

Overview of the “Foundation
Discussion Document (FDD)
for the Mediterranean
Accession Agenda to the
Aarhus Convention”

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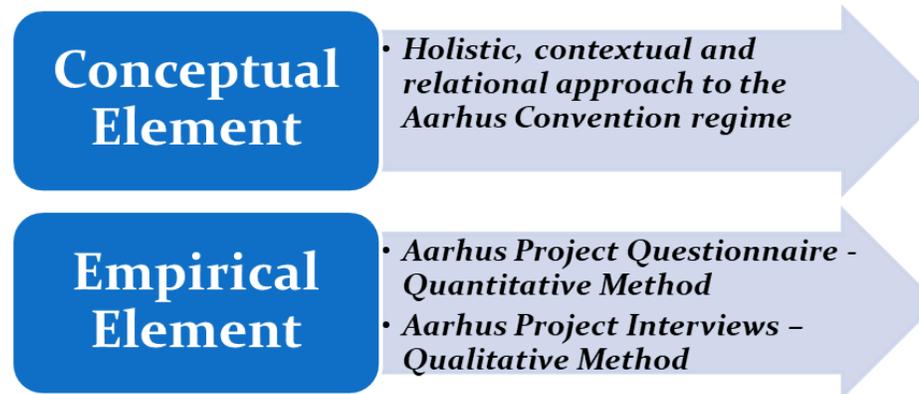
Background and Methodology



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- ❑ (FDD) for the ‘Mediterranean Accession Agenda to the Aarhus Convention’ is the research component of a three-task project:
 - ❑ 1. *The research component*
 - ❑ 2. *The evaluative component*
 - ❑ 3. *The communication component*
- ❑ Implementation of the MSSD (Mediterranean Strategy on Sustainable Development 2016-2025) Flagship Initiative on Environmental Governance (Objective 6 – Strategic Direction 6.2.3)
- ❑ The FDD: a detailed, comprehensive document of interdisciplinary research, produced by MEPIELAN Centre, with the support of MIO/ECSDE through the EU LIFE Programme and WES Regional Project and in cooperation with the Secretariats of the UNECE Aarhus Convention and the UNEP/MAP-Barcelona Convention

❑ Methodology:



- ❑ **Content of the FDD:** 6 Parts and Recommendations & 3 Annexes (Survey Questionnaire, Graphic Results of the Survey & List of Interviewees)



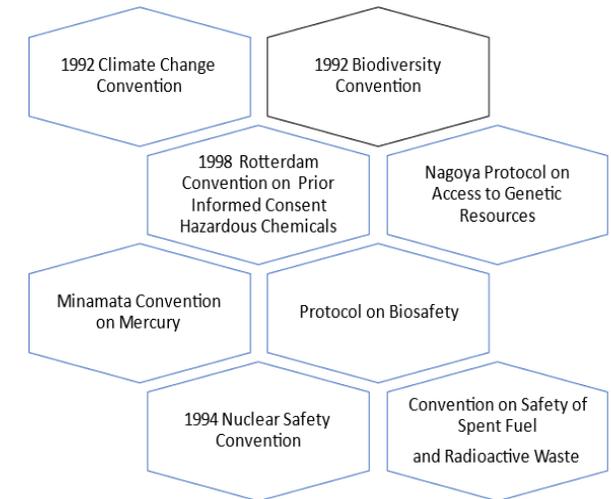
PART 1: The Universality of the Aarhus Convention's Principles



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- ❑ The diverse fields of universality of the Aarhus Convention's principles associated with relevant international treaty/Conventional regimes, global declarative instruments and modern constitutions of Mediterranean States.
- ❑ The Convention is the first binding instrument that endorses the procedural/enabling requirements that were first articulated in the Rio Declaration: Right to Information, Public Participation (PP) and Access to Justice (Article 10).
- ❑ Acceding to the Aarhus Convention demonstrates a country's commitment to these principles.

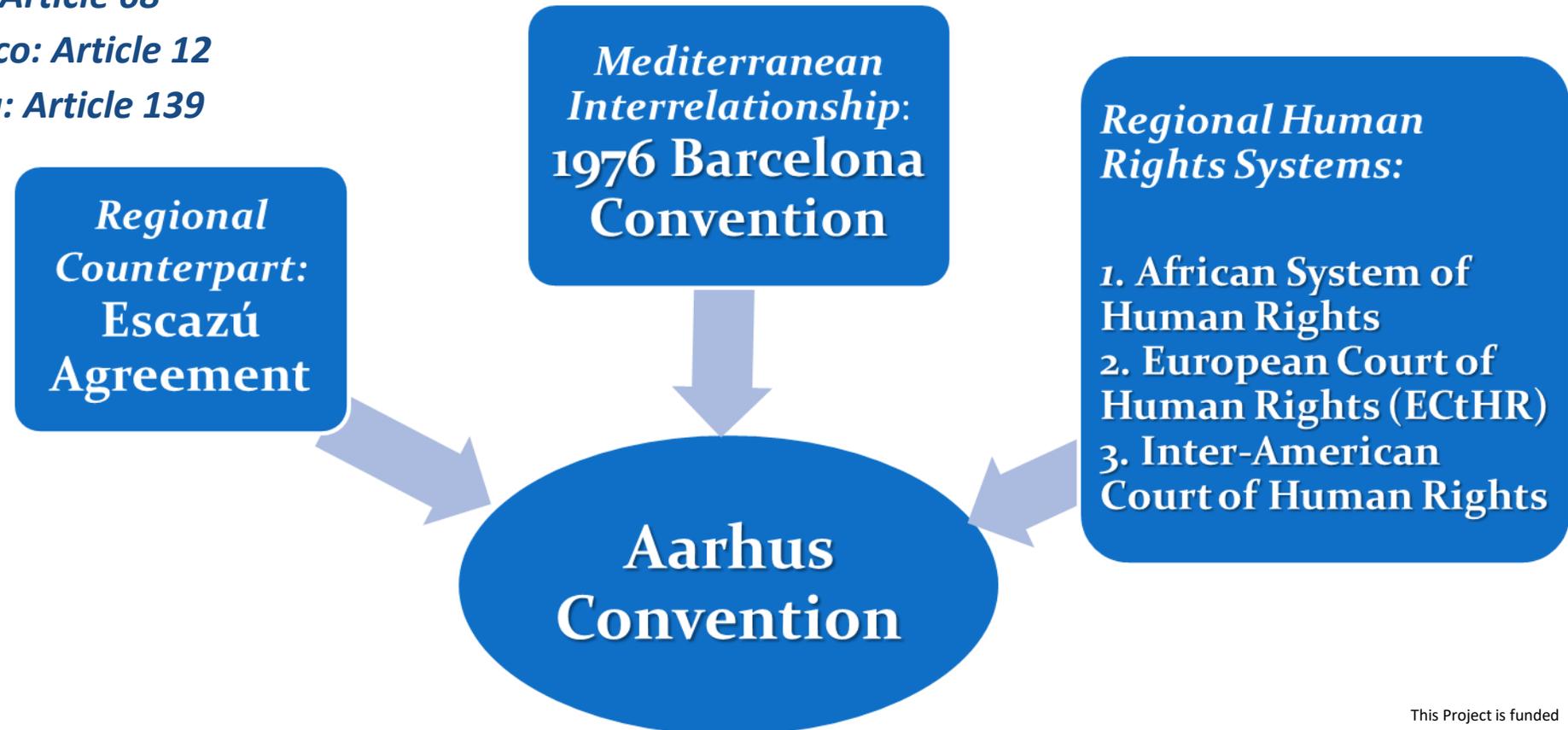
Fig. 1 Sample of Global Treaties Having Provisions on Access to Information/Participation





□ **Aarhus Convention's Principles in the Constitutions of Mediterranean States**

1. **Algeria: Article 205**
2. **Egypt: Article 68**
3. **Morocco: Article 12**
4. **Tunisia: Article 139**



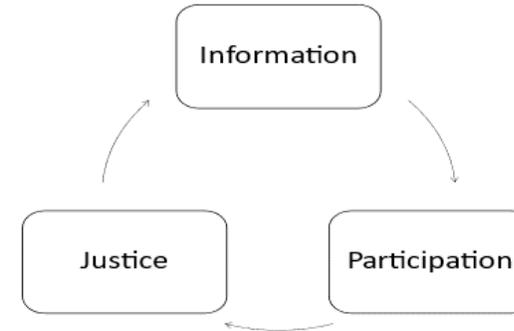
PART 2: The Architecture and Governance of the Aarhus Convention and the Benefits of Accession



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Architecture based on three pillars:

Fig.2 The Aarhus Convention Regime in a Nutshell



Governance:

Fig.3 Aarhus Convention Regime: Governance

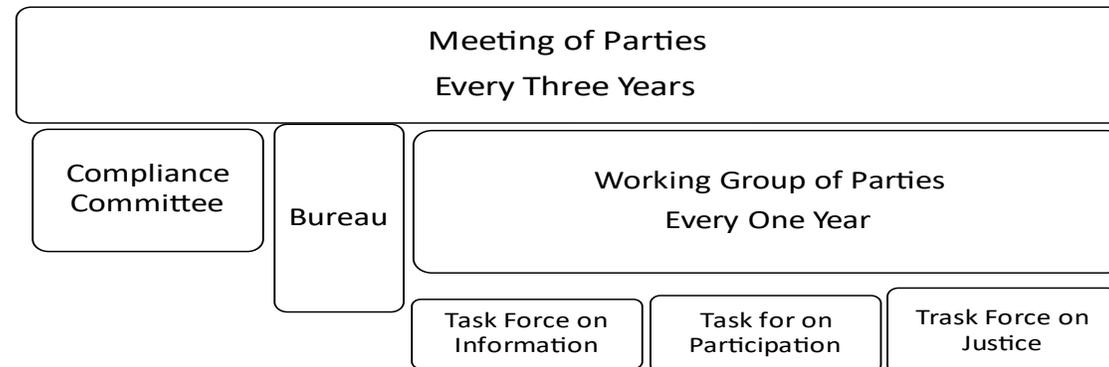




Fig.5 Aarhus Convention Regime Process



❑ *ICI regime of the Aarhus Convention*

➤ **PRTR Protocol (Kiev Protocol), 2003**

➤ **Aarhus Clearing House on Green Democracy**

- ✓ Proposal: Playing a *match-making role* in capacity-building by linking investors, civil society actors, and states that ask for assistance in implementing or acceding to the Convention in effective and efficient sustainability governance.

➤ **Aarhus Centers**

- ✓ Proposal: Vehicles for developing talanoa-type dialogue within a State for socially effective environmental governance





□ **Benefits of Accession**

- **Invite green investments and supporting the transition into more sustainable means of production.**
- **Many investors invest in companies that fulfill environmental, social, and governance (ESG) criteria.**
- **The implementation of the Aarhus Convention's principles by a country is bound to strengthen the environmental governance credentials of that country.**
- **Number of benefits that countries will extract from adopting green open governance**





Fig.7 Benefits/Costs – Opportunities/Challenges ©



PART 3: Scope, Operations and Perspectives of the Normative Function of the Aarhus Convention Inter-linkages with International Structures and Processes



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- ❑ *These interlinkages boost the image and enhance the international role of the acceding Mediterranean countries.*
- ❑ *The platform for such interlinkaging is built on the general duty of the Parties to promote the application of the principles of the Convention in international environmental decision-making processes (Art. 3(7)) specified by Almaty Guidelines, 2005.*
- ❑ **Interlinkaging with:**
 - ❑ **International Financial Institutions (IFIs)**
 - EIB
 - EBRD
 - WB
 - ❑ **Environmental Aspects of Decision-Making Processes of International Institutions: Promoting Transparency in the ICAO**
 - ❑ **International Trade Negotiations → EU Trade Agreements**
 - ❑ **Technological Processes: Implementing the Aarhus Convention in International Technology Governance Processes**
 - Geo-engineering
 - GMOs
 - ❑ **Structural Effects on the Governance related to the Protection of Environmental Human Rights Defenders (Article 3(8) → Rapid Response Mechanism – Independent Special Rapporteur**



PART 4: Complementary Inter-linkages: Attaining Sustainable Development Goals (SDGs) through the Implementation of the Aarhus Conventional Regime



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- The Aarhus Convention regime provides an **excellent vehicle for the Non-UNECE Mediterranean States to set in motion and attain a Mediterranean implementation of the 2030 Agenda and its 17 SDGs** to progressively build, according to their capabilities, effective participatory sustainability governance contributing to the implementation of the SDGs in a coherent and integrating manner.
- In relation to the **SDG targets on public access to resources, access to information, public participation, access to justice and activities of transboundary or international nature**, the Aarhus Convention regime specifically provides their **effective and equitable implementation and advancement**, and through a **cluster of good practices** operates as a principled platform to attain the engagement of civil society in the preparation, follow-up and review of SDGs – *Regional Forum on Sustainable Development for the ECE region (RFSD)*, multi-stakeholders meetings.
- The PRTR Protocol becomes a substantial tool to achieve the SDGs through its synergies with relevant treaty regimes and related processes and promote transparency and public participation across the SDGs



PART 5: Unlocking the Aarhus Convention Decision-Making and Negotiating Processes to Advance Participatory Environmental Governance



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□ Unfold three processes of participatory pluralistic environmental governance encapsulated into the operation Aarhus Convention decision-making:

1. Strengthening the **transboundary scope of environmental decision-making** between the Parties for activities listed in Annex I having transboundary environmental impacts
2. Building the **negotiating capacities of the Delegates of the Aarhus Conventions' Parties** as well as of stakeholders for engaging them effectively and efficiently in the advancement of the crosscutting Aarhus Convention principles and procedures at the various international fora and processes, reducing the non-transparency and non-participation spaces – the **individuation** of this process
3. The potential **role of Aarhus Centres to build capacity for participatory environmental governance-by-dialogue** through the introduction of a structured **talanoa-type of dialogue** between authorities and stakeholders, and the facilitation of effectively connecting citizen/lay expertise knowledge with science and society (a hub of participatory knowledge)



PART 6:

Negotiating Creatively the Accession to the Aarhus Convention



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- ❑ **Multilateralism complementing Individualism in Accession process**
- ❑ **Exploring the architecture, management of the procedure of individual accession to the Aarhus Convention for countries outside the ECE region** (Article 19 and the criteria/procedural steps of *Decision IV/5 of the MOP-4*), its related problems, and the only case of such accession (**Guinea Bissau**).
- ❑ **Need for a Phased-Negotiating Approach** to the Accession process - The problems of “proceduralization”
- ❑ **Building a collective pre-accession structured negotiating phase with the aim to deliver a political declaration of Mediterranean accession** that would demonstrate the determination of the Southern Mediterranean States to expand the Aarhus Convention principles and procedures in the Mediterranean region.
- ❑ **Twinning Conventional Multilateralism (Aarhus Convention – Barcelona Convention)**



For more information about MEPIELAN:



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Thank you for your attention!

