



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

### **Regional implementation of Principle 10**

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted in 1998 at the Fourth Ministerial Conference in the 'Environment for Europe' process. The Convention is the region's main effort, and the only legally-binding instrument so far, to implement Principle 10 of the Rio Declaration on Environment and Development.

The Aarhus Convention is a new kind of environmental agreement which links environmental rights and human rights. It establishes that sustainable development can be achieved only through the involvement of all stakeholders.

It links government accountability and environmental protection and focuses on interactions between the public and public authorities.

The subject of the Aarhus Convention goes to the heart of the relationship between people and governments. The Convention is not only an environmental agreement, it is also a treaty about government accountability, transparency and responsiveness.

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. It also promotes the application of its principles in international environmental decision-making processes and fora.

### **Protocol on PRTRs**

The Protocol on Pollutant Release and Transfer Registers (PRTRs) was adopted in May 2003. The first legally binding international instrument on PRTRs, the Protocol's objective is to enhance public access to information through the establishment of coherent, nationwide registers of pollutants from industry and other sources.

Although regulating information on pollution, rather than pollution directly, the Protocol is expected to exert a significant downward pressure on levels of pollution. No company wants to be identified as being among the biggest polluters. PRTRs also assist governments in collecting information on the emission of greenhouse gases and hazardous substances, thus contributing to the fight against global warming and toxic chemicals posing the most significant threats to the global environment and human health.

### **Global significance and relevance outside UNECE**

Although regional in scope, the significance of the Aarhus Convention is global. In 2000, Kofi Annan, then Secretary-General of the United Nations, said about the Convention: "It is by far the most impressive elaboration of principle 10 of the Rio Declaration [...]. As such it is the most ambitious venture in the area of environmental democracy so far undertaken under the auspices of the United Nations."

There are 3 general ways in which the States outside the UNECE region can benefit from the Convention: participation in the Convention, exchange of experience and global initiatives, including under other Multilateral Environmental Agreements.

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## Participation in the Convention

The Convention is **open for accession** by any Member State of the UN. Indeed, the Parties to the Convention encourage States outside the UNECE region to accede to the treaty.

The Protocol on PRTRs to the Convention has been negotiated and adopted as an 'open' global protocol, in which all States and regional economic integration organizations can participate, including those which have not ratified the Convention and those which are not members of the UNECE.

In addition, Parties to the Convention in their decisions have invited and encouraged countries outside the UNECE region to join the Convention and the Protocol.

## Exchange of experience

With 10 years of active work to implement the Convention at national and local levels, its bodies and Parties now have a fund of lessons learnt which they are eager to share with other countries engaged in implementing principle 10. They are also interested to learn from other regions and benefit from their experience.

One example of such beneficial exchange is China, where procedures related to implementation of environmental protection measures, such as access to information and public participation, are being put in place, and where access to review procedures and the role of the judiciary in enforcement are growing in importance. These legislative developments and any practical implementation need to be based on national and local specifics. At the same time, government agencies and other stakeholders in China are also interested to learn from relevant experience in other regions, such as, countries in the Central European region. They want to know what challenges might be expected in these new kinds of procedures, what solutions others found. UNECE has been invited on several occasions to present to the Chinese government officials and other stakeholders the experiences, including challenges, which its Parties have in implementing the Convention.

## Global initiatives

UNECE, in its capacity of the secretariat to the Convention, has been actively involved in a number of global Principle 10 initiatives and other public participation initiatives under different MEAs.

We provide input to the **UNEP draft guidelines** aimed to *provide general guidance to States, primarily to developing countries and countries with economies in transition, on promoting the effective implementation of their commitments to principle 10 within the framework of their national legislation and processes*. The Guidelines will be presented for consideration and possible endorsement to the UNEP Governing Council at its next meeting in early 2009.

The **Aarhus Clearinghouse for Environmental Democracy**, serviced by UNECE, contains information relevant to the implementation of principle 10 of the Rio Declaration at the global, regional and national levels around the world, and indeed is probably the **leading global repository of information** on the topic. As of August 2008, the Clearinghouse Resource Directory and News archive contained more than 1500 separate entries covering regional and global developments. See <http://aarhusclearinghouse.unece.org>.

UNECE provides the secretariat to the **International PRTR Coordinating Group**, a forum within which international organizations and other actors engaged in promoting the development of PRTRs can coordinate their efforts. Its members include UNECE, UNEP, UNITAR, OECD, the European Commission and North American Commission on Environmental Cooperation. It focuses its activities on *promoting the coordination of PRTR capacity-building activities in developing countries or countries with economies in transition*.

UNECE and UNITAR jointly developed and pilot-tested in 3 UNECE countries a methodology for preparing a National Profile to Assess National Capacities to Implement the Aarhus Convention. The methodology was subsequently adapted by UNITAR to *assist countries outside the UNECE region in assessing national capacities to implement Principle 10*. Currently such profiles are being developed in Costa Rica, the Dominican Republic and Honduras in collaboration with the Central American Commission on Environment and Development and the ECLAC. Three pilot projects will also be done in Africa.

The Convention bodies also cooperate with a number of global MEAs, in particular with regard to capacity-building for the implementation of their relevant provisions, such as article 23 of the Cartagena Protocol on Biosafety, article 6 of the UNFCCC, or article 10 of the Stockholm Convention on Persistent Organic Pollutants.

The Parties to the Aarhus Convention welcome engagement with countries outside the UNECE region in activities promoting principle 10.

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