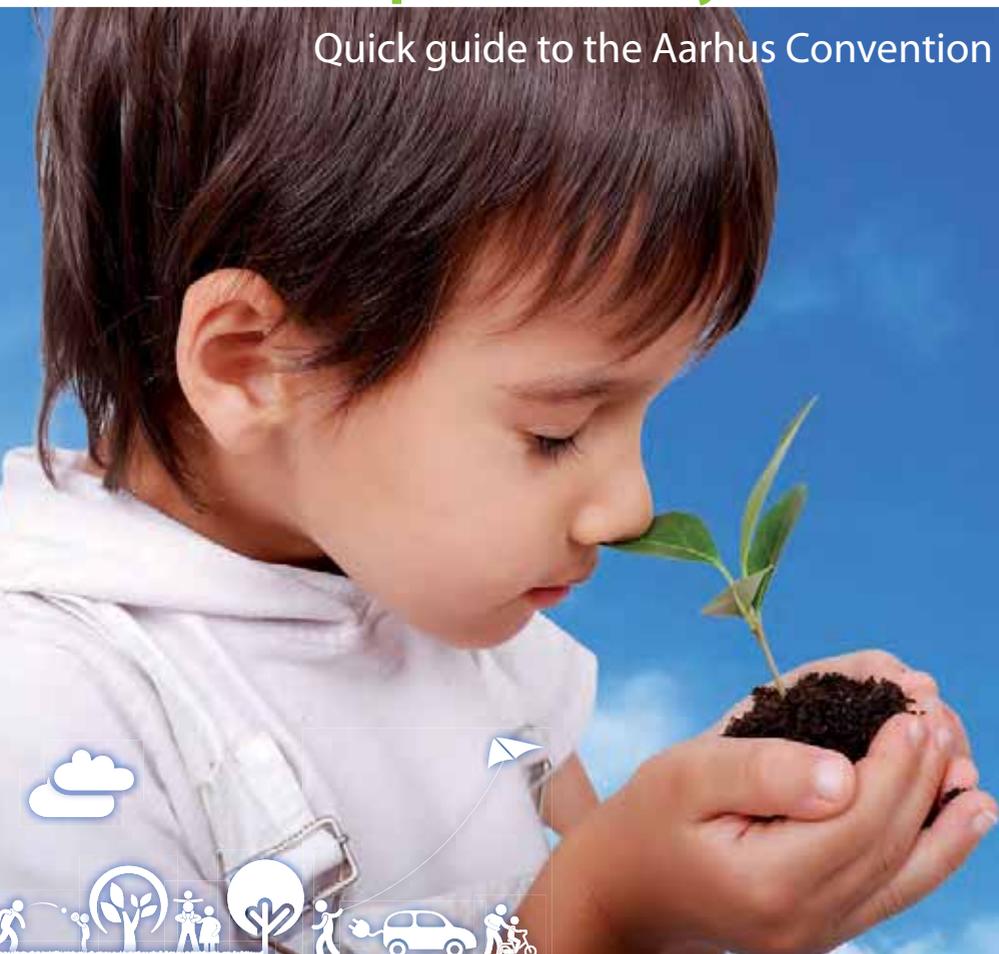


UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

Protecting your environment

The power is in your hands

Quick guide to the Aarhus Convention



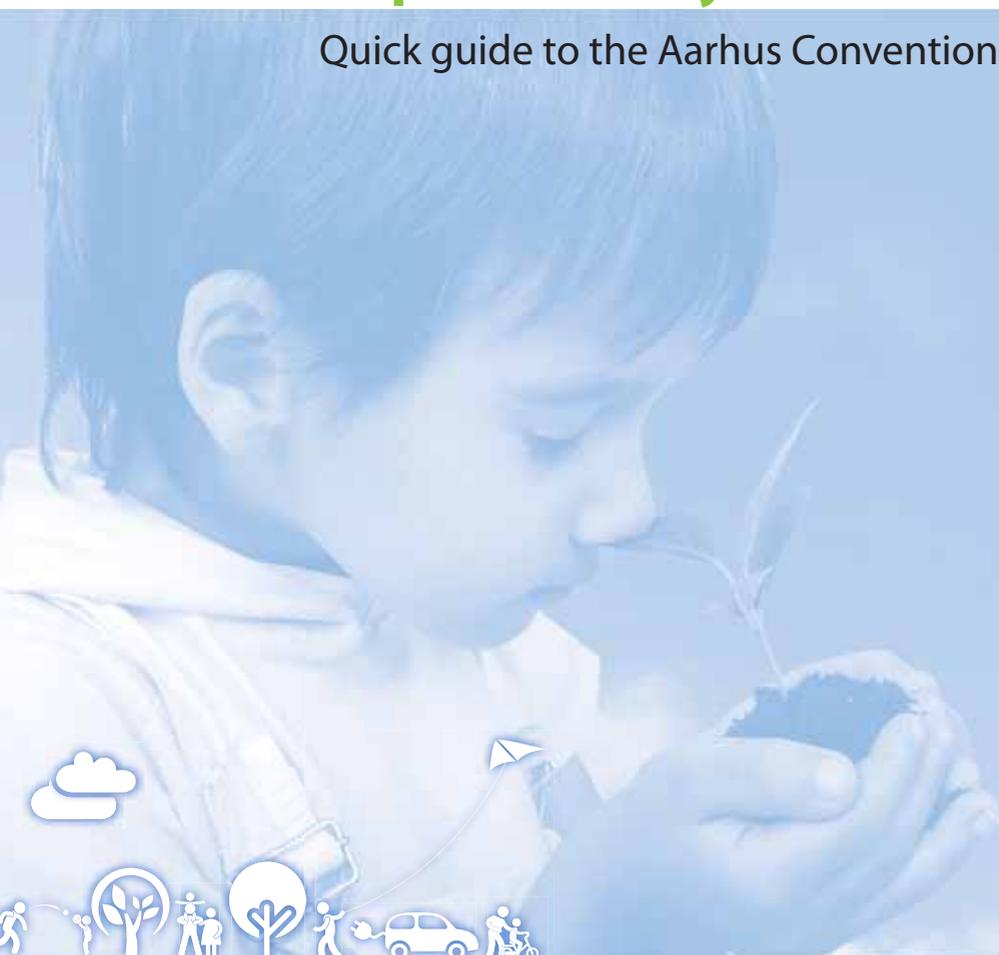
UNITED NATIONS

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ECE/MP.PP/9



UNITED NATIONS
Geneva, 2014

A young girl with brown hair and bangs is shown in profile, blowing a dandelion seed head. She is wearing a light blue cardigan. The background is a bright, sunlit field of tall grass, with the dandelion seeds captured in mid-air, creating a soft, ethereal effect. The lighting is warm and natural, suggesting a sunny day.

“This treaty’s powerful twin protections for the environment and human rights can help us respond to many challenges facing our world, from climate change and the loss of biodiversity to air and water pollution. And the Convention’s critical focus on involving the public is helping to keep governments accountable.”

Ban Ki-moon,

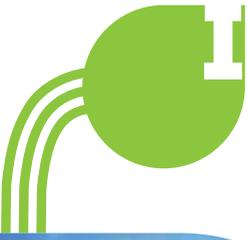
Secretary-General
of the United Nations



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CREATING THE RIGHT ENVIRONMENT



Take five

Take just five seconds before you read another sentence. Look around you. Breathe in. Listen.

What you have just experienced is your environment — the surroundings and conditions in which you live.

Now take few minutes to read how you can help shape your environment so that it remains healthy and safe, for you and generations to come.

A Fragile Balance

We often take our environment for granted or assume that it will stay as it is. But our environment is changing all the time — new motorways are being built and new airports, ports and wastewater treatment plants are being constructed to keep up with new town or city developments. Farming and food production is becoming more intensive, sometimes creating environmental risks.

All of these changes and developments have an impact on our natural environment. Land is cleared or reclaimed. More energy sources and natural resources are explored or mined. And the waste and emissions created by all of this development must be dealt with safely.

If planned well, and in cooperation with the people that may be affected by them, developments like these can make our lives, and the lives of future generations, better. Sometimes though, development can lead to serious environmental problems and irreversible degradation. This can put people's health, safety and quality of life at serious risk.

The Aarhus Convention — or to give it its full name — the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters — is a unique international agreement that helps prevent these risks. It gives you rights, and imposes clear obligations on governments and their public authorities to help ensure that your environment is protected and that our world is a better place to live in. It gives you and everyone around you the right to live in an environment that protects and sustains your health and well-being.

AIM OF THE CONVENTION

“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.”

(Article 1 of the Aarhus Convention)

The Power of Three

The Aarhus Convention is a unique environmental treaty because it explicitly links environmental rights with human rights. It recognizes that you have the right to information about, to have a say in, and if necessary, to seek justice regarding important decisions that affect you and your environment.

You could say it is a Convention to the power of three.

It gives you **three core rights**:

THE RIGHT TO INFORMATION



THE RIGHT TO PARTICIPATE



THE RIGHT TO JUSTICE



It is organized around **three pillars**, reflective of these core rights which provide a valuable, mutually reinforcing mechanism to hold Governments and decision makers accountable.

It has **three region-wide, expert task forces**, which work continuously to improve and share good practices in the implementation of each of the Convention's three pillars.

Three core rights at its centre

The Aarhus Convention gives you the right to:



THE RIGHT TO INFORMATION

Access to environmental information held by public authorities upon request. In addition, public authorities must actively collect and disseminate certain types of environmental information.



THE RIGHT TO PARTICIPATE

Participate in decision-making on decisions to permit activities that may have a significant effect on the environment and during the preparation of plans, programmes, policies and legislation relating to the environment.



THE RIGHT TO JUSTICE

Access to justice regarding environmental matters to challenge a refusal or inadequate response to request for information; to challenge the legality of a plan or programme or a decision on a specific activity; or to challenge actions or omissions that contravene national environmental law.



Read more on the Convention's power of three in Part III.

Strengthening democracy

Progressive governments increasingly recognize and understand that environmental decisions will only be sustainable if reached through a transparent, participatory and accountable process. The Aarhus Convention provides governments with standards to ensure that this happens.



© tagxedo.com

Parties to the Aarhus Convention

A Party (written with an uppercase “P”) means a country that has ratified the Convention. Parties to the Aarhus Convention reflect the diversity of Europe, the Caucasus and Central Asia — from the wealthiest societies and increasingly prosperous energy exporting economies to landlocked low-income developing economies. In addition, the European Union is a Party to the Convention. The Convention has proved an effective tool for recognizing people’s right to a healthy environment by influencing and strengthening related legislative structures and practices right across the region. Parties meet every three years to review progress on their implementation of the Convention and to plan work for the period ahead.

Unique principles and mechanisms

The Aarhus Convention’s principles of transparency, access to information, public participation, non-discrimination, non-persecution and justice are key components of a stable and secure society which is more likely to be economically prosperous and environmentally sustainable.

Non-discriminatory

The Convention requires that the public have access to information, the possibility to participate in decision-making and access to justice without discrimination as to citizenship, nationality or place of residence. This includes legal persons irrespective of their place of registration or effective centre of activities.

Duty to our children

The Aarhus Convention is forward looking. It not only recognizes that there is an equal right and duty to environmental protection and human rights today, it also makes clear that we have an obligation to protect and improve the environment for the benefit of present and future generations.

Living document

The Aarhus Convention is a living treaty. It is interpreted in a dynamic way to reflect the experiences gained as it is implemented, and to keep up with social developments, technical innovations and new environmental challenges.

The principles underlying the Convention and the practical experience gained in its implementation are informing action on a wide range of modern global concerns, such as climate change, sustainable development, human rights, nuclear energy, water management, greening the economy, environment and health and the eradication of poverty.

Ongoing reviews



The Parties' implementation of the Aarhus Convention is under continual review in a consultative and non-confrontational way. Central to this is the innovative Aarhus Convention Compliance Committee, which examines communications of alleged non-compliance by Parties brought by individuals, non-governmental organizations (NGOs) and other Parties. In addition, Parties must report on their progress in implementing the Convention at regular intervals, including through the submission of comprehensive national implementation reports to sessions of the Meeting of the Parties every three years. This ongoing review helps to ensure that public rights to information, participation and access to justice remain political priorities at the national level and are continuously strengthened.

Global reach...

The Aarhus Convention is open for accession by any country in the world. Its unique set of rights and obligations are every bit as relevant for the entire, increasingly interdependent, global community.

...and presence at international forums

Parties to the Convention are required to promote the principles of the Convention in international organizations and international processes in matters relating to the environment. In this way, the Convention is helping to ensure greater transparency and public accountability not only at the national level but also when decision-making moves onto an international stage.



FROM RIO TO AARHUS — A WALK THROUGH TIME



Skadar Lake -
Montenegro
© Raicevic

Since the 1970s there has been a growing recognition of the link between environmental concerns and human rights. In 1992, at the United Nations Conference on Environment and Development or “Earth Summit” in Rio de Janeiro, this link was formally made when 178 Governments adopted the Rio Declaration on Environment and Development, which is still seen as a landmark declaration today. Principle 10 of the Rio Declaration clearly stated, for the first time in an international instrument, that “environmental issues are best handled with the participation of all concerned citizens” and that “each individual shall have appropriate access to information”, the right “to participate in decision-making” and “effective access” to justice.

In 1998, the Governments of the United Nations Economic Commission for Europe (ECE) adopted the Aarhus Convention. It remains the only internationally legally binding treaty enshrining Principle 10 of the Rio Declaration. Strong links between human rights and environmental protection were thereby widely acknowledged. As an example, the European Court of Human Rights has cited the Aarhus Convention in a number of cases.

AARHUS ENSHRINES PRINCIPLE 10 OF THE 1992 RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT

Principle 10:

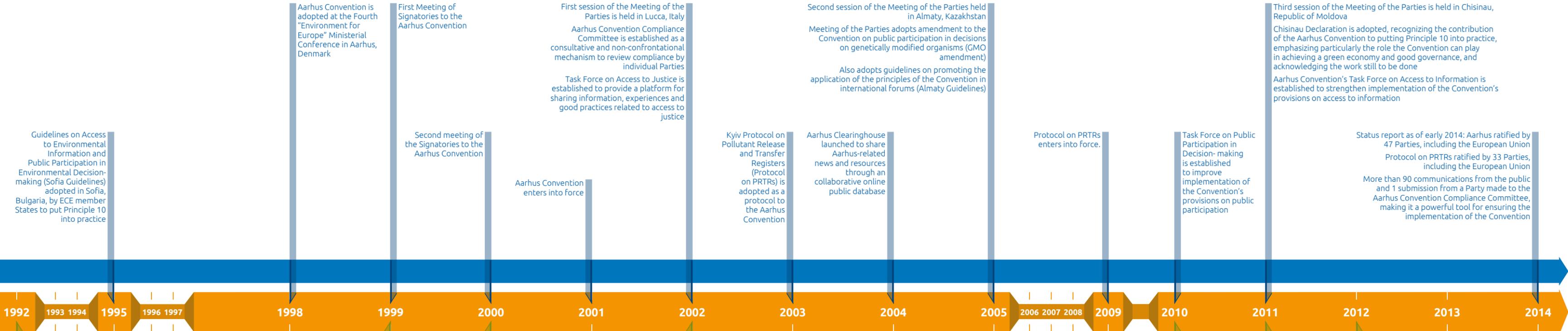
Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.



AARHUS CONVENTION DEVELOPMENTS

YEAR

RELEVANT ENVIRONMENTAL DEVELOPMENTS AROUND THE WORLD



1992 Earth Summit The Rio Declaration on Environment and Development adopted: Principle 10 stresses that environmental issues are best handled with the participation of all concerned citizens
Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) adopted: Includes provisions on public information concerning the protection and use of transboundary waters

1998 Protocol on Water and Health to the Water Convention adopted. The Protocol aims to protect human health and well-being by better water management and is the first international instrument to take Aarhus provisions on board

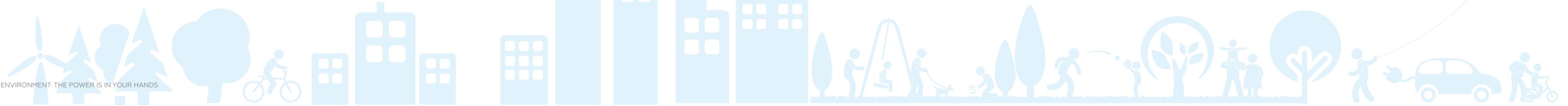
1999 Millennium Development Goals established following the Millennium Summit of the United Nations

2002 World Summit on Sustainable Development, Johannesburg, South Africa

2009 United Nations Environment Programme (UNEP) adopts Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters, in Bali, Indonesia (Bali Guidelines). Aarhus Parties play an active part in the negotiation of the Guidelines

2010 United Nations Human Rights Council appoints new Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

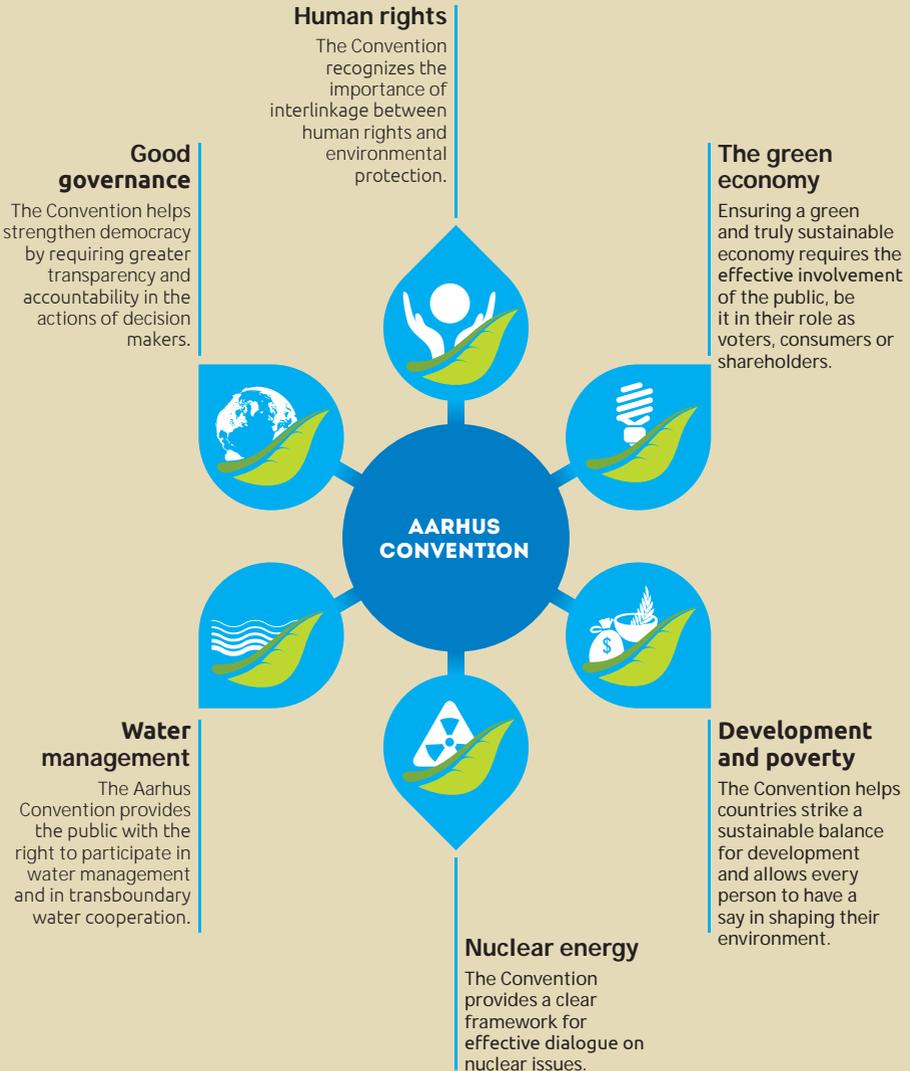
2012 United Nations Conference on Sustainable Development (Rio+20 Conference) held in Rio de Janeiro, where 192 Governments renew their political commitment to sustainable development. Also, a number of Latin American and Caribbean countries adopt a declaration launching a process to explore the feasibility of adopting a regional instrument on Principle 10
United Nations Human Rights Council appoints first Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment to, among other things, promote best practices relating to the use of human rights in environmental policymaking

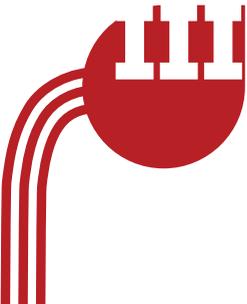




Influencing critical global issues

The principles enshrined in the Convention, along with the experience gained in its everyday implementation, cut across a range of critical global issues, sectors and industries. The diagram shows just some of the ways in which the Aarhus Convention is helping to improve the world in which we live today.





THE POWER OF THREE — YOUR RIGHTS UNDER THE CONVENTION



The Aarhus Convention recognizes your right to a healthy environment. Nothing can be more central to your health and well-being than the quality of the place you live, breathe, eat, play or work every day. This applies not only to you and your family now, but to the health of future generations to come as well.

The Convention grants you, as a member of the public, rights and imposes obligations upon public authorities concerning access to information, public participation and access to justice regarding environmental matters.

Under the Convention, members of the public include natural or legal persons, as well as their organizations, associations and groups. The Convention gives particular rights to persons who are likely to be affected by or have an interest in environmental decision-making, as well as to environmental NGOs. At the core of the Aarhus Convention are three rights, reflected in the three pillars of the Convention. They are:

1. The right to have access to environmental information.
2. The right to participate in decision making in environmental matters.
3. The right to have access to justice in environmental matters.

The primary obligations contained in the Aarhus Convention are directed at public authorities. This means government at national, regional or other levels and bodies performing public administration functions. Natural or legal persons having public responsibilities in relation to the environment and which are under the control of public authorities — such as utility companies supplying energy or water — are also subject to the obligations laid out in the Convention.

The right to have access to environmental information



Access to environmental information is the first and most fundamental of the three pillars — it is an essential first step towards the realization of the other two rights.



Definition of environmental information (Article 2, paragraph 3)

Material form

Information in written, visual, aural, electronic or any other material form.

ELEMENTS OF THE ENVIRONMENT

(a) The state of elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

FACTORS

(b) Factors, such as substances, energy, noise and radiation, and activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programmes, affecting or likely to affect the elements of the environment, and cost-benefit and other economic analyses and assumptions used in environmental decision-making;

STATE OF HABITAT

(c) The state of human health and safety, conditions of human life, cultural sites and built structures, inasmuch as they are or may be affected by the state of the elements of the environment or, through these elements, by the factors, activities or measures referred to in subparagraph (b) above.



You have the right to ask a public authority of a Party to the Convention, or any private body that serves a public function in a Party, for a wide range of environmental information, from air quality to noise levels to economic analyses used in environmental decision-making. You do not have to provide a reason for your request. You or your organization does not have to be citizen or resident of the country from which you are requesting the information, or located near the area you are requesting information about.

Your request should be processed by the authority in a timely manner (the general rule is within one month) and should be provided in the form that you request (e.g., paper or electronic form). If the authority does not hold the requested information, it should either promptly inform you of the name of the authority it believes holds this information, or transfer your request to that authority, and inform you accordingly. Your request may only be refused on the basis of very limited permitted exceptions, for example if disclosure would adversely affect public security, the course of justice or the confidentiality of commercial information protected by law. The grounds for refusal must be interpreted in a restrictive way, taking into account the public interest served by disclosure. The refusal shall be granted in writing and state the reasons and information on access to the review procedure. Wherever possible, any information exempted from disclosure should be separated out and the rest of the requested information disclosed. If the authority wishes to charge for supplying the requested information, it should not exceed a reasonable amount and the schedule of charges should be made available in advance.

Governments and public bodies must also proactively disseminate vital environmental information without request — information on issues like air pollution or water quality, for example. In the event of any imminent threat to human health or the environment, for example an industrial accident which releases harmful chemicals into your local river, all information which could enable the public to take measures to prevent or mitigate harm arising from the threat should be disseminated immediately to members of the public who may be affected.

AN ENVIRONMENTAL LIBRARY AT YOUR FINGERTIPS

www.portalu.de

PortalU — The German Environmental Information Portal (www.portalu.de) — provides quick and simple public access to a wide range of environmental information, documents, data and digital maps. It is a one-stop shop to access environmentally relevant web pages, data catalogues and databases from over 450 public organizations in Germany. You can search through the whole information range or search selectively through single environmental topics, digital maps, measured data, press information or historical events.



It is like having an entire environmental State library at your fingertips, and is a working example of a public authority providing active access to information, as set out in the Aarhus Convention.

On the site, it's possible to check for the latest news or monitoring data relating to air quality, or get up-to-the-minute information on a legislative proposal or adopted law on waste management. You can search multiple sources of information on an environmental matter from across the German federal states and local authorities, as well as other resources often not accessible through Internet search engines. This website is just one example of how the Aarhus Convention is influencing public access to information. Austria, Serbia, and Georgia, as well as several other countries in the ECE region, have established similar sites or portals.



Public participation in decision-making is at the heart of the Aarhus Convention. If the public is able to participate in decisions relating to the environment from the outset, it is likely that the final outcome of a project or development will be more acceptable to them, more sustainable and less harmful to the environment. It also means that hidden or unexpected aspects of a proposed activity can be uncovered early, helping to avoid costly mistakes.

The Convention requires Parties to provide for early and effective public participation, when all options are still open, on decisions to permit certain types of activities and during the preparation of plans, programmes and, to the extent appropriate, policies related to the environment. Parties must also promote effective public participation during the preparation of legislation and regulations that may have a significant effect on the environment. The Convention requires that such public participation be genuine and not just for show. Authorities must take the outcomes of the public participation into due account in their final decisions.

The effectiveness of the Convention's public participation pillar is closely linked with the other two pillars: to participate in a meaningful way you must have access to all the information relevant to the decision-making and, should your rights to participate be denied, you should have access to review procedures.

The model of public participation enshrined in the Aarhus Convention is today widely recognized as the international benchmark of how to ensure the public may participate effectively in environmental decision-making.



© Eco Tiras





The Aarhus seven-step model on public participation in decision-making



1 Early, adequate and effective notice

Early notice of the environmental decision-making procedure, in an adequate, timely and effective manner of, among other things:

- The proposed activity
- The nature of possible decisions
- The public authority responsible for making the decision
- The public participation procedure envisaged (including time frames and opportunities to participate)



2 Early public participation, when all options are open, and reasonable time frames

Early public participation, when all options are open is a precondition for effective public participation to take place. Reasonable time frames means allowing sufficient time for informing the public and for the public to prepare and participate effectively in the decision-making



3 Access to all relevant information

Access to all information relevant to the decision-making, free of charge and as soon as it becomes available



4 Opportunity to comment and/or be heard

The public is entitled to submit any comments, information, analyses or opinions it considers relevant to the proposed activity, in writing or, as appropriate at a public hearing or inquiry



5 Due account to be taken of public participation

The competent public authority must ensure due account is taken of the outcome of the public participation



6 Prompt notice of decision

The public must be promptly informed of the decision. The text of the decision must be made accessible, along with the reasons and considerations on which it is based



7 If operating conditions are reconsidered or updated, the above steps should be repeated, as appropriate

If the public authority reconsiders or updates the operating conditions for the activity, the above requirements should be applied again as appropriate

CLIMATE ROAD TRIP

Nordland County is located along the north-west coast of Norway. Nordland County Council developed a Regional Plan for Climate Change to inform people about the impact of climate change on the fragile coastal province they are living in. The Council wanted to raise public awareness, to create debate about climate change and energy issues and to get feedback on the Regional Plan from a wide range of people. The Council also hoped that, if people knew and understood the risks of climate change, they would be more receptive to changing their energy use, thus helping to reduce greenhouse gases.

So, the Council took to the road — moving from town to town by electric car and setting up information tents at markets and in town squares to talk to people face to face about climate change and how it related to their daily life. The Council worked hard to find new and fun ways to engage with people and used social media to encourage input from young people in particular. A notable success from the road trip was the increased level of engagement by those, like older people or children, who might have not otherwise had had the chance to participate.



Scenic town of Reine on Lofoten Islands in Norway
© Harvepino

The right to effective access to justice



Under the Aarhus Convention, you are entitled to have access to judicial or administrative review procedures to challenge:

- A refusal or an inadequate response to a request for environmental information.
- The legality of a decision, act or omission to permit a specific activity.
- Acts or omissions by private persons or public authorities that contravene national environmental law.



Access to justice procedures should be fair, equitable and timely. The remedies provided should be adequate and effective and there should be access to injunctive relief where appropriate.

Finally, and importantly, administrative and judicial procedures must not be so expensive that they deter people from seeking access to justice, and Parties must provide an inexpensive, accessible way for people to submit their complaints.



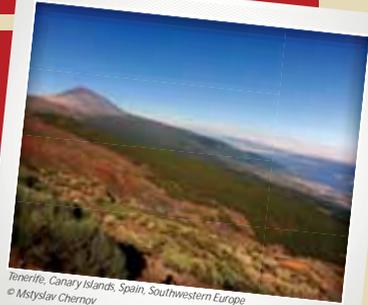
NGO'S RIGHT TO JUSTICE UPHELD

On the Canary Island of Tenerife, a private company wished to develop a port in a marine area in which a threatened species of sea-grass was found. The public authority issued an order to remove the species of sea-grass — *Cymodea Nodosa* — from the catalogue of threatened species on the islands.

At the application of an environmental NGO, *Federación Ecologista Ben Magec, Ecologistas en Acción*, the Court granted an interim measure to suspend the order from coming into force. The national and regional governments, together with the private company involved, contested the decision. They argued that the suspension of the port development would cause irreparable damage to the public interest because of the project's socioeconomic potential. In their view, the economic public interest outweighed any interest in protecting the sea-grass.

The court took both issues into account and reconfirmed the suspension of works on the Port.

Moreover, even though national legislation stated that a bond sufficient to compensate for harm to the other party may be required before the grant of injunctive relief, the Court decided that requiring such a bond would in this case effectively impede the NGO's right of access to justice under the Convention. While the Court was entirely aware of the economic consequences of the port project being halted, it was also aware that if the injunction were subject to a compensation bond, the NGO would not be able to continue with its application, meaning that the injunction would inevitably be lifted and resulting in irreversible damage to the sea-grass and the environment.



Tenerife, Canary Islands, Spain, Southwestern Europe
© Mstyslav Chernov

STRENGTHENING THE CONVENTION

Ensuring implementation and compliance

A number of unique procedures are built into the Aarhus Convention to ensure that its implementation at the national level is continuously under review and that Parties are in compliance.

Specialized task forces and a work programme of activities

The Convention has three dedicated task forces which work specifically to improve the implementation of each of the Convention's pillars. Experts from governments, NGOs, other international organizations, the private sector and academia all play an active role in the work of the task forces. In addition, at each of its three-yearly sessions the Meeting of the Parties adopts a work programme of activities to be carried out under the Convention during the next three years.

Monitoring national implementation

National implementation of the Convention is monitored and evaluated through Parties' obligation to submit national implementation reports every three years to the Meeting of the Parties for its review.



© unkl's dump trunk -
creative commons

COMPLIANCE COMMITTEE HELPS ALBANIA MEET ITS AARHUS CONVENTION OBLIGATIONS

In 2007 the NGO Alliance for the Protection of the Vlora Gulf submitted a communication to the Aarhus Convention Compliance Committee alleging that local communities had not been informed or consulted, as the Aarhus Convention requires, about plans by the Albanian authorities to establish a major industrial and energy park north of the port of Vlora on the Adriatic coast. The project included plans for oil and gas pipelines, installations for the storage of petroleum, three thermal power plants and a refinery near the Lagoon of Narta, on a site inside a protected National Park.



In its 2007 findings, the Committee found that Albania had not complied with the Convention. The Albanian authorities had issued the planning decision for the industrial energy park and the thermal electrical power station without properly informing and consulting with the public concerned as the Convention required. The Committee also found that the Government's regulatory framework was not clear, transparent and consistent. It made recommendations on how Albania could improve its compliance with the Convention on the issues identified. It invited international financial institutions involved in the project to provide advice and assistance to the Party concerned in implementing the Committee's recommendations.

At its third session in 2008, the Meeting of the Parties endorsed the findings of the Committee and issued a decision based on the Committee's recommendations. Over the next three years, the Committee monitored Albania's progress in implementing the Committee's recommendations and Albania reported on the measures it was taking to fulfil its obligations so that the public could participate in similar plans and activities, including follow-up phases of the Vlora project. In its report to the fourth session of the Meeting of the Parties in 2011, the Committee considered that the measures taken by Albania were sufficient and that it was no longer in a state of non-compliance.

Compliance mechanism



In addition, the Convention has an innovative compliance review mechanism which allows members of the public, as well as Parties, to bring issues regarding a Party's compliance before a special compliance committee made up of independent experts. The Aarhus Convention Compliance Committee underpins the openness and transparency of the Convention. It works in a non-confrontational, non-judicial and consultative way and provides a crucial interface between the public and the Parties through which issues of compliance can be addressed.

Since its establishment in 2002, the Compliance Committee has reached a number of significant findings and has been instrumental in helping to ensure that Parties meet their obligations and, when necessary, change their legal and administrative systems to ensure that people's environmental rights under the Aarhus Convention are upheld.

The compliance mechanism can be triggered in four ways:

1. A Party can make a submission about compliance by another Party.
2. A Party can make a submission concerning its own compliance.
3. The Aarhus secretariat can make a referral to the Committee.
4. You, as a member of the public, can make communications concerning a Party's compliance with the Convention.





From communication to compliance — how the Compliance Committee works to ensure compliance with the Convention

STEP

1

Submission of communication

The communication is submitted, preferably by e-mail, to the secretariat.

Registration

The secretariat registers the communication, checks it and acknowledges its receipt.

STEP

2

STEP

3

Determination on provisional admissibility

The Committee determines communication's provisional admissibility and appoints its member as a curator. If the communication is found inadmissible, a datasheet on its basic facts is made available online and the file is closed.

Communication is forwarded to Party concerned for response

Communication, if preliminary admissible, is forwarded to the Party concerned, which has five months to respond to the allegations as well as raise concerns it may have about the admissibility. The Committee may send written questions to either or both parties. All documentation is posted online.

STEP

4

STEP

5

Committee commences its deliberations

The Committee starts its deliberations once a response to the communication is received from the Party concerned (or if there is no timely response). Depending on the response, the Committee may send additional written questions to either or both parties.

Oral hearing

An oral hearing may be held in open session in the presence of both parties. At the hearing both parties are invited to make statements, as well as to answer questions from the Committee. Observers also have an opportunity to make statements. The Committee then issues its final decision on admissibility. The Committee may ask the parties to respond to additional questions in writing after the hearing.

STEP

6

Deliberations on draft findings

The Committee deliberates on its draft findings in closed session. Once the draft findings are completed, they are sent to both parties for their comments and posted online.

STEP

7

STEP

8

Recommendations to the Party pending the next session of the Meeting of the Parties

If the Committee finds the Party to be in non-compliance, it may, prior to the endorsement of the Committee's findings and recommendations by the Meeting of the Parties and subject to the agreement of the Party, include in its draft findings, recommendations addressed directly to the Party about steps that Party should take to come into compliance. In this way, the Committee can assist the Party to come into compliance even before the next session of the Meeting of the Parties.

Findings finalized and adopted

The Committee, having considered the comments received from the parties and any observers, finalizes and adopts the findings. They are sent to the parties, published online and submitted to the next session of the Meeting of the Parties for its endorsement.

STEP

9

STEP

10

Implementation of recommendations pending the next session of the Meeting of the Parties

In the intersessional period, the Committee monitors the progress made by the Party, also considering any comments from the communicant and observers, and makes a report on the Party's progress to the next session of the Meeting of the Parties.

Endorsement by the Meeting of the Parties and decision on non-compliance

The Committee's findings are submitted to the next session of the Meeting of the Parties for its endorsement, together with any report on the Party's progress to implement the Committee's recommendations in the meantime. If the Committee found the Party concerned to be in non-compliance, the Meeting of the Parties may adopt a decision on compliance concerning that Party.

STEP

11

STEP

12

Follow-up of decisions on non-compliance by the Meeting of the Parties

The Committee monitors progress by the Party in implementing the Meeting of the Parties' decision on non-compliance, considering also comments from the communicant and observers. The Committee reports to the next session of the Meeting of the Parties on whether the Party has sufficiently fulfilled the conditions set out in the relevant decision. If not, at its next session the Meeting of the Parties may adopt a further decision on non-compliance concerning that Party. The Committee will monitor the Party's progress until it enters into compliance.

Keeping pace with environmental developments

The Aarhus Convention is always evolving to keep pace with emerging issues and technical advances that may affect your environment.

Amendment on GMOs

In response to the growing recognition, including in a green economy context, of the need for transparency and public participation in decision-making on genetically modified organisms (GMOs), in 2005, the Parties adopted an amendment to the Convention on GMOs. The amendment gives you the right to participate in decisions on the deliberate release and placing on the market of GMOs.

Protocol on Pollutant Release and Transfer Registers

In 2003, Parties adopted the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) — also known also as the Kyiv Protocol — as the first legally binding international agreement on pollutant release and transfer registers (PRTRs). A PRTR is a publicly accessible online database, or register, which requires operators to provide up-to-date information on their release and transfer of pollutants. The Protocol requires information to be disclosed on the release and transfer of a large number of listed pollutants, including greenhouse gases, heavy metals and toxic chemical compounds.

The Protocol entered into force in 2009 and is already acknowledged to have brought transparency and accountability regarding emissions into the environment to a new level.

The Protocol helps governments and policymakers by providing key indicators with which they can measure and track the gradual reduction of pollutants, thereby advancing sustainability and the potential of achieving a green economy. It also benefits you and your family by helping to reduce the release of toxic chemicals and greenhouse gases. An interesting impact of the Protocol is that it has led to competition among companies to reduce their polluting releases and is now operating as much as a register as well as a deterrent.



Promoting public participation in international forums

Parties to the Convention have an obligation to promote the principles of the Convention in international organizations and international processes relating to the environment. For example, prior to taking part in international negotiations and events, each Party should inform the public and seek its input on the issues to be discussed. Parties should also push for greater openness and transparency in international negotiations on environmental matters, with opportunities for the public to be heard on the issues on the table. After an international event is over, they should inform the public of its outcomes and make sure that they involve the public when implementing those outcomes. Thematic sessions on public participation in international forums are held under the Convention to assist Parties in implementing their obligation. Ongoing advisory assistance is also provided to interested international forums to support them in making their procedures more open and participatory.

Global significance

The significance of the Aarhus Convention is global. The principles of environmental democracy enshrined in the text of the Convention are universally accepted as essential elements of sustainable development. In keeping with this, Parties to the Convention include countries all along the economic spectrum, from some of the world's wealthiest economies to countries with economies in transition to those with some of the world's lowest gross domestic products. Thus, the Convention is far from an exclusive agreement for "rich countries". The Convention is open for accession by any United Nations Member State, and more than a decade after its entry into force it is still the world's only legally binding international treaty on access to information, public participation and access to justice regarding the environmental matters.

In addition, the Convention is serving as a living, tried and tested, model for more participatory, transparent governance on environmental matters in other regions. They are drawing upon the principles, design and experience of the Aarhus Convention as a model for the development of their own environmental rights agreements. In addition, the principles of the Aarhus Convention have strongly influenced the environmental policies of several international financial institutions.



Key players in the daily life of the Convention

An important strength of the Convention lies in its multilateral institutional framework, based on the Meeting of the Parties, its subsidiary bodies, such as the Working Group of the Parties, the task forces and the Compliance Committee, as well as a permanent secretariat hosted by ECE in Geneva. This institutional framework assists Parties in implementing the Convention, including through facilitating the exchange of experience and good practices, preparing guidance material and recommendations, developing legally binding instruments and carrying out capacity-building activities. Ultimate responsibility for the implementation of the Convention, however, always remains with the Parties.



Parties

Being a Party to the Convention means that a Government must take the necessary legislative, regulatory and other measures, as well as proper enforcement measures, to establish and maintain a clear, transparent and consistent framework to implement the provisions of the Convention.

Each Party is required to appoint a national focal point, normally a public official in the ministry responsible for environmental matters, who is responsible for overseeing the implementation of the Convention at the national level and reporting back to and taking part in meetings at the international level.

NGOs

NGOs play a fundamental role in promoting the implementation of the Convention at the national level on a day-to-day basis and furthering the ambitions of the Convention at the international level. All meetings of the Convention's bodies are open to the public, and the active engagement of NGOs and other stakeholders in all aspects of the Convention's work is greatly welcomed and encouraged.

International organizations

A range of international organizations play an important and ongoing role in supporting the implementation of the Convention at the national level. They include the United Nations organizations and agencies, the secretariats of other multilateral environmental agreements, the international financial institutions and other international governmental organizations and the Regional Environmental Centres.

Aarhus Centres and Public Environmental Information Centres

Aarhus Centres, most of them supported by the Organization for Security and Cooperation in Europe, have been very active in promoting the Aarhus Convention at the national and local levels in many countries, providing information and support to people to help them to understand and to exercise their rights under the Convention.





For more information:

Aarhus Convention website

<http://www.unece.org/env/pp/welcome.html>

Text of the Aarhus Convention

<http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

Aarhus Convention Implementation Guide, second edition

<http://www.unece.org/env/pp/publications/aig>

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List of Aarhus Convention national focal points

<http://www.unece.org/env/pp/nfp>



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The UNECE Environment Division



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