

## Aarhus Convention Meeting of the Parties

### REPORT OF THE FOURTH MEETING OF THE BUREAU Geneva, 22 October 2003

#### **Attendance:**

*Bureau members:* Marc Pallemmaerts (Belgium, Chair), Liisa Past (Estonia), Federica Rolle (Italy, substituting Giuliana Gasparrini), Tatiana Shakirova (Kazakhstan), Mona Aarhus (Norway), Jerzy Jendroska (Poland, Vice-Chair).

*NGO observer:* John Hontelez (European ECO Forum)

*Other observers:* Hanne Inger Bjurstrøm (Norway)

*Apologies:* Aida Iskoyan (Armenia, Vice-Chair)

#### **1. Opening of the meeting and adoption of agenda**

The Bureau was informed that Rita Annus (Estonia) had resigned from the Bureau and that Liisa Past had been designated as her replacement, in accordance with rule 22(7) of the rules of procedure. Mona Aarhus (Norway) would eventually be replaced by Hanne Inger Bjurstrøm and until then both would attend Bureau meetings.

The Bureau adopted the proposed agenda, agreeing upon small changes within the agenda items.

#### **2. Report on relevant activities and developments**

a) The secretariat briefly reported on the **personnel changes** within the secretariat. Following Sofie Flensburg's departure at the end of September to take up a position with UNEP, plans were under way to fill the Danish-funded post as soon as possible. In addition, a new extra-budgetary professional post (L3) had been created and advertised and the preliminary selection of a candidate had been made with a view to the post being filled within a matter of weeks. Finally, it was intended to hire an additional half-time secretary.

b) The secretariat circulated a paper on **the status of ratification of the Convention and signature of the PRTR Protocol**, which would also be circulated to the Working Group of the Parties the following day. The Bureau members exchanged information on the proposals for ratification by the EU and the draft directive on access to justice whose publication was thought to be imminent.

c) The secretariat reported on the outcome of the **EECCA Strategy Coordination meeting** (Geneva, 30 September 2003) which it had organized to bring together international and regional organizations working in the EECCA region on capacity building activities in support of the implementation of the Aarhus Convention. The initial reason for convening the meeting had been to attempt to co-ordinate Aarhus-related input to the EAP Task Force meeting held in Paris in early October. However, another objective of the meeting had been to explore possibilities for establishing a framework of longer-term co-ordination and/or co-operation on Aarhus-related capacity building activities. Following a proposal from the partners in the Aarhus Convention's capacity building service (UNEP, UNECE and GRID-Arendal) to open up the service to a wider range of partners, the organizations represented at the

meeting agreed to exchange information, co-operate and, as appropriate, co-ordinate within the framework of this expanded capacity building service, which would be co-ordinated by the secretariat. This would imply that the secretariat would spend more time on co-ordination and might have less time for hands-on capacity building work, but would try to support projects run by other organizations (e.g. by providing speakers for workshops or serving on steering committees).

The Bureau welcomed the initiative that had been taken by the secretariat and its outcome. It stressed the importance of involving TACIS in the process and recommended that the secretariat might at some point look into organizing joint meetings between donors and recipient countries.

The secretariat reported on a recent **workshop held in Kyrgyzstan** (9-11 October 2003) to promote the implementation of the Convention, organized jointly between the secretariat, CAREC and the Kyrgyz Ministry of the Environment, with active participation of both governmental and non-governmental actors. New ideas on further co-operation had been developed at the workshop.

A short presentation was given on the **Clearing-House mechanism**. UNEP/GRID-Arendal had been contracted to develop the pilot stage of the mechanism.

d) The Bureau took note of some developments on **global and regional developments on principle 10 issues:**

- The secretariat reported that following the resolution adopted by the **UN Commission on Human Rights** on ‘Human Rights and the Environment as part of Sustainable Development’ (Resolution 2003/71 of 25 April 2003), OHCHR was preparing a report on the consideration being given to “the possible relationship between the environment and human rights” and had sought input from relevant international organizations. The secretariat was preparing a submission on behalf of UNECE, centred on the role of the Aarhus Convention as a link between human rights and environment.
- The Chair reported on a regional workshop on the implementation of article 6 of the **UN Framework Convention on Climate Change (FCCC)** which had been hosted by Belgium in May 2003 and in which the secretariat had participated. He noted that the conclusions and recommendations of the workshop, which would be transmitted to the next meeting of the FCCC’s Subsidiary Body for Implementation (Milan, December 2003), explicitly recognized the importance of the Aarhus Convention for the process (para 33b of the workshop report). The Chair invited the Bureau to take note of this process and emphasised that the Aarhus Convention could clarify vague articles in other legal instruments and that there were opportunities for synergies. The Bureau agreed upon the importance of exploiting such synergies and decided to bring the FCCC process to the attention of the WGP.
- Tatyana Shakirova reported on a recent UNU workshop on biosafety held in Issyk-Kul, Kyrgyzstan, at which she had briefed participants about the relevant activities on GMOs under the Aarhus Convention.

e) The secretariat reported on the latest developments concerning the **logo**. The UN Publications Board had approved the design, subject to some fairly minor modifications and final review by the UN Office of Legal Affairs (OLA). The secretariat had made the requested modifications and submitted the revised design to OLA. In August, the secretariat had received a memo from OLA not commenting on whether the modifications fulfilled the request of the Publications Board but denying the possibility to develop a UN logo for the Convention at all, or to use a Convention logo in conjunction with the UN logo. The secretariat requested guidance from the Bureau on how to proceed with the matter, given that the initiative to develop a logo had been undertaken at the request of the Bureau.

The Bureau considered that the reaction of OLA raised important matters of substance concerning the relationship between the Convention (and other international conventions) and the United Nations, which called for a response on behalf of the governing body of the Convention. It agreed to refer the matter to the WGP to see whether the concerns of the Bureau were shared more broadly, and if so decided by the WGP, the Chair, in consultation with the Bureau, would write directly to the Director of OLA, copying the Office of the Secretary-General on the correspondence.

### **3. Preparations for the first meeting of the Working Group of the Parties**

a) Regarding the **agenda** for the first meeting of the Working Group of the Parties (WGP-1), the Bureau considered that it would be useful to include an item on the status of ratification of the Convention and signature of the Protocol immediately after the adoption of the agenda.

b) The Bureau noted that, following the decision at its second meeting that it should consult informally concerning a possible lead country and chairperson for the new **Working Group on PRTR**, the Czech Republic had informally indicated its willingness to put forward the name of Karel Blaha, who had chaired the previous PRTR Working Group, as a candidate for chair of the new Working Group. The Bureau agreed that the Chair would inform the WGP of this offer and would encourage any other delegations intending to put forward candidates to serve as officers of the new WG to indicate this to the secretariat as soon as possible, to facilitate smooth preparation of the meeting.

c) The Bureau took note of the draft report of the **Second meeting of the Working Group on GMOs**, a copy of which had been circulated by the secretariat. Some concerns were expressed regarding the slow rate of progress achieved by the Working Group, and at the fact that, by discussing options such as the 'zero option', it might be going outside its mandate which clearly required it to develop proposals for a legally binding arrangement. It was agreed that the Working Group of the Parties, having within its mandate the function of overseeing the work of subsidiary bodies, should discuss the issue and could give a message to the Working Group on GMOs to encourage it to work towards fulfilling its mandate expeditiously.

d) The Chair – also the Chair of the **Task Force on Access to Justice** – reminded Bureau members of the content of the provisional agenda for the next meeting of the TF (20-21 November 2003) which had been circulated with the invitation. He informed the Bureau of the lead country's intention to distribute during the meeting of

the WGP a questionnaire on financial and other non-legal obstacles to access to justice, trying to focus the minds of the Parties on further questions.

e) There had been no further meeting of the **Task Force on Electronic Tools** since the last Bureau meeting. The lead country Bulgaria would report to WGP-1 on the outcome of the first meeting and the secretariat would report on the preparations for WSIS, including the Aarhus side-event, and on the clearinghouse mechanism.

f) A copy of a letter from the Chair of the **Compliance Committee** to the Chair of the Bureau was distributed at the meeting. The letter invited the WGP, through the Chair, to note the particular uncertainty regarding the future resource requirements of the compliance mechanism, and to mandate the secretariat to divert additional resources (i.e. additional to the amounts allocated in document MP.PP/WG.1/2003/7 on assessment and prioritisation of activities) to facilitate the Committee's processing of communications from the public if the volume of communications makes this necessary. The Bureau was generally sympathetic to the concerns expressed in the letter and agreed to recommend that the WGP provide the flexibility requested in the letter.

g) It was agreed that it would be helpful for the WGP if the secretariat, in presenting the paper on **Public Participation in Strategic Decision-Making** to the WGP, would draw attention to the proposed timeframe for the possible activities listed, as noted in paragraph 54 of the paper.

h) The Bureau agreed that the Chair would present the paper on **Public Participation in International Forums** on behalf of the Bureau and would invite delegations to address the questions raised in paragraph 7 of the report. The secretariat informed the Bureau that a provisional reservation for a meeting room had been made for 3-4 June 2004 in case it were decided to hold a meeting on the topic.

i) The secretariat reported on consultations which had taken place with France, lead country for the **TF on Financial Arrangements**, who would introduce this topic at the WGP meeting. The first meeting of the task force had been provisionally scheduled for 8 December 2003.<sup>1</sup> In accordance with a decision of the Commission, there would not be any translation for meeting of task forces.

j) Concerning the agenda item on **assessment and prioritisation of activities in the 2004-2005 work programme**, the secretariat circulated some figures providing a breakdown of the actual contributions received since the first meeting of the Parties, in relation to the pledges. The Bureau considered that these figures would be useful as supplementary information to that contained in document MP.PP/WG.1/2003/7 and asked the secretariat to circulate them to the WGP. It was considered important to draw attention of the WGP to the fact that the contributions received had fallen well short of the needs of the work programme.

k) Tatiana Shakirova informed the Bureau about the latest developments on the **preparation of the second ordinary meeting of the Parties**, scheduled to be held in

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<sup>1</sup> This date was changed at the WGP-1 meeting. The first meeting of the TF on Financial Arrangements is set to the 23 March as a back-to-back meeting to the 3<sup>rd</sup> meeting of the WG on GMOs.

Kazakhstan in May 2005. The Ministry had received an order from the Prime Minister and would, as a next step, send a proposal for budget to the government. A letter of agreement from UNECE to the Ministry was needed to move the process forward.

#### **4. Global conference on principle 10**

It was agreed to return to this item at the next meeting.

#### **5. Matters arising from (a) Joint Bureaux meeting, 3 July 2003 and (b) CEP meeting, 20-22 October 2003**

It was noted that the Chair of the CEP had invited suggestions from the Bureaux of the environmental conventions on what topics might be addressed by the next joint meeting of the Bureaux (summer 2004). Implementation issues, capacity-building and technical support activities had so far been mentioned as possible topics. It was agreed not to come forward with proposals for additional topics at this stage but to discuss the matter at the next meeting.

#### **6. Calendar of meetings 2003-2004**

The secretariat circulated a provisional calendar of meetings for 2003-2004 (see website). It was considered that one meeting per year might be sufficient for the PRTR Working Group at the present stage.

#### **7. Date and venue of next Bureau meetings**

The Bureau agreed that it would be useful to have its next meeting in the beginning of 2004, preferably in January so that papers could be prepared in time for WGP-2, and asked the secretariat to explore the possibility of linking the meeting with the third meeting of the Compliance Committee (22-23 January 2004).