

Promoting public participation in international forums

Access to information, public participation and access to justice in environmental matters are fundamental elements of good governance at all levels, essential for sustainability and generally improve the quality of decision-making and the implementation of decisions.

Each Party to the Aarhus Convention has a binding legal obligation to promote the application of the principles of the Aarhus Convention in international environmental decision-making process and within the framework of international organizations in matters relating to the environment.¹

What is the Aarhus Convention?

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted on 25 June 1998 in Aarhus, Denmark. It is commonly known as the Aarhus Convention.

The Aarhus Convention grants the public rights, and imposes on Parties and public authorities, obligations regarding access to information and public participation and access to justice. The Aarhus Convention also requires its Parties to promote these principles in the negotiation and implementation of international forums in matters related to the environment.

The Aarhus Convention is a new kind of environmental agreement. The Convention:

- Links environmental rights and human rights
- Acknowledges that we owe an obligation to future generations
- Establishes that sustainable development can be achieved only through the involvement of all stakeholders
- Links government accountability and environmental protection

The subject of the 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.

What is an international forum?

‘International forum’ means any multilateral international environmental decision-making process, or any multilateral international organization when dealing with matters relating to the environment, including:

- (a) The negotiation and implementation at the international level of MEAs, including decisions and actions taken under their auspices;
- (b) The negotiation and implementation at the international level of other relevant agreements, if decisions or actions undertaken at that level pursuant to such agreements relate to the environment or may have a significant effect on the environment;
- (c) Intergovernmental conferences focusing on the environment or having a strong environmental component, and their respective preparatory and follow-up processes at the international level;
- (d) International environmental and development policy forums; and
- (e) Decision-making processes within the framework of other international organizations in matters relating to the environment.

How can Aarhus Parties promote the principles of the Aarhus Convention in international forums?

In 2005, Parties to the Aarhus Convention adopted the *Almaty Guidelines on Promoting the Application of the Principles of the Convention in International Forums*.² The *Almaty Guidelines* are intended to provide guidance to Parties in promoting the principles of the Convention in the context of:

- (a) The development, modification and application of relevant rules and practices applied within international forums (e.g. rules of procedure covering issues such as transparency, accreditation, etc.); and
- (b) The treatment of relevant substantive issues within those forums.

The *Almaty Guidelines* apply to all international stages of any relevant decision-making process in matters relating to the environment.

The Meeting of the Parties to the Aarhus Convention has called on Parties and Signatories to:

- (a) Coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the *Almaty Guidelines*;
- (b) Provide access to information and enable public participation at the national level regarding international forums;
- (c) Promote the principles of the Convention in the procedures of other international forums and in the work programmes, projects, decisions, instruments and other substantive outputs of those forums.³

The Meeting of the Parties to the Aarhus Convention has encouraged Parties and Signatories to undertake collaborative activities by groups of Parties to promote the *Almaty Guidelines* and the principles of the Convention in international forums whose practices do not presently reflect the *Guidelines* or the principles of the Convention.⁴

¹ For a list of Parties to the Aarhus Convention, see www.unece.org/env/pp/ratification.html

² Available at www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf.

³ Decision IV/3 of the Meeting of the Parties to the Aarhus Convention, para. 9 (ECE/MP.PP/2011/2/Add.1).

⁴ *Ibid.*, para. 11.

A snapshot of the Almaty Guidelines on Promoting the Principles of the Convention in International Forums:

Access to environmental information

- Each Party should encourage international forums to develop and make public a clear and transparent set of policies and procedures on access to the environmental information that they hold.
- Environmental information, including that in official documents, should be provided proactively, in a timely manner, in a meaningful, accessible form and, where appropriate, in the international forum's official languages, so that access to information translates into greater knowledge and understanding. The use of appropriate technical means to make information accessible to the public free of charge, e.g., using electronic information tools, should be promoted.
- Any member of the public should have access to environmental information developed and held in any international forum upon request, without having to state an interest, as soon as possible and subject to an appropriate time limit, e.g. one month. The availability of information free of charge or, at most, at a reasonable charge should be promoted.
- Requests for environmental information should be refused only on specific grounds for refusal, taking into account the Convention's requirement that grounds for refusal should be interpreted in a restrictive way, taking into account the public interest in disclosure. Any refusal should give reasons and provide information on access to any review procedure.

Public participation in decision-making on environmental matters

- Participation of the public concerned in the meetings of international forums, including their subsidiary bodies, should be allowed at all relevant stages of the decision-making process, unless there is a reasonable basis to exclude such participation according to transparent and clearly stated standards. Where they are applied, accreditation or selection procedures should be based on clear and objective criteria, and the public should be informed accordingly.
- International processes should benefit from public participation from an early stage when options are still open and effective public influence can be exerted. This includes the negotiation and application of conventions; the preparation, formulation and implementation of decisions; and substantive preparation of events.
- Efforts should be made to proactively seek the participation of relevant actors, in a transparent, consultative manner, appropriate to the nature of the forum.
- Participation of the public should include, at meetings of international forums, the entitlement to have access to all documents relevant to the decision-making produced for the meeting, to circulate written statements and to speak, without prejudice to the ability of international forums to prioritize their business and apply their rules of procedure.
- Public participation procedures in international forums should include reasonable time frames for the different stages, allowing sufficient time for informing the public and for the public concerned to prepare and participate effectively during the decision-making process. The public should be informed in due time of the opportunities, procedures and criteria for public participation in the decision-making.
- In decisions of international forums, due account should be taken of the outcome of public participation. Transparency with respect to the impact of public participation on final decisions should be promoted.
- In any structuring of international access, care should be taken to make or keep the processes open, in principle, to the public at large. Where members of the public have differentiated capacity, resources, socio-cultural circumstances or economic or political influence, special measures should be taken to ensure a balanced and equitable process.
- Given that traditional arrangements for financial support can be quite costly, efforts should be made to apply innovative, cost-efficient and practical approaches to maximizing participation.

Access to review procedures

- Each Party should encourage international forums to consider measures to facilitate public access to review procedures relating to the application of the forums' rules and standards regarding access to information and public participation within the scope of the Guidelines.

For further guidance, see the text of the Almaty Guidelines.⁵

This flyer was prepared by the secretariat to the Aarhus Convention to assist Parties to the Convention and stakeholders.

For further information, contact:

Your Aarhus national focal point:

For contact details, see <http://www.unece.org/env/pp/nfp.html>

Aarhus Convention secretariat:

Email public.participation@unece.org

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

Aarhus Convention webpage on public participation in international forums: www.unece.org/env/pp/ppif.html

⁵ Available at www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf.