

The Riga ECOFORUM Appeal – 10th of June

On the 10th anniversary of the Convention, the first thing is to assess how far we have gone in its application. In this context the members of the European Eco Forum, agree on the following policy recommendations and priorities on effective implementation and further strengthening of the Aarhus Convention. Concerning the 2nd pillar, public participation procedures are less developed. Ten years after, we are still looking for effective participation. Concerning the 3rd pillar, there has been very little progress. As a result, we face an unacceptable imbalance between the three pillars of the Convention. We made the following demands also in lights of the NGOs Vienna declaration agreed in December 2007 and signed by 173 environmental NGOs.

1- Reporting and Implementation of Aarhus Convention by Member States

Public participation in the reporting process is one of its most essential elements, but this is not reflected in the National Implementation Reports, and many reports do not reflect the reality on the ground. In general we are not satisfied with the quality of the NIRs. It is also unacceptable that some parties did not provide their reports. Even where reports were provided some of them did not include participation of NGOs. When NGOs participated, they were given very little time, and their comments were not taken into account and justifications should be provided. Many reports focussed on legislative transposition but failed to show what effort had been made to implement it or how effective that effort was. To this end, we see the urgent need for the development of indicators to measure implementation; these indicators should be applied in every country across the region. We recall that we want our report on Aarhus implementation to be a guide for the parties.

2- Developing a task force on Public Participation

In all of the 24 national NGO reports public participation procedures were found to be incomplete, underdeveloped or poorly elaborated. Seminars are useful but limited once off events. It is clear that at a minimum we need a Task Force with a focus on the implementation of articles 6, 7 and 8 on the national and local levels and with a mandate that requires it to: collect and discuss good practice in implementation; identify and discuss bottlenecks and develop solutions; produce draft guidance on effective implementation of the articles concerned, with practical advice and illustrative examples; propose capacity building and training for public authorities for this purpose; and discuss the possible need for clarifications in the Convention.

3- Building access to justice

We regret that the Parties are unwilling to move forward in any coordinated fashion on access to justice. We are disappointed at the continued reluctance to include any movement toward guidance in the mandate for the Task Force on Access to Justice. We welcome the initiative from the task force to invite members of the judiciary to take part in its activities, their contribution is important to the proposed collection of information on obstacles to effective access to justice and the development of a compendium on such obstacles and good practices and experiences for overcoming them. Financial barriers must be removed so that justice becomes equally available to those without money, as it already does exist for those with money. The judiciary should become aware of the Convention. We are particularly gratified to see the proposal to consider practical arrangements for increasing financial support for public interest lawyers and the proposal for

examination of obstacles to effective remedies. Access to justice in the UNECE region cannot depend upon the voluntary and uncompensated efforts of a few lawyers in a few countries.

4- Strengthening credibility of compliance procedure

We consider the work of the Compliance Committee to be an essential contribution to the enforcement of the Aarhus Convention. The compliance mechanism requires further strengthening to play an effective role in improving compliance with the Convention, including an increase in the role of the Compliance Committee. We welcome the report by the Committee to the 3rd MOP, and insist on applying strict measures to the countries showing no commitment to, and progress in, implementation of the recommendations by 2nd MOP. We issue a caution to Ukraine and Turkmenistan and urge the MOP to join us.

5- Securing balanced composition of Aarhus Compliance Committee

We call upon the MOP to ensure that the composition of the Committee is balanced on the basis of geography, expertise and also gender. Only in this way can the Committee ensure it will come to conclusions, taking into account, on the one hand, the different legal systems, capacities and cultures, and, on the other, the fact that all Parties have signed up to the same requirements as laid down in the Convention. We reject the apparently existing position that by definition 6 members have to come from inside the European Union. We are especially worried about the lack of a sound knowledge and experience of civil law and legal practices that are in place in the new democracies in Central Europe and in south-western countries. We call upon the EU to work towards a composition that indeed reflects the different regional and expertise diversities, irrespective of current membership of the EU. It is more important that representation is equally chosen from North and South Europe, and from the West, Central and EECCA region.

6- Asserting the Long Term Strategic Plan

At the end of 2007, the Bureau of the Convention, supported by an expert group, presented a draft Long Term Strategic Plan that represented, by and large, our ambitions and expectations concerning the Convention and its Parties. Since then there has been an unacceptable systematic effort by the European Union to dilute this Plan to a mere description of the obligations the Parties already have signed up to, even putting into question whether these obligations are legally binding or only long term possible achievements. We firmly reject this attempt and see it as an attack on the credibility of the Convention as a forward looking unique instrument to strengthen environmental protection and participatory democracy. The European ECO Forum calls upon all Parties to refrain from weakening the text and in particular keep the door open for future broadening of the scope of the Convention and/or further development of its provisions.