

**26th Working Group of the Parties to the Aarhus Convention
Thematic session on the promotion of the principles of the Convention in international
forums (23 June 2022)**

Statement by Priska Lueger on behalf of ÖKOBÜRO – Alliance of the Austrian Environmental Movement and Nuclear Transparency Watch:

AARHUS AND THE IAEA

Nuclear installations and activities, including activities like dismantling and decommissioning, and the processing or storing of nuclear waste are covered by the Aarhus Convention, as are reconsiderations or updates of a permit's operating conditions.

The UN International Atomic Energy Agency (IAEA) has a mandate to oversee the non-proliferation of nuclear weapons and promote nuclear energy and nuclear safety. It accordingly has authority and plays an important role in keeping nuclear – hence environmental – risks under control. This means that it also plays an important role in many decisions concerning nuclear energy – be it safety along the entire fuel chain from mining to waste, reactor safety, emergency preparedness and response, or nuclear security. Moreover, most countries with nuclear installations rely on the IAEA to take actions when transboundary issues arise, including all the Parties to the Aarhus Convention. Thus, the IAEA and its processes are a hugely important international forum within the meaning of article 3(7) of the Convention.

In this regard, we welcome that the Convention was addressed in different sessions at the International Conference on Nuclear Law organized by the IAEA in April 2022.¹ There, several experts highlighted, that, when it comes to, e.g., the construction or long-term operation of NPPs or repositories for radioactive waste, public participation and broad information is crucial at a very early stage. And we appreciate the fact that members of the public, including environmental NGOs, were allowed to participate as observers online. At the same time, we consider it a missed opportunity that no environmental NGOs were allowed to participate in person, or as a speaker.

Additionally, while we welcome that many governments have become more open to the Aarhus principles, we regret that within the IAEA processes themselves, confidentiality is still the rule and prompt access to information rather the exception. While IAEA member states and the nuclear industry are included in processes, members of the public are welcome only in very rare occasions. Even where Parties to the Aarhus Convention are concerned, interactions with the IAEA often fail to reflect the principles of the Convention.

¹ OEKOBUERO's Notes of the conference can be found here:

https://www.oekobuero.at/files/751/report_international_nuclear_law_conference_april_2022.pdf

We therefore call upon the Parties to promote the application of the principles of this Convention in IAEA fora in accordance with article 3 (7) of the Convention and as elaborated in the Almaty Guidelines.² This means, as a minimum to:

1. Encourage that information shared with and received from the IAEA falls under the access to information provisions under the Convention,
2. Actively motivate the IAEA to include forms of public participation in decision-making and operational procedures like missions or exercises, when Parties to the Convention are involved, and
3. Seek for improved stakeholder involvement and possibilities to engage members of the public in international events organised by the IAEA.

² <https://unece.org/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf>