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Aarhus Centres on the island of Ireland

A briefing for civil society

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EJNI research has highlighted gaps in the implementation of the United Nations Economic Commission for Europe's Aarhus Convention across the island of Ireland. NGOs, community activist groups and citizens feel the impact of these gaps most acutely and are building capacity to assert their Aarhus Convention rights in a variety of different ways on both sides of the border. There is also a growing consensus that an all-island approach to Aarhus implementation is critically important given the cross-border nature of many environmental problems and the potential peacebuilding dividend collaboration could create. This briefing paper will look at an emerging interest in the establishment of an 'Aarhus Centre' for the island of Ireland and consider activities currently underway. It is a complex area and this paper should be considered as a precursor to a much more extensive research project being undertaken by the authors in collaboration with stakeholders drawn from across civil society.

1. What is an 'Aarhus Centre'?

1. Aarhus Centres are bodies designed to help implement the UNECE Convention on Access to Information, Public Participation in Environmental Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) of 1998, creating a bridge between governmental bodies and civil society. They are also spaces for citizen dialogue around environmental rights. The Organisation for Security and Cooperation in Europe (OSCE) has supported the establishment and operation of Aarhus Centres since 2002. OSCE's most recent figures indicate that there are now over 60 Aarhus Centres in 14 countries, located predominantly in eastern and south eastern Europe, the south Caucasus and central Asia.² These centres have often been driven by OSCE peacebuilding activities in post-conflict societies, and make important links between environmental citizenship and peacebuilding, focusing on environmental security as well as providing places of neutral dialogue.³ In addition, Aarhus Centres are important loci of cross-border environmental co-operation and collaboration, (e.g. in the Balkan Regions and East Asia), which is clearly an important consideration for the Republic of Ireland (ROI) and Northern Ireland (NI) - particularly in a post-Brexit world.⁴

2. Aarhus Centres undertake a range of activities depending on local/regional/national needs. According to the OSCE, these include: 'raising public awareness on environmental issues; disseminating environmental information; organizing public hearings; monitoring local environmental hotspots; providing legal advice to citizens and NGOs on environmental matters; and engaging youth and women in environmental initiatives'.⁵ The OSCE published a report in 2012 which provides extensive examples of the work that Aarhus Centres undertake in practice and which includes a detailed matrix demonstrating the 'types' of Aarhus Centre which have been developed.⁶ A common feature of the work of many Aarhus Centres is collaboration between NGOs and government to address environmental problems, while upholding the principle that it is ultimately the responsibility of government to ensure Aarhus compliance is achieved.

3. Following an evaluation of the Aarhus Centres and Public Environmental Information Centres,⁷ in 2009 OSCE published detailed guidelines for groups interested in establishing an Aarhus Centre.⁸ These guidelines define the purpose of an Aarhus Centre; delineate its general functions; describe the type of services to be delivered; the type of activities to be conducted; stakeholders to be involved (including their roles and responsibilities); options for institutional set-up; staffing requirements; and possible funding mechanisms. The guidelines are designed to provide direction for the strategic orientation, set-up and activities of Centres but also to address the importance of cultivating a common understanding amongst all stakeholders on the vision and role of the Centres.

4. Aarhus Centres are linked in a variety of ways at national, regional and international levels. There are national 'networks' of Aarhus Centres (for example there are 15 Centres in Armenia alone).⁹ These are integrated to varying degrees. In some countries there is a shared web domain and logo, while in others there is a less formal connection. On a regional level, there are 'focus' factsheets on the OSCE website (e.g. for Central Asia) however these were last updated almost 10 years ago.¹⁰ There is also an Aarhus Centres Annual Meeting which brings together representatives of the Centres, National Focal Points to the Aarhus Convention, international organizations, NGOs and civil society. This meeting is organised by OSCE and last took place in Vienna in 2019.¹¹

5. EJNI has undertaken a scoping exercise exploring Aarhus Centre plans emerging across the island, existing initiatives which are similar in nature to those undertaken by Aarhus Centres in other parts of the world and ongoing activities of NGOs working to address environmental justice/Aarhus rights related issues. Two groups completed in-depth questionnaires about their Aarhus centre plans in addition to detailed conversations with the authors, two organisations with existing Aarhus-type plans also shared these with the authors via interviews and fifteen NGOs and community groups from across the island completed a short survey relating to Aarhus rights related activities.¹²

2. An Aarhus Centre for the island of Ireland?

6. There are currently no Aarhus Centres on the island of Ireland, but there are two groups in the process of developing proposals to establish one.

- Judy Osborne and Tony Lowes from Friends of the Irish Environment are leading one project in collaboration with a number of lawyers, academics and community activist groups (e.g. Save our Skibbereen), which commenced in 2019. Their vision is centred on an all-island, virtual centre supported by pop-up clinics with a focus on empowering local groups to assert their Aarhus rights and raising awareness of Aarhus rights with national and local officials. Preliminary work, including defined goals and objectives and initial approaches to funders, is complete. The group now have a well-developed holonic structure upon which they are basing funding applications. This group is open to collaborating with others working in the Aarhus/environmental justice space and to participating in further research/consultation on how an Aarhus Centre could be developed.
- Pauline McHenry is leading the Aarhus Centre Working Group's (ACWG) project in Derry. This is comprised of three volunteers from the local activist community collaborating with a volunteer PhD researcher and graduate student. ACWG emerged from The Environmental Gathering (a large and well-networked collective of activists and groups operating on both sides of the border) in 2019. Once established, the ACWG became a separate, constituted entity. ACWG received a small seed grant from the Community Foundation Northern Ireland (CFNI), who have been providing support over the last year. This group also has intentions to create an all-island virtual centre, however their activities are currently limited to Northern Ireland due to the conditions of their seed-funding. Their goal is to 'enhance the implementation of the Aarhus Convention in everyday Irish society'. They have planned some public participation exercises to explore public views on the role of an Aarhus Centre and intend to apply for additional funding in 2021. ACWG is also open to collaboration with other Aarhus/environmental justice projects.

7. There are also groups/organisations which are in the process of establishing initiatives which will serve the same or similar functions to an Aarhus Centre. There are at least two other notable projects in the legal sphere which are currently in development.

- Community Law & Mediation (CLM), led by Rose Wall is a well-established community law centre with bases in Dublin and Limerick. In 2020 CLM announced it was establishing a Centre for Environmental Justice and has recruited an environmental justice lawyer, who will lead the development of the Centre from January 2021. The intended focus of this Centre is distributive environmental inequality and its connection with social deprivation and social justice. CLM is open to discussion with other groups about future collaboration.
- Eoadvocacy was founded by Kieran Cummins in 2015 and modelled on the UK's ClientEarth. This group offer legal advice and training, particularly in relation to planning and enforcement issues. Eoadvocacy's vision is to establish a physical centre in Meath and is currently seeking funding to develop its plans.

8. It is likely that other public interest/social justice projects currently operating outside the mainstream 'environmental' field also play a role in helping citizens assert Aarhus Convention rights. The extent to which these organisations (e.g. those involved in anti-poverty, social justice, community development, gender justice, the arts) have the potential to operate in an environmental justice/Aarhus context should be explored in more detail.

9. In addition, a significant number of other NGOs/organisations (including umbrella bodies such as IEN and NIEL) are undertaking activities as part of their day-to-day work which rely considerably on asserting Aarhus Convention rights. 53% of the organisations surveyed make explicit reference to the Aarhus Convention or Aarhus rights in their mission statement, project planning or day-to-day activities. 73% of respondents consider Aarhus rights 'extremely important' for their work, and while the percentage of respondent organisations' day to day work which involves Aarhus-related activities varies significantly, over half spend at least 50% of their time directly engaged in this type of work.¹³ The Aarhus rights most frequently relied upon by organisations related to public participation (53%), followed by access to information (27%) and access to justice (20%). The most common types of activity undertaken by the surveyed organisations were 'public participation in environmental decision-making (e.g. making submissions to public consultations and participating in the planning/licensing systems)' (93%) and 'capacity building in public participation (helping the public or other NGOs participate in environmental decision making)' (87%). The least common types of activity were 'capacity building in access to information' (40%) and 'capacity building in access to justice (providing advice or direction to the public)' (47%).

10. The nature of the activity currently being undertaken by NGOs across the island should be mapped in significantly more detail in order to establish a firm business case for, and to inform the focus/activities of any new centre which aims to add capacity in this field. This is particularly important given that 73% of survey respondents highlighted 'funding' as a support which would be useful to their organisation in terms of Aarhus activities, demonstrating the potential for competition/conflict between these existing organisations and any new initiative(s) which might provide similar or overlapping services.

3. Conclusions and Recommendations

11. Academics, lawyers, NGOs, and community activists have expressed significant concerns about the ability of citizens to assert their Aarhus rights across the island and a succession of legislative/policy decisions have created a perception that access to environmental justice is declining on both sides of the border.¹⁴ These concerns have been reflected in numerous complaints to the Aarhus Convention Compliance Committee (ACCC) in recent years.¹⁵ Survey respondents in this project raised an extensive range of issues including (but not limited to):

- erosion of the ability to object to decisions which will have an environmental impact;
- inadequate communication from government to the public about environmental issues;
- barriers to accessing environmental information (e.g. delays and a lack of openness and transparency);
- structures designed to enhance public participation not functioning as intended (e.g. Public Participation Networks (PPNs) and public consultations);
- barriers to challenging administrative/government decisions (e.g. legal costs are prohibitively expensive);
- lack of knowledge and understanding of the Convention's provisions and obligations at all levels; and
- the burden of upholding/providing information on/asserting Convention rights is being placed on civil society.

In addition, there is an array of concerns surrounding government failure to ensure that Covid-19 restrictions do not have a negative impact on the ability of citizens to assert their Convention rights – despite the statement from the ACCC in September 2020 which explicitly sets out that there should be no restriction or curtailment of Convention rights during this turbulent period.¹⁶ The nature and scope of these concerns, and the recent proliferation of Aarhus Centre-type projects, means that there is a compelling case for a collaborative Aarhus Centre or network of linked regional Aarhus Centres on the island of Ireland.

12. In designing an Aarhus Centre or network of Aarhus Centres, consideration needs to be given to the State's obligations to bring about full implementation of the Convention. It is important that State obligations are not shouldered by civil society and that if an NGO-led Aarhus Centre is established, that analogous and authoritative Government bodies are also established, with a cross-cutting remit and strong links to NGO/community stakeholders (ideally on a cross-border basis). There is a risk that if roles, responsibilities and connections between government and the civil society-led proposals for Aarhus Centres are underdeveloped or unclear, that claims to state-led Aarhus implementation could be made without proper substance or support.

13. There is an appetite for a collaborative, all-island initiative/network which recognises different regional challenges and priorities. All-island cooperation on environmental justice issues was considered 'extremely important' by 93% of survey respondents. This need, and the benefits of cooperation, have also been discussed extensively in a range of research reports and consultations.¹⁷ In the context of Aarhus Centre development, barriers to the establishment of a truly 'all-island' Aarhus Centre have been, in part, created by the boundaries which are drawn around funding competitions/sources. This relates not only to academic/transdisciplinary research which could contribute to the development of plans for an Aarhus Centre, but also to the community/NGO funding that may be available for establishment and running costs. Consideration should be given to promoting collaborative, 'matched' funding for these initiatives by bodies such as CFNI and Community Foundation Ireland (CFI), amongst others. The new Shared Island Unit in the ROI's Department of the Taoiseach should also consider funding research into an all-island Aarhus Centre – not only because of the environmental and societal benefits which would derive from its work, but because of the potential peace-building dividend that could and should characterise a cross-border public participation project of this nature.

14. There is a risk of duplication of effort, unnecessary competition for limited funding sources, conflict, tension and confusing messages to the public if a coordinated effort is not undertaken. The OSCE Guidelines explicitly highlight that *'The decision to establish an NGO-based regional Aarhus Centre and the selection of the host organization should be made in a manner that would prevent any potential conflict among NGOs. It may require consultations with local civil society organizations prior to making the relevant decisions or development of the Aarhus Centre on the basis of co-operation with generally recognized umbrella associations of NGOs.'*¹⁸ As it is recognised that there is an appetite amongst various parties in the process of establishing an Aarhus Centre (or similar entity) to progress projects in the near future, a preferable approach would be for regional projects to develop at their own pace while a more detailed exploration of how these projects could be linked going forward is undertaken. Therefore, prior to significant public consultation on both sides of the border and with a broad range of stakeholders, it would be beneficial for projects to pay careful attention to matters of public relations and promotional events and remain mindful of the need to manage public expectations and provide clarity of purpose as each moves forward. This is particularly important in order to ensure pathways towards future collaboration are preserved/created, potential for confusion is reduced and meaning is given to the 'all-island' aspect which is clearly important to everyone involved but which is not yet fully articulated in existing plans/projects.

15. There is a need for further, detailed research into models and mandates that will best facilitate the establishment of an Aarhus Centre presence on the island of Ireland. The survey undertaken by EJNI has highlighted the complexity of this landscape, however a much more detailed analysis of overlaps, conflicts, potential links and collaborations should be undertaken as part of the preparatory work of any of the interested parties. This analysis should be undertaken using the OSCE guidelines as an analytical tool to assess the various options and should incorporate the OSCE Guidelines requirement for a consultative exercise. Detailed preliminary research undertaken in collaboration with a broad range of stakeholders (including government) will assist the various projects currently in progress in developing collaborative approaches that best deliver access to environmental justice to the citizens of the island of Ireland.

References

- ¹ OSCE, 'Aarhus Centres – A Brief Introduction', p10, available [here](#).
- ² OSCE, Aarhus Centres, available [here](#).
- ³ Hakala, E. (2012) Cooperation for the Enhancement of Environmental Citizenship in the Context of Securitization: The Case of an OSCE Project in Serbia, *Journal of Civil Society*, 8:4, 385-399.
- ⁴ OSCE, 'A Regional Network: Aarhus Centres in South-Eastern Europe' (2016), available [here](#).
- ⁵ For more details, see the OSCE Aarhus Centres webpages, available [here](#).
- ⁶ OSCE, 'Aarhus Centres – A Brief Introduction', available [here](#).
- ⁷ Dmytro Skrylnikov, (2008 – unpublished report) Independent Evaluation of the Aarhus Centres and Public Environmental Information Centres.
- ⁸ OSCE Aarhus Centre Guidelines, available [here](#).
- ⁹ OSCE, Aarhus Centres in Armenia, available [here](#).
- ¹⁰ e.g. Aarhus Centres, Focus Central Asia, available [here](#).
- ¹¹ Details available [here](#).
- ¹² The two Aarhus Centre projects are detailed in Para. 6 and Para. 7 details existing projects with a strong overlapping focus. The survey respondents were: Friends of the Earth NI (FOE), The Gathering, An Taisce, Royal Society for the Protection of Birds (RSPB), RARE (Rostrevor Action Respecting our Environment), Friends of the Irish Environment, Right to Know, Sonairte, Theresa O'Donohoe, Protect East Meath Ltd, All People All Nature, Wicklow Planning Alliance, Sustainable Projects Ireland CLG, Tipperary Public Participation Network. Some of these operate predominantly or solely in the Republic of Ireland (40%), some in Northern Ireland (20%) and some undertake activities on an all-island basis or operate in both (40%). The extent of the 'all-island' work of these organisations is unknown. It should be noted that some of the larger NGOs who are based in either ROI or NI operate on an international basis. The surveys were disseminated by the Irish Environmental Network and Northern Ireland Environment Link and represent only a fraction of the hundreds of groups/organisations and individuals with an interest in this area. A future systematic study should include a mapping exercise of the NGOs, networks and, where relevant, individuals working on these issues.
- ¹³ Future studies should endeavour to define in detail what these rights entail as those unfamiliar with the Convention rights may not be aware of their full meaning and extent.
- ¹⁴ e.g. Ryall, Á. (2018). Challenges and Opportunities for Irish Planning and Environmental Law. *Irish Planning and Environmental Law Journal*, 3(25), 104 - 111; Ciara Brennan, Ray Purdy and Peter Hjerp, 'Political, Economic and Environmental Crisis in Northern Ireland: The True Cost of Environmental Governance Failures and Opportunities for Reform' (2017) *Northern Ireland Legal Quarterly* 68(2) 123-157, available [here](#).
- ¹⁵ e.g. in Decision VI/8k concerning compliance by the UK with its obligations under the Aarhus Convention, available [here](#); the ongoing PRE/ACCC/C/2020/180 United Kingdom, available [here](#) and ACCC/C/2019/164 Ireland, available [here](#). A full list of public complaints to the ACCC is available [here](#).
- ¹⁶ ACCC Statement, available [here](#).
- ¹⁷ e.g. Alison Hough, The potential of the Good Friday Agreement post-Brexit environmental governance on the island of Ireland (2019) *Irish Planning and Env. Law* (2) 55-65; Ciara Brennan, Mary Dobbs, Viviane Gravey 'Out of the frying pan, into the fire? Environmental governance vulnerabilities in post-Brexit Northern Ireland' (2019) *Environmental Law Review* 21(2), 84-110, available [here](#).
- ¹⁸ OSCE Aarhus Centre Guidelines, I.6, available [here](#).

Environmental Justice Network Ireland

The Environmental Justice Network Ireland was established in June 2019. EJNI is an all-island network which seeks to build collaboration between groups and individuals involved in the delivery or pursuit of environmental justice. Its goal is to connect academics, lawyers, NGOs, decisionmakers and community activists and in doing so help equip people with the knowledge and tools they need to enhance the quality of environmental justice on the island of Ireland.

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