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Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters

Working Group of the Parties

Thirteenth meeting

Geneva, 9–11 February 2011

Item 6 (a) of the provisional agenda

**Programme of work and operation of the Convention:
implementation of the work programme for 2009–2011,
including in relation to the Strategic Plan 2009–2014**

Overview of the implementation of the work programme for 2009–2011, including in relation to the Strategic Plan 2009–2014

Report by the secretariat

Summary

This document was prepared pursuant to decision I/11 establishing procedures for the preparation, adoption and monitoring of work programmes (ECE/MP.PP/2/Add.12), adopted by 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), and decision III/9 of the Meeting of the Parties, setting out the work programme for 2009–2011 (ECE/MP.PP/2008/2/Add.17).

It provides an overview of the implementation of the work programme for 2009–2011 from third session of the Meeting of the Parties to the Convention until 1 November 2010, focusing on operational and organizational aspects, including in relation to the Strategic Plan 2009–2014, adopted by decision III/8.¹

The following objectives and related activities from the Strategic Plan 2009–2014 were not addressed among the activities of the current intersessional period and therefore are not reflected in the current report:

- Objective I.4 envisages a formal and non-formal environmental and citizenship education programme;
- Objective I.12 envisages consideration of measures for the implementation of article 3, paragraph 8, such as “whistleblower” protection;
- Objective III.1 envisages a comprehensive review of the Convention 10 years after its entry into force;
- Objective III.2. envisages a workshop on product information and the promotion of accessibility of environmental information held by the private sector;
- Objective III.6 envisages information exchange, capacity-building and exchange of good practice on the issue of criteria for standing.

It was also not feasible for the secretariat to thoroughly assess the implementation of other activities specified in the Strategic Plan that were expected to be implemented not only by the secretariat and the Convention’s subsidiary bodies, but also by Parties, civil society organizations and other partners.

¹ The report on the implementation of the work programme for the current intersessional period 2009–2011, including the financial report for 2010, will be prepared for the fourth session of the Meeting of the Parties to the Convention (15–17 June 2011).

Annex

Work programme for 2009–2011: overview of implementation

Activity	Overview of the implementation of the Convention's work programme during 2009–2010	Relevant focal area/objective of Strategic Plan 2009–2014
I. Compliance mechanism	<p>The Compliance Committee held four meetings in 2009 and three meetings in 2010 up to November, at which the Committee reviewed communications from the public concerning alleged non-compliance by a Party.^a In 2009 and 2010 (up to November 2010) nine new communications were received each year. All of these communications were considered by the Committee with respect to their admissibility. Those that were determined to be admissible are at various stages of consideration and for two of these communications the Committee has finalized its findings. No submissions were made to the Committee by Parties and the secretariat did not make any referrals during this period. In addition, the Committee has followed up on the implementation of decisions III/6a, III/6b, III/6c, III/6d, III/6e and III/6f with the six Parties concerned.</p> <p>Further to the invitation of the Government of Turkmenistan addressed to the Compliance Committee, the secretariat has been organizing a mission to Turkmenistan to assist with the Convention's implementation.</p>	General: I.1, 2, 3, 5, 6, 13, 16; III.1 Specific: I.14
II. Capacity-building activities	<p>The secretariat has carried out this activity through the organization of, and participation in, workshops, conferences and advisory missions aimed at strengthening capacity for the implementation of the Convention. In addition, several international, regional and national organizations, including non-governmental organizations (NGOs), have continued to initiate and undertake capacity-building activities aimed at supporting the implementation of the Convention at the national and local levels. The sixth Aarhus Convention Capacity-Building Coordination Meeting will be held on 7 December 2010, at which the work undertaken in this area for the Convention and its Protocol on Pollutant Release and Transfer Registers (PRTRs) by the secretariat and partner organizations will be reviewed, and the coordination and possible strategic directions for future capacity-building activities will be considered.</p>	General: I.1, 2, 3, 5, 6, 13, 16; III.1 Specific: I.7, 9–13; III.5, 6

Activity	Overview of the implementation of the Convention's work programme during 2009–2010	Relevant focal area/objective of Strategic Plan 2009–2014
<p>III. Awareness-raising and promotion of the Convention and the Protocol on PRTRs, including through the communication strategy</p>	<p>The secretariat has carried out this activity through participation in, or arranging for the participation of representatives of the Convention bodies in, conferences, seminars, and workshops in various countries, mainly within but sometimes outside the United Nations Economic Commission for Europe (UNECE) region.</p> <p><i>The Aarhus Convention: An Implementation Guide</i> (ECE/CEP/72) has been revised by the experts with the assistance of the secretariat and the draft revised text has been forwarded to the national focal points and stakeholders for comments.</p> <p>The Convention website was regularly updated in the current intersessional period. A consultant has been assisting the secretariat in migration of the Convention website to a new platform in November/December 2010 and providing support in drafting a communication strategy.</p> <p>The work on the communication strategy has been started with a view to submitting it to the Working Group of the Parties at its thirteenth meeting for consideration and to the Meeting of the Parties at its fourth session for endorsement.</p> <p>The secretariat participated in and organized a number of events to promote and raise awareness on the Convention and its Protocol, both internationally and at the national level, including the following:</p> <ul style="list-style-type: none"> - It actively participated in the development of the Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters, which were adopted by the United Nations Environment Programme (UNEP) Governing Council on 26 February 2010, and in informal consultations on mercury organized by UNEP; - It promoted the Convention in the Workshop on Information and Public Participation in Water and Health-Related Issues (Bucharest, 15–16 June 2010); - It presented the Convention and the Protocol on PRTRs at the fourteenth session of the Human Rights Council (Geneva, 8 June 2010) in relation to toxic wastes and human rights; - It submitted a contribution to a new publication of the Sourcebook on forest institutions and policy instruments active in the Pan-European region on how the Convention and its PRTR Protocol encompass forest-related issues; - It promoted the Convention and shared experience regarding the Convention's governing structure and on implementation at the seminar "Developing an effective international legal instrument: Learning from the experience of the ECE Conventions and beyond" (Geneva, 	<p>General: I.1, 2, 3, 5, 6, 13, 16; III.1</p> <p>Specific: I.4, 13; II.1, 4, 5</p>

7 September 2010).

Details of other subregional and international events are set out under each individual activity area.

Regarding events at the national level, the secretariat led a training organized by the Organization for Security and Cooperation in Europe (OSCE) for Albanian local authorities, the private sector and NGOs on the Aarhus Convention (Tirana, May 2009); participated in a round table on the development of national PRTRs and the possible participation of Kazakhstan in the Kiev Protocol on Pollutant Release and Transfer Registers (Astana, May 2010); made a presentation at the workshop on supporting the implementation of the Aarhus Convention held in Bosnia and Herzegovina (Sarajevo, 17–18 May 2010); and delivered a presentation on the Aarhus Convention for Japanese environmental experts at the invitation of Aarhus Net Japan (Tokyo, October 2010).

To further promote the Convention and the Protocol, the secretariat is going to take part in the seminar on accountability mechanisms for environmental protection and human rights in projects funded by international financial institutions and the European Union, organized by Central Eastern Europe Bankwatch Network in Budapest on 18 November 2010, and in the Expert Group Meeting of the Water Governance Programme in Arab States of the United Nations Development Programme to be held in Qatar.

IV.
Pollutant release and
transfer registers

The Protocol on PRTRs entered into force on 8 October 2009 and the first session of the Meeting of the Parties to the Protocol (MoPP-1) was held in Geneva from 20 to 22 April 2010. At that session, the Protocol's Work Programme for 2011–2014 and other key decisions were adopted. The work has been started on the preparation for the first meetings of the Bureau and the Compliance Committee.

The secretariat has also served as the secretariat of the International PRTR Coordination Group and has participated actively in its meetings. A special meeting of the International PRTR Coordination Group was held back to back with the first session of the MoPP-1.

In addition, the secretariat has managed and upgraded the PRTR.net global portal.

Close cooperation with the Organization for Economic Cooperation and Development (OECD), UNEP, United Nations Institute for Training and Research (UNITAR), GRID-Arendal and regional environmental centres on PRTR related issues was maintained.

Coordination of capacity-building activities related to the PRTR Protocol will be considered at the sixth Aarhus Convention Capacity-Building Coordination Meeting, to be held on 7 December 2010.

The Russian version of the Guidance on Implementation of the Protocol was published and widely

General: I. 6, 16
Specific: I.8; II.2

Activity	Overview of the implementation of the Convention's work programme during 2009–2010	Relevant focal area/objective of Strategic Plan 2009–2014
V. Electronic information tools and clearinghouse mechanism	<p>disseminated. A simplified guide for PRTR Protocol will be published in English and Russian in 2011.</p> <p>The Aarhus Clearinghouse for Environmental Democracy was used to facilitate the collection, dissemination and exchange of information related to the national implementation of the Convention and relevant global and regional developments regarding principle 10 of the Rio Declaration on Environment and Development.</p> <p>The seventh meeting of the Task Force on Electronic Information Tools (11–12 December 2008) reviewed the Task Force's new mandate adopted by the Meeting of the Parties and discussed activities in support of the Work Programme for 2009–2011. The Task Force featured a Forum on Information Clearinghouses, in which managers of national and information nodes of the Aarhus Clearinghouse were invited to debate how their activities could strengthen the Convention's clearinghouse mechanism.^b</p> <p>Following the consultations by the secretariat and at the invitation of the former Yugoslav Republic of Macedonia, a Workshop on Electronic Information Tools to Support the Implementation of the Aarhus Convention in South-Eastern Europe will take place in Skopje on 25 and 26 November 2010.^c</p> <p>At the end of November 2010, the Aarhus Clearinghouse for Environmental Democracy is expected to be successfully migrated to a new publishing platform, an identical platform to the one used by PRTR.net global portal. The content of management system (CMS) will be different to the previous one and make it easier to manage and publish information. In addition, the new platform will provide enough space to incorporate the jurisprudence database and has appropriate search features that will allow for easier access to all the information contained in it.</p> <p>The secretariat has also developed an online reporting system and undertaken training on how to use it.</p> <p>In addition, the secretariat took part in the World Summit of the Information Society Forum, held in Geneva from 10 to 14 May 2010.</p>	Specific: I.4, 9, 12, 15; III.3, 4, 5, 7
VI. Public participation	<p>The Expert Group on Public Participation met once during 2009 to discuss draft terms of reference for a future task force on public participation in decision-making on environmental matters, to exchange information and experience and to collect examples of good practices in this area.</p> <p>At an extraordinary session (Geneva, 30 June 2010), the Meeting of the Parties (MoP) established a Task Force on Public Participation in Decision-making and agreed upon its terms of reference. At its first meeting (Geneva, 25–26 October 2010), the Task Force continued the work of the</p>	

Activity	Overview of the implementation of the Convention's work programme during 2009–2010	Relevant focal area/objective of Strategic Plan 2009–2014
VII. Access to justice	<p>Expert Group with regard to the exchange of information and good practice examples in implementation of articles 6, 7 and 8 of the Convention, agreed on its programme of work for the period up to the fourth session of the Meeting of the Parties and developed a proposal for its workplan for the period 2011–2014 (up to the fifth session of the MoP), subject to decision by the MoP at its fourth session.^d</p> <p>Representatives of the Convention's Compliance Committee and the secretariat participated in meetings related to public participation held under the auspices of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) with the aim of promoting the Aarhus Convention.</p> <p>The Task Force on Access to Justice held its third meeting in Geneva on 14 and 15 October 2009. Further to its mandate as set out in decision III/3, the activities of the Task Force have been focusing on the development of a jurisprudence portal as part of the Aarhus Clearinghouse for Environmental Democracy and on the conduct of analytical studies on (a) costs and financial arrangements, including litigation costs, legal aid and support for public interest lawyers; and (b) remedies, including injunctive relief and timing. Due to the already available material and regional particularities, the thematic studies are being carried out with a regional focus, i.e., implementation in Western and Central Europe is examined separately from implementation in Eastern Europe, the Caucasus and Central Asia. Preparations are currently under way for the fourth session on the Task Force on Access to Justice, to be held in Geneva on 7 and 8 February 2011.</p> <p>The second subregional workshop on access to justice in environmental matters for high-level members of the judiciary for South-Eastern Europe took place on 17 and 18 November 2008 in Tirana.^e</p> <p>Preparations for the next subregional workshop — for senior members of the judiciary in Central Asia, to be organized in cooperation with OSCE — began in February 2010; however, the meeting has since been tentatively postponed.</p> <p>In summer 2010, the secretariat proceeded with the broad distribution of materials about the Convention and the PRTR Protocol to the bar associations and judicial training institutions in the UNECE area.</p>	<p>General: I.1, 2, 3, 5, 6, 13, 16; III.1</p> <p>Specific: I.4, 10, 11; III.6</p>
VIII. Genetically modified organisms (GMOs)	<p>The secretariat supported the implementation of the Convention's provisions regarding GMOs and the Lucca Guidelines on GMOs and promoted the entry into force of the amendment to the Convention adopted through decision II/1, inter alia, through its participation in, and organization of, workshops regarding GMOs, through cooperation with the secretariat of the Cartagena Protocol on Biosafety and through the use of the Aarhus Clearinghouse to facilitate exchange of information</p>	<p>General: I.1, 2, 3, 5, 6, 13, 16; III.1</p> <p>Specific: II.3</p>

Activity	Overview of the implementation of the Convention's work programme during 2009–2010	Relevant focal area/objective of Strategic Plan 2009–2014
IX. Promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes	<p>on good practices.</p> <p>At the invitation of the Cartagena secretariat, the Convention secretariat wrote an article on “Promoting Public Participation and Access to Information with respect to GMOs: Experiences and lessons learned under the Aarhus Convention” for the sixth issue of <i>Biosafety News</i>, published in July 2009.</p> <p>The secretariat also gave presentations at several regional events, including the fifth European Conference on GM-Free Regions (Lucerne, Switzerland, 24–25 April 2009) and the thirteenth European Biosafety Association Annual Conference (Ljubljana, 22–23 June 2010).</p> <p>At the invitation of the secretariat of the Cartagena Protocol on Biosafety, in early 2010 the secretariat provided comments on the Cartagena Protocol’s draft programme of work on public awareness, education and participation regarding living modified organisms (LMOs).</p> <p>The Aarhus and Cartagena secretariats collaborated in the organization of a joint workshop on public awareness, access to information and public participation regarding GMOs held in Nagoya, Japan, on 8 and 9 October 2010, immediately before the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the Meeting of the Parties to the Cartagena Protocol.</p> <p>The secretariat also attended the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the Meeting of the Parties to the Cartagena Protocol during the discussion and adoption of the programme of work on public awareness, education, and participation regarding LMOs.</p> <p>The Task Force on Public Participation in International Forums met twice during 2009–2010, on 6 July 2009 and 29 June 2010. The 2010 meeting of the Task Force was held back to back with a workshop on “Experiences in promoting the application of the principles of the Aarhus Convention in international forums”. The purpose of the workshop was to provide a forum in which Aarhus Parties, civil society and academia could exchange good practices and challenges with respect to the implementation of article 3, paragraph 7, of the Aarhus Convention and the Almaty Guidelines. The workshop included a special session on the Copenhagen climate conference, in which the United Nations Framework Convention on Climate Change (UNFCCC) secretariat participated. The Task Force agreed on draft elements for a reporting mechanism on article 3, paragraph 7, to be forwarded to the Working Group of the Parties for its consideration. Parties have been invited, on a voluntary basis, to use this mechanism in their reporting on article 3, paragraph 7, in the 2010 national implementation reports.</p> <p>With the guidance of the Task Force, the secretariat is also preparing a short publication evaluating</p>	<p>General: I.1, 2, 3, 5, 6, 13, 16; III.1</p> <p>Specific: II.6, 7; III.7</p>

Activity	Overview of the implementation of the Convention's work programme during 2009–2010	Relevant focal area/objective of Strategic Plan 2009–2014
<p>X. Coordination and oversight of intersessional activities</p>	<p>the outcomes of the consultation process carried out in the last intersessional period, as well as an electronic compendium of good practices based on the experiences collected during the recent Task Force meetings.^f</p> <p>In addition, the secretariat supported efforts to promote the principles of the Convention in various international forums, working with other United Nations bodies such as UNEP, UNITAR, the United Nations Development Programme and the UNFCCC secretariat; environmental treaty bodies such as the Conference of the Parties to the Convention on Biological Diversity; other international or supranational bodies such as OSCE, OECD; and various professional, academic or non-governmental institutions and associations.</p> <p>This is implemented through meetings of the Working Group of the Parties (foreseen as one meeting per year) and the Bureau, and through electronic consultations among Bureau members.</p>	Focal areas I–III
<p>XI. Fourth ordinary session of the Meeting of the Parties</p>	<p>The fourth session of the Meeting of the Parties will be held in Chisinau from 15 to 17 June 2011, at the invitation of the Government of the Republic of Moldova. The Bureau and the secretariat, in consultation with the host country, held discussions in the course of 2009 and 2010 on preparations for the upcoming session. A mission to Chisinau was undertaken by the secretariat and the Chair of the Meeting of the Parties on 16 and 17 September 2010 to discuss with the Government its arrangements for the fourth session, and to discuss with key partners in the country (UNDP, OSCE Mission to Moldova, and the EU Delegation to Moldova) possibilities for providing support to the Government in preparations for the event, as well as to visit the meeting venue.</p>	Focal areas I–III
<p>XII. Reporting mechanism</p>	<p>According to decision II/10, implementation reports should be submitted to the secretariat no later than 180 days before the meeting of the Parties for which they are prepared. A new reporting cycle has been started. A training session on the preparation of national implementation reports took place in Geneva on 30 June 2011. Further to the decision of the Working Group of the Parties at its eleventh session and a proposal of the Task Force on Public Participation in International Forums, the secretariat has produced a consolidated version of the reporting format, incorporating reporting on implementation of the GMO amendment and article 3, paragraph 7, concerning public participation in international forums.</p>	Focal area I

Activity	Overview of the implementation of the Convention's work programme during 2009–2010	Relevant focal area/objective of Strategic Plan 2009–2014
XIII. Horizontal support areas	During 2009–2010, the objective of work programme activity XIII was to provide overall support that covers multiple substantive areas of the work programme, through secretarial support, staff training, and equipment.	Focal areas I–III

^a For details, see the reports of the Compliance Committee's twenty-third, twenty-fourth, twenty-fifth and twenty-sixth meetings (ECE/MP.PP/C.1/2009/2, ECE/MP.PP/C.1/2009/4, ECE/MP.PP/C.1/2009/6, ECE/MP.PP/C.1/2009/8, ECE/MP.PP/C.1/2010/2, ECE/MP.PP/C.1/2010/4, and ECE/MP.PP/C.1/2010/6, respectively).

^b For details, see the report of the seventh meeting of the Task Force on Electronic Information Tools (ECE/MP.PP/WGP.1/2009/4).

^c For details, see the report of the subregional workshop on electronic information tools (Skopje, 25–26 November 2010) (ECE/MP.PP/WG.1/2011/4).

^d For details, see the report of the first meeting of the Task Force on Public Participation in Decision-making (ECE/MP.PP/WG.1/2011/5).

^e For details, see the reports of the Task Force on Access to Justice on its third meeting (ECE/MP.PP/WG.1/2010/6) and the report on a workshop on access to justice in environmental matters for high-level members of the judiciary for South-Eastern Europe (ECE/MP.PP/WG.1/2009/5)

^f For details, see the reports of the fourth and fifth meetings of the Task Force on Public Participation in International Forums (ECE/MP.PP/WG.1/2010/4 and ECE/MP.PP/WG.1/2011/3, respectively).