

Statement on the need to promote the Aarhus Convention principles globally and persecution and harassment of environmental NGOs and activists

Over a long period of time we have been observing systemic violations of the rights on access to information, public participation in decision-making processes and access to justice in environmental matters as well as freedom of association in the EECCA region. This led to the conditions when effective implementation of the right to the environment favorable for life and health is almost impossible. The situation is worsening with the countries of the region facing the economic recession.

We are facing often that significant environmental decisions are being taken by governments without proper public participation with the main priority of gaining short-term economic benefits. In these circumstances protection of the environment is not taken into due account while environmental decision-making. Today the economic priorities for many countries in the region are associated with structural economic reforms, switching to the development of new economic sectors, diversification of international financial institutions, private investors involved in financing developmental plans, programs and projects. These processes are creating new significant risks for the environment that require the strategic assessment and public participation and thereafter proper environmental enforcement of the environmental requirements.

The development and implementation of environmental policy on the basis of precautionary principle preventing environmental hazards and compliance with environmental requirements are impossible without open and constructive dialog between governments and non-governmental organizations based on effective access to information, public participation and access to justice in environmental matters. Moreover, we call to strengthen the activity on promotion of the Aarhus Convention principles and provisions globally with due account of expanding geographic origin of international financial institutions and investors in the region and stress the importance of the Almaty guidance on application of the principles of the Convention in international forums in this regard.

The Aarhus Convention (Article 3(4)) recognizes the important role of environmental NGOs as the key driver for effective access to information, public participation in decision-making processes and access to justice in environmental matters. Nevertheless, during the last years the governments in the region are diminishing the role of environmental NGOs in decision-making processes, e.g. by their exclusion from and establishment of selective mechanisms of public participation and even by attempts to harass and persecute them for participation in environmental decision-making processes and activities. In this regard we express our concern on the tendency to make public participation processes proforma and ineffective and in particularly expanding practices of persecution and harassment of environmental NGOs and activists by public authorities and officials. Unfortunately, it has reached the level when this situation was brought to the attention of the Aarhus Convention Compliance Committee, ACCC/C/2014/102 (Belarus). Despite the relevant case is already under consideration by the Compliance Committee, harassment and persecution of environmental NGOs and activists are continuing in the region, including in Belarus.

Recent examples of harassment and persecution of environmental activists:

- 1) Incurring administrative sanctions and criminal persecution of participants of the cycling event “Critical Mass” on 29 April 2016 in Minsk as for participation in an unauthorized demonstration. Four activists have been fined and two persons are currently under criminal investigation in Belarus;
- 2) Public warning of environmental activists for signing a petition against the project on production of fertilizers in Aktobe, Kazakhstan expressed by the head of the local government through mass media on 4 June 2016. <http://www.diapazon.kz/kazakhstan/kaz-politics/83565-saparbaev-prigrozil-privlech-k-otvetstvennosti-teh-kto-podpisyvaet-peticiyu-protiv-dobychi-kaliynyh-soley-v-aktobe.html>

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