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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**

Third meeting
Riga, 11–13 June 2008
Item 6 (c) of the provisional agenda
Procedures and mechanisms facilitating
the implementation of the Convention:
Capacity-building activities

**CAPACITY-BUILDING ACTIVITIES SUPPORTING THE
IMPLEMENTATION OF THE CONVENTION ¹**

Note by the secretariat²

¹ This document was submitted late due to the need to hold extensive consultations with relevant regional and international capacity-building partner organizations and to take into account conclusions from the synthesis report on implementation of the Convention (ECE/MP.PP/2008/4).

² According to the annotated provisional agenda, the text of which was approved by the Working Group of the Parties at its ninth session (ECE/MP.PP/WG.1/2008/2, para. 19), the Convention secretariat is expected to present a report to the third meeting of the Parties on some of the main capacity-building activities undertaken during the intersessional period to promote more effective implementation of the Convention, as well as on the measures taken to coordinate the various activities through the capacity-building coordination framework. The present report has been prepared in line with that mandate.

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INTRODUCTION

1. At their second meeting, the Parties to the Convention identified promoting the implementation of and compliance with the Convention and the Protocol on Pollutant Release and Transfer Registers (PRTRs) as their immediate priority (ECE/MP.PP/2005/2/Add.1, para. 12). They also confirmed the high priority of compliance and implementation, including capacity-building, through decision II/7 on the Work Programme for 2006–2008, (ECE/MP.PP/2005/2/Add.11, para. 1 (a)), thus emphasizing the strong linkages between these activities. In addition, the Parties took note of the capacity-building framework, which seeks to provide a consistent, structured and well-coordinated approach to capacity-building (ECE/MP.PP/2005/2, paras. 59 and 62).

2. Through the Almaty Declaration, the Parties welcomed the capacity-building activities implemented by international and regional organizations and indicated their expectation that the reporting regime and compliance mechanism would provide information that could be used as a basis for identifying specific priorities for capacity-building. They recognized that implementation would require further capacity-building efforts aimed at addressing the identified needs of specific countries or groups of countries or addressing specific topics or professional target groups and providing guidance and support for implementation (ECE/MP.PP/2005/2/Add.1, paras. 17–18).

3. A general need for capacity-building activities, in particular in the area of access to justice, as well as a need for further support for capacity-building at local level have been emphasized, with lack of institutional and other capacities being identified as the major challenge in implementation of the Convention in the 2005 implementation reports from Parties in regions such as Central Asia (ECE/MP.PP/2005/2, paras. 60–61). Furthermore, in decisions II/2, II/3 and II/5, the Parties identified and called for measures to address certain capacity-building needs in the areas of access to justice (ECE/MP.PP/2005/2/Add.3, paras. 7–13), electronic information tools (ECE/MP.PP/2005/2/Add.4, annex, paras. 11–18) and general implementation and compliance (ECE/MP.PP/2005/2/Add.6, para. 10).

4. The present report draws upon some of the conclusions emerging from the reporting regime and compliance mechanism, as well as the experience gathered through the capacity-building framework and reporting by capacity-building partner organizations done in response to a survey based on a questionnaire circulated by the secretariat on 28 December 2006. The questionnaire, which was sent to the Parties and to intergovernmental and non-governmental organizations (NGOs) working on the Convention, aimed to identify the main constraints in the implementation of the Convention at the national and local levels and the steps required to overcome these problems. It also asked for an overview and assessment of ongoing capacity-building activities, including those undertaken by the Parties themselves. The responses – which were provided by Armenia, Belarus, Bulgaria, Georgia, Malta and Romania as well as by NGOs from Azerbaijan and Bulgaria and by the Regional Environmental Center for Central Asia (CAREC) – have been taken into account in the preparation of this document. The report further draws from reports of the sixth, seventh, eighth and ninth meetings of the Working Group of the Parties and from the reports of three meetings of the International PRTR Coordinating Group held during the intersessional period.

5. Attention is also given in the report to the areas identified at the second meeting of the Parties as gaps, notably in support of capacity-building at local level with regard to environmental programmes and plans and in training on access to justice, including exchange of experience for judges and legal professionals (ECE/MP.PP/2005/2, paras. 61–62).

6. With respect to capacity-building for the Protocol on PRTRs, this report summarizes and updates those activities presented in the report on capacity-building for the Protocol (ECE/MP.PP/AC.1/2007/L.5). This 2007 report addressed possible arenas for regional and international cooperation and support for national PRTR development. It concluded by inviting consideration of the establishment of a particular technical assistance mechanism in support of implementation of the Protocol in light of future experience gained under the Framework Programme for Capacity-building Activities for PRTR. It was complemented by a second report on pollutant release and transfer capacity-building activities (ECE/MP.PP/AC.1/2007/L.8) which had been developed cooperatively by the United Nations Economic Commission for Europe (UNECE), the United Nations Environment Programme (UNEP), the United Nations Institute for Training and Research (UNITAR) and the Regional Environmental Center for Central and Eastern Europe (REC), with contributions from eight other capacity-building partner organizations and the Government of Norway.

7. The present report is structured in three parts. Chapter I briefly describes the framework for capacity-building that 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 second meeting of the Parties in 2005. 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

A. Capacity-building Coordination Meetings

8. To promote coordinated and systematic assistance for the effective implementation of the Convention, the secretariat has continued to promote and service a capacity-building coordination framework bringing together the main international and regional organizations involved in capacity-building activities aimed at promoting more effective implementation of the Convention. The framework aims to provide an overview of all major capacity-building initiatives, to facilitate coordination among the major organizations and institutions, and to provide support to projects implemented by various organizations.

9. Since the second meeting of the Parties, the secretariat has organized two capacity-building coordination meetings, to which the major capacity-building partner organizations were invited. The third and fourth meetings of international and regional organizations involved in the capacity-building framework were held on 17 and 18 November 2005 and 4 December 2006 respectively, and were hosted by the UNECE in Geneva in its capacity as secretariat to the Convention. Representatives of the following partner organizations were present at both meetings: UNECE, UNEP, UNITAR, the Organization for Security and Co-operation in Europe (OSCE), the European Commission, REC, CAREC, European ECO-Forum and Milieukontakt Oost-Europa. World Resources Institute, GRID-Arendal and Earthjustice attended the 2005 meeting; the Council of Europe attended the 2006 meeting. The Chair of the Meeting of the Parties chaired the meetings and several members of the Convention's Bureau also participated.

10. International and regional organizations participating in the meetings presented overviews of their capacity-building activities under the Convention undertaken since the second meeting of the Parties. The capacity-building coordination meetings identified as one of the main problems with practical implementation of the Convention the lack of proper allocation to various public authorities of responsibility for implementing the relevant provisions. In this regard, expert assistance with the process of systematically introducing the Convention-related obligations into all the relevant legislative and regulatory acts and promoting inter-agency coordination were deemed to be especially useful.

11. The need for a strategic approach to capacity-building was emphasized in the meetings. The need to carry out systematic comprehensive analysis of the practical arrangements for implementation in order to make targeted and focused use of domestic and external resources was also highlighted. The participants agreed that a strategic approach to capacity-building was needed which would take into account not only the identified needs, but also how these were prioritized at the regional, subregional and national levels. While a significant amount of information on capacity constraints and needs was available from various sources, it was neither sufficiently organized nor comprehensive enough to enable a strategic approach to capacity-building. It was generally agreed that various available sources of information had to be pulled

together for a clear picture of needs and priorities at various levels. Participants also considered that it would be useful to prepare a synthesis of needs assessments. A focused questionnaire on capacity constraints and their prioritization had been prepared and circulated by the secretariat to Parties, Signatories and relevant international organizations as part of this exercise. The activities reported on at the third and fourth meetings are detailed in documents ECE/MP.PP/WG.1/2006/7 and ECE/MP.PP/WG.1/2007/L.5, respectively.

12. Some of the lessons learned in implementation of capacity-building activities included the importance of the strategic approach in identifying the most appropriate activities in cooperation with national authorities and NGOs and the need to combine activities at the local and national levels. The use of available assessments in developing implementation strategies, action plans and capacity-building activities was also considered to be important. A detailed overview of capacity-building activities, priorities and lessons learned was presented in the report on capacity-building (ECE/MP.PP/WG.1/2007/L.5).

13. The outcomes of these consultations were the subject of discussion at the sixth and seventh meetings of the Working Group of the Parties. Among other things, the importance of capacity-building activities and other means of facilitating practical implementation of the Convention were emphasized. It was noted that capacity-building initiatives offered a variety of options based on best practices to be adapted to national conditions as appropriate, and were not intended to impose one or another approach. It was also pointed out that while the main focus of capacity-building assessments and initiatives was usually on the countries with economies in transition, capacity constraints in Western countries – which often differed in nature from those in countries with economies in transition – also had to be addressed. Other areas identified as requiring attention included inter-agency cooperation at the national and local levels focused on awareness-raising among the judiciary, as well as among the public and in some cases parliamentarians, and strategic, long-term and sustainable support of NGOs.

B. International PRTR Coordinating Group

14. The secretariat participated in the final meeting on international coordination of PRTR capacity-building under the work programme of the Inter-Organizational Programme for the Sound Management of Chemicals (IOMC), held in June 2005 in Paris. The Inter-Organization Co-ordinating Committee (IOCC), the parent body of the IOMC, had concluded the activities of all but two of the IOMC coordination groups under its auspices, including the PRTR Co-ordinating Group, as part of a reorientation of IOMC activities. At the thirteenth and final meeting of the IOMC PRTR Co-ordinating Group (6 June 2005), its members decided to continue the work of the Group as an independent “international pollutant release and transfer registers coordinating group” on an interim basis.

15. The overall objective of the new International PRTR Coordinating Group is to improve coordination between international organizations, Governments and other interested parties in their ongoing and planned efforts related to the further development and implementation of PRTR systems. The Coordinating Group serves to promote capacity-building for PRTR systems in developing countries and countries with economies in transition through intergovernmental coordination. It also has the potential to serve as a reporting mechanism for the International

Conference on Chemicals Management (ICCM), in particular to measure progress on the Strategic Approach to International Chemicals Management (SAICM) Action Plan and to analyse trends in national implementation. Presently, UNECE, UNEP, UNITAR) and Canada serve on the Bureau of the International PRTR Coordinating Group. The Convention secretariat also serves as secretariat to the Group.

16. The first meeting of the new International PRTR Coordinating Group was held on 20 March 2006 in Ghent, Belgium, and was hosted by the Government of Belgium and the Flemish Environmental Protection Agency. At the meeting, the importance for intergovernmental organizations (IGOs) of having opportunities to meet with national experts to discuss capacity-building initiatives, both as PRTR implementers and as representatives of Governments supporting PRTR development, was emphasized by the Chair, Mr. Osmany Pereira Gonzalez (UNEP). He noted that UNEP partnerships with Governments having established PRTR systems had provided opportunities for capacity-building activities through the provision of their expertise and funding. The participants agreed that there was a need for coordination between Governments and IGOs to prevent duplication of initiatives and promote synergies where possible, and to maximize the impact of capacity-building resources while avoiding duplication of efforts being undertaken by the Organisation for Economic Co-operation and Development (OECD) Task Force on PRTRs.

17. The second meeting of the International PRTR Coordinating Group was hosted by the Danish Environmental Protection Agency on 26 February 2007 in Copenhagen. The Group agreed to revise the PRTR capacity-building activities matrix (ECE/MP.PP/AC.1/2007/L.8) as prepared originally by the Convention's Working Group on PRTRs as a tool for tracking PRTR capacity-building efforts globally and reporting on SAICM implementation. It also agreed to explore further synergies between the Stockholm Convention on Persistent Organic Pollutants (POPs) and PRTR development. The third meeting was held on 11 March 2008 and was hosted by OECD in Paris. The Coordinating Group agreed to prepare a report on international PRTR capacity-building activities for the second meeting of the International Conference on Chemicals Management (ICCM), scheduled to take place in May 2009 in Geneva.

II. CAPACITY-BUILDING ACTIVITIES AND PROGRAMMES UNDER THE CONVENTION AND PROTOCOL

A. Raising Awareness

18. In many countries, ministries used general awareness-raising tools such as promotional videos, brochures and presentations to promote awareness of the Convention. For example, the Ministry of Environment of Belarus was implementing an awareness-raising campaign through the media, the national environmental forum and the Ministry's website (www.minpriroda.by).

19. Significant progress with regard to awareness-raising among the judiciary and legal professionals was reported since the second meeting of the Parties, in particular through the initiatives undertaken under the Task Force on Access to Justice as well as measures taken by individual Parties, e.g. Belgium, Latvia and Kazakhstan. However, very few awareness-raising measures for officials from authorities other than environmental ministries have been reported.

20. To raise awareness of the Convention among education experts, the secretariat organized a side-event on education for sustainable development and the Convention in the UNECE region at the second European Fair for Education for Sustainable Development in September 2006 in Hamburg, Germany.

21. OSCE reported that a number of trainings and other awareness-raising activities had been organized by all Aarhus Centres/Public Environmental Information Centres (PEICs) for government representatives, civil society representatives and, in some countries such as Albania, private sector representatives on the Convention in general and their respective rights and obligations under the Convention. A variety of events in the form of seminars, campaigns, etc. have also been organized in some countries to promote the Convention's principles among different target groups such as women, youth and children.

22. UNITAR launched a new Initiative for Environmental Democracy implemented in cooperation with Yale University. At the meeting of the Commission on Sustainable Development in March 2007, it organized a side-event on effective stakeholder participation in reaching sustainable development and in realizing the goals of the Commission's fifteenth session. The secretariat of the Convention contributed to both events.

23. A PRTR side-event was held at the Sixth Ministerial Conference "Environment for Europe" (Belgrade, 10–12 October 2007), which Switzerland sponsored and chaired. The side-event was organized by the Convention secretariat and produced a fruitful discussion between some leading experts in the field.

24. UNECE, in cooperation with UNITAR and the Government of Belarus, organized a side-event on PRTRs at the SAICM Central and Eastern Europe regional meeting in December 2006 in Riga. It illustrated how they are developed and outlined the next steps in implementation of SAICM and Multilateral Environmental Agreements through their application. The secretariat also contributed to a workshop on environmental monitoring and reporting by enterprises, which was organized by the UNECE Working Group on Environmental Monitoring and Assessment in Debe, Poland, in September 2006.

25. UNITAR also organized a workshop in March 2007 in Armenia to raise awareness regarding PRTR in the context of the Stockholm Convention on POPs in collaboration with national experts who were preparing to design key features of the national register in 2008. The release and transfer register will focus on, but not be restricted to, POPs (including candidate chemicals for addition to the Stockholm Convention on POPs). It is expected that the project outcomes will contribute towards implementation of the Protocol on PRTRs and will demonstrate how PRTRs can be used as a tool for the Stockholm Convention's implementation. The Government of Switzerland provided financial support for the project.

26. OECD launched PRTR.net, a global portal to PRTR information, in December 2007. The portal was developed by the OECD Task Force on PRTR and is maintained by Environment Canada. It features links to technical information and international, regional and national organizations' electronic resources supporting PRTR development, including the Virtual

Classroom, Aarhus Clearinghouse for Environmental Democracy and the Aarhus Convention's³ PRTR-related webpages.

B. Facilitating General Implementation

27. As an outcome of the joint UNECE/UNITAR Aarhus Convention National Profile Development Project, which supported three pilot countries' (Kyrgyzstan, Serbia and Tajikistan) assessment of their regulatory, legal and institutional capacities and practices for the implementation of the Convention, Kyrgyzstan and Tajikistan requested assistance from UNITAR with follow-up activities.

28. Based on the methodology tested in the National Profile Development Project in the UNECE region, UNITAR, in collaboration with the Central American Commission for Environment and Development and the United Nations Economic Commission for Latin America and the Caribbean, has prepared a programme entitled Pilot Projects to Strengthen National Capacities for Democratic Environmental Governance and Principle 10 Implementation.

29. The European Union (EU) TACIS project "Strengthening Public Participation and Civil Society Support to Implementation of Aarhus Convention (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan)" was launched in September 2007. The project aims to improve the state of the natural resources at risk in Central Asia through promoting transboundary cooperation amongst the Central Asian States by strengthening public participation and civil society, and to support the implementation of the provisions of the Convention in the subregion. The five project components include: (a) raising awareness among the judiciary; (b) legislative support; (c) regional and national capacity development; (d) design and implementation of pilot projects; and (e) support for implementation of the Protocol on PRTRs. A sixth component is a tailored assessment programme for the Republic of Uzbekistan. The main project partners in the region are the national ministries of environment. The project's target groups include public officials and civil servants engaged in implementing the Convention as well as those responsible for the enactment and enforcement of the necessary enabling legislation, including staff of the environment ministries, staff of other information holding ministries, some local government officials and members of the judiciary; and civil society, mainly environmental and human rights NGOs, educational organizations and community groups, but on occasion also including members of the general public, the media, business associations and trade unions.

30. REC concluded implementation of its two-year project on "Improving the Practices of Public Participation: Next Steps in Implementing the Aarhus Convention" in Albania, Bosnia and Herzegovina, Kosovo (Serbia), Montenegro, Serbia and The former Yugoslav Republic of Macedonia which was funded by the Ministry for Foreign Affairs of the Netherlands. The project supported development and application of various mechanisms and capacity-building for officials, NGOs and other stakeholders, and included a specific component on preparations

³ The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

for the implementation of the Protocol on PRTRs in four countries. Outcomes included legislative and institutional assessments and practical recommendations relating to the accession of Bosnia and Herzegovina to the Convention, implementation of the access to justice pillar in Albania and Montenegro, implementation of the principles of the Convention in Kosovo (Serbia) and preparations for the ratification of the Protocol in Albania, Bosnia and Herzegovina, Montenegro and Serbia. The project results also included several capacity-building seminars and training events in each country or entity, guidance materials for officials at the national and local levels and brochures for the public. The resource materials and results of the project are available at: http://www.rec.org/REC/Programs/PublicParticipation/improving_practices/default.html.

31. European ECO-Forum prepared a user-friendly booklet on access to justice in English and Russian and was undertaking trainings for NGOs in the UNECE region focusing on the efficient use of the compliance review mechanism and implementation of the Convention.
32. The secretariat launched a new phase in the development of the Aarhus Clearinghouse for Environmental Democracy in May 2007 (<http://aarhusclearinghouse.unece.org>). Its design was upgraded to improve the way in which information on capacity-building projects was displayed in the Clearinghouse. Additional interactive features were added to enhance the accessibility of the information contained in the Clearinghouse's Resource Directory, which had been expanded to include more than 1,250 links. In 2007, nearly 9,000 individual visitors accessed the Clearinghouse.
33. Since 2002, OSCE has been supporting the establishment of Aarhus Centres and Public Environmental Information Centres (PEICs) in several countries, including Albania, Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan and Tajikistan. Some of these Centres are supported by the Environment and Security (ENVSEC) Initiative, a partnership between OSCE, the United Nations Development Programme (UNDP), UNECE, UNEP and REC, as well as the North Atlantic Treaty Organization (NATO) as an associate partner. The Centres work in close cooperation with Convention National Focal Points. This not only facilitates the implementation of the Convention but also contributes to the strengthening of partnerships between governmental and non-governmental sectors. They have been instrumental in providing a forum for government officials from Ministries of Environment to meet with members of environmental NGOs to build cooperative approaches to tackle environmental issues. These Centres mostly serve to promote the objectives of the information pillar of the Convention, although in some countries, activities performed by the Centres have also included assistance to the citizens to participate in environmental decision-making and, to a lesser extent, related to access to justice.
34. The Aarhus Centres are usually based on an agreement between the relevant OSCE field operation and the ministry for environment in the respective country, and are managed by a board consisting of an equal number of representatives from government and civil society. In some countries (e.g. Armenia), the Centres are also co-funded by the Government. In this initiative, the OSCE partners primarily with the Governments of the participating States where these Centres are located as well as the leading environmental NGOs in these countries. UNDP, UNECE, UNEP, REC and NATO are the natural partners to the OSCE through their involvement in the ENVSEC Initiative. The Governments of Belgium, Canada, Spain, Sweden and United States of America have provided significant contributions to the establishment and

operation of these Centres. The Government of Armenia co-funded activities of Aarhus Centres set up with the financial support of OSCE and provided capacity-building for public officials in the framework of the Management Academy.

35. One of the major achievements of the OSCE Aarhus initiative has been the allocation by most of the governmental authorities (central and local) of premises to serve as Aarhus Centres/PEICs. These Centres accommodate meetings and other activities of local stakeholders and serve as local centres of information and communication. Common to almost all Aarhus Centres/PEICs is the supply of free access to computers and the Internet as well as environmental publications for people visiting the Centres. Periodic newsletters and Aarhus Centre websites contribute significantly to increased awareness of local stakeholders on environmental issues in their localities, local and national environmental policies and legislation, and other issues related to implementation of Convention. A number of thematic meetings, workshops and roundtables have enabled national and local stakeholders to come together and provide their respective perspectives and approaches to various environmental issues. Journalists and media have also been among the primary target groups of most of the Aarhus Centres/PEICs in promoting the first pillar of the Convention.

36. In October 2006, OSCE organized a meeting bringing together all the managers of the Aarhus Centres as well as the representatives of OSCE offices in respective countries. The Centres are currently being reviewed through an independent evaluation process to generate knowledge from their experiences within the context of OSCE efforts to raise awareness on environmental issues as well as to promote participatory approaches in environmental decision-making. Results of the evaluation will be used not only for programming purposes by OSCE, but also as a policy advocacy tool for OSCE and its partners to promote ratification and implementation of the Convention.

37. The Convention secretariat contributed to projects and programmes implemented by the partners within the capacity-building framework through, for example, advising on project scope and activities (with regard to the TACIS project in Central Asia (see para. 29)), and contributing to training and other capacity-building events (e.g. the regional meeting of the Aarhus Centres in 2006 (see para. 36), the regional training organized by the REC in the context of the project in South-Eastern Europe (SEE) (see para. 30)).

C. Access to Information

38. Although implementation of the access to information provisions of the Convention is widely believed to be one of the most successful areas of implementation, a survey on implementation of the recommendations on provision of access to environmental information conducted in late 2006 and early 2007 by the secretariat on behalf of the Task Force on Electronic Information Tools found that implementation was uneven both across the region as a whole and within individual UNECE member States. The Task Force implemented a number of capacity-building events in 2007 aimed at building capacity to implement decision II/3 and increase participation in the Convention's clearinghouse mechanism. Specifically, UNECE, in its capacity as secretariat of the Convention, organized two workshops on capacity-building for the Aarhus Clearinghouse Mechanism and Electronic Information Tools. The first workshop, held in

March 2007 in Szentendre, Hungary, in cooperation with REC, was for designated experts from member States from Western and Central Europe and SEE as well as civil society organizations. The second workshop, held in June 2007 held in Almaty, Kazakhstan, in cooperation with CAREC, was aimed at experts from the countries of Eastern Europe, the Caucasus and Central Asia (EECCA). REC and CARNet (Digital Network on Environment and Sustainable Development Practice and Policy in Central Asia and the Neighbouring Regions of Russia; www.caresd.net) also provided assistance at the CAREC workshop and prepared a follow-up initiative in the EECCA subregion, which included publishing materials on electronic access to environmental information.

39. CARNet is a voluntary, non-political, decentralized network community consisting of representatives of civil society, the public sector, mass media and the private sector, as well as independent experts and researchers. It is supported by UNDP. CARNet promotes ideas of sustainable development in a coordinated manner using the newest information and communication technologies and strengthens public awareness and participation in the formulation of sustainable development policies and environmental protection by building on existing experience and best practices. It strives to provide opportunities to involve civil society in the implementation of national and regional action plans for environmental protection and sustainable development.

40. The European Environmental Communications Networks, including the Green Spider Network, provides a useful model of exchange of good practice for countries within the EU and in neighbouring countries.

41. In Georgia, the Ministry of Environment set up a hotline for information requests and allocated resources for maintenance of its website (www.moe.gov.ge).

42. Sweden undertook to improve its PRTR website in preparation for the first reporting under the European PRTR Regulation in 2009.

D. Public Participation

43. Both the synthesis report and in the summary of responses to the questionnaire on implementation of decision II/3 highlight the need to further implementation of the public participation provisions of the Convention through capacity-building initiatives.

44. Milieukontakt Oost-Europa established a network of 30 trainers specializing, inter alia, in trainings on public participation. An Internet-based training format developed with the support of the network includes a module on the public participation for grass-roots NGOs which has been tested in Albania, Belarus, Croatia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, The former Yugoslav Republic of Macedonia and Ukraine.

45. Public hearings have been the primary mechanisms utilized by most of the Aarhus Centres in promoting public participation pillar. Centres are actively involved in public hearings for planned projects either through strengthening local and national capacities on how to organize public hearings, or through organizing them, or both.

46. European ECO-Forum, with the financial support of Norway, continued to facilitate involvement of the NGOs of the EECCA countries in the Convention's activities by ensuring national-level networking and feedback on the matters addressed in the intergovernmental forums under the Convention. It has also been working with NGOs to promote ratification of the amendment to the Convention. To facilitate NGO involvement in the work on the implementation of the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums, it created a list of organizations with relevant experience and developed a questionnaire for NGOs on related practices in international forums. It carried out a survey on implementation of Convention-related legislation in the EU. European ECO-Forum also organized an international NGO strategy meeting on the Convention in winter 2008.

47. The Government of Romania, with the support of the EU PHARE funds and bilateral projects, has done substantial work to improve and implement legislation on strategic environmental assessment, including public consultation procedures. It has also implemented environmental assessment trainings for the National Environmental Guard.

48. A project by CAREC on local environmental action plans in the subregion also provided an opportunity for exchange of information on practical experience of public participation in planning.

E. Access to Justice

49. In 2005, access to justice was identified as the area where capacity for implementation was weakest. Initiatives in support of promoting access to justice have since been undertaken by the UNECE secretariat and partner organizations, yet remain a challenge both in terms of scope and quantity.

50. A High-level Judicial Workshop on Access to Justice in Environmental Matters for the Eastern Europe and South Caucasus Region was organized in Kiev in June 2007 by UNECE in cooperation with the OSCE within the framework of the Task Force on Access to Justice (see ECE/MP.PP/WG.1/2007/L.11). The main objectives of the workshop were to increase awareness of the Convention among members of the judiciary and to identify and address obstacles to effective implementation of article 9 of the Convention. The workshop was attended by senior members of the judiciary from Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine as well as by international experts. It was also attended by representatives of judicial training centres and academies (JTCs), who held an informal side meeting with the secretariat to discuss possible cooperation in promoting access to justice, including through integration of the Convention into their curricula (see ECE/MP.PP/WG.1/2007/L.11, annex III).

51. A second workshop would be held in Central Asia in the first half of 2008 within the framework of the TACIS project on the Convention (see para. 49). In this regard, the involvement of judges from the EU Forum of Judges for the Environment was seen as an important aspect of the preparation of the workshops. Involvement of institutions such as JTCs supported by the Council of Europe (CoE) was also seen as very useful, as was the use of some of the materials prepared by UNEP in the context of its Global Judges Programme (see para. 52).

To ensure synergies with the latter process, both the secretariat and the Chair of the Task Force attended a meeting of the UNEP advisory panel of senior judges in June 2006 in Geneva, at which the draft materials were discussed. A third workshop, being organized by the secretariat with the support of the Government of France, would be held in SEE.

52. CoE has been jointly implementing a programme with the European Community on judicial reform in EECCA and SEE. It was particularly involved in facilitating the establishment and operation of JTCs. This has helped to put the training of judges and prosecutors in the region on a more sustainable basis. Several countries, e.g. Georgia, Moldova, Montenegro, Serbia, The former Yugoslav Republic of Macedonia and Ukraine, had developed legal frameworks for JTCs or have already established JTCs. CoE also carried out training for judges, prosecutors, court administration officials, bailiffs and lawyers on implementation of the European Convention on Human Rights (ECHR). The training included a component on article 6 of the ECHR (due process) that had direct relevance to implementation of article 9 of the Aarhus Convention, inter alia, with regard to issues of costs and length of review procedures. The European Commission for the Efficiency of Justice of the Directorate General on Legal Affairs of CoE carried out an evaluation of the judicial systems in CoE Member States. The report contains a number of facts and figures on problem areas, including legal aid, implementation of article 6 of ECHR, alternative dispute resolution and training for judges.

53. UNEP finalized a series of environmental law training materials for the judiciary in the context of the Global Judges Programme. The materials included a manual and a handbook on environmental law, a Legal Drafters' Handbook on specific topics, two collections of texts of selected documents on international environmental law and a compendium of summaries of judgments in environment-related cases from around the world. The materials covered some issues relevant to access-to-justice provisions of the Convention. UNEP is also planning to organize training in environmental law for judges and legal professionals in the SEE region. The training is expected to have a component on implementation of article 9 of the Aarhus Convention.

54. CAREC, in cooperation with UNDP, had prepared Guidelines on Access to Justice for Kyrgyz NGOs and carried out a corresponding training in Kyrgyzstan. It was planning to prepare similar guidelines in all the countries of Central Asia.

55. European ECO-Forum organized a training event on access to justice for NGOs from EECCA. It had established a permanent expert group of environmental lawyers to assist relevant activities of NGOs throughout the UNECE region. A compilation of cases and information on access to justice was being prepared in advance of the next meeting of the Task Force on Access to Justice.

F. Protocol on Pollutant Release and Transfer Registers

56. A number of workshops were organized to prepare national experts for implementation of the Protocol on PRTRs. Germany held a national PRTR workshop in May 2006. The secretariat participated in the event and presented information on the experience with and comparative benefits of PRTR systems. In September 2007, the Aarhus Centre in Dushanbe

hosted a PRTR seminar for governmental organizations, Regional State Committees on Environmental Protection and environmental NGOs. The secretariat co-organized with the Armenian Ministry of Nature Resources and Environmental Protection a national workshop on the theme of meeting obligations under the Protocol in Armenia in November 2007, with the support of OSCE. The workshop was highly instrumental in promoting exchange of experience among Armenian national focal points to the regional and global multilateral environmental agreements, such as the Stockholm Convention on POPs and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which were expected to benefit from the institution of a national PRTR system.

57. UNITAR, in cooperation with participating organizations of the IOMC, the World Bank, UNDP, the secretariat of the Organization for the Prohibition of Chemical Weapons and the secretariat of the Basel Convention, is implementing a global programme of pilot projects for implementation of SAICM, with a focus on governance, civil society participation and partnerships within the Integrated National Chemicals and Waste Management Programme. PRTRs fall under three of the areas of the SAICM priority areas of work. UNITAR has been working with 33 countries funded through the SAICM Quick Start Programme, including several countries in the EECCA subregion, which were conducting national pilot projects and self-assessments as a contribution to priority-setting. In the UNECE region, Belarus participates in the programme as a pilot country. One priority action for the SAICM pilots could be PRTR development.

58. REC organized two training events on “Developing and Operating EPER and European PRTR (E-PRTR) Systems” for officials responsible for building and operating the European Pollutant Emission Register (EPER) and future E-PRTR systems in SEE countries and in selected new EU Member States, within the EU-funded project “Support for the Implementation of the Multi-Annual Work Programme of the Environmental Compliance and Enforcement Network for Accession for the period 2006–2009” (ECENA). The first training event was held in October 2007 in Szentendre, Hungary. It addressed issues related to building and operating the EPER system, the planned transition to the E-PRTR system, and preparations for the implementation of the Protocol on PRTRs, and involved the sharing of experiences among different countries from EU member states and the region. The second training was held for the SEE ECENA member countries in March 2008 in Bristol, United Kingdom, in cooperation with the Agency of England and Wales.. It focused on the new activities under E-PRTR and the Protocol on PRTRs. Based on the results of the project “Improving Practices of Public Participation” and in the context of the capacity-building concept proposal developed within the framework of the Aarhus Convention’s Working Group on PRTRs, REC prepared and submitted a SEE proposal to the ENVSEC Initiative for a subregional PRTR development project. The proposal, which was framed as a follow-up activity to the earlier project, received political support from the ministries of five SEE countries.

59. European ECO-Forum, with support of Norway, organized a seminar in Moscow in November 2005 to promote the involvement of NGOs and industry in PRTR development at the local level. The seminar concluded that: (a) very little knowledge existed on the local level among industries on how to implement the Protocol; (b) information needed to be provided in the Russian language as a minimum, and in national languages; and (c) miniature-scale local projects should be used to foster PRTR awareness and experience.

60. The Netherlands started in 2007 to assist Croatia in improving its emissions register and with implementation of the Protocol on PRTRs. The project involved, inter alia, a review of the proposed legislation, training of Croatian officials in the area of validation of the PRTR reports, and provision of assistance to the Croatian Government in preparing a guidance document.

61. The Nordic PRTR Group, with the support of the Nordic Council, began a project on releases of chemicals through products in cooperation with the OECD Task Force on PRTRs in 2008. It had also carried out a project with the Stockholm Convention on POPs focused on reporting on PCBs⁴ and HCB⁵, which ran to the end of 2007.

62. The PRTR Virtual Classroom, developed and hosted by UNITAR, continues to provide a forum for the exchange of information and good practice in international and national PRTR development. The Virtual Classroom also contains links to other PRTR guidance materials and relevant national and international websites, a calendar of PRTR events and a news section. In 2005, members of 35 NGOs actively participated in the PRTR Virtual Classroom discussion forum held in the Russian and organized by Greenwomen Public Association (Kazakhstan) and European ECO-Forum, through the support of UNITAR.

63. The Division of Global Environment Facility Coordination of UNEP will initiate in the second half of 2008 a two-year Global Environment Facility (GEF) project to assist countries to implement the Stockholm Convention on POPs using PRTRs in three global regions, including EECCA. UNEP will implement and UNITAR will execute the project, which will begin in August 2008. One million U.S. dollars was requested from GEF. UNITAR and participating Member States would provide \$1.5 million in co-financing for the project. In the project, UNEP and UNITAR will assist Kazakhstan and Ukraine with the design of their national PRTR systems. The expected outputs include a national POPs monitoring and reporting system, design of national PRTR regulatory frameworks, development of industry/government partnerships, stakeholder training events, training manuals on estimation of releases and transfers and a prototype PRTR database in each country. UNECE will participate in selected project activities and provide guidance source material.

64. It is envisaged that the GEF project will play a part in the implementation of the EU TACIS project on the Aarhus Convention (see para. 29), which would include a pilot PRTR system in Almaty, Kazakhstan. The Statistics Agency of the Republic of Kazakhstan, Almaty Akimat Division of Industry and Enterprises, CAREC and the NGO "Centre for Sustainable Production and Consumption" are partners in the pilot project. The UNECE secretariat has been in discussion with TACIS project managers concerning possible synergies between the TACIS and GEF projects.

65. Training materials on PRTRs have become more widely available. Under the direction of the Working Group on PRTRs, the secretariat prepared the guidance on implementation of the Protocol on PRTRs, which has been submitted for publication and translation into French and Russian by the United Nations Office at Geneva.

⁴ Polychlorinated biphenyls.

⁵ Hexachlorobenzene.

III. PRIORITIES, NEEDS AND LESSONS LEARNED

66. The above review of capacity-building approaches, strategies and activities provides a basis for drawing conclusions on trends in capacity-building for the Convention and Protocol on PRTRs during the intersessional period 2006–2008. Although each major subregion has initiatives in place to further the implementation of the Convention and efforts to coordinate and maximize the impact of capacity-building initiatives have been undertaken, the demand for capacity-building has still not been fully met.

67. 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 decreasing extent, the new EU Member States. This focus is largely based on the needs expressed by the beneficiary countries themselves. Although capacity constraints in EECCA and SEE remain significant, the potential needs of the other UNECE member States should be considered, and where necessary, addressed through appropriate capacity-building initiatives.

68. The compliance review mechanism of the Convention has made it possible to identify certain gaps in capacities both in States with developed economies and in States with economies in transition. The findings of the Compliance Committee suggest that capacity-building should be focused on the development and application of practical mechanisms such as use of confidentiality provisions, effective notification, organization of public hearings, handling of comments and preparation of reasoned decisions. In the field of access to justice, priorities mainly related to remedies and assistance mechanisms to reduce or remove barriers to access to justice.

69. One of the main problems with practical implementation of the Convention is related to the lack of proper allocation to various public authorities of responsibility for implementing the relevant provisions. In this regard, expert assistance with the process of systematically introducing the Convention-related obligations into all the relevant legislative and regulatory acts and promoting inter-agency coordination could be especially useful. The importance of this kind of assistance is often emphasized by the countries, in particular in the EECCA subregion. In addition to the ministries of environment, it is important that other line ministries and governmental bodies such as ministries of energy, transport, industry and justice are involved in any such activities.

70. Further efforts are needed to strengthen the technical and administrative capacities of NGOs as well as to provide them with the means to work together.

71. Aarhus Centres (see paras. 33–36) play a positive role in promoting the Convention by offering one of the means and mechanisms for a productive cooperation between government agencies, NGOs and international organizations. However, involvement of public authorities on the provincial and local levels, especially in remote regions, requires further efforts. Some of these Centres have functioned as nodes of the Aarhus Clearinghouse Mechanism, acquiring experience that could be used in the countries where national nodes have not been established. In addition, the model of the Centres could be usefully replicated outside of the EECCA region, in particular in countries which fall outside the areas of the existing regional environmental Centres, which also serve to disseminate good practices and build capacity for implementation.

72. A holistic approach to capacity-building could prove beneficial in addressing capacity needs for multilateral environmental agreements (MEAs) rather than an isolated approach. In this regard, cooperation between the Convention secretariat and the secretariats of the various MEA secretariats working to implement the major global chemical (i.e. the Basel, Rotterdam⁶ and Stockholm POPs Conventions and SAICM) and environmental agreements (e.g. the Carpathian Convention, the Cartagena Protocol on Biosafety, the Danube River Protection Convention, and the Espoo Convention⁷ and its Protocol on Strategic Environmental Assessment,) have proven to be useful. There is a need to further focus on strengthening national and local capacities for environmental impact assessment, monitoring and reporting and to work more closely with the private sector.

73. Support to small-scale demonstration projects could be an effective means not only to address some of the priority local environmental issues, but also to increase the commitment of local stakeholders to the process, binding them together around concrete areas of joint action.

74. Despite improvements in the legal framework, practical application is hindered due to gaps and discrepancies in legislation and the lack of clear rules and implementing procedures. The implementation of the access to justice pillar remains the weakest.

75. A long-term strategic approach would provide a more stable framework for efficient, systematic and focused capacity-building. Projects with in-built assessment and prioritization of gaps and needs often prove very productive, particularly when carried out in close cooperation with country partners to ensure that capacity-building efforts are demand-driven and responsive to the needs on the ground. Some of the most efficient approaches combine regional experience-sharing with country-tailored activities, diversification of capacity-building methods according to needs and practical application at the local level.

⁶ The Rotterdam Convention on the Prior Informed Consent procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

⁷ The Convention on Environmental Impact Assessment in a Transboundary Context.