Theme 2: Procedural environmental rights in international law
Subtheme 2.a: Principle X of the Rio Declaration and its role in international law

ABSTRACT
Can issues-focused MEAs contribute to promote domestic access to information and public participation?
A case study of the UNFCCC article 6

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Building on an analysis of the role played by the article 6 of the UN Framework Convention on Climate Change, this paper considers to what extent the inclusion of dedicated provisions in issues-focused MEAs can contribute to promote the principles of access to information and public participation in environmental decision-making.

Since the Rio Conference and the affirmation of Principle 10, the international community has relied on several approaches to promote procedural rights through international cooperation. The adoption of the Aarhus Convention and the ongoing negotiations of a regional instrument in Latin America constitute the most significant international legal initiatives related to principle 10, complementing the global policy initiatives taken by UNEP through the adoption of the Bali Guidelines. In addition to these developments focusing specifically on procedural rights, public participation and access to information have also been promoted as one of the component of many thematic legal regimes established over the past decades through the inclusion of a specific provision in the text of the treaties (eg UNFCCC art. 6, CBD art. 14.1, UNCCD art. 3, 5 and 10).

This paper seeks to assess whether this thematic approach has played and could continue to play a significant role in ensuring that procedural rights are mainstreamed in specific environmental policies. This analysis will rely primarily on a study of the climate change regime and of the implementation of article 6 of the UNFCCC to consider whether the emphasis in the text of the Convention. The paper reviews all activities implemented under the UNFCCC specifically to implement article 6 and considers the extent to which those might have contributed to the promotion of procedural rights. It then also considers how article 6 has been invoked in other areas of implementation of the UNFCCC, such as mitigation actions or national reporting obligations. This review provides an appraisal of whether article 6 has contributed to shape climate actions more broadly and to ensure that procedural rights becomes an integral principle of the climate change regime.

The analysis presented in the paper adds to the existing literature by providing the first systematic review of this provision and its implications for the climate regime. This analysis is

particularly timely in the context of international climate governance as the parties to the UNFCCC review this year the "Doha Work Programme on Article 6" and as the Paris Agreement highlights the commitment of parties to "cooperate in taking actions to enhance […] public participation and public access to information".

Sébastien Duyck is a research fellow at the Institute of European and International Economic Law (University of Bern) and a visiting researcher at the Northern Institute for Environmental and Minority Law (University of Lapland). Sébastien also works as a project attorney for the Centre for International Environmental Law (CIEL). Sébastien holds a LL.M. on Public International Law from the university of Helsinki and a LL.M. in International Environmental Law from the University of Iceland. He currently writes a doctoral dissertation on the issue of public participation and the UN Framework Convention on Climate Change. His main areas of research relate to human rights in the context of environmental policy and to UN climate governance. He has taken part to several consultancy projects related to: European forest governance, the role of the EU in the Arctic, the promotion of human rights in climate action, the relevance of agriculture in climate governance.