

The Aarhus Convention: A tool for effective stakeholder engagement in “People-first PPP”

Fourth International PPP Forum: “The Last Mile: Promoting People-first PPPs for the UN 2030 Agenda for Sustainable Development”

9 May 2019, Geneva, Switzerland



UNECE

Introducing the Aarhus Convention...

Objective (article 1)

In order to contribute to the protection of the right of every person of present and future generations ...

... to live in an environment adequate to his or her health and wellbeing

...

... the government shall guarantee to the public

- access to environmental information
- public participation in decision-making
- access to justice in environmental matters



Some brief facts and figures....



- Aarhus Convention's full name is the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.
- Only legally binding international instrument enshrining Principle 10 of the 1992 Rio Declaration
- Adopted in 1998 (Aarhus, Denmark), entered into force in 2001.
- Currently 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.
- Open globally, upon approval by the Meeting of the Parties

Aarhus Parties very diverse....



- Countries with some of the lowest GDPs per capita (eg Tajikistan US\$935 GDP 2011) to countries with some of the highest (eg Norway US\$98,102 GDP 2011)
- Wide range of political and legal traditions (eg former Soviet, western democracies)
- Countries with federal systems (eg Spain, Germany, Belgium) and national governments only (eg Italy, Netherlands)
- Countries concerned with a diverse range of environmental activities and issues (eg mining, oil and gas exploration, water pollution and shortages, nuclear energy, renewable energies, desertification)

Key focus for today:



The Aarhus Convention is:

- Widely recognized as an international benchmark for environmental democracy
- An easily accessible tool for public officials, private sector, academics and NGOs of all countries
- A ready-to-use resource of best international practice on access to information, public participation in decision-making and access to justice in environmental matters

Three pillars:

- Access to information
 - Sets out standards for access to environmental information
 - Covers both “passive” and “active” access to information
- Public participation in decision-making
 - Provides requirements for effective public participation on:
 - Specific activities
 - Plans, programmes, policies
 - Draft legislation
- Access to justice
 - Sets out core requirements for effective access to justice regarding
 - Environmental information requests
 - Decisions subject to public participation
 - Breaches of national law relating to environment

Also contains 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.
- Obligation to promote principles of the Convention at international level

Aarhus model of public participation:

1. Early, adequate and effective notice



2. Reasonable time-frames when all options are open



3. Access to all relevant information



4. Public entitled to comment/be heard



5. Due account to be taken of public participation



6. Prompt notice of decision



7. If operating conditions are updated or reconsidered, repeat as appropriate



© Wikimedia Commons

How Aarhus may assist you in your work:

- Using Aarhus Convention “products” to assist in your work:
 - Aarhus Convention Implementation Guide
 - http://www.unece.org/env/pp/implementation_guide.html
 - Maastricht Recommendations on Promoting Effective Public Participation in Environmental Matters
 - <https://www.unece.org/index.php?id=49142>
 - Relevant findings of Aarhus Convention Compliance Committee
 - <https://www.unece.org/env/pp/cc.html>
- Sharing experiences by taking part in the Aarhus Convention’s Task Forces
 - Task Force on Access to Information
 - Task Force on Public Participation in Decision-making
 - Task Force on Access to Justice

Closing remarks

- Aarhus Convention is open to access by any UN Member State
- The Aarhus secretariat stands ready to provide advisory support and capacity-building activities
- For further information on the Aarhus Convention, contact the Aarhus secretariat, public.participation@un.org



Aarhus Convention secretariat

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

Email: public.participation@unece.org

Thank you!



© Wikimedia Commons