

Aarhus Convention in Austria

- impact for and involvement of civil society -

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OEKOBUERO

- ▶ Alliance of 16 Austrian environmental NGOs
- ▶ Greenpeace, Friends of the Earth, WWF
- ▶ Aim to strengthen influence of Austrian environmental movement

Justice and Environment

- ▶ European network of NGOs that work in field of environmental law
- ▶ Active in 12 EU European states, majority from CEE/SEE
- ▶ Aim to protect environment by legal instruments and public participation

Why NGO networks are useful

- ▶ Work together in matters of overriding importance
- ▶ Represent joint interests of member organisations
- ▶ Having stronger voice towards decision makers
- ▶ Share burden of work



Specific aims of OEKOBUEURO/Justice and Environment

- ▶ Aim to support civil society in public participation
- ▶ Aim to have effective legal instruments in place
- ▶ Use legal instruments to protect the environment



Aarhus related experience

- ▶ Work on UN-ECE level level (Aarhus, Espoo)
- ▶ European ECO-Forum
- ▶ Aarhus Convention Compliance Committee (ACCC)
- ▶ EU advocacy work
- ▶ Various studies on implementation and transposition
- ▶ Legal support of civil society
- ▶ Litigation in Aarhus cases
- ▶ NGO-advocacy work and campaigns

Involvement of civil society implementing the Aarhus Convention in Austria

Since 2005...

- ▶ Convention level: constant consultation by MoE
- ▶ Public participation in permitting procedures: comprehensive and transparent process
- ▶ Environmental Information: no problematic issue
- ▶ Plans and programmes: No comprehensive consultation
- ▶ Access to Justice (Art 9/3): no consultation, no implementation

Impact for civil society

Environmental Information

- ▶ Very precise EU-directive
- ▶ Transposed almost perfectly in Austria
- ▶ National consensus that useful instrument vs fear in the 1990's
- ▶ Useful tool in practice
- ▶ Problem with Access to Justice
- ▶ ACCC case and EU procedure pending
- ▶ **Conclusion:** Important and useful tool

Impact for civil society

Public Participation and Access to Justice in permitting procedures

- ▶ Comprehensive consultation before transposition
- ▶ Transposition basically well done
- ▶ Next to NGO also citizen group standing (in certain procedures)
- ▶ Access to Justice for NGOs formally in best practice manner
- ▶ Problems with Justice in screening procedures
- ▶ Problems with motorway and rail projects, cured by new court-laws
- ▶ **Conclusion:**
 - Effective and useful tool
 - Used by civil society only in selected cases
 - Frustration in transport projects

Impact for civil society

Public Participation and Access to Justice in planning procedures

- ▶ No comprehensive consultation
- ▶ Fragmented transposition in approx 40 laws, no consistent approach
- ▶ Weak EU laws
- ▶ Public participation too late (not „early and effective“)
- ▶ No Access to Justice
- ▶ Some very positive practical examples that went beyond law on voluntary base)
- ▶ **Conclusion:** Room for improvement

Impact for civil society

General Access to Justice (Article 9 par 3)

- ▶ No consultation, no implementation
- ▶ Confirmed by Aarhus Compliance Committee (March 2012), EU procedure pending on some aspects (since March 2013)
- ▶ Political deadlock: blocked by administration and parliament
- ▶ Fear and loathing: unjustified, proved by various studies and experience in Austria in other sectors
- ▶ **Conclusion:** Urgent need for improvement



Impact for civil society

Finally ...

- ▶ Convention is
 - Unique and of
 - unimaginable value for European civil society, the environment and democracy
- ▶ More transparent and fair decisions
- ▶ Austria
 - Legal system without Aarhus rights is unthinkable
 - Baseline is there
 - Plans and programmes: high potential for better decisions
 - Access to Justice: will come, nothing to argue



Thank you for your attention!

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