

The Aarhus Convention adopts a rights-based approach, and refers to the goal of protecting the right of every person of present and future generations to live in an environment adequate to health and well-being. This represents a significant step forward in Irish and international law.



This leaflet is produced by



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www.environ.ie/en/Environment/AarhusConvention/

The Aarhus Convention is a new kind of environmental agreement which:

- 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 official name of the Aarhus Convention is the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

It was adopted on 25th June 1998 in the Danish city of Aarhus and ratified by Ireland on 20th June 2012.



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YOUR RIGHT TO A HEALTHY ENVIRONMENT

A BRIEF GUIDE TO THE
Aarhus Convention



▶ YOUR RIGHT TO KNOW

In a democracy people have the right to know and should be provided with easy access to information.

Under the Aarhus 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

Public authorities must also actively keep the public informed.

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. In certain circumstances, information is exempt from release, for example where the disclosure would adversely affect national defence, or the confidentiality of personal data. In Ireland this is governed by the *Access to information on the Environment Regulations*.



▶ YOUR RIGHT TO PARTICIPATE

Effective public participation makes decision-makers more accountable and makes environmental decision-making more transparent.

The Aarhus 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 authorities should make arrangements to enable the public to participate in decision-making on proposals for projects affecting the environment, whilst all options are 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. In the European Union, this part of the Aarhus Convention has been included in a range of Directives and in particular by Directive 2003/35/EC on public participation.

Several pieces of legislation have been used to include public participation in Irish law, including the integration of its requirements into legislation on planning and other environmental consents.

The Convention also outlines provisions for public participation in decision-making regarding plans, policies and programmes, and legislation relating to the environment.



▶ YOUR RIGHT OF ACCESS TO JUSTICE

To ensure that your rights to access to information and public participation in decision-making in environmental matters are upheld, the Government must provide appropriate recourse to administrative or judicial proceedings.

The public should be able to challenge the substantive and procedural legality of any decision, act or omission in relation to their rights of access to information and participation. It also requires that review procedures to challenge decisions relating to the environment, made by public authorities or private persons, be 'fair, equitable, timely and not prohibitively expensive'.

The Environment (Miscellaneous Provisions) Act 2011 introduced new costs rules to apply in certain cases, as well as a requirement that judicial notice be taken of the Convention.

