

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**

Task Force on Public Participation in International Forums

**Second meeting,
Geneva, 9-10 November 2006**

**SYNTHESIS OF RESPONSES RECEIVED FROM INTERNATIONAL
FORUMS TO THE WRITTEN QUESTIONNAIRE IN THE
CONSULTATION PROCESS ON THE ALMATY GUIDELINES**

Prepared by the secretariat

I. BACKGROUND

1. Article 3, paragraph 7, of the Aarhus Convention requires each Party to promote the application of the principles of the Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment.
2. In decision II/4 of the Meeting of the Parties, the Parties adopted the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (the Guidelines). Pursuant to paragraph 9 of the Guidelines, “international forum” means any multilateral international environmental decision-making process, or any international organization when dealing with matters relating to the environment. Through paragraph 5 of decision II/4, the Meeting of the Parties established a Task Force to enter into consultations regarding the Guidelines with relevant international forums. Through paragraph 6 of decision II/4, the Meeting requested the Task Force, with the assistance of the secretariat, to submit to the sixth meeting of the Working Group of the Parties a proposed plan of consultation, including a list of the international forums to be consulted, the modalities of consultation and a time schedule, having regard to the internal procedures of these forums. It also requested the Task Force to carry out the consultation process as decided by the Working Group, report on its progress to each meeting of the Working Group and prepare a report on the outcome of the consultations for consideration by the Working Group.
3. At its sixth meeting on 5-7 April 2006, the Working Group approved the plan of consultation, the list of forums to be consulted and the consultation package to be sent to the selected international forums. The plan of consultation is set out in ECE/MP.PP/WG.1/2006/2/Add.1. The list of international forums to be invited to take part in the consultation process is contained in ECE/MP.PP/WG.1/2006/2/Add.2.

4. In mid-June 2006, the consultation package was sent by email and regular post to the listed international forums to be invited to take part in the consultation process. The consultation package included the Guidelines, a covering letter and a written questionnaire. The covering letter indicated that the questionnaire was the initial focus of the consultation process.
5. The written questionnaire contained five broad, open-ended questions designed to allow representatives of the forums to share such of their experience as they considered relevant. The questions were:
 - a. Please provide any comments on the Guidelines, in view of your forum's own processes, activities and particular characteristics.
 - b. Does your forum have any formalized rules or procedures concerning access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.
 - c. Does your forum have any non-formalized practices concerning access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.
 - d. Are there any current or future work plans of your forum that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.
 - e. In particular, what kind of challenges, if any, has your forum encountered with regard to access to information, public participation in decision-making and access to justice in environmental matters (for example, low involvement of civil society, or practical difficulties in managing public participation)? If appropriate, please provide a description underlining those experiences you think could be most useful to consider when reviewing the relevance and practicality of the Guidelines.
6. The original deadline for international forums to provide their responses to the written questionnaire was 17 September 2006. As a result of requests by a number of international forums for further time to complete their responses, the deadline was extended to 23 October 2006.
7. As at 3 November 2006, completed responses to the written questionnaire had been received from thirty-one international forums.¹ The responses received are available online at <http://www.unece.org/pp/ppif.responses.htm>.
8. The purpose of this paper is to synthesise the international forums' responses to the written questionnaire for the consideration of the Task Force on Public Participation in International Forums at its second meeting on 9-10 November 2006.

9. The paper is divided into four sections. The first section provides an overview of the formalized rules and procedures and non-formalized practices concerning access to information, public participation in decision-making and access to justice in environmental matters contained in the international forums' responses. The order in which forum's responses are discussed in the first section follows the order in which the forums are listed in the list of international forums, ECE/MP.PP/WG.1/2006/2/Add.2, referred to at paragraph 3 above. The second section reviews the current or future work plans that the international forums report may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters. The third section reviews the challenges identified by the international forums with regard to access to information, public participation in decision-making and access to justice in environmental matters. The final section of the paper summarises the comments made by the international forums on the Guidelines themselves.

II. FORMALIZED RULES AND PROCEDURES AND NON-FORMALIZED PRACTICES

Access to information

Formalised rules and procedures regarding access to information

10. Seventeen forums report formalized rules and procedures regarding access to information.
11. The Secretariat of the United Nations Forum on Forests (UNFF) reports that the Forum's documents and reports are public documents and are widely available on its website.
12. The Secretariat of the International Whaling Commission (IWC) advises that the Commission has rules of procedure relating to certain types access of information. All Commission documents, with the exception of those for the Finance and Administration Committee and its sub-groups, are ultimately made available. However, reports of meetings of all committees, sub-committees and working groups are confidential until the opening plenary session of the Commission meeting to which they are submitted. In the case of intersessional meetings, documents are confidential until dispatched to the Contracting Governments and Commissioners. Access to data held by the IWC's Scientific Committee is subject to different rules depending on whether the information was required under the Convention, requested under the Convention, or made available to the Scientific Committee on a voluntary basis. Information required under the Convention is available on request to any interested persons with a legitimate claim relative to the aims and purposes of the Convention.¹ Information requested under the Convention is accessible to accredited persons, and to other interested persons subject to the agreement of the government

¹ The Rules of Procedure of the Scientific Committee state that the Government of Norway notes that for reasons of domestic legislation it is only able to agree that data it provides under this paragraph are made available to accredited persons.

submitting the information. In respect of information made available to the Scientific Committee on a voluntary basis, information collected as a result of IWC sponsored activities and/or on a collaborative basis is available at the latest after a suitable time interval to allow 'first use' rights to the primary contributors. With respect to information provided voluntarily under national programmes, the minimum level of access is that accredited persons may use the information during Scientific Committee meetings, although such information may not be passed on to third parties.

13. The Secretariat of the International Maritime Organization (IMO) advises that all IMO documents are available on the IMODOCS website, which is password protected. Member States, the United Nations and United Nations Specialized Agencies, inter-governmental organizations and non-governmental organizations are given a password to access the IMODOCS website. On presentation of a justified request, documents can also be made available to the public.² Documents of past meetings are held in the International Maritime Organization's library, which is open to the public by appointment.
14. The World Bank advises that its stated policy is to be open about its activities and to seek out opportunities to explain its work to the widest possible audience. It states that its 2002 Information Disclosure Policy makes an enormous amount of operational information available to the public, ranging from project and policy documents to strategy and evaluation documents. In March 2005 the Bank's Board approved a number of revisions, aiming to extend, rationalise, or simplify the Bank's 2002 disclosure policy. Details of the Bank's policy can be found at www.worldbank.org/operations/disclosure. The International Finance Corporation also has a disclosure policy and environmental standards (see www.IFC.org).
15. The International Monetary Fund states that, given its limited mandate on environmental issues, it has no formalised rules concerning access to information public participation in decision-making and access to justice in environmental matters.
16. The Secretariat of the United Nations Convention to Combat Desertification (UNCCD) advises that access to information and public participation has been considered to be a key factor of the UNCCD since the first session of the Conference of the Parties (COP). At that session, the COP adopted procedures for the communication of information and review of implementation which aim to organize and streamline the communication of information, inter alia, to "ensure that information on implementation is in the public domain and available to the international community, particularly intergovernmental and non-governmental organizations, and other interested entities". Hence all reports communicated to the UNCCD Secretariat as well as institutional information is in the public domain. The UNCCD Secretariat has the duty to make available copied of these reports to any interested Parties to the UNCCD and other entities. It makes available all official documents through its own website and at meetings of international, regional, sub-regional and national scope. The rules of

² Cf. paragraph 23, Almaty Guidelines.

procedure do not set a time limit to provide requested environmental information, but the Secretariat strives to respond to any query as soon as practicable.

17. The Secretariat of the Convention on Conservation of Migratory Species of Wild Animals (CMS) reports that it has no specific rules or procedures on access to information. However, the Secretariat notes that it has a specific mandate from the Convention to provide information concerning the Convention and its objectives to the general public and several mechanisms are in place for information sharing.
18. The Secretariat of the International Tropical Timber Organization (ITTO) reports that ITTO has a general policy that all technical publications of the organization are to be made generally available and only financial and a few other administrative documents are restricted to members. However, the Secretariat notes that limited translation budgets mean that despite this openness, not all documents are accessible to all.
19. The Secretariat of the International Civil Aviation Organization (ICAO) advises that the ICAO's main policy on aviation-related environmental issues is contained in its Assembly Resolution A35-5 "Consolidated statement of continuing ICAO policies and practices related to environmental protection". That Resolution requests the Council to disseminate information on the present and future impact of aircraft noise and aircraft engine emissions and on ICAO policy and guidance material in the environmental field, in an appropriate manner, such as through regular reporting and workshops.³
20. The Bureau of the Executive Body of the Convention on Long-range Transboundary Air Pollution (LRTAP) advises that the Executive Body is keen to ensure that the work of the Convention is transparent to all. All official documents are made freely available on the Convention webpages, and all Convention task forces, expert groups, programmes and ad hoc meetings are encouraged to make information and reports available on the internet. Proactive action regarding access to information has also been taken in some areas. First, the 1998 Protocol on Persistent Organic Pollutants and the 1999 Gothenburg Protocol both have articles on public awareness that indicate that require their Parties to promote the provision of information to the public on, for example, the emissions of substances, effects, management options and alternatives. Second, the Executive Body has made decisions on making certain data held by the Convention's international centres or by the secretariat publicly available. For example, Parties' responses to the Convention's biennial questionnaire on strategies and policies are now routinely made available to the public on the Convention's website.
21. The Secretariat of the European Environment and Health Committee (EEHC) reports that the Committee has agreed that all documentation for its meetings

³ The Resolution does not specify to whom this information should be disseminated, e.g. Contracting Parties and/or the public.

should be made available on its website (www.euro.who.int/eehc) prior to meetings.

22. The response of the European Bank for Reconstruction and Development (EBRD) advises that EBRD has an Environmental Policy (2003) which makes significant commitments on public consultation and information disclosure, particularly regarding projects that require an environmental impact assessment.⁴ The Environmental Policy acknowledges and supports the principles of international conventions, such as the Aarhus Convention and Espoo Convention. EBRD also has a Public Information Policy, which sets out the principles of transparency and the definition of confidentiality. The Public Information Policy commits to the release of certain information from the Publications Office and Resident Offices and through the EBRD website (www.ebrd.com) and also covers issues of translation. Public comments are sought on most draft Bank policies and strategies. It also has procedures and guidance notes on scoping, for disclosing information and on developing Public Consultation and Disclosure Plans.
23. The Secretariat of the Baltic Marine Environment Protection Convention (Helsinki Commission) advises that the Commission's meeting documents and the subsequent reports are available through the internet. Its policy is to distribute meeting agendas and preliminary timetables, together with relevant documents except those concerning internal issues, to all invited participants thirty days in advance of the meeting. Any user can access documents, reports and minutes after the respective meeting has processed them. In respect of information on the substantive issues dealt with by the forum, the Convention on the Protection of the Marine Environment of the Baltic Sea Area obliges Contracting Parties to ensure that information on the condition of the Baltic Sea and the waters in its catchment area, together with information on actual or planned measures to prevent and eliminate pollution, and the effectiveness of those measures, is available to the public.
24. The Sava Commission's Rules of Procedures provide that documents of the Commission, Secretariat and expert groups should be available to the public unless the Commission decides otherwise. Upon its approval by the Commission, the annual report is available to the public. The Rules require the Commission to maintain a website and to use the website, wherever convenient, for distribution of and access to documents, including possibilities for feedback from the public. The Rules state that in posting the documents on the website the Sava Commission meets the requirement of public access to information.
25. The Nordic Environment Finance Corporation (NEFCO) states that all its projects are evaluated pre, during and post investment, and their combined environmental effects are published annually. NEFCO's annual environmental report (including a non-formalized report on NEFCO's in-house environmental burden) is the formalized tool for access to environmental information.

⁴ The response received from the European Bank for Reconstruction and Development was provided by individuals from EBRD's Environment and Communications Department and does not necessarily reflect EBRD's institutional opinion.

26. The Asian Development Bank (ADB) reports that in 2005 it began implementation of its Public Communications Policy (<http://www.adb.org/Documents/Policies/PCP/default.asp?p=disclose>). The Public Communications Policy presumes disclosure of information subject to a list of specific exceptions. In addition, ADB staff instructions state that the active guidance of key stakeholders, both internal and external, as appropriate, should be sought during the processing of a policy or strategy paper. In respect of safeguard papers, notably the Environment Policy, staff instructions indicate that external consultation is essential. The Environment Policy also spells out requirements for the provision of information: <http://www.adb.org/Environment/policy.asp>.

Non-formalized practices regarding access to information

27. A number of forums report non-formalized practices over and above their formalized rules and procedures noted above. Other forums report that they have non-formalized practices in lieu of formalized procedures. The paper begins with the first group before looking to the second.
28. In addition to its formalized rules and procedures, the Secretariat of the IWC states that its website makes a wide range of information publicly available at no charge, including official documents and meeting reports.
29. The World Bank reports that its Environment Monitor publications, produced by its East Asia and Pacific Regional Department, are illustrative of some of its non-formalised practices to facilitate dissemination of environmental information (see www.worldbank.org/eap).
30. The Bureau of the LRTAP advises that some of the Convention's programme centres have taken the initiative to release or publish data and results (with approval from submitting experts) without the need for formalized rules. It notes that, in general, the Executive Body encourages its subsidiary bodies and programme centres to make data readily available and to publish results in the scientific literature and popular press.
31. The Secretariat of the EEHC reports that information on activities in countries which support implementation of the commitments taken at the Fourth Ministerial Conference on Environment and Health (Budapest, 2004) is readily available through a user-friendly web-based map, on the Committee's website. The implementation map, which is country-driven, is regularly updated and also contains information on relevant activities by non-governmental organizations in the countries.
32. As well as its formalized procedures, the Secretariat of the Sava Commission reports that Commission Members and the Secretariat often participate in workshops, roundtables and other meetings dealing with navigation and protection of water and aquatic eco-systems. Commission Members and the Secretariat also give media interviews via newspapers, radio and television.

33. The Division of Early Warning and Assessment of the United Nations Environment Programme (UNEP) advises that UNEP provides environmental information proactively via the web on its corporate site www.unep.org. Recent sessions of UNEP's Governing Council/Global Ministerial Environment Forum have pilot-tested live webcasting.
34. The Secretariat of the CMS notes that most of the Convention's practices regarding access to information and public participation are not formalized. Its general policy is to provide information requested unless it is of a confidential nature.
35. The International Fund for Agricultural Development (IFAD) advises that, concerning access to environmental information, it works at the country/project level through targeted training and awareness raising and at the global level through the use of appropriate technical means, such as websites, databases and webcasting of events (see IFAD website: www.ifad.org and the Rural Poverty Portal <http://www.ruralpovertyportal.org>).
36. The Secretariat of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO) advises that most documents, e.g. meeting proceedings, fish catch statistics, adopted decisions, and scientific advice, are available to the public through the public pages of NAFO's website. However, Working Papers circulated during the meetings and vessel monitoring system data are considered confidential. NAFO reports that general inquiries for information are usually accommodated.
37. The Bureau of the UNECE Committee on Environment Policy (CEP) reports that the Committee's official documents and reports of its sessions are available to the public on its website (<http://www.unece.org/env/cep/welcome.html>).
38. The Secretariat of the Bern Convention reports that all documents submitted to its Standing Committee, either for decision or information, are publicly available through the Council of Europe's website.
39. The Scientific Information Center of the Inter-State Coordination Water Commission of Central Asia (ICWC) advises that it publishes the Commission's activities on its websites and in print form.
40. The Secretariat of the Alpine Convention notes that the Convention has no formalized rules or procedures concerning access to information and access to justice in environmental matters. However, the Secretariat's public relations tasks include responding to information requests and providing comprehensive information through the Alpine Convention's website www.alpenkonvention.org, such as the results of the Alpine Conference held every two years.
41. The Secretariat of the International Commission for the Protection of the Rhine (ICPR) advises that it frequently publishes brochures on its website, which itself provides information on a wide variety of water issues. The Secretariat notes that the website has visitors from all over the world seeking information on

water policy in the Rhine basin area. Visitors to the website can also download maps illustrating flood risk.

Public participation in decision-making

Formalized rules and procedures regarding public participation

42. Twenty-three forums report formalized rules and procedures regarding public participation in decision-making. Nineteen forums discuss formalized rules and procedures in relation to who may participate in their processes and fourteen forums refer to rules and procedures in respect of how those persons may participate.

i. Who may participate

43. The Rules of Procedure of UNEP's Governing Council state that international non-governmental organizations having an interest in the field of the environment may designate representatives to sit as observers at public meetings of the Governing Council and its subsidiary organs, if any. The Rules of Procedure are available on the United Nations Environment Programme's website <http://hq.unep.org/resources/gov/Rules.asp>
44. The IWC's Rules of Procedure provide that any international organization with offices in more than three countries may be represented at meetings of the Commission by an observer if it submits its request in writing to the Commission 60 days prior to the start of the meeting and the Commission issues an invitation with respect to such request. Once an international organization is accredited, it remains accredited until the Commission decides otherwise. Non-governmental organizations are restricted to having only one representative per organisation (plus an interpreter as appropriate) in the meeting room at any one time. IWC's Secretariat notes that there are currently around 100 accredited non-governmental organizations.
45. The Secretariat of the United Nations Commission on Sustainable Development (CSD) advises that, at the Earth Summit+5, the United Nations General Assembly agreed that the CSD should "strengthen its interaction with representatives of major groups, including through greater and better use of focused dialogue sessions, and round tables." The 2002 World Summit on Sustainable Development outcome and subsequent CSD-11 decisions have provided additional mandates for enhanced participation of major groups in the work of the CSD. In the post-WSSD phase, major groups are integrated in the various activities throughout the official CSD sessions, including thematic discussions, expert panels, and interactive discussions within the Ministers during the High-level Segment. Major groups contribute their expertise to technical discussions on thematic issue areas and offer solutions for furthering implementation of sustainable development. The Chair's Summary of CSD Review Sessions integrates major groups' input, and allocates a separate section to the summary of the multi-stakeholders dialogues. In 1997, the organizing

partners' mechanism was initiated to reach out to greater and broader major groups' networks worldwide. Under the mechanism, a steering group of organizing partners from each major group (credible networks who are invited by the Bureau to facilitate the engagement of their major group sector and are trusted by their sector in this role) engage in consultations with their sector's networks to draft a "discussion paper" or a "priorities for action" paper (depending on the implementation cycle year), which represent a common platform for each sector. The major groups' papers are released as part of the official documentation in all official UN languages, without editing the content. The CSD Secretariat comments that the organizing partner's mechanism allows the Secretariat and the Bureau to consult in a timely fashion with major groups during the preparatory phase of the CSD and to organize major groups' participation in a more harmonious, targeted and coordinated fashion during the session itself.

46. The Secretariat of the Convention of Biological Diversity (CBD) reports that its Rules of Procedure provide for the representation of "any body or agency, whether governmental or non-governmental" at meetings of the Conference of the Parties and its subsidiary bodies as observers, unless at least one third of the Parties at the meeting object.
47. The UNCCD Rules of Procedure state that "any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Permanent Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer may be so admitted unless at least one third of the Parties present at the session object".
48. The CMS Secretariat advises that public participation under the Convention is formalized through partnership agreements with interested inter-governmental and non-governmental organizations, however no formal structure has been set up.
49. The ITTO Secretariat remarks that it is relatively easy to register as an observer to attend its meetings, and only one public observer organization has ever been denied access. It adds, however, that the cost of attending meetings is a significant barrier to broad participation from developing country organizations and individuals. ITTO also has well-established Trade and Civil Society Advisory Groups whose members provide inputs to the International Tropical Timber Council on relevant areas of its work programme.
50. The Secretariat of the International Civil Aviation Organization (ICAO) advises that the ICAO has a technical committee, the Committee on Aviation Environmental Protection, which undertakes most of the work of the Organization in this area. An umbrella organization representing environmental non-governmental organizations, the International Coalition for Sustainable Aviation, participates in this Committee.
51. NAFO's website welcomes all non-governmental organizations that support the general objectives of NAFO and with a demonstrated interest in the species

under the purview of NAFO to attend NAFO Meetings as observers. NAFO's General Council and Fisheries Commission admit observers to all plenary sessions except meetings held in executive session or meetings of Heads of Delegations. A formal application for observer status must be submitted at least 100 days in advance of the meeting. NAFO's Scientific Council will consider issuing an invitation for its meetings upon an informal expression of interest to the Secretariat or to the Scientific Council's Chair.

52. The LRTAP Bureau reports that the participation of non-governmental organizations at meetings of its Executive Body and main subsidiary bodies is currently governed by the United Nations rules of accreditation (but see "Current and Future Plans" below for changes planned). It notes that participation in Task Forces and Expert Groups is at the discretion of the Chairs, but Chairs are keen to include all those with an interest in the topic concerned and no non-governmental organization or individual expert has been excluded to date.
53. The CEP Bureau advises that the UNECE's 2006 revised terms of reference and rules of procedure require the Commission to make arrangements to consult with non-governmental organizations granted consultative status by the United Nations Economic and Social Council (ECOSOC). Under the revised terms of reference UNECE subsidiary bodies shall adopt their own rules of procedure unless otherwise decided by the Commission. The CEP has not adopted rules of procedure as such, however public participation is formalized under the CEP's own terms of reference. Under its 1994 terms of reference, the CEP shall "facilitate the coordination of environment-related programmes in the region, and cooperate closely with the European Union and subregional governmental and non-governmental organizations in order to extend their achievements and agreed practices to the region as a whole" and "promote legal, regulatory and administrative mechanisms of environmental management, and encourage public participation in environmental decision-making". The CEP is in the process of revising its terms of reference, but these principles will be retained.
54. The EEHC Secretariat says that the Committee has three non-governmental organization members, representing trade unions, health and the environment respectively. The latter two were elected from pan-European networks. There are also two Youth Delegates, elected by participants at a youth workshop in Norway in March 2006. Other relevant non-governmental organizations are invited to attend meetings as observers as appropriate.
55. The Secretariat of the Bern Convention advises that under the Convention any international or approved national non-governmental body or agency technically qualified in the protection, conservation or management of wild fauna and flora and their habitats may inform the Secretary General of the Council of Europe, at least three months before the meeting of the Committee, of its wish to be represented at that meeting by observers and shall be admitted unless, at least one month before the meeting, one third of the Contracting Parties have informed the Secretary General of their objection.

56. The Secretariat of the Helsinki Commission reports that international non-governmental organizations may apply for observer status to the Helsinki Commission upon demonstrating that they can contribute to matters dealt with by the Helsinki Commission, that they have a membership in a wide number of the Baltic Coastal States and an organized internal structure. The Commission's meeting in 2001 adopted guidelines for the granting of observer status to the Helsinki Commission for intergovernmental and non-governmental organizations (<http://www.helcom.fi/stc/files/observers/annex8.pdf>). The Secretariat notes that at present the Commission has 19 non-governmental observers.
57. The draft Rules of Procedure of the Framework Convention for the Protection and Sustainable Development of the Carpathian Convention (the Carpathian Convention) allow any national, intergovernmental or non-governmental organization with activities related to the Convention to participate as an observer at the ordinary and extraordinary sessions of the Conference of the Parties. The Secretariat advises that the draft Rules of Procedure should be adopted at the First Conference of the Parties, which is scheduled for December 2006.
58. The ICPR Secretariat advises that its Rules of Procedure set out the terms for observer status. The Rules require that non-governmental organizations seeking to participate as observers accept the targets and basic principles of the Convention, have specific technical or scientific knowledge or other knowledge pertaining to the targets of the Convention, have a well-structured administration, and have the power to speak in the name of the members of the organization as an accredited representative. (http://www.iksr.org/fileadmin/user_upload/documents/Gesch_fts-Finanzordnung-e.pdf)
59. Under the Sava Commission's Rules of Procedures, the Sava Commission may grant observer status to States and to international, regional and national governmental and non-governmental organizations. The observer status granted may be permanent or ad hoc. The Rules also require the Commission to adopt detailed criteria and procedures for granting observer status.
60. The Secretariat of the International Commission for Protection of the Danube River (ICPDR) has guidelines for observer status, which can be downloaded from its website. To qualify for observer status, non-governmental organizations must acknowledge the goals and basic principles of the ICPDR; possess specialized technical or scientific competence or other competences relating to the goals of the ICPDR; have a structured permanent administration; be granted the mandate to speak as accredited representatives; have a regional or basin-wide perspective. The ICPDR website has a special section on "How to participate", where all information regarding public participation, including the guidelines for observer status, can be downloaded (http://www.icpdr.org/icpdr-pages/public_participation.htm).
61. The Baltic 21 Secretariat advises that according to the Baltic 21's founding document (An Agenda 21 for the Baltic Sea Region, Nyborg, 1998), all relevant actors are invited to participate in and contribute to the implementation of Baltic 21. Furthermore, Governments should encourage and promote such

participation, and make efforts to fully involve all other actors. In addition, the Senior Official Group of Baltic 21 should ensure that the Baltic 21 process is open, transparent, democratic and participatory.

ii. How the public may participate

62. UNEP's Division of Early Warning and Assessment states that, in the process leading up to sessions of the UNEP Governing Council/Global Ministerial Environment Forum, accredited civil society organizations have the possibility to receive unedited working documents of the UNEP Governing Council/Global Ministerial Environment Forum at the same time as the Committee of the Permanent Representatives and to submit to the UNEP Secretariat written contributions to these unedited working documents of the Governing Council/Global Ministerial Environment Forum, for distribution to the Governments.
63. The IWC Secretariat advises that observers from non-member governments, other intergovernmental organisations and international non-governmental organisations are allowed to attend meetings as observers (with the exception of the Finance and Administration Committee and its sub-groups), but they do not take part directly in decision-making. While the Commission's Rules of Debate allow the Chair to invite observers to address a meeting, current practice is that non-governmental organizations are not called on to speak. All observers are allowed, however, to submit written opening statements to meetings of the Commission (which form part of the Commission's official documentation), and can make 'for information' documents available via tables designated for this purpose. Documents and reports written/published by non-governmental organizations may be treated as official documents, but they must be submitted by a member government. The Secretariat reports that because of the nature of the work of the Commission and the differing views over whaling, the Commission's meetings receive significant media attention. Accredited media representatives are admitted to meetings of the Commission in plenary but not to meetings of any of the Commission's sub-groups. Media admission is not governed by formal rules of procedure, but they must abide by a code of conduct. Attendance by general members of the public is not allowed.
64. The IMO Secretariat states that, subject to the relevant rules of procedure and security and to limitation of space, attendance by the public is allowed at IMO meetings. However, the public can 'merely' observe the meetings, without taking the floor or submitting documents and cannot participate directly in the decision-making. Accredited media representatives are admitted to observe IMO meetings.
65. The CBD Secretariat advises that admitted observers may, upon the invitation of the presiding officer, participate without the right to vote in the proceedings of any meeting unless at least one third of the Parties present at the meeting object. The Secretariat reports that to date civil society organizations have been admitted to meetings on an ad hoc basis upon request. Observers are entitled to receive copies of all official documentation to facilitate effective participation.

66. The UNCCD Secretariat remarks that the UNCCD was perhaps the first international instrument to stress “the special role of non-governmental organizations” and to give them an important role in ensuring implementation. At COP meetings two special open dialogue sessions are scheduled pertaining to the activities of the non-governmental organization within the official programme of work of the COP. More than 800 non-governmental organization are accredited to the COP and more than 200 of their representatives participated at the seventh COP held in 2005 in Nairobi, Kenya.
67. The ITTO Secretariat reports that the organization has a policy of allowing anyone admitted to its open meetings to contribute under any agenda item. There is also a regular Council agenda item on inputs from observers.
68. The Bern Convention’s Secretariat says that the Rules of Procedure of its Standing Committee establish that Contracting Parties and observers will receive meeting documents within the same timeframe, at least one month before the opening of the meeting concerned. Observers do not have the right to vote but, with the Chairman’s permission, they may make oral or written statements on the subject under discussion. Observers can also make proposals to be put to vote, so long as these are sponsored by a delegation. However, the Secretariat notes that Standing Committee decisions are customarily reached by consensus and voting is rare.
69. The NAFO Secretariat advises that observers are eligible to participate in all plenary sessions except meetings held in executive session or meetings of Heads of Delegations. They are not eligible to vote. Observers may make oral statements during the meeting, distribute documents at the meeting, and engage in other activities as appropriate. All Observers admitted to a meeting will receive the same documentation as Contracting Parties, except those documents deemed confidential by a Contracting Party or the Executive Secretary. NAFO has a media policy in place that allows journalists to attend the opening and closing sessions of meetings. NAFO publishes press releases directly after its Annual Meeting.
70. The Alpine Convention Secretariat advises that the text of the Convention itself, the internal rules of the Alpine Conference and the internal rules of the Permanent Committee together provide interested non-governmental organizations with significant means of influencing decisions. It notes that accredited non-governmental organizations, very often umbrella organizations such as CIPRA International, participate in the meetings of the Alpine Conference, the Permanent Committee and the Working Groups at all stages of decision-making processes. Their participation may only be excluded according to the above-mentioned internal rules. Non-governmental organizations with observer status are entitled to have access to all documents relevant to the decision-making, to circulate written statements and to speak at meetings.
71. The ICPDR Secretariat advises that the Commission follows the rule that observer organizations can participate in all meetings and workshops other than those dealing with internal regulation, such as staffing issues. The right to

participate includes the right to submit papers, to speak and to influence the decision making process, although observers have no right to vote in the decision-making process.

72. According to the Helsinki Commission's Rules of Procedure, the meetings of the Commission are to be private, unless the Commission decides otherwise. The Executive Secretary issues invitations to all Contracting Parties and to any Government, any intergovernmental organization and any non-governmental international organization with observer status. Meetings of Heads of Delegation are open to any organization with observer status to be represented by maximum one person, although Heads of Delegations may decide to deal with particular issues such as financial and institutional/organizational aspects of the Commission in an internal part of the meeting.
73. The Interim Secretariat of the Carpathian Convention advises that the Convention's draft Rules of Procedure allow Observers to participate in the proceedings of any meeting and to present any information or report relevant to the Convention.
74. NEFCO reports that in May 2006, NEFCO, the Nordic Investment Bank, EBRD, the Council of Europe Development Bank and the European Investment Bank signed the European Principles for the Environment (EPE). One of the EPE's aims is to promote best European Union practice in the fields of environmental management, transparency, public consultation and reporting. The Aarhus Convention is one of the treaties cited as supporting material under the EPE. NEFCO advises that it had existing procedures for environmental impact assessments and environmental assessments prior to the signing of the EPE. All projects are evaluated with regard to their environmental performance and will not be eligible for financing should they not fulfill NEFCO's environmental criteria.
75. The Department of Sustainable Development of the Organization of American States (OAS) refers to the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development (Inter-American Strategy). This was formulated in fulfilment of a mandate of the 1996 Santa Cruz Summit, which set out the basic principles (proactivity, inclusiveness, shared responsibility, openness throughout the process, access, transparency, and respect for public input), goals, and policy recommendations for greater involvement of all sectors of society in decision-making on sustainable development.
76. OAS reports that, in accordance with the recommendations for action of the Inter-American Strategy, it is taking advantage of modern communication mechanisms (e.g. internet) to reach out to civil society and to promote civil society initiatives. A recent partnership with Development Gateway (www.developmentgateway.org) has resulted in the launching of a virtual consultation forum to obtain comments and recommendations from civil society in the framework of the upcoming First Inter-American Meeting of Ministers and High Level Authorities on Sustainable Development. Other public participation initiatives include Informative Bulletins on civil society initiatives

(via email and regular post), and a Quarterly Newsletter with updates on the Department of Sustainable Development's activities. Further information on the Department of Sustainable Development's initiatives regarding public participation is available at:

http://www.oas.org/dsd/MinisterialMeeting/ReunionInterAm_eng_Publicpar.htm.

77. OAS comments that from its experience in Integrated Water Resources Management (IWRM) projects in the Latin American and Caribbean region it has concluded that technical dialogues over specific issues, training and skills development, continued workshops and seminars, public audiences, hands-on pilot demonstration projects, and use of electronic means are all tools that can help communities and stakeholder groups understand, relate to, join, and support IWRM efforts. It notes that such initiatives could be replicated and/or adjusted for other type of projects. (Further information on public participation on the Department of Sustainable Development's IWRM projects are available at: <http://www.oas.org/dsd/publications/publications-water-series.htm>).
78. OAS also refers to its Manual for Civil Society Participation in the Organization of American States and in the Summits of the Americas Process. The Manual was prepared by the Summits of the Americas Secretariat to explain, in a straightforward manner, the means by which civil society organizations can participate in and be connected to OAS activities. The Manual is intended to encourage civil society participation in the inter-American agenda and foster awareness of the opportunity to contribute to policymaking in OAS activities and in the Summits of the Americas process. The Manual is available at: <http://www.civil-society.oas.org/>.

Non-formalized practices regarding public participation

79. Ten forums comment on their non-formalized practices concerning how the public may participate in decision-making.
- i. How the public may participate**
80. UNEP's Division of Early Warning and Assessment reports that non-governmental and civil society organisations may organise side events and exhibits in the wings of the main sessions and special sessions of UNEP's Governing Council/Global Ministerial Environment Forum. It also states that many non-governmental organizations at the global, regional and national levels are involved in the delivery of UNEP's programme of work, which strengthens their participation in programmatic activities at the operational level. UNEP's Global Environment Outlook global reporting process involves non-governmental organizations as collaborating centres in the writing and reviewing of various environmental reports. Non-governmental organizations are also engaged in the provision of information and data to the global set of country environmental profiles (<http://countryprofiles.unep.org>).

81. The UNFF Secretariat comments that it tries very hard to increase and enhance the participation of non-governmental actors in the work of the Forum, including through the financing of travel of representatives of major groups to its meetings.
82. The World Bank refers to its involvement in civic engagement work and community driven development (see www.worldbank.org/socialdevelopment), and its work on strategic environmental assessment (SEA) and country environmental analysis (CEA) (see www.worldbank.org/environment).
83. The International Monetary Fund advises that, in so far as environmental concerns are touched on in the Fund's work, this will usually be in the context of wider country consultations (Article IV), which commonly become public documents. It states that environmental concerns very rarely arise in its technical assistance work; these reports are strictly confidential, and may be released only by national authorities. Its research-related work is ultimately public. It has occasional meetings with civil society organizations on environmental issues.
84. The UNCCD Secretariat advises that the UNCCD website proposes forums of discussion and debate at various levels, such as the DESELAC Forum on best practices and traditional knowledge in Latin America and the Caribbean.
85. The CEP Bureau advises that active participation of civil society in the Committee's work is a long-standing practice. The "Environment for Europe" process, which is one of the main strategic pillars of the Committee's work, is a unique partnership of UNECE member States and a cooperative process that brings together all major players in the field of the environment, including regional environment centres, non-governmental organizations and other major groups represented in the region. Accredited representatives of non-governmental organizations, the academic community and interest groups have been taking part as observers in the annual sessions of the Committee and contributed to the "Environment for Europe" process and to its Ministerial Conferences. The representatives of civil society do not have a decision-making power but have an important consultative role to play in the decisions of the Committee.
86. The Interim Secretariat of the Carpathian Convention notes that the Convention implies a principle of public participation and stakeholder involvement. In accordance with this principle, observer organizations from the region actively cooperate and develop partnerships by organizing stakeholder consultations, workshops, round tables, and festivals to exchange information, share experiences and provide their priority points and recommendations on the implementation of the Carpathian Convention.
87. NEFCO reports that its active participation in international and Nordic national events, for example in the work of the Helsinki Commission, enables public access to its work.
88. OAS' Department of Sustainable Development states that although the Inter-American Strategy and the Manual for Civil Society Participation provide

formal guidelines for public participation, OAS tries not to constrain the process and is open to different approaches. It notes that public participation practices vary depending on the type of meeting or event. For instance, civil society organizations must be registered to participate in General Assemblies and Summit Meetings, but this is not the case for less formal meetings (e.g. local, sub-regional and/or regional consultations) that are part of the preparatory process for high-level meetings.

89. ADB reports that, in addition to its formal requirements and mechanisms, it holds regular dialogues with stakeholders on the environmental aspects of the projects that it finances. It has recently published a “Staff Guide to Consultation and Participation” (2006) to assist staff in their engagement of stakeholders in ADB-assisted operations. In addition to highlighting specific requirements where they exist, the Guide offers advice on good practice.

Access to justice

90. Four forums indicate that they have rules, procedures or practices with respect to access to justice in environmental matters. Three forums have formalized procedures regarding access to justice and one forum reports some limited non-formalized practices.
91. The EBRD response states that it has an Independent Recourse Mechanism (IRM) by which local people who believe they have been harmed by a EBRD-financed project can complain either that EBRD did not follow its own policies (e.g. its Environmental Policy) or that they want assistance in resolving the problem (e.g. for the IRM to play a role in re-establishing communication between the aggrieved parties and the project proponent).
92. The Secretariat of the Bern Convention reports on its case file procedure, which was provisionally adopted by its Standing Committee in 1984. The Standing Committee provisionally adopted a written procedure for the case file procedure in 1993. The Secretariat states that the case file procedure offers a formal and systematic way for European citizens, governmental and non-governmental organisations to engage the Secretariat and the Standing Committee of the Bern Convention in the examination, and hopefully resolution, of issues and problems that may arise in the implementation of the Convention. The process is characteristically driven by allegations or claims by non-governmental organizations that one or more Parties have failed to comply with the Convention. The Secretariat comments that the procedure serves to draw out facts about the issue at stake, to raise awareness of the issue beyond the country concerned, to mobilise political support in an international forum for resolving the issue, and for recommending, debating and supporting potential solutions.
93. The Secretariat of the Alpine Convention states that, in view of its permissive practice regarding the availability of environmental information, there is no need for establishing review procedures relating to applications regarding access to information. It notes that under the Alpine Convention’s compliance mechanism not only the Contracting Parties but also non-governmental organizations with

observer status have the right to present requests aimed at verifying assumed non-compliance.

94. IFAD remarks that access to justice in environmental matters is ‘the weakest practice in its projects’; however there are some projects in which the communities can ask for service providers, technical assistance and advice on access to justice.
95. Most other international forums do not discuss access to justice in environmental matters in their responses. The UNFF Secretariat advises that its work does not involve issues of justice in environmental matters. The CBD Secretariat notes that there are no specific provisions of the Convention or relevant decisions of the Conference of the Parties that relate directly to access to justice in environmental matters as envisaged in the Aarhus Convention and the Guidelines.

III. CURRENT AND FUTURE WORK PLANS

96. Nineteen forums report current or future work plans that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters. Six forums describe current or future work plans regarding access to information. Seven forums note current or future work plans regarding public participation in decision-making.

New or revised policy instruments

97. UNEP’s Division of Early Warning and Assessment advises that a process has been initiated to review the organization of the ministerial consultations of its Governing Council/Global Ministerial Environment Forum. A working document is under preparation and will be presented to the 24th session of the GC/GMEF in February 2007. Civil society organisations will have the opportunity to provide inputs and comments to this working document.
98. At its seventh session in April 2007, the UNFF will decide on a Non-Legally Binding Instrument on all kinds of forests and on its next Multi-Year Programme of Work. Its Secretariat advises that this should reflect the spirit of the draft resolution forwarded by the Forum to ECOSOC at its sixth session, which calls for the promotion of the active participation and empowerment of all forest-related stakeholders.
99. The CMS Secretariat reports that, at the last session of its Conference of the Parties, an Outreach and Communications Plan indicating actions and areas for public information work was adopted.
100. IFAD records that its Administrative Procedures for Environmental Assessment are currently being updated with involvement from its major partners.

101. The EBRD response advises that it is currently commencing a review of its 2003 Environmental Policy and that this is likely to lead to a revision of the Policy in 2007. The review and revision will be undertaken in consultation with governments, institutions, non-governmental organizations and the public and a consultation plan is presently being prepared.
102. The Helsinki Commission's Secretariat reports that the new environmental strategy for the protection of the Baltic Sea currently under development, the HELCOM Baltic Sea Action Plan, will stress the importance and involvement of all stakeholders. In March 2006, a stakeholder conference was held to facilitate involvement of the public and other sectors in the development of the HELCOM Baltic Sea Action Plan. The conference was intended to get input and commitments at the local, national, and regional levels as well as from the private sector. A second stakeholder conference is planned for spring 2007.
103. Following the adoption of the St. John's Declaration in 2005, NAFO commenced a reform process by revising the text of the Convention and strengthening Monitoring, Surveillance and Control measures. Its Secretariat reports that this has generated a lot of press attention and interest among non-governmental organizations with similar conservation objectives and it expects that NAFO will receive more requests for information and participation of observers.
104. At its upcoming session in December 2006, the Executive Body of the LRTAP will consider new rules to further promote the release of Convention data whilst paying due regard to intellectual property rights and commercial interests.
105. ADB has launched a Safeguard Policy Update to enhance the effectiveness of its safeguard policies, and ensure their relevance to changing client needs and new lending modalities and instruments. ADB has three safeguard policies, on environment, involuntary resettlement and indigenous peoples respectively, that seek to avoid, minimize or mitigate adverse environmental impacts, social costs to third parties or marginalization of vulnerable groups that may result from development projects.

Current or future plans regarding access to information

i. Upgrading website and increasing use of electronic information tools

106. Three forums note current or future work plans to improve their websites and to increase the use of electronic tools. The ITTO Secretariat reports that it has recently upgraded its English website, and is in the process of developing French, Spanish and Japanese versions. It comments that these different versions, coupled with the re-designed English site containing all the organization's documents and information, will greatly increase access to information regarding its work. The Bern Convention's Secretariat reports that its website will also soon be revamped and updated, with a view to having more relevant information on-line and easier to find. The Sava Commission's

Secretariat advises that its website will be further developed to include data on its projects and documents from its permanent expert groups, including minutes, decisions and final papers. It intends to send electronic newsletters targeted to experts to share information on activities, methods, and results in order to get rapid feedback and to identify possible synergies or links with other projects.

107. IFAD observes that although it has no specific work plans in this area, the use of technical means to effectively render information accessible to the public free of charge using electronic information tools, radio broadcasting and free publications is increasing tremendously.

ii. Increasing dissemination in national languages

108. The CBD Secretariat advises that it has recently invited Parties to inform the Secretariat if they have prepared translations in non-United Nations languages of any implementation tools for the Convention such as Principles or Guidelines so that these can be made available through the Convention's Clearing House Mechanism.

iii. Increasing generation and sharing of environmental information

109. The Secretariat of the Caribbean Environment Programme notes that many of its ongoing and future projects will focus on the generation and sharing of environmental data and information in the region, the development of environmental databases, and the use of GIS and other tools to demonstrate the relevance and importance of environmental data to decision-makers and the general public.

iv. Increasing awareness of the international forum itself

110. The CEP Secretariat reports that the Committee was mandated by the Fifth Ministerial Conference "Environment for Europe" (Kiev, 2003) to develop, in consultation with interested stakeholders, a draft Communication Strategy to raise awareness of the "Environment for Europe" process among stakeholders and the general public. The Working Group of Senior Officials (WGSO) preparing for the Sixth Ministerial Conference "Environment for Europe" (Belgrade, October 2007) was invited to revise the strategy for submission to the Ministerial Conference and to consider the possible development of a Communication Plan for the implementation of the Strategy. The WGSO decided, at its second meeting in June 2006, that communication plans should be developed to raise the awareness of the public of each of the Ministerial Conferences and to inform the public on their concrete outputs, starting from the Belgrade Conference. The draft communication plan prepared for the Belgrade conference has two objectives. First, to deepen understanding of the issues to be addressed at the Belgrade Conference. The media has a key role to play in this process. Second, to contribute to raising the visibility of the "Environment for Europe" process by highlighting its main commitments and successes.

Current and future work plans regarding public participation

i. Increasing general stakeholder involvement

111. Five forums report current or future plans to increase stakeholder involvement in general. The CBD Secretariat advises that the Strategic Plan of that Convention calls on all Parties to implement a communication, education, and public awareness strategy and to promote public participation in support of the Convention. The Strategic Plan sets two important sub-objectives in that regard: first, the effective involvement of indigenous and local communities in implementation and in the processes of the Convention at national, regional and international levels; and second, the engagement of key actors and stakeholders, including the private sector, in partnership to implement the Convention. The Secretariat states that it recently scaled-up its outreach activities with major groups and is committed to engaging all stakeholders in the Convention's processes. It has focal points for major groups who are responsible for increasing the information on the work of the Convention within these groups and thus increasing both outreach and general understanding of the Convention's objectives.
112. The UNCCD Secretariat notes that the General Assembly of the United Nations declared 2006 the "International Year of Deserts and Desertification". The Secretariat has accordingly organized and is organizing numerous events during the year to foster awareness-raising, education and capacity building. For example, in September 2006, a meeting was held in Montpellier, France, about the role of civil society in combating desertification. In October 2006, the International Symposium on Desertification and Migration held in Almeria, Spain brought together stakeholders together to review the relationship between desertification and migration, to encourage a debate concerning migratory processes and their environmental implications and to draw the attention of the scientific community and the decision-making authorities to the issue. On a lighter note, in December 2006, a film festival entitled "Desert Nights – Tales from the Desert" will be held in Rome, Italy.
113. The CMS Secretariat reports that it is increasing the number of bodies with which it develops partnerships, including other inter-governmental organizations (e.g. Regional Seas Conventions), scientific bodies (e.g. the Zoological Society of London), conservation and animal welfare bodies (e.g. the Whale and Dolphin Conservation Society) and user groups (e.g. Commission Internationale pour la Chasse).
114. The Secretariat of the Carpathian Convention refers to the Convention's current Project on Public Participation towards the Implementation of the Carpathian Convention. This has been developed in order to involve more representatives of civil society in the decision-making process, to stimulate interest and practical activities with different forums within the region and to carry out open consultations regarding priority areas and influence opportunities.
115. OAS' Department of Sustainable Development advises that in the last few years it has increased the number and type of public consultations related to access to

information and decision-making in environmental matters. It comments that the success of these consultations and the rapid availability of the results (through an established civil society dedicated website) have prompted demands for more. Its future work plans will therefore include further local and sub-regional consultations, as well as increasing the use of virtual consultation forums as a consultation tool and improving mechanisms for prompt access to information. It notes that members of civil society are more willing to use virtual consultation mechanisms once they know who is behind them.

ii. Accreditation

116. Both the IWC Secretariat and the LRTAP Bureau report that their rules for accreditation of non-governmental organizations are currently under review and may be revised. At its upcoming session in December 2006, the Executive Body of the LRTAP will consider new procedures for accreditation that will enable more non-governmental organizations to participate in the work of the Convention. The IWC's review includes whether the existing requirement for non-governmental organizations to have offices in at least four countries should be relaxed to allow broadened participation (e.g. of national non-governmental organizations); and whether to increase the numbers of representatives per organisation allowed in the meeting room at any one time.

iii. Increasing focus on special groups

117. Work to increase the focus on particular stakeholder groups is mentioned by three forums. The UNCCD Secretariat reports that, as part of the "International Year of Deserts and Desertification", an International Conference on Women and Desertification was held in Beijing, China in May 2006. The Secretariat notes that women's equal participation in the economic and political development of communities and countries has been recognized as a fundamental prerequisite for achieving international sustainable development commitments. The Secretariat also reports that in September 2006 a conference was organized in Bamako, Mali, on the subject of young people and desertification. OAS' Department of Sustainable Development notes that the inclusion and respect of indigenous peoples is becoming an increasingly important cross-cutting issue in the region, particularly when dealing with environmental matters, and that public participation initiatives are reflecting this trend by trying to ensure the presence of indigenous peoples during public consultations. It comments that the upcoming Bolivia Ministerial Conference presents an opportunity to improve the mechanisms already in place to reach out to indigenous communities. The CBD Secretariat reports that its Eighth Conference of the Parties in 2006 adopted a specific decision focused on harnessing the knowledge, information and technological resources of industry and business in the implementation of the Convention and its 2010 biodiversity target.

No current or future work plans

118. The International Monetary Fund, the Baltic 21 Secretariat, the Alpine Convention's Secretariat, the ICPDR Secretariat advise that their forums have no current or future work plans that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters. NEFCO states that it has no plans that would negatively affect such modalities. Although it notes that it does not have specific work plans in this area, the Baltic 21 Secretariat adds that it intends to strengthen the involvement of the research community and non-governmental organizations to link the result from research to non-governmental organization activities. The ICPDR Secretariat says that it has no plans to change its existing guidelines or practice because it has just done a revision based on the requirement of the European Union Water Framework Directive.

IV. CHALLENGES

119. Seventeen forums identify challenges with regard to access to information, public participation in decision-making or access to justice in environmental matters. Of these, four forums commented on general challenges in this area, five forums noted challenges in respect of access to information and twelve forums pointed to challenges relating to public participation. Three forums report that no major challenges have been encountered.

General challenges

i. Rules open to different interpretations

120. The UNFF Secretariat, whose rules of procedure are governed by ECOSOC, notes that the rules and regulations of the United Nations regarding the participation of non-governmental actors can be interpreted in a broader or more restrictive manner depending on the individual Member State's point of view on the matter. It comments that this has the potential either to enhance or to curtail the participation of major groups in official meetings.

ii. Lack of political will

121. NEFCO reports that low governmental interest in environmental issues, corruption, weakly developed institutional routines, legislation and enforcement present a challenge in some of its target countries.
122. The Caribbean Environment Programme's Secretariat reports that there is a lack of a culture of using environmental data and information for decision-making in the Wider Caribbean Region. Decision-makers may have other economic and social priorities where linkages to environmental issues are not made. Also, the economies of Small Island Developing States (SIDS) are extremely dependent

on the state of the natural environment. The Secretariat remarks that environmental information is thus often quite sensitive and may be subject to misinterpretation if not presented in a scientifically accurate and objective manner. It adds that dealing with data that governments consider too sensitive for public release or sharing at the regional level will continue to be a challenge. It considers that there is a need for capacity building activities that enable more effective demonstration of the value of the use of environmental data and information for improved decision-making.

iii. Lack of capacity

123. The UNCCD Secretariat remarks that the importance of capacity-building – institution-building, training and development of relevant local and national capacities – should not be underestimated in efforts to achieve education, public awareness and thus results-oriented solutions. The Sava Commission similarly considers capacity-building to be a significant challenge. The UNCCD Secretariat adds that multilateral environmental agreements have a history of introducing innovative means and mechanisms, whether financial mechanisms or the transfer of resources or technology, to achieve their goals.

Challenges regarding access to information

i. Lack of infrastructure

124. The Caribbean Environment Programme's Secretariat also notes that there is a lack of an appropriate infrastructure for data generation, analysis and dissemination in the Wider Caribbean Region. The Wider Caribbean Region is challenged by an overall lack of adequate baseline environmental data and information and inadequate mechanisms for data compilation, analysis, interpretation and dissemination. The Secretariat considers that there is a need for improved mechanisms to effectively disseminate environmental information in a form that is appropriate and relevant to the needs of the general public. It comments that too often, environmental data is presented in a scientific format that does not generate much general interest unless presented in a sensational manner.

ii. Technology

125. The UNCCD Secretariat remarks that the gap between developed and developing countries concerning access to information and participation through new technological means and know-how constitutes a major stumbling block to allowing full participation of civil society in environmental matters. The Baltic 21 Secretariat also notes that technology and limited human resources present a challenge to actively seek out new information and disseminate it to the Baltic 21 network. OAS' Department of Sustainable Development notes that internet use is still not an everyday tool in many countries in the Latin American and Caribbean Region, particularly in small rural towns and indigenous communities

and virtual consultation forums have not yet reached the level of participation expected.

iii. Legislation

126. The Caribbean Environment Programme's Secretariat says that environmental laws and regulations in its region are inadequate and there are poor enforcement frameworks. It also says that decisions on the sharing of information lies with governments, many of whom do not have freedom of access to information legislation. The ICWC similarly notes that improved legislation is required, although it does not specify in which area.

iv. Language

127. The Baltic 21 Secretariat comments that language barriers are a challenge to the dissemination of environmental information.

Challenges regarding public participation

i. Funding

128. Limited financial resources for funding public participation in forum processes are identified as a major challenge by a number of forums. The CBD Secretariat notes that this is particularly the case with non-governmental organizations and indigenous and local communities from developing countries and countries with economies in transition. In certain cases, this has led to the under-representation of non-governmental organizations from developing countries and countries with economies in transition in some meetings. At COP-7, the CBD decided to establish a voluntary funding mechanism to facilitate the participation of indigenous and local communities in meetings under the Convention, giving special priority to those from developing countries and countries with economies in transition and small island developing states.
129. Funding for civil society involvement was also identified as a challenge by UNEP's Division of Early Warning and Assessment, the CSD Secretariat, the Baltic 21 Secretariat, the ICWC and the Sava Commission's Secretariat.

ii. Representativeness

130. UNEP's Division of Early Warning and Assessment notes that there are a large number of non-governmental and civil society organizations operating in the broad area of environmental protection and sustainable development. It comments that large countries may have numerous environmental organizations with competing interests with the result that it is difficult to implement a formal nomination process that is representative of the various stakeholder interests.

131. The ITTO Secretariat remarks that it is important to try to verify that groups or individuals invited to participate in forum processes actually represent an indicated interest group. It is also useful to rotate support for participation in meetings rather than always supporting the same entities. The EBRD response remarks that it is often unclear whom non-governmental organizations “represent”, and they are often focused on a few issues instead of the larger context. In the event that a country or sector strategy is revised, only a handful of people generally provide comments. Furthermore, while some non-governmental organizations prepare detailed reports on their expectations, there is not significant input from a larger stakeholder group. The EBRD response notes that the general focus of non-governmental organizations on its work is with regard to environment, and more recently, a growing list of social issues, such as worker protection, human rights, and indigenous peoples. It considers that a wider range of non-governmental organizations is needed to balance the comments coming in from “the public” when these are often in fact comments from one group and focused solely on the environment.
132. The EBRD response reports that the majority of input it receives is from the international non-governmental community, and not from local groups. It comments that it is a challenge to identify the stakeholders actually affected by a project, and not just non-governmental organizations that put themselves forward to participate. Affected stakeholders may be reticent to participate, and may not be aware of processes, and so it is critical that adequate resources are spent on identifying them and agreeing a communication process by which they can provide comments.

iii. Facilitating the participation of special interest groups

133. The EEHC Secretariat indicates that facilitating the participation of a special interest group, in its case the involvement of youth, can present challenges. It mentions that these challenges lie in establishing mechanisms to facilitate such participation and identifying the necessary funding at national and international levels.

iv. Fluctuating or low civil society interest and awareness

134. Four forums identify fluctuating or low civil society interest and awareness as a challenge. The ITTO Secretariat observes that the level of general public interest in its work and in tropical forests in general has fluctuated over the life of the organization, leading to quite different desires and levels of public participation. The CEP Bureau remarks that it is a challenge for the CEP to continue attracting the interest of civil society in its activities in order to benefit from their active participation. The ICWC’s Scientific Information Center reports that a low activity level and poor capacities of civil society including non-governmental organizations have presented a challenge to a certain degree, and maintains that special training should be held in this respect. The Sava Commission’s Secretariat also refers to the capacity of stakeholders and actors involved in the process, remarking that there is a lack of knowledge about the problem and that

stakeholders are not prepared to accept arguments from the other side to solve the problem.

v. Disruptive civil society involvement

135. The IWC's Secretariat states that the behaviour of a small number of non-governmental organizations in the margins of recent meetings has led the Commission to develop a Code of Conduct for non-governmental organizations, which was adopted by consensus at the 58th Annual Meeting in June 2006. Disruptive behaviour and/or failure to conform to the Code may result in suspension or withdrawal of accreditation. The Secretariat goes on to say that while a number of non-governmental organizations have expressed an interest in being more involved in the work of the Commission (e.g. having speaking rights, taking part in working groups, preparing documents etc.), there is certainly not consensus support for this among member governments at present. No other forums report experiences of disruptive civil society involvement.

vi. Coordination

a) Divergent interests

136. The challenge of reconciling divergent interests is remarked upon by two forums. The NAFO Secretariat observes that the Convention has to strike a balance in accommodating the conflicting interests of the different stakeholders in the fisheries sector and that it can be a challenge for the Secretariat to serve the interests of the Contracting Parties, non-governmental organizations and the general public in the conservation of fishery resources. The Sava Commission's Secretariat notes that its membership is four independent States with different political systems and legislation. It considers that this could potentially constrain public participation in the decision-making process, especially where trans-boundary cooperation between different Parties is essential for a successful resolution of a particular environmental problem.

b) Differing expertise

137. The Sava Commission's Secretariat also observes that participants in a process may have differing knowledge or expertise, for example technical matters, economics or social issues, and that the integration of skills is essential.

c) Forum processes

138. The CSD Secretariat refers to the need to enhance the connection between national major groups' implementing actors and national sustainable development focal points, including in the development of National Strategies for Sustainable Development. It also observes that the regional processes related to the CSD need to be aligned with the participatory nature of the CSD itself.

vii. Legislation

139. The EBRD response remarks that even though its own policies might allow for participation on its projects, this does not provide capacity building in the country for appropriate legislation to secure stakeholder input.

V. COMMENTS ON THE ALMATY GUIDELINES**General comments****Usefulness**

140. The CBD Secretariat observes that, although broadly speaking the requirements of the Almaty Guidelines are already expressed in its own provisions and practices, the Guidelines nevertheless provide a useful tool for the practical implementation of the principles of the Aarhus Convention in international processes such as the CBD. The Secretariat considers that the Guidelines should be of use to Parties to the CBD in fulfilling their obligations of public participation and access to information in the specific context of the CBD's own prescriptions. The Guidelines will also be useful in the further development of the CBD's programmes relating to communication, education and public awareness. The Secretariat remarks that there is a need to develop synergies and greater linkages between the range of international instruments and institutions dealing with these issues both at the policy and implementation levels and that the Guidelines' consideration by other international forums should help in bridging existing gaps.
141. The UNCCD Secretariat remarks that the Guidelines are a good starting point in highlighting the importance of broad and full participation of the international community and the public in environmental issues. They also encourage all relevant actors who feel concern to make their voices heard and be part of the decision-making processes at levels appropriate to the matter at hand. In this sense, the Guidelines represent a step forward towards effective information sharing, participation and decision-making in environmental matters.
142. The ITTO Secretariat comments that the Guidelines are a good attempt to institutionalise public participation in international processes. The Secretariat of the Carpathian Convention comments that the Guidelines seem to be a useful tool to promote the application of the principles of the Aarhus Convention in international forums and are also of help to the development and application of formalized and non-formalized rules of procedure and practices within international forums. The ICWC's Scientific Information Center remarks that the Guidelines are a well presented and quite relevant document for promoting the application of the principles of Aarhus Convention in international forums dedicated not only to Aarhus Parties but also to other States. It adds that the Guidelines are particularly important for post-Soviet Newly Independent States in the process of democratic development and civil society building.

143. On the other hand, the CMS Secretariat remarks that the Guidelines are very generic, and guidance is mainly a matter of common sense and good practice, as is the nature of United Nations' guidance. It considers that, in view of the importance of the topic, more should be done to develop practical guidance for access to information and public participation in environmental issues and processes, including clear examples and procedures. It remarks that most of what is proposed in the guidelines has been discussed and proposed at length under other processes such as the CSD. Although repeating these concepts is important, the fact there is a need to still address the issue is a sign that efforts so far were not effective, and new instruments and a different type of guidance should be developed.

Applicability

144. The UNFF Secretariat notes that, as a subsidiary organ of ECOSOC, the Forum's rules of procedures are those directed to functional commissions of ECOSOC and the Guidelines therefore do not apply directly to its work. It goes on to make the point, however, that since the signatories of the Aarhus Convention are all members of the UNFF, they can influence the work of the Forum by introducing proposals in accordance with the Guidelines.
145. The Bureau of the LRTAP reports that its Executive Body and Implementation Committee have taken note of the Guidelines and the obligations on Aarhus Parties, and have further noted that a number of Aarhus Parties are also party to the LRTAP. The Bureau observes, however, that as overall the set of Parties to the two Conventions is different, it is for LRTAP Parties, in the light of the specificities of that Convention, to agree how such principles as those in the Guidelines might be applied in their work.
146. IFAD remarks that, given its particular characteristics as an institution working mainly through a programme/project approach, the Guidelines do not fully apply to its mandate.
147. The ICDPR Secretariat advises that the countries cooperating in its processes have agreed to cooperate under the Convention on Cooperation for the Protection and Sustainable Use of the Danube River and the European Union Water Framework Directive and that the Commission therefore does not base its public participation activities on the provisions of the Aarhus Convention.
148. The Bern Convention's Secretariat advises that the Guidelines are relevant to that Convention, as it falls within the definition of "international forum" provided in paragraph 9 of the Guidelines, as well as paragraphs 4(a) and (e) regarding the scope of the Guidelines. It also notes the large overlap of membership between the Aarhus and Bern Conventions.

Whether forums' practices generally accord with Guidelines

149. UNEP's Division of Early Warning and Assessment advises that, with respect to access to environmental information, it has taken practical steps to comply with these provisions. In regard to public participation in international forums, it comments that, at a practical level, representation would have to be facilitated through non-governmental organizations and civil society groups.
150. The IWC Secretariat remarks that the Guidelines' provisions on access to information seem broadly acceptable and the Commission's practices would largely conform. However, it considers that the provisions on public participation in decision-making would be likely to be controversial in the context of the Commission. In particular, the Commission's meetings are not open to the general public, although accredited non-governmental organizations can attend meetings as observers. The Commission's decisions are taken by vote by member governments. Non-governmental organizations are therefore not involved directly in the decision-making process, although several member governments include representatives from non-governmental organizations on their delegations and non-governmental organizations may lobby member governments both at and between meetings. The Secretariat notes that, in addition, many member governments (and the Secretariat itself) receive a significant volume of correspondence from members of the general public in relation to Commission matters that governments may use in framing their policy decisions.
151. The CBD Secretariat advises that, broadly speaking, the requirements of the Almaty Guidelines have already found expression in the provisions and practices of the Convention.
152. The Alpine Convention's Secretariat comments that, with regard to the particular characteristics, the processes and activities of the Alpine Convention, there is no need for changes or specifications in the differentiated system of rules set by the Aarhus Convention's Almaty Guidelines
153. ADB advises that whilst the Bank has not adopted a formal stance regarding the Guidelines, their spirit – one promoting information sharing with the public on environmental matters – is certainly consistent with the way in which ADB conducts its business.
154. OAS' Department of Sustainable Development observes that the Almaty Guidelines reflect the general objective of the principles and recommendations contained in its Inter-American Strategy. Similarly, the Caribbean Environment Programme's Secretariat states that the Guidelines reflect many of the elements used in the development and adoption of the Cartagena Convention on the Protection of the Marine Environment of the Wider Caribbean Region and its supporting Protocols. It adds that these elements are employed in the development and implementation of national, sub-regional and regional projects and activities to implement the Convention and its Protocols.

Institutional realities

155. The EBRD response remarks that the Guidelines could make greater recognition of how institutions work in practice. It says that the Guidelines do not focus on the opportunities associated with organizations and institutions, but rather attempt to put them in the Parties' format, which does not always work. For example, organizations and institutions often have internal and external policies, strategies, grievance/accountability mechanisms, some of which may have associated or direct environmental issues. Institutional decisions are made by a managerial structure or board of directors, which is accountable to its shareholders. Organizations and institutions deal with matters of confidentiality and documentation belonging to third parties, sometimes provided under restrictions. They often have events with stakeholders, such as annual meetings, and they make decisions on external documentation and reporting. The EBRD response states that all of these aspects potentially have a public dimension, particularly for organisations and institutions supported by public funds. It suggests that while the structure of the Guidelines is directed at "international forums", it perhaps does not take full advantage of the potential aspects of organizations and institutions which might apply the principles (although restricted by structure on applying the letter) of the Aarhus Convention. In addition, the EBRD response remarks that there is not enough separation in the Guidelines between what applies to an international conference on environment, and to a multilateral organization whose actions may affect the environment.

Stakeholders

156. The UNCCD Secretariat comments that the Guidelines rightly state that participation of the public should be as broad as possible, and that in the international context, this should be done having in view the nature and the level of each particular meeting.
157. The Sava Commission's Secretariat suggests that it would be very useful if the Guidelines defined the main "stakeholders" as otherwise some stakeholders who could potentially play a significant role in the international forum might be missed.⁵
158. The ICPDR Secretariat advises that it has found it very difficult to address and involve individuals in its processes and it has therefore decided not to target individuals, but only the organized public (organizations, unions, etc.). It considers that targeting individuals at the international level is simply too ambitious, too costly and not cost-efficient.
159. The ICPDR Secretariat also observes that since developing and running public participation processes is very expensive, it does not seem sensible to impose the costs of the capacity building of the stakeholder groups on the international organizations. It suggests that such activities, which are in most cases

⁵ Paragraph 30 of the Guidelines does give some guidance as to who relevant stakeholders may be. However, it appears that the Sava Commission considers further guidance is required.

“democratization processes”, could be carried out on a voluntary basis but should not be seen as the sole responsibility of the international organizations. It should be the responsibility of institutions to set up the legislative and practical frameworks for public participation, and a shared responsibility to secure the democratization process on the other side.

Investment of resources

160. The UNCCD Secretariat remarks that the direct link the Guidelines make between international access and investment of resources should perhaps be stressed more. It comments that experience shows that attendance, and thus active participation, in sessions of its COP and other subsidiary bodies, depends on funds being made available. Often it is not only envisaged, but also wished, that representatives of non-governmental organizations be more widely present at meetings, but they more often than not lack the means to do so. The UNCCD has organized meetings at the regional and national level to remedy this situation.
161. The ICWC’s Scientific Information Center comments that it seems expedient to add a principle of providing financial support to international organizations to the Guidelines in order to increase the activity level of civil society in environmental management.

Access to information

162. The ICPDR Secretariat advises that the ICPDR provides information to the interested public in two ways, namely simple leaflets for wide distribution and technical reports for specific audiences. It remarks that it has to date distributed documents in printed form as well as via the internet but that it is not sure whether the documents distributed through the internet were useful and reached the audience, although it does not indicate the basis of this view. It adds that general information can be easily shared via the internet, but it is less convinced that distributing targeted and specialised information via the internet makes sense.

Public participation in decision-making

163. The EBRD response remarks that the Almaty Guidelines should encourage transparency in policy and strategy development and public *consultation*, but institutions should not be told to conduct public *participation* as they do not have the ability to provide the public with a decision-making role. Rather, it is the remit of the relevant government to provide such rights. The EBRD response observes it can take comments into account, but final decisions are made by its Board of Directors.
164. The EBRD response also comments that while it appreciates the public’s right to environmental information, the environment is often a cross-cutting issue and

this can create a difference of expectations on what information is necessary to be in the public domain. Furthermore, if countries lack overarching citizens' rights to information and participation, the public's rights may be codified under environmental law, instead of a more general right under constitutional law. As a consequence, the public may turn their non-environmental concerns about a proposed project into environmental concerns because to do so will be their only opportunity to voice a concern about the project generally.

165. The ICPDR Secretariat reports on its own lessons learnt, namely:

- a. Informed stakeholders are the basis of meaningful participation. It is crucial to provide information in time and for free. Efforts should be undertaken to make sure that the stakeholders get the information they need.
- b. Public participation is a process and it takes time, should be started early and planned carefully. Several years may be needed to ensure that new structures fit the needs of stakeholders and that stakeholders can adapt to the new concept of governance.
- c. Public participation is a cooperative effort and needs to be actively implemented by all partners. It is not enough that organizations offer the possibility to participate if the stakeholders are not willing to sit at the table to discuss and to develop solutions and/or compromises. Public participation has to happen on different levels, both locally and internationally.
- d. Stakeholders are very diverse (e.g. navigation, hydropower, agriculture, environmentalists), and each group might need a slightly different approach.
- e. A mixture of tools is necessary to secure the right tool for each stakeholder group (e.g. workshops, conferences, electronic feedback forms).
- f. It is crucial to make the best use of the people's time, so that observers do not feel that outcomes do not justify the time and money they put into the process.

Access to justice

166. The UNCCD Secretariat remarks that legal settlement of dispute mechanisms, such as arbitration and conciliation procedures or other ways of resolving questions of implementation, remain valid and useful within multilateral environmental agreements. It also expects that more attention will be paid to dispute avoidance within the general framework of dispute settlement and resolution.

Specific comments on specific provisions

167. The majority of the international forums' comments are of a general nature, not expressly directed to particular provisions of the Guidelines. However, six forums, namely UNEP's Division of Early Warning and Assessment, the IWC Secretariat, the CMS Secretariat, EBRD, ICWC and the Sava Commission, have provided comments on specific provisions of the Guidelines as well.

Purpose and scope

168. The IWC Secretariat observes that, given the challenging working environment of the Commission, the second sentence of paragraph 1 of the Guidelines, "Parties should seek to apply these Guidelines to the extent appropriate in the light of reasonable considerations such as the institutional integrity and particular characteristics of each international forum concerned", seems particularly important.
169. With regard to paragraph 2(a), the EBRD response suggests to add "*applied strategy and policies that affect environment, safety, social issues, communication within a specific sector or geographical area*" as further examples as to the context in which the Guidelines may provide guidance to Parties.⁶
170. In respect of paragraph 4(c), the EBRD response remarks that there may be an over-emphasis on international conferences in the Guidelines as they are only one type of forum, and not a primary one for providing rights of access to information, decision-making or justice. The EBRD response also suggests to amend paragraph 4(e) to read "*decision-making processes within the framework of other international organizations in matters that may be relevant to the environment, such as applied policies or strategies relevant to sector development or geographical areas*". On this point, the EBRD response observes it may not just be on environmental documentation – it could be an energy policy, or the Balkan Stability Pact, or some other regional initiative where environment needs to be taken into consideration. The wording of the Guidelines should be generic enough so that people affected by the various decision-making processes can have input, regardless of whether the word 'environment' is in the title.
171. In paragraph 5, the EBRD response suggests adding "or that may have an impact on the environment" to the end of the sentence.

General considerations

172. The ICWC's Scientific Information Center remarks that paragraph 13 should be stated as an obligation rather than as "may be". The EBRD response suggests paragraph 13 be amended to say "There may be a need to adapt and structure international processes and mechanisms in order to *identify affected*

⁶ Italics are used to indicate the suggested amendment.

stakeholders and ensure meaningful and equitable access for them to information that may have an impact on the environment. In addition, other stakeholders who are not directly affected, may have an interest in the information, and this also should be accommodated wherever possible”.

173. In respect of paragraph 14, the EBRD response suggests to add “but particularly designed in a way that the affected stakeholders can participate”. The EBRD response notes that international organizations develop policies for investment in developing countries—and design communication programmes that are easy for international non-governmental organizations to participate—but less often, for the people in the country actually affected to participate. The mechanisms selected, such as internet access, email comment, may not be appropriate for the affected public.
174. With respect to paragraph 15, which requires special measures to be taken to ensure a balanced and equitable process, the Sava Commission’s Secretariat observes that it would expect that some of these measures should be incorporated into the Guidelines. The ICWC similarly comments that the meaning of “special measures” in paragraph 15 should be clarified. It also considers that participation of all stakeholders should be facilitated and suggests that the end of the paragraph be amended to read “particularly facilitate the participation of those constituencies that are most directly affected and might not have the means for participation without encouragement and support.”
175. The ICWC observes that it is strongly recommended to keep gender balance when providing international access and suggests that paragraph 16 be reformulated to read “*In the case of a physical person*, international access should be provided without discrimination on the basis of citizenship, nationality, sex or domicile. It also suggests that in the case of a legal person, international access should be provided without discrimination as to where it has its registered seat or an effective centre of its activities “according to national legislation.”
176. UNEP’s Division of Early Warning and Assessment remarks that fast and reliable internet access is an issue for developing countries. It says that aside from webcasting, the simple downloading of documents from websites can take as long as one hour for developing country users with limited bandwidth. It says that the reference to capacity building in paragraph 17 is very important and should perhaps be brought to the attention of the United Nations Development Group.

Access to information

177. The EBRD response remarks that there needs to be differentiation between information held by an institution and information generated by that institution. The EBRD response notes that EBRD has control over the information it generates but it cannot make the same promises with regard to information provided to it by third parties, for example, private sector project sponsors. Such information does not belong to EBRD and in most cases is submitted under

confidentiality agreements. To this end, the EBRD response suggests that the phrase “environmental information that they hold” in paragraph 19 is amended as “environmental information that they originate”.

178. In respect of paragraph 21, the EBRD response suggests not to specifically refer to webcasting, but rather to make the provision more general and to consider different technologies that may be useful. The EBRD response considers that the key issue is whether or not technologies will reach first, the affected public, and secondly, the interested public. The first category may not have as “high tech” access as the second. In the transition countries, for example, access to this technology may be non-existent or extremely limited. For this reason, the EBRD response suggests to delete “Where appropriate, live webcasting of events and alternative methods to reach a broader public should be considered” and to replace it with “Consideration should be given to method of release to reach the interested public, taking into account new technologies and methodologies.” The OAS suggests adding “virtual consultation forums” to the list of electronic information tools in paragraph 21.
179. The ICWC remarks that “proactively” and “proactively in a meaningful, accessible form” should be clarified in paragraph 22.
180. The EBRD response suggests that paragraph 24 be qualified to read “when environmental information is *reasonably* requested”. The EBRD response notes that it frequently receives requests to provide all information on its projects in a specific country. A country may have hundreds of projects and the resources needed to accommodate such a request are unreasonable.
181. In respect of paragraph 25, the EBRD response observes that while there may be a public interest in the transparency of information held by institutions, the public have an inherent right to information held by their government. The EBRD response suggests that some differentiation may therefore be in order. It also suggests that institutions should have a publicly available policy clearly stating the types of information that will not be released (e.g. personnel information, commercially confidential information).

Public participation in decision-making

182. In respect of paragraph 31, the CMS Secretariat comments that more practical guidance could be provided on difficult situations, like the handling of closed sessions.
183. Regarding paragraph 35, the ICWC suggests that the opportunity to participate should be provided at “any stage, including the process of project proposal preparation”.
184. UNEP’s Division of Early Warning and Assessment remarks that the reference in paragraph 36 to the web as a means of engaging with the public and obtaining comments on draft documents under preparation for international forums is very timely and relevant but will also present some challenges. It notes that there are

language considerations to be taken into account. Drafts may only be available in English and this may rule out the receipt of comments from non-English speakers. Furthermore, individuals and organizations in developing countries may have difficulty in accessing documents due to bandwidth limitations. With respect to draft decisions, it remarks that it may be very difficult for the public to influence decisions that are prepared by the secretariats of international forums and the delegations of member states. Non-governmental organisations, as representatives of the public, would need to scrutinise draft decisions and provide comments on them, which may lead to subsequent amendments by Member States.

185. Regarding paragraph 37, the EBRD response considers that the phrase “due account should be taken of the outcome of public participation” may be more appropriate phrasing for Parties. They observe that the boards of directors of institutions are not Parties and in most cases have not granted the public a specific role in participating in decision-making, but only to take public comments into account.
186. In respect of paragraph 39, the EBRD response remarks that the goal is not maximising participation for the sake of large scale initiatives – which have significant resource costs in planning, managing, and implementation. The key is to identify the relevant stakeholders and to ensure full participation for those affected, and as much participation as possible for those who are interested. The goal should not be to just make it as big as possible – but to make it as meaningful as possible. To this end, they suggest that instead of “a view to maximising participation”, paragraph 39 be amended to read “a view to allowing full participation, with particular emphasis on affected stakeholders.”

V. CONCLUSION

187. The broad, open-ended nature of the five questions in the written questionnaire has, as intended, allowed the representatives of the selected international forums to share such of their experience as they consider relevant. Such an approach accords with paragraph 1 of the Guidelines, which stresses the institutional integrity and particular characteristics of each international forum concerned. In keeping with this, the responses received from the international forums show considerable diversity, both in the depth of information shared and comments made and in the range of rules, procedures and practices touched upon.
188. In relation to the formalized rules and procedures and non-formalized practices, there seem to be areas where some forums’ processes differ quite significantly from those recommended in the Guidelines. However, at the same time, some practices of certain forums seem to go further to realise the principles of the Aarhus Convention than the Guidelines envisage.
189. In relation to the challenges identified by the forums, there was strong recognition of the issues of representativeness and the availability of funding for civil society involvement. Some of the challenges, such as language barriers and

facilitating the involvement of special interest groups, are picked up in the current and future work plans. Other noted challenges, such as the ECOSOC Rules being open to wide interpretation, remain unaddressed.

190. With respect to the comments made by international forums on the Guidelines themselves, these range from general comments about their usefulness and applicability to subtle drafting points.

ⁱ As at 3 November 2006, responses to the written questionnaire had been received from:

United Nations Environment Programme (UNEP)
 United Nations Forum on Forests (UNFF)
 International Whaling Commission (IWC)
 International Maritime Organization (IMO)
 United Nations Commission on Sustainable Development (CSD)
 World Bank Group
 International Monetary Fund
 Convention on Biological Diversity (CBD)
 United Nations Convention to Combat Desertification (UNCCD)
 Convention on the Conservation of Migratory Species of Wild Animals (CMS)
 International Tropical Timber Organization (ITTO)
 International Civil Aviation Organization (ICAO)
 International Fund for Agricultural Development (IFAD)
 Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO)
 Convention on Long-range Transboundary Air Pollution (LRTAP)
 United Nations Economic Commission for Europe Committee on Environment Policy (CEP)
 European Environment and Health Committee (EEHC)
 Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)
 European Bank for Reconstruction and Development (EBRD)
 Baltic Marine Environment Protection Commission (Helsinki Commission)
 Inter-State Coordination Water Commission of Central Asia (ICWC)
 Convention on the Protection of the Alps (Alpine Convention)
 Framework Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention)
 International Commission for the Protection of the Rhine (ICPR)
 Sava River Basin Commission (Sava Commission)
 International Commission for the Protection of the Danube (ICPDR)
 Baltic 21
 Nordic Environment Finance Corporation (NEFCO)
 Organization of American States (OAS)
 Asian Development Bank (ADB)
 Caribbean Environment Programme (CEP)