



Economic and Social Council

Distr.: Limited
23 November 2010

Original: English

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

Working Group of the Parties

Thirteenth meeting

Geneva, 9–11 February 2011

Item 5 (a) of the provisional agenda

Promotion of the Convention: accession to the Convention

by States from outside the United Nations Economic

Commission for Europe region

Draft decision on accession to the Convention by non-United Nations Economic Commission for Europe member States

Prepared by the Bureau with the assistance of the secretariat

Summary

This document contains a proposed draft decision on accession by non-United Nations Economic Commission for Europe member States to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), prepared by the Bureau of the Parties to the Convention with the assistance of the secretariat with a view to facilitating discussion on this topic by the Working Group of the Parties at its thirteenth meeting. The document is prepared further to a decision by the Working Group, taken at its twelfth meeting (ECE/MP.PP/WG.1/2010/2, para. 28) and a decision by the Bureau of the Meeting of the Parties, taken at its twenty-sixth meeting (9 November 2010) regarding accession by non-UNECE States.

The Working Group may wish to consider the present draft decision with a view of submitting it for consideration and adoption by the Meeting of the Parties at its fourth session, which will be held in Chisinau from 15 to 17 June 2011.

The Meeting of the Parties,

Recalling article 19, paragraph 3, of the Convention, which provides the possibility for States from outside the United Nations Economic Commission for Europe (UNECE) region to become Parties to the Convention upon approval by the Meeting of the Parties,

Recalling also that over the years the Parties to the Convention have expressed their support for accession to the Convention by States from outside the region, especially through paragraphs 32 and 33 of the Lucca Declaration, decision II/9 and objective II.4 of the Strategic Plan 2009–2014,

1. *Reiterates* that approval of the Meeting of the Parties, as provided for in paragraph 3, article 19, of the Convention should not be interpreted as implying a substantive review by the Meeting of the Parties of that State's national legal system and administrative practices;

2. *Notes*, however, that the minimum legal and other appropriate measures required to implement the Convention should be in place, so as to ensure that the State concerned is in a position to comply with its obligations at the time of the entry into force of the Convention for that State;

3. *Encourages* States outside the UNECE region to accede to the Convention;

4. *Decides* that the procedural steps for approval of accession by non-UNECE States shall be those set out in the following paragraphs:

(a) The non-UNECE State concerned, through the head of its competent authority, including, *inter alia*, its ministry responsible for environmental matters or for foreign affairs, shall notify the Convention secretariat in writing of its interest in acceding to the Convention;

(b) The Convention secretariat:

(i) Shall inform the Bureau, the Working Group of the Parties and the Meeting of the Parties about the notification received;

(ii) Shall maintain regular communication, in oral and written form, as appropriate, with the State concerned in relation to the State's progress towards accession; and

(iii) Shall provide advisory support to the State concerned, if requested and as appropriate, subject to availability of resources;

(c) Upon completion of the internal decision-making process, the State concerned, through the ministry responsible for foreign affairs, shall submit its formal written expression of interest in acceding to the Convention to the Meeting of the Parties, through the Executive Secretary of UNECE, at least eight months in advance of the next session of the Meeting of the Parties. The request should be accompanied by a brief description of present activities undertaken by that country relating to the substance of the Convention, as well as the envisaged steps associated with its accession;

(d) The procedure may involve informal communication through various means between the State concerned and the secretariat, and the secretariat shall report on this to the Bureau and the Working Group of the Parties on a regular basis;

(e) The Meeting of the Parties, at its next session, in the presence of the representative of the State concerned, shall consider any expression of interest that has been formally submitted to the Meeting of the Parties, through the Executive Secretary of UNECE, at least eight months in advance of that session and taking into account the measures adopted by the interested State to support future implementation of the Convention.