

Working Group of the Parties to the Aarhus Convention
 Thirteenth meeting
 Palais des Nations, Geneva
 9-11 February 2011
 Item 6 (c) of the provisional agenda

PROVISION OF COUNTRY-SPECIFIC NEEDS-BASED ADVICE AND ASSISTANCE

Explanatory note by the secretariat

At its twelfth meeting, the Working Group agreed to invite Parties, Signatories and observers to provide the secretariat with written comments on possible elements for the work programme for 2012-2014 (Aarhus Convention WGP-12/Inf. 4), which would contribute to the development of a work programme for 2012-2014. The comments received called for more explanation regarding the functioning of the proposed assistance mechanism. Furthermore, the comments also showed that more time is required for evaluation of the work of the task forces under the Convention. It was also mentioned that “assistance mechanism” might not be an appropriate term for this activity and therefore a new proposal is to name it “Convention’s advisory/expert service” (see also I.10 of the Strategic Plan 2009-2014). The new term is already used in the current paper.

This paper is based on the two previous documents: Proposal on elements for the 2012-2014 workplan under the Aarhus Convention (Aarhus Convention WGP-12/Inf. 4) and a complementary note on the same subject, prepared by the secretariat. The document is intended to provide more explanation regarding the proposed assistance mechanism. The paper draws on the experience of other UNECE conventions and programmes, in particular the National Policy Dialogues under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and the Assistance Programme under the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention), while taking into consideration the specificity of the work under the Aarhus Convention.

Taking into consideration the comments received, the Working Group may wish to postpone the following to the next intersessional period: (a) a discussion on the possibility for establishing such a mechanism; and (b) undertaking a comprehensive evaluation of the task forces’ activities, in view of a possible decision on reorganizing the work under the Convention to be made at the fifth session of the Meeting of the Parties. The paper therefore outlines a possible work after the fifth session of the Meeting of the Parties.

Convention’s areas of work

(a) Compliance mechanism

1. No new elements are proposed for this activity. However, it is suggested to strengthen the link between the recommendations of the Compliance Committee and other activities (e.g. see (c) in this section) so as to facilitate the enforcement of laws, through assisting countries concerned in implementing the Committee’s recommendations.

2. Parties may also wish to consider how to make better use of the professional potential of the Committee's members, e.g. through involving them in relevant trainings and advisory services, while being aware of the increase in the workload of the Committee.

3. In the event that a country that applied for advisory/expert service is at the same time subject to recommendations of the Compliance Committee, the advisory/expert service could support the implementation of these recommendations. The proposal to strengthen work on the implementation of recommendations of the Compliance Committee was supported partner organizations participated in the Sixth Capacity Building Coordination meeting (7 December 2010).

(b) Reporting mechanism

4. No new elements are proposed for this activity. However, it is suggested to strengthen the link between the needs and challenges identified by countries and stakeholders through the reporting exercise and other activities (e.g. see (c) to (f) in this section), so as to facilitate implementation of the provisions of the Convention through assisting countries concerned.

5. A proposal for advisory/expert service submitted by an interested country should take into consideration needs and challenges identified through the reporting exercise by this country and stakeholders.

(c) Genetically modified organisms

6. A workshop organized in cooperation with the secretariat of the Convention on Biological Diversity (CBD) proved to be useful, as it allowed not only for the sharing of experiences between different countries, but also for bringing together the two communities to discuss matters of common interest. This practice could continue.

7. A "GMO dialogue" at country level could constitute a new element in future work. Such a "dialogue" could involve the CBD and the Aarhus Convention focal points as well as other key actors involved in both subjects, including civil society, scientists, the private sector and parliamentarians. The activity would aim to: (a) foster ratification or implementation, as relevant, of the Convention's amendment; and, indirectly, (b) promote the PPIF (Almaty) Guidelines in forums associated with the parties involved in the "dialogue". This element could be implemented through advisory/expert service.

8. A "GMO dialogue" would constitute a roundtable(s) bringing together all relevant stakeholders, aiming to encourage countries' accession to the amendment or its implementation for those countries that already acceded to the amendment.

9. Cooperation between the CBD and Aarhus Convention focal points could be an effective means to follow up on the outcomes of cooperation at the international level between the Aarhus and CBD secretariats, which is targeted at fostering cooperation between the two communities.

(d) Access to justice

10. As this pillar of the Convention lacks enforcement the most, an increase in capacity-building activities is badly needed as to assist countries in advancing implementation of the relevant provisions of the Convention. The activities could include already well-established subregional trainings for judges, and country-level trainings for judges and other judiciary experts to be implemented through

advisory/expert service. If need be, a UNECE region-wide workshop could also be organized to address a specific subject.

(e) Public participation

11. This activity has a potential for cooperation at country level through advisory/expert service. The latter is particularly important with a view to integrating the Convention's requirements in decision-making on activities in other than environmental sectors (e.g. agriculture, trade, energy, transport, climate change). If need be, a UNECE region-wide workshop could also be organized to address a specific subject.

(f) Electronic information tools and access to information

12. This activity has two very different target groups: high-level officials who should be convinced of the importance of EIT, as their opinion is decisive for promoting them, and technical experts who need to be trained on how to use EIT effectively. The implementation of this activity in countries requires strong technical capacity and often a substantial investment. Many countries, in particular countries with economies in transition, cannot afford giving priority to EIT as they have to address more urgent needs in other areas. This activity has a big potential for downscaling to a country level, which would allow for the involvement of both target groups with lower costs and with a greater impact. Partner organisations with a strong presence in countries (e.g. RECs, OSCE, UNITAR, Aarhus Centres, UNDP) may play a major role in supporting implementation in countries.

(g) Aarhus Clearinghouse

13. No new elements are proposed for this activity. The challenge for the secretariat is to secure resources so as to maintain the Aarhus Clearinghouse in a professional way, with respect to both its technical development and its communication value.

14. The proposed advisory/expert service has no direct impact on this activity. The secretariat is faced with the challenge to maintain it professionally. The technical support of the Aarhus Clearinghouse relies on external expertise and its substantive maintenance requires the allocation of more staff time. The financial implications are reflected in the proposed draft programme of work for 2012-2014.

(h) Interagency coordination on capacity-building

15. This mechanism would continue to be a platform for the coordination of all relevant activities taking place under the Convention and carried out by partners, so as to avoid duplication of efforts and provide an opportunity for potential partnerships.

16. The mechanism has already been functioning under the Convention for many years through annual capacity building coordination meetings. It involves various organizations working at the international level, including UN and other international institutions (e.g. OSCE), and non-governmental organizations (e.g. European ECO-Forum).

17. These annual meetings would continue to be a platform for the exchange of information and coordination, including in relation to the activities taking place in

countries that submitted applications for advisory/expert service. The meetings will provide an opportunity to join partners' efforts in improving the Convention's implementation in the interested countries.

(i) Accession to the Convention by States from outside the UNECE region

18. This area would include outreach to non-ECE countries, promoting the principles of the Convention and offering Parties' positive experience in implementing the Convention. Countries that have expressed their interest in acceding to the Convention would be given priority. This activity would also be guided by a possible decision of the Meeting of the Parties (2011) regarding the requirements for approval of an accession.

19. Parties may play an important role in the outreach to non-UNECE countries, in particular where they have formal representations in those countries.

20. There is no need to coordinate these outreach activities between the Parties. The proposal is to make use of the infrastructure of diplomatic representations to promote the Convention. Many Parties have developing/aid programmes in non-UNECE countries. Some of these programmes have a component related to democracy and/or environment. Promotion of the Convention's provisions, as appropriate, through these programmes seems to be an effective means for outreach (see also II.4 of the Strategic Plan 2009-2014).

(j) Promotion of the application of the principles of the Convention in international forums

21. The following mechanisms could be used to pursue future activities effectively: (i) "dialogues" at country level among focal points of the Aarhus Convention and focal points of other international forums through advisory/expert service and (ii) outreach to secretariats of international forums. The consideration at regional level will be overseen by the Working Group of the Parties. If need be, a UNECE region-wide workshop could also be organized to address a specific subject.

(k) Awareness-raising

22. Efforts would be continued to promote the Convention in meetings and other activities organized under the Convention's workplan as well as outside its auspices. The activity would also be guided by a communication strategy to be developed under the Convention.

23. More emphasis should be put on activities carried out by focal points, and focal points would be invited to report regularly on their promotion efforts.

24. Another potential area of work is the development and improvement of tools to raise the profile of the Convention (e.g. informative leaflets, the Convention website, an interactive online electronic version of the updated Implementation Guide, an online database of good practices in the area of public participation in decision-making (PPDM) and in international forums (PPIF) and EIT).

25. Financial implications related to the development of tools to raise the profile of the Convention are included in the draft programme of work for 2012-2014.

(I) Cooperation with the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers

26. The focus in this area should be on promoting the joint implementation of relevant elements of the workplans under the two instruments, so as to ensure synergies and cost efficiency. This concerns, in particular, EIT and promotion and awareness-raising activities.

Bodies and mechanisms under the Convention

27. As a result of a possible reconsideration of the work under the Convention, as described above, the following subsidiary bodies would operate under the Convention: the Working Group of the Parties, the Bureau and the Compliance Committee. At the same time, there could be an advisory/expert service that would operate under the Convention aiming to strengthen implementation on the ground. The Parties may also wish to establish a possible expert body (e.g. task force), as appropriate, with a specific tangible mandate.

28. The Working Group of the Parties is the only body under the Convention that attracts relatively senior representation of governments in the intersessional period and, therefore, it could be used for addressing possible issues of political interest. Therefore, in addition to its usual practice, a new element for meetings of the Working Group could be a session/roundtable on specific topic(s) of common interest, also with the involvement of representatives of non-environmental sectors, as appropriate, aimed at exploring the subject matter in greater detail.

Functioning of the advisory/expert service

29. The proposed advisory/expert service could target Parties and Signatories, as a priority, and other UNECE Member States as appropriate and as resources allow. Advisory services could take the form of in-kind expertise, direct trainings, national multi-stakeholder dialogues and fact-finding missions

30. Formats of activities could vary depending on the expected outcomes. They could include events (e.g. workshops, model hearings, roundtables), studies combined with targeted expert meetings, and pilot projects that may include several activities (e.g. a workshop and a study).

31. Main substantive areas for advisory services to focus on could include accession to and ratification of the Convention and its amendment, transposition into national law of the Convention and amendment, and improving implementation and practical application of relevant national legislation.

32. Various publications could provide background material for the advisory service, such as the Convention's Implementation Guide and the recommendations, guidelines and studies produced under the Convention, as well as other relevant materials.

Main steps of the process may include:

- Specific needs of a country(ies) are identified through the compliance and reporting mechanisms of the Convention, the work of its task forces, and through the workshops and statements by countries at meetings under the Convention.
- Informal consultations are taking place between the country concerned, the secretariat and/or Parties.
- The country concerned expresses its interest in assistance through a letter and/or statement at the meetings of the Working Group of the Parties (WGP) or Meeting of the Parties (MOP). The request should include specific priority needs.
- The WGP considers and approves the request and mandates the secretariat to follow up on the request, in consultation with the Bureau.
- The request is formalized through an exchange of letters between the country concerned (at least at the ministerial level) and the secretariat.
- A formal proposal is developed by the country concerned, in consultation with the secretariat and the Bureau, to address the specific priority needs. The formal proposal should include concrete challenges in implementation that need to be addressed, suggested actions (e.g. elaborating an amendment to a law; organizing a workshop to discuss a specific subject; preparing an action plan), a timeline and the kind of assistance required (in-kind expertise should be considered as a priority for assistance by countries concerned.), and should also take into consideration relevant activities taking place in the country, including under other MEAs and programmes.
- The country concerned, with the assistance of the secretariat and in consultation with the Bureau and countries that are interested in offering expertise, finalizes the proposal.
- The Bureau¹ of the Meeting of the Parties approves the proposal.
- The secretariat coordinates the channeling of relevant expertise and facilitates communication between the partners involved; the country concerned leads the implementation at the national level.
- The WGP and MOP respectively consider the progress reports provided by the countries concerned.
- Not more than two countries would be considered per year. The decision by the Bureau of the Meeting of the Parties when approving the proposal would take into

¹ Alternatively, proposals could be approved by the WGP, but this may slow down the process.

consideration an existing potential for implementing the tasks and a political and financial commitment, shown by the country concerned.

33. This activity should be coordinated with relevant initiatives organized under other multilateral environmental agreements (MEAs) and programmes in countries concerned. Partner organizations and civil society and, in particular, the Aarhus Centers, would play an important role in its implementation. Governments that could offer required expertise would be invited to contribute.

34. The secretariat would need to ensure that there is no duplication of tasks with respect to the Convention's subsidiary bodies, but even more, the mechanism would need to contribute towards making the best use of the outcomes of the Compliance Committee and the various Task Forces that produced a host of materials.

35. Interested countries and the secretariat would need to build synergies between existing initiatives at sub-regional or national level and countries' proposals for advisory/expert service, and to use already existing synergies with related multi- or bilateral activities.

36. Taking into account the proposed initial limitation of the assistance to two countries per year, the major selection criteria could be a commitment demonstrated by the interested country in relation to both political and financial aspects, and sustainability of the activities proposed by the interested country. In addition to these two criteria, the rule of "first come, first served" could apply. The proposal is to initiate work in two countries per year, so that within one intersessional period six countries could be engaged in this activity.

37. The mechanism's role in implementing activities would be coordination, including linking demand and support, and providing a platform for cooperation.

Financial matters

38. The advisory/expert service could be included in the capacity-building work area of the Convention's work programme. It could be financed through the Convention's trust fund in the same way as all other areas of work. It is expected, however, that this activity would attract more in-kind contributions from countries and organizations.

39. The estimated funds required for this activity include staff time (1 P3 at 50% in the first year and 80% in the second and third year, estimated at USD 283,500 in total); consultancy/ expert work (6 countries for 3 years, estimated at USD 70,000 in total, although this sum might be reduced due to possible in-kind contributions and in the event that one or more interested countries are developed countries); and activities in countries, such as workshops, meetings, hearings (8 events during 3 years, estimated at USD 160 000, although this sum might be reduced due to possible in-kind contributions and in the event that one or more interested countries are developed countries). The estimated total cost for 6 countries for 3 years is USD 513,500.
