

## QUESTIONNAIRE FOR CONSULTATION PROCESS ON ISSUES ADDRESSED BY THE AARHUS CONVENTION'S ALMATY GUIDELINES

The aim of this questionnaire is to elicit the views of international forums on the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums, in a context of exchange of experience between international forums on access to information, public participation in decision-making and access to justice on environmental matters.

1. Please provide any comments on the Guidelines, in view of your forum's own processes, activities and particular characteristics.  
These guidelines provide a number of recommendations and suggestions through which Parties, other states and international organisations or bodies can promote and facilitate public access to information and public participation. In this respect, these guidelines are an excellent opportunity to further develop and implement such policies.
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.

Article 15 of the Barcelona Convention provides access to information and public participation, as appropriate in decision-making.

Article 15 - Public Information and Participation of the Barcelona Convention quotes:  
*"1. The Contracting Parties shall ensure that their competent authorities shall give to the public appropriate access to information on the environmental state in the field of application of the Convention and the Protocols, on activities or measures adversely affecting or likely to affect it and on activities carried out or measures taken in accordance with the Convention and the Protocols.*  
*2. The Contracting Parties shall ensure that the opportunity is given to the public to participate in decision-making processes relevant to the field of application of the Convention and the Protocols, as appropriate.*  
*3. The provision of paragraph 1. of this Article shall not prejudice the right of Contracting Parties to refuse, in accordance with their legal systems and applicable international regulations, to provide access to such information on the ground of confidentiality, public security or investigation proceedings, stating the reasons for such a refusal."*

### Access to Information

The meeting of the CP has decided to develop an information and communication strategy.

The Information Unit at the Secretariat and INFO RAC, a national Center with regional vocation established by Italy, have been set up to address information and communication in the framework of the MAP. In particular, INFO RAC is expected to provide the necessary ICT tools and programs to MAP and to CPs in order for them to

ensure public access to information in the field of application of the Convention, its six Protocols and sustainable development in the Mediterranean.

All RACs ( MAP regional Activity Centres) issue different publications such as the Blue Plan Environment and Development Report, White Book, joint publication EEA/MEDPOL on Pollution in the Mediterranean and other public-friendly publications.

The MAP and all RACs have their websites which provide information to all interested actors on issues related to MAP, profile and field of expertise of all RACs and state of environment of marine and coastal area in the Mediterranean. All documents are published on the MAP website in two or four languages. Two MAP RACs, PAP and SPA/ RACs in Croatia and Tunis have established clearing houses mechanism on coastal zone management and biodiversity.

Efforts will be made to have the website published in English, French and Arabic.

Any request for information by a member of the public is dealt with in conformity with the specific provisions of the Convention.

Any information provided as mentioned above is free of charge

#### Public participation

The CPs have decided to establish a partnership policy with civil society, on the basis of clear criteria. Currently 82 NGOs and other actors are partners of MAP. They participate as observers at the meetings of the CPs and its subsidiary bodies, and other meetings, carry out activities that fall under MAP profile and contribute to the achievement of its objectives.

They had also participated in the process of development of all regional legal protocols and other legal tools of the Barcelona Convention such as Compliance mechanism, guidelines on Liability and Compensation, etc. Their contribution is very important. We invite also affected parties such as affected industries ( in the case of liability and compensation or the offshore protocol). They have access on documents, they have the right to take the floor and make proposals in line with rules and procedures agreed by the meetings of the CPs.

In general, modalities of public participation practised in MAP are in line with the ones identified and proposed by Almaty guidelines.

The CPs have also established the MCSD (Mediterranean Commission for Sustainable Development), that is a forum for dialogue on sustainable development issue and an advisory body to the Contracting Parties.

NGOs, Socio-economic actors, Academic and research institutions and other stakeholders participate in the MCSD meetings and its activities on equal footing as members of the Commission (thus having the same status with the CPs).

#### Access to Justice

There is no provision on access to justice under the Barcelona Convention.

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.

We are trying to negotiate an article under the new Draft Protocol on Integrated Coastal Zone Management (expected to be adopted late in 2007) in order to tackle the issue of access to justice on environmental matters in the coastal zone of the Mediterranean Sea. We also have agreed in principle to add some new elements on public participation by mentioning for the first time, in this draft protocol the establishment of partnerships with civil society.

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.

As mentioned before a new programme has been established by INFO/RAC named INFO MAP that is expected to create MAP sharing information system. This system is expected to facilitate a lot the access to information on the regional and national levels by all stakeholders, interested actors and any members of civil society. It will also facilitate public participation in decision-making.

A new website is being developed. Proposed elements of the new website take into account the needs and requirements for a better access to information and more efficient public participation in decision-making.

Review of partnership policy of MAP with civil society, its criteria, modalities and effectiveness are expected to be undertaken during the next year, in order to conclude with a proposal for the consideration of the meeting of the Contracting Parties in 2007. For the purpose of this assessment, the Secretariat will try to take into account the Almaty guidelines and its recommendations in order to better orient its future work.

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.

Although MAP achieved a lot in the field of public access to information on the regional level (through prestigious publications) there are still many challenges. Providing the necessary infrastructure and access to information to all members of the public takes time and requires important necessary human and financial resources. A number of CPs has also a lot to do in this field.

Efficiency of public participation on the regional level is difficult to be “assessed”. Participation in MAP' events, activities and processes is somehow low and is based mainly on funding by the Secretariat.

Better consultations need to be carried out in order to have all MAP partners and other stakeholders involved. Since it is difficult to invite and financially support all MAP partners in MAP meetings and events, cost effective means, such as consultation through electronic tools/web site or intranet has to be further investigated and better organised. We expect to better work in this direction once the new MAP web site is operational.

We intend to make fully use of Almaty guidelines, which are in line with the spirit of MAP and the Barcelona Convention and their practises on public participation.

There is a strong need for capacity building among different MAP partners, in particular for those representing the Southern and Eastern part of the Mediterranean. This issue needs to be addressed on a priority basis in MAP.

Please note that the term “the public” is used throughout the questionnaire to mean one or more natural and legal persons, including non-governmental organizations. Answering the questionnaire may require selection of a limited number of elements amongst what is often a complex field of rules and practice. To support or complement your answer, please feel free to provide existing relevant documentation about your forum.

The questions have been formulated in a broad manner so that each forum can approach the subject on the basis of its own views and experience. More specific indications of points that may be relevant to the consultation are provided by the Almaty Guidelines themselves.

Responses should be sent in writing to the Aarhus Convention Secretariat, Environment, Housing and Land Management Division, United Nations Economic Commission for Europe, Bureau 332, Palais des Nations, CH-1211 Geneva 10, Switzerland, fax: +41 22 917 0634, email: [public.participation@unece.org](mailto:public.participation@unece.org).

Finally, please note that the deadline for responses to the questionnaire is 17 September 2006.

**Thank you for your kind cooperation!**