Category: Procedural Obligations - General

Sub-Category: Treaties and Instruments

Name of Good Practice: (Aarhus) **Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

Key Words: Aarhus Convention, Access to Information, Access to Justice, Compliance, Future Generations, Monitoring, Participation, Principle 10, Regional, Right to a Healthy Environment, Rio Declaration

Implementing Actors: Nation State: 47 Parties to the Convention (as of December 2014); International Organisation: UN Economic Commission for Europe (UNECE)

Location: Europe, Central Asia

Description: The Aarhus Convention is a regional instrument on the rights to access of information, participation, and access to justice, enshrined in Principle 10 of the 1992 Rio Declaration. Adopted in June 1998, the Aarhus Convention states that 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, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention” (art. 1). Within this framework, the Convention sets out detailed procedural requirements on the rights of access to information, participation, and justice. The obligations in the Convention are imposed on public authorities as well as bodies performing public administrative functions, including privatised bodies having public responsibilities in relation to the environment and under the control of public authorities.

Article 15 of the Convention establishes the Compliance Committee, which has the authority to review a Party’s compliance on the basis of: (1) submission by a Party about compliance by another Party; (2) submission by a Party concerning its own compliance; (3) a referral by the secretariat to the Committee; and (4) communications by members of the public concerning a Party's compliance with the Convention. In addition, UNECE’s website explains that “the Committee may examine compliance issues on its own initiative and make recommendations; prepare reports on compliance with or implementation of the provisions of the Convention at the request of the Meeting of the Parties; and monitor, assess and facilitate the implementation of and compliance with the reporting requirements.” The Compliance Committee’s recommendations on a particular case are not binding. According to UNECE, the Committee has made findings in 47 cases since its inception.

Further Information: Information about the Convention is available on UNECE’s website: <http://www.unece.org/env/pp/introduction.html>.