

SELECTED DOCUMENTS

UN/ECE

Lucca Declaration*

We, Ministers and heads of delegation of Parties, Signatories and other States, parliamentarians, representatives of civil society, and in particular non-governmental organizations promoting environmental protection from throughout the ECE region and beyond, gathered at the first meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention), affirm the following:

I. CREATING PARTNERSHIPS FOR SUSTAINABLE DEVELOPMENT

1. The engagement of the public is vital for creating an environmentally sustainable future. Governments alone cannot solve the major ecological problems of our time. Only through building partnerships with and within a well-informed and empowered civil society, within the framework of good governance and respect for human rights, can this challenge be met.

2. Access to information, public participation and access to justice are fundamental elements of good governance at all levels and essential for sustainability. They are necessary for the functioning of modern democracies that are responsive to the needs of the public and respectful of human rights and the rule of law. These elements underpin and support representative democracy.

3. We note that the World Summit on Sustainable Development recognised the importance of Principle 10, but we also note the need to further promote concrete actions. We will continue to contribute to development of initiatives around the world. Such assistance could be political, financial or technical, and could include sharing experiences of the Aarhus Convention process and of best practices developed in the UNECE region.

II. THE AARHUS CONVENTION: A BREAKTHROUGH IN PARTICIPATORY DEMOCRACY

4. The Aarhus Convention is, as stated by the United Nations Secretary-General Kofi Annan, the most ambitious venture in environmental democracy undertaken under the auspices of the United Nations. It represents a major step forward in international

law. We express our satisfaction that the Convention has entered into force within a relatively short period of time, and at the same time acknowledge the considerable challenges that lie ahead in achieving its full and widespread implementation. We note that, among others, non-governmental organizations promoting environmental protection have expressed their wish to further improve and develop the Convention. 5. The Aarhus Convention is a new kind of environmental agreement. It acknowledges our obligation to present and future generations. It confers rights on individual members of the public, without regard to their nationality, citizenship or domicile. It recognises the key role of an active and well-informed public in ensuring sustainable and environmentally sound development. Through seeking to guarantee public rights to information, to participation and to access to justice in the environmental sphere, it addresses, in a tangible and concrete way, the relationship between governments and individuals. It is thus more than an environmental agreement; it is an agreement that addresses fundamental aspects of human rights and democracy, including government transparency, responsiveness and accountability to society. 6. We recognise the close relationship between human rights and environmental protection. Through its goal of contributing to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, the Convention reflects this link.

III. STRENGTHENING THE IMPLEMENTATION OF THE CONVENTION

7. We welcome the rapid progress in ratification of the Convention, which has brought about its early entry into force, and express our determination that this momentum should be maintained in its implementation and further development.

8. We recognise that implementation and compliance by the Parties with their obligations under the Convention is the very heart of the matter in relation to the success of the Convention.

9. We urge all Signatories to the Convention which have not yet ratified it to do so as soon as possible, to put in place the full set of implementing legislation as well as procedures and mechanisms for implementing the specific provisions of the Convention and, in the interim, to seek to apply the provisions of the Convention to the maximum extent possible.

10. We call on other countries to further the principles of the Convention with a view to establishing equivalent participation

rights for the public and to the extent possible to participate in its processes.

11. We encourage all Member States of UNECE that are neither Signatories nor Parties who wish to accede to the Convention to do so as soon as possible.

12. We believe that the Convention should be implemented in such a way that the public is able to effectively exercise the rights that the Convention seeks to guarantee, including by removing practical obstacles, such as cost barriers and lengthy procedures.

13. We encourage each Party to consider going further in providing access to information, public participation in decision-making and access to justice than required under the Convention, noting that the Convention provides for minimum requirements.

14. We underline the importance of developing effective means of providing public access to information and actively disseminating it to the public, and call upon Parties to make information progressively available in electronic form.

15. Civil society and its actors, including non-governmental organizations, the private sector and the media all have a crucial role to play in the implementation, promotion and further development of the Aarhus Convention. Their expertise is needed to 'make Aarhus work.'

16. We warmly welcome the active involvement of non-governmental organizations, in particular environmental organizations, in supporting the implementation of the Convention at both the national and international levels and urge donors to support the continuation of this engagement with adequate financing.

17. We also welcome the active involvement of intergovernmental organizations as well as those of international character facilitating the implementation of the Convention.

18. There is a need to raise wider public awareness of the Convention, to encourage the public to exercise the rights that the Convention confers and to reach out to individual members of the public, including those who are not members of any organization.

19. Public authorities and decision makers at all levels and in all sectors, as well as the judiciary and legislators, need to be fully aware of the obligations arising under the Convention.

20. Effective implementation of the provisions of the Convention is a significant challenge for many Parties. We encourage Parties to draw as necessary upon available assistance mechanisms, such as the capacity-building service and clearing-house mechanism, to overcome obstacles to the full application of the Convention.

* Adopted by the meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at Lucca, Italy, 23 October 2002. See also page 275.

21. The successful implementation of the Convention can be facilitated by the availability of adequate financial resources in all countries. While the primary responsibility for implementation lies with national governments themselves, it is important to provide financial and technical assistance to countries with economies in transition, in particular in the early stages, to help them fulfil their obligations under the Convention. We therefore call upon public, private and international donors to give high priority to financing activities to implement the Convention.

22. We believe that the financial base for the Convention should be broadened and that stable and predictable funding for the

identified the need for, *inter alia*, more precise provisions with respect to genetically modified organisms. As a first step towards addressing this need, the Parties intend to adopt and implement guidelines. They also intend to undertake further work, including on options for a legally binding approach, to develop the Convention in this area, with a result to be considered for adoption, if appropriate, at the second meeting of the Parties.

26. Access to justice as provided for under the Convention is indispensable both to underpin the rights of access to information and public participation set out in the Convention, and, more generally, to protect the legitimate interests of the public and

needed under the Aarhus Convention on the issue of public participation in strategic decision-making.

V. STRENGTHENING INTERNATIONAL COOPERATION

29. The Aarhus Convention emerged out of the "Environment for Europe" process. We recognise the need to maintain strong links with that process and look forward to making an appropriate contribution to the fifth Ministerial Conference "Environment for Europe" (Kiev, May 2003).

30. Cooperation between the bodies of the Aarhus Convention and those of other multilateral environmental agreements, including ECE environmental instruments, should be strengthened on an ongoing basis in order to promote the principles of the Convention in all areas of environmental policy.

31. We recognise the need for guidance to the Parties on promoting the application of the principles of the Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment and we therefore recommend that consideration be given to the possibility of developing guidelines on this topic for adoption, as appropriate, at a future meeting of the Parties.

32. We encourage other regions and international organizations to develop appropriate arrangements and action relating to access to information, public participation in decision-making and access to justice in environmental matters. Where requested, we will endeavour to support initiatives aimed at applying the principles contained in the Aarhus Convention, including the development of global and/or regional guidelines or

other instruments promoting access to information, public participation and access to justice.

33. We note that, where it suits their particular circumstances, States outside the ECE region may wish to accede to the Convention. We believe that the involvement of such States could be of mutual benefit and could enrich the processes under the Convention, and would, therefore, be broadly supportive of their accession. We also note that the Plan of Implementation agreed upon at the World Summit for Sustainable Development contains a commitment to ensure access to environmental information and judicial and administrative proceedings in environmental matters, as well as public participation in decision-making.

VI. CONCLUSION

34. We celebrate the constructive spirit and close cooperation among stakeholders which have characterised the processes associated with the Aarhus Convention, and express our firm hope that this will continue.



A team of children, government representatives and NGO representatives, including Svitlana Kravchenko (second from left) combine to push open symbolically the "doors of democracy" at the Palais des Nations, Geneva

Courtesy: IUCN

activities under the Convention should be secured. We welcome the establishment of the financial arrangements based on shares as a first step to meet this need and urge Parties and others in a position to do so to contribute financially to the Convention in accordance with the arrangements.

23. In order to secure effective and timely implementation, we agree on the need to establish an adequate reporting system and an effective compliance mechanism, including the involvement of the public.

IV. FURTHER WORK ON KEY TOPICS

24. We believe that pollutant release and transfer registers provide an important mechanism to increase corporate accountability, reduce pollution and promote sustainable development. We will therefore work towards the adoption of an effective protocol at the Kiev Ministerial Conference and its implementation and, as appropriate, its further development with a view to promoting effective PRTR systems.

25. We recognise that the Signatories have

to enable it to play a fuller role in supporting the enforcement of environmental law. Further work is required to support Parties in overcoming practical barriers to effective access to justice, including through the examination of good practices, the sharing of experience and the development of information and guidance materials for relevant target groups.

27. In the light of the ongoing revolution in electronic information technology, the area of electronic information tools and publishing should be kept under active review, to ensure that activities under the Convention remain abreast of the latest developments and to contribute to bridging the 'digital divide.' We will provide input, as appropriate, to the World Summit on the Information Society.

28. We recognise the need to integrate appropriately the Aarhus Convention's principles in the draft protocol on strategic environmental assessment to the Espoo Convention, expected to be adopted at the Kiev Ministerial Conference. We also recognise the need to consider, in the light of the content of the new protocol, if further work is