



Mrs. Ella Behlyarova
Secretary to the Aarhus Convention
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March 29, 2011

Comments on the Draft Chisinau Declaration

Dear Mrs. Behlyarova,

Upon your invitation to comment on draft text of the Chisinau Declaration to be adopted by the 4th session of the Meeting of the Parties of the Aarhus Convention, Resource & Analysis Center "Society and Environment" wishes to submit our views on the topic as follows:

Incorporation of elements already suggested by civil society

1. Representatives of the NGOs gathered during the 13th session of the WG of the Aarhus Convention (Feb 9-11, 2011) and discussed possible elements and issues to be addressed by the Chisinau Declaration. They were orally presented by representative of the European ECO Forum Ms.Mara Silina during the meeting itself. In particular the following issues were identified as important:

- a. Declaration should motivate and inspire parties to further strengthen environmental rights provided by the Convention;
- b. It should be a joint declaration (Parties and NGOs), in line with established custom;
- c. Declaration text should:
 - i. include a message to Rio+20, including on future of the Convention {possible issues to be raised now include expansion; NGOs as a partner of the partner of the process}
 - ii. address issue of in-depth assessment indicating that it shall guide future work but not to be used as a justification for weakening the process;
 - iii. address implementation in a link with compliance.

2. While current draft may indeed inspire and motivate other countries of the world to increase public involvement into environmental protection issues, it does not reflect other NGOs comments except for a message to Rio+20 conference. In particular, the draft stands as solely parties' declaration. Unlike in preceding MOPs, the draft does not reflect any substantive issues to be addressed by the 4th MOP. In fact, the whole draft reads as a message

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to Rio+20. This underestimates significance of the declaration for the Convention itself and its parties.

Additional suggestions by Society and Environment

3. To stress role of the citizens. The draft currently highlights the role of Convention in achieving sustainable development and is silent about the role of citizens in ensuring conservation of the environment and achieving sustainable development. In contrast to Rio Principle 10, the draft Declaration does not even use the term “citizens”. Principle 10 even stresses the role of a single citizen by using the term “individual”. We consider important that the declaration includes a statement on the role of citizens in achieving more effective nature conservation and paving the way for sustainable future.

4. To address important substantive issues. In addition to issues already suggested by NGOs, we consider important to separately address two issues: compliance mechanism and access to justice. The compliance mechanism continues to play an extremely important role in, on one hand, identifying possible non-compliance by parties and, on the other, helping the parties to take more effective implementation steps. Continued non-compliance by some parties is a challenge for the future of the convention and its compliance mechanism. Access to justice remains the weakest part of the Convention. Any future work, including reforming of the Convention’s work, shall be guided by the critical need to strengthen this pillar.

Please, be also aware that these comments were also sent to the coordinator of the European ECO Forum (Ms. Mara Silina) for incorporation into the joint NGOs document on the issue.

Kindly,

Andriy Andrusevych
Governing Board Member