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

Fifth session

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Item 7 (a) of the provisional agenda

**Programme of work and operation of the Convention:
implementation of the work programme for 2012–2014**

Report on the implementation of the Convention's work programme for 2012–2014

Note by the secretariat

Summary

The present report was prepared pursuant to the decision 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 at its fourth session (Chisinau, 29 June–1 July 2011) (see ECE/MP.PP/2011/2/Add.1, decision IV/6, annex I, item X). It provides an overview of the implementation of the work programme for the Convention for 2012–2014 as of 31 March 2014.

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Introduction

1. The present document provides an overview of the implementation of the work programme for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) for 2012–2014 (ECE/MP.PP/2011/2/Add.1, decision IV/6, annex I) as of 6 December 2013. An overview of contributions and expenditures in relation to the implementation of the work programme is provided in document ECE/MP.PP/WG.1/2014/7. Only some activities related to access to information, capacity-building and awareness-raising regarding the Convention's Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) are included; a comprehensive report regarding implementation of the work programme for the Protocol for 2011–2014 was submitted to the Meeting of the Parties to the Protocol at its second session (Maastricht, the Netherlands, 3–4 July 2014) (ECE/MP.PRTR/2014/6).

2. The secretariat made serious efforts to avoid duplication of work and inefficient use of resources through pursuing synergies with activities under other United Nations Economic Commission for Europe (ECE) multilateral environmental agreements (MEAs), United Nations agencies and other partners. This required spending more time on the preparatory phase of activities to ensure proper consultations with the chairs of the respective subsidiary bodies and partner organizations. Furthermore, the secretariat used, and is planning to continue using, more electronic tools (e.g., e-mail consultations; web-based, video and phone conferences; online databases; and the clearinghouse mechanism).

I. Substantive issues

A. Access to information, including electronic information tools, the clearinghouse mechanism and PRTR.net

3. In the current intersessional period, activities were focused on improving public access to environmental information, as required by articles 4 and 5 of the Convention, and its active dissemination to the public, including through electronic information tools.

4. At its first meeting (Geneva, 7–8 February 2013),¹ the Task Force on Access to Information took stock of the good practices and challenges in the region on access to information and deliberated on possible future directions for the work in this area, shared good practices in establishing and developing national nodes, public registers and information centres and held a workshop, “Environmental Information on products: making public access work”, to facilitate the implementation of article 5, paragraph 6 and 8, of the Convention.

5. The second meeting of the Task Force on Access to Information (Geneva, 16–17 December 2013) was focused on public access to environmental information in such areas as land management and spatial planning, agriculture and water supply and wastewater treatment. In advance of the meeting, the secretariat circulated a questionnaire to assess the implementation of the recommendations on the more effective use of electronic information tools adopted through decision II/3, and the outcomes of the assessment were presented at the meeting and included in its report (see ECE/MP.PP/WG.1/2014/4 and AC/TF.AI-2/Inf.2 and Add.1). The Task Force was invited

¹ Meeting documents and other information on meetings of the Task Force are available from <http://www.unece.org/env/pp/tfai.html>.

to consider an updated version of the draft Guidance for National Nodes of the Clearinghouse (AC/TF.AI-2/Inf.3), which was prepared by the secretariat in consultation with the Chair further to the request of the Task Force at its first meeting.

6. The secretariat has continued managing the Aarhus Clearinghouse for Environmental Democracy² and the PRTR.net global portal.³ The secretariat held consultations on a possible next upgrade of the Aarhus Clearinghouse at the second Task Force meeting. The two portals were used to facilitate the collection, dissemination and exchange of information related to national implementation of the Convention and relevant global and regional developments regarding Principle 10 of the Rio Declaration on Environment and Development, as well as information regarding pollutant release and transfer registers (PRTRs). In May 2013 a joint message by the secretariat, the Organization for Economic Cooperation and Development (OECD) and the United Nations Institute for Training and Research (UNITAR) was circulated to national focal points to the three organizations containing detailed information on available PRTR resources and electronic tools.

7. The secretariat has also upgraded the online reporting system for the Convention and incorporated all national implementation reports from the 2011 reporting cycle in the system. Parties used this online reporting system for submitting their 2014 national implementation reports.

8. The secretariat continues to maintain and populate a jurisprudence database accessible through the Convention's web page and the Aarhus Clearinghouse. The database promotes the exchange of jurisprudence concerning the Convention and facilitates the work on access to justice. It includes decisions issued by courts of law or other bodies that make reference to the Convention or its principles, and includes summaries in English and decisions in the original language and in English, when available. During 2012–2014, the database expanded to include case summaries in Russian as well. To date, there are more than 70 cases in the database. Maintaining the jurisprudence database is an ongoing activity.

B. Public participation in decision-making

9. The secretariat engaged a consultant in early 2012 to develop draft recommendations on improving the implementation of the provisions of the Aarhus Convention on public participation in decision-making. The third draft of the recommendations was circulated to national focal points and stakeholders for their comments in mid-March 2013. The final draft of the recommendations was made available prior to the seventeenth meeting of the Working Group of the Parties (Geneva, 26–28 February 2014). The finalized text of the recommendations is being submitted to the fifth session of the Meeting of the Parties (ECE/MP.PP/2014/8).

10. The second meeting of the Task Force on Public Participation in Decision-making (Geneva, 6–8 June 2012),⁴ organized as a joint event with the Protocol on Water and Health to the ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), focused, *inter alia*, on challenges arising under article 6 of the Convention, with special attention given to decision-making on water and health-related matters. In addition, the Task Force discussed public participation in product-

² See <http://aarhusclearinghouse.unece.org/>.

³ See <http://www.prtr.net/>.

⁴ More information on the meetings of the Task Force is available from <http://www.unece.org/env/pp/ppdm.html>.

related decision-making, and the possible future development of article 6 of the Convention. Participants also had an opportunity to comment the first draft of the recommendations on public participation in decision-making.

11. The third meeting of the Task Force (Geneva, 29–30 October 2012) was organized as a joint event with the Protocol on Strategic Environmental Assessment (Protocol on SEA) to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), and had a special focus on public participation in strategic decision-making. Participants at the meeting discussed, *inter alia*, the second draft of the recommendations on public participation in decision-making, as well as good practices and challenges regarding the implementation of articles 7 and 8 of the Convention.

12. The Task Force held its fourth and final meeting of the present intersessional period in Luxembourg on 12 and 13 March 2013. The meeting addressed public participation in decision-making in the nuclear domain and was organized as a joint event with the Directorate-General for Energy of the European Commission and the Association Nationale des Comités et Commissions Locales d'Information (ANCCLI). Participants also had the opportunity to discuss the third draft of the recommendations.

13. A call for case studies on public participation in environmental decision-making was launched in March 2012 and received a good response. An online compendium of the case studies is currently being prepared and is intended to go live prior to the fifth session of the Meeting of the Parties to the Convention.

C. Access to justice

14. The fifth meeting of the Task Force on Access to Justice (Geneva, 13–14 June 2012)⁵ featured a mini-conference on the legal issue of standing for individuals and groups. The Task Force welcomed the studies carried out in the European Union on that issue. Participants exchanged information and experiences on the issue of costs and financial arrangements, including litigation costs, legal aid and support for public interest lawyers, and the issue of remedies. Participants were also informed about the main findings of the Convention's Compliance Committee related to those issues.

15. The Task Force agreed on undertaking two studies: on standing in selected countries of Eastern Europe, the Caucasus and Central Asia; and on standing, remedies and costs in countries of South-Eastern Europe. The preparatory process for both studies is currently ongoing.

16. At its sixth meeting (Geneva, 17–18 June 2013), the Task Force continued its deliberations on the issues of standing, costs and remedies in environmental cases. It also considered progress on the two analytical studies under preparation. Participants shared their experience in facilitating access to justice dialogues in their countries and highlighted the usefulness of the analytical studies for that purpose. A number of tools for sharing information and experiences on access to justice were presented at the meeting.

17. At its seventh meeting (Geneva, 24–25 February 2014), the Task Force continued considering substantive issues such as effective standing, remedies and costs. Participants welcomed preliminary findings of the study on standing for individuals, groups and environmental non-governmental organizations (NGOs) before courts in cases involving environmental matters in countries of Eastern Europe, the Caucasus and Central Asia and

⁵ More information on the meetings of the Task Force is available from <http://www.unece.org/unecedevelo.iway.ch/environmental-policy/treaties/public-participation/aarhus-convention/envpftwg/envppatoj/meetings.html>.

the progress in the preparation of the study on access to justice in South-Eastern Europe, and deliberated on good practices and challenges in the application of legal aid schemes in environmental cases and ways to support public interest lawyers. Furthermore, they shared their experience on multi-stakeholder dialogues on access to justice in their respective countries, as supported by the Working Group of the Parties at its fifteenth meeting (Geneva, 3–5 September 2012), and exchanged information on capacity-building needs and initiatives as well as on existing tools for providing information on access to justice.

18. A subregional event on the Aarhus Convention, which included a session on access to justice, was organized jointly with the Organization for Security and Cooperation in Europe (OSCE) in Almaty, Kazakhstan, on 22 and 23 May 2012.⁶

19. On 2 October 2013, the secretariat participated (via Skype) in the training for judges and prosecutors of Bosnia and Herzegovina organized by the OSCE mission to Bosnia and Herzegovina.

D. Genetically modified organisms

20. Bilateral collaboration with the secretariat of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (CBD) dedicated to genetically modified organisms (GMOs) is ongoing. The secretariat collaborated with the Biosafety Protocol secretariat in the organization of its Online Forum on Public Awareness, Education and Participation Concerning the Safe Transfer, Handling and Use of Living Modified Organisms (4–18 June 2012).⁷ The secretariat also promoted the GMO amendment at the subregional Central Asian meeting (Almaty, Kazakhstan, 22–23 May 2012)⁸ and brought the issue to the attention at the seventh Aarhus Convention Capacity-building Coordination meeting (Geneva, 15 June 2012).⁹ The close cooperation between the two secretariats was showcased in the organization of a joint global round table on access to information, public participation and access to justice regarding living modified organisms/genetically modified organisms (LMOs)/GMOs (Geneva, 16–17 October 2013). The event was organized under the leadership of the Government of Austria and its aim was to build countries' capacities through sharing knowledge, experiences and lessons learned in promoting public awareness, access to information, participation and access to justice regarding LMOs/GMOs and to put forward suggestions for future action at the national and international levels. The secretariat also delivered a statement (via Skype) at the international conference, "Experience Sharing on Public Education and Awareness of Biosafety Issues", organized by the National Coordination Biosafety Centre of Belarus (Minsk, 1 October 2013).

21. During this intersessional period, Parties whose ratification of the GMO amendment would count towards its entry into force — i.e., Albania, Armenia, Azerbaijan, Belarus, France, Georgia, Kazakhstan, Kyrgyzstan, Malta, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine — were encouraged to make progress in ratifying the amendment. The secretariat provided those Parties with an example of legislative provisions and policy measures provided by Austria, with a view to facilitating the promotion and implementation of the GMO amendment at the national level. Furthermore, Parties whose ratification of the GMO amendment would count towards its entry into force were repeatedly called upon to take serious steps towards ratification and to provide the secretariat with a written explanation on the status of ratification. By the seventeenth

⁶ See <http://www.unece.org.unecedevelo.iway.ch/centralasianmeeting2012.html>.

⁷ See http://bch.cbd.int/onlineconferences/portal_art23/pa_forum2012.shtml.

⁸ See <http://www.unece.org/centralasianmeeting2012.html>.

⁹ See <http://www.unece.org.unecedevelo.iway.ch/env/pp/oa.html>.

meeting of the Working Group of the Parties in February 2014, only France had confirmed that it intended to ratify the amendment prior to the fifth session of the Meeting of the Parties. Armenia, Azerbaijan, France and Kyrgyzstan reported that they had initiated the procedure to ratify the amendment. Other Parties reported that the ratification procedure had not been initiated yet, identifying a number of challenges to ratification in their respective countries and requesting expert assistance in preparing legislation and to build the capacity of officials and other key stakeholders. As a result, the Parties whose ratification of the GMO amendment would count towards its entry into force were requested by the Working Group at its seventeenth meeting to report at the fifth session Meeting of the Parties on the progress achieved.

II. Procedures and mechanisms

A. Compliance mechanism

22. The Compliance Committee has held 11 meetings since the fourth session of the Meeting of the Parties, namely, its thirty-fourth to forty-fourth meetings, 2 of which were held in the second half of 2011, 4 in 2012, 4 in 2013 and 1 in 2014. At its meetings, the Committee reviewed communications from the public concerning alleged non-compliance by Parties.¹⁰ Since the fourth session of the Meeting of the Parties, 38 new communications have been received, relating to different provisions of the Convention, but most of them raise issues concerning public participation in decision-making, including in a transboundary context and/or access to justice. Twenty-seven of those communications were determined to be admissible and are pending at different stages of the process. 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 IV/9a-i concerning compliance by Armenia, Belarus, Kazakhstan, the Republic of Moldova, Slovakia, Spain, Turkmenistan, Ukraine and the United Kingdom of Great Britain and Northern Ireland, as well as on Parties progress in implementing the recommendations contained in findings adopted by the Committee since the fourth session of the Meeting of the Parties.

23. During the present intersessional period, the Committee has followed a more structured approach in following up on decisions of the Meeting of the Parties on compliance by individual Parties. At each meeting, to consider progress with the decisions' recommendations, the Committee reviews any written material submitted by the Parties and by observers. In order to further assist Parties in their efforts to come into compliance, the Committee has begun a practice of holding discussions with representatives of the Parties and observers, in person or through video- or teleconferences. Such discussions are organized by the Committee on a needs basis. In addition, on the invitation of the Party concerned, in September 2013 the Chair undertook a mission to the United Kingdom in the context of the follow-up to decision IV/9i, in accordance with paragraph 25 of the annex to decision I/7 of the Meeting of the Parties. He met with representatives of a number of ministries and agencies of the Party concerned, and took part in a meeting attended by both public officials and representatives of NGOs of the Party concerned. The Chair reported that the mission provided a useful opportunity for exchange between the representatives of the Party concerned, the NGOs taking part and the Committee, and expressed the Committee's willingness to undertake other such missions, at the invitation of interested Parties.

¹⁰ For details, see the reports of the Compliance Committee available from <http://www.unece.org/env/pp/ccMeetings.html>.

24. The Committee has continued to review the progress of each of the above Parties to meet its obligations under the Convention, most recently in the context of preparing its reports on the implementation of decisions IV/9a-i for submission to the fifth session of the Meeting of the Parties.

25. At the invitation of the Court of Justice of the European Union, representatives of the Committee, assisted by the secretariat, met with representatives of the Court on 10 March 2014 in Luxembourg. The purpose of the meeting was to exchange information regarding the working methods and relevant case-law of each body.

26. An informal network for the chairs of the compliance/implementation bodies under the ECE MEAs was established in spring 2012 at the initiative of the Chair of the Aarhus Convention Compliance Committee. The network aims to exchange information on the work of the bodies and to share views on how to improve implementation/compliance mechanisms. Exchange of information was carried out by e-mail and the first meeting took place on 25 March 2013, back to back with the Committee's fortieth meeting (Geneva, 25–28 March 2013). The second meeting took place on 24 March 2014, back to back with the Committee's forty-fourth meeting (Geneva, 25–28 March 2014). All chairs of the compliance/implementation bodies under the ECE MEAs took part in the second meeting, and it was agreed by all that the informal network provided a valuable opportunity for exchange.

B. Capacity-building activities

27. In addition to capacity-building activities mentioned under other areas of work to build synergies and enhance coordination with partners, the secretariat serviced the seventh and eighth Aarhus Convention Capacity-building Coordination meetings in June 2012 and December 2013, respectively,¹¹ and continuously maintained close cooperation with partner organizations. The meetings focused on the work areas as set out in the Convention's current Strategic Plan and programme of work, the implementation of which require special attention by capacity-building partners, as well as on specific aspects of projects and activities, such as their geographical scope, target groups, available and required funding, cooperation with partner organizations and challenges encountered in implementation of activities.¹²

28. From 3 to 5 July 2013, the secretariat participated in the annual meeting of Aarhus Centres organized by OSCE, on the theme "Aarhus Centres: A Decade of Partnership in Implementing the Aarhus Convention", where delivered a presentation.¹³ On 30 September 2013 and 2 October 2013 respectively, the secretariat also took part via video connection in the events organized by the OSCE mission to Bosnia and Herzegovina to strengthen capacities of the Aarhus Centres, as well as of representatives of the judiciary and prosecutors in the country, in the implementation of the Aarhus Convention.

29. On 25 and 26 June 2013 in Astana, Kazakhstan, ways of advancing the implementation of the Aarhus Convention were discussed at the National Preparatory High-level Conference, devoted to the topic of the twenty-first OSCE Economic and Environmental Forum, entitled "Increasing stability and security: Improving the environmental footprint of energy-related activities in the OSCE region".

¹¹ See <http://www.unece.org/env/pp/oa.html>.

¹² More information about activities carried out by partner organizations can be found in the report on capacity-building activities (ECE/MP.PP/2014/7) available from http://www.unece.org/env/pp/aarhus/mop5_docs.html (under category II documents).

¹³ See <http://www.osce.org/eea/102666>.

30. In close cooperation with OSCE, the secretariat provided substantive support in organizing and carrying out the national multi-stakeholder workshop “Advancing the implementation of the Aarhus Convention in Belarus” (Minsk, 29–31 January 2014). The objective of the workshop was to raise awareness about the recent experience in the implementation of the three pillars of the Aarhus Convention and its amendment on public participation in decision-making on the deliberate release into the environment and the placing on the market of genetically modified organisms (GMO amendment), as well as to discuss challenges and possible solutions for advancing the implementation of the Aarhus Convention and its amendment at the national and local levels.

31. The secretariat is also providing substantive support to the implementation of two relevant projects under the Environment and Security Initiative (ENVSEC) umbrella: on the promotion of the Convention and its Protocol in Belarus; and on preparation of an analytical study on access to justice in environmental matters in selected countries of South-Eastern Europe.

C. Reporting mechanism

32. Following the failure of Luxembourg, Malta and the former Yugoslav Republic of Macedonia to submit their national implementation reports for the 2011 reporting cycle within the deadlines set by the Meeting of the Parties, the Chair of the Bureau, with the assistance of the secretariat, submitted a written request to the countries’ ministers. In June 2012, Luxembourg and Malta submitted their national implementation reports. The former Yugoslav Republic of Macedonia is the only Party that failed to submit a national implementation report for the previous reporting cycle. No official response has been submitted by the former Yugoslav Republic of Macedonia, in spite of several written requests sent to the country.

33. The 2014 reporting cycle was launched by the secretariat at the beginning of April 2013, when Parties were invited to submit national implementation reports for consideration at the fifth session of the Meeting of the Parties in the reporting format of the current reporting cycle (see ECE/MP.PP/2011/2/Add.1, decision IV/4). Training sessions related to national implementation reports were held for delegates at the sixteenth meeting of the Working Group of the Parties.

34. As of 31 March 2014, 38 Parties have submitted their national implementation reports for the 2014 reporting cycle under the Convention, with 28 Parties submitting their reports before the deadline indicated in decision II/10. The following Parties failed to submit their report as of 31 March 2014: Cyprus, European Union, Iceland, Luxembourg, Malta, Portugal, the former Yugoslav Republic of Macedonia and Turkmenistan. No reports were received by international, regional and non-governmental organizations.

III. Promotional activities

A. Awareness-raising and promotion of the Convention and the Protocol on Pollutant Release and Transfer Registers

35. The secretariat has participated in conferences, seminars, workshops and other events in various countries to promote and raise awareness of the Convention and its Protocol at the international level, and has arranged for other representatives of the Convention and Protocol bodies to participate. Meetings and events at which promotional and awareness-raising activities were carried out include: two round tables of the Aarhus Convention and Nuclear Initiative (Paris, 15–16 February 2012, and Brussels,

4–5 December 2012) and the meeting of the Steering Committee of the Aarhus Convention and Nuclear Initiative (Paris, 11 July 2012); the OSCE Economic and Environment Committee Meeting (Vienna, 14 March 2012); the European Economic and Social Committee (EESC) hearing on the Lisbon Treaty (Brussels, 17 April 2012), the meeting of the EESC Section for Transport, Energy, Infrastructure and the Information Society (Brussels, 25 June 2012) and the 128th meeting of the EESC Section for Agriculture, Rural Development and the Environment (Brussels, 27 September 2012); the colloquium, “Effectiveness of the Compliance mechanism under the Aarhus Convention: addressing Rio+20 issues and other MEAs” (Vienna, 14–15 May 2012), organized under the auspices of the European ECO Forum; and the OSCE training on “Strengthening Green Diplomacy — A Step Towards Enhancing Environmental Security” (Belgrade, 29–30 November 2012). In addition, the secretariat provided presentations on the Protocol on PRTRs via Skype at the stakeholder event, “Capacity-building to Put the Aarhus Convention into Action and Support Development of PRTR Systems in South-Eastern European Countries — Implementing the Protocol on PRTRs in Bosnia and Herzegovina” (Sarajevo, 16 November 2012) and at a PRTR stakeholder event organized by the Regional Environmental Centre for Eastern and Central Europe (Tirana, 14 December 2012). The Chair of the Task Force on Access to Justice has been invited to contribute to an international conference on Principle 10 of the Rio Declaration, to be held on 30 and 31 March 2013 in Japan, with a presentation on “Access to Justice in Environmental Matters — the Aarhus Convention 1998–2013”. The conference is being organized in the context of the Green Access Project, which seeks to identify appropriate models of public participation for protecting the environment and creating a sustainable society in Japan. For its part, the secretariat promoted the Convention and its Protocol at the seventh European conference on sustainable cities and towns (Geneva, 17–18 April 2013), and also presented the mandate, modalities of work, rules of procedure and experience of the Aarhus Convention Compliance Committee at the first meeting of the Implementation Committee under the ECE Water Convention (Geneva, 4 June 2013). In addition, the secretariat presented the Convention and Protocol at the High-level Seminar by the United Nations Department of Economic and Social Affairs on “E-Participation: Empowering People through Information Communication Technologies (ICTs)” (Geneva, 24–26 July 2013).

36. The secretariat assisted the Chairs and Vice-Chairs of the Bureaux of the Aarhus Convention and its Protocol in providing input to a joint message on suggested amendments to the zero draft of the United Nations Conference on Sustainable Development (Rio+20 Conference) outcome document, “The Future We Want”, which was prepared as a result of consultations among representatives of governing bodies of the ECE MEAs and the ECE Committee on Environmental Policy (Geneva, 22 November 2011 and 16 April 2012). The message aimed to promote the Convention and the Protocol at the Rio+20 Conference (Rio de Janeiro, 20–22 June 2012). It was distributed to national focal points and stakeholders in the region.

37. At the Rio+20 Conference, the secretariat, in cooperation with numerous partners, organized, coordinated and provided input to the following side events at which the Convention and the Protocol were promoted:

(a) A daylong side event on Principle 10, “Choosing Our Future: Open and Participatory Sustainable Development Governance”, on 19 June 2012, in particular, the following two sessions:

(i) The first session, “Principle 10 Regional Conventions”, organized in collaboration with Corporación Participa, focused on next steps and the content for a possible regional convention on access rights in Latin America and the Caribbean, including lessons learned from the implementation of the Aarhus Convention and its Protocol on PRTRs in the ECE region;

(ii) The second session, entitled “Public Participation in International Environmental Governance”, focusing on lessons learned from applying the Almaty Guidelines on Promoting the Principles of the Aarhus Convention in International Forums (Almaty Guidelines), the Aarhus Convention compliance mechanism and access mechanisms (including citizen-initiated complaint mechanisms) in other sustainable development-related forums and institutions;

(b) A joint side event of the United Nations Regional Commissions, “Green Growth and Sustainable Development: Regional Perspectives”, on 21 June 2012. The ECE contribution to this event aimed to shed light on Principle 10 and its implementation through ECE legal and policy instruments, most notably the Aarhus Convention and its Protocol on PRTRs, the Protocol on SEA to the Espoo Convention and the ECE Strategy for Education for Sustainable Development;

(c) An EESC side event, “Civil society Taking Global Responsibility”, on 21 June 2012;

(d) A European Environment Agency side event, “Sharing environment information in action”, on 19 June 2012;

(e) A United Nations Environment Programme (UNEP) side event, “Access for All”, on 21 June 2012.

38. The secretariat also promoted the Convention and the Protocol through various reports and articles prepared under the auspices of ECE and partner organizations.

39. In addition, the secretariat continued an enhanced outreach exercise, distributing materials about the Convention and the Protocol on PRTRs to national focal points, Aarhus Centres, NGOs and academic institutions in the ECE region. The secretariat promoted PRTR and Aarhus electronic tools through the ECE report to the World Summit on the Information Society Forum in 2012 and 2013. Two leaflets on the Convention and its Protocol on PRTRs were also produced in English, French and Spanish and distributed at the Rio+20 Conference, and copies were made available on the ECE publications web page.¹⁴

40. *The Aarhus Convention: An Implementation Guide*¹⁵ has been revised by experts with the assistance of the secretariat. The text-only version was made available online in April 2013 and the online version of the full publication will be posted online soon, with the printed hardcopy version to follow shortly. A new promotional brochure (“Protecting your environment: The power is in your hands”) addressing the general public interested in the Aarhus Convention and its provisions is also being readied for publication. It will be translated into the six official languages of the United Nations.

41. The secretariat organized an advisory mission to Mongolia on 25 and 26 April 2012. The mission was led by the Chair of the Meeting of the Parties and involved representatives from several Parties to the Convention, including Italy, Kazakhstan, Norway and Poland, who shared their experience in numerous areas, including legislative steps, the institutional framework and financial implications associated with the implementation of the Convention. The secretariat has a regular correspondence with the country officials and the United Nations Development Programme (UNDP) office in Mongolia regarding the country’s accession.

¹⁴ “PRTRs advancing sustainability, environmental governance and a green economy” and “Aarhus Returns to Rio”, available from <http://www.unece.org/environmental-policy/treaties/public-participation/publications.html>.

¹⁵ United Nations publication, Sales No. E.00.II.E.3. The revised text only English version is available from <http://www.unece.org/env/pp/publications/aig.html>

42. Starting in February 2013, at the invitation of the *Environmental Policy and Law* journal, a column dedicated to the deliberations of the Compliance Committee is being written by a journal reporter in cooperation with the secretariat. The column, which summarizes the outcomes of the Committee's most recent meeting(s) appears as a regular item in issues of the journal.

B. Promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes

43. The first thematic session on the promotion of the Almaty Guidelines was held during the fifteenth meeting of the Working Group of the Parties to the Convention (Geneva, 3–5 September 2012). The thematic session focused on three themes: (a) public participation before, at and after the Rio+20 Conference; (b) measures taken at the national level to systematically promote public participation in international forums; and (c) public participation in projects funded by international financial institutions. In order to guide the discussion, in advance of the thematic session Parties were invited to prepare responses to a questionnaire on the themes to be discussed during the session.¹⁶

44. The second thematic session on the promotion of the Almaty Guidelines was held during the sixteenth meeting of the Working Group in June 2013, on the following three main themes: (a) follow-up to the previous thematic session, including measures to systematically promote the principles of the Convention in all forums dealing with matters relating to the environment, an update on the establishment of the High-level Political Forum on Sustainable Development and an update on civil society engagement in the processes of the United Nations Framework Convention on Climate Change; (b) the new United Nations Environment Assembly; and (c) the policy reviews currently being undertaken by a number of international financial institutions.¹⁷

45. The third thematic session on the promotion of the Almaty Guidelines was held during the seventeenth meeting of the Working Group in February 2014, on the following main themes: (a) follow-up to the previous thematic session, including measures to systematically promote the principles of the Convention in forums dealing with matters relating to the environment, an update on the establishment of the High-level Political Forum on Sustainable Development and an update on civil society engagement in the processes of the United Nations Framework Convention on Climate Change; (b) an update on the proposed new UNEP modalities for stakeholder engagement; and (c) a focus on the ECE MEAs.¹⁸

46. The secretariat continued supporting efforts to promote the principles of the Convention in various international forums, working with other United Nations bodies, in particular, UNEP, UNITAR, the United Nations Department of Economic and Social Affairs and UNDP; other environmental treaty bodies, such as the CBD and its Protocol on Biosafety; and other international organizations, inter alia, OSCE, OECD, the World Bank, the European Investment Bank and the European Bank for Reconstruction and Development (EBRD). Among others, the secretariat provided comments on EBRD draft guidelines for private water companies on how to meet their obligations to provide the public with access to environmental information. Requests by other international forums for advisory support from the secretariat are noticeably increasing, though the secretariat is not always able to respond fully due to its limited capacity.

¹⁶ The meeting report is available from <http://www.unece.org/acwgp15.html>.

¹⁷ The meeting report is available from <http://www.unece.org/env/pp/aarhus/wgp16.html>.

¹⁸ The meeting report is available from <http://www.unece.org/env/pp/aarhus/wgp17.html>.

47. Public participation in international forums was also discussed at the seventh Capacity-building Coordination meeting. That discussion addressed support to Parties in implementing the Almaty Guidelines, through assisting them in organizing input from the public to national contributions to international forums, and the need to apply the Guidelines in their own activities.

48. At its first meeting in February 2013, the Task Force on Access to Information took note of activities relevant to access to environmental information under other forums, such as Intergovernmental Panel on Climate Change and UNEP, as well as in follow-up to the Seventh “Environment for Europe” Ministerial Conference (Astana, 21–23 September 2011) and the Rio+20 Conference, and encouraged Parties to establish coordination mechanisms or use other existing means to strengthen the coordination between national focal points for various forums dealing with access to environmental information and with effective engagement of NGOs, Aarhus Centres and other stakeholders.

49. As a preparation for the first universal session of the Governing Council/Global Ministerial Environment Forum (Nairobi, 18–22 February 2013), the secretariat took part in an expert meeting on “Models and Mechanisms on Civil Society Participation” (Geneva, 22–23 January 2013). The report of that meeting was an input document into the fourteenth Global Major Groups and Stakeholders Forum (Nairobi, 16–17 February 2013), which was held prior to the Governing Council.

50. In an advisory capacity, the secretariat joined two initiatives: (a) the Advisory Group on International Environmental Governance for the project on the promotion of the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines), led by UNEP; and (b) the “Access for All” initiative, launched at the Eye on Earth Summit in December 2011 and led by the World Resource Institute, which seeks to provide a platform for global promotion of Principle 10. In addition, the secretariat provides ongoing advice to various professional, academic or non-governmental institutions and associations upon request.

51. In the context of Rio+20, the secretariat organized a special session on public participation in international environmental governance, as part of the larger side event “Choosing Our Future: Open and Participatory Sustainable Development Governance” convened by the World Resources Institute on 19 June 2012 (see para. 36 (a) above). The Chair of the Convention’s former Task Force on Public Participation in International Forums chaired the side event and the Chair of the Convention’s Compliance Committee also spoke. The purpose of the event was, *inter alia*, to promote the Almaty Guidelines as well as the Aarhus Convention’s Compliance Committee as useful models that could be applied in other international processes.

52. The secretariat has provided ongoing advisory support upon request to the Economic Commission for Latin America and the Caribbean (ECLAC) and designated focal points for the initiative on a possible regional convention on access rights in Latin America and the Caribbean (see para. 36 (a) above). In addition, the secretariat participated in the first meeting of the focal points of the 10 signatory countries of the Declaration on the Implementation of Principle 10 of the Rio Declaration on Environment and Development (Santiago, 6–7 November 2012) in order to share the experience gained in the implementation and administration of the Aarhus Convention. It also participated in a follow-up meeting with the Government of Chile ECLAC, UNITAR and designated civil society focal points (Santiago, 8 November 2012). At the invitation of UNEP, the secretariat participated at the Regional Workshop on the Implementation of Rio Principle 10 in the Caribbean Region (Trinidad and Tobago, September 2013), in order to share the experience of the Aarhus Convention as a model example of a legal instrument implementing Principle 10. Moreover, the Chair of the Meeting of the Parties to the Aarhus

Convention participated at the third meeting of the focal points appointed by the Governments of the Signatory countries of the Declaration on the application of Principle 10 in Latin America and the Caribbean (Lima, 28–31 October 2013), where he shared the experiences of Parties in implementing the Aarhus Convention and presented the benefits of engaging in a legally binding instrument on Principle 10.

53. At the first meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment under the Espoo Convention and the Protocol on SEA (Geneva, 23–26 April 2012), the Aarhus Convention secretariat gave a presentation on the role of environmental NGOs in the governance of the Aarhus Convention, as demonstrated by, e.g., the observer status of an NGO representative to the Bureau (decision I/1, annex, rule 22) and the financial support to NGO representatives provided through the Convention's trust fund.

54. At the third meeting of the Working Group on Development under the Convention on the Transboundary Effects of Industrial Accidents (Geneva, 3–4 September 2013), the Aarhus Convention secretariat gave a presentation on the model of public participation in environmental decision-making set out in the Aarhus Convention. The presentation aimed to assist the Working Group on Development's own work on the issue of public participation.

55. The increased cooperation between the secretariat and the special procedures of the Human Rights Council during the past year is noteworthy, in particular with regard to the recently created mandate of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment by the Human Rights Council in April 2012.¹⁹ It has been recognized that the lessons learned from the Convention's activities, and in particular from the compliance review mechanism, will be a significant element in the Independent Expert's work over the next three years. Members of the secretariat met with the Independent Expert and informed him about the Convention during a half-day experts meeting on 4 March 2013 organized by Earthjustice and the Center for International Environmental Law. In addition, cooperation has been established with the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, given the relevance of the Protocol on PRTRs to that mandate,²⁰ and with the Special Rapporteur on extreme poverty and human rights, which focuses, among others, on the issue of participation of persons living in poverty.²¹

C. Coordination and oversight of intersessional activities

56. At present, the Convention has 47 Parties. Since the fourth session of the Meeting of the Parties, Iceland, Ireland and Switzerland have ratified the Convention. The GMO amendment has 28 Parties and has been ratified by Ireland and Switzerland since 2011. The Protocol on PRTRs has 33 Parties; since 2011 it was ratified by Cyprus, Ireland, Israel, Poland, the Republic of Moldova and Serbia.

57. The Bureau held its twenty-eighth meeting on 28 February 2012, its twenty-ninth meeting on 5 September 2012, its thirtieth meeting on 26 February 2013, its thirty-first meeting on 21 June 2013, its thirty-second meeting on 2 and 3 December 2013 and its

¹⁹ See <http://www.ohchr.org/EN/Issues/Environment/IEEnvironment/Pages/IEEnvironmentIndex.aspx>

²⁰ See <http://www.ohchr.org/EN/Issues/Environment/ToxicWastes/Pages/SRToxicWastesIndex.aspx>

²¹ See <http://www.ohchr.org/EN/Issues/Poverty/Pages/SRExtremePovertyIndex.aspx>

thirty-third meeting on 28 February 2014, all in Geneva.²² The Bureau also held electronic consultations on different subject matters. The Working Group of the Parties held its fifteenth, sixteenth and seventeenth meetings in Geneva in September 2012, June 2013 and February 2014, respectively. Pursuant to the decisions of the fifteenth meeting of the Working Group, the secretariat engaged two consultants to prepare an in-depth evaluation of the current functioning and implementation of the Convention (ECE/MP.PP/WG.1/2013/8, AC/WGP-16/Inf.8 and AC/WGP-16/Inf.9) and an assessment of the current interim scheme of contributions (ECE/MP.PP/WG.1/2013/9 and AC/WGP-16/Inf.10), which both constituted an independent review. The consultants' reports were considered at the sixteenth meeting of the Working Group and are available on the web page for the meeting.²³

58. In preparation for the fifth session of the Meeting of the Parties to the Convention and the second session of the Meeting of the Parties to the Protocol on PRTRs, as well as the one-day Joint High-level Segment, the Bureau prepared a number of documents. A mission to Maastricht was undertaken by the secretariat on 16 and 17 May 2013 to discuss with the Government its arrangements for the fifth session, as well as to visit the meeting venue.

59. Representatives of the governing bodies of the ECE MEAs continued to liaise at informal meetings (Geneva, 16 April 2012; 27 February 2013; and 21 October 2013) to exchange information on priorities under the agreements and identify and discuss possible areas of cooperation and synergies that can be established among them, as well as with the Committee on Environmental Policy, in the light of recent and future key developments in the area of the environment. At these meetings the Chair and/or the Vice-Chair of the Aarhus Convention and the Chair of the Protocol on PRTRs participated, as well as the secretariat.²⁴

60. Activities under the Aarhus Convention and the Protocol on PRTRs were presented at the eighteenth and nineteenth sessions of the Committee on Environmental Policy (Geneva, 17–20 April 2012 and 22–25 October 2013, respectively)²⁵ by the Vice-Chair of the Convention and Chair of the Protocol on PRTRs.

²² Reports of the meetings of the Bureau are available from <http://www.unece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpptfwg/envppbureau.html>

²³ <http://www.unece.org/env/pp/aarhus/wgp16.html>

²⁴ Chair's summaries of the meetings are available from <http://www.unece.org/environmental-policy/treaties/envenvironment-conventions/all/informal-networks.html>. It also includes list of participants.

²⁵ A presentation of the activities of the MEAs is available from <http://www.unece.org/env/cep/2013sessionoctober.html>.