

Aarhus Convention-based Needs Assessment Report for the OSCE Mission to Skopje

Ida Manton





Overview

- Introduction
- Short history of the Aarhus Convention
- Methodology
- Overview of OSCE Commitments in relation to the Aarhus Convention
- I. Legal framework
- II. Institutional Framework Mapping of Institutions and actors related to the Aarhus Convention
- III. Areas in which the OSCE Mission to Skopje could potentially provide assistance and advice in the future
- Recommendations for the Mission
- Pillar 1: Access to information
- Pillar 2: Public participation in decision-making
- Pillar 3: Access to justice

IV. Conclusions

The Aarhus Convention

- The United Nations Economic Commission for Europe's (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, known as the Aarhus Convention was signed on 25 June 1998 in the Danish city of Aarhus, as part of the Environment for Europe (EfE) process. The Convention entered into force on 30 October 2001.
- the Convention promotes active participation of **all** sectors of society in environmental decision-making, as well as democratic cooperation of public authorities, civil society representatives and interested individuals. It is not only an environmental agreement, but a tool to promote government accountability, transparency and responsiveness.
- North Macedonia's compliance has been belated and inconsistent. The 2014 meeting of the Parties to the Aarhus Convention, held in Maastricht, expressed "deep concern" that the country had still not yet submitted its national implementation report for the third reporting cycle, being the only country that had not done so, and called upon the Compliance Committee to consider the ongoing failure.

OSCE and the Aarhus Convention

- OCEEA Office of the Co-ordinator of Economic and Environmental Activities, Field Operations, DCiP
- Since 2002, OCEEA, together with OSCE field operations, has been supporting implementation of the Convention, including through the establishment of Aarhus Centers in several countries of SEE, Eastern Europe, Central Asia and the South Caucasus.



- The Aarhus Centers are seen as Environmental Public Information hubs and are expected to have active presence on the ground with a unique capacity to link national authorities, local administrations, civil society and private sector.
- OSCE nurtures the AC network that currently has 60 Centers in 15 pS

Major OSCE Milestones

- Helsinki Final Act 1975
- Vienna document 1989
- Sofia Document and the Charter of Paris 1990
- Bucharest Ministerial Council Decision 2001
- 11th EEF in Prague launched ENVSEC 2003
- Ministerial Council meeting in Maastricht 2003
- Hamburg MC 2016
- Austrian CiO 2017

1992 Helsinki Document,

2003 OSCE Strategy Document for the Economic and Environmental Dimension

2007 Madrid Declaration
on Environment and Security
2014 Rassal

2014 Basel Ministerial Council
Decision on Enhancing Disaster
Risk Reduction

2013 Kyiv Ministerial Council Decision on Improving the Environmental Footprint of Energy-Related

Activities in the OSCE Region

Opportunities

- In light of the OSCE Chairpersonship in 2023
- 2023 Economic and Environmental Forum priorities
- Developing regional networks with the other CSOs
- Learn from the already existing Aarhus Centers, some of which have surpassed the expectations and are very active actor in the environmental governance
- Reach out to OCEEA and use their human- and knowledge management- potential
- Thorough follow-up analyses of short- and long-term goals, based on the Aarhus Convention, on each level of governance and in light of EU accession process
- Intensive trainings and public information campaigns to reach out to the citizenry





Legal Framework



Requirements arising from the Aarhus Convention are enshrined in three key laws of North Macedonia.

- Law on Environment
- Law on Free Access to Public Information
- Law on Local Self-Government

also: Law on Financing of Local Self-Government Units and the Law on Budgets

Gaps between legislation and practice - potential for improvement

- first pillar– access to information
- second pillar public participation
- third pillar access to justice
- Enforcement of the Convention is linked to access to justice, and the access to justice pillar contributes to the enforcement of the other two pillars.
- In order to bridge the gap between the legislation and its efficient implementation, establishment of inter-agency coordination mechanisms, such as inter-agency commissions or working groups, can keeping with the philosophy of the Convention, such bodies should include multi-stakeholder participation.

Compliance with Aarhus, the EU accession process & Green Deal

- it is possible to aspire to a "green growth", i.e. an economic growth that does not disturb the nature or pollute and affect climate change? FES Report
- In addition to the obligations and commitments stemming from the 17 SDGs, North Macedonia anticipates that it will soon begin EU accession negotiations.
- **EU's Green Deal.** The European Green Deal is a set of policies aiming to make the EU climate neutral by 2050. The president of the European Commission, Ursula von der Leyden, stated that the European Green Deal would be Europe's "Man on the Moon moment"

Institutional Framework

- a. Aarhus Center
- b. Ministries
- c. Parliament
- d. Agency for Protection of the Right of Free Access to Public Information (APRFAPI)
- e. State Commission for Preventing Corruption SCPC
- f. State Environmental Inspectorate (SEI)
- g. Journalists, Associations and Media Institutes
- h. Municipal officers, Mayors and The Association of Units of Local Self-government (ZELS)
- **Environmental CSOs**
- IGOs working in areas covered by the Aarhus Convention

Recommendations for the OSCE Mission to Skopje

- based on and are deriving from the founding, legal, and principled commitments made by OSCE pS in the environmental dimension
- Both the Strategic Plan and the Roadmap, prepared by the Secretariat, are very helpful tools in order to achieve a better implementation
- Environmental Governance Focal Point liaise with OCEEA, coordinate activities, events, inputs, information and publications between Ministries, municipalities and public

Pillar I: Access to Information

- the Mission can take upon itself the role of a capable liaison
- educating and providing information to the public about democratic rights and responsibilities and encouraging that they demand more from their central and local governments
- assist either by monitoring cases or teach others how to proactively monitor areas where potential conflicts with environmental component are being reported
- Work with the media trainings, briefings, roundtables, on-topic, targeted, substance-intense events to promote focus on and coverage of environmental governance issues
- Subtle interventions music, photography competitions
- in cooperation with the Aarhus network NGOs and the Aarhus-informed journalists and editors

Pillar 2: Public participation in decision-making

- organize a number of joint events in order to inform the citizens and environmental CSOs about the vision, mission and strategic plan of the Aarhus network
- educating and training municipal officials and administration on the core principles of the Aarhus Convention
- After the Covid-19 pandemic and in the process of digitalization, providing a computer for public use might not be necessary, but updated, modern, interactive and rich websites is a must. In addition, the Aarhus Center can provide Applications and software-driven solutions to public participation.
- promote citizen engagement and accountability: an app to report and document cases of pollution, burning garbage, stubble burning, transport polluters, and other environmental violations.

Pillar 3: Access to Justice

- OSCE can help by providing expert analyses, review legislation, assist their coordinating efforts through networking, raising awareness and organize knowledge-sharing experiences.
- provide expertise, promote open, inclusive dialogue, support the creation of stronger local networks and links, and collect data from the field for betterinformed responses and policies on HQ level
- Activities menu:
- ✓ Trainings
- ✓ Coordination meetings
- ✓ Monitoring and reporting
- ✓ Promoting and presenting
- ✓ Parliamentary lobby group

CONCLUSIONS

- Despite global goals, international commitments and well-written legislation, North Macedonia is failing to protect its environment sufficiently.
- The OSCE, through its Skopje Mission, is uniquely capable of supporting key aspects of governance, especially where environmental challenges and threats erode trust in hard-won progress on democratic governance.
- the overall improvement in the creation of a functional mechanism and participatory model depends on the political will of Government and local level authorities (especially mayors) to prioritize environmental issues as a matter of governance.
- If the Aarhus Convention is the floor and North Macedonia is headed to join the EU Member States building the ceiling, much must happen quickly as the strategic documents of both EU and the UN have tight deadlines.

THANKYOU

for listening and for considering our advise in improving the Aarhus Convention implementation

Ida Manton PACE Global Srategies ida.Manton@gmail.com

+389 72 220 577