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**Water and
Environment Support**
in the ENI Southern Neighbourhood region



THE MEDITERRANEAN ACCESSION AGENDA TO THE AARHUS CONVENTION (MAAAC)

(version 2 –November 2023)

Developed by the WES project in consultation with the secretariat of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters within the WES regional activity “Promotion of the Aarhus Convention in the whole of the Mediterranean (HRE-4-P2P)”, in partnership with the UNEP/MAP Barcelona Convention Secretariat, the Secretariat of the Union for the Mediterranean, the UfM Parliamentary Assembly (Energy, Environment and Water Committee), the Circle of Mediterranean Parliamentarians for Sustainable Development and the MEPIELAN Centre.

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Acronyms

EU	European Union
ENI	European Neighborhood Instrument
FPs	Focal Points
COMPSUD	Circle of Mediterranean Parliamentarians for Sustainable Development
CSOs	Civil Society Organizations
EBA	Ecosystem Based Approach
ENI	European Neighborhood Instrument
EU	European Union
FDD	Foundation Discussion Document
ICZM	Integrated Coastal Zone Management
IGOs	Inter-Governmental Organisations
IWRM	Integrated Water Resources Management
MCSDD	Mediterranean Commission for Sustainable Development
MAAAC	Mediterranean Accession Agenda to the Aarhus Convention
MEA	Multilateral Environmental Agreements
MEPIELAN	Mediterranean Programme for International Environmental Law and Negotiation
MIO-ECSDE	Mediterranean Information Office for Environment, Culture and Sustainable Development
MOP	Meeting of the Parties
MSESD	Mediterranean Strategy on Education for Sustainable Development
MSSD	Mediterranean Strategy for Sustainable Development
NGOs	Non-Governmental Organisations
OSCE	Organization for Security and Co-operation in Europe
P2P	Peer-to-Peer
PAM	Parliamentary Assembly of the Mediterranean
PA-UfM	Parliamentary Assembly of the Union for the Mediterranean
PRTRs	Protocol on Pollutant Release and Transfer Registers
REC	Regional Environmental Center
UfM	Union for the Mediterranean
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP/MAP	United Nations Environment Program/Mediterranean Action Plan
WES	Water and Environment Support project
WFD	Water Framework Directive
WGP	Working Group of the Parties

1. A Common Vision for a Sustainable Mediterranean¹

The Mediterranean Region is an Ecoregion of great significance since antiquity. It is a region with great importance not only for its 21 riparian countries and their neighbours in Europe, Africa and Asia, but also of the entire globe due to its cultural and natural heritage, its unique biodiversity and its role as a North-South, East-West interface.

The region, which is a top-ranked tourism destination, with busy touristic and commercial traffic, faces many problems of a varying nature, visible at the national or subregional level, starting from socioeconomic and political instability; armed conflicts; unemployment of youth related to weak economies in combination with accelerating population growth in some countries; massive population movements from outside the region; and urbanisation/littoralisation. These challenges and trends are directly linked also to serious environmental problems stemming from the rapid increase of mean temperatures due to climate change.

The Mediterranean is the fastest warming region after Africa with frequent heat waves in summer and ensuing large-scale wild fires and major damages to terrestrial, aquatic and marine ecosystems, where the massive intrusion of alien species and other pressures result in the accelerated loss of biodiversity, damages in agriculture and fisheries, and further expansion of water-scarce regions subject to desertification.

The region has tried for years to address these environmental and sustainability challenges through the efforts of governments and regional organisations, namely the Mediterranean Action Plan of the United Nations Environment Programme (UNEP/MAP) and the Mediterranean Commission for Sustainable Development (MCSDD) of the Barcelona Convention, the Union for the Mediterranean supported by the European Union (EU), complemented by initiatives of many other United Nations (UN) bodies, Inter-Governmental Organisations (IGOs) and Non-Governmental Organisations (NGOs). All of them try to protect the environment and direct the transformation of current production and consumption patterns to sustainable ones in a transition towards circular and blue/ green economies and the achievement of the 17 Sustainable Development Goals (SDGs) and the global 2030 Agenda. Similarly, important EU documents are used as blueprints or sources of inspiration for environmental policies even by non-EU Mediterranean countries e.g. the EU Water Framework Directive (WFD), the Environmental Impact Assessment (EIA) and Strategic Environmental Assessment Directives, the EU Habitats Directive, all contain important provision for information and public participation.

The Mediterranean has the potential to benefit from plenty renewable energy sources and adopt a regional model of sustainability through cooperation and peace if mutual trust and a common vision is established through appropriate Governance.

The issue of effective, trustful and participatory Governance is of utmost importance for bringing the different priority orientations and political geometries of the region closer, which is the only workable solution for a more sustainable common Mediterranean future. Such Governance could be developed and

¹ The 'zero' draft of this document was prepared by Prof. M. Scoullou, Team Leader of WES with contributions from the secretariat of the Aarhus Convention and Ms Summer Kern, J.D, WES Expert.

implemented gradually and through a combination of regional and national steps towards common directions.

One of the most important and universally recognised ‘steps’ towards this important aim is a country’s accession to the Aarhus Convention (UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters), which provides a workable and comprehensive framework to engage the public effectively and thereby support such Governance. More about the Aarhus Convention and its relevance for the Mediterranean countries is provided in the Annex.

2. Achieving Sustainable Development and the role of Governance

Sustainable Development needs to be understood in the Mediterranean as the space included in the tetrahedron of **figure 1**, where environmental protection, a just and fair society and an economy with proper investments and fair profits all synergise which results in a situation wherein even when the win-win-win scenario is not achieved, none of the three will lose by the development or expansion of the other two.

The synergy, in most cases, cannot be “automatic”. It requires that appropriate Governance is in place. Such Governance uses various tools such as science and technology to enhance the carrying capacity of the systems, legislation/institutions and administration, to provide guidance and rules and public participation, coupled with awareness raising, measures to support the flow of information and lifelong education, which are necessary to create the enabling conditions for the positive synergies.

The synergy and complementary of these types of tools that support proper Governance are visualised by another tetrahedron (**figure 2**).

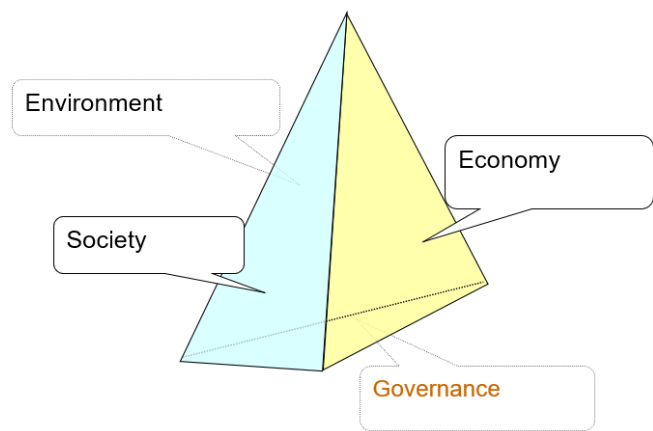


FIGURE 1. SUSTAINABLE DEVELOPMENT

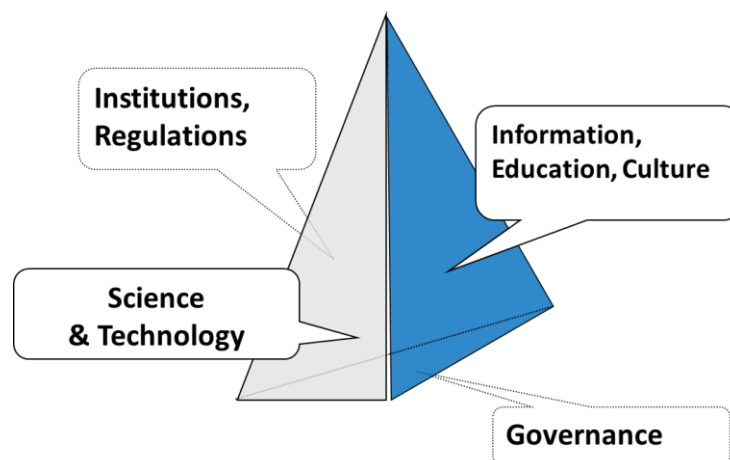


FIGURE 2. GOVERNANCE

It is very well documented through numerous papers in journals and in international conferences, that decision-making and implementation of the needed measures and actions, including investments, in support of sustainable development, are optimal when there is free and easy access to environmental information, and effective public participation allowing for full transparency and structured, informed dialogue aiming at reaching consensus, whilst still providing for the public to have access to justice to challenge the refusal of environmental information, the legality of certain types of decision-making, and acts or omissions that may contravene laws.

3. The need for an institutional framework

The need for a solid legal and institutional framework to be followed by governments in making sure that the appropriate conditions are in place in order to introduce and implement the necessary provisions in their governance related to Environmental and Sustainable Development was first recognised by the UNECE (United Nations Economic Commission for Europe) and enshrined in 1998 in the Convention on Access to Information Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which entered into force in October 2001. It is the only international treaty regulating public rights which is open for accession to any State that is a Member of the United Nations.

The Aarhus Convention is widely accepted to be the leading example of implementation of Principle 10 of the Rio Declaration. Apart from engaging the public, accession to the Convention could facilitate the design and implementation of green economy programmes, the 2030 Agenda for Sustainable Development with its Sustainable Development Goals, the Mediterranean Strategy for Sustainable Development (MSSD) of the Barcelona Convention system, the Mediterranean Strategy on Education for Sustainable Development, the UfM's 2030GreenerMed Agenda, and a series of national strategies and policies. Being a Party to the Convention significantly contributes to countries' efforts to promote citizen-centred and environmentally sound policies. Currently, 46 countries and the EU, among which 12 are Mediterranean ones, are already Parties to the Aarhus Convention.

The Mediterranean Commission of Sustainable Development (MCSD) and the Mediterranean Strategy for Sustainable Development (MSSD 2016-2025) encourage all Mediterranean countries to accede to the Aarhus Convention and promote this as part of a relevant flagship initiative. Similarly, the UfM works toward the reinforcement of mechanisms for stakeholder's participation and engagement. Many Mediterranean governments are inspired by the Aarhus Convention in trying to improve environmental governance and mobilize citizens organizations in becoming constructive allies in dealing with increasing environmental and sustainability problems.

The Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) to the Convention was furthermore developed to strengthen the first pillar of the Convention on access to information. The Protocol entered into force in October 2009 and, as with the Convention, it is open to universal accession of UN Member States. 11 Mediterranean countries are already among the 38 Parties to the Protocol.

The UNECE services both instruments through its secretariat of the Aarhus Convention and its Protocol on PRTRs.

The presentation on the Aarhus Convention and the reference to the Mediterranean Region (<https://www.wes-med.eu/wp-content/uploads/2023/03/HE-4-P2P-2023.03.08-Marshall-1.pdf>) provides in a brief, comprehensive way key information on the Convention and the Protocol.

4. The mobilisation for a Mediterranean Accession Agenda to the Aarhus Convention (MAAAC)

The current mobilisation for a systematic approach of Mediterranean countries to become Parties to the Aarhus Convention builds on several previous initiatives of MIO-ECSDE/COMPSUD² and the inclusion of this action in the agenda of the MCSD already in 2016 as a Flagship Initiative of the MSSD (2016-2025) on **Environmental Governance**.

In 2019, the Water and Environment Support (WES) in the ENI Southern Neighbourhood region project, included the regional activity HRE-4-REG/P2P on Promoting the Aarhus Convention in the whole of the Mediterranean, in its workplan, with MIO-ECSDE as the partner of the LDK Led consortium, responsible for its implementation. In parallel, with the support of MIO-ECSDE and the EU LIFE Programme, a desk study, including literature review and interviews, was conducted by MEPIELAN Centre during 2021-2022, resulting in a **“Foundation Discussion Document (FDD) for the Mediterranean Accession Agenda to the Aarhus Convention”** (discussion paper) and a **Summary for Decision Makers**³. A very successful official side event was organised at the 9th Environment for Europe Conference held in Cyprus (Nicosia, 5-7 October 2022) in order to present the FDD documents to the public for the first time, and communicate the joint efforts for the development of a **“Mediterranean Accession Agenda” to the Aarhus Convention (MAAAC)**. This Agenda is meant to be a major contribution to the implementation of the relevant MSSD Flagship Initiative on Environmental Governance to encourage the accession to and implementation of the Aarhus Convention in the Mediterranean countries and promote the engagement of relevant NGOs and Civil Society Organizations (CSOs) in advancing environmental governance.

This activity contributes to a joint effort of the EU through WES with the Secretariat of the UNEP/MAP Barcelona Convention Secretariat, the UNECE Aarhus Convention Secretariat, the Secretariat of the Union for the Mediterranean, the Circle of Mediterranean Parliamentarians for Sustainable Development, the UfM Parliamentary Assembly and the MEPIELAN Centre.

The MAAAC should be understood as an ongoing process reflected in the present “living document”. Several of the preparatory and first implementation steps of the Agenda have already been completed in order to ensure the firm commitment of all parties involved. It is also expected that for a wide accession of Mediterranean countries to the Aarhus Convention several years will be needed, and the current programming included in the MAAAC might need to be updated and expanded beyond 2024. To this end, the successor project of WES (beyond 2024) is very likely to continue its supporting role for the process.

Herewith, in **figure 3**, the MAAAC process is graphically depicted:

² Mediterranean Information Office for Environment, Culture and Sustainable Development (MIO-ECSDE) Circle of Mediterranean Parliamentarians for Sustainable Development (COMPSUD)

³ You can access the FDD at: <https://www.dropbox.com/sh/d9lfb76tc7qce73/AADt24GUP-FwLkl6okzpZ7iAa?dl=0>

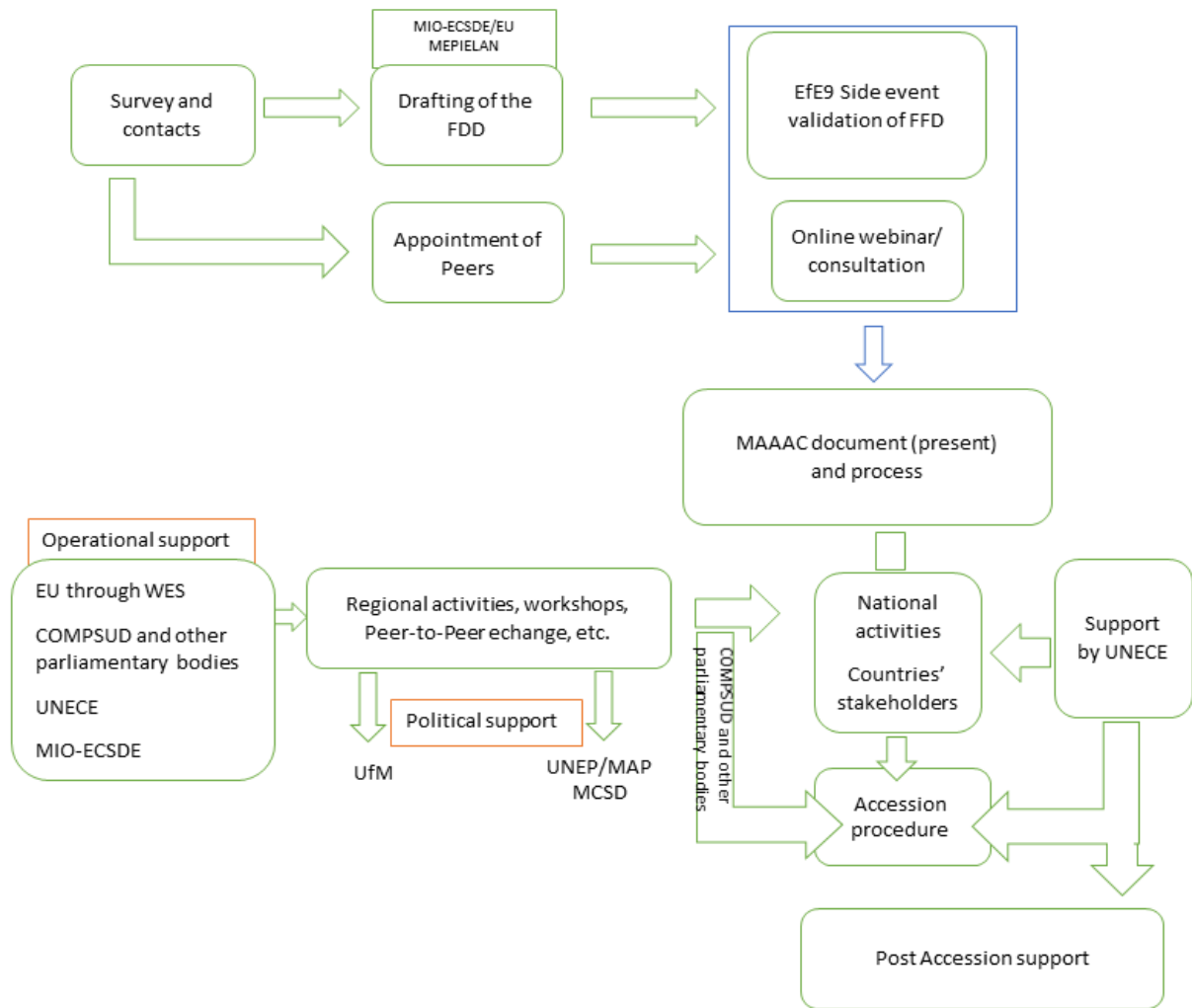


FIGURE 3. GRAPHICAL DEPICTION OF THE MAAAC PROCESS

5. The WES Peer-to-Peer(P2P) Approach; the Functions and Role of the Peers

Following the invitation of the WES project, since January 2023, Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine and Tunisia have appointed Peers to follow the MAAAC process. Since the main aim of the activity is to promote Environmental Governance in the region by encouraging the accession to and implementation of the Aarhus Convention in the Mediterranean countries and promote stakeholders' engagement, it is important that key persons in the relevant administration departments of the countries are familiarised, well informed, capacitated and inspired, in order to introduce and elaborate the needed

ideas and prepare the prerequisite actions for the eventual accession of their countries to the Aarhus Convention.

The Peers first met online in early 2023 (8-9 March) at a milestone meeting: the first in the region to discuss the promotion of the Aarhus Convention in the whole of the Mediterranean region. They were presented the FDD for their comments and are also providers of comments on the MAAAC itself, as well as of their formal acceptance. Therefore, their **function** in the whole process is fundamental. More specifically:

- sharing knowledge among themselves on common challenges and solutions related to environmental governance.
- boosting north-south, and hopefully also south-south, cooperation.
- building lasting relations and exchanges forming, if they so wish, a regional Peer network in relation to environmental governance.
- mobilising and guiding national reflections and eventual procedures for accession.

The participating Peers are:

- country representatives on the Mediterranean Commission for Sustainable Development;
- policy persons from the Ministry of Environment (dealing with International Conventions, Environmental Impact Assessments and Strategic Environmental Assessments, stakeholder engagement, public consultations, etc.);
- policy persons from the Ministry for Water (dealing with e.g. International Conventions, Environmental Impact Assessments and Strategic Environmental Assessments related to water management, infrastructures and public works, stakeholder engagement, public dialogues, etc.);
- policy persons from the Ministry of Foreign Affairs or Ministry of Justice dealing with International Conventions (ideally active in the UfM Senior Officials Meetings);
- other key actors: decision makers/Members of Parliament and/or their advisors; academics from relevant departments of Law;
- environmental NGOs.

The expected **role** of the Peers is mainly to:

- provide feedback to the FDD, MAAAC and other documents/processes that will arise during the P2P implementation.
- participate in the planned virtual meetings and the regional WES training.
- inform in a concrete way the relevant decision makers of their countries on the scope, modalities, benefits and conditions for accession to the Convention.
- provide information about their countries, including relevant case studies.
- facilitate their countries, when interest arises, for the needed procedures, in cooperation with the UNECE Secretariat.
- exchange with other Peers and experts.
- interact and channel inputs from other key policy makers and stakeholders.

6. The (proposed) Provisions of the MAAAC

The Mediterranean Accession Agenda to the Aarhus Convention (MAAAC) includes proposed actions at the regional and national levels without excluding the sub regional level of the Peers of neighbouring countries, if so decided. It is clarified that all countries of the region, UN members, Parties to the Barcelona Convention and/or members of the UfM (therefore including those that are not Parties to the former, such as Jordan and Mauritania) are eligible and encouraged to accede to the Aarhus Convention

EMPHASIS IN PREPARING FOR THE ACCESSION

1. Regional level

These activities are classified into two types.

1.1 Operational activities: capacity building, awareness raising, the Peer to Peer exchange that includes webinars, trainings, publications and other means of communication and dissemination of guidelines and good practices/experiences from countries that are already Parties to the Aarhus Convention and from others who are in the process of accession.

Most of these activities will be supported till November 2024 by the EU through the WES project, MIO-ECSDE and COMPSUD, in cooperation with the UNECE, UNEP/MAP and MCSD and the UfM. Within this category of activities, a major regional training (physical presence) of the Peers is scheduled for 14 and 15 November 2023, to take place in Athens, Greece. The successor programme of WES beyond 2024 is likely to continue such support.

1.2 Institutional activities:

- The two institutional partners of the Mediterranean, namely the Barcelona Convention system (Contracting Parties, UNEP/MAP and the MCSD) as well as the UfM through its EU and Jordan Co-Presidency, Senior Official Meetings and Ministerial Meetings, could promote the accession to the Aarhus Convention through political recommendations, statements, commitments, etc. of their Parties/Member States.

Reference of progress in the accession process could be included in the regular reports of the Secretariats of the aforementioned organisations, while the partners should continue and enhance encouragement and guidance to all countries to accede to the Convention, taking advantage of all ongoing and future projects and activities where the accession to the Aarhus Convention could be more directly integrated.

- the Circle of Mediterranean Parliamentarians for Sustainable Development (COMPSUD), The Parliamentary Assembly of the Union for the Mediterranean (PA-UfM), the Parliamentary Assembly of the Mediterranean (PAM) and other regional parliamentary bodies are encouraged to undertake coordinated regional initiatives to raise the interest of National Parliaments in stimulating their countries to accede to the Aarhus Convention.

2. National level

The national activities may include:

2.1 Introductory actions:

Awareness raising activities, dissemination of information through campaigns, public meetings, TV broadcasts, social media, press, etc., on the importance of acceding to the Aarhus Convention for the improvement of the Environmental Governance.

National trainings / capacity building for civil servants of relevant ministries.

Many of the aforementioned activities could be co-organised by governmental and non-governmental organisations with advisory support by the UNECE, the role of which is much more important and perhaps necessary in the next three steps.

2.2 Initiation of the procedures.

2.3 Preparation of the report which is needed for the accession process (for non-ECE countries).

2.4 Completion of the internal/national accession process for submitting the country's request for accession.

There is also a set of **activities** that will follow the acceptance of the country as a Party of the Convention, some of which need to be already set in place in order for the accession to be meaningful. In that phase the support from the UNECE will be very important and helpful for the country.

It could be most useful if one or more countries decide to act as “pilots” so that the accession process in the Mediterranean is tested and followed close up in order to be more easily repeated in other countries of the region.

THE POST-ACCESSION

After the Completion of the Accession Procedure the **capacity building** services will be continued at regional, sub regional and national level, provided by the UNECE Secretariat in collaboration with Mediterranean organisations and stakeholders. These include the following:

- At the regional level
 - Task forces, sessions at the WGP, compliance and reporting mechanisms, web portals – to share experiences and respond to challenges; provide legal and policy advice; to produce recommendations and guidance materials.
 - Regional capacity building mechanisms serviced by the secretariat – to guide and coordinate capacity building activities.
 - Activities are based on needs identified through decisions of MOPs, outcomes of National Implementation Reports and surveys, outcomes of work of the Task Forces, findings of the Compliance Committee, and, as appropriate, reports and other publications of the Special Rapporteur on Environmental Defenders under the Rapid Response Mechanism. These needs also provide the basis for assistance at the sub regional and national levels.
- At sub regional and national levels
 - Activities are led by Parties and partner organisations such as RECs, OSCE, UNDP, Aarhus Centres, with the advisory support of the secretariat.

THE MAJOR STEPS FOR ACCESSION TO THE AARHUS CONVENTION BY NON-ECE MEMBER STATES

- (a) A governmental official from the interested Country contacts the Aarhus Convention Secretariat in order to clarify procedures and ask possible questions.

- (b) Duly empowered country's senior official (e.g. Minister of Foreign Affairs/President) sends the letter to the UNECE Executive Secretary stating that the Country is interested in acceding to the Aarhus Convention.
- (c) The UNECE Secretariat reports to the Convention's Bureau and the Working Group of the Parties regarding this request.
- (d) The interested Country (with the support of the Aarhus Convention Secretariat as needed) prepares a report containing:
 - review of its laws and policies with regard to access to environmental information; public participation in the decision-making for projects, as well for policies and laws that may have impact on the environment; and access to justice in cases where the rights granted under the Convention are contravened;
 - a list of instruments to be amended and of new instruments to be adopted;
 - a roadmap of the changes and of the internal accession process.

During this period, the Country and the Secretariat exchange information on a regular basis.

- (e) The Secretariat reports the developments to the Convention's Bureau and the Working Group of the Parties.
- (f) The Country completes its internal accession process. The Ministry of Foreign Affairs of the interested Country submits to the UNECE Executive Secretary a letter stating a formal written expression of intention to accede to the Convention, which should be accompanied by the report (see point d above) with description of activities already undertaken or planned to be undertaken by the Country relating to the accession to the Convention and to the implementation of its provisions.
 - The letter shall be submitted at least eight months in advance of the next session⁴ of the Meeting of the Parties.
 - The Secretariat prepares a note on the basis of the information submitted by the interested Country and informs the Parties accordingly.
 - The interested Country participates in the upcoming session of the Meeting of the Parties. The Meeting of the Parties grants approval for accession.
- (g) The Country submits its instrument of accession to the UN Office of Legal Affairs, Treaty Section and becomes a Party to the Convention.

For ECE Member States, no specific steps are required. Once an ECE Member State completes its internal accession process in line with national requirements, it shall submit its instrument of accession to the UN Office of Legal Affairs, Treaty Section and becomes a Party to the Convention. As for the Protocol on PRTRs, both ECE and non-ECE Member States can accede in this way.

⁴ The next session is planned for autumn 2025

7. Benefits of Accession to the Aarhus Convention and the Protocol on PRTRs

These may be classified into:

Those the country receives in the form of assistance focused on:

- strengthening environmental information system(s), PRTRs and disaster risk management
- strengthening capacity of governmental experts to manage environmental information system(s) and improving technical support to such systems
- developing eco-labelling and eco-auditing systems
- raising environmental awareness among the public to preserve the environment, to make eco-friendly consumer choices and build resilient communities
- strengthening capacity of governmental experts to engage the public effectively and to improve skills in designing and carrying out public participation procedures in environmental decision-making
- strengthening judicial specialization in environmental law and capacities of courts and other relevant bodies in environmental adjudication

All the above, encourage investments, particularly “green” ones by having in place:

- an attractive and clear legal framework to encourage investments, capacity building support and bi- and multilateral cooperation
- measures promoting social acceptance and conflict prevention, especially with regard to large infrastructure projects

Those enhancing the Mediterranean and global international cooperation:

- institutionalized regional and global international cooperation
- consistent standards for access to information, public participation, and access to justice lead to a level playing field, closer integration of countries in the region thereby leading to higher economic growth
- increasing visibility of the country in the regional scene and its better outreach and fundraising
- regular review of the implementation of the Convention at regional and national level – identifying common trends, good practices and the way forward
- Increased efficiency due to the sharing of resources and know-how between the various countries/partners
- Leveraging of synergies and linkages with other multilateral environmental agreements and international forums (e.g. in implementing access to information and public awareness obligations across different MEAs).

Lessons learned from countries that have acceded so far:

- With minimum costs, the Aarhus Convention and its Protocol have proven to be **efficient and effective**.
- Accession to the Aarhus Convention and its Protocol helps to **drive the development of national legislation and practice** and helps countries to implement **Principle 10 of the Rio Declaration and Agenda 2030**, in particular its Sustainable Development Goal 16.

Water and Environment Support

in the ENI Southern Neighborhood region

- It is **cheaper and more resource efficient** to engage the public in decision-making from the outset rather than pay to remedy the effects of unsustainable decisions.
- Public confidence in governmental decisions is critical for promoting **peace and security**.
- Accession sends a **strong signal to trade and aid partners/donors, investors and international institutions**, of the countries' commitment to effective governance and democracy.



Annex

ABOUT THE AARHUS CONVENTION AND THE PROTOCOL ON PRTRs

The **UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)** was adopted on 25th June 1998 in the Danish city of Aarhus at the Fourth Ministerial Conference in the 'Environment for Europe' process. Together with its **Protocol on Pollutant Release and Transfer Registers (PRTRs)**, it protects every person's right to live in an environment adequate to his or her health and well-being. They are the only legally binding international instruments open for accession to all UN Member States that put Principle 10 of the Rio Declaration on Environment and Development into practice.

The Aarhus Convention:

- links environmental rights and human rights
- acknowledges that we owe an obligation to future generations
- establishes that sustainable development can be achieved only through the involvement of all stakeholders
- links government accountability and environmental protection
- focuses on interactions between the public and public authorities in a democratic context

The subject of the Convention goes to the heart of the relationship between people and governments. The Convention is not only an environmental agreement, it is also a Convention about government accountability, transparency and responsiveness. It grants the public rights and imposes on Parties and public authorities' obligations regarding access to information and public participation and access to justice. Moreover, through its obligations on its Parties to promote the application of its principles in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment, the Aarhus Convention is forging and supporting processes for public participation in the negotiation and implementation of other international agreements.

In the twenty years since the adoption of the Convention a number of important achievements must be highlighted. Laws and practices have been revised to bring them into line with the Convention. Members of the public are learning to use the Convention to make their governments more transparent and accountable. There is a growing body of jurisprudence based on the Convention and the legislation that implements it. The entering into force of the Protocol on PRTRs in 2009 established a new legally binding international framework for reporting on emissions of pollutants from a wide range of potentially harmful activities. An amendment to the Convention adopted in 2005 underpins the rights of the public to participate in decision-making on genetically modified organisms. The Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums, reflect a growing recognition that where the environment is concerned, public involvement is important not only at national and local levels but also at the international level. The Lucca Guidelines provide guidance on access to information, public participation and access to justice with respect to genetically modified organisms. The Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters elaborate with further practical guidance as to the application of public participation obligations. The Recommendations on the more effective use of electronic information tools, support the implementation of the Convention through the promotion of such tools.

The Aarhus Clearinghouse for Environmental Democracy and PRTR.net have emerged as leading global repositories of information on activities relevant to the Convention, the Protocol and Principle 10 of the Rio Declaration on Environment and Development.

The Convention's innovative compliance and reporting mechanisms, both of which envisage a key role for the public, have yielded valuable information on the extent and nature of the challenges in implementation and crucially have directly facilitated solutions leading to concrete implementation. They serve as an important reminder that the value of an international treaty lies not only in the quality of its text, or in how many Parties it has, but also in how well it is implemented. The Convention's newest innovation, the Rapid Response Mechanism for the Protection of Environmental Defenders, was established in 2021, to assist Parties to promote this important obligation.

RELEVANCE OF THE AARHUS CONVENTION FOR THE MEDITERRANEAN COUNTRIES AND BENEFITS OF THE ACCESSION TO THE CONVENTION

The Mediterranean Countries, Parties to the Barcelona Convention and its Protocols have already a series of commitments to engage stakeholders and the public, at large, in consultations and participatory governance (i.e. for Integrated Coastal Zone Management (ICZM), for the Ecosystem Based Approach (EBA). These commitments concern all the countries of the region, most of which, apply participatory processes for Environmental Impact Assessments, Strategic Environmental Assessments, Integrated Water Resources Management (IWRM) the management of specially protected areas, the adaptation to climate change, implementation of the biodiversity convention, etc. Participatory and information/communication processes are also related and supported by the Mediterranean Strategy for Education for Sustainable Development (MSESD) and its Action Plan. Accession to the Aarhus Convention provides a solid and comprehensive framework for governance to engage the public effectively that would support and synergize these efforts.

The Aarhus Convention is widely accepted to be the leading example of implementation of Principle 10 of the Rio Declaration. Apart from engaging the public, accession to the Convention, could facilitate the design and implementation of green economy programmes, the 2030 Agenda for Sustainable Development with its Sustainable Development Goals, the UfM's 200GreenerMed Agenda (to be endorsed by the up-coming UfM Ministerial Meeting on Environment and Climate Action). Being a Party to the Convention will significantly contribute to countries' efforts to promote citizen-centred and environmentally sound policies.

In addition, accession to the Convention would greatly support Governments' policies to tackle poverty and inequality by ensuring that all persons, including the poorest segments of society and rural communities, are able to participate in decisions that impact their lives and as a result to benefit from the income generated by different sectors of the economy, including the mining and extractive industries.

Owing their cross-cutting nature, the Convention and its Protocol are used for implementing a wide-range of issues such as ending poverty (Goal 1); health protection (Goal 3); water and sanitation management (Goal 6); clean energy (Goal 7); green economy (Goals 8, 9 and 12); the reduction of inequalities (Goal 10); sustainable consumption and production (Goal 12); climate action (Goal 13); tourism (Goals 8, 12, 14 and 15) and urban planning (Goals 11 and 13). Their implementation thereby helped Governments to progress in achieving goals and targets across 2030 Agenda and, particularly, Goal 16, by promoting effective, accountable and transparent institutions; effective access to information; effective and inclusive public

participation and transparency in national and international decision-making; and effective and equal access to justice for all.

The background of governance and administrative culture of Mediterranean Countries vary widely. However, this diversity is not a problem. The current Aarhus Parties come from a wide range of political, social and economic backgrounds and this diversity has benefitted all, leading to exchanges of lessons learned, a greater appreciation of common challenges and interests, and a respect for differences.

Informed participation in the decision-making process leads to better decisions, as the government or implementing agencies take into account valuable information from the public concerned. This process ultimately enhances public confidence to governmental decisions and reduces the instances of lengthy legal procedures and appeals and costly remedial measures by the State. It also helps to achieve greater political stability and sustainable economic development at the national and regional levels.

The Convention is therefore recognized to bring value to all its Parties, wherever on the political, social or economic spectrum they stand and it brings more benefits than costs to the countries that have ratified it.

PUBLIC PARTICIPATION AND ACCESS TO INFORMATION IN THE MEDITERRANEAN

The Mediterranean Commission of Sustainable Development (MCSD) and the Mediterranean Strategy for Sustainable Development (MSSD 2016-2025) encourages all Mediterranean countries to accede to the Aarhus Convention. Many Mediterranean governments are trying to improve environmental governance and mobilize citizens organizations in becoming constructive allies in dealing with the accumulated environmental and sustainability problems.

Mediterranean challenges for environmental governance include fragmentation of responsibility, uncoordinated and non-results-based planning and implementation, as well as weak human and financial resources in the public sector, particularly at the local level. Public participation is particularly important at the local level, which is the level of government closest to the people, and the level of decision-making where many environment-related decisions are taken.

The MSSD at the regional level encourages as a flagship initiative the accession to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). A target associated with this strategic direction is that by 2025, two-thirds of Mediterranean countries will have acceded to the Aarhus Convention. The UfM (also a member of the MCSD) works toward the reinforcement of mechanisms for stakeholder's participation and engagement. A Concept Note on launching the MSSD Flagship initiative has been drafted by the Circle of Mediterranean Parliamentarians for Sustainable Development (COMPSUD), and MIO-ESCDE, with the contribution of MEPIELAN Centre, and acknowledged by the MCSD and the UNEP/MAP Barcelona Convention Secretariat at the 18th Meeting of the Mediterranean Commission on Sustainable Development (Budva, Montenegro, 11-13 June 2019 (Report, UNEP/MED WG.469/11, paras. 36, 37, 40). Furthermore, the 21st Meeting of the MCSD Steering Committee (Teleconference, 13-14 May 2020) encouraged MIO-ECSDE (on behalf also of COMPSUD) and the UNEP/MAP Barcelona Convention Secretariat to proceed with a technical assistance and capacity building activity in support of the MSSD Flagship Initiative on Environmental Governance to encourage the accession to and implementation of the Aarhus Convention in the Mediterranean countries, in close cooperation with the UNECE Secretariat, MEPIELAN Centre (the Mediterranean Programme for International Environmental Law and Negotiation) and the Union for the Mediterranean (UfM) Secretariat. The meeting also acknowledged that MIO/ECSDE and MEPIELAN Centre



will embark on the development of the legal and governance dimensions of this MSSD Flagship Initiative (Report, UNEP/MAP WG.479/6, para. 43 (ix)), facilitated by the UNEP/MAP Secretariat.

PUTTING IN MOTION THE MSSD FLAGSHIP INITIATIVE

The Convention is open for accession by any UN Member State. For States which are not Members of UNECE, accession requires an approval by the Convention's Meeting of the Parties. In recent years, Parties to the Convention have made clear their strong encouragement for countries outside the UNECE region to join. To guide interested non-UNECE Member States on the accession they adopted a decision IV/5, encouraging States outside the UNECE region to accede to the Convention and welcoming any expression of interest to do so. The major steps of the accession procedure for non UNECE Member States are outlined in para. 4 of the decision.

In the Geneva Declaration, adopted at their Joint High-level Segment (Geneva, 2021), the Meetings of the Parties to both the Convention and its Protocol clearly stated:

“We welcome the accession of Guinea-Bissau to the Aarhus Convention and reiterate our invitation to interested States to accede to the Convention and its Protocol, and to apply their provisions in the meanwhile, and we stand ready to offer our experience and knowledge in this regard and to facilitate accession.”

The promise of this invitation was indeed realized in 2021, when the Meeting of the Parties approved the accession of Guinea Bissau, not only as a new Party, but the first Party to accede that is not a Member of the UNECE.

Thus, interested States would be welcome to become a Party to the Aarhus Convention.

The MSSD target of two-thirds could be achieved by having five more countries joining the Convention. The following Mediterranean countries are not Parties to the Convention

- (a) UNECE Member States: Israel, Monaco and Turkey. No approval by the Meeting of the Parties is required for their accession.
- (b) Non-UNECE Member States: Algeria, Egypt, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia. Their accession requires an approval by the Meeting of the Parties of the Convention, in a procedure such as that through which Guinea Bissau successfully acceded.

References & Links

Aarhus Convention

- [Aarhus Convention Implementation Guide](#)
- [Maastricht Recommendations on Promoting Effective Public Participation in Environmental Matters](#)
- [Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums](#)
- [Lucca guidelines on access to information, public participation and access to justice with respect to genetically modified organisms](#)
- [Recommendations on the more effective use of electronic information tools](#)
- [Findings of Aarhus Convention Compliance Committee](#)
- [National implementation reports and synthesis reports](#)
- [Case studies on electronic information tools](#)
- [Aarhus Clearinghouse](#)
- [Jurisprudence Portal](#)

Protocol on PRTRs

- [Guidance to Implementation of the Protocol and Simplified Guide](#)
- [PRTR.net](#)
- [National implementation reports and synthesis reports](#)

Other

[EU Water Framework Directive](#)

EU Environmental Impact Assessment Directive ([Directive 2011/92/EU](#), as amended by [Directive 2014/52/EU](#))

[EU Strategic Environmental Assessment Directive](#)

[EU Habitats Directive](#)

[Foundation Discussion Document \(FDD\) for the Mediterranean Accession Agenda to the Aarhus Convention](#)

[Mediterranean Strategy for Sustainable Development](#)

[Mediterranean Strategy on Education for Sustainable Development](#)

Materials from the 1st meeting of the WES Peers following the regional activity “Promotion of the Aarhus Convention in the whole of the Mediterranean (HRE-4-P2P)”: https://www.wes-med.eu/activities_type/he-4-p2p-overall-environmental-governance-promotion-of-the-aarhus-convention-in-the-whole-of-the-mediterranean/