

# Update on the Aarhus Convention Compliance Committee hearing last week

The resident's group feel it went very well for them in terms of the attention paid to the arguments by the committee.

An initial attempt by the UK government Barrister to portray the issue as a small one affecting a very small number of people, and therefore out-with the remit of the committee was not accepted.

Then, following a full day's hearing, the committee have requested more information by mid-January deadline (later amended to late March) , in order to arrive at a judgement on the issue.

The role and function of the Aarhus Convention Compliance committee and their interest in the 'Tram Project' has been the subject of some questions to me.

Below is a FAQ style summary of the questions I have been asked, I hope it helps:

## **What is the Aarhus Convention of the United Nation's UNECE?**

Best I can do is say they have been set up to safeguard Democratic process in signatory countries (of which the UK is one) from being misused, and ensure ordinary people have access to Justice especially in Environmental issues, and because justice depends on information, that ordinary people have access to information held by organisations, such as council's or governments For more information <http://www.unece.org/env/pp/introduction.html>

## **Why are they interested in the Edinburgh Tram?**

The short answer is that they **aren't** particularly interested in the tram project itself. They are interested in the apparent 'oversights' that may mean many tens of thousands (possibly 139,500 households according to the council's original prediction for the *whole* project) of households will experience more traffic using the streets in which they live, which means more noise, danger, possible building damage AND pollution that is known to be very harmful to health.

They are interested in the fact that this figure, never specifically publicised by the council, and many other pieces of information of that type, would have been able to be examined at a Public Inquiry which ought to have happened.

Indeed so high is this figure that most people when told it simply refuse to believe it can be true – that would not have happened if the full reasons for it had been examined at a Public Inquiry---but one never took place.

### **So every planning row that ever starts up in Edinburgh will end up at the United Nations- that can't be right?**

This is not a supreme court for run-of-the-mill planning rows. The Aarhus Convention Compliance committee is only interested in rows where particularly egregious breaches of the rights to justice, and the free access to information that is part of supplying justice, have taken place within signatory countries.

Their concern is that the people of Edinburgh were not given the chance to correctly judge all impacts of the tram on their city, lives or health, because no Public Inquiry took place.

That this committee has spent months reading the submissions before even granting a hearing shows the seriousness of the prima facie case. Of course they have not yet passed judgement and we have to wait and see what that will be.

### **Why is DEFRA represented and not Edinburgh City Council ?**

The Convention is a 'Government level' document and so the Compliance committee call national governments to account even where the actual breach, or alleged breach, is by a Regional Council, City Council or Town council.

DEFRA are the relevant department of the UK Government and so they have to respond to this allegation of a breach of proper process which if proven would have been committed by the City of Edinburgh Council.

It is the UK Government would have to address the implications of any ruling that goes against them, if that is the outcome. But such a ruling would obviously have serious and wide-ranging repercussions within Scotland, and Edinburgh, as well.

In effect the UK Government and DEFRA obviously have to be briefed by Edinburgh Council as to their (The Council's) opinion and version of the facts of the matter as although DEFRA

have to take responsibility, they obviously didn't play a big part in the actual events in the early part of this century and subsequently.

### **What do the resident's want from this?**

First of all we must await the judgement, and after that the reaction of the UK government, the Scottish government, Transport Scotland and the City of Edinburgh Council of course

The situation is clearly extremely complex and isn't one that allows of a simple solution.

But if nothing else results then an acceptance by Edinburgh Council that the issue is not one of 'a few streets' and that there have been regrettable oversights in information provision, would be a start.

The resident's are not anti-tram, but anti THIS tram that has triggered these problems, they do not want to see 'no trams' in Edinburgh to say that is to misrepresent their views.

We hope those points above help clarify what is a very complex situation, that comprises a series of linked issues triggered by the way the Edinburgh Tram project was managed, but which is not only about those individual decisions, omissions and managerial mistakes with the Tram process.

The real substance of the hearing are malformations of the process, that go to the heart that do not relate solely to the resident's about denial of justice, and denial of the facts and data to assess the extent of the problems they may experience.

Recent publicity about shredded documents in the Council and the experience of MSP Kezia Dugdale after receiving documents under a Freedom of Information Act also publicised recently, in which she received documents in which all the information within them had been almost totally blanked out, rendering them worthless, show that this suppression or denial of basic factual information isn't an issue that applies only to the Resident's group who brought the case to Geneva..

This present case before the Aarhus Convention compliance committee at the UN European headquarters in Geneva isn't a raking over of old decisions that cannot now realistically be changed but about attempting to rectify things which right now can still be rectified to a degree.

Rather than letting things simply take their course as they have done for the last few years when the outcome could include effects now being predicted of the utmost seriousness.

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The website of the Aarhus Convention can be found at:

<http://www.unece.org/env/pp/introduction.html>

**ENDS**