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## BRINGING IT BACK TO RIO: AARHUS CONVENTION CELEBRATES ITS TENTH ANNIVERSARY



2011 marks the tenth anniversary of the entry into force of the pioneering Aarhus Convention, the leading international instrument globally on environment and human rights.

The Aarhus Convention's proper name is the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. The Convention was adopted in 1998 in the Danish city of Aarhus (hence its usual name). It entered into force in 2001 and currently has 44 Parties from around the United Nations Economic Commission for Europe (UNECE) region, including 43 countries and the European Union.<sup>i/</sup>

The Convention goes to the heart of the relationship between people and their government. Its aims include not only environmental protection and sustainable development, but also government accountability, transparency and responsiveness. The Convention is the only legally binding international instrument dedicated to environmental democracy. Although the Convention has now been in force for a decade, its beginnings goes back much further, to the time of the adoption of the Rio Declaration at the 1992



Earth Summit. The Convention enshrines Principle 10 of the Rio Declaration adopted by 172 governments at the Earth Summit (Rio de Janeiro, 3-14 June 1992).<sup>ii/</sup>

"Although regional in scope, the significance of the Aarhus Convention is global. It is by far the most impressive elaboration of principle 10 of the Rio Declaration, which stresses the need for citizen's participation in environmental issues and for access to information on the environment held by public authorities."

"As such it is the most ambitious venture in the area of environmental democracy so far undertaken under the auspices of the United Nations."

*Kofi A. Annan, former Secretary-General of the United Nations (1997-2006)*

As its full name suggests, the Aarhus Convention is divided into three "pillars": access to information, public participation in decision-making and access to justice in environmental matters. Parties to the Convention commit to guarantee its rights to all members of the public, without discrimination and regardless of citizenship. Another special feature of the Convention is its compliance mechanism, which allows members of the public to bring their concerns regarding a Party's compliance to the Convention's Compliance Committee based in Geneva.

"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."  
*Aarhus Convention, Article 1 "Objective"*



Next week, from 29 June – 1 July, the Meeting of the Parties to the Aarhus Convention will hold its fourth session in Chisinau, Moldova. The Meeting will assess the Parties' progress in implementing the Convention so far and adopt decisions on future work. They will also discuss the role of the Aarhus Convention in sustainable development, including the Convention's role as an inspiration for delivering Principle 10 of the Rio Declaration beyond the UNECE region. It is hoped that these discussions will make a useful contribution in the lead-up to the Rio+20 conference to be held in Rio de Janeiro in June 2012, and in doing so, to complete the circle to bring Aarhus back to Rio, the city in which Principle 10 was born.

## What they say...

On the occasion of the 10<sup>th</sup> anniversary, UNECE Weekly spoke to some of the leading lights for next week's fourth session to learn their views about the Aarhus Convention at the end of its first decade and their hopes for the future:

### His Excellency, Gheorghe Salaru, Minister of Environment of the Republic of Moldova



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What do you consider the Aarhus Convention's greatest achievement of the past 10 years?

I consider that this achievement consists in the promotion at the national level of the human rights on access to information and participation in decision making in environmental matters.

What do you consider the greatest challenge ahead for the Aarhus Convention in the next 10 years?

As a challenge we see the enforcement of the implementation of the provisions of the convention at the local (public authorities) level.

On what particular issue would you most like to see real progress in the next 10 years?

For us the real progress would be the facilitation of access to justice and full involvement of other sectors in the implementation of the provisions of the convention.

Your country throughout the years demonstrated strong commitment to the Aarhus Convention. It hosted the first meeting of its Signatories and now is welcoming the Parties' fourth session. Why does your country give such a great attention to environmental democracy when there are a number of other pressing economic and development challenges?

This is a priority for us due to the political willingness to promote democratic changes in the society. We intend to create efficient, transparent and participatory governance, and for this the goals and objectives of the Convention only help us. Activities oriented towards the European integration of Moldova are another driving force of this process.



### Jan Dusik, Chair of the Meeting of the Parties to the Aarhus Convention, former Minister for the Environment, Czech Republic

What do you consider the Aarhus Convention's greatest achievement of the past 10 years?

The Convention managed to bring into practice the Principle 10 of the Rio Declaration and serves as an example for the rest of the world. Public engagement

Jan Dusik, Chair of the Meeting of the Parties to the Aarhus Convention, former Minister for the Environment, Czech Republic

in environmental decision-making is now an automatic consideration.

What do you consider the greatest challenge ahead for the Aarhus Convention in the next 10 years?

The application of the Convention should be further embedded in minds of decision-makers as something that is not an obstacle to decision-making, but rather an enhancement of its quality.

Obviously the ideal would be full implementation of the Convention by all Parties. Within that context, on what issue would you most like to see real progress in the next 10 year?

The implementation of the pillar on access to justice needs to be brought to equilibrium with the other two pillars so that the full potential of the public's rights is exploited.

You have been leading the Meeting of the Parties for the past three years. What in your view is the major added value of international cooperation under this Convention? What would countries find the most beneficial?

The approaches to implement the Convention still vary significantly among its parties and trigger a growing number of compliance cases. Exchange of best practices and the evolution of the interpretation of the Convention that complies with its spirit clearly call for international cooperation.

### Veit Koester, Chair of the Aarhus Convention Compliance Committee



Veit Koester, Chair of the Aarhus Convention Compliance Committee

What do you consider the Aarhus Convention's greatest/proudest achievement of the past 10 years?

The creation of a unique platform and system for consideration of compliance with and enforcement of the obligations of the Convention.

What do you consider the greatest challenge ahead for the Aarhus Convention in the next 10 years?

Involvement of the public in environmental decision-making is costly and time-consuming which does not fit very well for times of financial crises thus putting the long-term health of the Convention at risk.

On what particular issue would you most like to see real progress in the next 10 years?

Full implementation of the Convention by all Parties is of course desirable, but equally important is that members of the public make use of their rights under the Convention.

"The serious environmental, social and economic challenges faced by societies worldwide cannot be addressed by public authorities alone without the involvement and support of a wide range of stakeholders, including individual citizens and civil society organizations."

"Vision and Mission" of the Aarhus Convention Strategic Plan, paragraph 4, adopted by the Meeting of the Parties to the Aarhus Convention, in Riga, Latvia, on 13 June 2008

## Hot topics...

Some of the key issues to be discussed during next week's fourth session of the Meeting of the Parties include:

### ■ The role of the Aarhus Convention in promoting sustainable development

The session's High-Level Segment will take place on the morning of Friday, 1 July 2011. The two high-level panels will be chaired by Mr Gheorghe Salaru, Minister of Environment, Republic of Moldova and opened by Mr. Mihai Ghimpu, former President a.i. of the Republic of Moldova, Parliamentary Deputy, the founder of the Alliance for European Integration of the Republic of Moldova. A message from United Nations Secretary-General, Mr Ban Ki-Moon will be delivered by Mr. Ján Kubiš, UNECE Executive Secretary.

The theme of the first high level panel is "Advancing sustainable development in the UNECE region: a success story or a missed opportunity for the Aarhus Convention?" Invited panellists will include ministers of the environment from Latvia and Belgium (Walloon region) as well as senior officials from the Regional Environmental Centre for Central and Eastern Europe and the OSCE.

The theme of the second high panel is "The Aarhus Convention as an inspiration for promoting Principle 10 of the Rio Declaration". The session is expected to send a strong message to the United Nations Conference on Sustainable Development (Rio+20), offering the region's experience within the framework of the Aarhus Convention as an inspiration for delivery on Principle 10 beyond the UNECE region. Invited panellists include the Secretary of State of Hungary and several ministers of the environment as well as the Executive Coordinator of Rio+20 and the Secretary General of the European Environmental Bureau.

### ■ Findings on non-compliance

The Aarhus Convention's Compliance Committee is an important tool to promote the effective implementation of the Convention. Next week the Chair of the Compliance Committee will report to the

Meeting on compliance issues raised since the Parties' third session (Riga, June 2008). The Meeting will review the Committee's new findings on non-compliance regarding Armenia, Belarus, the Republic of Moldova, Slovakia, Spain and the United Kingdom. The Meeting will review the implementation of its previous decisions on compliance concerning Armenia, Kazakhstan, Turkmenistan and Ukraine and may adopt further decisions in respect of these.

### ■ Synergies with other multilateral environmental agreements (MEAs)

The Convention requires Parties to promote its principles in other international environmental forums. To this end, the Convention is working with a number of other MEAs and international forums to build synergies. Other MEAs and international organizations expected to take part in the session include the Convention on Biological Diversity, the European Bank for Reconstruction and Development, the European Investment Bank, the OSCE, the United Nations Development Programme, the United Nations Environment Programme, the United Nations Framework Convention on Climate Change and the World Bank.

### ■ Accession to the Convention by States outside the UNECE region

Although primarily a UNECE convention, the Aarhus Convention is open to accession by States from outside the UNECE region upon approval by the Meeting of the Parties. The Meeting is expected to adopt a decision to guide the process of accession by non-UNECE states. □

*Practical information about the Meeting is available at:*  
<http://www.aarhus.mediu.gov.md/>  
*All documentation to be discussed and, where relevant, adopted by the Meeting is available at:*  
<http://www.unece.org/env/pp/mop4/mop4.doc.htm>

i/ The Parties are: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, European Union, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland.

ii/ Principle 10 of the Rio Declaration: "Environmental issues are best handled with 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."

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