

Statement on the 5th meeting of the Parties to the Aarhus Convention

Maastricht, July 1st, 2014

Honorary representatives of the Parties to the Aarhus Convention,

Dear colleagues,

We, the undersigned, call your attention to the fact that since the ratification of the Aarhus Convention in 2001 the Government of Armenia and entities responsible for the implementation of the rights prescribed by the Convention have failed compliance to the Convention. Since 2004, all the three appeals to the Compliance Committee by the public concerned of Armenia have been satisfied by the Committee, thus stating the full-scale failure of implementation of the Convention in Armenia.

Particularly,

1. As a result of Communication ACCC/C/2004/08, the Committee came to the conclusion that the Government of Armenia failed to ensure access to information on the Environmental matters (Article 4, points 1 and 2), public participation in the decision making (Article 6, points 1(a), 2-5 and 7-9, as well as Article 7), and access to justice (Article 9, point 2-4)¹.
2. As a result of Communication ACCC/C/2009/43, the Compliance Committee affirmed failure to implement provisions of the Convention (Article 3, point 1), and stated once again violation of the Convention on ensuring public participation in the decision making (Article 6, point 2,4 and 9)².
3. As a result of Communication ACCC/C/2011/62, the Compliance Committee stated again violation of the right to access to justice (Article 9, point 2)³.

Obviously, for 13 years since the ratification of the Aarhus Convention, the entities responsible for the implementation of the Convention have consistently failed implementation of almost all the provisions of the Convention. The Government of Armenia has so far not remedied the situation and complied with any of the recommendations made as a result of the above mentioned three communications. In particular,

¹ http://www.unece.org/fileadmin/DAM/env/documents/2008/pp/mop3/ece_mp_pp_2008_5_add_2_e.pdf

² <http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2009-43/Findings/C43ARMFindings.pdf>

³ <http://www.unece.org/env/pp/compliance/compliancecommittee/62tablearm.html>

- a. the mechanism of statistic monitoring has never been implemented to ensure proper dissemination of information,
- b. legislative, regulatory or administrative measures necessary to ensure the environmental impact assessment and public participation in decision making procedures have not been adopted,
- c. necessary legislative and administrative measures have not been taken to ensure access to justice for the public concerned on environmental matters (residents of affected communities and environmental non-governmental organizations).

Thus, despite the numerous and consistent recommendations of the Compliance Committee and the Meeting of the Parties, the entities responsible for the implementation of the Convention in Armenia have not undertaken necessary amendments in the national legislation, as well as in the administrative and judicial practices to ensure proper implementation of the human rights prescribed by the Convention.

It should be noted that according to the Preamble to the Aarhus Convention, failure to comply with the provisions of this Convention highly affects the proper implementation of other international environmental agreements. Thus, by failing the Aarhus Convention, the Government of Armenia essentially fails to also comply with those environment-related international agreements in frames of which the Government of Armenia receives substantial financial resources from international organizations.

Currently, there are 15 approved projects supporting implementation of various environmental conventions with a total budget of more than \$15 million regarding the issues of sustainable development; effective forest management; to combat desertification; to preserve biodiversity and for other matters, neither of which is carried out effectively. To our estimation, the implementation of these projects will not be effective unless the Government of Armenia ensures the implementation of the obligations undertaken by the Aarhus Convention⁴.

To add to this dire situation, “Pension Denmark”, which is a private pension fund based in Denmark, and Danish state agency named “Export Kredit Fonden” are financially supporting exploitation of Teghut copper mine in Armenia, which is an operation that is being conducted in a violation of Aarhus Convention, as recognized by the two decisions of the Compliance Committee, as well as of various national laws as recognized by the annual report of the Human Rights Defender (Ombudsman) of Armenia, and other sources of indisputable evidence.

⁴ http://www.thegef.org/gef/country_profile/AM?countryCode=AM&op=Browse&form_build_id=form-OxhZS7tukBvarmpC5Wr_IgcrXLwjXsbqeIXJX1E7scE&form_id=selectcountry_form

Based on the above-said, and in accordance with the Article 37, point f) and point h) of the Annex of the Decision 1/7, we suggest the Meeting of the Parties:

- to issue caution to the government of Armenia;
- to express suspicion on the efficiency of the environmental projects implemented by the government of Armenia with financial support of international organizations.

Obviously, repeatedly failing its obligations undertaken by the Aarhus convention, the Government of Armenia in practice undermines other obligations undertaken by other international agreements on environmental issues. This logic is not only derived from the actual situation, but is also suggested by the preamble of the Aarhus Convention, as well as the Vienna Convention on International Treaties.

We are convinced that the implementation of the above measures will increase public control over the activities of the Government, forcing the latter become more accountable and conscientiously ensure the protection of human rights undertaken by the Aarhus Convention.

Signatories to the statement

Save Teghut Civic Initiative (Armenia)

”This City Belongs to Us” civic initiative (Armenia)

Environmental Public Alliance (alliance of 50 environmental NGOs, Armenia)

Lyudmila Sargsyan, Member of Parliament

Aram Manukyan, Member of Parliament

Green Party of Armenia

Armenian Environmental Network (USA, Armenia)

Norwegian Helsinki Committee (Norway)

Building an Alternative Future (Switzerland)

Transparency International Armenia (Armenia)

Ecolur Information NGO (Armenia)

Institute of Human Rights and Democracy (Armenia)

Socioscope NGO (Armenia)

Peace Dialogue NGO (Armenia) ”Dalma-Sona” Foundation

Sustainable Development NGO, (Armenia)

Hayk Alumyan, Lawyer, Member of the Chamber of Advocates

Tehmine Yenoqyan, journalist

Marine Adamyanyan, citizen

Samvel Teymurazyan, citizen

Ararat Alikhanyan, citizen

Aram Avetisyan, citizen

The list is open for signatures...

