



Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Aarhus Convention)

United Nations Economic Commission for Europe
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Maia Bitadze

Chairperson of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Re: Concerns regarding provisions of a new Polish law on the hosting of the twenty-fourth Conference of the Parties to the United Nations Framework Convention on Climate Change

16 March 2018

Excellency,

I am writing to you on behalf of the Bureau of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) as to bring to your attention a letter from several non-governmental organizations (NGOs) addressed to the Bureau. The letter raises concerns regarding the compatibility of a law adopted by the Parliament of Poland on 10 January 2018 on the hosting of the twenty-fourth Conference of the Parties to the United Nations Framework Convention on Climate Change (COP-24) with article 3, paragraphs 7 and 8 of the Aarhus Convention (a copy of the letter and of the law are enclosed).

NGOs consider articles 22 and 17, paragraph 1 of this new law, to be of concern for the realization of the rights provided under the Aarhus Convention and especially for ensuring effective public participation at the COP-24. According to the NGOs, article 22 of the new law, prohibits any spontaneous demonstrations in the city of Katowice from 26 November to 16 December 2018. Such provision, NGOs claim, might not be compatible with article 3, paragraph 7 of the Aarhus Convention, which requires Parties to promote the application of the principles of the Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment.

Further, NGOs claim that article 17, paragraph 1 of this law, allows the police to collect and use information, including personal data, of participants registered for COP-24, also without the knowledge or the consent of the persons concerned. In this context, NGOs recall article 3, paragraph 8 of the Aarhus Convention, which requires Parties to ensure that persons exercising their rights in conformity with the provisions of the Convention shall not be penalized, persecuted or harassed in any way for their involvement.

His Excellency
Mr. Henryk Kowalczyk
Minister of Environment of the Republic of Poland
Warsaw

The Bureau would like to express thorough respect for Poland sovereignty to pass laws as it deems necessary to ensure security within its jurisdiction. However, as Poland is a Party to the Aarhus Convention, the Bureau would appreciate receiving your comments and any other relevant information as to:

- (i) how the Government of Poland sees implementation of this new law in the light of the relevant obligations under the Aarhus Convention, notably article 3, paragraphs 7 and 8 of the Convention;
- (ii) whether the Government of Poland would like to receive advisory support from the secretariat to the Aarhus Convention and/or other Parties as regards ensuring effective and transparent participation of the public in this important international event.

Kindly note that a letter on this issue will be also sent, on behalf of the Bureau of the Aarhus Convention, to the Chair of the Bureau of UNFCCC.

I also would like to take this opportunity to inform you that the Convention's Working Group of the Parties at its next meeting, to be held in Geneva on 19-21 June 2018, will consider, among other matters, promotion of the principles of the Convention at COP-24, including its hosting.

Dear Minister, please accept the assurances of my highest consideration and, on behalf of the Bureau of the Aarhus Convention, allow me to express appreciation to the Government of Poland for all its efforts to implement the obligations under the Aarhus Convention.

Yours sincerely,

Maia Bitadze



Note: Correspondence of the Bureau of the Aarhus Convention is available at:
<http://www.unece.org/env/pp/bureau.html>