 18, 22 and 23 of the rules of procedures of the Meeting of the Parties contained in the Annex to MOP Decision I/1, which state that election of officers shall, in the absence of consensus, be decided by means of a secret ballot. We also refer to the rule on the structure of the Compliance Committee in Annex to MOP Decision I/7 on Compliance, point 7, in which it is stated that the members of the Committee shall be elected by the MOP by consensus, or failing consensus, by secret ballot. We do not see any valid reasons for deviating from this with regard to the appointment of a Special Rapporteur. Belarus argues that appointment by consensus is required to install the necessary trust in the Special Rapporteur. We believe trust is equally important for all bodies under the Convention, including the Compliance Committee and its members. The parties have still agreed to elect those members and other officials in the other bodies of the Convention by secret ballot in the absence of consensus. As appointment of a special rapporteur is necessary in order for the rapid response mechanism to function, we believe the same procedure should be used here.

Norway therefore supports the draft with the amendment proposed by the EU and its Member States.

Thank you Chair

7th Meeting of the Parties to the Aarhus Convention (MOP 7)
(Geneva 18-21. October 2021)

Agenda item 8(a): Accession by Guinea Bissau to the Convention

Norway

Thank you Chair,

Norway would like to thank the Secretariat and the Bureau for the draft decision VII/10 on accession by Guinea-Bissau to the Convention.

As we fully share the firm belief expressed in the draft decision that being a Party to the Convention brings tangible positive changes to legislation and practice, with multiple benefits not only for environmental protection but also for the social and economic aspects of people's lives, we are pleased to see that the Convention is attracting a new Party and believe it is especially encouraging to see that it is attracting States also outside the UNECE Region.

We therefore support the draft decision and welcome the accession by Guinea-Bissau to the Convention.

Thank you Chair

7th Meeting of the Parties to the Aarhus Convention (MOP 7)
(Geneva 18-21. October 2021)

Agenda item 9(b): Future work programme for 2022-2025

Norway

Thank you Chair,

Norway would like to thank the Secretariat and the Bureau for the draft decision VII/5 on the future work programme for 2022-2025.

We support the draft decision.

We take this opportunity to inform the Meeting of the Parties of Norway's intention to maintain its annual contribution of 40.000 USD, divided equally between the expenditures under the Aarhus Convention and its PRTR Protocol, subject of course to the annual endorsement by the budgetary authorities, in order to support financial sustainability and predictability and thus also the effective functioning and follow-up of the Convention.

The proposed work-programme entails additional costs. These additional costs are however linked to issues and functions that are important to ensure that the rights and obligations of the Convention are well known, fully and correctly implemented and applied and also promoted in other relevant processes and foras. Civil and political human rights, including the rights provided by the Convention in the environmental field, are crucial in order for us to address the challenges we face due to climate change, the global nature crisis, pollution and covid-19 and obtain the sustainable development goals. The resolution on environmental human rights defenders that was adopted by consensus in the UN Human Rights Council a couple of years ago, and the Information note on the situation regarding environmental defenders in the Aarhus Parties from 2017 to date, shows that these rights are under pressure.

Covid-19 puts pressure on our economies. However, if we do not preserve the tools we need to tackle this challenge the challenges to our climate and environment, we may face even greater challenges to our economies in our near future.

This does not mean that we should not carefully consider the costs and possibilities for reducing them without putting the efficient implementation and application of the Convention and the enjoyment of the rights it provides at risk.

The possibility of increasing the use of digital platforms for the work under the Convention and thus save travel costs are among those that should be carefully considered while securing the rights under the Convention.

Based on our experiences especially during the last nearly two years of the Covid-19 pandemic, when the use of digital platforms have increased enormously, such platforms provide a useful tool for meetings and exchanges. We therefore think it is worth exploring the opportunity to increase the use of electronic tools in the work under the Convention, including its Task Forces. The virtual meetings of the Working Group has provided useful experiences in this regard. We should however also be aware of the challenges and limitations that digital platforms have. We should therefore think carefully about whether and to what extent physical meetings could be wholly or partially replaced with virtual meetings.

**7th Meeting of the Parties to the Aarhus Convention (MOP 7)
(Geneva 18-21. October 2021)**

Agenda item 9(c): Strategic Plan for 2022-2030

Norway

Thank you Chair,

Norway would like to thank the Secretariat and the Bureau for the draft decision VII/11 on the future strategic plan for 2022-2030.

We support the draft decision.

It is important to highlight the contributions of the Convention to the attainment of the Sustainable Development Goals. Given the increased challenges that environmental human rights defenders face and the priority Norway gives to their protection, it is also important to highlight the need for effective measures for their protection in the new strategic plan. The increased focus on implementation of Compliance Committee's findings and recommendations and the subsequent decisions taken by the Meeting of the Parties is also important. The advancement and increased use of information and communication technologies (ICTs) and digital transformation bring both new opportunities and challenges for the promotion of environmental democracy.

Thank you Chair

7th Meeting of the Parties to the Aarhus Convention (MOP 7)
(Geneva 18-21. October 2021)

Agenda Item 3 / 9(d): Financial arrangements

Norway

Norway would like to thank the Secretariat and the Bureau for preparing the draft decision on financial arrangements.

As most of the Parties probably know from previous discussions at the last Meeting of the Parties and subsequent meetings of the Working Group of the Parties, Norway has for long has a preference for option C for mandatory contributions based on adjusted UN scale of assessed contributions. We believe this to be the solution most in accordance with the principles of an equitable sharing of the burden, stable and predictable sources of funding, accountability and sound financial management.

The Parties to the Aarhus Convention have a collective responsibility to contribute to the effective functioning and follow-up of the Convention, in order to achieve its goals. Although contributions can be and are made in different ways, stable, predictable and fairly shared financial contributions are a necessary foundation.

[Norway intends to maintain its annual contribution of 40.000 USD, divided equally between the expenditures under the Aarhus Convention and its PRTR Protocol, subject of course to the annual endorsement by the budgetary authorities, in order to support financial sustainability and predictability and thus also the effective functioning and follow-up of the Convention.]

Effective functioning and follow-up of the Convention is important for several reasons. It contributes to the fulfilment of procedural human rights and good governance in the environmental field, which in turn contribute to safeguarding the environment and thus also to achieving the Sustainable Development Goals.

Increased cost efficiency is important but will mainly contribute to reducing the amount of funding needed. Requesting UNECE to explore the possibility to allocate more resources to the Aarhus Convention could produce similar results. Differentiating between operational costs and costs of non-operational activities might enable us to prioritize the use of the contributions received and possibly conclude that they cover a minimum of operational costs.

Neither of these measures would in themselves lead to a fair burden sharing of the costs that would still remain, or predictable sources of funding.

As for option B of recommendatory contributions, this could have been a possible compromise worth considering if it would have contained more specific recommendations as to the contributions from each Party.

We therefore note with regret that there is at present insufficient support for the establishment of a general mandatory scheme of contributions.

We are however aware that the Parties operate under budget constraints.

We are also aware that we need to come to an agreement on this decisive issue.

Judging from these previous discussions and statements, the prospect of changes in the position of those opposed to the introduction of a mandatory scheme during these few days of the MoP, is bleak.

We are therefore willing to compromise in the short term and support option A in the draft decision for continued use of the existing scheme of voluntary contributions to contribute to consensus.

It is clear from the last preambular paragraph and stated in paragraphs 13 and 14 of the draft decision that the Parties agree to review the operation of the financial arrangements at the 7th session of the MoP and that the Bureau and the Working Group of the Parties are mandated to explore options for more predictable, stable and equitably shared funding. These paragraphs are important to us in light of our aim to

secure more predictable, stable and equitably shared funding of the activities under the Convention. Norway also supports keeping the inclusion of the goals of the financial arrangements and the concerns about the uneven distribution of contributions currently in brackets in the preamble of the draft decision. We further support the proposal to increase the minimum amount expected to be contributed by each Party from 500 to 1.000 USD.

We do however intend to continue to consider possible ways to ensure stable, predictable and fairly shared contributions, including through a strengthened funding mechanism.

Thank you Chair,