

Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

Working Group of the Parties

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Agenda items 3,4,5,8

PROPOSAL ON ELEMENTS FOR THE 2012-2014 WORKPLAN UNDER THE AARHUS CONVENTION

Discussion paper by the secretariat

This paper will be considered by the Bureau at its 25th meeting and is distributed, with the agreement of the Chair of the Bureau, to the Working Group for its information and initial consideration.

The paper outlines some elements and strategic directions that could be considered when developing the Convention's workplan 2012-2014. The proposals have been developed on the basis of the Strategic Plan 2009-2014¹, outcomes of the meetings of the Convention's subsidiary bodies, and needs of countries identified through the national implementation reports and through workshops organized under the auspices of the Convention. The paper is intended to supplement reports from the Convention's subsidiary bodies and to inform the discussion by the Working Group at its 12th meeting on progress achieved and lessons learned from the activities carried out under the Convention, thereby paving the way for a draft 2012–2014 workplan, to be considered by the Working Group at its 13th meeting in 2011. It could also contribute to the discussion on possible elements for the agenda of the fourth session of the Meeting of the Parties to be considered by the Working Group at its 12th meeting.

Introduction

1. The implementation and further development of the Convention up to the fifth meeting of the Parties is guided by the Strategic Plan 2009-2014. While the Strategic Plan defines three focal areas, it explicitly states that work towards full implementation of the Convention and the PRTR Protocol is the first priority (paragraphs 3 and 7(a)). This paper puts forward ideas and proposals on how to increase the focus of work on implementation on the ground in the next workplan, in line with the objectives of the Strategic Plan.

¹ ECE/MP.PP/2008/2/Add.16

2. Work under the Convention has produced a wealth of experience, including good practices and lessons learned. It has also resulted in the identification of needs for assistance to help implementation of and compliance with the Convention. This leads to the conclusion that in some areas of work sufficient progress may have been achieved in the intergovernmental discussions at the UNECE region-wide level, and that these areas may be mature enough to be downscaled to the subregional level or country level, so as to reach authorities concerned and the key stakeholders effectively. At the same time, other areas of work do require a UNECE region-wide approach and some a stronger outreach to other regions. Furthermore, at the current stage of work under the Convention, some of its subsidiary bodies may have exhausted their potential and therefore might need to be replaced by other more flexible implementation mechanisms tailored to the specific nature and expected outcome of an activity.

A. AREAS OF WORK AND ACTIVITIES

3. The following main areas of work have emerged as a result of the Convention's development: (a) support to implementation and compliance; (b) sharing of experiences and capacity-building; (c) promotion of the Convention; and recently (d) cooperation with the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers on the issues of common interest. Each area of work embraces a number of activities that are different in substance, but have a common nature in terms of mechanisms they employ and purposes they serve.

4. The text below suggests new elements for the activities as carried out under the current workplan and proposes one new activity (I (c)). At the same time, it also attempts to suggest how to streamline various activities taking place under the Convention and to build synergies between them, thereby ensuring effectiveness in terms of the impact they make and the costs they involve.

Programme Area I: Support to implementation and compliance

(a) Compliance mechanism

5. No new elements are proposed for this activity. However, it is suggested to strengthen the link between the recommendations of the Compliance Committee and other activities (e.g. see (c) in this section) as to facilitate enforcement of laws through assisting countries concerned in implementing the Committee's recommendations. Parties may also consider how to make better use of the professional potential of the Committee's members, e.g. through involving them in relevant trainings and advisory services, while being aware of the increase in the workload of the Committee.

(b) Reporting mechanism

6. No new elements are proposed for this activity. However, it is suggested to strengthen the link between the needs and challenges identified by countries through the reporting exercise and other activities (e.g. see (c) in this section), so as to facilitate implementation of the provisions of the Convention through assisting countries concerned.

(c) Provision of country-specific needs-based advice and assistance - *a proposed new activity*;

7. Specific needs have been identified by individual countries through the compliance and reporting mechanisms of the Convention, the work of its task forces and through the workshops.

The needs relate to strengthening countries' capacities to meet the Convention's obligations. This should be seen as a call to increase the focus of work on implementation on the ground.

8. There are various possible modalities of providing such country-specific advice and assistance, drawing on the experience of other UNECE conventions and programmes (e.g. in-kind expertise; partnerships, direct trainings; national multi-stakeholder dialogues; fact-finding missions). Similar activities have already taken place under the Convention. Some of them were overseen by the secretariat and some by partner organisations or lead countries. However, they were often sporadic and without clear links with other activities.

9. The proposal is therefore to systematize these activities through an assistance mechanism under the Convention that could operate at countries' request, be facilitative and cooperative in nature and provide support in areas such as:

- (a) Accession to and ratification of the Convention and of its amendment;
- (b) Transposition into national law of the Convention and of its amendment;
- (c) Improving implementation and practical application of relevant national legislation.

10. The Implementation Guide and various recommendations and guidelines produced under the Convention would provide a solid basis for this activity. Partner organizations and civil society would play an important role in its implementation. Governments that could offer required expertise would be invited to contribute to and/or lead activities.

11. This activity should be coordinated with relevant initiatives organized under other multilateral environmental agreements (MEAs) and programmes in countries concerned.

12. Issues described under Programme Areas II and III also should be taken into consideration for this activity, as appropriate.

Programme Area II: Sharing of experiences and capacity-building

(a) Genetically modified organisms

13. A workshop organized in cooperation with the secretariat of the Convention on Biological Diversity (CBD) proved to be useful, as it allowed not only for the sharing of experiences between different countries, but also for bringing together the two communities to discuss matters of common interest. This practice could continue.

14. A "GMO dialogue" at country level could constitute a new element in future work. Such a "dialogue" could involve the CBD and the Aarhus Convention focal points as well as other key actors involved in both subjects, including civil society, scientists, the private sector and parliamentarians. The activity would aim to: (a) foster ratification or implementation, as relevant, of the Convention's amendment; (b) improve GMO-related national legislation; and, indirectly, (c) promote the PPIF (Almaty) Guidelines in forums associated with the parties involved in the "dialogue". This element could be implemented through I (c).

(b) Access to justice

15. The latest work of the Task Force was of a rather academic nature focusing on studies, which provided a solid theoretical basis for implementation, along with studies on the subject

produced under other forums. As this pillar of the Convention lacks enforcement the most, an increase in capacity-building activities is badly needed as to assist countries in advancing implementation of the relevant provisions of the Convention. Thus, the current region-wide Task Force could be replaced with structured capacity-building activities at the subregional level and at country level. The activities could include already well-established subregional trainings for judges, and country-level trainings for judges and other judiciary experts to be implemented through I (c). If need be, a UNECE region-wide workshop could also be organized to address a specific subject.

(c) Public participation

16. The newly established Task Force will discuss its workplan and agree on priority activities for the next intersessional period, subject to the decision by the extraordinary session of the Meeting of the Parties (2010). This activity has a potential for cooperation at both the regional level (through the Task Force) and country level through I (c). The latter is particularly important with a view to integrating the Convention's requirements in decision-making on activities in other than environmental sectors (e.g. agriculture, trade, energy, transport, climate change).

(d) Electronic information tools (EIT)

17. This activity has two very different target groups: high-level officials who should be convinced of the importance of EIT, as their opinion is decisive for promoting them, and technical experts who need to be trained on how to use EIT effectively. The implementation of this activity in countries requires strong technical capacity and often a substantial investment. Many countries, in particular countries with economies in transition, cannot afford giving priority to EIT as they have to address more urgent needs in other areas. This activity has a big potential for downscaling to a subregional level, which would allow for the involvement of both target groups with lower costs and with a greater impact.

18. Thus, the current region-wide Task Force could be replaced with a series of subregional workshops, involving experts from other subregions invited to share their positive experience. These workshops could result in a roadmap for implementation at the country level. Partner organisations with a strong presence in countries (e.g. RECs, OSCE, UNITAR, Aarhus Centres, UNDP) may support the implementation in countries, as a follow up to commitments made at the workshops. If need be, a UNECE region-wide workshop could be organized to address a specific subject.

(e) Aarhus Clearinghouse

19. No new elements are proposed for this activity. The challenge for the secretariat is to secure resources so as to maintain the Aarhus Clearinghouse in a professional way, with respect to both its technical development and its communication value.

(f) Interagency coordination on capacity-building

20. This mechanism would continue to be a platform for the coordination of all relevant activities taking place under the Convention and carried out by partners, so as to avoid duplication of efforts and provide an opportunity for potential partnerships.

Programme Area III: Promotion of the Convention:

(a) Accession to the Convention by States from outside the UNECE region

21. This area would include outreach to non-ECE countries, promoting the principles of the Convention and offering Parties' positive experience in implementing the Convention. Countries that have expressed their interest in acceding to the Convention would be given priority. This activity would also be guided by a possible decision of the Meeting of the Parties (2011) regarding the requirements for approval of an accession.

22. Parties may play an important role in the outreach to non-UNECE countries, in particular where they have formal representations in those countries through making use of this infrastructure.

(b) Promotion of the application of the principles of the Convention in international forums

23. The work of the Task Force has produced rich experience and has resulted in clear directions for future work. The following mechanisms could be used to pursue future activities effectively: (i) "dialogues" at country level among focal points of the Aarhus Convention and focal points of other international forums through I (c), as a priority; (ii) thematic workshops at the regional level and (iii) outreach to secretariats of international forums, building on the positive experience of cooperating with the CBD secretariat. These mechanisms could replace the current Task Force.

(c) Awareness-raising

24. Efforts would be continued to promote the Convention in meetings and other activities organized under the Convention's workplan as well as outside its auspices. The activity would also be guided by a communication strategy to be developed under the Convention.

25. More emphasis should be put on activities carried out by focal points, and focal points would be invited to report regularly on their promotion efforts.

26. Another potential area of work is the development and improvement of tools to raise the profile of the Convention (e.g. informative leaflets, the Convention website, an interactive online electronic version of the updated Implementation Guide, an online database of good practices in the area of public participation in international forums (PPIF) and EIT).

Programme Area IV: Cooperation with the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers

27. The focus in this area should be on promoting the joint implementation of relevant elements of the workplans under the two instruments, so as to ensure synergies and cost efficiency. This concerns, in particular, EIT and promotion and awareness-raising activities.

B. Bodies and mechanisms under the Convention

28. As a result of a possible reconsideration of the work under the Convention, as described above, the following subsidiary bodies would operate under the Convention: the Working Group of the Parties, the Bureau, the Compliance Committee and, subject to the decision of the extraordinary session of the Meeting of the Parties (June, 2010), the Task Force on Public Participation. At the same, there will be a possible assistance mechanism that would operate under the Convention aiming to strengthen implementation on the ground.

29. The Working Group of the Parties is the only body under the Convention that attracts relatively senior representation of governments in the intersessional period and, therefore, it could be used for addressing possible issues of political interest. Therefore, in addition to its usual practice, a new element for meetings of the Working Group could be a session/roundtable on specific topic(s) of common interest, also with the involvement of the representatives of non-environmental sectors, as appropriate, aimed at exploring the subject matter in greater detail.
