

## ENVIRONMENTAL RIGHTS NOT A LUXURY

### Aarhus Convention enters into force

A new international law, described by United Nations Secretary-General Kofi Annan as 'the most ambitious venture in environmental democracy undertaken under the auspices of the United Nations', will enter into force tomorrow, 30 October 2001.

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters - known as the Aarhus Convention after the Danish city where it was adopted in June 1998 - seeks to strengthen the role of members of the public and environmental organizations in protecting and improving the environment for the benefit of future generations. Through its recognition of citizens' environmental rights to information, participation and justice, it aims to promote greater accountability and transparency in environmental matters.

While the Convention is an instrument to protect the environment, it may also be seen as an instrument promoting democracy. Specifically, it aims to:

- \* Allow members of the public greater access to environmental information held by public authorities, thereby increasing the transparency and accountability of government;
- \* Provide an opportunity for people to express their opinions and concerns on environmental matters and ensure that decision makers take due account of these;
- \* Provide the public with access to review procedures when their rights to information and participation have been breached, and in some cases to challenge more general violations of environmental law.

In practical terms, this means, for instance, that local residents must be given a say in new road schemes or in the siting of household-waste incinerators. Members of the public also have a right to know what state their environment is in and, in some circumstances, to sue governments or polluters that attempt to cover up environmental disasters. To date, the Convention has been ratified by seventeen countries: Albania, Armenia, Azerbaijan, Belarus, Denmark, Estonia, Georgia, Hungary, Italy, Kazakhstan, Kyrgyzstan, the Republic of Moldova, Romania, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine. Welcoming the high level of support shown for the Convention by the eastern European and Central Asian countries, the Director of the UNECE Environment Division, Kaj Bdrlund, expressed the conviction that several western countries would ratify the Convention before the first meeting of the Parties, provisionally scheduled for autumn 2002: "Despite the fact that western countries have generally been slower to ratify the Convention than their eastern counterparts, it is clear from their warm messages of support that they are working hard on their national legislation to be able to ratify the Convention. The delay is, however, an indication that the Convention is sufficiently progressive to prompt important improvements even in some of the most well-established western democracies. The eastern countries may have a different legal tradition, but the early ratification by many of these countries is a sign of change. It shows that they have opened the door to a new culture of democracy and transparency."

Just as pollution ignores national boundaries, so, to a large extent, does the Aarhus Convention. The rights conferred on the public are to be applied without discrimination as to citizenship, nationality or domicile. And although the Convention is regional in scope, it is in fact open to accession by countries from throughout the world.

The entry into force will be marked by a launching ceremony at UNECE headquarters in the Palais des Nations, Geneva, hosted by ECE Executive Secretary Danuta Hübner. The Environment Ministers from Croatia and Ukraine will be present and many other Ministers have sent supportive messages, as have some NGOs. A selection of extracts from these is included in the annex 'What People are Saying about the Aarhus Convention'.

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