



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

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## Eighty-first meeting of the Aarhus Convention Compliance Committee Geneva, 12-15 December 2023

### Chair's statement at midpoint of intersessional period 2022-2025

#### Introduction

The midpoint of the current intersessional period is an appropriate time to take stock and to reflect briefly on how things stand from the Compliance Committee's perspective.

By way of context, in the two years since the seventh Meeting of the Parties to the Aarhus Convention in October 2021 (MOP7), we have seen environmental human rights gain ever-increasing attention in response to the climate and biodiversity crisis.

In particular, the rights for the public to participate in decision-making and to have access to justice to uphold the rule of law is essential to support environmental protection and a safe and stable climate for present and future generations.

I will reinforce the fundamental importance of implementation of the Aarhus Convention in my contribution this afternoon at the Roundtable on 'The Future of Human Rights, the Environment and Climate' as part of the *Human Rights 75 – High-level Event* convened by the Office of the UN High Commissioner for Human Rights.

A clean, healthy and sustainable environment is essential to the enjoyment of all human rights.

#### Overview of volume of work on hand

The Committee continues to deal with an enormous workload.

We currently have 43 pending communications.

The Committee is also actively engaged in reviewing the implementation by the Parties concerned of 18 decisions and 2 requests<sup>1</sup> made by the Meeting of the Parties at MOP7 concerning the compliance of individual Parties; and 1 finding of non-compliance regarding which the Party concerned agreed that the Committee take the measures requested in paragraph 36 (b) of the annex to decision I/7.<sup>2</sup>

MOP follow-up involves detailed and time-consuming work.

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<sup>1</sup> ACCC/M/2021/4 (European Union), ACCC/M/2021/5 (Republic of Moldova), ECE/MP.PP/C.1/2022/10.

<sup>2</sup> Committee's findings on communication ACCC/C/2014/119 (Poland), ECE/MP.PP/C.1/2022/10.

Apart from our work on communications and MOP follow-up, it is important to emphasize that the Committee is increasingly called on to provide advice to Parties, at their request, concerning the implementation of the Convention.

On 9 June 2023, the Committee adopted its advice on A3 (Ukraine), in response to the Party's request for advice on its obligations under the Convention in the context of the ongoing war.<sup>3</sup>

The Committee recently agreed its draft advice on A4 (Armenia) in response to the Party's request for advice on its Law "On Environmental Impact Assessment and Expertise".<sup>4</sup>

In addition, in the context of its follow-up on MOP decisions and requests, the Committee recently finalised advice to the Netherlands and is expected to shortly complete further draft advice to Armenia and draft advice to Czechia.<sup>5</sup> This advice is provided at the request of those three Parties.

The Committee welcomes Parties requesting its advice proactively in this way, while recognizing that this particular area of work adds significantly to the Committee's already heavy caseload.

### **Committee resourcing**

Since my election as Chair in December 2021, I have emphasized the Committee's very limited resources and its ever-increasing workload.

In the current intersessional period (2022-2025), the Committee is engaged in follow-up procedures on 20 MOP decisions and requests. In the previous intersessional period (2018-2021), the Committee had 12 MOP decisions and requests to follow up on. That is an increase of two-thirds.

Of the 47 current Parties to the Convention, 34 have now been subject to a review of compliance by the Committee.

Our workload has therefore increased enormously while our secretariat resources are in fact significantly less than they were prior to MOP7, when in the year prior to the MOP we had four lawyers supporting the Compliance Committee fulltime.

To be clear, the Committee does not have adequate resources to deal with its current workload expeditiously. A tiny team in the secretariat provides invaluable legal support to the Committee in dealing with its 43 pending cases, 20 MOP follow-ups and multiple requests for advice and assistance. However, that small legal team supports all other legal work under the Convention as well.

As Chair, I have previously called on Parties to reflect on the Committee's situation and to provide further resources, on a long-term basis, as a matter of urgency, to support our vital work.

In light of the situation I have just described, I must do so again now.

And this is notwithstanding the Parties' recognition of the seriousness of the funding situation at the 27<sup>th</sup> meeting of the Working Group of the Parties to the Aarhus Convention in June 2023 and the need to provide urgent funding to support the Compliance Committee.

It is essential that sufficient financial resources are provided to the secretariat in order that it can secure additional legal staff to support the Compliance Committee.

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<sup>3</sup> Committee's advice on request ACCC/A/2022/3 (Ukraine).

<sup>4</sup> ACCC/A/2023/4 (Armenia).

<sup>5</sup> Decision VII/8a (Armenia), Decision VII/8e (Czechia) and decision VII/8m (Netherlands).

I emphasise again the seriousness of the current situation and the very significant challenges posed by the lack of resources when the Committee is in such high demand. **Without additional resources, the current delays in processing cases and responding to requests for advice will only increase.**

### **Fundamental importance of the Aarhus rights**

To conclude, as we mark the 25<sup>th</sup> anniversary of the Convention's adoption in 1998, its implementation is more important now than ever. The precarious position of environmental defenders and the erosion of civic space more generally, confirm the vital role of the Aarhus rights to protect environmental democracy.

I assure you that the Compliance Committee will continue to do its best to lead the way to support implementation.

But we urgently need more resources to fulfil our mandate effectively and to handle the caseload expeditiously.

Áine Ryall  
12 December 2023