Sharing experience: 
The Aarhus Convention Compliance Committee

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Key experiences to share:

- Membership of the Committee
- Transparent and participatory procedures
- Communications from the public
- Significant advisory and assistance role
- Committee follows up to assist Party to come into compliance
- Recommendations direct to the Party, with its agreement
- “The proof is in the pudding”
Membership of the Committee

- Members serve in personal capacity. This prevents politicization of the Committee.

- Each member makes solemn declaration to perform duties impartially and conscientiously.

- NGOs as well as States can nominate members.

- Members are elected by Parties at MOP by consensus, or failing consensus, by secret ballot (to date, all by consensus).

- Members’ ordinary term is two intersessional periods, though can be re-elected for a further term.

- At MOP1, half members elected for half term (so not all members leave at once)
Transparent and participatory procedures

• All sessions of Committee meetings open, except for when preparing draft findings and recommendations.

• All documents and correspondence of a substantive nature are posted on website.

• Any Party or observer can submit information to the Committee on any case.

• Committee reviews its working methods in open session.

Communications from the public

- Article 15 of the Convention: Arrangements “may include the option of considering communications from members of the public”

- Given topic of Convention, the possibility for cases to be brought by the public is fundamental.

- The engine which provides the energy and momentum of the Convention.
Important advisory and assistance role

- Any Party can at any time request advice or assistance from the Committee on how to meet its obligations under the Convention.

- A Party can make a stand alone request, or

- In the course of the Committee’s follow-up on a finding of non-compliance concerning the Party concerned.
Committee follows up to assist the Party to come into compliance

- Draft findings are sent to parties for comments prior to adoption.
- Once adopted, findings are submitted to MOP for endorsement.
- In cases of non-compliance, MOP adopts a decision on the compliance of the Party concerned.
- Committee works with Party concerned throughout the intersessional period to address recommendations in MOP decision.
- Committee reports to next MOP as to whether Party concerned has come into compliance.
Committee can make recommendations directly to Party concerned, with its agreement

- If Party concerned agrees, Committee can make recommendations directly to Party concerned at the time of adopting its findings.

- This means Committee can assist the Party concerned to come into compliance before next MOP.

- If Committee reports to MOP that Party concerned has come into compliance, no MOP decision then adopted.
The proof is in the pudding…

A few examples of where the Committee has assisted Parties to come into compliance:

Already before Committee adopted its findings:

• Romania: repealed rule exempting full EIA report from disclosure

After Committee’s findings adopted, but before MOP:

• Denmark: amended law introducing high fee for NGOs to appeal
The proof is in the pudding…

During Committee’s follow-up on MOP decision:

• Republic of Moldova: trained officials and took other measures to ensure access to environmental information regarding contracts for sale of forest land.

• Ukraine: adopted new EIA law ensuring effective public participation for projects subject to EIA.

• Croatia: amended law to ensure a transparent framework for public participation on municipal waste management plans.

• Germany: amended legislation on standing for environmental NGOs.
For further information:

Guide to the Aarhus Convention Compliance Committee:
Available at http://www.unece.org/env/pp/cc.html

Decision I/7 on compliance:

Aarhus Convention Compliance Committee website:
http://www.unece.org/env/pp/cc.html

Aarhus Convention secretariat email:
aarhus.compliance@un.org