

Fifth session 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

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Tuesday 1 July 12:00 – 12:10

Agenda item 6. "Promotion of the Convention and relevant developments and interlinkages"

Subitem (d) Update on United Nations Environment Programme initiatives on access to information, public participation and access to justice in environmental matters

1. Thank you for giving UNEP the opportunity to brief this session on initiatives and activities of the United Nations Environment Programme relevant to the Aarhus Convention.
2. As most of you will know, last week the first meeting of the **United Nations Environment Assembly of UNEP**, or UNEA, was held. UNEA is the highest-level UN body ever convened on the environment. It enjoys universal membership of all 193 UN member states as well as other stakeholder groups. Over 1200 participants and 170 national delegations participated, of which 112 delegations were headed at minister level.
3. The **UNEA Ministerial outcome document** emphasizes the historic importance of convening the first universal session of this lead forum and decision making body to address global environmental challenges and provide overarching policy guidance within the UN-system. The ministers recognize the fundamental role of UNEA in promoting the full integration and coherent implementation of the environmental dimension of sustainable development and its potential to identify opportunities and advance solutions for the global environmental agenda. The Ministers in the outcome document also commit to ensure the full implementation of Multilateral Environmental Agreements and other environmental international and regional commitments in an effective and coordinated manner while promoting synergies amongst them.

4. UNEA achieved important progress on a wide variety of topics, such as chemicals and wastes, and illegal trade in wildlife. Of direct relevance to the Aarhus Convention, UNEP's new **Stakeholder Engagement Policy** was discussed. Governments and stakeholders have been extensively engaged in the preparation of this policy, to implement paragraph 88 of the outcome document of Rio+20 and the subsequent decision adopted by the Governing Council of UNEP at its first universal session, that called for the active participation of all relevant stakeholders, particularly those from developing countries, to be ensured, drawing on best practices and models from relevant multilateral institutions, and for new mechanisms to be explored to promote transparency and the effective engagement of civil society in the work of the governing body of the UNEP, building on best practices in multilateral organizations.
5. UNEP much appreciated the opportunities it had been given to update the Parties to the Aarhus Convention in their intersessional period on developments in our organization regarding civil society engagement. At UNEA, the draft Stakeholder Engagement Policy contained many progressive elements, to promote transparency and effective engagement of civil society with UNEA and its subsidiary organs. However, after prolonged discussion, it appeared that no agreement could be reached on the Stakeholder Engagement Policy. It will most likely be further discussed at the next UNEA in May 2016. Until then UNEP will continue to apply current rules and practices regarding stakeholder engagement. Civil society organizations criticised UNEP for limited opportunities to participate in the negotiations of the text of the policy during UNEA.
6. The United Nations Environment Assembly also discussed its **Rules of Procedure**. Of particular relevance for this session is the lengthy debate that has taken place on Rule 69 of the Governing Council Rules of Procedures, on observers. Some countries wanted to link this with the conditions for accreditation to UNEA. Given the link between this particular rule and the Stakeholder Engagement Policy, also on this topic I regret to report that no agreement was reached. UNEP's CPR will continue the discussion on RoP and an amended text will be presented to the next UNEA.
7. Overall one may conclude that the outcomes of UNEA discussions on Rule 69 and the new UNEP Stakeholder Engagement Policy were rather disappointing, not only for civil society, but also for Parties to the Aarhus convention, because it was not possible to convince the international community to apply Aarhus principles in this new and important international fora. In this context it must also be mentioned that UNEP's new Access-to-Information Policy received criticism from civil society during UNEA. It is foreseen that this policy is applied through a one year pilot period, which

will give an opportunity for civil society and UN members states to give input in order to improve the policy.

8. On a more positive note, upon the initiative of Chile, the Dominican Republic and Mexico, UNEA adopted a resolution on the Implementation of Rio Principle 10, in which the progress is noted in the Latin American and Caribbean region and acknowledges the importance of principle 10 in regional and national regimes and processes. Countries are also encouraged to continue their efforts in support of implementation of Principle 10 taking into account relevant advances, instruments, experiences and practices since its adoption. During UNEA there was also a **side event on recent developments in the application of Principle 10**, where some of the you present here in participated.
9. Further during UNEA, the **Global Symposium on Environmental Rule of Law** took place. Close to 250 judges including Chief Justices, prosecutors, Attorneys Generals, Auditors General, and legal scholars, attended. At this symposium, it was repeatedly underlined that affective access to information, public participation and access to justice were important for transparent and accountable governance, and to strengthen the public's trust in governing institutions. Through publicly promulgated and adequate environmental laws, which are equally enforced and independently adjudicated, the environmental rule of law could ensure accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, respect for human rights – and deliver environmental justice. At the symposium the UNEP Executive Director held that the global community must work towards eliminating financial and other barriers obstructing access to justice in environmental matters, and that UNEP and its partners will continue to play a supportive role in this process.
10. **In addition to the developments last week at UNEA, allow me to highlight some other initiatives on the areas covered by the Aarhus Convention.**
 - a) **Genetically Modified Organisms.** As we also heard yesterday, the UNEP secretariat of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity and the Aarhus Secretariat intensified their collaboration during this reporting period, such as exemplified in the organization of a joint global round table on access to information, public participation and access to justice regarding LMOs/GMOs and the organization of an Online Forum on Public Awareness, Education and Participation Concerning the Safe Transfer, Handling and Use of LMOs.
 - b) On promotion of Aarhus principles in international fora, the interim Secretariat of the Framework Convention for the Protection of the Marine Environment of the

Caspian Sea (the **Tehran Convention**), requested the Secretariat of the Aarhus Convention to perform an assessment as to how far the Tehran Convention and its ancillary Protocols respond to the recommendations of the Aarhus Convention. The comprehensive assessment received from the Aarhus Secretariat were much appreciated by UNEP and the Tehran Convention parties at the recent Fifth meeting of the Conference of the Parties held this May in Turkmenistan.

- c) UNEP was pleased to welcome the Aarhus Secretariat in its 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**), which were agreed by the Governing Council of UNEP in 2010. Currently UNEP is undertaking a joint project with UNITAR and welcomes input from interested parties to the current development of a manual, 'Putting Rio Principle 10 into Action: An implementation guide for the UNEP Bali Guidelines,' which includes real-life examples of legislation and practice from developing countries. The 172-page guide will be made available during the coming weeks online at www.unep.org/civil-society and I would like to take this opportunity to invite comments.
- d) We are also glad that the Aarhus Secretariat could take up our invitation to participate in the 2013 Regional Workshop on the Implementation of **Rio Principle 10 in the Caribbean Region**, to share its experiences of the Aarhus Convention as a model example of a legal instrument implementing Principle 10.
- e) The Environmental Democracy Index being implemented by the World Resources Institute is a project funded under the Eye on Earth special initiative entitled Access for All. UNEP is organizing a series of regional and sub-regional environmental information networking meetings from September 2014 to September 2015 that will initiate a number of sub-global assessments in support of the Global Environment Outlook (GEO-6); address the issue of access to data and information, particularly in the context of implementing UNEP's online knowledge management system UNEP-Live; and strengthen institutional networking on a global scale in order to build the Eye on Earth Alliance and Network. The second Eye on Earth Summit, which will be held in Abu Dhabi 6-8 October 2015, will bring together 650 thought leaders worldwide to address from a global perspective, the issue of access on data and information across the three dimensions of sustainable development, with a special focus on supporting the collection and sharing of data in support of the SDGs.
- f) The Access for All initiative also discussed the improved delivery of data and information to **UNEPLive** through a global network of data and information. UNEPLive is UNEP's new web-based knowledge management platform, a global

network of environmental professionals and practitioners, to have a system-wide approach to keep the environment under review. It focuses on global, regional and national environmental data sharing, and is fully based on open standards and common tagging, with a range of analytical, mapping, search, spatial info, visualization and publishing tools.

- g) On the 6th of June of this year, **UNEP's access-to-information policy** was established by the Executive Director. The policy endeavors to strike an appropriate balance between the need to grant the public maximum access to information in the UNEP's possession, and UNEP's obligation to respect the confidentiality of information regarding its Member States, partners, employees and other parties.

The next one year will be a pilot phase for applying the Policy. During this period, consultations will be held within the UNEP secretariat to share experiences and discuss ways for refining the Policy, as well as with Member States and relevant stakeholders in order to seek their views and receive relevant information based on their own experiences relating to similar policies elsewhere. The Policy will be reviewed within one year, and on the basis of the review, the Policy may be updated or revised as necessary. It is intended that a final version of the Policy will be issued by the end of June 2015.

- h) Lastly, allow me to mention UNEP's **MEA Information and Knowledge Management Initiative** in which 18 MEA Secretariats take part, including the Aarhus Secretariat. Among others, it explores harmonized data standards across MEA secretariats allow for easier and more cost-effective development of information and knowledge tools, and enhances technical expertise and exchanges across MEA Secretariats. One of its projects is **InforMEA**, the United Nations Information Portal on Multilateral Environmental Agreements. It presents the information on COP Decisions and Resolutions, parties and national focal points, and national reports and implementation plans. Information is harvested directly from MEAs through a joint interoperable system. We hope that the Aarhus Convention will also fully join this project.
- i) On UNEP's activities in relation to PRTRs, we will report on Thursday.