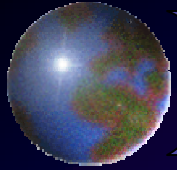


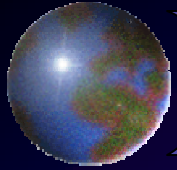
Public Participation in International Water Law

Melvin Woodhouse



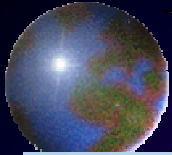
Overview

- ❖ **Where do we find Public Participation in International Water Law ?**
- ❖ **Is It Essential ?**
- ❖ **Why is it Controversial ?**
- ❖ **What are the Legal Implications ?**
- ❖ **Hypothesis**



Is Public Participation Essential?

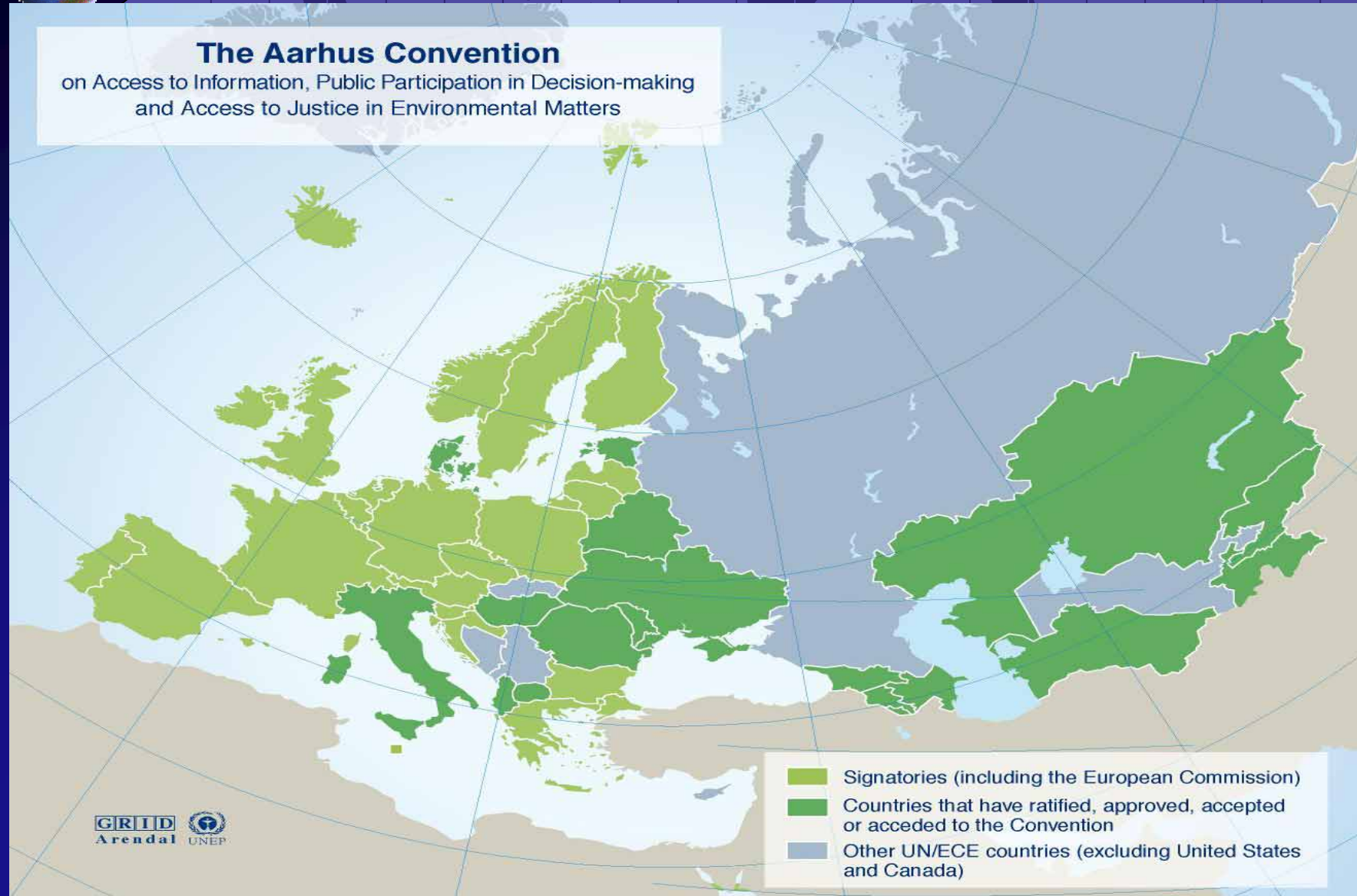
- State practice suggests that participation is increasingly important,
- **Declarations**
- 1992 Rio Declaration Principle 10. "Environmental issues are best handled with the participation of all concerned citizens ..." 31 I.L.M. 876
- **Conventions**
- Aarhus Convention Done June 1998, entered into force Oct 2001. 17 parties / 28 signatories.



Aarhus Convention (1)

The Aarhus Convention

on Access to Information, Public Participation in Decision-making
and Access to Justice in Environmental Matters



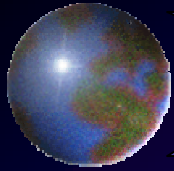
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January 2002

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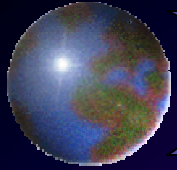
Aarhus Convention (2)

✦ **Ratification, Acceptance Approval Accession**

✦ Albania, Armenia, Azerbaijan, Belarus, Denmark, Estonia, Georgia, Hungary, Italy, Kazakhstan, Kyrgyzstan, Republic of Moldova, Romania, Tajikistan, The Former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine.

✦ **Signatories**

✦ Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, European Community, Finland, France, Germany, Greece, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, United Kingdom.

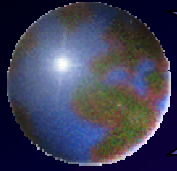


Aarhus Convention (3)

- ❖ There are three components
 - ❑ Access to **Information**
 - ❑ Access to **Decision Making**
 - ❑ Access to **Justice**

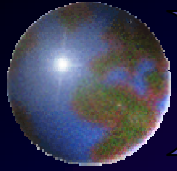
- ❖ NGO's have international legal personality.

- ❖ Information to be made available for specified activities, the access to decision making and justice is related to the information provided about those activities.



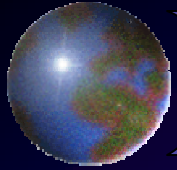
Why is Public Participation Controversial ?

- ❖ **What proof is there that it leads to sustainable development?**
- ❖ **Different Treaties contain different obligations for a State...is this a conflict?**
- ❖ **Is Public Participation a substantive rule or a procedure?**



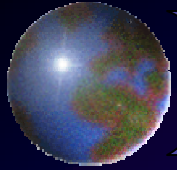
What are the legal implications? (1)

- ❖ **Public Participation is a means of self determination which legitimizes the authority of a state.**
- ❖ **It is increasingly a political and technical procedure evident in the conduct of relationships between states.**



What are the legal implications? (2)

- ❖ **Can Public Participation improve the role of the state in informing, legitimizing and moderating State practice?**
- ❖ **Will it strengthen or weaken the authority of the State?**



Hypothesis

- ❖ *States consent to Public Participation procedures as they are a means to arrive at better informed, legitimate state practice.*
- ❖ *This contributes to the international legal personality of the State and the maintenance of the international legal order.*
- ❖ *Public Participation is an emerging rule of state conduct.*