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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

Ninth meeting
Geneva, 13–15 February 2008
Item 6 of the provisional agenda

PUBLIC PARTICIPATION IN INTERNATIONAL FORUMS

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

Report prepared by the Task Force on Public Participation in International Forums

1. The third meeting of the Task Force on Public Participation in International Forums established by the Meeting of the Parties through decision II/4 was held in Geneva on 8 and 9 November 2007.
2. The meeting was attended by experts designated by the Governments of Armenia, Finland, France, Kyrgyzstan, Moldova, Norway, Sweden and the United Kingdom of Great Britain and Northern Ireland. The European Community was represented by an expert designated by the European Commission.
3. The following regional organizations were represented: European Bank for Reconstruction and Development (EBRD) and the Regional Environmental Center for Central and Eastern Europe (REC).

4. The following international non-governmental organizations (NGOs) participated: CropLife International and, within the framework of the European ECO-Forum, the European Environmental Bureau and Women in Europe for a Common Future. The following national NGOs also participated within the framework of European ECO-Forum: TETA “KHAZRI” (Azerbaijan), International Charity Information Center “Green Dossier” (Ukraine) and Resource Analysis Center “Society and Environment” (Ukraine).

II. ADOPTION OF THE AGENDA

5. The Task Force adopted the following agenda for its work:
- (a) Adoption of the agenda;
 - (b) Consideration of the report of the meeting of representatives of international forums held on 20 and 21 June 2007;
 - (c) Consideration of the comments received on experience regarding the application of the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums;
 - (d) Consideration of possible recommendations to assist the Working Group of the Parties in its task of reviewing the Almaty Guidelines;
 - (e) Any other business;
 - (f) Adoption of the report and close of the meeting.

III. CONSIDERATION OF THE REPORT OF THE MEETING OF REPRESENTATIVES OF INTERNATIONAL FORUMS

6. The Chair of the Task Force, Mr. Laurent Mermet (France), presented the report of the meeting of representatives of international forums held in Geneva on 20 and 21 June 2007. The Task Force thanked the Chair and the secretariat for the report. The suggestion was made that it would be useful to consider ways to follow-up with the international forums that took part in the meeting, both to learn how they have reported on the meeting to their own bodies, and to maintain the dynamic created by the meeting itself. It was remarked that the Convention had an important role to play in international environmental governance and that it should pursue the referencing of good practice.

7. European ECO-Forum remarked upon the growing role of European Union (EU) coordination meetings in the preparation of the decisions of international forums. It noted with regret that, given the large number of EU member countries and the fact that EU coordination meetings are held in closed session, a major part of an international forum’s decision-making process was often being conducted out of sight of the public. The European Commission responded that, given the delicate nature of negotiations amongst so many EU Member States and the need for mutual confidence, it would not be feasible to conduct EU coordination in a more open way. It also cited the fact that EU Member States were free to decide that their delegations include NGO representatives as national experts, subject to obligations of confidentiality. European ECO-Forum pointed out, however, that this practice was sometimes

actively discouraged and stated that closed sessions should remain an exception for specific circumstances rather than the rule.¹

IV. CONSIDERATION OF THE COMMENTS RECEIVED ON EXPERIENCE REGARDING THE APPLICATION OF THE ALMATY GUIDELINES

8. The secretariat presented a paper synthesizing the comments received from three Parties (Denmark, France and Germany) and six NGOs with respect to their experience regarding the application of the Almaty Guidelines. The Task Force agreed that the synthesis paper should be prepared as an annex to the meeting report.

9. In addition, Finland and Sweden reported orally to the meeting on their experience regarding the application of the Guidelines. Finland reported that it had distributed the Guidelines to its representatives involved in other international forums dealing with matters relating to the environment and had recently held discussions on public participation, including the application of the Guidelines, with its Ministry of Foreign Affairs, Ministry of Environment and national NGOs. Sweden reported that its Ministry of Environment had held a seminar for representatives involved in international negotiations to increase awareness of the Convention, the Guidelines and the work on public participation in international forums. Sweden reported that, although not formalized, the Ministry for Environment puts an emphasis on involving NGOs and other stakeholders before and during international negotiations. At the international level, Sweden had experienced reluctance on the part of many countries to support the involvement of NGOs in compliance mechanisms under other conventions.

10. France reported on the main findings of a study that had been undertaken by its Ministry of Ecology, Sustainable Development and Planning (MEDAD) in 2006 and 2007 to study the practices of its negotiators in international decision-making processes in the light of the Guidelines. The study compared the perceptions of its negotiators involved in particular international forums against the perceptions of national NGOs involved in those forums. France indicated that the full study would be made available on the Convention website at a later date. Several experts welcomed the initiative shown by France in undertaking the study and suggested that it could serve as a useful model for other Parties.

11. The European Commission reported on a proposal to revise the procedure for the public to submit comments on documents subject to public consultation (i.e. “green papers” and major legislative proposals). Under the proposal, any person or organization would be able to submit comments on such documents without needing to register an interest. If an organization chose to register its interest, it would be entitled to special advantages, such as early notice of a commenting process and having its comments considered under the registered organizations section. The purpose of registration was to allow the Commission to better understand which

¹ During the discussion of this part of the draft meeting report, representatives of the European Commission and some EU Member States pointed out that in paragraph 9 of the Almaty Guidelines, “international forums” was defined in such a way as to exclude any regional economic integration organization or forum comprising all member States of a regional economic integration organization.

interests an organization represented. Documents under public consultation are made available in all EU languages. European ECO-Forum welcomed the proposed revised procedure but stressed that public participation also required direct face-to-face dialogue with decision makers.

12. The secretariat noted that the Convention bodies themselves had not commented on their own application of the Guidelines. It reported that in the upcoming months it intended to review its own outreach to the public. It welcomed the valuable role played by European ECO-Forum in this regard.

V. CONSIDERATION OF POSSIBLE RECOMMENDATIONS TO ASSIST THE WORKING GROUP OF THE PARTIES IN ITS TASK OF REVIEWING THE ALMATY GUIDELINES

13. The Chair noted that in the period since the Working Group of the Parties had approved the work plan of the Task Force at its sixth meeting (5–7 April 2006), the Task Force had completed its activities as envisaged therein (ECE/MP.PP/WG.1/2006/2/Add.1). The last task remaining under the workplan was for the Task Force to review the outcomes of the consultation process on the Almaty Guidelines and to report to the Working Group (decision II/4, ECE/MP.PP/2005/2/Add.5, para. 5 (c)). This report would be presented at the ninth meeting of the Working Group to be held in Geneva from 13 to 15 February 2008.

14. The Chair further noted that, at its seventh meeting (2–4 May 2007), the Working Group had agreed to invite the Task Force to assist the Working Group in its task of reviewing the Guidelines and making recommendations, as appropriate, for consideration by the Parties at their third ordinary meeting, pursuant to decision II/4 (ECE/MP.PP/WG.1/2007/2, para. 30).

15. The Chair observed that in its tasks of reviewing the outcomes of the consultation process and assisting the Working Group in its task of reviewing the Guidelines, the Task Force had the following documents to consider:

- (a) The responses of international forums to the written questionnaire on the Guidelines and the issues they address²;
- (b) The paper presented by the secretariat synthesizing the responses received from international forums to the written questionnaire³;
- (c) The report of the meeting of representatives of international forums⁴;
- (d) Comments received from Parties, Signatories, other interested States, NGOs, interested international forums and other relevant actors on their experiences regarding the application of the Guidelines⁵;
- (e) The paper prepared by the secretariat synthesizing the comments received from Parties and other States, NGOs and other stakeholders on experiences with the application of the Guidelines.⁶

² Available at: <http://www.unece.org/env/pp/ppif.htm>.

³ ECE/MP.PP/WG.1/2007/L.2 and Adds. 1–5.

⁴ ECE/MP.PP/WG.1/2007/L.8.

⁵ Available at: <http://www.unece.org/env/pp/ppif.htm>.

16. To provide a further framework for the discussion, the Chair presented a paper on possible options for future work on promoting the application of the principles of the Convention in international forums and the Guidelines. Following the presentation by the Chair, the Task Force discussed how it might best proceed with its tasks of reviewing the outcomes of the consultation process and assisting the Working Group in its task of reviewing the Guidelines.

17. There was consensus that, in light of the outcomes of the consultation process, there was no basis for the revision of the Guidelines at this stage. It was observed that none of the Parties or NGOs which had provided written comments on their experience regarding the application of the Guidelines had expressed the view that the Guidelines should be revised. The Task Force agreed that insufficient experience had been gained with the Guidelines in their current form to support a revision. Some experts considered that a need to revisit this issue may arise at a later stage, for example prior to the fourth meeting of the Parties.

18. The Chair noted that, in accordance with decisions I/8 and II/10, comments relating to Parties' experience with the application of article 3, paragraph 7, of the Convention should be included in their national implementation reports. This had been given additional emphasis both by the Compliance Committee and by the Working Group of the Parties with respect to the current reporting cycle (ECE/MP.PP/WG.1/2007/2, para. 27, and ECE/MP.PP/WG.1/2007/L.4, annex). It was suggested that at its ninth meeting the Working Group should review the national implementation reports currently in preparation with respect to article 3, paragraph 7, with a view to determining whether further guidance needs to be provided regarding reporting on this issue in the next intersessional period. It was suggested that to assist the Working Group, the secretariat might give an oral report at the ninth meeting on any aspects of reporting by Parties on article 3, paragraph 7.

19. Some experts expressed the view that, in the light of the existence of the Guidelines and the importance of reviewing their application, there was a need to have further and more detailed reporting on the implementation of article 3, paragraph 7, than the national implementation reports, with their limited length, would allow. The secretariat noted that following a proposal from the Task Force on Electronic Information Tools, the Working Group had agreed to a procedure by which Parties would report on their progress in implementing decision II/3 on electronic information tools once in the intersessional period, in addition to their regular reporting through the national implementation reports (ECE/MP.PP/WG.1/2007/2, para. 47), and that this might serve as a useful precedent.

20. The Task Force on Public Participation in International Forums agreed that significant work remained to be done on promoting the application of the principles of the Convention and the Guidelines in international forums and that there had not yet been sufficient time to gain broad practical experience with the application of the Guidelines. It considered important that at the outset the objectives of such future work be clarified, and that appropriate objectives would be:

⁶ Annexed to this report.

(a) To encourage and, as appropriate, assist Parties in the application of the Guidelines with respect to the international forums in which they are involved. Regarding this objective, the Task Force identified as a priority the raising of awareness, commitment and expertise of their representatives involved in other international forums with respect to their obligations under article 3, paragraph 7, of the Convention, the Guidelines and the principles of the Convention more generally.

(b) To encourage and, as appropriate, assist Parties in reaching out to the public and NGOs in order to improve their capacity and strengthen their participation in international forums.

(c) To enhance understanding of the challenges faced, and the good practices employed, by international forums with respect to public participation, through further exchange of experience between the Convention and other international forums.

21. In view of objective (c) in the previous paragraph,, and in the light of the interest expressed during the consultation process by secretariats of several international forums in collaborating with the Convention secretariat on the issue of public participation in international forums, the Task Force agreed that it would be useful to continue the outreach to other interested international forums, but in a more focused way, e.g. through joint workshops with forums that had shown a particular interest in such collaboration. Collaborative activities might be on a bilateral or limited multilateral basis.

22. In addition, the Task Force agreed to propose to the Working Group an indicative list of possible future work that could be done in international forums on promoting the application of the principles of the Convention and the Guidelines. Such activities could include:

(a) The preparation of a document evaluating and concluding on all outcomes of the consultation process on the Guidelines in a readily accessible style;

(b) The preparation of an attractive compendium of case studies of good practice on promoting public participation in international forums. This should demonstrate the benefits of involving the public in international forums, be presented in a readily accessible format, and be broadly disseminated;

(c) The circulation of a questionnaire inviting Parties to review their efforts to promote the application of the principles of the Convention in international forums dealing with matters relating to the environment and to assess how the Guidelines are working. An intersessional report synthesizing the Parties' responses could be prepared, and a similar questionnaire could be circulated to other stakeholders and their responses also incorporated in such a report;

(d) A workshop or workshops at which Parties could share their good practices and discuss challenges regarding efforts to promote the application of the principles of the Convention in international forums dealing with matters relating to the environment.

(e) Outreach by individual Parties to NGOs, such as through the organization of regular national dialogues on policymaking in international forums. Such activities could be promoted through twinning initiatives between countries with experience and other interested countries;

(f) Inviting representatives of international forums which have shown interest in promoting public participation to meetings of the Parties;

(g) Informing the international forums consulted, at a high level, of the results of the consultation process and on other activities under the Convention regarding public participation in international forums more generally. This could, for example, include presentations to boards of international financial institutions on the Convention and the Guidelines.

(h) Collaborative activities by groups of Aarhus Parties to promote the Guidelines and the principles of the Convention in international forums whose practices do not presently reflect the Guidelines or the principles of the Convention.

23. The activities in the above list received varying degrees of support from the experts in the Task Force. Furthermore, it was agreed that the order of their presentation did not reflect an order of priority.

24. In view of the objectives of possible future work and the nature of possible future activities, the Task Force discussed what kind of body would be most appropriate to carry out such work. A majority of experts considered that the Task Force had not yet finished its tasks and would be the appropriate body. Others considered that the Task Force had indeed completed its tasks and that future activities should be carried out by the secretariat, reporting to the Working Group of the Parties, perhaps with the assistance of an advisor (for example, the current Chair of the Task Force). Special sessions of the Working Group were also envisaged as a possibility. One expert proposed that the issues under discussion could be addressed within the framework of a task force dealing with a number of issues falling within the scope of the public participation pillar of the Convention. Other experts considered it too early to clearly discern what arrangement would be best. The Task Force agreed not to make a specific recommendation as to which body of the Convention should be responsible for implementing future joint work on the issue.

25. The Task Force agreed that when preparing its recommendations, the Working Group may wish to keep in mind the following important points:

(a) The continuation of work on promoting the application of the principles of the Convention in international forums should be sufficiently prioritized to ensure the implementation of article 3, paragraph 7, of the Convention. This should be done by ensuring that specific activities are organized so as to allow for exchange of information on the experience in implementing the Guidelines and article 3, paragraph 7 of the Convention.

(b) Future work on promoting the application of the principles of the Convention in international forums should be designed so as to facilitate the participation of non-English speakers.

26. It was noted that at its eighth meeting (31 October–2 November 2007), the Working Group had requested the Bureau to prepare a draft decision on future work on public participation in international forums. The Task Force suggested that it would be useful for the Bureau to consult with the Chair of the Task Force in respect of the content of the draft decision.

VI. ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

27. The Task Force adopted the report on the basis of a draft, on the understanding that the Chair and secretariat would finalize it. The Chair thanked the members of the Task Force for their work during the meeting and the secretariat for its support. The Task Force unanimously thanked France for its leadership and Professor Mermet for his efficient chairing of the process. The Chair then closed the meeting.

Annex

SYNTHESIS OF COMMENTS ON EXPERIENCE REGARDING THE APPLICATION OF THE ALMATY GUIDELINES

Prepared by the secretariat

1. Through decision II/4, paragraph 7, the Meeting of the Parties invited Parties, Signatories, other interested States, non-governmental organizations (NGOs), interested international forums and other relevant actors to submit to the secretariat comments relating to their experience regarding the application of the Guidelines for consideration by the Task Force.⁷
2. At its seventh meeting in May 2007, the Working Group agreed a procedure for the submission of such comments.⁸ In accordance with this procedure, the secretariat wrote to Parties, Signatories, interested States, NGOs and other relevant actors inviting them to share their experiences with the application of the Guidelines. The extended deadline for comments was 26 October 2007.
3. The secretariat received comments from three Parties (Denmark, France and Germany) and six NGOs (ECO-Tiras (Moldova), European ECO-Forum, International Center for Environmental Research (Georgia), Law and Environment Eurasia Partnership (Kazakhstan), NGO BIOS (Moldova) and the Northern Alliance for Sustainability (ANPED, the Netherlands)). The comments of European ECO-Forum are a summary of comments made by NGOs in its pan-European network.
4. This paper synthesizes the comments related to the following issues:
 - (a) Parties' efforts to inform their representatives involved in other international forums about the Guidelines;
 - (b) Experience regarding the application of the Guidelines at the national level;
 - (c) Experience regarding the application of the Guidelines at the international level.
5. The third topic considers both examples of good practice and the challenges regarding the application of the Guidelines identified in the comments. Some of the comments received address experience with the issues covered by the Guidelines rather than the application of the Guidelines per se. In such cases, the paper takes an inclusive approach. The paper ends with some brief concluding remarks.

⁷ ECE/MP.PP/2005/2/Add.5.

⁸ Report of the seventh meeting of the Working Group of the Parties, ECE/MP.PP/WG.1/2007/2, paragraph 27.

I. PARTIES' EFFORTS TO INFORM THEIR REPRESENTATIVES INVOLVED IN OTHER INTERNATIONAL FORUMS ABOUT THE GUIDELINES

6. Denmark reported that there had been internal consultations with regard to the implementation of the Guidelines between its officials dealing with the Aarhus Convention and those involved in other international forums in matters relating to the environment. It stated that the Guidelines have thus been distributed and promoted in its internal networks for environmental conventions.

7. France's Ministry for Ecology, Sustainable Development and Planning reported that, in order to sensitize its focal points in other multilateral environmental agreements (MEAs) to the issue of public participation, in 2006 it undertook a study of the practices of its negotiators with respect to public participation in decision-making on the basis of the Guidelines. A similar study was undertaken in parallel with a certain number of French NGOs, the idea being to compare perceptions of NGOs with those of the focal points. The conclusions of these studies were circulated to the Task Force and presented at its third meeting on 8 and 9 November 2007.

8. Germany reported that all relevant bodies of the Federal Government had been informed of the principles of the Convention and the Guidelines. The departments had received German versions of the Guidelines. Additionally, an internal dialogue had been initiated to collect and exchange experiences on the application of the Guidelines in international forums.

II. EXPERIENCE REGARDING THE APPLICATION OF THE GUIDELINES AT THE NATIONAL LEVEL

9. Denmark reported that it had a practice of including NGO members in its delegations for international environmental negotiations. Its practice was also to involve NGO members in the national process forming the official position for such negotiations as well as in follow-up meetings. For example, there were NGO members as part of the Danish delegation in most of the negotiation meetings for the Convention on Biological Diversity (CBD), and if not it was because they had chosen not to participate. Also, the procedure forming the official Danish position involved NGOs and other stakeholders. The national process in the periods between CBD meetings included international contact groups for biodiversity and forests and a stakeholder backup group for negotiations under that Convention.

10. In autumn 2006, France's Ministry for Ecology, Sustainable Development and Planning (MEDAD) established a regular consultation process with NGOs regarding preparation for major international environmental events. The objectives of this consultation process were:

- (a) To give better visibility to emerging problems (i.e. a prospective role);
- (b) To involve NGOs in the preparation of major forthcoming events at a sufficiently early stage in the process (i.e. a role in identifying the priority subjects to which emphasis should be given in the preparatory process);
- (c) To communicate the French official position to NGOs a posteriori and to discuss the results obtained during the international meetings.

In addition, MEDAD was holding consultations with these NGO partners on a timely basis before major international events.

III. EXPERIENCE REGARDING THE APPLICATION OF THE ALMATY GUIDELINES AT THE INTERNATIONAL LEVEL

A. Examples of good practice

11. Denmark reported that it had promoted the principles of the Convention in international forums at both the global and regional levels. One such example was during the negotiations at the World Summit on Sustainable Development in Johannesburg in 2002.
12. Germany reported that the internal dialogue it undertook to collect and exchange experiences regarding the Almaty Guidelines showed that some of its representatives considered the concrete applicability of the Guidelines to be difficult given the specific autonomous decision structures in the different forums. Nevertheless, the general view was a positive one, namely that the Convention's principles were implemented in the international context by all parties involved even if there was not always a direct reference to the Guidelines. In the case of water-related conventions for example (in particular, river basin commissions and agreements on marine protection), the Guidelines' content was implemented de facto through the EU Water Framework Directive's requirements for active public participation. In some cases, clear reference had been made in international decision-making procedures to informing the public at the suggestion of Germany, for example in a UNECE document on pipeline safety.
13. Eco TIRAS (Moldova) reported that between 2004 and 2007 substantial progress had been made in involving the public in the transboundary negotiations of Moldova and Ukraine regarding the Dniester River. While the negotiations for a new river basin agreement were still not finalized, the process had demonstrated the willingness of Parties to include the public in the process. For example:
 - (a) NGOs had been included as members with full voting rights in the national working groups tasked with developing the draft Transboundary Dniester Basin Agreement under the framework of the Organization for Security and Co-operation in Europe/UNECE project "Dniester-1" and "Dniester-2" (2004–2007). The draft Transboundary Diagnostic Analysis led to public hearings and emails proposing more than 150 amendments and corrections, the great majority of which had been taken into account by the working groups;
 - (b) A regulation which would permit the public and other stakeholders, such as non-involved state agencies and local authorities, to comment on the draft decisions of Moldova and Ukraine's "empowered persons" had been drafted under the framework of the "old" (1994) Agreement of Moldova and Ukraine on Boundary Waters. The regulation would provide access to drafts, time-frames for commenting and public participation in meetings of "empowered persons". The regulation was expected to be signed soon;
 - (c) A draft Regulation on Public Participation in the Activities of the Dniester River Commission had been developed by NGOs and supported by governments under the framework of the new draft Agreement on Protection and Sustainable Development of the Dniester River

Basin. The draft Regulation would provide access to draft decisions, time for commenting and participation in meetings of the Commission, although the right of NGOs to participate in Commission sessions was still to be discussed. The draft Regulation would be signed once the River Basin Agreement had been approved by both governments.

B. Challenges regarding the application of the Almaty Guidelines at the international level

14. European ECO-Forum reported that in order to provide a NGO perspective on the issues addressed in the official consultation process undertaken by the Task Force on Public Participation in International Forums, it had circulated a short questionnaire to its network formulated, as follows:

(a) Does the international forum you are involved in have any formalized rules or procedures concerning access to information, public participation in decision-making and access to justice in environmental matters?

(b) Does the international forum you are involved in have any non-formalized practices concerning access to information, public participation in decision-making and access to justice in environmental matters?

(c) Are there any current or future workplans of the international forum you are involved in that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters?

(d) In particular, what kind of challenges, if any, has your organization encountered with regard to access to information, public participation in decision-making and access to justice in environmental matters when working with international forums or trying to get involved in their work?

(e) Is there a need to amend the Guidelines, and, if yes, what would be your concrete textual suggestions?

15. With respect to question (a), European ECO-Forum reported that its members said that international forums' formalized rules primarily dealt with access to information, less with public participation and seldom with access to justice in environmental matters. In a number of instances, its members were actively involved in the drafting of the rules. However, in almost every case, many of their progressive proposals and ideas were either not supported or disregarded by other stakeholders.

16. European ECO-Forum reported that its members indicated that information on forums' formalised rules and procedures concerning access to information and public participation was not widely publicised or even always accessible. Sometimes the rules were complicated and unclear, containing general principles with little by way of their practical application. Another concern was that many of the forums' rules did not define the scope of those who may participate in their proceedings.

17. Regarding question (b), European ECO-Forum reported that non-formalized practices were mentioned primarily by larger NGOs or NGO networks that had been involved in certain international forums for a long time already. It reported that information on such practices was

seldom publicized or widely disseminated. In some instances, its members indicated that the absence of formalized rules and procedures allowed additional participation opportunities to its members. In other cases, the absence of formalized rules and procedures made it almost impossible to challenge the existing practice and some forums preferred to maintain the practice of “limited and selective” participation rather than formally adopting relevant rules.

18. With respect to question (c), European ECO-Forum reported that its members’ responses regarding international forums’ current or future workplans largely accorded with the responses obtained during the official consultation process by the Task Force. However, in almost all cases, its members indicated that developments had been slow, with lengthy and complicated discussions and deliberations. It noted that MEAs which had been established or entered into force more recently seemed more likely to develop modalities for access to information and public participation in decision-making (less so regarding access to justice).

19. Regarding question (d), European ECO-Forum reported the following challenges with regard to access to information, public participation in decision-making and access to justice in international forums dealing with environmental matters:

(a) Not all forums had developed clear and transparent policies and procedures on access to environmental information or made information on those procedures available to the public;

(b) Though environmental information contained in official documents developed and produced within the international forums was gradually being made available to the public through the Internet and other electronic tools, due to translation procedures and other reasons information was often not provided in a timely manner and sometimes only in final texts;

(c) National focal points for international forums often lacked the capacities, knowledge and necessary skills to provide effective flow of information between the national authorities, international forums and the public;

(d) There had been examples when information was not provided upon request or the provided information did not fulfil the requirements of the Almaty Guidelines;

(e) Members of the public were not always informed of the opportunities, procedures and criteria for public participation in the decision-making processes;

(f) Selection and accreditation procedures for public participation were not always clear, objective or transparent, or were overly-formalized;

(g) In a number of forums the public was invited only to the final official events and was not entitled to participate at the negotiations/preparations stage;

(h) Even where members of the public were able to attend meetings of international forums (usually as observers), were entitled to have access to documents relevant to the decision-making process, and had an opportunity to circulate written statements, speak at meetings and present general comments, their role remained rather limited. It was frequently unclear how their comments had been taken into account by the decision-making body and very often it was not explained why their position/proposals were disregarded;

(i) Measures to facilitate public access to review procedures relating to the application of rules and standards regarding access to information and public participation were still scarce. Implementation of the access to justice pillar of the Guidelines was the least developed;

(j) An extremely limited number of international forums engaged in capacity-building activities to facilitate international access for the public concerned. Usually

international forums were reluctant to introduce or apply innovative, cost-efficient and practical approaches to maximize public participation. The lack of finances was often used as a major reason for not supporting public participation in MEAs. This remained one of the major challenges and barriers in the process of effective public participation in international forums.

20. With respect to question (e), European ECO-Forum reported that its members did not seek any major textual changes of the Guidelines.

21. The International Center for Environmental Research (Georgia) supported European ECO-Forum's comments above and added that often government officials attending international meetings were not fully aware of the problems at issue. It therefore recommended that all participants, governmental and NGO, should provide their input in written form before the meeting. It also emphasized the importance of complementing environmental thinking at the global level with local action.

22. Law and Environment Eurasia Partnership (LEEP, Kazakhstan) reported that in 2004 and 2005, unsuccessful attempts were made to apply the principles of the Aarhus Convention and later, the Almaty Guidelines, in the negotiations and development of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention) and its protocols. It believed that the main obstacle was that two of the five Parties of the Tehran Convention were not Parties to the Aarhus Convention and so opposed proposals to apply its principles in the negotiation process.

23. LEEP reported that it believed that the Caspian Environment Programme had its own strategy on public participation, but neither it nor other Kazakh environmental NGOs in the Caspian region had seen it. Furthermore, it reported on a situation where an NGO representative was denied entry into an Aarhus Party country for a meeting of the Tehran Convention, apparently on the basis of nationality. LEEP referred to paragraph 16 of the Guidelines and articles 3, paragraphs 7 and 9, of the Convention in this regard.

24. ANPED remarked that the Almaty Guidelines were relevant but there was work to be done on their practical implementation. It reported that, in respect of the participation of NGOs and observers in the Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention), the Guidelines stood as part of the "commonly accepted principles of working".

25. ANPED reported that a general level of access to information had been achieved under the Carpathian Convention, but improvements could still be made. For example, reports could come quicker and the mechanism for information provision could be improved and formalized, e.g. there was no communication strategy. ANPED stated that the real challenge lay in promoting paragraphs 28 to 39 of the Guidelines, as these required actions which were proactive and not easily defined. Public participation was not just about access to documents or meetings, but feeling an equal part of a process to stimulate actions.

26. Perspectives regarding the purpose, audience and target group for public participation were a key issue, according to ANPED. It remarked that NGOs no longer viewed the Convention as the key forum for their regional cooperation or for the development of actions for the Carpathians in all the ways they had imagined during its development phase.

27. ANPED commented that several issues that were often considered as “practicalities” – such as the cost of participation of observers in meetings and the provision of documentation in national languages - were in fact key issues. Availability of funds often decided whether NGOs could participate in a meeting or not. If a Convention body decided to fund two observers to attend a meeting for example, then it was very likely that two observers, and no more, would attend. Sponsors sometimes supported Carpathian Convention meetings which could mean that such meetings happened far from the Carpathian region. Some of the larger NGOs were able to allocate funds to follow the processes of international forums, but this was rare. The same was true of national languages. The official language of the Carpathian Convention was English and there were no official arrangements to provide translation of documents or interpretation at meetings. If all documentation was in one language, that would have a direct impact on the circle of participation. If some of the key documentation was provided, even just in summary form, in a relevant national language, that would widen considerably the potential circle of participation. If such issues were recognized as the key issues for participation that they are, then they should be considered in major planning stages and the normal budget planning process. Public participation had to be seen as a key part of core costs if it was to be viewed as a key part of core activities of a convention.

IV. CONCLUSION

28. Although the number of comments received on experience regarding the application of the Guidelines was not large, those that were received provided useful insights. These include examples of actions that Parties had taken to build awareness of the principles of the Aarhus Convention and the Almaty Guidelines amongst their representatives in other international forums and practices that Parties had employed at the national level to promote the participation of their own public in international forums in which they were involved. The comments also provide some examples of good practices with respect to the application of the Guidelines at the international level. Finally, they highlight many of the challenges NGOs and other stakeholders perceive that they face with respect to access to information, participation and access to justice in international forums in which Parties take part.
