

# **Aarhus Convention:** Structure, practice & experience of the Compliance Committee

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## **Aarhus Convention: *Parties***

**Albania  
Armenia  
Austria  
Azerbaijan  
Belarus  
Belgium  
Bosnia & Herzegovina  
Bulgaria  
Croatia  
Cyprus  
Czech Republic  
Denmark  
Estonia  
European Union  
Finland**

**France  
Georgia  
Germany  
Greece  
Hungary  
Iceland  
Ireland  
Italy  
Kazakhstan  
Kyrgyzstan  
Latvia  
Lithuania  
Luxembourg  
Malta  
Montenegro  
Netherlands**

**Norway  
Poland  
Portugal  
Republic of Moldova  
Romania  
Serbia  
Slovakia  
Slovenia  
Spain  
Sweden  
Switzerland  
Tajikistan  
The FYROM  
Turkmenistan  
Ukraine  
United Kingdom**

**= 47 Parties (including the European Union)**

## Aarhus Convention: Objective

- 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: *General Features*

- **Minimum standards** for:
  - (i) access to information,
  - (ii) public participation in decision-making, and
  - (iii) access to justice in environmental matters
- A clear, transparent and consistent **legal framework** required
- **Rights** of members of the **public**, including **NGOs**
- Broad notions of “the **public concerned**” and “**public authority**”
- **No discrimination** and **no harassments**
- Independent international **Compliance Committee**

# Compliance Review – 1

- **Aarhus Convention Compliance Committee**
- **International** complaint procedure
- **Non-confrontational**, **non-judicial** and **consultative** nature
- **Examining** and **facilitative** function
- Fully **independent** from Parties; **9** members **not** employed by gvts
- Considers and reviews:
  - **Communications** from members of the public
  - **Submissions** by Parties,
  - **Referrals** by the secretariat, and
  - specific **Requests by MOP**

## Compliance Review – 2

- So far about **140** Communications and **2** Submissions
- For Communications, first decision on **preliminary admissibility**
- Communication forwarded to **Party concerned** for comments
- Further **written** information from parties if needed
- A **hearing** in just about all cases with communicant(s) and Party concerned invited, plus observers
- Committee adopts **draft findings** and send to parties in the case
- Parties in the case make **comments** to be taken into account
- Committee adopts **final findings** – with recommendations if the Party concerned is found non-compliant

## Compliance Review – 3

- **Compliance Committee reports** to the Meeting of the Parties (MOP)
- **General report** on compliance issues
- **Special report** for each Party in non-compliance; with findings and recommendations on measures to get in compliance
- **MOP decides** to endorse findings of non-compliance and to make recommendations for the Party concerned
- So far **all** Committee findings of non-compliance endorsed by MOP
- **After MOP5** there are **14 Parties** in non-compliance
- These Parties will have to **report on improvements** to the Committee
- **Compliance Committee** follows up on MOP decisions and reports

# Compliance Review – 4

## Nature of non-compliance

- **General failure** by a Party to take the necessary legislative, regulatory and other measures to implement the Convention
- **Failure of legislation**, regulations, other measures or jurisprudence to meet specific Convention requirements
- **Specific events, acts, omissions or situations** demonstrating a failure by public authorities or courts to comply with or enforce the Convention

# Compliance Review – 5

## Budgetary aspects: key items for financial support

- **Secretariat staff**
- **Travel, DSA** for Committee members (9 x 4 times x 4 days per year)
- **Travel, DSA** for communicants invited to hearings
- **Travel, DSA** for staff missions (so far quite minor)
- **Meeting room & facilities** (interpretation, equipment, conf. services)
- **Consultancy** (eg translations outside UN, preparation required mtrl)
- **Costs** decided by **MOP**:
  - **working programme** for 3 years, MOP—MOP (average cost/year)
  - **financial arrangements** of principle

# Compliance Review – 6

## Crucial elements

- Integrity, independence and trust
- Effectiveness *and* fairness for parties
- Facilitative function
- Transparency and accessibility
- Confirmation through MOP decisions
- Follow up of MOP decisions
- Committee webpage: <http://www.unece.org/env/pp/cc.html>

# Aarhus Convention: *Experiences*

- Huge variety of **legal/political/economic systems** and **administrative decision-making structures** among parties
- **Multilevel** regime applicable to **multilevel** decision-making
- More than 25 percent of the communications led to findings of **non-compliance** (by more than 15 Parties, from all regions)
- **Endorsements** of Compliance Committee findings by **MOPs**
- **Compliance reviews matter** on the ground. In many states:
  - Changes in **legislation** and regulations
  - Changes of the **jurisprudence** of courts
  - Increasing **awareness** of participatory rights & opportunities

## Further information:

[www.unece.org/env/pp/pubcom.html](http://www.unece.org/env/pp/pubcom.html)

[aarhus.compliance@unece.org](mailto:aarhus.compliance@unece.org)

Aarhus Convention Implementation Guide (2nd ed.)

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