**European Environmental Bureau, EEB: Attracta Uí Bhroin Vice President EEB on:**

**Preambles, Art 1 Definition. Continuation on Tuesday morning of Monday’s session**.

Thank you Chair,All Key to the procedural rights we in EEB rely on as an environmental NGO to defend our environment is the UNECE **Human** **Rights** convention on: ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS - reflecting its 3 pillars of rights, and known as the Aarhus Convention,

Its objective recognises and *„contributes to the protection of every person of present and future generations to live in an environment adequate to his or her health and well being. „*

Its Article 3(7), provides for a **mandatory** requirement for parties to promote the principles of the convention in international decision making processes, and within the framework of international organisations in matters relating to the environment. We call on **all** parties to the Convention to uphold those principles, not just in how these negotiations are conducted, but also in the substance of the discussions on the text, so it reflects, and builds on Aarhus, and not take a step backwards.

This is particularly so for the definition of „Victims“ in Article 1, paragraph 1. The language here: is „have suffered or are alleged to have suffered – is all about victims in the context of damage **done**.

The interests of future generations and the need to allow for **proactive** protection of Human Rights in protecting environmental Human Rights in particular, is not recognised here, nor the risk of serious harm.

But the **purpose** of the instrument includes **promoting** and **protecting** Human Rights. So the concept of „victim“, and perhaps a better term would be „complainant“ needs to include those who are acting to prevent harm.

In Aarhus, the definition of: *„the public concerned“* specifically includes eNGOs,recognising their *locus standi* for our voiceless environment..

At a time when our streets are filled with our youth marching to express concern on the damage we have done and continue to do to the environment on which they depend for their very existence – this 5th session of negotiations ***cannot*** fail them. We must show that they have been heard here, and are being given some hope of an effective legal mechanism relevant for their futures.

In para 2 „Human rights violations or abuse“ – the requirement for the impairment to be „substantial“ needs to be deleted, so this definition is consistent with the object and purpose of the convention that any impairment should be covered. The definition also needs to explicity include eNGOs – reflecting their role representing the interests of our voiceless enviornment on which we all depend.

In para 3 – the definition of „business activities“ should include state owned companies, or part-owned.

We concur with the proposal to include the regional integrated organisation in Article 17 accession, it is important for the EU to be actively embraced, and for it to respond to that.