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ECONOMIC COMMISSION FOR EUROPE

**MEETING OF THE PARTIES TO THE CONVENTION ON
ACCESS TO INFORMATION, PUBLIC PARTICIPATION
IN DECISION-MAKING AND ACCESS TO JUSTICE
IN ENVIRONMENTAL MATTERS**

Third meeting

Riga, 11–13 June 2008

Item 7 (b) of the provisional agenda

Programme of work and operation of the Convention: long-term strategic plan

DRAFT DECISION III/8

LONG-TERM STRATEGIC PLAN

Draft decision prepared by the Bureau^{1,2}

The Meeting of the Parties,

Recalling decision II/8 on long-term strategic planning for the Convention, through which the Meeting requested the Working Group of the Parties, with the assistance of the secretariat and appropriate involvement of the public, to develop a strategic plan for the Convention for consideration and adoption at the third meeting of the Parties,

¹ The present document was submitted on the above date due to resources constraints.

² The Bureau has prepared this draft on the basis of the outcome of the discussion at the ninth meeting of the Working Group of the Parties (13–15 February 2008) and the subsequent written commenting process agreed upon by the Working Group (ECE/MR.PP/WG.1/2008/2, para. 87).

Welcoming the work undertaken by the Working Group and the Expert Group on Long-Term Strategic Planning established under its auspices to develop a draft plan,

1. *Adopts* the long-term strategic plan set out in the annex to this decision;
2. *Agrees* that the plan will guide the further development and implementation of the Convention up until the fifth meeting of the Parties.

Annex

LONG TERM STRATEGIC PLAN

INTRODUCTION

1. Since its adoption 10 years ago, the Convention has emerged as [[one of] the most][a uniquely] effective international instrument[s] promoting environmental democracy. Addressing the interface between environmental protection and human rights, it recognizes and seeks to enhance the key role of the public in promoting environmentally sustainable development. Its entry into force little more than three years after its adoption in 1998, the subsequent steady growth in the number of Parties and the substantial progress in implementation represent important achievements. Through their ratification of the Convention, 40 countries from throughout Europe and Central Asia as well as the European Community have committed themselves to ensure that they have in place adequate laws and practices relating to access to information, public participation and access to justice in the environmental field.

2. [Nonetheless, significant challenges remain. The national implementation reports, coupled with the experience under the compliance mechanism, indicate that in many countries the right of access to justice is not yet guaranteed, despite the progress made. The provisions of the Convention concerning public participation and, to a lesser extent, access to information have also proven challenging to implement in some countries. In general, the greatest challenges are to be found in the countries with economies in transition.]

3. This long-term strategic plan gives priority to securing effective implementation, while recognizing on the one hand the need to encourage more countries to accede to the Convention so that its benefits are enjoyed more widely, and on the other, the need to address new thematic challenges within its scope.

I. VISION AND MISSION

4. The serious environmental, social and economic challenges faced by societies worldwide cannot be addressed by public authorities alone without the involvement and support of a wide range of stakeholders, including individual citizens and civil society organizations.

5. To strengthen environmental democracy in the UNECE region, to contribute to the effectiveness and legitimacy of environmental policies and to ensure sustainable and environmentally sound development, the Convention establishes international [standards][procedures] for access to information, public participation in decision-making and access to justice in environmental matters.

6. Our long-term vision is to secure the enjoyment of the rights of access to information, public participation in decision-making and access to justice in environmental matters throughout the pan-European region and beyond in order to improve the state of the environment

and contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

7. We see it as our mission:

(a) As a first priority, to work towards full implementation of the Convention and its Protocol on Pollutant Release and Transfer Registers (PRTRs) by each Party and to encourage and support their use by the public;

(b) To increase the impact of the Convention and of the Protocol by increasing the number of Parties within the UNECE Region and by encouraging States outside the region to accede to the Convention and the Protocol or implement their principles;

(c) To keep the provisions and principles of the Convention under constant review and, as appropriate, consider further development of the Convention to ensure that it continues to provide an adequate instrument to achieve its objectives.³

8. This vision and mission are part of our broader aspiration to achieve a more equitable world and a better quality of life for all through sustainable development, good governance and participatory democracy.⁴

II. FOCAL AREAS, STRATEGIC GOALS AND OBJECTIVES

A. Focal area I: Implementation

Strategic goal I: [Achieve full implementation of the Convention and Protocol by each Party]/[Each Party works towards full implementation of the Convention]

9. To achieve this strategic goal, Parties will [endeavour to] implement the following objectives to the fullest extent possible:

(a) Each Party has a clear, transparent and consistent framework for the implementation of all provisions of the Convention, comprising not only the necessary constitutional, legislative and regulatory provisions, but also the operational procedures and mechanisms required for their practical application.

(b) Each Party's implementation framework and procedures are adequate not only to ensure application of the Convention in a national context, but also to guarantee its application, where necessary, in transboundary situations, without discrimination as to citizenship, nationality or domicile.

(c) In implementing the Convention, each Party not only complies with its mandatory provisions, but also [, where appropriate, endeavours][makes a genuine effort] to give effect to its provisions whose application is discretionary.⁵

³ To be revisited after the rest of this document is reviewed.

⁴ To be revisited after the rest of this document is reviewed.

(d) Environmental education is widely available and promotes active and responsible behaviour among the public as regards the environment, including the exercise of the rights guaranteed by the Convention.

(e) Public authorities at all levels and in all relevant sectors of government are aware of the obligations under the Convention and [[make an effort to] allocate][of] the resources needed to comply with them.

(f) The Convention leads to the development of an open administrative culture which supports public participation and transparency in environmental matters and values them as positive contributions to democratic, effective and good governance. Public officials [have the knowledge and skills to] provide assistance and guidance to the public to facilitate the exercise of its rights.

(g) Public authorities at all levels and in all relevant sectors of government have well-established information policies and mechanisms, under which environmental information of high quality is routinely provided and proactively disseminated to the public in a user-friendly manner, making full use of electronic tools where available.

(h) Within the framework of an overall environmental information policy, each Party has established a coherent, integrated, nationwide pollutant release and transfer register designed for effective use by public authorities and maximum ease of public access through electronic means, which facilitates the exercise of the rights guaranteed by the Convention and provides incentives for industry, in addition to those provided by other relevant instruments, to prevent and reduce pollution.

(i) Public participation procedures are regarded by public authorities and all other actors concerned as an integral part of the preparation of policies and plans, programmes and projects which may have a significant effect on the environment, and are implemented in their full scope. Prospective applicants [are encouraged, where appropriate to] undertake proactive efforts to identify and inform the public concerned and enter into discussions with them at an early stage of planning allowing for the effective participation of all interested members of the public.

(j) Each Party ensures [easy] access to administrative or judicial review procedures which can provide timely and effective remedies to members of the public who consider that their rights under the Convention have not been respected, and empower members of the public [, where they meet the criteria, if any, laid down in national law,] to challenge acts and omissions which contravene provisions of national environmental law. Each Party undertakes genuine efforts to reduce and, where possible, eliminate [any] [financial or other] obstacles which may prevent access to such review procedures [and establish appropriate assistance mechanisms].

⁵ To be revisited after the rest of this document is reviewed.

(k) Judges, public prosecutors and other legal professionals are familiar with the provisions of the Convention and are ready to exercise their respective responsibilities to uphold them.

(l) Each Party provides for appropriate recognition and support to civil society organizations promoting environmental protection as important actors in advancing democratic debate on environmental policies, raising public awareness, and mobilizing and assisting citizens in exercising their rights under the Convention and contributing to its implementation.

(m) Civil society organizations and the general public are aware of their rights under the Convention and effectively assert them to advance both environmental protection and good governance, thus contributing to sustainable development.

(n) Civil society effectively engages in addressing environmental and sustainable development issues.

10. The Convention's mechanism for compliance review fulfils the role of an effective instrument to address compliance problems that cannot be resolved at the national level. The findings and recommendations of the Compliance Committee are regarded by Parties as an authoritative source of advice on the implementation of the Convention and are used by them to improve their national practices in the best way possible.

11. [No Party to the Convention applies or interprets its provisions in a way that reduces the scope of rights previously guaranteed to members of the public under the provisions of domestic law implementing the Convention.]

12. The impact of civil society's contribution to environmental management and sustainable development is better understood, documented and evaluated.

B. Focal area II: Expansion

Strategic goal II: [Increase the impact of the Convention in the UNECE region and beyond and ensure the entry into force of the Protocol on PRTRs][To ensure the entry into force of the Protocol and to increase the impact of the Convention and the Protocol on PRTRs]

13. To achieve this strategic goal, Parties will [endeavour to] implement the following objectives to the fullest extent possible:

(a) [By 2011, 10 years after the entry into force, the number of Parties to the Convention within the UNECE region has steadily increased.][The number of Parties to the Convention within the UNECE region continues to increase steadily throughout the period of the plan.]

(b) The Protocol on PRTRs is ratified by a sufficient number of Parties so that it can enter into force as soon as possible and its first meeting of the Parties can be held in 2009.

(c) The amendment to the Convention on public participation in decisions on the deliberate release into the environment and the placing on the market of genetically modified organisms is approved by a sufficient number of Parties to enter into force by 2009.

(d) States in other regions of the world effectively exercise their right to accede to the Convention. Parties actively encourage accession to the Convention by States of other regions of the world with the aim of, by 2011, having Parties which are not member States of UNECE.

(e) The Convention [is widely regarded as setting an internationally recognized standard for access to information, public participation in decision-making and access to justice in environmental matters, and] inspires the development of similar instruments in other regions of the world.

(f) [The] Parties to the Convention [actively] promote the application of its principles in international environmental decision-making processes [, as well as in decisions taken at the national level in countries which are not Parties to the Convention but follow its principles,] and [are successful in influencing][endeavour to influence] the practices of international forums in matters relating to the environment, in particular the development and implementation of [international][multilateral] environmental agreements.

(g) The Parties to the Convention, both in their participation in international policymaking and in their national implementation activities, achieve synergies between the Convention and other [international][multilateral] environmental and human rights agreements.

C. Focal area III: Development

Strategic goal III: [Further develop the provisions and principles of the Convention] [Ensure [further development of][that] the existing provisions and principles of the Convention [so that they] continue to provide an adequate instrument to achieve its objectives]

14. To achieve this strategic goal, Parties will [endeavour to] implement the following objectives [to the fullest extent possible] [, taking account of national circumstances].

(a) The provisions of the Convention are interpreted in a dynamic way, enabling practice to adapt to experience acquired in the course of implementation, to new developments in society, to technological innovation, and to new environmental challenges [, while seeking to avoid measures which would reduce existing rights of access to information, public participation in strategic decision-making and access to justice in environmental matters].

(b) The range of environmental information that is made available to the public is gradually widened, [inter alia, by developing and implementing mechanisms to ensure sufficient availability of product information to enable consumers to make informed environmental choices][enabling more informed consumer choices as regards products], thereby contributing to more sustainable patterns of production and consumption, [and by considering measures to ensure access to environmental information held by the private sector,] taking into account

relevant issues of confidentiality of commercial and industrial information and of protection of intellectual property rights in line with [the current approach under the Convention][other international obligations].

(c) [The scope of public participation gradually expands beyond site-specific activities and the placing on the market of genetically modified organisms to possibly encompass product-related and other decision-making having a significant impact on the environment through patterns of production and consumption.][The provisions on public participation in decisions relating to specific activities are assessed, and where appropriate, further reflected on.]

(d) The provisions of the Convention relating to public participation in the preparation of plans, programmes and policies relating to the environment, as well as executive regulations and other generally applicable legally binding normative instruments that may have a significant effect on the environment, are [applied, kept under review][reviewed] [by all relevant stakeholders] and further developed, as appropriate, to [enhance public participation from an early stage in strategic decision-making processes][afford stronger guarantees of effective and [high quality][real] participation from an early stage in strategic decision-making processes], while taking fully into account the specific nature and constraints of such processes and related obligations under other multilateral environmental agreements such as the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context.

(e) To enhance the effectiveness of public participation, the development and application of innovative forms and tools of public participation beyond traditional consultation procedures are encouraged [and support the development of non-governmental organizations' capacity and civil society strengthening].

(f) [The range of members of the public having access to administrative or judicial procedures enabling them to challenge the substantive or procedural legality of decisions in which public participation is to be provided for under the Convention, as well as acts or omissions which contravene provisions of national law relating to the environment, is extended in such a way as to ensure that as a general rule, environmental non-governmental organizations (NGOs) [that are recognized as] promoting environmental protection and any member of the public concerned enjoy such access.][To continue to work on promoting effective access to justice, in particular by way of further information exchange, capacity-building and exchange of good practice.]

(g) [The experience of the Parties in implementing the Convention serves as a basis for further strengthening participatory democracy in sustainable development policy formulation and implementation [across all three dimensions of sustainable development][, and [provides inspiration for efforts to promote][promotes the development of] participatory principles across all three dimensions of sustainable development]. [In order to consolidate this into a systematic approach, the Convention's scope of information to be provided to the public within the framework of decision-making processes should be enlarged][This could result in Governments deciding to enlarge the] scope of information to be provided to the public within the framework of decision-making processes] to include economic and social aspects [to a greater extent],

without weakening the environmental dimension. It [may][should] also involve the development of new [norms or] instruments to ensure greater opportunities for public participation in the elaboration and adoption of sustainable development strategies and policies as well as in the decision-making relating to their implementation, in accordance with the aims of the Johannesburg Declaration on Sustainable Development and the related Plan of Implementation.] [The Parties explore possibilities to build upon existing experiences of participatory democracy in environmentally sustainable development policy formulation and implementation in the light of their experiences in implementing the Convention.]

III. FRAMEWORK FOR IMPLEMENTATION

Objective	Indicative types of activity⁶	Implementing partners⁷
I.1	Development and review of national framework in consultation with public authorities responsible for implementation[,] [and] stakeholders [and countries which are not Parties to the Convention]. Legislative, regulatory and administrative measures. Updating of the Implementation Guide to the Convention. Development and implementation of national-level assessments and action plans through a participatory intersectoral and multi-stakeholder process.	Parties All concerned public authorities and other concerned stakeholders Secretariat to facilitate technical assistance upon request
I.2	Review of national framework to identify and amend any inconsistent provisions.	Parties [and interested countries which are not Parties to the Convention]
I.3	Consideration of possible measures to give effect to recommendatory provisions. Pilot projects followed by broader application.	Parties [and interested countries which are not Parties to the Convention]
I.4	Formal and non-formal environmental and citizenship education programmes.	Educational institutions Local and regional authorities Media NGOs
I.5	Information, training, organizational and budgetary measures. Strengthening of national focal points. Regional, subregional and national capacity-building ⁸ activities.	Parties All public authorities concerned within Parties Secretariat, in cooperation with other agencies
I.6	Political support at highest level. Reward and encourage proactive officials. Exchange of best practices. Capacity-building for officials at all levels.	Parties
I.7	Establishment of systems to collect environmental information, including environment-related health information. Establishment of public registers and information centres. Establishment of electronic databases and national nodes in accordance with decision II/3.	Parties All public authorities concerned within Parties All stakeholders, including health professionals' organizations Secretariat to facilitate technical assistance upon request
I.8	Establishment of pollutant release and transfer registers. Dissemination and use of guidance document. Regional and subregional capacity-building activities.	Parties Secretariat to facilitate technical assistance upon request

⁶ To be further specified in the Convention's work programmes to be developed in accordance with decision I/11. The list is not intended to be exhaustive.

⁷ In accordance with the practice under the Convention, whenever there is a reference to activities taking place under the Convention bodies, it is understood that public participation will take place.

⁸ Wherever reference is made to capacity-building activities, it is understood that the organizations participating in the Convention's capacity-building coordination framework, including the secretariat, will be involved.

Objective	Indicative types of activity	Implementing partners
I.9	Information and organizational measures to facilitate public participation procedures. Training of officials and executives in communication with the general public.	All permitting authorities within Parties Private sector
I.10	Legislative measures. Information measures. Establishment of assistance mechanisms. Removal of financial and other barriers.	Parties Secretariat and donors to facilitate advice and assistance
I.11	Information, training and capacity-building measures for legal professionals in accordance with decision II/2.	Ministries of Justice or similar national bodies Judicial training centres Law schools Professional organizations, including NGOs
I.12	Establishment of supportive legislative and fiscal framework. Provision of capacity-building and financial assistance. Consideration of measures for the implementation of article 3, paragraph 8, such as “whistleblower” protection. Consideration of other tools to achieve objective.	Parties Donor institutions Capacity-building institutions
I.13	Public awareness campaigns. Financial and other support to public interest environmental law organizations.	Parties Civil society organizations Donors
I.14	Review of submissions, communications and referrals. Preparation and publication of findings and recommendations. Thematic review of generic compliance problems.	Compliance Committee Meeting of the Parties (MOP) Parties
II.1	Build public and political support for ratification in non-Parties. Bilateral consultations to discuss and overcome obstacles to ratification; provision of assistance upon request.	Secretariat Civil society organizations Parties
II.2	Complete national approval procedures.	Parties
II.3	Complete national approval procedures.	Parties
II.4	Use of bilateral, regional and international cooperation arrangements to raise interest in the Convention, e.g. the European Neighbourhood Policy. Build public and political support for accession. Provision of assistance upon request, e.g. appropriate European Union and bilateral financial instruments.	Parties Secretariat
II.5	Participation in key regional and international events to publicize the Convention. Encourage references to the Convention in other forums (political and academic). Cooperation with other regional bodies interested in implementation of principle 10 of the Rio Declaration on Environment and Development..	Secretariat, with support of Parties and civil society organizations
II.6	Promotion of application of Almaty Guidelines in international forums where Parties participate. Adoption of appropriate practices and procedures in international forums; review of existing practices. Consultations with other forums.	Parties Task Force on Public Participation in International Forums

Objective	Indicative types of activity	Implementing partners
II.7	Coordinated implementation of the Convention and provisions on access to information and public participation of other multilateral environmental agreements (MEAs). Organization of joint activities with other MEAs, in particular those of UNECE, and human rights bodies.	Parties Secretariat All stakeholders, including human rights bodies, NGOs
III.1	Exchange of best practices Comprehensive review of the Convention 10 years after entry into force.	Parties, through the Aarhus Clearinghouse MOP
III.2	[Workshop on product information. Consideration of issue of information held by private sector based on national experience]	MOP
III.3	Review of annex I. Review of the implementation of article 6. [Consideration of non site-specific activities, such as nanotechnology]	MOP
III.4	Review of the implementation of articles 7 and 8 in the light of the principles of Convention and results in terms of public participation and environmental policy objectives.	MOP
III.5	Exchange of experience and best practices on modes of participation and on their evaluation. Workshop on new tools/forms of public participation.	Parties through the Clearinghouse MOP
III.6	Review of implementation of article 9, paragraphs 2 and 3, identifying gaps and obstacles of implementation and areas where further guidance or possible amendments might be needed.	MOP Task Force on Access to Justice Parties
III.7	Exchange of experience and best practices on the impact of the instruments of participatory democracy in decisions related to all dimensions of sustainable development. [Use of participatory procedures in the revision and/or development of national strategies for sustainable development.] [Elaboration of new instruments, of a regulatory or voluntary nature as appropriate, under the Convention aimed at enhancing the opportunities for the public to participate in the development, revision and implementation of sustainable development policies and strategies.]	MOP Parties All stakeholders, including civil society and business organizations, local and regional authorities
