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ECONOMIC COMMISSION FOR EUROPE

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
(Sixth meeting, Geneva, 5–7 April 2006)
(Item 5 of the provisional agenda)

**REPORT ON THE FIRST MEETING OF THE TASK FORCE
ON PUBLIC PARTICIPATION IN INTERNATIONAL FORUMS**

1. The first meeting of the Task Force on Public Participation in International Forums established by the Meeting of the Parties (decision II/4) was held in Geneva on 24–25 November 2005.
2. The meeting was attended by experts designated by the Governments of Armenia, Belarus, Belgium, Finland, France, Georgia, Germany, Italy, Kyrgyzstan, the Netherlands, Norway, the Republic of Moldova, Serbia and Montenegro, Spain, Sweden and the United Kingdom. The Commission of the European Communities was also represented.
3. The following international non-governmental and regional organizations were represented: Earthjustice, the European Environmental Bureau, the European ECO Forum, the European Public Health Alliance – Environment Network, Women in Europe for a Common Future and the Regional Environmental Center for Central and Eastern Europe (REC).
4. The following national non-governmental organizations were represented: Teta “Khazri” (Azerbaijan), International Center for Environmental Research (Georgia), Green Dossier (Ukraine), and Union for Defense of the Aral Sea (Uzbekistan).

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5. The Meeting of the Parties having accepted the offer of France to lead the work of the Task Force, Mr. Laurent Mermet was designated by France as Chair. Opening the meeting, Mr. Mermet welcomed the participants and reminded the Task Force of the mandate set out in decision II/4, adopted at the second meeting of the Parties.

II. ADOPTION OF THE AGENDA

6. Having regard to its mandate, the Task Force adopted the following agenda for its work:
1. Adoption of the agenda
 2. Election of Vice-Chair(s)
 3. Follow-up to decision II/4 on promoting the application of the principles of the Aarhus Convention in international forums:
 - a) Objectives of proposed plan of consultation
 - b) Criteria for selection of international forums
 - c) List of international forums to be consulted
 - d) Modalities of consultation
 - e) Time schedule
 4. Adoption of the report and close of the meeting

III. ELECTION OF VICE-CHAIR(S)

7. Ms. Ludmila Barbaiani of the Republic of Moldova and Ms. Loredana Dall'Ora of Italy were elected Vice-Chairs by consensus.

IV. FOLLOW-UP TO DECISION II/4

8. The Chair presented a paper that he had prepared with the assistance of a consultant setting out a proposed plan of consultation with international forums and annexing a list of such forums, and he invited the members of the Task Force to give their comments. Many participants expressed their appreciation of the documentation and general support for the plan's content, but considered that further clarification was needed, in particular with respect to proposed modalities for consultation, stages of the consultation process and its outcome. The Task Force then proceeded to consider specific elements of the plan.

a) Objectives of proposed plan of consultation

9. The Task Force agreed that priority should be given to eliciting the views of other international forums on the Guidelines as a tool for the promotion of the principles of the Aarhus Convention in international forums. The Task Force considered that the consultation process should also be carried out in such a way as to maximize its value in providing guidance at the national level on how to apply the principles of the Convention in international forums. To best achieve these objectives, it

was agreed that it would be important to operate within a framework of reciprocal discussion aimed at the exchange of experience. The Task Force reiterated that, *inter alia*, the consultation should be carried out keeping in mind the operational goal of producing results that would effectively assist the Working Group of the Parties in reviewing the Guidelines.

b) Criteria for selection of international forums

10. The Chair briefly presented the procedure that had been used to prepare the preliminary draft list of international forums and invited the Task Force to consider the criteria for their selection. The Task Force discussed and agreed upon the criteria, namely the number of members in a forum, the presence of Aarhus members in a forum, the proportion of a forum's decisions or actions affecting the environment, the potential environmental significance of these decisions or actions, and expressed civil society need. It was noted that further input might be needed from civil society in respect of the last criterion. The Task Force emphasized the need for flexibility in the use of the criteria and noted that any given forum's level of interest in engaging in a dialogue on the issues addressed in the Guidelines was a crucial criterion which would only be known once the forum had been approached.

c) List of international forums

11. The Task Force agreed that the preliminary draft list prepared by the Chair was a useful starting point. The Chair explained that the list had been prepared on the basis of a longer list of international forums meeting the criteria set out in paragraph 4 of the Guidelines. At the request of the Task Force, this "source" list was also circulated to participants during the meeting. The Task Force discussed the appropriate format for the list of those selected for consultation and agreed that it should include three levels of priority. A number of amendments were made to the list, including the promotion of some forums to a higher priority for consultation and the demotion of others to a lower priority. It was agreed that all listed forums without Aarhus members should be considered to have the lowest level of priority for consultation. It was noted that in respect of forums the inclusion of which the Task Force could not agree upon (e.g. the North American Agreement on Environmental Cooperation), the final decision would in any case be made by the Working Group of the Parties.

d) Modalities of consultation

12. The Task Force considered the various modalities of consultation outlined in the proposed plan of consultation. There was discussion on the need to sequence the consultation process. It was agreed that the initial focus should be on the written modalities, but it was also recognised that the more direct modalities of consultation could start in a flexible way without waiting for the written consultation to begin.

13. The Task Force agreed that a different approach was needed in consultations with different forums. It was agreed that a "consultation package" to be considered by the Working Group of the Parties should be sent to the forums listed in the two higher levels of priority for consultation, and that this package should contain a hard copy of the Guidelines, a covering letter and a questionnaire.

It was agreed that the forums listed in the lowest level of priority for consultation should be sent the Guidelines with a covering letter only.

14. The Task Force discussed elements to be included in the covering letter for the consultation package. It was agreed that the covering letter should provide a brief overview of the Aarhus Convention and the Guidelines; that it should outline the nature of the consultation process, including its objectives, timescale and format for responses; and that it should describe the transparency of the consultation process. In doing the latter, it should specify that the list of forums consulted would be on the Aarhus website, that written responses to the questionnaire would be made available on the Aarhus website at the end of the consultation process, that supplementary information provided informally would be summarized in a thematic report without reference to individual forums, and that if a forum had any comments on the consultation process itself, these could be sent to the Aarhus secretariat.

15. The Task Force also discussed and agreed upon the general format and content of the questionnaire. It was agreed that the questionnaire should contain a small number of key questions designed to elicit the selected forum's comments on the Guidelines and inviting it to share its experiences regarding access to information, public participation in decision-making and access to justice in environmental matters.

16. The Task Force briefly discussed the role of the secretariats of international forums in relation to the preparation of responses to the questionnaire. It agreed that, while in the majority of cases the secretariats would be able to answer the broad questions proposed for the questionnaire, it should be made clear that each forum's members, governing bodies and/or subsidiary bodies or their representatives should be involved in the process, especially in regard to any question seeking an evaluation or opinion.

17. In respect of the forums listed as having the lowest level of priority for consultation, a consensus was reached on the importance of sending the Guidelines to the forums on the list and on the fact that the secretariat and Chair should be mandated and indeed encouraged to send it to additional relevant international forums. It was agreed that the mailing of the Guidelines to such forums should be accompanied by a covering letter providing brief background information on the Aarhus Convention, the Guidelines and the consultation process. It was also agreed that, although such forums should not receive the questionnaire, the letter could contain a reference to its availability on the Aarhus website.

18. The Task Force recognized the value of having various modalities for direct consultations with key international forums – for example, personalized consultation with secretariats, presentations at sessions of their governing or subsidiary bodies, and presentations by forum representatives at future meetings of the Task Force. To some extent, these should be conducted on the basis of interest expressed through, *inter alia*, the written consultation process. Such modalities would be used only in consulting a more restrictive number of key forums.

19. The Task Force discussed the various possible uses of an international workshop as a modality in the consultation process. It was decided that, if the Working Group of the Parties was

agreeable in principle to such a workshop, the organisation and design of the workshop would be discussed at the second meeting of the Task Force, after initial consultations had been conducted. However, some preparatory work might need to start earlier in order for the workshop to take place within the required timeframe.

20. The Task Force agreed that internal consultation between each Party's Aarhus Convention officers and its officers active in other international forums taking decisions or actions affecting the environment was an essential element of the consultation process and, more generally, in the context of implementing decision II/4. The Task Force agreed to suggest to the Chair of the Bureau to highlight the need for internal consultation before the meeting of the Working Group of the Parties in April 2006.

e) Time schedule

21. The Task Force was invited to consider a provisional time schedule for the consultation process, which was discussed and, by general agreement, further refined.

f) Conclusion

22. The Task Force requested the secretariat to make the necessary changes to the draft plan of consultation and annexed list of forums and to circulate them by email to all participants by mid-December for review by early January. The Chair and secretariat would then finalize the texts for submission to the Working Group of the Parties (ECE/MP.PP/WG.1/2006/3/Add.1 and Add.2).

V. ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

23. As no other issues were raised under any other business, the Chair thanked the experts for their substantive work, and the secretariat and the consultant for their support of the work of the Task Force, and closed the meeting.