



# Public participation under the Aarhus Convention in the Context of Transboundary Water Management

*-18th meeting of Working Group on Integrated Water Resources  
management -*

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21 June 2023



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# Introduction

## Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)

- **Adoption:** 1998, Aarhus, Denmark
- **Entry into force:** 30 October 2001
- **Parties:** 46 Parties from across the UNECE region, including from Eastern, South Eastern Europe, Central Asia and Caucasus (45 States + EU) + Guinea Bissau = 38 Parties to the Water Convention are Parties to the Aarhus Convention
- **Accession:** Open globally
- **Three pillars:** access to information, public participation in decision-making, access to justice

# Aarhus Convention: *Public Participation in Transboundary Water Management*

THE RIGHT  
TO PARTICIPATE



- I. Public participation in decision-making on **activities, plans, programmes, policies & legislation** relating to transboundary water management- *articles 6, 7 and 8*
- II. Public participation in the work of international forums, such as Joint Bodies- *article 3(7)*

Prohibition of penalization, persecution, or harassment – *article 3 (8)*

Non-discrimination principle – *article 3 (9)*

# I. Public Participation on Activities, Plans, Programmes, Policies & Legislation

- Decisions to permit activities that may have a significant effect on the environment, incl. those related to water management, (e.g. inland waterways and ports for inland-waterway traffic, works for transfer of water resources between river basins; dams; any activity where an EIA with public participation is required under national law) - *article 6 and Annex I*
  - *Early, adequate, and effective notice; reasonable time-frames when all options are open; access to all relevant information; public entitled to comment; due account of public participation; prompt notice of decision.*
- Preparation of **plans and programmes** relating to the environment, incl. those related to water management (e.g. water management programme) - *article 7*
  - *Reasonable time-frames, early, when all options are open; due account to be taken of public participation*
- Preparation of **policies** relating to the environment, incl. those related to water management (e.g. policy on protection and management of water resources) - *article 7*
  - *“endeavor to provide” opportunities for public participation*
- Preparation of **legislation** that may have a significant effect on the environment, incl. those related to water management (e.g. water law)- *article 8*
  - *“strive to promote” effective public participation, when options are open: sufficient time-frames, public’s right to comment; due account “shall” be taken of public participation, as far as possible.*



# I. Public Participation on Activities, Plans, Programmes, Policies & Legislation

## Maastricht Recommendations (2015)

- Right of the public to participate in decision-making without discrimination as to citizenship, nationality, or domicile (article 3 (9))
- Arrangements with other countries (neighbouring or downstream countries or those with shared natural resources) including:
  - Time frames at least as long as those with no transboundary element
  - Public participation to begin when relevant documents are available to the public concerned in affected country
  - Notification about commencement of decision-making, possibilities to participate and, adopted decision, review procedures
  - Translation of documents and interpretation during meetings and hearings
- Internal arrangements in the county of origin:
  - Access to information on internet in main language(s) used in countries potentially affected
  - Waiving visa fees and expediting visa processes
  - Videoconferencing or teleconferencing
- No diplomatic relations or refusal to cooperate --> country of origin to use means that will not interfere with domestic affairs of the affected country

## II. Public Participation in International Forums

- **Article 3 (7):** Parties “shall promote” the principles of the Convention in international environmental decision-making (MEAs, including their implementation) and within the framework of international organizations in matters relating to the environment (in case of transboundary water management - Joint Bodies - River/Lake Basin Organizations)
- **Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (2005):**
  - (a) The development, modification & application of relevant rules and practices applied within international forums, e.g. rules of procedure covering issues as transparency (access to documents)
  - (b) The treatment of relevant substantive issues within those forums

# II. Public Participation in International Forums

## Almaty Guidelines (2005)

- **Access to information** – international forums to develop policies for access to information that they hold; information held to be published online or through other means, in a timely manner; information to be refused only on the basis of specific grounds for refusal.
- **Public participation** - participation in meetings as broad as possible; access to meetings to be restricted only if necessary and unavoidable for practical reasons; accreditation criteria should be clear and objective; access to all documents relevant for decision-making; reasonable time-frames; at a stage when all options are open.
- **Access to justice** – review procedures relating to the application of rules on access to information and public participation.

# Useful References

- **Aarhus Convention**

Available in English, French and Russian at:

<https://unece.org/environment-policy/public-participation/aarhus-convention/text>

- **Maastricht Recommendations:**

[https://unece.org/DAM/env/pp/Publications/2015/1514364\\_E\\_web.pdf](https://unece.org/DAM/env/pp/Publications/2015/1514364_E_web.pdf)

- **Almaty Guidelines:**

Available in English, French and Russian at: <https://www.unece.org/index.php?id=21464>

- **“Snapshot on the Almaty Guidelines to the Aarhus Convention”**

Leaflet prepared by the secretariat, in English, French and Russian:

<https://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/key-guidance-material/snapshot-on-the-almaty-guidelines.html>



For further information please contact:

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Thank you for your attention!

