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Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

(Second meeting, Almaty, Kazakhstan, 25-27 May 2005)
(Item 6 (d) of the provisional agenda)

CAPACITY-BUILDING ACTIVITIES SUPPORTING THE IMPLEMENTATION OF THE CONVENTION ^{*/}

Prepared by the secretariat

1. At their first meeting, the Parties to the Convention noted that effective implementation of the provisions of the Convention was a significant challenge for many Parties and encouraged Parties to overcome obstacles to the full application of the Convention by drawing as necessary upon available assistance mechanisms (Lucca Declaration, para. 20 (ECE/MP.PP/2/Add.1)).
2. Through decision I/10, the Parties noted the urgent need for coordinated and systematic assistance to facilitate the effective implementation of the Convention, in particular in countries with economies in transition, and welcomed the efforts made by the secretariat to address these needs through the establishment of a capacity-building service.
3. At their second meeting, the Parties are expected to review the activities undertaken and the efforts made to coordinate them on the basis of the present report and other information

^{*/} This document was submitted late due to the heavy workload of the secretariat.

provided by organizations involved in capacity-building activities, focusing, in particular, on the capacity-building needs of countries with economies in transition. The Meeting is expected to take note of and provide feedback on the activities undertaken and may wish to give guidance on the direction of future activities.

4. Although the background material for this report draws on the experience of project implementing agencies, it also attempts to reflect the capacity-building needs expressed by the Parties and Signatories at various meetings of the subsidiary bodies under the Convention and reflected in the national implementation reports submitted in accordance with decision I/8 of the Meeting of the Parties.

5. The report is structured in three parts. Chapter I briefly describes the framework for capacity-building that was set up in place of the capacity-building service and is coordinated by the secretariat. Chapter II is intended to provide information on major regional and subregional capacity-building initiatives that have taken place since the first meeting of the Parties in 2002. Chapter III attempts to identify certain common trends in priorities, needs and lessons learned with regard to capacity-building.

I. COORDINATION FRAMEWORK FOR CAPACITY-BUILDING

6. In accordance with decision I/12 (in particular activity area VII, capacity-building service) of the Meeting of the Parties (ECE/MP.PP/2/Add.13), the secretariat has continued its efforts, within available resources, to build capacity throughout the UNECE region.

7. To streamline and rationalize capacity-building activities and promote synergies, in particular with a view to providing coherent input to the implementation of the Environment Strategy for the countries in Eastern Europe, the Caucasus and Central Asia (EECCA), the secretariat convened a meeting on 30 September 2003 with several international and regional organizations undertaking capacity-building activities in EECCA. The participating organizations reviewed existing and proposed activities and agreed upon the need for improved information exchange, cooperation and, where applicable, coordination.

8. The meeting also provided an opportunity to discuss the future of the capacity-building service, originally established by UNECE, the United Nations Environment Programme (UNEP) and GRID-Arendal. The three partner organizations had come to feel that the service did not match the reality and that it should grow into a capacity-building framework involving additional organizations. It was therefore agreed to develop the service into a broader capacity-building framework, to be facilitated by the Convention's secretariat.

9. The role of the secretariat as a coordinator of major relevant capacity-building initiatives was emphasized. This coordination would, in particular, involve:

- (a) Providing an overview of all major capacity-building initiatives to ensure consistency and avoid duplication of effort among the projects;
- (b) Organizing an annual coordination meeting for major organizations involved in the capacity-building activities. The meetings would provide a venue for the exchange of

information and lessons learned among the implementing organizations, the establishment of partnerships, and enable all concerned to keep an overview of the existing and planned projects and initiatives;

(c) Providing support to projects implemented by various organizations (e.g. by providing speakers for workshops or serving on project steering committees).

10. The secretariat convened the second annual coordination meeting for international and regional organizations in Geneva in November 2004, at which the participants reported on their capacity-building activities. In order to gather further information, the secretariat subsequently carried out a survey of projects and programmes implemented by these organizations since the first meeting of the Parties. The survey aimed to assist with the review and assessment of capacity-building initiatives and to identify any resources such as materials, staff or office resources that were or would become available for use in other capacity-building activities in a particular country or region. It also attempted to identify the important lessons with regard to the implementation of the Convention learned in the course of the projects' implementation, as well as any lessons learned related to the project implementation itself. Finally, it looked at needs and challenges identified during the implementation of projects, further assistance needed and any follow-up foreseen as being needed.

11. The secretariat also held a meeting with the involvement of the main organizations participating in capacity-building in the context of the Protocol on Pollutant Release and Transfer Registers (PRTRs) and participated in the international coordination of PRTR capacity-building through its participation in the work programme of the Inter-Organizational Programme for the Sound Management of Chemicals (IOMC).

12. The secretariat provided input to many regional and subregional meetings. Some of these included regional meetings under the EU TACIS project on Environmental Information, Education and Public Awareness implemented in six EECCA countries, as well as several regional workshops organized within the public participation projects of the Regional Environmental Center for Central and Eastern Europe (REC for CEE) in South-Eastern Europe, UNEP, the World Conservation Union (IUCN) and Ecopravo-Lviv symposia for Chief Justices from Central and Eastern Europe and EECCA on the role of the judiciary in the enforcement and implementation of environmental law (Lviv, Ukraine, May 2003), the regional meeting organized by UNEP, the United Nations Development Programme (UNDP) and the Organization for Security and Cooperation in Europe (OSCE) in the context of the Environment and Security Initiative in Central Asia, the meeting on electronic environmental information for decision makers and the public in EECCA organized by UNEP and the Environment Agency of England and Wales (May 2004), the meeting of the Green Spider network of environmental officials involved in environmental information and communication throughout all EU and most non-EU countries in Europe (2004), the meeting on electronic databases under UNECE Working Group on Environmental Monitoring and Assessment (May 2004), and the Regional Civil Society Forum meeting of the UNEP National Committees (December 2004).

13. In addition to its coordinating role, the secretariat participated as a partner in a number of capacity-building activities, including national assessments of capacity to implement the Convention and management of the Virtual Classroom on PRTRs.

14. In early 2003, UNECE together with the United Nations Institute for Training and Research (UNITAR) developed the pilot programme to assist countries in preparing a national profile to assess their capacities to implement the Aarhus Convention (see para. 24 below).

15. Another activity undertaken by UNECE in its secretariat capacity was managing the Convention's clearing-house mechanism. Originally planned as part of the capacity-building service, the clearing house grew into an electronic information tool that serves to collect and disseminate information on laws and practices relevant to the rights guaranteed under the Convention. The clearing house also contains information relevant to the global, regional and national implementation of principle 10 of the Rio Declaration around the world. It provides information for a wide range of users, including Parties, Signatories and other States; intergovernmental organizations; NGOs; students and researchers; and the general public. The clearing house website (aarhusclearinghouse.unece.org) was initially developed for UNECE by UNEP/GRID-Arendal with the support of the Government of Norway and is maintained by UNECE. A separate section of the clearing house with information on capacity-building needs and resources is currently under development.

II. CAPACITY-BUILDING ACTIVITIES AND PROGRAMMES

16. This chapter draws principally upon the information provided by the agencies referred to in paragraph 4 above, as well as reports delivered to the second capacity-building coordination meeting. Information was provided by UNEP, UNITAR, OSCE, REC for CEE, the Regional Environmental Center for Central Asia (CAREC), the Access Initiative and the Partnership for Principle 10. Additionally, it draws upon the reports of UNEP, UNITAR and REC for CEE presented at a PRTR capacity-building meeting organized by the secretariat in Geneva in March 2004, and further information on PRTR-related capacity-building provided by the Organisation for Economic Co-operation and Development. Lastly, it draws upon the informal paper prepared by the Aarhus Convention secretariat in consultation with UNEP and UNITAR, "Needs and prospects for capacity-building, technical support and information exchange in PRTR development", presented at the first meeting of the Working Group on PRTRs (16 February 2004; revised 22 March 2004).

17. While the activities and the organizations referred to in this report are among those closely linked to the Convention's capacity-building framework, they constitute but a part of the wide range of programmes, projects and initiatives aimed at promoting the implementation of the Convention or its individual provisions to a greater or smaller extent. There are, no doubt, other important capacity-building activities that have not been covered in this report. A whole subset of important activities is carried out by national and local organizations in many countries. There are also activities, such as the development of local environmental action plans, training workshops for journalists and many others, not focused directly on the Convention but by their nature furthering its implementation.

A. Raising awareness

18. With the majority of the UNECE countries having ratified or acceded to the Convention, the focus of the capacity-building activities has undergone a major shift from raising general awareness to facilitation of the actual implementation. There remains, however, an ongoing need of raising awareness - a fact confirmed by many of the national implementation reports submitted by the Parties. The need to raise the awareness of public officials about their obligations under the Convention has been recognized in the course of many of projects and programmes, in particular in EECCA and South-Eastern Europe. The countries in Central Asia emphasized raising the general public's awareness of the rights guaranteed by the Convention and of practical ways to exercise them as one of their capacity needs.

19. Awareness raising about both obligations and rights under the Convention is particularly important on the local level. In 2004, OSCE and CAREC jointly organized a series of workshops in Kyrgyzstan to disseminate information about the Convention at local level.

20. The need for more targeted awareness raising in specialized areas is also indicated, in particular with regard to the judiciary. With the access-to-justice pillar facing the most difficulties with implementation (see paras. 47-58 below), the need for a well-informed judiciary and enforcement agencies, such as prosecutors' offices, is or should be among the top priorities in many countries. Unfortunately, this particular area also remains one of the least covered in terms of actual capacity-building activities.

B. Facilitating general implementation

21. Several projects carried out in recent years have aimed at facilitating the implementation of the Convention as a whole. Such projects are often aimed at bridging gaps in legal and institutional frameworks in relation to the implementation of the Convention.

22. Information provided by countries in their national implementation reports demonstrates that in some countries a comprehensive analysis of the national legislation, in particular implementing regulations and guidance materials, as well as institutional capacities of public authorities on all levels of government, was a prerequisite for ratification. In others, notably those in EECCA, direct applicability of an international treaty often replaces detailed analysis and legal approximation. This, in turn, may lead to lack of compliance, in particular in the light of the requirements of article 3, paragraph 1, of the Convention (ECE/MP.PP/2005/13, para. 36).

23. A systematic approach to identifying capacity needs is therefore an important priority. Several regional or subregional initiatives have been carried out since the previous meeting of the Parties to address this problem.

24. One such initiative is the pilot programme to assist countries in preparing a national profile to assess their capacities to implement the Aarhus Convention, implemented jointly by UNECE and UNITAR. It provides participating countries with a methodology for a comprehensive multistakeholder process of assessing capacities and needs on the national level. The national profile documents prepared in the context of the project will provide an indication of what steps are required to implement the Convention effectively and will also facilitate identification of

priorities for targeted capacity-building. The partner institutions developed a guidance document establishing the main areas and methodology for the development of national profiles, selected Kyrgyzstan, Serbia and Montenegro, and Tajikistan as pilot countries, and worked together with the national project coordination teams on the preparation of the profiles. The national profiles have so far been developed in two of the three pilot countries. Kyrgyzstan and Tajikistan also used the multistakeholder consultative process and the information in the national profiles to prepare of their national implementation reports under decision I/8 of the Meeting of the Parties. The methodology, which will be further improved, based on the feedback received in the course of project implementation, will be made available to other Parties and organizations.

25. A similar approach was also taken by the Access Initiative (TAI) – a global coalition of public interest groups working to promote national-level access to information, participation and justice in environmental decision-making. Its programme includes the development and use of a common methodology for indicator development and monitoring of national-level access to information, participation and justice. Its global network has developed a methodology presented in an interactive tool and pilot-tested it in nine countries. It also supports national coalitions bringing together NGOs with different skills and interests, which work closely with advisory panels, including government officials from relevant agencies, the media and academics. Advisory panels provide input to research and outreach activities, review assessments and reports, and are a forum for planning action to address identified gaps. In turn, national assessments provide substantive information to governments on the necessary steps to improve national “access” systems. The global coalition and regional networks develop common strategies, learn from each other, and contribute to TAI methods and products. Finally, TAI provides training to new partners on how to use the methodology, reviews national products to ensure rigour and credibility of research, and supports sharing of ideas for effective national strategies for action.

26. One of the characteristic features of the programme is that both the indicators and the national assessments are independently developed by non-governmental organizations and provide an alternative source of information as to Parties’ performance on access to information, public participation and access to justice. To date, NGOs have used the toolkit to conduct pilot assessments in nine countries: Chile, Hungary, India, Indonesia, Mexico, South Africa, Thailand, Uganda and the United States. These assessments were published nationally and also compiled into a global report.

27. The products developed within the initiative include national reports and other materials developed in Argentina, Bolivia, Brazil, Bulgaria, Chile, Costa Rica, Ecuador, El Salvador, Estonia, Hungary, Indonesia, Mexico, Peru, Ukraine, South Africa, Thailand, Uganda and the United States. It also published Assessing Access to Information, Participation and Justice: A Guide (CD), and Aligning Commitments: Public Participation, International Decision-making, and the Environment. The information about the programme and its outputs is available on www.accessinitiative.org.¹

28. Yet another programme built on a similar assessment-based approach is carried out in South Eastern Europe by the REC for CEE. The programme, following up on the REC earlier activities to promote the ratification and implementation of the Convention in Central and Eastern Europe, involves two subsequent projects, funded by the Government of the

Netherlands. The first project, implemented in 2001-2003, focused on developing national strategies for the implementation of the Convention in six South Eastern European countries. In each country, an assessment of the current status of legal and institutional frameworks and practices was followed by the development of an implementation strategy and action plan. These were elaborated by multistakeholder working groups with the involvement of the ministries of environment, other relevant ministries and agencies, and non-governmental organizations.

29. To address some of the problems identified in the course of developing the national strategies, the project also provided training for governmental officials, NGOs, municipal officials and other stakeholders. Finally, it provided for practice in implementing specific provisions of the Convention through small grants for local pilot projects.

30. The second project implemented by REC for CEE in the region started in 2005, building on the assessments carried out and implementation strategies developed under the first. It focuses on the development of guidance and training materials and continues to support the implementation of the Convention on the local level, in particular with regard to several of the priorities identified earlier. Information on both projects is available from www.rec.org.

31. Although the three programmes described above are based on an initial assessment and identification of gaps and priorities, they also complement each other. The UNECE/UNITAR national profiles project provides for an in-depth assessment of the current legislative and institutional status. The REC programme in South Eastern Europe focuses on the development of implementation strategies and hands-on training. The two multistakeholder programmes are complemented by the TAI independent NGO assessment.

32. Capacity-building has also been approached from the training and guidance angle. One of the most prominent programmes in this category was funded by the European Union in six EECCA countries and implemented jointly by Royal Haskoning and REC for CEE in 2002-2004.

33. The project on environmental information, education and public awareness was implemented in Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine in partnership with the ministries of environment. One of the project's outputs is a set of regional and national user guides on the Aarhus Convention developed for use by public officials and civil society. They provide detailed practical guidance for implementing specific provisions of the Convention. The materials were developed in English, Russian and the national languages of the project's countries. They include comprehensive training module components adjustable to various target groups and various aspects of implementation. The programme also included 12 national and local pilot projects, varying from decision-making processes with regard to specific activities to the development of governmental regulations. One of the project's most interesting achievements was the establishment in each country of national teams consisting of representatives of all the main stakeholders. The members of each national team not only provided guidance in the development of project materials and outputs but were also trained to provide specific assistance in the implementation of the Convention to their respective stakeholder groups. Project materials and contact details of national experts and trainers are available from www.rec.org/REC/Programs/PublicParticipation/PublicAwareness.

C. Access to information

34. Access to information is widely implemented and the main focus of many capacity-building initiatives.

35. Many national projects aimed at the active provision of information, in particular through websites, have been implemented in many of the EECCA and South-East European countries. However, the speed of Internet access and access to technical equipment remain major obstacles, in particular in the Caucasus and Central Asia. It is therefore of the utmost importance that environmental information in these regions should be made accessible also through more traditional means, such as libraries and the media.

36. To address this problem, the OSCE field offices have been supporting the development of the Aarhus centres in the Caucasus and Central Asia. The centres are designed to provide a bridge between governments and civil society. They are complementary to existing official information sources but closer to and more easily accessible for 'real users.' Their primary function is normally related to serving the information pillar of the Convention, although in some countries their activities have also included assistance to citizens to participate in environmental decision-making and, to a lesser extent, related to access to justice. The Aarhus centres are normally based on an agreement between the relevant OSCE field missions and the ministry for environment in the respective country and managed by a board consisting of an equal number of representatives from government and civil society. Their role is essentially to provide a meeting place and a link between the government and civil society/the general public as well as to provide access to available environmental information.

37. At present OSCE is supporting Aarhus centres in Erevan, Baku, Dushanbe. In Tashkent OSCE is supporting a public information centre under the auspices of the State Committee for Nature Protection. Discussions with stakeholders are ongoing in Georgia and Belarus. OSCE through its field offices, normally provides seed funding for the Aarhus centre for a period of two to three years. The funds pay for equipment, such as computers, relevant literature, photocopier. In some cases it also pays for the rent or renovation of suitable premises and staff costs. However, in most cases the ministry of environment has provided the premises and staff free of charge.

38. Under the Environment and Security Initiative implemented jointly by UNDP, UNEP and OSCE, a number of hot spots were identified, where environmental issues (in combination with underlying socio-economic and political factors) figure as potential sources and/or triggers of conflict. The Initiative plans to support the creation of local Aarhus centers, similar to those described in paras. 36 and 37) in these hot spots. These local centres, where possible, will be linked to those based in the capital, and also to each other, providing a foundation for local cross-border cooperation.

39. In Kyrgyzstan, a local Aarhus center is being established in Osh and there are advanced plans for similar centres in Khudjand and Ferghana. In the Southern Caucasus, six local centres will be set up and/or supported in cooperation with German Development Agency GTZ where the borders from Armenia, Azerbaijan and Georgia meet.

40. Similar services of library, Internet access and management of directories are also provided by CAREC for its three countries. It collects and processes information to create various thematic websites, in particular directories of environmental NGOs, regional organizations, public authorities and legal databases for the region. These can be accessed on www.carec.kz, www.leap.carec.kz, www.cpnis.carec.kz, www.carec.kz/water and www.ecolibrary.carec.kz.

41. In South Eastern Europe, the project "ICT Implementation of the Aarhus Convention" was launched by Milieukontakt Oost-Europa in cooperation with BlueLink Information Network and Erina Journalists Legal Environmental Center. NGOs share experiences and information on their work by means of content sharing in English through a website (www.see-environment.info) and related capacity-building activities on electronic tools.

42. The United Kingdom's Department for Environment, Food and Rural Affairs (DEFRA) with the participation of UNEP and UNECE implements a project to develop electronic information networks in EECCA. A workshop was held in St Petersburg (Russian Federation) in May 2004 and resulted in the development of an action plan and a proposal to launch three pilot projects in Minsk, Pskov (Russian Federation) and Kyiv by May 2005.

43. In the framework of the UNECE Working Group on Environmental Monitoring and Assessment, a workshop on electronic databases was held in Moscow in May 2004. The workshop was organized in cooperation with the Russian Environmental Federal Information Agency, with the support of the European Environment Agency, and served to promote communication by national focal points in EECCA with the Aarhus Convention's clearing-house mechanism and further its development.

D. Public participation

44. While many of the projects supporting the general implementation of the Convention have public participation components, there are, in fact, not so many projects with a focus on its articles 6, 7 and 8. At the same time, the assessments done in the course of various projects and the information contained in the national reports indicate that there are many gaps in the legislation and capacity needs related to public participation in decision-making (ECE/MP.PP/2005/20, para. 8).

45. In 2002-2003, REC-CEE with the support of the Italian Government and in cooperation with RECs in the Caucasus, the Republic of Moldova and Ukraine implemented a project in Armenia, Azerbaijan, Bulgaria, Estonia, Georgia, the Republic of Moldova, Serbia and Montenegro and Ukraine focused on the implementation of article 6 and 7 of the Convention, in particular on the local level. Within the project, grants were provided to organize public participation in local decision-making processes. The pilot projects were complemented by expert assistance and training. The number of applications received and the active participation of local officials and NGOs demonstrate both the need for such practical, hands-on capacity-building as well as the effectiveness of addressing local decision-making.

46. Another aspect of ensuring effective implementation of the Convention's second pillar is building the capacities of NGOs to participate effectively in the decision-making. For example, in Central Asia CAREC organized a special NGO session on public participation in planning and

implementation of the Aral Sea basin programme in the framework of the Dushanbe fresh water forum, conducted workshops for NGO development of priorities for possible NGO activities on public participation in decision-making at the national level and supported NGO projects related to public participation in the implementation of the Central Asia Initiative of Sustainable Development.

E. Access to justice

47. The Parties and civil society continuously raise the issue of capacity-building in access to justice. The Parties, in the context of the task force on access to justice, noted that there was a significant need for specially tailored training for the judiciary, other legal professionals and civil servants as well as for information and assistance to the public on how to seek access to justice in environmental matters, including access to judicial and administrative review (ECE/MP.PP/2005/6).

48. The information provided in the context of national implementation reports suggests that implementation of the access-to-justice pillar presents the main challenge for Parties from all parts of the UNECE region (ECE/MP.PP/2005/20, para. 9). Among the ways to address this matter are raising awareness about the Convention among the judiciary and legal professionals, providing targeted guidance and training for those groups, and supporting pro bono legal services and training on access to justice for civil society organizations.

49. The capacity-building activities implemented so far, although quite significant, address but the tip of the iceberg. However, some of the resources developed in the context of these projects can and should be used in future activities.

50. The Handbook on Access to Justice was prepared in the context of the task force on access to justice to help identify and share existing practices in access to justice. Preparation of the Handbook was coordinated by REC-CEE with financial support of the Governments of the United Kingdom and the Netherlands. It addresses specific issues with respect to the implementation of the access-to-justice obligations of the Convention, drawing upon, analysing and evaluating the results of case studies from various UNECE countries. The Handbook is available in English and Russian (on CD only) from the secretariat or electronically from the website of the Convention (www.unece.org/env/pp).

51. Several general environmental law programmes focusing on the judiciary have covered or cover certain aspects relevant to access to justice under the Convention.

52. In the context of awareness raising among the judiciary, IUCN and UNEP organized several symposia: for West European judges in Rome (May 2003) and London (October 2003) and, together Ecopravo-Lviv and the Academy of Judges and the Judicial Administration of Ukraine, for Chief Justices from EECCA on the role of the judiciary in the enforcement and implementation of environmental law: regional needs assessment (May 2003). UNEP is preparing a training handbook for judges as well as further training programmes.

53. UNDP supports the establishment of special judicial training centres where training in Aarhus-related matters is being incorporated as a regular part of the general training in environmental law.
54. On the assessment side, the Öko Institut and the Centre d'étude du droit de l'environnement carried out a study on access to justice in eight EU countries commissioned by the European Commission to provide input to the preparation of its proposal for a draft directive which was subsequently published as COM(2003) 624.
55. The costs of access to justice constitutes one of the consistent obstacles identified by the Parties in the context of the task force on access to justice as well as in various studies, such as that referred to in paragraph 50 above. One of the effective approaches to lowering costs is making available good-quality pro bono or inexpensive legal service for representation in court and consultation.
56. There are public interest lawyers and advocacies in some countries of the region that provide pro bono or contingency-fee-based services. Their existence however is often subject to the availability of outside funding and support. In some of the regions, like South-Eastern Europe, there is also a need to establish such services.
57. To this effect, REC-CEE, following up on successful projects implemented earlier within a programme of the American Bar Association in Armenia, the Republic of Moldova and Ukraine, carried out a project to establish environmental advocacies in South-Eastern Europe. The project, supported by the Government of the Netherlands, included the establishment of a functioning advocacy centre in Bulgaria, training and support to public interest environmental lawyers throughout the region, the development of training materials, networking and funding for small advocacy projects.
58. Networking and exchange of experience and information across the region among public interest environmental lawyers is one of the necessary components of capacity-building on access to justice. One of the frameworks for such networking, the Association of Environmental Lawyers of Central/Eastern Europe and Newly Independent States (ecopravo.lviv.ua/guta), attempts to provide for an annual opportunity for the exchange of information, experience and litigation strategies for environmental lawyers from the countries with similar legal and institutional systems. The Environmental Law Alliance Worldwide provides similar possibilities on a global scale (www.elaw.org).

F. Protocol on Pollutant Release and Transfer Registers (PRTRs)

59. With the development of the Protocol on PRTRs it has become apparent that there is a need to support its future implementation, in particular through technical assistance and capacity-building. Several projects have been carried out in recent years to both raise awareness of the Protocol and promote the establishment of national registers and thus pave the way for ratification and implementation of the Protocol.
60. The PRTR Virtual Classroom, developed and hosted by UNITAR in the context of the Working Group on PRTRs and with the support of the Government of the Netherlands, provides

a forum for the exchange of information and good practice in international and national PRTR development. The secretariat held two consultations in targeted discussion forums on the draft guidance document for the implementation of the Protocol, in December 2004 and January 2005. Comments on the first and second drafts of the guidance were posted by experts in the discussion forums, contributing to a review of the draft guidance at the second meeting of the Working Group. ECO Forum also launched a discussion of PRTR capacity-building in Russian in March 2005. Outside of the UNECE region, a discussion was held among experts working to prepare PRTR in Chile, in 2004. The Virtual Classroom also contains links to other PRTR guidance materials and relevant national and international websites, a calendar of PRTR events and news.

61. A series of UNITAR guidance and resource documents is available to assist countries in development of PRTRs. The UNITAR country-based PRTR activities have included collaboration with Argentina, the Czech Republic, Chile, Cuba, Egypt, Mexico, Slovakia and South Africa. In support of these country-based activities, UNITAR, in collaboration with the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) PRTR Coordinating Group, has initiated and provides the secretariat for a network of PRTR resource persons. Through this network, interested countries have the opportunity to learn about, and have better access to, PRTR-related expertise in countries and organizations.

62. The secretariat, working with the UNECE Economic Analysis Division, has initiated a study, "Implementation costs of the Aarhus Convention's Protocol on Pollutant Release and Transfer Registers." The study aims to produce cost estimates of implementing the Protocol on PRTRs for its 36 UNECE Signatories and for prospective Signatories. It builds on a previous study (CEP/WG.5/AC.2/2002/4) but is more refined in scope in that it uses a country-by-country approach, which differentiates countries in terms of their levels of development. The study also comprehensively assesses countries' existing legal, regulatory, institutional, administrative and technical infrastructure relevant to PRTRs, thereby overcoming the difficulty of defining a valid, generic 'baseline' - in terms of the pre-existing regulatory framework - for all countries. The project has so far produced a theoretical spreadsheet model. A flow chart representing the full stream of reporting alternatives under the Protocol was also circulated at the second meeting of the Working Group on PRTRs. It illustrates the details of the reporting requirements under different systems under article 7 of the Protocol, such as the employee or capacity threshold systems and pollutant- or waste-specific reporting of transfers, and will be incorporated into the UNECE PRTR guidance document.

63. The secretariat also organized a side event entitled "PRTRs Now! How pollutant release and transfer registers can promote pan-European environmental and public health" at the Fourth Ministerial Conference on Environment and Health (Budapest, June 2004). It aimed at raising awareness of the Protocol and the potential use of PRTR data in environmental health indicators and the future pan-European environmental health information system.

64. A project to assist countries in developing and implementing national PRTRs was carried out in Central and Eastern Europe by REC for CEE with support of the Government of Norway in 2001-2004. It produced overviews of the development of national PRTRs, country-specific assessments and resource materials. A survey on developing and implementing PRTR in selected Central and Eastern European countries is available from www.rec.org/REC/Programs/PublicParticipation.html. National multistakeholder dialogues on

the specifics of establishing PRTR followed the surveys. The project identified some of the main obstacles to establishing integrated nationwide registers, including the lack of inter-agency coordination of the information flow and integration, as well as the lack of consistent analysis of existing legal and practical tools that can be used in the development of PRTRs. Some of the other concerns were related to data quality, timeliness and protection of commercial interest.

65. Another project, implemented by REC-CEE in cooperation with the Ministry of Environment of the Czech Republic and with the support of the Government of the Netherlands, focused on the development of a methodological guidance on PRTR in the Czech Republic and hands-on training for the experts. The guidance materials, developed in Czech, will also be made available in English in the near future.

66. A dedicated workshop on the development of electronic information networks was held in St Petersburg in May 2004 and resulted in the development of a pilot open system for accessing local-scale environmental information via the Internet in EECCA countries. In cooperation with UNEP/GRID-Arendal, and with funding from DEFRA, the three pilot projects are being prepared by partner agencies in Minsk, Pskov and Kyiv and will be demonstrated at the second meeting of the Parties.

III. PRIORITIES, NEEDS AND LESSONS LEARNED

67. Although each major subregion has initiatives in place to further the implementation of the Convention, capacity-building is still not given sufficient priority. The international development community also needs to step up research on capacity issues in line with the trend in the non-profit and private sectors.

68. Most of the capacity-building efforts related to the implementation of the Convention have been focused on the countries with economies in transition and, to a certain extent, the new member States of the European Union. While this focus is based on the needs expressed by the beneficiary countries themselves and identified in the course of multiple international and regional initiatives, and while capacity constraints in EECCA and South-Eastern Europe are certainly more significant, there might still be a need to take a closer look at the potential needs of the other UNECE member States as well.

69. Parties need to structure and prioritize their needs, in particular in EECCA and South-Eastern Europe. Both short-term and long-term priorities should be systematically addressed. It is important for this process, currently often driven from the outside by the donor community, to have national ownership and to be driven by the beneficiary countries themselves. It is also important that this process, while coordinated by the national governments, should involve all the stakeholders.

70. One of the conclusions that can be drawn from the national implementation reports is that poor implementation by public authorities other than environment ministries is a problem in certain countries (ECE/MP.PP/2005/20, para. 6). The Compliance Committee notes in its report that environment ministries and other environmental authorities tend to be more aware of the

Convention than other public authorities, or more willing to implement it (ECE/MP.PP/2005/13, para. 43). Particular priority should therefore be given to capacity-building projects focused on public authorities other than environmental authorities.

71. While there is a significant need for funding and technical assistance from the outside, it is imperative that the countries with capacity constraints should take on the responsibility for making the changes required to comply with their international obligations and to enforce their domestic legislation. Capacity constraints and, in particular, those identified in the review of compliance would have to be addressed, first and foremost, by the Parties concerned, including through the allocation of resources, both human and financial.

72. The approach to capacity-building should be systematic rather than sporadic. It should develop from an in-depth assessment to the identification of needs, gaps and constraints, and from there to defining short- and long-term priorities and actions, and addressing them in a consistent and systematic way. There is a greater possibility of avoiding overlaps and better addressing priority constraints if this process is coordinated from within the country.

73. One of the main constraints in capacity-building projects is the fact that public officials are often overburdened, especially on the national level. A structured and systematic approach to capacity-building developed inside the country, which is taken into account by implementing agencies and donor institutions, would help to build synergies between the capacity-building activities and avoid duplication not only for those implementing projects but first and foremost for those participating in them.

74. While concrete and consistent follow-up on projects is generally important for effective capacity-building, this consideration is particularly important when developing and using expertise. The use of experts and trainers from the region where the capacity-building is taking place should be further encouraged. This not only tends to ensure their continuous involvement and increases the effectiveness of projects but also provides for an exchange of experience within and between the subregions and enables the continuity of capacity-building initiatives. The expertise of such personnel has generally been developed in the context of similar legal and institutional frameworks.

75. One of the main priorities with regard to public participation is the development of legislation, in particular secondary legislation, and official guidance on all aspects of the implementation of articles 6, 7 and 8 of the Convention. Another priority is training, including through practical, hands-on activities, such as pilot projects. In this regard, some of the most effective training and practical pilot project initiatives are those that focus on local decision-making and its stakeholders.

76. To facilitate the effective implementation of access-to-justice provisions, judicial training and training of legal professionals should be promoted in a way that takes account of the need to ensure judicial independence and build upon existing infrastructure for such capacity-building on the national level. In addition to national-level training, a regional framework for the exchange of experiences among the judiciary might be one of the most effective approaches to both training and awareness raising. Assistance to public interest environmental lawyers, including

support for their networks and information exchange, is also an important part of capacity-building.

77. While plans to implement the Protocol on PRTRs in the EU member States and accession countries are already being put in place in the context of the implementation of the decision on the European pollution emission register and its future expansion, there has been considerable interest expressed by many of the EECCA and South-Eastern European countries in financial and technical assistance to help initiate PRTRs. If those countries, many of which have signed the Protocol, are to be in a position to ratify it within a similar time frame to that being followed by their Western counterparts, it will be important to address this interest as a matter of priority.

78. The evolution of the capacity-building service into a capacity-building framework was a logical and realistic step forward. However, further work is needed to maximize the benefits of the new structure. The preparation of the second meeting of the Parties has inevitably taken away from the secretariat's time available for other areas of work such as capacity-building. Following the meeting in Almaty, it is intended to give higher priority to servicing the capacity-building framework.

79. One particular goal is to develop a section of the clearing house with information on capacity-building activities. The next coordination meeting, provisionally scheduled for autumn 2005, will provide an opportunity to have a closer look at capacity-building needs and priorities, using the material from the implementation reports and any conclusions from the Meeting of the Parties. It is intended to extend the invitation to the meeting to donor governments that invest on a significant scale in capacity-building activities.

80. Finally, the possibility that the Working Group of the Parties could play a larger role in relation to capacity-building during the forthcoming intersessional period than it has to date, by providing a forum for dialogue between countries in which capacity-building is required and governments and organizations that provide support, should be explored. If such a dialogue does not readily fit within the structure of a meeting of the Working Group, it could perhaps form the subject of a meeting back to back with it.

¹ The Partnership for Principle 10, which builds upon the Access Initiative and is described in the document on Global and regional developments on issues related to the implementation of principle 10 of the Rio Declaration on Environment and Development (ECE/MP.PP/2005/17, paras. 37-38), has elicited commitments from several Parties or Signatories to the Convention (Hungary, Italy, Sweden and the United Kingdom) and from NGOs, e.g. to explore ways of improving environmental governance and access to information. These may in the future prove to be a stimulus to further capacity-building activities related to the implementation of the Convention.