



## EHRD Resource Paper: What are my rights?

### The right to participate in environmental decision-making

#### I. Right to participate

To protect the environment and the human rights that depend on it, everyone has the human right to participate in environmental decision-making.

The rights of everyone to take part in the government of their country and in the conduct of public affairs are recognized in the [Universal Declaration of Human Rights](#) (art. 21) and the [International Covenant on Civil and Political Rights](#) (art. 25). The right of participation is also critical to the exercise of other rights. [As the United Nations Special Rapporteur on toxic wastes has said](#), the right of information and the right of participation in decision-making are 'both rights in themselves and essential tools for the exercise of other rights, such as the right to life, the right to the highest attainable standard of health, the right to adequate housing and others.'

#### II. International human rights law

International human rights bodies have built on these rights in the environmental context, making clear that [States have a duty to facilitate public participation in environmental decision-making](#) in order to safeguard a wide spectrum of rights from environmental harm. Examples include:

- The [United Nations Special Rapporteur on hazardous substances and wastes](#) and the [Special Rapporteur on the situation of human rights defenders](#) have stated that governments must facilitate the right to participation in environmental decision-making.
- The [Committee on Economic, Social and Cultural Rights](#) has encouraged States to consult with stakeholders in the course of environmental impact assessments, and has underlined that before any action is taken that interferes with the right to water, the

relevant authorities must provide an opportunity for “genuine consultation with those affected”.

- Regional human rights bodies agree. For example, [the African Commission on Human and Peoples’ Rights](#) has stated: “Government compliance with the spirit of Articles 16 [on the right to health] and 24 [on the right to a satisfactory environment] of the African Charter must also include . . . providing meaningful opportunities for individuals to be heard and to participate in the development decisions affecting their communities.”
- States have heightened duties with respect to indigenous peoples. Among other duties, they are obliged to facilitate the participation of indigenous peoples in decisions that concern them. The [Special Rapporteur on the rights of indigenous peoples](#) has stated that the general rule is that “extractive activities should not take place within the territories of indigenous peoples without their free, prior and informed consent,” subject only to narrowly defined exceptions.

### III. International environmental law

The need for public participation is reflected in many international environmental instruments. Examples include:

- [Principle 10 of the Rio Declaration states](#): “Environmental issues are best handled with participation of all concerned citizens, at the relevant level... Each individual shall have... the opportunity to participate in decision-making processes.”
- In [The Future We Want](#), the outcome document of the 2012 United Nations Conference on Sustainable Development (Rio+20 Conference), States recognized that “opportunities for people to influence their lives and future, participate in decision-making and voice their concerns are fundamental for sustainable development” (A/CONF.216/16, para. 13).
- The [Aarhus Convention](#) on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which has many parties among countries in Europe and central Asia, includes detailed obligations on providing for public participation in environmental decision-making (arts. 6-8).
- Countries in Latin America and the Caribbean are currently negotiating [another regional agreement](#) on rights of access to information, participation, and remedy.

Many other multilateral environmental treaties promote public participation in environmental decision-making on issues within their purview, including:

- The [Stockholm Convention](#) on Persistent Organic Pollutants (art. 10)
- The [Convention on Biological Diversity](#) (art. 14(1))
- The [United Nations Convention to Combat Desertification](#) (arts. 3 and 5), and
- The [United Nations Framework Convention on Climate Change](#) (art. 6(a)).

#### IV. National environmental law

At the national level, most States have adopted environmental impact assessment laws, and many countries have adopted public participation procedures in relation to those laws.

More generally, many countries have adopted comprehensive public participation procedures in relation to the formulation of environmental laws, regulations and policies generally.

For examples of good practices in implementation of the human right to participation in environmental decision-making, see the website of [the United Nations Special Rapporteur on human rights and the environment](#).