

Threats to the Aarhus Convention implementation and undermining of current progress in Ukraine

War in Ukraine created new challenges for the civil society, undermining progress made by Ukraine to implement two pillars of Aarhus convention-namely access to information and public participation.

Access to environmental information

Few online environmental data-base and registers, including EIA register, were closed to public. The rationale of closure of few registers could be understood from the military and national security point of view, but closure of others registers with environmental and public information is questionable. For instance, forestry register which is main safeguard of illegal logging and prevents corruption, ensures transparency in forest sector, was closed during the first days of Russia aggression. EIA register was closed too since February 2022, but on June 15 2022 the Ministry of environment announced opening of the EIA register with some limitations. Access to environmental impact assessments is closed online via register and public can access EIA documentation only through informational request.

Members of civil society believes that closure of EIA register, forest register and few others is questionable. With such situation, public control over enforcement and compliance with environmental norms is very complicated.

Public participation procedures during EIA are also limited to supply of written comments, and public hearings are not held, although the territories of Ukraine where military activities are not taking place, could safely host public gatherings. Arbitrary changes of practice of the procedure of EIA are happening in each region, but they are not foreseen by laws or by-laws, which created confusion to the members of public and hampers public participation.

Aarhus convention, as many other MEAs, is silent on its application in war time. Thus, the limitation of Aarhus rights in the time of war could be decided arbitrary by the states, which creates risks that Aarhus principles, human rights could be unreasonably limited during hostilities.