

REPORT

26th Working Group of the Parties and 3rd extraordinary Meeting of the Parties to the Aarhus Convention

Geneva/online, 22-24 June 2022



General information

The 26th Working Group of the Parties to the Aarhus Convention (WGP26) and the 3rd extraordinary session of the Meeting of the Parties to the Aarhus Convention (exMOP) were held back-to-back in Geneva from 22 to 24 June 2022. There were various NGOs present, inter alia from Austria, Belgium, the Czech Republic, Hungary, Ireland, North Macedonia, and the UK.

Information material and all relevant documents can be accessed via the meetings webpages of the [WGP26](#) and the [exMOP](#).

Agenda WGP26

1. Opening of the meeting and adoption of the agenda
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3. Substantive issues
 - a. Thematic session on access to information
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 - c. Access to justice
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4. Procedures and mechanisms
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5. Accession by non-United Nations Economic Commission for Europe member States and other relevant developments and interlinkages related to the promotion of the Convention
6. Next ordinary session of the Meeting of the Parties
7. Implementation of work programmes for 2018–2021 and for 2022–2025, including financial matters
8. Thematic session on the promotion of the principles of the Convention in international forums
9. Other business
10. Adoption of outcomes

Agenda exMOP

1. Opening of the session
2. Adoption of the agenda
3. Report on credentials
4. Rapid response mechanism to deal with cases related to article 3 (8) of the Convention
 - a. Election of the Special Rapporteur on environmental defenders
 - b. Round table on environmental defenders
5. Adoption of outcomes
6. Closing of the session

22 June 2022

26th WORKING GROUPS OF THE PARTIES TO THE AARHUS CONVENTION

1. Opening and adoption of the agenda

The chair of the Aarhus Convention Bureau Aurimas Saladžius opened the WGP; he expressed his regrets that the chair of the ACCC could not be present at the meeting.

The European Commission (EC) in its opening statement expressed full solidarity with Ukraine and its people.

Ms. Francesca Carlsson, European ECO Forum/EEB, highlighted the concerning situation of environmental defenders and colleagues, including in Ukraine, and stressed the need for the work of all pillars with the new RRM and the new SR when appointed; the representant welcomed the initiative for a new protocol for the ECHR on the right to a healthy environment, as it is entirely complementary to Art 1 Aarhus Convention.

The [agenda](#) was adopted.

2. Status of ratification

No changes in the status of ratification were reported; there are currently 47 parties to the Convention and 32 parties to the GMO amendment.

3. Substantive issues

a. Thematic session on access to information

The thematic session on access to information (A2I) was chaired by Ms. Natalia Dauletyarova. Mr. Stefan Jensen, Digitalisation and Data Governance, European Environment Agency, held a keynote on digitalisation and circular economy. He highlighted that access to the various types of information should be ensured (also, e.g., from computer to computer).

The roundtable on A2I-related product information and measures against greenwashing started with a presentation by Ms. Charlotta von Troil, Finnish Ministry for the Environment. She reported that Finland was the first country in the world to prepare a roadmap for circular economy; she noted that promoting circular economy will keep being a challenge in the future and should include the involvement of youth representatives.

Mr. Rade Ostojić, Serbian Ministry of Environmental Protection, held a presentation on product information and ecolabelling in Serbia; the Serbian ecolabel has the same criteria as the EU ecolabel. He stressed the importance of keeping information simple and scientifically based and to share it widely.

Ms. Elisabeth Tuerk, Director of the UNECE Trade Division, presented the UNECE's work on traceability and transparency of supply chains. She particularly referred to the work with blockchain, which is currently being piloted for cotton and leather products; she stressed that economic issues are closely

related to economic and trade-related issues and that intersectional collaboration and interactions must be fostered.

Ms. Regina Taimasova-Bumbaca, Division of Inclusive and Sustainable Trade at the International Trade Center, presented the guidelines for sustainable product information, especially the ITDC standards map tool; she highlighted the modernization of regulations and standards as key factors.

Ms. Emma Pagliarusco, European ECO Forum/Youth and Environment Europe (YEE), held a presentation about the awareness-raising of young people about their environmental information rights and tools. She noted that accessibility of information and the role of Youth Organisations in overcoming the barriers of technicality – enhancing the position of Youth Organisations – is essential; product information empowers youth to better use the rights of the Convention; as the way forward Youth Organizations must be included in implementing A2I rights and in overcoming the structural barriers of Aarhus Convention. She specifically referred to product passports stressing that stakeholder collaboration must be widened and should contribute to new educational practices.

The EU presidency, Georgia, Switzerland, and the UK provided statements on the regional/national experience with A2I.

Mr. Frederik Hafen, European ECO Forum/EEB, mentioned the Sustainable Products Initiative and the extension of the scope of the eco-design regulation. He stressed the importance of product passports to help consumers and enforcement bodies and highlighted opportunities of the work program of the A2I task force as well as paragraph 16 of Decision VII/1 on Promoting effective access to information.

Mr. Muki Haklay, European ECO Forum/ECSA, highlighted the public's role to share information and check the accuracy of claims producers make about their products and their environmental performance; digital inequalities must be addressed.

Mr. Ilya Trombitsky, European ECO Forum/Eco-Tiras, stressed the issue of access to information in the EECCA region; as key challenges dealing with A2I, he mentioned weak inter-departmental cooperation and the opinion that A2I should be limited to the final documents and not to the primary data.

b. Public participation in decision-making

Ms. Loredana Dall'ora, Italian Ministry for the Environment Land and Sea, chaired the session on public participation in decision-making (PP).

The ACCC noted that a call for case studies on PP is currently ongoing.

Ms. Priska Lueger, European ECO Forum/Justice & Environment, addressed in her statement recent developments regarding PP in selected Member States and at the EU level; she especially highlighted the REPowerEU initiative, the importance to ensure sufficient PP, and the dissemination of information on planning and project-level regarding renewable energy projects, as well as concerns around the decisions on the “go-to” zones in the absence of adequate information.

Ms. Attracta Ui Bhroin, European ECO Forum/Irish Environmental Network, stressed the importance of reintroducing some of the areas for further Task Force work; she highlighted the potential to hear from relevant projects and PP related to emerging technologies taking into consideration the precautionary principle; she furthermore welcomed the Parties' focus on the protection of environmental defenders through the establishment of the RRM; in the absence of Christiana Mauro/Nuclear Transparency Watch,

she also addressed open questions regarding article 6 (6) and environmental impacts of sabotage, terrorism, and acts of war in the energy sector; the Ukraine crisis highlights the urgency of greater public management of wartime energy facility security.

c. Access to justice

Mr. Luc Lavrysen, Chair of the Access to Justice (A2J) Task Force opened the session on A2J in an online statement. A Judge of the Irish Supreme Court reported on her experience in a judicial colloquium after the 14th A2J Task Force.

Ms. Summer Kern, European ECO Forum/Justice & Environment, reminded the WGP of the outcome of the last A2J Task Force; she focused on the connection between the Taskforce and Special Rapporteur RRM and referred to specific developments regarding the implementation of the findings on C-128; she furthermore mentioned limitations on appeals on national level according to recent case-law (e.g. in Austria).

Ms. Francesca Carlsson, European ECO Forum/EEB, provided an overview of A2J in the EU's climate legislation files; she emphasized the lack of a horizontal directive on access to justice in the EU Member States and stressed the need for harmonization of Aarhus parties about access to justice standards.

d. Genetically modified organisms

The chair noted that GMO Amendment has not yet been approved by sufficient Parties to enter into force.

Armenia reported on the main actions taken nationally to implement the GMO Amendment.

Kazakhstan noted that it has not yet ratified the amendment, but introduced certain standards into the environmental code and is planning to ratify it shortly.

Tajikistan mentioned a law on biosafety and biosecurity adopted on a national level; it highlighted that it is striving to ratify the amendment as soon as possible.

Ilya Trombitsky, European ECO Forum/Eco-Tiras, noted that due to weaknesses or lack of specific national legislation in EECCA countries, a dramatic spread of GMOs on fields and indifference of governments can be noticed; he furthermore noted that the Almaty Amendment is neglected even in the countries which ratified it; he stressed the lack of mechanisms of PP in GMO issues on a local level and lack of intention to establish them, as well as the need for new efforts in cooperation with the Cartagena Protocol Secretariat to enforce biosecurity in the EECCA region.

4. Procedures and mechanisms

a. Compliance mechanism

Aïne Ryall, Chair of the ACCC, reported digitally on developments regarding the compliance mechanism; she congratulated Elena Sharpston and Thomas Schomerus for their recent ACCC membership and contributions to the Convention so far; she noted that one set of findings and one further set of draft findings have already been released since the last MOP; there are currently no pending submissions and the number of pending communication has been significantly reduced thanks to the work of the Committee and the secretariat; the ACC is also currently reviewing the implementation of 19 decisions as well as 2 requests from the last MOP and looks forwards to reviewing the national action plans to be

submitted by 1 July 2022; the ACCC chair noted that the deadline not set by the MOP can be extended upon early request to the ACCC.

The EU took note of Belarus' suspension from the special rights and privileges afforded to it under the Convention; it urged the Belarusian government to adhere to the principles of democracy and the Convention.

Ms. Summer Kern, European ECO Forum/Justice & Environment, welcomed the new ACCC members and congratulated the chair for the impressive work done; she noted the need to focus on and support the compliance mechanism, as the Convention is meaningless unless enforced.

b. Reporting mechanism

The OSCE reported on the work of the Aarhus Centres and the upcoming knowledge exchange meeting in Vienna.

Kazakhstan reported on an environmental codex that recently entered into force, which includes environmental information and open access projects.

c. Capacity-building and awareness-raising

Ms. Anna Clara Botto, European ECO Forum/YEE, stressed the role of Youth Organisations in building capacity and raising awareness of the future generations' Aarhus rights, as well as the need for more support of Youth Organisations viewed the crucial role played.

5. Accession by non-United Nations Economic Commission for Europe member States and other relevant developments and interlinkages related to the promotion of the Convention

There has been no new request on accession since the last MOP. Guinea Bissau has been admitted as the first state party outside the geographical zone of the UNECE.

The national representative of Guinea Bissau highlighted the threats to biodiversity and vulnerability to climate change.

Magdalena Toth Nagy, European ECO Forum/GUTA Environmental Law Association, welcomed the first Conference of Parties and its results; the Rules of procedure were adopted with significant participation of the public and one public representative was included as an observer in the Presiding Officials (Bureau); the Rules relating to the structure and functions of the Committee were adopted to support implementation and compliance (Compliance Committee), including the opportunity for the public to make communications; she furthermore outlined some of the opportunities for cooperation between the Aarhus Convention and the Escazú Agreement, including on environmental defenders.

6. Next ordinary session of the Meeting of the Parties

The next MOP will take place in 2025; no dates have been specified so far, as still, no country has offered to host the meeting; the chair encouraged parties to express their willingness to host the next MOP as soon as possible.

7. Implementation of work programs for 2018–2021 and 2022–2025, including financial matters

The chair mentioned the [report on the implementation of the work programs 2018-2021 and 2022-2025](#).

The EU expressed its gratitude to all who have contributed financially to the Convention, especially Austria and Ireland regarding the RRM.

The secretariat reported on recent financial contributions.

Ms. Summer Kern, European ECO Forum/Justice & Environment, thanked the EU for its statements and echoes the gratitude for financial contributions by Austria and Ireland.

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8. Thematic session on the promotion of the principles of the Convention in international forums

Ms. Marie-Hélène Sa Vilas Boas chaired the session on the promotion of the principles of the Convention in international forums (PPIF). She highlighted the various SGD goals that concern plastic and human rights.

I. Plastics

Ms. Brenda Koekkoek, Programme Manager at UNEP, introduced the process of the International Negotiation Committee (INC).

Mr. Mário Martins, Permanent Mission of Portugal to the UN and Other International Organizations in Geneva, reported on plastic commitments and measures taken in preparation for the next UNEP conference.

Mr. Andrés del Castillo, European ECO Forum/CIEL, addressed the involvement of CSOs in the negotiations.

Norway started its statement on the matter by condemning the act of war currently taking place in Ukraine. The delegate highlighted that Norway has experience in introducing measures against plastic pollution and spearheaded 3 resolutions on the matter. She also highlighted the importance of criteria for the accreditation of workers and other stakeholders.

Albania addressed measures taken on a national level to reduce single-use plastics.

The European ECO Forum stressed the importance to promote the Aarhus principles in this area.

II. Business and Human Rights

Ms. Nathalie Stadelmann, Office of the High Commissioner for Human Rights, presented the main rule and practices regarding states' and non-state stakeholders' participation within the intergovernmental working group on transnational corporations (TNCs).

Mr. François Gave, French Ministry of Europe and Foreign Affairs, addressed CSR and the social dimension regarding the Aarhus Convention, Human Rights, and responsible businesses from a French perspective.

Ms. Attracta Uí Bhroin, European ECO Forum/Irish Environmental Network, addressed climate-resilient developments, ecosystems, and loss of biodiversity. She stressed the potential of complementing the draft text with key Aarhus principles and the need for a legally binding instrument where due diligence does not succeed.

III. Additional Topics and General Discussion

Additional issues addressed included an update on the promotion of the Aarhus Convention principles in processes under the Convention on Biological Diversity and in a COVID-19 context.

There were no updates to the rule of procedure and practice.

Yves Lador, European ECO Forum/Geneva Environment Network, addressed the Convention on Biological Diversity with a focus on the post-2020 global biodiversity framework, as well as in the context of COVID-19. He called upon stakeholders to avoid mistakes done at UNFCCC COP26 when working towards COP27 and stressed the importance of preparatory exchanges before the next PPIF segments to keep it a strategic discussion.

Priska Lueger highlighted on behalf of the European ECO Forum/ÖKOBÜRO as well as Nuclear Transparency Watch the importance of promoting Aarhus principles within the International Atomic Energy Agency (IAEA). She called upon the parties to advocate that information shared with and received from the IAEA falls under the A2I provisions under the Convention, actively motivate the IAEA to include forms of PP, and seek improved stakeholder involvement in international events organized by the IAEA.

9. Other business

No points for any other business were raised by participants.

10. Adoption of outcomes

The outcomes of the WGP26 were adopted with minor changes suggested by the European ECO Forum.

3rd EXTRAORDINARY MEETING OF THE PARTIES TO THE AARHUS CONVENTION

1. Opening of the session

UNECE Executive Secretary Olga Algayerova introduced Decision VII/2. She referred to Aarhus as a bridge between environmental and human rights.

The EU thanked the ACCC and its secretariat for organising this exMOP and highlights the importance of the RRM.

The UK, inter alia, referred to the environmental damage caused by the Ukraine war and its human impact.

Norway joined the previous speakers and condemned the Russian attack on Ukraine.

Switzerland joined Norway and the other speakers and called for immediate de-escalation in Ukraine.

Summer Kern, European ECO Forum/Justice & Environment, highlighted the historic moment of the special rapporteur election and thanked the chairs of the ACCC and the Aarhus Convention bureau as well as Hungary for their letters of solidarity with Ukrainian environmental defenders and also the UN as such.

An academic representative from Kyiv assured that every expression of solidarity helps in these challenging times.

2. Adoption of the agenda

The [agenda](#) was adopted.

3. Report on credentials

Vice-chair of the Aarhus bureau Nicoletta Bouman presented the credentials. She clarified that the quorum for taking decisions and elections was fulfilled with 36 submitted credentials.

4. Rapid response mechanism to deal with cases related to article 3 (8) of the Convention:

a. Election of the Special Rapporteur on environmental defenders

Mr. Jonas Ebbesson and Mr. Michel Forst were nominated as candidates for the special rapporteur by the EEB, GUTA Environmental Law Association, and Justice & Environment, Mr. Vadim Ni was nominated by the Public Foundation “Socio-Ecological Fund” and Mr. Paul Cackette nominated himself.

The EU reported that it had considered all 4 candidates within hearings, considered all of them to be highly qualified, and thanked them for their time. It also thanked the NGO community for their active part in designating the candidates. As a key criterion, the EU chose experience in human rights protection and favoured to vote for Mr. Forst building upon his previous position as human rights rapporteur.

Norway noted with concern that environmental defenders are currently exposed to threats and killings, although they are clearly a resource rather than a threat. The delegate stressed that she considered all 4 candidates good for the position, but Mr. Ebbesson and Mr. Forst clearly stood out. Norway would thus support one of them receiving the most support from other parties.

The UK expressed thanks to all 4 candidates and declared that it had chosen Mr. Forst as the preferred candidate due to his experience.

Switzerland declared that in the spirit of consensus it would support Mr. Forst, but also thanked Mr. Ebbesson and Mr. Ni for their engagement in favour of the Convention.

There were no objections declared to the preferred candidacy of Mr. Forst. He could thus be elected with consensus.

Newly elected special rapporteur Mr. Forst thanked the MOP participants for their trust and explicitly Norway for the Resolution of Protection of environmental defenders. He stressed that he will make

sure to fulfill all his responsibilities and be effective. He highlighted the importance of independency to demonstrate the usefulness of the new mechanism.

Italy welcomed the election of Mr. Forst and noted that protecting the environment goes hand in hand with protecting those who protect it.

Francesca Carlsson, European ECO Forum/EEB noted that this was a historical moment to be proud of. She congratulated Mr. Forst and the Parties for having reached a consensus.

Albania pledged its full support to all environmental defenders and thanked all candidates.

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b. Round table on environmental defenders

The roundtable was chaired by the Austrian academic Teresa Weber. She introduced the topic by stressing that environmental defenders are essential to environmental democracy.

I. Views and experiences of environmental defenders

Mr. Csaba Kiss, European ECO Forum/Justice & Environment, presented on strategic litigation against public participation (SLAPP). He addressed the limited power of the EU legislator to react to the issue within the SLAPP Directive and mentioned the non-binding guidance for the national level. He presented recent decisions from France, Italy, and the UK.

Ms. Magdolna Toth Nagy, European ECO Forum/GUTA Environmental Law Association, addressed the intimidation of environmental defenders in Balkan countries and a J&E draft assessment of the situation on environmental defenders. She also referred to differences between the Escazú Agreement's and the Aarhus Convention's approach in this regard and noted room for possible cooperation on this between the two agreements.

Mr. Siarhei Mahonau, European ECO Forum, reported on concerning developments in Belarus.

Mr. Vadim Ni noted that the RRM is not about a competition who fulfils article 3 (8) of the Convention the best way, but about protecting environmentalists from prosecution.

The European ECO Forum/YEE expressed a tribute to the 2 killed environmental defenders from Brazil whose bodies were recently returned to their families.

The MOP expressed its gratitude to the European ECO Forum members for their statements.

II. Views and experience of Parties

Ms. Zsuzsanna Belenyessy, European Commission, provided an overview of its recent anti-SLAPP-package, including early dismissal, other remedies/court proceedings, and protection against 3rd country SLAPP; the guidance also covers domestic cases (awareness-raising, support mechanisms, data collection & reporting). She also mentioned the assassination of Ms. Daphne Caruana Galizia as a negative example on EU soil.

Ms. Natalia Dauletyarova, Ministry of Ecology of Kazakhstan, presented current reforms on the matter in Kazakh national legislation.

Mr. Adam Lavis, Aarhus Convention Focal Point of the UK, referred to the UK national action plan on business and human rights as well as other steps taken by the UK.

Ms. Tinatin Tinikashvili, Public Defender's Office Georgia, talked about recent developments and challenges regarding environmental democracy and freedom to express in Georgia from the perspective of the public defender's office.

III. Support at international level

Mr. Ed O'Donovan, Special Advisor to the UN Special Rapporteur on the Situation of Human Rights Defenders, delivered a statement on behalf of the UN Special Rapporteur on the Situation of Human Rights Defenders. He noted that environmental defenders make up a significant proportion of the number of activists killed every year. He called upon states to support the new RRM and referred to options for collaboration if environmental defenders are under immediate risk.

Mr. Andrzej Mancewicz, Adviser, Office of the Commissioner for Human Rights, delivered a statement on behalf of the Human rights Commissioner of the Council of Europe. He congratulated Mr. Forst for his election and encouraged Parties to provide his mandate with support and funding.

Mr. Chris Galvin, Head of Communications and Outreach, International Code of Conduct Association, presented a study on the assassination of indigenous environmental defenders in Latin America; he noted that the most problematic cases are resource extraction and mining, but also renewable energies. He highlighted the impact of A2I and presented the complaints form of the International Code of Conduct Association (ICoCA).

Ms. Marianna Bolshakova, United Nations Environment Programme, stressed that 1540 environmental activists were murdered according to witness report statistics and notes that, despite peer provisions, this is also a real and present issue in Europe. E.g., there were 15 SLAPP suit cases by just one mining company against environmental defenders. She noted that, apart from lawsuits, there are various ways to threaten persons.

IV. Experiences from other regions

Mr. Ahmed Adam, FORUM-ASIA, addressed the protection of environmental defenders as a key factor and the relevant cases in the Asian region. He noted that real figures are much higher than the reported number of cases. He mentioned examples of the protection of environmental defenders from Mongolia and Thailand.

Mr. Hassan Shire, Pan-African Human Rights Defenders Network, presented activities for the protection of human rights defenders in Africa and highlighted resource extraction as a particular issue. He stressed the importance of a political will to ensure implementation.

Ms. Soledad García Muñoz, Inter-American Commission on Human Rights, sent a video presentation referring to the situation in North America and the Caribbean.

Armenia noted that the protection of environmental defenders can only be carried out with the support of the government, named some examples from Armenia, and highlighted the importance of Aarhus Centres in this regard.

Natasa Dokovska, European ECO Forum, addressed the issue from the perspective of investigative environmental journalists. She highlighted the role, rights, but also safety, of environmental

journalists, including the role of whistle-blowers, and referred to challenges for journalists in the Western Balkans.

Summer Kern, European ECO Forum/Justice & Environment expressed concerns that there was no representative from Belarus present at the exMOP.

The Republic of Moldova congratulated Mr. Forst for his election and noted that this was not only a historic moment for the RRM, but also for Ukraine and Moldova, thanked the EU for the important step to accept them as membership candidates, and declared that efforts to improve environmental standards in Moldova will be stepped up.

The roundtable moderator wrapped up the discussion regarding both inspiring and concerning examples and noted that the EU Directive against SLAPPs might serve as a role model for other Parties to the Convention. She called upon Parties to view environmental defenders as partners rather than enemies.

5. Adoption of outcomes

The outcome of the meeting was adopted with minor changes suggested by the European ECO Forum.

Summer Kern, European ECO Forum/Justice & Environment and bureau observer, thanked the Chair of the exMOP, all participants, the secretariat, and her predecessor Jeremy Wates who was about to retire for his decade-long commitment in favor of the Convention.

6. Closing of the session

The Chair thanks all participants and moderators and closes the 3rd extraordinary Meeting of the Parties.