Promoting environmental democracy and justice – the integrative role of the Aarhus Convention and its Compliance Committee

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“Law and the Environment 2014” Conference
University College Cork, 3 April 2014
“The Aarhus Convention ... is more important than ever. This treaty’s powerful twin protections for the environment and human rights can help us respond to many challenges facing our world, from climate change and the loss of biodiversity to air and water pollution. And the Convention’s critical focus on involving the public is helping to keep governments accountable.”

Ban Ki Moon, Secretary General of the United Nations
What do we know about the Aarhus Convention already?
• Aarhus Convention’s full name is the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

• It was adopted in 1998 in the Danish city of Aarhus, hence it is usually known as the Aarhus Convention. It entered into force in 2001.

• It now has 47 Parties from the UNECE region, including the EU and all EU Member States, and countries from Central and Eastern Europe, the Caucasus and Central Asia.

• Ireland has been a Party to both the Convention and its PRTR Protocol since December 2012.
Quick overview of Aarhus Convention’s three pillars:

• Access to environmental information

• Public participation in environmental decision-making

• Access to justice in environmental matters
Access to information (articles 4 & 5)

• Public authorities must respond to requests from the public for requests for access to environmental information in a timely manner, in the form requested, without requiring interest to be stated,

• Public authorities must disseminate certain types of environmental information to the public directly, e.g. state of environment reports, information regarding environmental emergencies.
Public participation in decision-making (arts 6, 7, 8)

Public authorities must ensure that the public is provided with opportunities for early and effective public participation in

- Decisions to permit certain types of activities that are considered to have a significant effect on the environment,

- The preparation of plans, policies, and programmes relating to the environment and

- The preparation of executive regulations and other generally applicable legally binding rules.
Access to justice (art 9)

Parties must ensure the public has access to:

• Administrative or judicial procedures to challenge acts or omissions by private persons or public authorities which contravene national law relating to the environment, and

• Review procedures regarding refusals to provide requested information or

• Review procedures to challenge the legality of decisions subject to the Convention’s public participation requirements.

The Convention requires that the review procedures must be fair, timely, equitable, not prohibitively expensive and provide adequate and effective remedies.
General requirements

• No penalising, persecuting or harassment persons seeking to exercise their rights under the Convention

• No discrimination on the basis of citizenship, residence or domicile to persons wishing to exercise their rights;

• Appropriate recognition and support of organizations and groups promoting environmental protection.

• Endeavour to ensure officials assist and guide members of the public seeking to exercise their rights.
Aarhus as a tool for integration

- Wide environmental application, across all sectors
- National and international level
Aarhus Convention

- Environmental protection
- Energy and water
- Government accountability and fighting corruption
- The Green Economy
- Human rights
- Development and poverty
- Human rights
Aarhus at the international level

- Binding obligation to promote principles of the Convention in international processes in matters relating to the environment (article 3(7))
Monitoring implementation within each country
• National reports
• Compliance Committee

National reports
• Every three years, starting one year before Meeting of the Parties
• Submitted to the Meeting of the Parties
• To be prepared in a transparent manner with the input of the country’s civil society, e.g.
  • Inviting civil society to identify issues to be included in the report,
  • Inviting civil society to comment on drafts of the report
The Aarhus Convention Compliance Committee

• Established at the first Meeting of the Parties in 2002 as a non-confrontational, non-judicial and consultative mechanism.

• 9 Committee members who serve in their personal capacity elected at the Meeting of the Parties. NGOs can also nominate members.

• Members of the public can bring cases before the Compliance Committee regarding a Party’s compliance.

• Recently received its 98th Communication.
The Compliance Committee can be triggered in four ways:

1. A Party may make a submission about compliance by another Party.
2. A Party may make a submission concerning its own compliance.
3. A member of the public may make communications concerning a Party’s compliance with the Convention.
4. The Aarhus Convention secretariat may make a referral to the Committee.
Compliance Committee

- Soft Mechanism
- Not a tribunal
- Valuable tool for implementation
- Improves dialogue
- Does not impose sanctions
- Not a means of redress
Compliance Committee findings of interest:

- ACCC/C/2008/33 (UK)
- ACCC/C/2010/54 (European Union)
Major upcoming events

• Meeting of the Parties to the Aarhus Convention (Maastricht, 30 June-2 July 2014)

• Meeting of the Parties to the Protocol on PRTRs (Maastricht 2-4 July 2014)
For further information:

Aarhus Convention website :
http://www.unece.org/env/pp/welcome.html Aarhus

Convention secretariat
Email: public.participation@unece.org

Thank you!