

Aarhus Convention

- Recognises that adequate protection of the environment is essential to human well-being
- Acknowledges that we owe an obligation to future generations
- Establishes that sustainable development can be achieved only through the involvement of all stakeholders
- Links government accountability and environmental protection
- Focuses on interactions between the public and public authorities in a democratic context

The Right To Know

Under the Convention all public authorities must maintain readily accessible information on:

- The state of the environment and any policies and measures taken relating to the environment
- The state of human health and safety where this can be affected by the state of the environment

They must actively keep the public informed

Access to Information

- You are entitled to request such environmental information from public authorities, at minimal cost, without having to state your interest, and to receive a timely response, generally within one month. This applies to all bodies that have a role in public administration and that possess environmental information. Some information is exempt from release.

Collection and Dissemination of Information (Art 5)

‘In the event of any imminent threat to human health or the environment . . . all information which could enable the public to take measures to prevent or mitigate harm arising from the threat and is held by a public authority is disseminated immediately and without delay to members of the public who may be affected.’

The Right To Participate

- Effective public participation makes decision-makers more accountable and environmental decision-making more transparent.
- The Convention requires the Government to provide for public participation in environmental decision-making. This results in better integration of environmental considerations into governmental decision-making, leading to more sustainable outcomes.

Public Participation in projects (Article 6)

- Public authorities are required to make arrangements to enable the public to participate in decision-making on proposals for projects affecting the environment, while all options are still open.
- Any comments made during the public participation process are to be taken into consideration in the decision-making process.
- The final decisions and the reasons for them must be made public.
- EU Directive 2003/35/EC on public participation incorporates this part of the Convention into EU law.

Annex 1, specified activities

Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors (except small research installations);

Installations for the reprocessing of irradiated nuclear fuel;

Installations designed:

- For the production or enrichment of nuclear fuel;
- For the processing of irradiated nuclear fuel or high-level radioactive waste;
- For the final disposal of irradiated nuclear fuel;
- Solely for the final disposal of radioactive waste;
- Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

Public Participation other areas (Arts 7 & 8)

- The Convention also outlines provisions for public participation in decision-making regarding plans, policies and programmes, and legislation relating to the environment.
- Still required but less specified:
 - ‘Shall make appropriate provision for PP’
 - ‘Shall endeavour to provide opportunities for PP’
 - ‘Shall strive to promote effective PP’

The Right of Access to Justice

- The Government must provide appropriate recourse to administrative or judicial proceedings.
- The public should be able to challenge the legality of any decision, act or omission in relation to these rights.
- Review procedures to challenge decisions relating to the environment, made by public authorities or private persons, must be 'fair, equitable, timely and not prohibitively expensive'.

Kofi Annan, Former UN Secretary-General

‘The Aarhus Convention .. 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.’

Ban Ki-moon, UN Sec-Gen

‘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’

More information

www.unece.org/env/pp
aarhusclearinghouse.org