

**RESPONSE TO THE QUESTIONNAIRE FOR CONSULTATION PROCESS ON ISSUES
ADDRESSED BY THE AARHUS CONVENTION'S ALMATY GUIDELINES FROM THE
UNECE CONVENTION ON THE PROTECTION AND USE OF TRANSBOUNDARY
WATERCOURSES AND INTERNATIONAL LAKES (WATER CONVENTION)**

As decided by the Parties to the Water Convention at their fourth meeting (Bonn, 20-22 November 2006), the replies below have been prepared by the Bureau of the Water Convention on the basis of a draft by the secretariat.

1. Please provide any comments on the Guidelines, in view of your forum's own processes, activities and particular characteristics.

The Parties at their fourth meeting took note of the Guidelines and of the obligations on Parties to the Aarhus Convention, the majority of which are also Parties to the Water Convention.

The Water Convention and its Protocol on Water and Health address and promote access to information, public participation in decision-making, and, to a lesser degree, access to justice in environmental matters.

Moreover a *Guidance on Public Participation and Compliance with Agreements* has been developed under the Water Convention (<http://www.unece.org/env/water/publications/documents/guidance.pdf>). There is therefore a strong awareness of these issues among Parties to the Water Convention and its Protocol on Water and Health.

2. 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.

The Rules of Procedure of the Convention allow the participation of observers in its meetings, including NGOs qualified or having an interest in the fields to which the Convention relates, provided there is no objection from one third of the Parties present at the meeting. Such observers may participate in meetings, without the right to vote. Moreover the Parties have recently amended the rules of procedure to establish that meetings shall be held in public unless the Meeting of the Parties decides otherwise.

The draft compliance procedure to be adopted by the Parties to the Protocol on Water and Health at their first meeting (Geneva, 17-19 January 2007) allows members of the public to bring before the Compliance Committee communications concerning a Party's compliance with the Protocol.

Active participation of NGOs in the work under the Convention is a long-standing practice. Representatives of NGOs, the academic community, the private sector and interest groups participate as observers in all meetings under the Convention and have even take the lead in some of its activities. This is considered crucial so ensure their involvement to optimize the process of public participation in transboundary water resource management in the region.

3. 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.

All official documents such as agendas, background papers and reports are publicly available on the Convention's website.

The Secretariat also seeks to publish additional information on the website. This information addresses meetings under the Convention and the Protocol (including extensive informal documentation, generally in English and Russian) and other activities either in the Convention's workplan or related to it. The website also provides extensive substantive information on transboundary water cooperation in the region and links to other sources of information (e.g. links to official website of river commissions).

Furthermore, the Secretariat responds promptly (typically within a few days) to procedural and substantive requests for information, including sending information by post, without charge.

Documents, announcements and other information are distributed by e-mail to NGOs, among others.

Leaflets and other promotional materials are also published (usually in English and Russian, at least). Some Parties also provide translation into their national languages of the Convention and the Protocol on Water and Health.

Subject to the availability of funds, financial assistance for the participation in meetings under the Convention of designated experts from NGOs, subject to approval by the Bureau or the chairperson of the meeting, is also a common practice.

Within the framework of the project Capacity for Water Cooperation (CWC) in EECCA, developed under the work programme of the Convention, a *Workshop on information management and public participation in transboundary water cooperation* was held in St. Petersburg, on 8-10 June 2005. During the workshop public participation in transboundary water management in EECCA was analyzed, including recent progress and remaining problems. The workshop documentation illustrates main principles, instruments and mechanisms for public participation in water management and draws conclusions and recommendations (see <http://www.unece.org/env/water/cwc/info-pp.htm>).

4. 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.

The workplan for 2007-2009 adopted at the fourth Meeting of the Parties foresees the establishment of an internet database presenting an assessment of transboundary waters in the UNECE region. The database will make available to the public information on the pressures on the water resources, their status and trends, and the policy responses implemented to address water management issues.

5. 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 Almaty guidelines.

One challenge is to continue attracting the interest of the civil society in the activities under the Convention in order to benefit from its active participation.

The financial support of participation by NGOs in meetings is limited by the availability of funds; only a very limited number of NGOs can participate and many requests for financial support have to be rejected because of a lack of funds.

For specific challenges in public participation in transboundary water cooperation in EECCA countries, reference can be made to the relevant document of the *Workshop on information management and public participation in transboundary water cooperation* (see http://www.unece.org/env/water/cwc/Info-pp/Backdoc_pp_e.pdf).