



The European ECO Forum Carignano-Lucca Declaration
20 October 2002

We, the nongovernmental environmental citizens organizations (European ECO Forum) from 34 countries assembled for the International ECO Conference on "Public Participation: The Road from Words to Practice!" at Carignano-Lucca, Italy on October 19-20, 2002, declare as follows:

We celebrate the entry into force of the Aarhus Convention on October 30, 2001 and urge the remaining Signatories and other countries of the UNECE region to ratify and implement the Convention.

We reaffirm that all people have fundamental human rights to access information, to participate in decisions that can affect the environment, and to have access to justice.

We recognize that the implementation of the Aarhus Convention and associated initiatives is critical to protect the environment, to promote sustainable development and to ensure the health, peace, and well-being of present and future generations.

We highlight the significant contributions that ECOs and their experts have made to the negotiation, implementation, and ratification of the Aarhus Convention.

We look forward to the continued development of the Aarhus Convention principles.

We recognize that the efforts of the ECO Forum to work with like-minded governments and nongovernmental organizations to promote environmental democracy in the process leading up to the World Summit yielded fruit. The Johannesburg Plan of Implementing is infused with references to public participation and reaffirmed Principle 10 of the Rio Declaration. Moreover, we applaud the Johannesburg Declaration, which extended Principle 10's guarantee of public participation broadly to all three dimensions of sustainable development (environmental, economic, and social), and did so at all levels. What Johannesburg decided though is not sufficient, much more work needs to be done.

1. Implementation

1.1 In implementing the Aarhus Convention, we urge the Parties to keep in mind its very objective 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. Therefore, we encourage the Parties and Signatories to go beyond the minimum standards set forth in the Convention whenever possible.

1.2 To promote implementation, exchange experiences, and ensure compliance, we call upon the Parties to commit to a coherent programme and methodology to assess the legislative, regulatory, and institutional steps toward implementing the Aarhus Convention.

1.3 We recognize that with the entry into force of the Convention and the pending conclusion of related instruments, such as the SEA Protocol to the Espoo Convention and the PRTR Protocol, Parties, Signatories, other UNECE governments, and ECOs must undertake concerted efforts to raise the awareness and build the capacity of public authorities and the public in many respects.

1.4 We call upon all Signatories to ratify and fully implement the Aarhus Convention before 2004.

2. Right to Know about Hazardous Substances: Pollutant Release and Transfer Registers (PRTRs)

2.1 We welcome the commitment to produce a legally binding protocol on PRTRs, open to any country to sign. The three pillars of the Aarhus Convention must be explicitly reflected in the Protocol's provisions. We believe that a comprehensive PRTR is a powerful tool for furthering the public's right-to-know about chemical management and pollution, contributing to pollution prevention and sustainable development.

2.2 We call upon the countries negotiating the PRTR Protocol to ensure that the PRTR system is multi-media (air, water and land) and includes the following elements:

- (a) Pollutant- and facility-specific reporting on an annual basis;
- (b) A core international pollutant list, including greenhouse gases, ozone depleting substances, acid rain gases, persistent organic pollutants (POPs), proven human carcinogens, radioactive substances, endocrine disrupting chemicals of concern, smog-causing chemicals, particulates, pesticides, and internationally recognized priority water-pollutants;
- (c) A core list of activities, including mining operations, power plants, nuclear facilities, waste management facilities;
- (d) Both routine and accidental releases, separately identified; and
- (e) Transfers to on-site and off-site facilities, identifying the destination of the off-site transfer.

2.3 Recalling the Convention's mandate for pursuing a progressive, step-by-step approach to developing a PRTR for the region, we urge States to incorporate the following elements in the Protocol, accepting that the obligation could begin at a later date:

- (a) Water, energy and resource (pollutant) use;
- (b) Transfers off-site in products; and
- (c) Further specific commitments on reporting of diffuse sources.

2.4 Bearing in mind that the first reports under the Protocol will not appear until around 2009, the Protocol should include a commitment to continuing development of PRTRs in the region to address unresolved issues, incorporate new concepts, and refine existing mechanisms. Additionally, we call upon the States negotiating the Protocol to establish a Subsidiary Body on Scientific and Technological Advice to assist in the progressive development of the PRTR.

3. Public Participation in Decisions Concerning Plans, Programmes, Policies and Regulations/Legislation

3.1 We remind Parties and Signatories of the obligations and commitments in Article 8 of the Aarhus Convention to promote public participation during the preparation of executive regulations and other legislation, including publication of draft rules for public comment. We also note that Article 7 commits States to endeavour to provide for public participation in the preparation of policies.

3.2 We remind the governments involved in the ongoing negotiations of a Protocol on Strategic Environmental Assessment (SEA) of the need to expand the participation of the public to the entire decision-making process on plans, programmes, policies, regulations, and legislation and not to limit it to SEAs. Accordingly, we encourage governments to include provisions on public participation in legislation concerning all these matters in an ambitious way, in order to remain consistent with the Aarhus Convention.

3.3 We express our objection that some States are seeking, in the SEA negotiations, to limit the participation of the public in plans and programmes by using terms from one context of the Aarhus Convention (such as "public concerned") for the public comment process, rather than the appropriate terms used in Aarhus for that process ("the public").

3.4 We strongly oppose a recent proposal in the SEA negotiations that Parties might "decide not to apply" the Protocol and public participation duties to policies and legislation (including executive regulations). This contradicts the commitments in Articles 7 and 8 of the Aarhus Convention.

3.5 We note with disappointment that the inclusion of policies, regulations and legislation in the SEA Protocol remains a bracketed and controversial issue, despite the commitments of Parties to the Aarhus Convention.

3.6 We note that the draft Protocol provides for less public participation in cases of plans or programmes with potential transboundary environmental harm than in other situations, and only when the government of an affected state chooses to enter into consultations. We insist that the non-discrimination principle set out in the Aarhus Convention and the Espoo Convention should be equally applicable in cases of SEAs. This cannot be done without adequate transboundary notification and participation in the preparation of plans, programmes, policies and regulations, which may have adverse transboundary effects.

3.7 We are disturbed at the attempts in the SEA negotiations to provide only minimal access to justice, to omit the possibility for review by a court or similar body in most situations, and to ignore the need to eliminate financial and other barriers to access to justice.

4. Transparency and Democratic Decision-making regarding GMOs

4.1 Considering the scientific uncertainty regarding the sustainability of genetically modified organisms (GMOs) and recalling the precautionary principle of Rio Principle 15, we call upon UNECE governments to guarantee the freedom to choose for consumers and producers against the use of GMOs. Specifically, consumers should have reliable and timely information through a labelling system about products; producers should have the right to produce GMO-free goods; and the public generally should have the right to participate in decisions regarding GMOs.

4.2 We are deeply concerned about the dramatic increase of illegal GMO activities, such as testing and importation, in several UNECE countries. We are convinced that only a legally binding instrument regarding GMOs will be effective in addressing these illegal activities.

4.3 We express our deep regret that despite the clear message from the Aarhus "Environment for Europe" Ministerial Conference on the need to amend the provisions of the Aarhus Convention related to the right of consumers to know about GMOs and after two years of negotiations, States have failed to guarantee the public's right to participate in decision-making regarding GMOs.

4.4 We are especially concerned about the position of EU Member States that consistently have opposed the adoption of legally binding provisions on public participation, in favour of voluntary guidelines. This opposition contradicts the EU's own legal framework. In particular, the EU's Directive on deliberate releases of GMOs into the environment clearly states that the effects of releasing GMOs into the environment may be irreversible and therefore present potentially significant risks to the environment and human health.

4.5 We applaud the few progressive countries, particularly in Central and Eastern Europe, that have adopted legislation ensuring public access to information, public participation and access to justice in decisions relating to GMOs. However, there is an urgent need for better implementation of this legislation, including capacity building activities.

4.6 We urge Parties and Signatories to concentrate their efforts on implementing Article 5.8 of the Aarhus Convention regarding consumer choice. We propose a new legally binding instrument on consumer right to know under the Convention, to be presented at the Second Meeting of the Parties. This instrument must ensure public participation and access to justice, as well as access to information regarding GMOs as already confirmed in international agreements such as the Advanced Informed Agreement (AIA) of the Cartagena Protocol to the Convention on Biological Diversity. In the meantime, we firmly encourage all Parties and Signatories to apply the provisions relating to public participation to decisions regarding GMOs.

4.7. In addition to the requirement of a PRTR for hazardous substances, we would like to see a PRTR system developed for GMOs.

5. Access to Justice

5.1 We urge all Parties and Signatories of the Aarhus Convention to bring about effective and rapid implementation of the access to justice provisions.

5.2 We stress the importance of removing barriers, such as lengthy and costly procedures that are neither fair nor equitable, of providing effective injunctive relief, and of building capacity of all actors (NGOs and the public, lawyers, and the judiciary).

5.3 We welcome the proposal to establish a Task Force on Access to Justice and for it to continue collecting and disseminating information, and to prepare recommendations, in particular regarding paragraphs 3, 4, and 5 of Article 9.

5.4 We urge the EU to move forward toward adoption of an ambitious and forward-looking directive on access to justice, based on the overall spirit of the Aarhus Convention. In addition, we urge the EU to take the necessary steps to apply the access to justice provisions to its own institutions.

6. Electronic Access to Information

6.1 We call upon the Parties and Signatories to develop national structures, mechanisms, and alternative applications and infrastructure to improve the ease of use and free and equitable access to information, and to take into account the list of possible actions to further the use of electronic tools in implementing the

Aarhus Convention prepared by the Task Force on Electronic Information Tools at the Arendal Workshop (8-9 March 2002).

6.2 We draw attention to the distinction between access to information and accessibility and usability of information by end-users, and note the need to adequately develop international strategies to overcome challenges to the accessibility and usability of information.

6.3 We stress the need for a new Task Force on Electronic Access to Information to:

- (a) Prepare a scoping study of end-users in order to better understand end-user needs and perspectives;
- (b) Prepare a feasibility study regarding the establishment of end-user, knowledge shops, and virtual community resource banks;
- (c) Support development of end-use training modules in information access, community monitoring, data collection, interpretation, and electronic presentation;
- (d) Consider a future meeting specifically on the role of public participation in all aspects of electronic environmental information production, interpretation, dissemination and use, as vital for the successful implementation of the Aarhus Convention; and
- (e) Invite the participation of consumer, health, labour and other civil society representatives in a Task Force on Electronic Access to Information in order to better understand end-user perspectives and needs.

6.4 We recommend that the PRTR Virtual Classroom, PRTR Benchmarks and other relevant electronic tools and compliance methodologies be integrated into a future Aarhus Convention Clearing-house to promote low-cost, user-friendly access to environment information.

6.5 We also recommend incorporation of interactive map server technologies into national environment and health web portals, and the future Convention Clearing-house; further integration of health and environment information into the future Convention Clearing-house; open architecture in the design of electronic tools; inclusion of multilingual translation and posting features; and development of common designators (metatags) to promote access to networked databases.

7. The Global Context

7.1 We call upon Parties and Signatories to continue to promote the Aarhus Convention and related Protocols globally, so that countries not in the UNECE region may accede to them.

7.2 We also call on Parties and Signatories to work with allies around the world toward a global framework to guarantee environmental rights, including the procedural rights of access to information, public participation and access to justice. Such a framework must be negotiated with the participation of representatives of civil society, and it must guarantee these rights and the protection of the rights of advocacy and association.

7.3 We urge Parties and Signatories to provide financial, technical, and political support, as appropriate, for national, regional, and global efforts to implement Principle 10 of the Rio Declaration.

7.4 We urge Parties and Signatories to develop guidelines to promote the application of the principles of this Convention in international decision-making processes and within the framework of international organizations in matters relating to or affecting the environment, to fulfill the requirements of Article 3, paragraph 7.

8. Appreciation

8.1 We express our appreciation to the governments of Italy, Denmark, Finland, Germany, The Netherlands and Norway, as well as the UNECE Aarhus Convention Secretariat, for their direct financial support since the Aarhus Conference for the ECO Forum's efforts to represent and involve the public in environmental democracy, as well as earlier support by others.