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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

Working Group of the Parties to the Convention
(Fourth meeting, Geneva, 1-4 February 2005)
(Item 3 (b) of the provisional agenda)

DRAFT PROVISIONAL AGENDA FOR THE SECOND MEETING OF THE PARTIES[1]

to be held at the Regent Almaty Hotel, Almaty, Kazakhstan
starting at 10 a.m. on Wednesday, 25 May 2005

Welcome address by Kazakhstan's Minister of the Environment.

1. Opening.

2. Adoption of the agenda.

3. Status of ratification of the Convention and of the Protocol on Pollutant Release and Transfer Registers (PRTRs).

4. Report on intersessional activities.

5. Substantive issues:

   (a) Pollutant release and transfers registers;
   (b) Genetically modified organisms (GMOs);
   (c) Access to justice;

[1] Prepared by the Bureau with the assistance of the secretariat.

(d) Electronic information tools and clearing-house mechanism;
(e) Public participation in international forums;
(f) Public participation in strategic decision-making.

6. Procedures and mechanisms facilitating the implementation of the Convention:

(a) Reports on implementation;
(b) Compliance mechanism;
(c) Financial arrangements;
(d) Capacity-building activities.

7. Programme of work and operation of the Convention:

(a) Report on the implementation of the work programme for 2003-2005;
(b) Work programme for 2006-2008;
(c) Long-term strategic planning for the Convention.

8. Synergies between the Aarhus Convention and other relevant multilateral environmental agreements, as well as work on issues related to principle 10 of the Rio Declaration on Environment and Development in other regional and global forums.

HIGH-LEVEL SEGMENT

Ceremonial statements.

9. General statements.

10. Ministerial panel discussion:

(a) Successes, failures and lessons learned: key challenges in implementing the Convention;
(b) Global and regional developments on issues related to principle 10 of the Rio Declaration on Environment and Development.

11. Discussion and adoption of the Almaty Declaration.

12. Election of officers and other Bureau members.

13. Date and venue of the third ordinary meeting.

14. Any other business.

15. Adoption of decisions and of the report.

16. Close of the meeting.

DRAFT ANNOTATED PROVISIONAL AGENDA WITH INDICATIVE TIMETABLE

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
Wednesday, 25 May 2005				
10.00-10.15	**Item 1: Opening**		Welcome address by Kazakhstan's Minister of the Environment. The Chair of the Meeting of the Parties will formally open the meeting.	
10.15-10.20	**Item 2: Adoption of the agenda**	Decision	The Meeting of the Parties will be invited to adopt the agenda of the meeting as prepared by the Working Group of the Parties and set out in the present document.	Provisional agenda
10.20-10.35	**Item 3: Status of ratification of the Convention and of the Protocol on Pollutant Release and Transfer Registers (PRTRs)**	Information	The secretariat will inform the Meeting of the Parties about the status of ratification of the Convention and of the Protocol on PRTRs. It will also provide information about any declarations made by the Parties upon the deposit of their instruments of ratification, acceptance, approval or accession. Delegates from States or regional economic integration organizations not yet Party to the Convention and/or to the Protocol will be offered an opportunity to briefly inform the Meeting of their plans to ratify, accept, approve or accede.	Report
10.35-10.45	**Item 4: Report on intersessional activities**	Information	The Chair will inform the Meeting about the activities that have taken place since the first meeting of the Parties in relation to the operation of the Convention.	Report
	Item 5: Substantive issues			

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
10.45-11.15	(a) Pollutant release and transfer registers	Information	At their first extraordinary meeting, the Parties to the Convention adopted the Protocol on Pollutant Release and Transfer Registers (PRTRs) and established the Working Group on PRTRs to carry out activities in preparation for the entry into force of the Protocol and the first session of the Meeting of the Parties. The Chair of the Working Group on PRTRs will report on its progress, including steps taken to prepare technical guidance, draft rules of procedure of the Meeting of the Parties to the Protocol and a compliance mechanism for the Protocol. The Meeting will be invited to take note of the Working Group's achievements and to consider what further measures are required in order to promote the entry into force and effective implementation of the Protocol.	
11.15-12.10	(b) Genetically modified organisms (GMOs)	Information Decision	At their first meeting, the Parties adopted the Guidelines on Access to Information, Public Participation and Access to Justice with respect to Genetically Modified Organisms (GMOs) and established a new working group by virtue of decision I/4. The Working Group was mandated to explore options for a legally binding approach to further developing the application of the Convention with respect to GMOs and to develop selected options for consideration and possible decision and, if appropriate, adoption by the Parties at their second meeting. The Chair of the Working Group on GMOs and the Chair of the Working Group of the Parties will report on the results of the activities of those bodies. The Meeting of the Parties will be invited to adopt a decision aimed at further developing the application of the Convention with respect to GMOs. As indicated in paragraph 3 of decision I/4, such a decision may involve the adoption of an amendment to the Convention in accordance with the procedure laid down in article 14 of the Convention. The Meeting will also be invited to review the status of implementation of the Guidelines, in	Report on the status of implementation of the Guidelines Draft decision

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
			accordance with paragraph 2 of decision I/4.	
12.10-13.00	(c) Access to justice	Decision	Through decision I/5, at their first meeting, the Parties established a task force on access to justice to support the implementation of the third pillar of the Convention. The Chair of the task force and the Chair of the Working Group of the Parties will report on the results of the respective activities of those bodies. The Meeting will be invited to review the work undertaken and to consider and adopt a draft decision, containing draft recommendations on promoting effective access to justice.	Draft decision
13.00-15.00	Lunch			
15.00-16.20	(d) Electronic information tools and clearing-house mechanism	Information Decision	At their first meeting, the Parties established a new task force on electronic information tools by virtue of decision I/6. The task force was mandated inter alia to facilitate the implementation of the Convention by preparing draft recommendations on the more effective use of electronic information tools to provide public access to environmental information. Through decision I/10, the Parties requested the secretariat to continue with its efforts to develop the clearing-house mechanism. The Chair of the task force and the Chair of the Working Group of the Parties will report on the results of the activities of those bodies. Selected demonstrations of innovative uses of electronic tools and of the clearing-house will be given. The Meeting will be invited to take note of these activities and to adopt a draft decision, including draft recommendations on promoting the use of electronic information tools.	Draft decision

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
16.20-17.30	(e) Public participation in international forums	Decision	Through the Lucca Declaration, the Parties, at their first meeting, recommended that consideration should be given to the possibility of developing guidelines on promoting the application of the principles of the Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment, for adoption, as appropriate, at a future meeting of the Parties. The Working Group of the Parties subsequently established an ad hoc expert group to consider the scope, format and content of possible guidelines. The Chair of the Expert Group and the Chair of the Working Group of the Parties will report on the results of the respective activities of those bodies. The Meeting will be invited to take note of the work undertaken and to consider and adopt draft guidelines on public participation in international forums.	Draft guidelines
17.30-18.00	(f) Public participation in strategic decision-making	Information Decision	At their first meeting, the Parties recognized the need to consider, in the light of the content of the new Protocol on Strategic Environmental Assessment (SEA) to the Espoo Convention, if further work was needed under the Aarhus Convention on the issue of public participation in strategic decision-making. The Working Group of the Parties reviewed two background papers on this topic and considered that a joint workshop with the Espoo Convention would be a practical way to undertake further work on the issue of public participation in strategic decision-making. The proposal was brought to the attention of the Meeting of the Parties to the Espoo Convention, which gave it a positive response. The Meeting of the Parties will be invited to consider progress achieved in this area and decide upon further steps, addressing inter alia the issue of a joint workshop with the Espoo Convention.	

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
Thursday, 26 May 2005				
	Item 6: Procedures and mechanisms facilitating the implementation of the Convention			
10.00-11.15	(a) Reports on implementation	Information Decision	At their first meeting, the Parties adopted decision I/8 setting out the requirements on the Parties to report on their implementation of the Convention. The Meeting will be invited to review the implementation of the Convention on the basis of the national implementation reports submitted by the Parties and the synthesis report prepared by the secretariat. It is also expected to take note of other reports submitted by the Signatories and other States not Party to the Convention, as well as reports prepared by international, regional and non-governmental organizations. The meeting will be invited to discuss the experience gained in compiling reports, including the experience with NGOs and other stakeholders, and to decide upon possible ways of improving the process in the future, if needed.	National implementation reports Synthesis report
11.15-12.30	(b) Compliance mechanism	Decision Election	At their first meeting, the Parties adopted decision I/7 on review of compliance and elected the members of the Compliance Committee. The Chair of the Committee will report on its activities and present any recommendations of the Committee. The Meeting will be invited to take note of the Committee's report and to consider and adopt any draft recommendations of the Committee within the framework of a decision on compliance issues. The Meeting is also expected to elect four members of the Committee in accordance with the procedure set out in decision I/7.	Report of the Compliance Committee Recommendations of the Compliance Committee on specific cases of possible non-compliance

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
				Draft decision
12.30-13.00	(c) Financial arrangements	Decision	Through decision I/13, at their first meeting, the Parties established an interim voluntary scheme of financial contributions and set up a task force to explore the possibility of establishing stable and predictable financial arrangements for the Convention based on the United Nations scale of assessment or other appropriate scales. The Chair of the Task Force and the Chair of the Working Group of the Parties will report on the results of the activities of those bodies. The Meeting will be invited to take note of the work undertaken and to consider and adopt a draft decision on financial arrangements.	Draft decision
13.00-15.00	Lunch			
15.00-15.30	(d) Capacity-building activities	Information Decision	Through decision I/10 the Parties at their first meeting noted the urgent need for coordinated and systematic assistance for the effective implementation of the Convention, primarily 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. The Meeting will be invited to review the activities undertaken and the efforts made to coordinate these activities on the basis of a report prepared by the secretariat and other information provided by organizations involved in capacity-building	Report

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
			activities, focusing, in particular, on the capacity-building needs of countries with economies in transition. The Meeting is expected to provide feedback on the activities undertaken to provide guidance on the direction of future activities.	
	Item 7. Programme of work and operation of the Convention			
15.30-15.45	(a) Report on the implementation of the work programme for 2003-2005	Information	Through decision I/11, the Parties decided, at their first meeting, that a work programme covering the period up to and including the next meeting of the Parties would be prepared for adoption at each meeting of the Parties, including an estimation of the costs. Through decision I/12, they adopted a specific work programme for the period 2003-2005. The Meeting will be invited to review the implementation of the work programme and the use of the funds contributed for the period 2003-2004 on the basis of a report prepared by the secretariat.	Report (including financial report)
15.45-16.45	(b) Work programme for 2006-2008	Decision	The Meeting is expected to consider a draft decision containing the proposed work programme for 2006-2008 and adopt it. It is expected that Parties, Signatories and other interested States will have informed the secretariat in advance of the meeting of their intention to contribute to the financial resources of the Convention under the proposed voluntary scheme of contributions envisaged in the draft decision. The secretariat will make the information received available to the Meeting and delegations will be invited to provide any supplementary information.	Draft decision

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
16.45-17.15	(c) Long-term strategic planning for the Convention	Decision	Through decision I/11, the Parties at their first meeting requested the Working Group of the Parties to take steps to prepare a long-term strategic plan for the Convention for possible adoption at the second meeting of the Parties. The Meeting is expected to consider and adopt a draft decision on long-term strategic planning for the Convention.	Draft decision
17.15-18.00	**Item 8. Synergies between the Aarhus Convention and other relevant multilateral environmental agreements, as well as work on issues related to principle 10 of the Rio Declaration on Environment and Development in other regional and global forums**	Information	Through the Lucca Declaration, the Parties, at their first meeting, agreed that the links between the Aarhus Convention and other relevant multilateral environmental agreements should be strengthened. The Meeting will be invited to explore ways of further promoting synergies between the Convention and other multilateral environmental agreements, taking into consideration the findings of the work on public participation in international forums. The Meeting is also expected to review developments related to the implementation of principle 10 of the Rio Declaration on Environment and Development in other regions and at the global level[on the basis of a background document (information note) prepared by the secretariat][2] and will be invited to consider and adopt a draft decision on advancing the principles of the Convention in other regions and globally, including through accession to the Convention.	Draft decision [Information paper]
HIGH-LEVEL SEGMENT **Friday, 27 May 2005** The Chairperson of the Meeting of the Parties will invite a high-level official from the host country to chair the high-level segment.				
10.00-10.30	**Ceremonial statements**		Welcome address by the UNECE Executive Secretary. Welcome address by a high-level official from the host country.	

[2] Whether a report providing a review of developments related to the implementation of principle 10 of the Rio Declaration on Environment and Development is needed will be evaluated at the fourth meeting of the Working Group of the Parties in the light of the documents prepared for the 23d session of the UNEP Governing Council.

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
10.30-11.30	**Item 9: General statements**		Ministers and high-level representatives of selected intergovernmental and non-governmental organizations will be invited to deliver general statements, including declarations on priorities related to the implementation of the Convention. Delegates are invited to provide written versions of their statements and any supplementary information, and to keep the delivery of their statements to a maximum of five minutes. [3]/	
	Item 10: Ministerial panel discussion		See annex.	
11.30-13.00	(a) Successes, failures and lessons learned: key challenges in implementing the Convention	Debate		
13.00-15.00	Lunch			
15.00-16.30	(b) Global and regional developments on issues related to principle 10 of the Rio Declaration on Environment and Development	Debate		
16.30-17.15	**Item 11: Discussion on and adoption of the Almaty Declaration**	Adoption	Ministers and heads of delegation of Parties, Signatories and other States, as well as international, regional and non-governmental organizations and other representatives of civil society will be invited to consider and adopt a declaration based on a draft text prepared by the Working Group of the Parties.	Draft declaration

[3]/ Subject to downward revision, depending upon the number of delegates wishing to take the floor.

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
17.15-17.20	**Item 12: Election of officers and other Bureau members**	Election	The Meeting of the Parties is expected to elect a chairperson and two vice-chairpersons, both from among the representatives of the Parties present at the meeting in accordance with rule 18. It is also expected to elect the remaining members of the Bureau from among the representatives of the Parties in accordance with rule 22, paragraph 1 (b). Non-governmental organizations established for the purpose of, and actively engaged in, promoting environmental protection and sustainable development are expected to appoint a representative to attend the meetings of the Bureau, as an observer, in accordance with rule 22, paragraphs 2 and 4.	
17.20-17.25	**Item 13: Date and venue of the third ordinary meeting**	Decision	The Meeting of the Parties is expected to make a preliminary decision with respect to the date and venue for its third ordinary meeting. Parties and prospective Parties are invited to consider hosting the meeting and to inform the secretariat in advance of any proposals that they may intend to make in this regard.	
17.25-17.30	**Item 14: Any other business**		Delegations wishing to propose points under this item are requested to inform the secretariat as soon as possible.	
17.30-17.45	**Item 15: Review of decisions and adoption of the report**	Adoption	The Meeting will be invited to review the draft decisions and adopt a draft report. The Meeting will also be invited to approve the report on the credentials, presented by the officers in accordance with rule 17 of the rules of procedure.	Draft decisions Draft report of the meeting
17.45-18.00	**Item 16: Close of the meeting**		The Chair of the high-level segment will close the meeting.	

Annex

PROPOSAL ON THE MINISTERIAL PANEL DISCUSSION

I. COMPOSITION OF THE PANEL

The panellists will be Ministers and distinguished representatives of stakeholders, including non-governmental, intergovernmental (IGO) and other international organizations. They may also include parliamentarians, academics, or representatives of the private sector, local authorities and the media.

The main criteria for determining the composition of the ministerial panels should be diverse geographical representation; commitment (including through ratification) and activity shown by a country in the implementation of the Convention; and the potential to share good practices or the severity of problems in the matter. The panel should ideally include articulate and stimulating speakers.

With regard to the stakeholders, criteria such as experience in matters related to public participation and active performance at the regional level are relevant, as well as the need to include stakeholders with different profiles and experience.

It is suggested that the entire high-level segment will be chaired by a representative of Kazakhstan, as the host country, and that the panellists will be selected by the Bureau and invited by the Chair of the Meeting of the Parties in accordance with the above-mentioned criteria.

The proposal regarding the composition of the panels is as follows:

Panel 1. Successes, failures and lessons learned: key challenges in implementing the Convention

Moderator: Minister from a European country outside the European Union (EU).

Panellists:
(a) Parties/Signatories: 2 EU, 1 Eastern Europe, the Caucasus and Central Asia, 1 South-East Europe;
(b) Stakeholders: 1 NGO, 1 judiciary.

Panel 2. Global and regional developments on issues related to principle 10 of the Rio Declaration on Environment and Development

Moderator: High-level representative from IGO.
Panellists:
(a) Governmental representatives: EU Commissioner, 1 representative from Parties/Signatories, 1-2 Ministers from other regions (Latin America; Africa; Asia);
(b) Stakeholders: 1 NGO, IGOs, including 1 from the secretariat of a global multilateral environmental agreement (MEA) or a regional MEA from another region.

II. FORMAT AND THEMES OF THE PANELS

The format for the two panel discussions will be short opening statements by each of the panellists (up to 5 minutes); comments, questions and reactions from the floor; responses by the panellists; and concluding remarks by the moderator.

The list of panellists and the subjects of their opening statements will be further developed and circulated prior to the meeting. To this end, panellists will be invited to provide the secretariat with their opening statements in writing and any supplementary information, and to keep their addresses to a maximum of five minutes.

Ministers and other delegates will be invited to take part in the debate. They will be invited to submit to the secretariat copies of their interventions prior to or, if necessary, during the meeting. These interventions should not exceed three minutes.

Panel 1. Successes, failures and lessons learned: key challenges in implementing the Convention

Delegates are expected to discuss the main concerns in relation to implementation of the Convention, in particular, the focus should be on successes, failures and lessons learned in terms of implementation of the three pillars of the Convention: access to information, public participation in decision-making and access to justice in environmental matters.

During the discussion, delegates are expected to use the national implementation reports and the synthesis report as a focus. In doing so, they may wish to address the following aspects of implementation: general priorities; legislation; institutional framework; traditions of democracy (or lack thereof); and mechanisms that could facilitate implementation, including raising public awareness and capacity-building. The needs of countries with economies in transition, especially in EECCA, in relation to the implementation of the Convention should receive special attention.

The following documents could serve as background material for the discussion: Report on the status of ratification of the Convention and of the Protection on PRTRs; national implementation reports; Synthesis report on implementation.

Indicative timetable

11.30-12.10	Opening statements by the moderator and by the panellists
12.10-12.55	Interventions from the floor and responses by the panellists
12.55-13.00	Concluding remarks by the moderator

Panel 2. Global and regional developments on issues related to principle 10 of the Rio Declaration on Environment and Development

Delegates are expected to discuss the major developments that are taking place at both global and regional levels in relation to principle 10 of the Rio Declaration on Environment and Development. They may wish to address the global and regional priorities and to consider the extent to which there are common elements which should apply in all regions. Points for discussion could include:

- Binding versus non-binding approaches to promoting environmental democracy;
- Whether the rights which the Convention seeks to guarantee are 'Eurocentric' and either irrelevant or inappropriate for other regions, or whether they are fundamental rights which should be recognized by all countries;
- Whether political and social differences, including aspects of culture, justify a differentiated approach to establishing procedures to implement principle 10, or whether those differences are simply 'part of the problem';
- Specific challenges facing developing countries (both governments and other stakeholders);
- Possible frameworks for future partnerships and dialogue between different regions and at the global level;
- Whether it would be either feasible, or desirable, to develop a global instrument on environmental democracy or whether regional approaches, possibly using the Aarhus Convention as a model, make more sense.

The key outputs of the discussion could be conveyed to other regional commissions and the UNEP secretariat, to be taken into account in their respective decision-making processes.

Indicative timetable

15.00-15.40	Opening statements by the moderator and by the panellists
15.40-16.25	Interventions from the floor and responses by the panellists
16.25-16.30	Concluding remarks by the moderator