Category: Obligation to Provide Access to Legal Remedies; Obligations Relating to Transboundary Environmental Harm

Sub-Category: Treaties and Instruments; International Cooperation

Name of Good Practice: Nordic Environmental Protection Convention

Key Words: Access to Justice, International Cooperation, Regional, Transboundary

Implementing Actors: National States: Denmark, Finland, Norway and Sweden

Location: Denmark, Finland, Norway, Sweden

Description: The Nordic Environmental Protection Convention, which entered into force on 5 October 1976, promotes international cooperation in remedying transboundary environmental harm by, among other things, allowing reciprocal access to domestic legal remedies between residents of State Parties to the treaty.

Article 2 of the Convention incorporates the principle of non-discrimination between the Parties, and provides: “In considering the permissibility of environmentally harmful activities, the nuisance which such activities entail or may entail in another Contracting State shall be equated with a nuisance in the States where the activities are carried out.” Article 3 provides for reciprocal access to domestic legal remedies for transboundary environmental harm, allowing foreign residents to pursue whatever remedies the country of origin would provide to its own residents if the harm occurred there. Article 3 states that “any person who is affected or may be affected by a nuisance caused by environmentally harmful activities in another Contracting State shall have the right to bring before the appropriate Court or Administrative Authority of that State the question of the permissibility of such activities including the question of measures to prevent damage” and “proceedings concerning compensation for damage.” With respect to the question of compensation for damages, the treaty provides that such “compensation shall not be judged by rules which are less favourable to the injured party than the rules of compensation of the State in which the activities are being carried out.” Article 3 also provides for individuals to “appeal against the decision of the Court or the Administrative Authority to the same extent and on the same terms as a legal entity of the State in which the activities are being carried out.”

Further Information: The Convention can be found at: <http://www.ecolex.org/ecolex/ledge/view/RecordDetails;jsessionid=A21C59B633153DC83065ADE4F4E971B2?id=TRE-000491&index=treaties>.