



Report of

MIO-ECSDE's participation at the European Eco Forum Training on Aarhus Convention Compliance procedures, 16-19 March 2010, Geneva, Switzerland

MIO-ECSDE (through its member staff Ms. Thomais Vlachogianni) was given a unique opportunity to participate at the Third Training on Aarhus Convention Compliance Mechanism organized by the European ECO Forum in the framework of a three year project targeted to environmental non-governmental organizations.

The training aimed at raising NGO capacity to strategically use Aarhus Convention compliance mechanism and addressed major issues related to the Aarhus Convention compliance mechanism, including Compliance Committee procedures, Committee's case-law and experience of applicants.

The Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ([list of parties and signatories to the Convention](#)) establishes a number of rights of the public (individuals and their associations) with regard to the environment. The governing body of the Aarhus Convention is the Meeting of the Parties. It meets every 2-3 years to review progress in the ratification and implementation of the Convention and to decide on future work programmes. In between the meetings of the Parties, the Working Group of the Parties oversees the implementation of the work programme. Furthermore, a Compliance Committee (ACCC) has been established to address issues of alleged non-compliance with the Convention.

The training was extremely interesting at all phases of the working programme. The participants attended two meetings of the ACCC with the observer' status: the first case was the Slovak Republic case and the extension of a Nuclear Power Plant at Mochovce (read more on here) and the second case concerned the Armenian Government and the Teghut mine deposit (read more on here). Both cases offered the opportunity to the participants to experience the whole procedure, to draw their own conclusions on the way a communication ('complaint') should be presented to the ACCC, on what occasion each article of the Convention should be invoked by the Communicant and on the key elements necessary to build strong arguments.

What was unexpected and rather surprising, at least for someone not familiar with the procedures and the Committee itself, was the general approach of the ACCC towards the Communicant and the Concerned Party. The Committee in many occasions tried through the appropriate questions to bring both parties to the 'right track' and assisted them in a way to present their case and arguments in a more coherent manner. Of course this is in line with the general spirit and role of the Committee and is has nothing to do with the situation in a court whatsoever. The Committee's tasks are to examine compliance issues and make recommendations; prepare reports on compliance with or implementation of the provisions of the Convention at the request of the Meeting of the Parties; and monitor, assess and facilitate the implementation of and compliance with the reporting requirements.



The training was led by 4 extraordinary trainers: Ms. Mara Silina (European Environmental Bureau), Mr. Andriy Andruskevych (Resource and Analysis Center "Society and Environment"), Mr. Thomas Algae (OEKOBUEO) and Mr. Yves Lador (Earthjustice Permanent Representative to the UN in Geneva) with great experience on the Aarhus Convention Compliance procedures. The trainers apart from the very thorough, comprehensible and detailed presentations on the how to develop the main elements of a communication, what issues and cases could be brought to the ACCC, how to approach the ACCC and how to get prepared for a public hearing, they also were very generous in sharing their experiences and insights with the participants. In addition they were willing to offer their advice on current and/or potentially future cases to an NGO planning to communicate a case to the Committee.

In this respect what was very useful was the practical exercise on drafting the key elements of a communication of three real cases proposed by the participants. The rapporteur of each group presented the facts and the nature of the non-compliance violations consisting the actual communication and had also the task to prepare and develop a very precise but brief strategy statement. The comments of the trainers on the outcomes of the practical exercise were very helpful and enlightening and to some extent encouraging.

Last but not least the participants had the opportunity the last day of their training to visit and follow an ACC meeting. In that meeting the participants experienced the Committee's approach towards characterizing a Communication admissible or inadmissible, an insight which can be very useful indeed during the development of Communication.

In conclusion the whole training was very well organized and it is rather unfortunate that this was the very last training of a series that took place within the framework of the 3-year-project. It was certainly an experience that every NGO member should have access too, as this procedure can be used as an effective tool towards the compliance of the countries with the Aarhus Convention, a Convention that incorporates human into environmental law and vice versa and grants the public a series of rights concerning access to information, public participation, participation in the decision-making process and access to justice in environmental matters while acting as a kind of "bridge" between environmental rights and human rights.

For more info contact Ms. Thomie Vlachogianni: vlachogianni@mio-ecsde.org

Find more info at the following links:

<http://www.participate.org/>

<http://www.unece.org/>