



Economic Commission for Europe**Meeting of the Parties to the Convention on
Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters****Compliance Committee****Seventy-fifth meeting**

Geneva, 14–17 June 2022

Item 10 of the provisional agenda

**Matters arising from the decisions of the Meeting of the Parties,
including follow-up on specific cases of non-compliance****Report on the implementation of paragraph 7 of
decision VII/8c on compliance by Belarus with its obligations
under the Convention****I. Introduction**

1. At its seventh session (Geneva, 18–21 October 2021), the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adopted decision VII/8c on compliance by Belarus with its obligations under the Convention (see ECE/MP.PP/2021/2/Add.1).¹
2. Through paragraph 5 of decision VII/8c, the Meeting of the Parties endorsed the findings of the Committee² with respect to paragraph 7 of decision VI/8c that the liquidation of Ecohome on 31 August 2021 constitutes a further incident of persecution, penalization and harassment under article 3 (8) of the Convention by the Party concerned and that in this regard, the silencing by the Party concerned of a communicant actively engaged in the Committee's follow-up procedure is a particularly flagrant case of non-compliance with article 3 (8).
3. Pursuant to paragraph 6 of decision VII/8c, the Meeting of the Parties invited any person who has previously acted on behalf of Ecohome in the Committee's procedure to continue to engage with the Committee in the place of Ecohome in the follow-up procedure on decision VII/8c, and any decision that supersedes it.

¹ Available under "Post-session documents" tab at https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7.

² ECE/MP.PP/2021/61, paras. 53 and 61.



4. Through paragraph 7 of decision VII/8c, the Meeting of the Parties decided, in the light of the finding in paragraph 5 of decision VII/8c, given the gravity of the Party concerned's actions and pursuant to paragraph 37 (g) of the annex to decision I/7:

(a) 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 the Party concerned under the Convention;³

(b) That the suspension will become effective on 1 February 2022, unless the Party concerned has cancelled the liquidation of Ecohome and reinstated Ecohome's registration as a public association under the Act on Public Associations and has notified the secretariat of this fact, providing evidence, by 1 December 2021;

(c) To request the Committee to establish the fulfilment of subparagraph (b) above.

II. Summary of follow-up

5. On 8 November 2021, and subsequent to the adoption of decision VII/8c by the Meeting of the Parties at its seventh session, the Party concerned wrote to the Committee providing comments on the Committee's supplementary report on decision VI/8c. In its letter, the Party concerned did not report on any measures it had taken to cancel the liquidation of Ecohome or to reinstate Ecohome as a public association under the Act on Public Associations.⁴

6. On 18 November 2021, representatives of the communicant of communication ACCC/C/2014/102 submitted comments on the letter of the Party concerned of 8 November 2021.

7. On 24 November 2021, the Acting Chair of the Compliance Committee wrote to the Party concerned addressing the points raised in its letter of 8 November 2021.⁵

8. On 26 November 2021, the Minister of Natural Resources and Environmental Protection of the Party concerned wrote to the Executive Secretary of the United Nations Economic Commission for Europe (ECE) with respect to the adoption of decision VII/8c by the Meeting of the Parties at its seventh session. In his letter, the Minister did not report on any measures taken by the Party concerned to cancel the liquidation of Ecohome or to reinstate Ecohome as a public association under the Act on Public Associations.

9. On 7 December 2021, the secretariat wrote to the Party concerned and representatives of the communicant of communication ACCC/C/2014/102 at the Committee's request inviting them to take part in an open session to be held on 14 December 2021, during the Committee's seventy-third meeting (Geneva (online), 13–16 December 2021), to review any developments that had taken place regarding paragraph 7 (b) of decision VII/8c.

10. On 8 December 2021, representatives of the communicant of communication ACCC/C/2014/102 provided the Committee with the text of the supervisory complaint they had submitted to the President of the Supreme Court of the Party concerned on 30 November 2021.

11. On 9 December 2021, the Party concerned informed the secretariat that it would not take part in the open session to be held on 14 December 2021 at the Committee's seventy-third meeting.

12. On 14 December 2021, the Committee duly held an open session to review any developments regarding the decisions concerning the compliance of individual Parties adopted by the Meeting of the Parties at its seventh session, including any developments with respect to paragraph 7 (b) of decision VII/8c. Despite being invited, neither the Party

³ ECE/MP.PP/2/Add.8.

⁴ Letter available at <https://unece.org/env/pp/cc/decision-vii8c-concerning-belarus>.

⁵ The then-Acting Chair was elected as Chair of the Compliance Committee at its seventy-third meeting (Geneva (online), 13–16 December 2021).

concerned nor representatives of the communicant of communication ACCC/C/2014/102 took part in the session.

13. On 21 December 2021, the ECE Executive Secretary wrote to the Minister of Natural Resources and Environmental Protection of the Party concerned in reply to his letter of 26 November 2021.

14. The Committee completed its draft report on the implementation by the Party concerned of paragraph 7 of decision VII/8c through its electronic decision-making procedure on 24 January 2022. In accordance with paragraph 34 of the annex to decision I/7, the draft report was forwarded to the Party concerned, communicants and observers on 28 January 2022 with an invitation to provide comments by 11 February 2022.

15. On 11 February 2022, representatives of the communicant of communication ACCC/C/2014/102 submitted comments on the Committee's draft report, together with an update on recent legislative developments. No comments were received from the Party concerned.

16. After taking into account the comments received, the Committee finalized and adopted its report on the implementation of paragraph 7 of decision VII/8c through its electronic decision-making procedure on 22 February 2022 and agreed that the report should be published as a formal pre-session document to its seventy-fifth meeting (Geneva, 14–17 June 2022). It requested the secretariat to send the report to the Party concerned, communicants and observers.

III. Considerations and evaluation by the Committee

17. In accordance with paragraph 7 (b) of decision VII/8c, in order for the suspension issued to the Party concerned under paragraph 7 (a) of decision VII/8c not to become effective on 1 February 2022, the Party concerned would need to have cancelled the liquidation of Ecohome and reinstated Ecohome's registration as a public association under the Act on Public Associations, and have notified the secretariat of this fact, providing evidence, by 1 December 2021.

18. The Party concerned did not notify the secretariat by 1 December 2021 that it had cancelled the liquidation of Ecohome and reinstated Ecohome's registration as a public association under the Act of Public Associations. The Party concerned has also not provided any information since 1 December 2021 to indicate that it has taken any measures since then to cancel the liquidation of Ecohome or to reinstate Ecohome as a public association.

19. In the light of the foregoing and pursuant to paragraph 7 (c) of decision VII/8c, the Committee finds that, since the Party concerned did not notify the secretariat that it had cancelled Ecohome's liquidation and reinstated Ecohome's registration as a public association under the Act of Public Associations by 1 December 2021, the suspension of the special rights and privileges accorded to the Party concerned under the Convention issued to the Party concerned through paragraph 7 (a) of decision VII/8c became effective on 1 February 2022.

20. In this regard, the Committee notes that it has previously made it clear that a decision of the Meeting of the Parties under paragraph 37 (g) of the annex to decision I/7 does not suspend any rights granted to the Party by the text of the Convention itself. Rather, a suspension under paragraph 37 (g) of a Party's special rights and privileges suspends the special rights and privileges that a Party may have through being a Party to the Convention, such as the right to nominate a Chair or Bureau member or to host events under the Convention.⁶

⁶ See ECE/MP.PP/C.1/2011/4, paras. 33–34, available at <https://unece.org/environmental-policy/events/thirty-second-meeting-compliance-committee-aarhus-convention>.

IV. Conclusion

21. The Committee finds that, since the Party concerned did not notify the secretariat that it had cancelled Ecohome's liquidation and reinstated Ecohome's registration as a public association under the Act of Public Associations by 1 December 2021, the suspension of the special rights and privileges accorded to the Party concerned under the Convention issued to the Party concerned through paragraph 7 (a) of decision VII/8c became effective on 1 February 2022.
