

Aarhus Convention

Implementation by Iceland



Náttúruverndarsamtök Íslands
Iceland Nature Conservation Association

2002 A cooperation agreement with the environment ministry

- A [declaration of co-operation](#) between the environment ministry and environmental NGOs – only applied to this ministry
- NGOs defined as organizations whose agenda is to preserve the environment
- Parties were agreed that NGOs play an important role for democracy
- The ministry committed to some funding of NGOs
- Reference to the Aarhus Convention and a commitment for ratification by Iceland – which took another 10 years
- The ministry committed to promote ratification of the Convention

Process of ratification

- Iceland signed the Aarhus Convention in 1998
- Iceland did not ratify it until 2011.
- Ratification became possible after the creation of the Environmental Board of Appeals, which enabled review of decisions on permits and compliance with the convention provisions regarding access to justice.
- However, Icelandic NGOs – since ratification - cannot appeal to courts of law, demanding a review of decisions on permits and compliance with the provisions of the Aarhus Convention

Ratification ten years later, 2011

- This delay was related to a lack of national legislation on access to justice
- In fact, there was a lack of political will
- An Independent Commission was established - Environmental and Natural Resources Board of Appeal for environmental and natural resource matters.
- Yet, access to justice is limited
- The judiciary and legislative branches of government have failed
- Twice, the government has pushed legislation through Parliament in order to nullify rulings by the Commission.
- Professors at law have criticised the government

2021, ten years after ratification

- No court case by NGO has been accepted by a court of law since the Aarhus Convention was ratified
- Actio popularis is not recognized
- NGOs still have no legal standing
- NGO are not granted free legal aid – they may end up paying thousands of Euros
- Access to justice involves a financial risk no NGO can take
- Access to information is guaranteed in law, but industry gets special treatment

The future

- The industry – in particular energy, construction, fisheries perceive access to justice as granting NGO the right to launch endless series of court cases
 - These interests are supported by conservative / reactionary political parties
 - The Left Green Movement – once the champion of the Aarhus Convention – does not mention the Convention in their policy
 - They only say: to strengthen the legal status of environmental NGOs - i.e. no context
 - Iceland is part of the international community – EU, European Court of Human rights, international conventions, etc..
 - A legal reform is urgent
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