

United Nations Economic Commission for Europe
Extraordinary session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)

Geneva, 19 April 2010

MANDATE OF THE WORKING GROUP OF THE PARTIES IN REVIEWING OPTIONS CONCERNING THE PRODUCTION OF NATIONAL IMPLEMENTATION REPORTS

Proposal prepared by the Chair in consultation with the Bureau

Article 10, paragraph 2, of the Aarhus Convention mandates the Meeting of the Parties to the Convention (MoP) to 'keep under continuous review the implementation of [the] Convention on the basis of regular reporting by the Parties'. Pursuant to this provision, the MoP established a system of reporting through decision I/8, with minor modifications introduced through decisions II/10 and III/5.

The reporting system includes the requirement that the secretariat circulate the national implementation reports (NIRs) in the official languages of the Convention. As each Party is only required to submit its NIR in one of the official languages of the Convention (as well as their national language, if different), this implies that the secretariat should translate, or arrange for translation, of the reports into the other two languages. Furthermore, professional translation requires that the original documents be edited to a certain standard. To date, the editing and translation has been done by UN staff funded through the UN regular budget but both UNECE and the UN Conference Services have indicated that they do not have the capacity to sustain this practice. Thus, to produce the NIRs for MoP-4 in the three official languages would require the expenditure of extrabudgetary funds from the Aarhus trust fund.

The Working Group of the Parties (WGP) was mandated by the MoP through decision III/5 (paras. 20-21) to look into the matter. A first discussion took place at WGP-11 where various options were considered, and those options will be considered further at WGP-12. However, the option of discontinuing the practice whereby the NIRs must be produced in the three official languages is not available, at least for the MoP-4 reporting cycle, because the aforementioned requirement for the NIRs to be available in the three official languages has been established by the MoP and cannot be overturned by a lower level body.

The Bureau does not propose that the MoP should take any decision on the substance of the issue (i.e. how to deal with the issue of translation of NIRs) at the ExMoP, nor even enter into discussion on the substance. Nor does it wish to pre-judge what the outcome of the discussion at WGP-12 will be. However, it wishes to avoid a possible situation where the Parties, through their representatives at WGP-12, wish to take a certain course of action but are prevented from doing so due to a formal constraint which could have been removed.

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The Bureau therefore submits the following draft decision for consideration and adoption by the MoP:

“The Meeting of the Parties hereby decides that the range of options being considered by the Working Group of the Parties pursuant to the request of the Meeting at its third session (decision III/5, para. 21) may include the option of discontinuing the practice of producing the national implementation reports in the three official languages, and that if this option is the preferred option of the Working Group, it may be implemented with immediate effect if the Working Group so chooses.”