

ECONOMIC COMMISSION FOR EUROPE

THE AARHUS CONVENTION



... securing citizens' rights through

- access to information
- public participation
- access to justice

for a healthy environment . . .

AN IMPLEMENTATION GUIDE



UNITED NATIONS

ECONOMIC COMMISSION FOR EUROPE
Geneva



**UN/ECE Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters**

THE AARHUS CONVENTION: AN IMPLEMENTATION GUIDE

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for
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CONTENTS

	<i>Page</i>
FOREWORD BY THE SECRETARY-GENERAL OF THE UNITED NATIONS	v
PREFACE	vii
HOW TO USE THIS GUIDE.....	ix
INTRODUCTION	1
CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS.....	9
Preamble.....	11
GENERAL PART.....	27
<i>Article 1.</i> Objective	29
<i>Article 2.</i> Definitions	30
<i>Article 3.</i> General provisions.....	41
PILLAR I. ACCESS TO INFORMATION	49
<i>Article 4.</i> Access to environmental information	53
<i>Article 5.</i> Collection and dissemination of environmental information.....	66
PILLAR II. PUBLIC PARTICIPATION IN DECISION-MAKING	85
<i>Article 6.</i> Public participation in decisions on specific activities.....	89
<i>Article 7.</i> Public participation concerning plans, programmes and policies relating to the environment.....	113
<i>Article 8.</i> Public participation during the preparation of executive regulations and/or generally applicable legally binding normative instruments.....	123
PILLAR III. ACCESS TO JUSTICE.....	125
<i>Article 9.</i> Access to justice	137
FINAL PROVISIONS	139
<i>Article 10.</i> Meeting of the Parties	144
<i>Article 11.</i> Right to vote	144
<i>Article 12.</i> Secretariat.....	145
<i>Article 13.</i> Annexes	146
<i>Article 14.</i> Amendments to the Convention.....	148
<i>Article 15.</i> Review of compliance.....	150
<i>Article 16.</i> Settlement of disputes	151
<i>Article 17.</i> Signature.....	152
<i>Article 18.</i> Depositary	152
<i>Article 19.</i> Ratification, acceptance, approval and accession	154
<i>Article 20.</i> Entry into force.....	155
<i>Article 21.</i> Withdrawal	156
<i>Article 22.</i> Authentic texts.....	157
THE ANNEXES.....	159
<i>Annex I.</i> List of activities referred to in article 6, paragraph 1 (a).....	166
<i>Annex II.</i> Arbitration	171
NOTES.....	179
ANNEXES	
ANNEX I. <i>Resolution on Access to Information, Public Participation in Decision- making and Access to Justice in Environmental Matters</i>	179
ANNEX II. <i>Declarations made upon signature</i>	181
BIBLIOGRAPHY	183

FOREWORD

The arrival of a new millennium gives us all cause for reflection on the achievements and failings of humankind over the past thousand years and the challenges which will face us in a new and more interdependent era in human history. While many of our current preoccupations may seem trivial in such a long-term perspective, the goal of sustainable, equitable and environmentally sound development takes on even greater importance, as it concerns the very survival of life on Earth.

A key element in that quest is the strengthening of citizens' environmental rights so that members of the public and their representative organizations can play a full and active role in bringing about the changes in consumption and production patterns which are so urgently needed. The active engagement of civil society, both in the formulation of policies and in their implementation, is a prerequisite for meaningful progress towards sustainability.

The adoption of the UN/ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters—the Aarhus Convention—was a giant step forward in the development of international law in this field. I welcome the fact that so many countries have signed the Convention and made a commitment to strive for its early entry into force.

Although regional in scope, the significance of the Aarhus Convention is global. It is by far the most impressive elaboration of principle 10 of the Rio Declaration, which stresses the need for citizens' participation in environmental issues and for access to information on the environment held by public authorities. As such it is the most ambitious venture in the area of "environmental democracy" so far undertaken under the auspices of the United Nations. Furthermore, the Convention will be open to accession by non-ECE countries, giving it the potential to serve as a global framework for strengthening citizens' environmental rights. The 2002 Special Session of the United Nations General Assembly marking the 10th anniversary of the Earth Summit would be a timely occasion to examine the relevance of the Aarhus Convention as a possible model for strengthening the application of principle 10 in other regions of the world.

Although many difficulties had to be overcome in the negotiation of the Convention, its implementation will undoubtedly be an even greater challenge. Amending national laws to bring them into compliance with the sometimes abstract provisions of the Convention will be a major task. While this Guide does not purport to be an official interpretation of the Convention, it can serve as an invaluable tool in the hands of governments and parliaments engaged in that task. Public authority officials involved in the day-to-day task of applying the provisions arising from the Convention will find important guidance on how to use such discretion as is available to them. Environmental citizens' organizations, which played an unprecedented role in the negotiation of the Convention and can be expected to play an equally significant role in its implementation, will likewise find the Guide a useful reference point.

It is therefore a pleasure for me to commend this Guide to all those with an interest in this Convention—policy makers and legislators, officials at all levels of government, academics, NGOs and others—in the hope that it will shed light on the Convention and thereby help to involve citizens more effectively in our crucial collective search for sustainable development.



KOFI A. ANNAN

Secretary-General of the United Nations

PREFACE

This Guide to the Aarhus Convention is the result of a collaborative project between the United Nations Economic Commission for Europe (UN/ECE), the Regional Environmental Center for Central and Eastern Europe (REC) and the Danish Environmental Protection Agency. It is aimed simultaneously at policy makers and politicians responsible for transposing the Convention into national systems, as well as at public authorities and their advisers faced with carrying out the Convention's obligations.

The project took shape under the guidance of a Steering Committee made up of Kaj Bärlund (UN/ECE), Jesper Hermansen (Denmark), John Hontelez (EEB/European ECO Forum), Jernej Stritih (project director, REC) and Jeremy Wates (then EEB/European ECO Forum and now UN/ECE), all of whom served in a personal capacity.

At the first meeting of the Signatories to the Convention, in Chisinau in 1999, a Resource Group was formed to contribute to the project. It was made up of some of those involved in drafting the Convention and other experts: Mark Berman (United Nations Environment Programme (UNEP)), John Bonine (University of Oregon, United States), Katy Brady (Australia), Arcadie Capcelea (Republic of Moldova), Marta Cerna (Czech Republic), Drita Dade (Albania), Jonas Ebbesson (Stockholm University, Sweden), Sofie Flensburg (Denmark), Sandor Fulop (Environmental Management and Law Association (EMLA), Hungary), Lyle Glowka (World Conservation Union (IUCN)), Ralph Hallo (Stichting Natuur en Milieu (SNM), Netherlands), Guri Hestflatt (Norway), Krisztina Horvath (Netherlands), Eva Juul Jensen (Denmark), Willem Kakebeeke (Netherlands), Veit Koester (Denmark), Svitlana Kravchenko (Ecopravo, Ukraine), Karin Krchnak (American Bar Association Central and East European Law Initiative (ABA/CEELI)), Tuomas Kuokkanen (Finland), Francesco La Camera (Italy), Bo Leth-Espensen (Danish Nature Conservation Society (DN), Denmark), Alistair McGlone (United Kingdom), Kliment Mindjov (Borrowed Nature, Bulgaria), Marc Pallemarts (Belgium), Olga Razbash (Jureco, Russian Federation); Philippe Sands (Foundation for International Environmental Law and Development (FIELD), United Kingdom), Nicolas Tavitian (Global Legislators' Organisation for a Balanced Environment (GLOBE-Europe)), Magda Toth Nagy (REC) and Ondrej Velek (Czech Republic), Gerry Cunningham (UNEP), Jiri Dusik (REC), Ole Kristian Fauchald (Norway), the Hon. Howard M. Holtzmann (United States), Peter Jorgensen (Denmark), Anne O'Malley (ABA/CEELI), Aniko Radai (Hungary) and Mary Taylor (Friends of the Earth (FOE)/European ECO Forum) provided valuable input and commented on the draft. Marianna Bolshakova, James Caldwell, Jeff Thomas and Patrick Voller of the REC, and Jay Austin, Alicia Cate, Brian Rohan and Jill van Berg of the Environmental Law Institute also contributed their time and research.

HOW TO USE THIS GUIDE

The Implementation Guide to the Aarhus Convention provides both a general overview and a detailed article-by-article analysis of the Convention.

Readers can find an overview of the Convention's origins and its obligations in the main Introduction and the introductions to the different sections. These introductions give the policy background and describe the Convention's structure, its main obligations, and options for implementation. This "snapshot" view introduces the reader to the Convention and to what it can mean in practice.

Policy makers and public authorities involved in the intensive task of transposing the Convention into national legislation, or in developing mechanisms for its implementation in the context of varying national legal systems will need a more detailed analysis of it. Therefore, the Guide also analyses each provision of the Convention to help the reader understand both the fixed obligations, the obligations that allow some flexibility, and the options for implementation in each case.

Finally, the public authority or adviser faced with a specific problem of implementation or interpretation can use the Guide as a reference.

While the Guide has been written with policy makers and public authorities in mind, it may also be useful to others, including the various stakeholders who may wish to use the rights found in the Convention to participate actively in environmental protection.

A note on the use of certain terminology may be necessary. The Convention refers in several places to "national" legislation, while at the same time being open to Parties which are regional economic integration organizations. The Guide has taken the term to apply to any internal law of a Party, whether a State or a regional economic integration organization. The Guide has sometimes followed the terminology used in the Convention, but also sometimes used the term "domestic" to refer to such internal law.

The authors have chosen an integrated interpretation inspired by the fundamental principles that underlie the Aarhus Convention. There may, of course, be other interpretations, and the specific language of the Convention will take on a life of its own. Where there are ambiguities in the text, the authors have tried to provide guidance on the basis of the principles and objectives of the Convention as found in the preamble and article 1, and on the basis of good examples from existing State practice. The participation of one of the authors in the negotiation of the Convention and frequent consultations with the Resource Group in the writing of the Guide have helped to ensure that the "spirit" of the Convention is not lost in the retelling. The Ministerial Declaration from Aarhus and the Resolution on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, of the Signatories to the Aarhus Convention (hereinafter, "Resolution of the Signatories", see annex I below), have also provided some insight into the intention of the drafters. In their Resolution, the Signatories pledged to apply the Convention to the maximum extent possible pending its entry into force, and to work towards its entry into force at the earliest possible time. This Guide is intended to assist Signatories and potential Parties to the Aarhus Convention in implementing the Convention, and in understanding its implications so as to facilitate its ratification and entry into force.

Finally, readers may notice several references to the legislation of the European Community (EC). While EC legislation is directly relevant to only a portion of the UN/ECE region, it is referred to at times for two reasons. First, it informed the negotiations of the Convention for a large number of countries that are either member States of the European Community or countries that have accession agreements and in-

tend to join. Secondly, EC standardization has resulted in a developed regional, if not international, practice in many of the subject areas of the Convention. Any references made to EC legislation and practice in the text are meant to convey practical information and not to indicate any particular status of EC law with respect to the UN/ECE region.

The authors would be very grateful for any comments aimed at improving the text or its application over time.

INTRODUCTION

A. A new kind of environmental convention

The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was adopted at the Fourth Ministerial Conference “Environment for Europe” in Aarhus, Denmark, on 25 June 1998. Thirty-nine countries and the European Community have since signed it.

The Aarhus Convention is a new kind of environmental agreement. It links environmental rights and human rights. It acknowledges that we owe an obligation to future generations. It establishes that sustainable development can be achieved only through the involvement of all stakeholders. It links government accountability and environmental protection. It focuses on interactions between the public and public authorities in a democratic context and it is forging a new process for public participation in the negotiation and implementation of international agreements.

The subject of the Aarhus Convention goes to the heart of the relationship between people and governments. The Convention is not only an environmental agreement, it is also a Convention about government accountability, transparency, and responsiveness.

The Aarhus Convention grants the public rights and imposes on Parties and public authorities obligations regarding access to information and public participation. It backs up these rights with access-to-justice provisions that go some way towards putting teeth into the Convention. In fact, the preamble immediately links environmental protection to human rights norms and raises environmental rights to the level of other human rights.

Whereas most multilateral environmental agreements cover obligations that Parties have to each other, the Aarhus Convention covers obligations that Parties have to the public. It goes further than any other convention in imposing clear obligations on Parties and public authorities towards the public as far as access to information, public participation and access to justice are concerned.

The Aarhus Convention negotiations were themselves an exercise in participation. The idea for a convention emerged from the “Environment for Europe” process—a process that had already included the public. It was a short step from there for forward-looking countries and non-governmental organizations to put their efforts and energy into the Aarhus Convention negotiations. The result can be seen in the Resolution of the Signatories. The Resolution commends the international organizations and non-governmental organizations, in particular environmental organizations, for their active and constructive participation in the development of the Convention and recommends that they should be allowed to participate in the same spirit in the Meeting of the Signatories and its activities.

B. The road to Aarhus

The Aarhus Convention was developed during two years of negotiations with input from countries and non-governmental organizations from throughout the UN/ECE region. Yet the roots of the Convention go further back in the “Environment for Europe” process, in the development of international environmental and human rights law, and in the development of national law over the years.

International declarations and resolutions as well as international legal instruments such as conventions played a decisive role in the creation of the 1998 Aarhus Convention (see box). A significant early initiative in UN/ECE was the draft charter of environmental rights and obligations of 1990 (ENVWA/R.38, annex I). Although not adopted, the draft represents an early compilation of principles and themes similar to those ultimately found in the Aarhus Convention.

One of the main stepping stones on the way to the Aarhus Convention was the UN/ECE Guidelines on Access to Environmental Information and Public Participation in Environmental Decision-making (“Guidelines” or “Sofia Guidelines”). The idea of the Guidelines originated at the Second Ministerial Conference in Lucerne, Switzerland, in April 1993. At that meeting, the Senior Advisers to ECE Governments on Environmental and Water Problems (which later became the Committee on Environmental Policy) identified public participation as one of seven key elements for the long-term environmental programme for Europe. Consequently, in paragraph 22 of their Declaration, the Ministers gathered in Lucerne requested UN/ECE, *inter alia*, to draw up proposals for legal, regulatory and administrative mechanisms to encourage public participation in environmental decision-making.

The Senior Advisers established the Task Force on Environmental Rights and Obligations, which in 1994 was given the task of drawing up draft guidelines and other proposals on effective tools and mechanisms promoting public participation in environmental decision-making. By January 1995 the UN/ECE Guidelines were developed and by May 1995 accepted by the Working Group of Senior Government Officials responsible for the preparation of the Sofia Conference. The UN/ECE Guidelines were endorsed at the Third Ministerial Conference “Environment for Europe” held in Sofia, in October 1995. The same Conference decided that the drafting of a convention should be considered.

At its meeting on 17 January 1996, the Committee on Environmental Policy established the Ad Hoc Working Group for the preparation of a convention on access to information and public participation in environmental decision-making. The Committee also decided that the future convention should reflect the scope of the UN/ECE Guidelines.¹ A “Friends of the Secretariat” group was formed to assist in drawing up a draft convention based on the Guidelines. The “draft elements” were then the starting point for negotiations among countries, which began in June 1996. Ten negotiating sessions under the chairmanship of Willem Kakebeeke of the Netherlands were held through March 1998, nine of them in Geneva and one in Rome. These negotiating sessions involved an unprecedented level of participation on the part of NGOs, among them a coalition of environmental citizens organizations established especially for the drafting sessions.

The road to Aarhus in international and regional instruments

1966 *International Covenant on Civil and Political Rights*, adopted by the United Nations General Assembly in New York on 16 December 1966.² Article 19 deals with the “freedom to seek, receive and impart information”.

1972 *Stockholm Declaration on the Human Environment*: principle 1 linked environmental matters to human rights and set out the fundamental right to “an environment of a quality that permits a life of dignity and well-being”.

1980 *Salzburg Declaration on the Protection of the Right of Information and of Participation*, adopted at the Second European Conference on the Environment and Human Rights at Salzburg (Austria) on 3 December 1980.³

1981 *African Charter of Human and Peoples’ Rights*, adopted at Algiers on 26 June 1981. An early reference to the right to a satisfactory environment favourable to human development.

1981 *Council of Europe Recommendation No. (81) 19 of the Committee of Ministers to member States on the access to information held by public authorities*, adopted at Strasbourg (France) on 25 November 1981.

1982 World Charter for Nature:⁴ The most relevant provisions for the Aarhus Convention can be found in chapter III, paragraphs 15, 16, 18 and 23, discussed in reference to the preamble, below.

1985 Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment. Its practice on public participation in EIA informed many of the Aarhus Convention negotiating parties.

1986 Council of Europe resolution No. 171 of the Standing Conference of local and regional authorities of Europe on regions, environment and participation, adopted at Strasbourg on 14 October 1986.

1987 Our Common Future:⁵ *Report by the World Commission on Environment and Development (Brundtland Report)* was a catalyst for the 1992 United Nations Conference on Environment and Development (UNCED) and its Rio Declaration.

1988 Additional Protocol to the American Convention on Human Rights, adopted in San Salvador on 17 November 1988, established the right to a healthy environment.

1989 European Charter on Environment and Health, adopted at the First European Ministerial Conference on Environment and Health in Frankfurt (Germany), recognized public participation to be an important element in the context of environment and health issues.

1989 CSCE Environment Conference, Sofia. All countries present except Romania endorsed proposed conclusions and recommendations affirming the rights of individuals, groups and organizations concerned with environmental issues to express freely their views, to associate with others, to peacefully assemble, as well as to obtain, publish and distribute information on these issues, without legal and administrative impediments.

1990 General Assembly resolution 45/94 of 14 December 1990, recognized that individuals are entitled to live in an environment adequate for their health and well-being.

1990 draft charter on environmental rights and obligations of individuals, groups and organizations, adopted by a group of experts invited by the Netherlands Government at the Bergen Conference (Norway) on 11 May 1990 and the UN/ECE *draft charter of environmental rights and obligations*, adopted by the qualified intergovernmental meeting at Oslo on 31 October 1990. These early drafts had an influence on later instruments.

1990 Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment. Its practice on access to environmental information informed many of the Aarhus Convention negotiating parties.

1991 UN/ECE Convention on Environmental Impact Assessment in a Transboundary Context, adopted at Espoo (Finland) on 25 February 1991. The Espoo Convention shows the link between public participation and environmental impact assessments. Its article 4, paragraph 2, is especially relevant for public participation.

1992 UN/ECE Convention on the Transboundary Effects of Industrial Accidents, adopted at Helsinki on 17 March 1992. Its article 9 deals with “information to, and participation of the public”.

1992 UN/ECE Convention on the Protection and Use of the Transboundary Watercourses and International Lakes, adopted at Helsinki on 17 March 1992, includes provisions on public information.

1992 Rio Declaration: its principle 10 laid the groundwork for all three pillars of the Aarhus Convention.

1993 Declaration of the Second Pan-European Conference “Environment for Europe”, adopted at Lucerne on 30 April 1993,⁶ declared public participation in environmental decision-making to be a priority in its further work.

(Continued on next page.)

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1993 Council of Europe Lugano Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment: The Lugano Convention was the first international agreement seeking to create rules concerning access to allow enforcement proceedings before national courts.⁷

1993 North American Free Trade Agreement (NAFTA), Side Agreement on Environmental Cooperation, established recommendatory bodies for access to information, public participation in decision-making and access to justice.⁸

1994 draft principles on human rights and the environment.⁹ Document of the Economic and Social Council of the United Nations published on 6 July 1994. Part III pertains to all three Aarhus pillars.

1995 Sofia Guidelines: The UN/ECE Guidelines on Access to Environmental Information and Public Participation in Environmental Decision-making were endorsed at the Third Ministerial Conference “Environment for Europe” at Sofia on 25 October 1995. The 26 articles deal with all three pillars of the Aarhus Convention.

1996 IUCN Resolution No. CGR1.25-rev1 on public participation and right to know, adopted by the World Conservation Congress of IUCN at Montreal (Canada) on 23 October 1996.

C. Walking through the Convention

1. Preamble

The preamble to the Aarhus Convention sets out the aspirations and goals that show its origins as well as guiding its future path. In particular the preamble emphasizes two main concepts: environmental rights as human rights and the importance of access to information, public participation and access to justice to sustainable and environmentally sound development.

Making the connection to human rights

The preamble connects the concept that adequate protection of the environment is essential to the enjoyment of basic human rights with the concept that every person has the right to live in a healthy environment and the obligation to protect the environment. It then concludes that to assert this right and meet this obligation, citizens must have access to information, be entitled to participate in decision-making and have access to justice in environmental matters.

Promoting sustainable and environmentally sound development

The preamble recognizes that sustainable and environmentally sound development depends on effective governmental decision-making that contains both environmental considerations and input from members of the public. When governments make environmental information publicly accessible and enable the public to participate in decision-making, they help meet society’s goal of sustainable and environmentally sound development.

2. Laying the groundwork—the general part

The first three articles of the Convention include the objective, the definitions and the general provisions. These articles lay the groundwork for the rest of the Con-

vention, setting goals, defining terms and establishing the overarching requirements that will guide the interpretation and implementation of the rest of the Convention.

Objective

Article 1 of the Convention requires Parties to guarantee the rights of access to information, public participation in decision-making and access to justice in environmental matters 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 well-being.

Definitions

In article 2, the Convention defines “Party,” “public authority,” “environmental information,” “the public” and “the public concerned”. These definitions guide the reader’s understanding of these terms as they are used throughout the Convention.

The Convention primarily sets out obligations for Parties (contracting Parties to the Convention) and public authorities (government bodies and persons or bodies performing government functions). In addition to national government bodies, “public authority” can also refer to institutions of regional economic integration organizations, such as the European Community, although it explicitly does not apply to bodies acting in a judicial or legislative capacity.

The Convention also sets out rights for the “public” (natural or legal persons, as well as organizations) and “the public concerned” (those who are affected or likely to be affected by or having an interest in the environmental decision-making). Non-governmental organizations need only promote environmental protection and meet requirements under national law to be part of the “public concerned”.

Finally, environmental information is a concept that runs throughout the Convention. The Convention gives “environmental information” a broad definition, including not only environmental quality and emissions data, but also information from decision-making processes and analyses.

Principles

The general provisions of the Convention—article 3—set the general principles that guide all the other, more detailed and specific provisions. They cover aspects important for the implementation of the Convention, such as compatibility among its elements, guidance to the public in taking advantage of it, environmental education and awareness-building, and support to groups promoting environmental protection.

The general provisions make it clear that the Convention is a floor, not a ceiling. Parties may introduce measures for broader access to information, more extensive public participation in decision-making and wider access to justice in environmental matters than required by the Convention. The Convention also makes it clear that existing rights and protection beyond those of the Convention may be preserved. Finally, the general provisions call for the promotion of the Aarhus principles in international decision-making, processes and organizations.

3. The three “pillars”

The Aarhus Convention stands on three “pillars”: access to information, public participation and access to justice, provided for under its articles 4 to 9. The three pillars depend on each other for full implementation of the Convention’s objectives.

Pillar I—Access to information

Access to information stands as the first of the pillars. It is the first in time, since effective public participation in decision-making depends on full, accurate, up-to-date information. It can also stand alone, in the sense that the public may seek access to information for any number of purposes, not just to participate.

The access-to-information pillar is split in two. The first part concerns the right of the public to seek information from public authorities and the obligation of public authorities to provide information in response to a request. This type of access to information is called “passive”, and is covered by article 4. The second part of the information pillar concerns the right of the public to receive information and the obligation of authorities to collect and disseminate information of public interest without the need for a specific request. This is called “active” access to information, and is covered by article 5.

Pillar II—Public participation in decision-making

The second pillar of the Aarhus Convention is the public participation pillar. It relies upon the other two pillars for its effectiveness—the information pillar to ensure that the public can participate in an informed fashion, and the access-to-justice pillar to ensure that participation happens in reality and not just on paper.

The public participation pillar is divided into three parts. The first part concerns participation by the public that may be affected by or is otherwise interested in decision-making on a specific activity, and is covered by article 6. The second part concerns the participation of the public in the development of plans, programmes and policies relating to the environment, and is covered by article 7. Finally, article 8 covers participation of the public in the preparation of laws, rules and legally binding norms.

Pillar III—Access to justice

The third pillar of the Aarhus Convention is the access-to-justice pillar. It enforces both the information and the participation pillars in domestic legal systems, and strengthens enforcement of domestic environmental law. It is covered by article 9. Specific provisions in article 9 enforce the provisions of the Convention that convey rights onto members of the public. These are article 4, on passive information, article 6, on public participation in decisions on specific activities, and whatever other provisions of the Convention Parties choose to enforce in this manner. The justice pillar also provides a mechanism for the public to enforce environmental law directly.

4. Final provisions: administering the Convention

A convention as an obligation on sovereign entities requires institutions and formal mechanisms (for example, secretariat, committees and other subsidiary bodies) to allow the Parties to confer and work together on implementation. The Aarhus Convention includes numerous provisions relating to such institutions and formalities, as do most international agreements. These provisions are found in articles 10 to 22. Among the more significant issues covered by the Convention’s final provisions are its coming into force, the Meeting of the Parties, secretariat, compliance review and resolution of disputes.

While a UN/ECE convention, the Aarhus Convention is also open to Member States of the United Nations from outside the UN/ECE region following its entry into force. The Aarhus Convention therefore has global ambitions, justifiably so, as the rights are universal in nature. A number of other regions of the world show a strong interest in the Aarhus Convention and are discussing the development of similar obligations.

5. Annexes

Finally, the Aarhus Convention includes two annexes. The first lists activities that are presumed to have a significant effect on the environment, and to which the provisions of article 6 would normally apply. The second annex contains the rules for arbitration between or among Parties in the case of a dispute.

D. Implementation and further development of the Convention

Several special issues are worth mentioning in the context of the Convention, because at the time of its adoption they were pressing issues. The Convention took them into account, but as is the case with matters in the early stages of development under international law, it did so preliminarily. At the same time these issues were to some extent flagged as issues for further development by the Meeting of the Parties.

The first of these is genetically modified organisms (GMOs). In the case of decision-making on such organisms, the Convention made reference to them, for example in article 6, paragraph 11, which applies public participation provisions to certain decisions concerning GMOs, but left the door open to future deliberations. Considering that the negotiation of a biosafety protocol under the Convention on Biological Diversity has proven to be difficult, with sharp divisions among various groups of nations, the approach taken in the Convention is understandable. The Resolution of the Signatories called for the issue to be addressed at the first meeting of the Parties. NGOs meeting parallel to the first meeting of the Signatories to the Aarhus Convention in April 1999, in Chisinau, Republic of Moldova, issued a statement calling for attention to GMOs.

The second issue specially mentioned in the Convention is the development of systems of pollution inventories or registers. These mechanisms for information gathering have been highly successful where they have been tried and are covered by article 5, paragraph 9. The Convention takes an affirmative approach to the development of such systems of inventories or registers. It goes so far as to establish the development of a possible instrument on pollution inventories or registers as one of the priorities for the first meeting of the Parties when the Convention comes into force.

The Convention also gives special attention to new forms of information, including electronic information. This is referred to in the preamble and in article 3 on the general provisions and in articles 4 and 5 on access to information. The Convention takes into account the changing information technology, which is moving towards electronic forms of information, and the ability to transfer information over the Internet and other systems.

Finally, in implementing any convention, Parties are concerned with ensuring compliance. The Aarhus Convention acknowledges that the Parties need to work together to establish compliance mechanisms specific to its needs. Its article 15 requires the Parties to establish a compliance regime at their first meeting, but the particular form such a regime will take is left to further discussion.

Three of the four issues mentioned above are covered by task forces established under the Meeting of the Signatories to the Aarhus Convention (see box at article 20, below).

Surely one of the impelling forces behind the pledge by the Signatories to the Aarhus Convention that they will seek to apply the Convention to the maximum extent possible even before it comes into force, was the recognition that the implementation of a convention covering matters so enmeshed in varying social and legal systems and traditions would be a huge endeavour. The prospective Parties are at different levels in terms of their capacity to implement the Convention. The Meeting of the Signatories and the various initiatives and task forces that are being carried out under it are important tools in promoting the goals and objectives of the Convention throughout the UN/ECE region. Donors and international organizations have a role to play in supporting early implementation of the Convention, and numerous initiatives are under way. Just as NGOs played a crucial role in the negotiation of the Convention, they can be expected to play an equally significant role in its implementation.

Ultimately the effective implementation of the Convention depends on the prospective Parties themselves, and their will to implement the terms of the Convention. The path towards full implementation promises to be an adventurous one, full of rewards and surprises as well as occasional obstacles. At the end of the trail, however, will be the framework for improved decision-making, a more active and engaged population, and greater availability of information. This Guide is intended to provide greater understanding of the Convention and greater uniformity in its application, assist prospective Parties in its early and effective implementation, and contribute to the Convention's coming into force.

The road from Aarhus

The Water and Health Protocol (London, 1999) to the UN/ECE Convention on the Protection and Use of International Watercourses and Transboundary Lakes was the first international instrument to take the provisions of the Aarhus Convention into account. Its article 10 includes provisions on public information based on articles 4 and 5 of the Aarhus Convention, and its article 5 (I) establishes the principles of access to information and public participation in its application. Also, its article 15 on compliance contains a requirement for appropriate public involvement, as in the corresponding article of the Aarhus Convention.

The Committee on Environmental Policy of UN/ECE has decided to review the consistency of the existing UN/ECE Conventions in force with the Aarhus Convention.

Under the Aarhus Convention itself, the Meeting of the Signatories has been established to carry forward work to ensure its early implementation and entry into force. (See commentary to article 20.)