



Convention on Access to Information,  
Public Participation in Decision-making and  
Access to Justice in Environmental Matters  
(Aarhus Convention)

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**Maia Bitadze**

**Chairperson of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

Re: Concerns regarding provisions of a new Polish law on the hosting of the twenty-fourth Conference of the Parties to the United Nations Framework Convention on Climate Change

16 March 2018

Excellency,

I am writing to you on behalf of the Bureau of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) as to bring to your attention a letter from several non-governmental organizations (NGOs) addressed to the Bureau. The letter raises concerns regarding the compatibility of a law adopted by the Parliament of Poland on 10 January 2018 on the hosting of the twenty-fourth Conference of the Parties to the United Nations Framework Convention on Climate Change (COP-24) with article 3, paragraphs 7 and 8 of the Aarhus Convention (a copy of the letter and of the law are enclosed).

NGOs consider articles 22 and 17, paragraph 1 of this new law, to be of concern for the realization of the rights provided under the Aarhus Convention and especially for ensuring effective public participation at the COP-24. According to the NGOs, article 22 of the new law, prohibits any spontaneous demonstrations in the city of Katowice from 26 November to 16 December 2018. Such provision, NGOs claim, might not be compatible with article 3, paragraph 7 of the Aarhus Convention, which requires Parties to promote 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.

Further, NGOs claim that article 17, paragraph 1 of this law, allows the police to collect and use information, including personal data, of participants registered for COP-24, also without the knowledge or the consent of the persons concerned. In this context, NGOs recall article 3, paragraph 8 of the Aarhus Convention, which requires Parties to ensure that persons exercising their rights in conformity with the provisions of the Convention shall not be penalized, persecuted or harassed in any way for their involvement.

His Excellency

Mr. Josaia Vorege Bainimarama

Prime Minister of Fiji

Chair of the Bureau of the United Nations Framework Convention on Climate Change

Bearing in mind that all Parties to the Aarhus Convention simultaneously are Parties to the UNFCCC and thus bound by the obligations under the Aarhus Convention, the Bureau of the Aarhus Convention considers that it is important to bring the above concerns to the attention of the Bureau of the UNFCCC, which may wish to liaise with Poland as to explore the most effective ways to address those concerns. In this regard, kindly note that a letter on this issue will be also sent to the Minister of Environment of Poland on behalf of the Bureau of the Aarhus Convention.

In addition, I would like to take this opportunity to inform you that the Working Group of the Parties to the Aarhus Convention will hold a special session on the promotion of the principles of the Convention in international forums at its next meeting on 21 June 2018. Parties will discuss, among other matters, the implementation of the Convention's provisions in the context of international climate change decision-making, in particular in the light of the upcoming COP-24. In this respect I would like to express, on behalf of the Bureau, my appreciation for the continuous cooperation between the secretariats to the UNFCCC and to the Aarhus Convention, also in the context of organization of such sessions.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Maia Bitadze



Note: Correspondence of the Aarhus Convention Bureau is available at:  
<http://www.unece.org/env/pp/bureau.html>