



Economic and Social Council

Distr.: General
25 June 2012

Original: English

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

Working Group of the Parties

Fifteenth meeting

Geneva, 3–5 September 2012

Item 7 of the provisional agenda

Implementation of work programmes for 2009–2011 and 2012–2014

Report on the Implementation of the Convention's Work Programmes for 2009–2011 and 2012–2014

Note by the secretariat

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Introduction

1. This document provides an overview of the implementation of the work programme for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) for 2009–2011 (ECE/MP.PP/2008/2/Add.17), from April 2011 until December 2011, and of the implementation of the work programme for 2012–2014 (ECE/MP.PP/2011/2/Add.1, decision IV/6, annex I), as of 22 June 2012. The information herein complements that provided in the report on the implementation of the work programme for 2009–2011 (ECE/MP.PP/2011/9), submitted to the fourth session of the Convention's Meeting of the Parties (Chisinau, 29 June–1 July 2011). A comprehensive report regarding implementation of the work programme for the Protocol on Pollutant Release and Transfer Registers for 2011–2014 (ECE/MP.PRTR/2010/2/Add.1, decision I/6, annex I) will be submitted to the Protocol's Working Group of the Parties at its second meeting¹ (20–21 November 2012), while the current document includes only activities related to access to information, capacity-building and awareness-raising regarding the Protocol.

2. The secretariat made serious efforts to avoid duplication of work and inefficient use of resources through pursuing synergies with activities under other United Nations Economic Commission for Europe (ECE) multilateral environmental agreements, with United Nations agencies and other partners. This required spending more time on the preparatory phases of activities to ensure proper consultations with the chairs of the respective subsidiary bodies and partner organizations. Furthermore, the secretariat used, and is planning to continue using, more electronic tools (e.g., e-mail consultations; web-based, video and phone conferences; online databases; a clearinghouse mechanism).

I. Substantive issues

A. Access to information, including electronic information tools, the clearinghouse mechanism and PRTR.net

3. The secretariat has continued managing the Aarhus Clearinghouse for Environmental Democracy² and the PRTR.net global portal.³ The two portals were used to facilitate the collection, dissemination and exchange of information related to national implementation of the Convention and to relevant global and regional developments regarding Principle 10 of the Rio Declaration on Environment and Development and regarding pollutant releases and transfer registers (PRTRs). The secretariat has maintained and updated PRTR.net in cooperation with the United Nations Institute for Training and Research (UNITAR) and the Organization for Economic Cooperation and Development (OECD), and continues pursuing close cooperation with UNITAR in order to ensure the effective use of the PRTR.net and PRTR Learn by national focal points and stakeholders. For example, PRTR.net was synergized with the PRTR Learn website (an interactive portal developed and managed by UNITAR). PRTR.net and the Aarhus Clearinghouse for

¹ <http://www.unece.org/index.php?id=28225>.

² <http://aarhusclearinghouse.unece.org/>.

³ <http://www.prtr.net/>.

Environmental Democracy were subject to an upgrading project during 2010–2011 conducted by GRID-Arendal.

4. The secretariat further developed a database on capacity-building activities, which serves as an information source for past, future and on-going PRTR capacity-building activities. The secretariat continues administration of the database, and upgraded a feature of PRTR.net to enable national focal points and stakeholders to log in and add data to the PRTR capacity-building activities database.

5. The secretariat has also upgraded the online reporting system for the Convention and incorporated all national implementation reports from the latest reporting cycle in the system. The reporting system was presented at the first meeting of the Working Group of the Parties to the Protocol on PRTRs (Geneva, 28–29 November 2011), where the Working Group agreed that a similar tool should be developed for reporting under the Protocol.⁴

6. The secretariat completed development of and continues maintaining and populating a jurisprudence database accessible through the Convention's webpage and the Aarhus Clearinghouse.⁵ The aim of the database is to promote the exchange of jurisprudence concerning the Convention for use by national focal points, legal professionals, judges, academics and other stakeholders and to facilitate further work under the Convention on access to justice. The database, established under the auspices of the Task Force on Access to Justice, includes a number of decisions (including summaries in English and decisions/judgements in the original language and in English, when available) issued by courts of law or other bodies at the domestic and international level that make reference to the Aarhus Convention or its principles. To date, the secretariat has received approximately 50 cases. Maintaining the jurisprudence database is an on-going activity and it is expected that more cases will be submitted during the current intersessional period.

7. The Convention website was regularly updated during the intersessional period. During 2011, a migration of the ECE website to a new TYPO3 content management system took place and the secretariat worked intensively in liaison with the ECE Information Systems Unit to ensure the correct functioning of the Convention website during the post-migration period. The secretariat spent a significant amount of time monitoring the Convention website and solving a number of post-migration issues. In addition, the staff of the secretariat participated in a mandatory training on the functioning of the TYPO3 content management system in order to acquire the required skills.

8. As of 16 February 2012, the Republic of Moldova has appointed a Chair of the Task Force on Access to Information. The first meeting of the Task Force on Access to Information and the associated thematic workshop on product information and accessibility to information held by the private sector have been scheduled for February 2013.⁶ The secretariat is exploring an opportunity for cooperation with the United Nations

⁴ See the report of the first meeting of the Working Group of the Parties to the Protocol on PRTRs (ECE/MP.PRTR/WG.1/2011/2) available from http://www.unece.org/unecedev.colorado.iway.ch/fileadmin/DAM/env/pp/prtr/docs/2011/ece_mp.prtr_wg.1_2011_2_eng.pdf.

⁵ See <http://aarhusclearinghouse.unece.org/resources/?c=1000094> and <http://www.unece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpftfwg/envppatoj/jurisprudenceplatform.html>, respectively.

⁶ Pursuant to decision IV/6 of the Meeting of the Parties (annex I, activity IV), the secretariat explored the possibility of organizing a meeting of the Task Force on Access to Information back to back with the Eye on Earth Summit (Abu Dhabi, 12–15 December 2011). The secretariat had to reconsider its plans due to a failure of timely confirmation from organizers on practical arrangements and facilities required for the meeting.

Environment Programme and the OECD Task Force on Exposure Assessment, which have both accumulated valuable experience on the subject, on the above event.

B. Public participation in decision-making

9. The secretariat engaged a consultant in early 2012 to develop draft recommendations on improving implementation of the provisions of the Aarhus Convention on public participation in decision-making. The first draft of the recommendations was circulated to national focal points and stakeholders for their comments at the end of May 2012. A call for case studies on public participation in environmental decision-making was launched in March 2012 and received a very good response. An online compendium of the case studies is being prepared. The Task Force on Public Participation in Decision-making held its second meeting — a joint event with the Water and Health Protocol to the ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes — from 6 to 8 June 2012 in Geneva, Switzerland⁷. The meeting focused, inter alia, on challenges arising under article 6 of the Convention. In particular, the meeting examined public participation in environmental decision-making with a special focus on decision-making on water and health-related matters. It also discussed public participation in product-related decision-making, and the possible future development of article 6 of the Convention. Participants also had an opportunity to provide oral comments on the first draft of the recommendations on public participation regarding environmental matters currently being prepared under the Aarhus Convention. On 29 and 30 October 2012, the Task Force will hold its third meeting, which will have a special focus on public participation in strategic decision-making. The third meeting will be organized as a joint event with the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). Participants at that meeting will discuss, inter alia, the second draft of the recommendations on improving implementation of the provisions of the Aarhus Convention on public participation in decision-making, as well as the possible future development of article 7 of the Convention.

C. Access to justice

10. For the access to justice pillar, three analytical studies were finalized in the course of 2011: (a) on access to justice in countries in Eastern Europe, the Caucasus and Central Asia, with focus on remedies and costs; (b) on remedies, including injunctive relief and timing; and (c) practical examples of the “loser pays principle”, legal aid and the criteria for injunctions. The second and third study focused on Western and Central Europe and built on the extensive discussion and study of the issues on costs and remedies in Western and Central Europe conducted in 2010 under the Task Force.

11. The Task Force on Access to Justice held its fifth meeting on 13 and 14 June 2012 in Geneva⁸. The meeting benefited from the expertise of representatives of the ministries of justice, judicial institutions and associations, as well as academia. It featured a mini-conference on the legal issue of standing for individuals and groups. The Task Force welcomed the studies carried out in the European Union on that issue. Additionally, the participants exchanged information and experience on the issue of costs and financial

⁷ See <http://www.unece.org/tfppdm2&pwh>.

⁸ See <http://www.unece.org/unece/dev.collo.iway.ch/environmental-policy/treaties/public-participation/meetings-and-events/public-participation/public-participation/2012/fifth-meeting-of-the-task-force-on-access-to-justice/docs.html>.

arrangements, including litigation costs, legal aid and support for public interest lawyers, and on the issue of remedies, including timeliness and injunctive relief. The participants were also informed about the main findings of the Aarhus Convention's Compliance Committee related to those issues. The Task Force encouraged Parties to engage in a dialogue at the national level with all relevant stakeholders to address issues of access to justice and report to it at the Task Force's next meeting. The Task Force agreed on a study on standing in the countries of Eastern Europe, the Caucasus and Central Asia. It also mandated the secretariat, in consultation with the Chair and in collaboration with other partner organizations working in the South-Eastern Europe subregion, to explore the possibility of launching a study on standing, remedies and costs in this subregion in 2013. It agreed to continue exchanging information through the jurisprudence database and other means.

12. A subregional event focusing on the Aarhus Convention was organized jointly with the Organization for Security and Cooperation in Europe (OSCE) in Almaty, Kazakhstan, on 22 and 23 May 2012. The event comprised two parallel workshops with several joint sessions:

(a) The first workshop brought together senior judges and representatives from judicial training institutions, as well as environmental law experts, to discuss the legal aspects of access to justice and the role of the judiciary in implementing and enforcing the Convention;

(b) The second workshop provided a platform for dialogue between representatives from Aarhus Centres and governmental, non-governmental and international organizations to discuss challenges in the practical implementation of the three pillars of the Aarhus Convention and to exchange good practices. Information about the event is available on the Convention website.⁹

D. Genetically modified organisms

13. At the fourth session of the Meeting of the Parties, the secretariats of the Aarhus Convention and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity convened a joint side event on enhancing synergies between the Biosafety Protocol and the Aarhus Convention at the national level. The secretariat continues its bilateral collaboration with the Biosafety Protocol's secretariat, e.g., providing advisory support as requested with respect to the Protocol's 2011–2015 programme of work on public awareness, education and participation. For example, the secretariat collaborated with the Biosafety Protocol secretariat in the organization of its Online Forum on Public Awareness, Education and Participation Concerning the Safe Transfer, Handling and Use of Living Modified Organisms, held from 4 to 18 June 2012¹⁰. A joint event by the Aarhus Convention and the Cartagena Protocol on Biosafety dedicated to genetically modified organisms (GMOs) is planned for autumn 2013. The secretariat also promoted the GMO amendment at the subregional Central Asian meeting (Almaty, Kazakhstan, 22–23 May 2012) and brought the issue to the attention at the seventh Aarhus Convention Capacity-building Coordination Meeting (Geneva, 15 June 2012)¹¹.

⁹ See <http://www.unece.org/unecedevelo.iway.ch/centralasianmeeting2012.html>.

¹⁰ See http://bch.cbd.int/onlineconferences/portal_art23/pa_forum2012.shtml.

¹¹ See <http://www.unece.org/unecedevelo.iway.ch/environmental-policy/treaties/public-participation/meetings-and-events/public-participation/public-participation/2012/seventh-meeting-of-capacity-building-coordination/docs.html>

II. Procedures and mechanisms

A. Compliance mechanism

14. The Compliance Committee held four meetings since the fourth Meeting of the Parties,¹² two in the second half of 2011 and two in 2012, and another two meetings are scheduled for 2012. At its meetings, the Committee reviewed communications from the public concerning alleged non-compliance by a Party.¹³ Since the last session of the Meeting of the Parties, 10 new communications have been received, relating to different provisions of the Convention, but most of them raise issues concerning access to justice. All of these communications were considered by the Committee with respect to their admissibility. Those that were determined to be admissible are at various stages of consideration. No submissions were made to the Committee by Parties and the secretariat did not make any referrals during this period. In addition, the Committee has followed up on the implementation of decisions IV/9a-i concerning compliance by Armenia, Belarus, Kazakhstan, the Republic of Moldova, Slovakia, Spain, Turkmenistan, Ukraine and the United Kingdom of Great Britain and Northern Ireland. During the past two meetings, the Committee has been considering progress reports from Parties (Armenia, Belarus, Kazakhstan, Republic of Moldova, and Slovakia) and has requested additional information from the Parties and the communicants. At its June meeting, the Committee will focus on compliance by Ukraine and Kazakhstan, while it is expecting the report from the United Kingdom, which was initially due in February 2012.

B. Capacity-building activities

15. In addition to capacity-building activities mentioned under other areas of work, the secretariat provided advice on the Convention and its Protocol on PRTRs to several international, regional and national organizations, including non-governmental organizations (NGOs). The secretariat, in cooperation with OSCE and Zoï Environment Network (a Swiss-based NGO), is pursuing a project for Belarus that includes the building of capacities for the implementation of the Aarhus Convention (organizing a model for public hearings, a three-day capacity-building workshop and a study tour) and the Protocol on PRTRs (e.g., establishing a pilot PRTR). Implementation of the project is scheduled for late 2012–2014. The project was approved under the auspices of the Environment and Security Initiative (ENVSEC) and supported by the Government of Sweden. The secretariat also organized and serviced the “Get your right to a healthy community” subregional workshop on PRTRs for countries in Eastern Europe, the Caucasus and Central Asia on 3 and 4 November 2011, in Minsk, Belarus¹⁴. The workshop aimed to promote the ratification and future implementation of the Protocol in those countries.

16. Furthermore, to build synergies and enhance coordination with partners, the secretariat serviced the seventh Aarhus Convention Capacity-Building Coordination

¹² The report of the Compliance Committee to the fourth session of the Meeting of the Parties (ECE/MP.PP/2011/11) covered the activities of the Committee from its twentieth (8–10 June 2008) to thirty-first (22–25 February 2011) meetings. The Committee also reported orally to the Meeting of the Parties about the outcomes of its thirty-second (11–14 April 2011) and thirty-third (27–29 June 2011) meetings.

¹³ For details, see the reports of the Compliance Committee available at: <http://www.unece.org/env/pp/ccMeetings.html>.

¹⁴ See <http://www.unece.org.unecedevelo.iway.ch/environmental-policy/treaties/public-participation/protocol-on-prtrs/areas-of-work/envppprtrcb/events.html>

Meeting (15 June 2012) and the sixth meeting of the PRTR Coordinating Group (Paris, 6 October 2011),¹⁵ and continuously maintained close cooperation with the OECD, UNEP, UNITAR, GRID-Arendal and the Global Environment Facility (GEF) on PRTR-related issues. The meetings reviewed the work undertaken by the secretariat and partner organizations to raise awareness and promote the Convention and its Protocol on PRTRs, and considered coordination and possible strategic directions for future capacity-building.¹⁶

C. Reporting mechanism

17. Following the failure of Luxembourg, Malta and the former Yugoslav Republic of Macedonia to submit their national implementation reports within the deadlines set by the Meeting of the Parties, the Chair of the Bureau, with the assistance of the secretariat, submitted a written request to the countries' ministers. As of June 2012, Luxembourg and Malta have submitted their national implementation reports. No official response has been submitted by the former Yugoslav Republic of Macedonia; however, the secretariat received a message from the country's focal point for the Protocol on PRTRs indicating that national officials were working on a report. A new reporting format and reporting requirements were brought to the attention of participants at the subregional Central Asian meeting (Almaty, Kazakhstan, 22–23 May 2012).

III. Promotional activities

A. Awareness-raising and promotion of the Convention and the Protocol on Pollutant Release and Transfer Registers

18. The secretariat has participated in conferences, seminars, workshops and other events in various countries to promote and raise awareness of the Convention and its Protocol at the international level, and has arranged for other representatives of the Convention and Protocol bodies to participate. During the fourth session of the Meeting of the Parties three side events were organized: on the implementation of PRTRs to promote sustainable development, organized by the Aarhus Convention secretariat in cooperation with the Ministry of Environment of the Republic of Moldova and the United Nations Development Programme (UNDP); on enhancing synergies between the Cartagena Protocol on Biosafety and the Aarhus Convention at the national level, organized by the secretariats of the Aarhus Convention and the Convention on Biological Diversity; and on the role of the Aarhus Centres in the run-up to the United Nations Conference on Sustainable Development (Rio+20) (Rio de Janeiro, 20–22 June 2012), organized by ECE and OSCE. Other meetings and events at which promotional and awareness-raising activities were carried out include: the Aarhus Convention and Nuclear Initiative Steering Committee meeting (Paris, 11 July 2011); the side event on the Protocol on PRTRs as an efficient tool for sustainable water management, organized during the Seventh "Environment for Europe" Ministerial Conference (Astana, 21–23 September 2011); meetings of the PRTR Task Force and the Task Force on Exposure Assessment under OECD (Paris, 3–6 October 2011); the fourth meeting of the Working Group of the Parties to the Protocol on Water and Health (Geneva, 1–2 November 2011); the South-Eastern European subregional inter-agency

¹⁵ See <http://www.unece.org/env/pp/prtr/intlclgimages/about.html>.

¹⁶ More information about activities carried out by partner organizations can be found in the report on capacity-building activities (ECE/MP.PP/2011/8) available from <http://www.unece.org/env/pp/mop4/mop4.doc.html>.

coordination meeting (Sarajevo, 5–6 December 2011); a side event during the International Conference “Europe-Asia transboundary water cooperation” (Geneva, 15–16 December 2011); a round table of the Aarhus Convention and Nuclear Initiative (Paris, 15–16 February 2012); the OSCE Economic and Environment Committee Meeting (Vienna, 14 March 2012); the European Economic and Social Committee (EESC) hearing on the Lisbon Treaty (Brussels, 17 April 2012) and the meeting of the EESC Section for Transport, Energy, Infrastructure and the Information Society (Brussels, 25 June 2012); the Colloquium “Effectiveness of the Compliance mechanism under the Aarhus Convention and addressing issues to Rio+20 and other MEAs” (Vienna, 14–15 May 2012), organized under the auspices of the European ECO Forum.

19. The secretariat submitted the Chisinau Declaration, adopted by the Convention’s Meeting of the Parties at its fourth session, to the Regional Preparatory Meeting (1–2 December 2011) for Rio+20. The secretariat also assisted the Chairs and Vice-Chairs of the Bureaux of the Aarhus Convention and its Protocol in providing input to a joint message on the suggested amendments to the zero draft outcome document, “The Future We Want”, which was prepared as a result of consultations among representatives of governing bodies of the ECE multilateral environmental agreements (MEAs) and of the ECE Committee on Environmental Policy (Geneva, 22 November 2011 and 16 April 2012). The message aimed to promote the Convention and the Protocol at the Rio+20 Conference. It was distributed to national focal points and stakeholders in the region.

20. During the Conference in Rio de Janeiro, the secretariat, in cooperation with numerous partners, organized, coordinated and provided input to the following side events at which the Convention and the Protocol were promoted:

(a) A full day side event on Principle 10, “Choosing Our Future: Open and Participatory Sustainable Development Governance”, on 19 June 2012, in particular, the following two sessions:

(i) The first session, organized in collaboration with Corporación Participa “Principle 10 Regional Conventions”, focused on next steps and the content for a possible regional convention on access rights in Latin America and the Caribbean, including lessons learned from the implementation of the Aarhus Convention and its Protocol on PRTRs in the ECE region;

(ii) The second session, entitled “Public Participation in International Environmental Governance”, focusing on lessons from applying the Almaty Guidelines on promoting the principles of the Aarhus Convention in international forums, the Aarhus Convention compliance mechanism and access mechanisms (including citizen-initiated complaint mechanisms) in other sustainable development-related forums and institutions;

(b) A joint side event of the United Nations regional commissions, “Green Growth and Sustainable Development: Regional Perspectives”, on 21 June 2012. The ECE contribution to this event will shed light on Principle 10 and its implementation through ECE legal and policy instruments, most notably the Aarhus Convention and its Protocol on PRTRs, the Protocol on Strategic Environmental Assessment to the Espoo Convention and the UNECE¹⁷ Strategy for Education for Sustainable Development;

(c) An EESC side event, “Civil society Taking Global Responsibility”, on 21 June 2012;

¹⁷ ECE is the official acronym for the United Nations Economic Commission for Europe, whereas UNECE is used informally to avoid confusion with other regional bodies. The official name of the Strategy incorporates this informal acronym.

(d) A European Environment Agency (EEA) side event, “Sharing environment information in action”, on 19 June 2012;

(e) A UNEP side event, “Access for All”, on 21 June 2012.

21. The secretariat also promoted the Convention and the Protocol through various reports and articles prepared under the auspices of ECE and partner organizations (e.g., an ECE publication on *Strengthening Water Management and Transboundary Water Cooperation in Central Asia: the Role of UNECE Environmental Conventions* (December 2011)¹⁸ the ECE 2011 annual report; OSCE publications; and a fact sheet on participation of civil society and business in greening the economy prepared for the Astana Ministerial Conference.

22. In addition, the secretariat engaged in an enhanced outreach exercise, distributing materials about the Convention and the Protocol on PRTRs to national focal points, Aarhus Centres, NGOs and academic institutions in the ECE region. The secretariat distributed to national focal points and stakeholders a joint message from ECE, OECD and UNITAR on electronic tools for PRTRs. The message described the tools managed by the secretariat and the PRTR Learn tool managed by UNITAR, the OECD Centre for PRTR Data¹⁹ and the OECD Resource Centre for Release Estimation Techniques,²⁰ as well as the E-PRTR software made available by EEA for free download.²¹ Furthermore, the secretariat submitted a technical article, “Pollutant Release and Transfer Registers: A cross-cutting instrument to address climate change and eco-toxic releases”, to the second International Conference on Environmental Pollution and Remediation, to be held from 28 to 30 August 2012 in Montreal, Canada. It provided a contribution to a new edition of the ECE/Food and Agriculture Organization of the United Nations (FAO) sourcebook, *International Forest Sector Institutions and Policy Instruments for Europe* (forthcoming) on how the Convention and the Protocol on PRTRs encompass forest-related issues. It also contributed information on PRTR and Aarhus electronic tools to the ECE report to the World Summit on the Information Society Forum (Geneva, 14–18 May 2012). Two leaflets on the Convention and its Protocol on PRTRs were also produced in English, French and Spanish in order to be distributed at Rio+20, and copies were made available on the ECE publications webpage.²²

23. The Aarhus Convention: An Implementation Guide (ECE/CEP/72) has been revised by experts with the assistance of the secretariat. It is to be distributed for a final round of comments to the national focal points and stakeholders and then finalised for editing and publishing.

24. Translation of the *Guidance on the Implementation of the Protocol on Pollutant Release and Transfer Registers* (ECE/MP.PP/7) into Spanish was completed in May 2012.²³ *Your Right to a Healthy Community – A simplified guide to the Protocol on Pollutant Release and Transfer Registers* (ECE/MP.PP/8) was published in Russian in 2011 and in French in February 2012.²⁴

25. With regard to the promotion of the Convention among non-ECE countries, the secretariat organized an advisory mission to Mongolia on 25 and 26 April 2012. The

¹⁸ ECE/MP.WAT/35, available from <http://www.unece.org/index.php?id=28204>.

¹⁹ www.oecd.org/env/prtr/data/.

²⁰ Available from www.oecd.org/env/prtr/rc.

²¹ Available from <https://svn.eionet.europa.eu/repositories/EPTRTR/trunk/>.

²² <http://www.unece.org/environmental-policy/treaties/public-participation/publications.html>.

²³ Available from <http://www.unece.org/env/pp/prtr.guidancedev.html>.

²⁴ Available from <http://www.unece.org/index.php?id=25411>.

mission was led by the Chair of the Meeting of the Parties and involved representatives from several Parties to the Convention, including Italy, Kazakhstan, Norway and Poland, who shared their experience in numerous areas, including legislative steps, the institutional framework and financial implications deriving from the implementation of the Convention. The secretariat was represented by the Director of the ECE Environment Division and the secretary to the Convention and its Protocol on PRTRs.

26. At the proposal of the World Bank Inspection Panel and the European Investment Bank, the Aarhus Convention compliance mechanism will be included in the informal network of accountability mechanisms of the international financial institutions.

B. Promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes

27. The secretariat continued supporting efforts to promote the principles of the Convention in various international forums, working with other United Nations bodies, in particular, UNEP, UNITAR and UNDP; other environmental treaty bodies, such as the Convention on Biological Diversity; and other international organizations, inter alia, OSCE, OECD, the World Bank and the European Bank for Reconstruction and Development. Public participation in international forums was also brought to the attention of the partner organizations at the seventh Capacity-building Coordination meeting. That discussion addressed support to Parties in implementing the Almaty Guidelines, through assisting them in organizing input from the public to national contributions to international forums, and the need to apply the Guidelines in their own activities.

28. In an advisory capacity, the secretariat joined in the two following initiatives: (a) the Advisory Group on International Environmental Governance for the project on the promotion of the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines), led by UNEP; and (b) the “Access for All” initiative, led by the World Resource Institute, aimed at providing a platform for global promotion of Principle 10; the initiative was launched at the Eye on Earth Summit in December 2011. In addition, the secretariat provides on-going advice to various professional, academic or non-governmental institutions and associations upon request.

29. In the context of Rio+20, the secretariat organized a special session on public participation in international environmental governance, as part of the larger side event “Choosing Our Future: Open and Participatory Sustainable Development Governance” convened by the World Resources Institute on 19 June 2012 (see sect. A above). The Chair of the Convention’s former Task Force on Public Participation in International Forums chaired the side event and the Chair of the Aarhus Convention Compliance Committee also spoke. The purpose of the event was, inter alia, to promote the Almaty Guidelines as well as the Aarhus Convention’s Compliance Committee as useful models that could be applied in other international processes. A thematic session on the promotion of the Almaty Guidelines is scheduled to take place at the fifteenth meeting of the Working Group of the Parties to the Convention (Geneva, 3–5 September 2012).

C. Coordination and oversight of intersessional activities

30. The Bureau held its twenty-eighth meeting on 28 February 2012 in Geneva, inter alia, to prepare documents for the fifteenth meeting of the Working Group. The Bureau also held electronic consultations on different subject matters.

D. Fourth ordinary session of the Meeting of the Parties

31. The secretariat organized and serviced the fourth session of the Meeting of the Parties, which resulted in a number of decisions and outcomes.²⁵ The session was hosted by the Government of the Republic of Moldova and its organization was supported by several partner organizations, including OSCE and UNDP.

²⁵ For more information on the fourth session please visit <http://www.unece.org/env/pp/mop4.html>. The related report and decisions of the Meeting of the Parties are available from <http://www.unece.org/env/pp/mop4/mop4.doc.html>.

Annex

Overview of contributions and expenditures

I. General Considerations^a

1. In 2011 the secretariat observed caution in its allocation of resources, mainly owing to the fact that many contributions were made towards the end of the year, thus creating uncertainty as to the availability of sufficient funds. The secretariat made various efforts to encourage in-kind contributions and thereby reduce the impact on the trust fund. The same policy applies for 2012 since, as of 1 June 2012, a limited number of countries have submitted or pledged contributions for 2012. The secretariat will continue pursuing synergies with other ECE MEAs, with United Nations agencies and other partners in order to maintain a satisfactory number of activities and share implementation costs.

2. During 2011, the secretariat experienced an unprecedented mobility of its staff:

(a) A P-2 fixed-term staff member (paid from the United Nations regular budget), mainly responsible for supporting the work of the Bureau, the Working Group of the Parties, administrative and financial matters, left the secretariat on 8 July 2011 for one year of unpaid leave; the staff member was replaced by another P-2 staff member on 17 July 2011;

(b) A P-3 short-term staff member (paid from the donor contributions), mainly responsible for MOP-4 preparations, access to justice (AJ), support to the Compliance Committee (CC), capacity-building coordination and general support to the secretariat, left the secretariat due to a mandatory service break on 18 August 2011; the staff member was replaced for three months by a P-2 staff member;

(c) A P-3 fixed-term staff (paid from the donor contributions), mainly responsible for servicing CC, AJ and providing legal advice, was on maternity leave from 30 September 2011 to 19 January 2012;

(d) A P-3 short-term staff member (paid from the donor contributions), mainly responsible for the Protocol on PRTRs and electronic information tools (EIT), including the Aarhus Clearinghouse and PRTR.net, left the secretariat due to a mandatory service break on 15 July 2011; the staff was replaced by another P-3 staff member on 17 July 2011;

(e) A P-3 short-term staff member (paid from the donor contributions), mainly responsible for the work related to promoting the Convention's GMO amendment, public participation in international forums (PPIF), updating the Convention's Implementation Guide and providing legal advice and support to CC, left the secretariat due to a mandatory service break on 1 January 2011; the staff was replaced by a P-2 staff member for three months.

3. The above situation put an extraordinary amount of pressure on the secretariat and required serious efforts for training of new staff while ensuring the smooth implementation of all activities.

^a The contributions and expenditures incurred within the period 2009–2010 for the Aarhus Convention and the Protocol on PRTRs, as well as in-kind contributions, are included in the report on the implementation of the work programme for 2009–2011, including in relation to the Strategic Plan 2009–2014 (ECE/MP.PP/2011/9), available from http://www.unece.org/fileadmin/DAM/env/pp/mop4/Documents/ece_mp.pp_2011_9_eng.pdf.

4. The secretariat is in the process of creating three new fixed-term posts in order to discontinue the respective short-term positions. For the sustainability of work it would thus be crucial to ensure staff funding on a long-term basis. This applies to staff funded from the Aarhus Convention trust fund, which means the extension of those contracts depends on the level of contributions received. Since the current financial scheme is based on voluntary contributions and without guidance on their amount, the level of contributions fluctuates, which makes funding of extrabudgetary posts unpredictable and far from secure. The secretariat therefore would be obliged to give priority to securing funds, which need to be reserved at least for one year before issuing a staff contract.

5. The secretariat was able to allocate sufficient funds for staff and for activities in the first part of 2012 only due to savings accumulated as of 31 December 2011.

II. Contributions

A. Contributions received between 1 January–31 December 2011

<i>Donor country</i>	<i>Original currency</i>	<i>Original amount</i>	<i>Total for 2011 in USD (unless specified in remarks)</i>	<i>Remarks</i>
Albania	USD	429.00	429.00	Unspecified ^a
Armenia	USD	250.00	250.00	Unspecified
Austria	EUR	10 000.00	14 306.15	Aarhus Convention
Austria	EUR	3 677.55	5 044.65	Protocol on PRTRs
Belarus	USD	300.00	300.00	Unspecified
Belgium (federal)	EUR	22 000.00	30 013.64	Unspecified
Belgium (Brussels Region)	EUR	945.00	1 289.22	Unspecified
Belgium (Flemish Region)	USD	8 499.00	8 499.00	Unspecified
Belgium (Walloon Region)	EUR	3 465.00	4 942.94	Unspecified
Belgium (Walloon Region)	EUR	5 200.00	6 933.33	Protocol on PRTRs
Bulgaria	USD	8 712.00	8 712.00	Received for 2012, earmarked for Protocol on PRTRs
Croatia	USD	6 000.00	6 000.00	Unspecified
Czech Republic	USD	15 000.00	15 000.00	Received for 2012, earmarked for Aarhus Convention
Denmark	USD	67 170.00	67 170.00	Aarhus Convention for years 2010–2012
Denmark	USD	33 570.00	33 570.00	Protocol on PRTRs-for years 2010-2012
Estonia	USD	500.00	500.00	Protocol on PRTRs
Estonia	EUR	980.20	1 306.93	Aarhus Convention
Finland	EUR	5 000.00	7 153.08	Earmarked for MOP-4
Finland	EUR	10 000.00	14 084.51	Unspecified

<i>Donor country</i>	<i>Original currency</i>	<i>Original amount</i>	<i>Total for 2011 in USD (unless specified in remarks)</i>	<i>Remarks</i>
France	EUR	92 000.00	131 054.13	Aarhus Convention (of which EUR 17,000 earmarked for work on PPIF)
France	USD	39 267.00	39 267.00	Protocol on PRTRs
Georgia	USD	250.00	250.00	Unspecified
Germany	USD	60 000.00	60 000.00	Aarhus Convention
Ireland	EUR	5 000.00	6 811.99	Unspecified
Ireland	EUR	5 000.00	6 666.67	Received for 2012, earmarked for Aarhus Convention
Italy	EUR	100 000.00	137 362.64	Of which EUR 10,000 for Protocol on PRTRs
Latvia	EUR	2 000.00	2 735.00	Aarhus Convention for 2012
Latvia	EUR	1 000.00	1 333.33	Protocol on PRTRs
Netherlands	EUR	40 000.00	59 259.26	50% for Aarhus Convention and 50% for Protocol on PRTRs
Norway	USD	39 970.00	39 970.00	50% for Aarhus Convention and 50% for Protocol on PRTRs
Norway	NOK	300 000.00	53 100.16	Earmarked for travel support for countries of Eastern Europe, the Caucasus and Central Asia
Norway	NOK	350 000.00	59 704.35	Aarhus Convention (NOK 200,000) and Protocol on PRTRs (NOK 150,000)
Norway	USD	62 222.10	62 222.10	Received for 2012, earmarked for Aarhus Convention and Protocol on PRTRs
Poland	EUR	10 000.00	14 814.81	Unspecified
Republic of Moldova	USD	500.00	500.00	Unspecified
Serbia	USD	500.00	500.00	Unspecified
Serbia	USD	500.00	500.00	Unspecified for 2010
Slovakia	USD	956.00	956.00	Aarhus Convention
Slovenia	EUR	3 500.00	4 992.87	Aarhus Convention
Slovenia	EUR	3 500.00	4 992.87	Aarhus Convention for 2010
Slovenia	EUR	500.00	713.27	Protocol on PRTRs
Slovenia	EUR	500.00	713.27	Protocol on PRTRs for 2010
Sweden	USD	19 975.00	19 975.00	Unspecified
Sweden	USD	4 980.00	4 980.00	Protocol on PRTRs
Switzerland	CHF	50 000.00	60 024.01	Protocol on PRTRs
Tajikistan	USD	200.00	200.00	unspecified
Ukraine	EUR	3 000.00	4 000.00	Aarhus Convention
United Kingdom	GBP	30 000.00	49 342.11	Aarhus Convention and Protocol on PRTRs
United Kingdom	GBP	30 000.00	47 543.58	Aarhus Convention 2010
European Union	EUR	100 000.00	141 442.72	Aarhus Convention

<i>Donor country</i>	<i>Original currency</i>	<i>Original amount</i>	<i>Total for 2011 in USD (unless specified in remarks)</i>	<i>Remarks</i>
European Union	USD	12 992.88	12 992.88	Protocol on PRTRs
Total			1 254 424.47	of which, 263.722.20 explicitly for Protocol on PRTRs

^a The contributing country did not specify whether this contribution should be used for the activities under the Aarhus Convention or the Protocol on PRTRs.

B. Contributions received between 1 January 2012–11 June 2012

<i>Donor country</i>	<i>Original currency</i>	<i>Original amount</i>	<i>Total for 2012 in USD</i>	<i>Remarks</i>
Albania	USD	1 000.00	1 000.00	Aarhus Convention and Protocol on PRTRs 2011
Austria	EUR	10 000.00	12 919.90	Aarhus Convention 2012
Austria	EUR	3 949.45	5 102.65	Protocol on PRTRs 2012
Croatia	USD	6 000.00	6 000.00	50% for Aarhus Convention and 50% Protocol on PRTRs 2012
Czech Republic	USD	10 000.00	10 000.00	Protocol on PRTRs 2012
Finland	EUR	5 000.00	6 622.52	Aarhus Convention 2012
France	EUR	65 000.00	87 131.37	EUR 60,000 to support Aarhus Convention activities in 2012 and EUR 5,000 for work on public participation in international forums
Georgia	USD	250.00	250.00	Aarhus Convention 2012
Germany	USD	60 000.00	60 000.00	Aarhus Convention 2012
Italy	EUR	100 000.00	134 048.26	90% for Aarhus Convention and 10% for Protocol on PRTRs 2012
Netherlands	EUR	40 000.00	49 689.44	Aarhus Convention and Protocol on PRTRs 2012
Netherlands	EUR	3 000.00	3 663.00	Aarhus Convention 2008
Sweden	USD	3 975.00	3 975.00	To promote the Aarhus Convention at Rio+20 Conference
Sweden	USD	25 000.00	25 000.00	20 000 for Aarhus Convention and 5 000 for Protocol on PRTRs
Total			405 402.14	of which 36 507.47 explicitly for Protocol on PRTRs

Note: No financial contributions, no in-kind contributions and/or no pledges have been received from the following Parties to the Aarhus Convention in 2011: Azerbaijan, Bosnia and Herzegovina, Cyprus, Greece, Iceland, Kyrgyzstan, Lithuania, Luxembourg, Malta, Montenegro, Portugal, Romania and the former Yugoslav Republic of Macedonia. No financial contributions, no in-kind contributions and/or no pledges have been received from the following Parties to the Protocol on PRTRs in 2011: Lithuania, Luxembourg, Portugal, Romania and the former Yugoslav Republic of Macedonia.

C. In-kind contributions

6. In addition to the in-kind contributions reported at the fourth session of the Meeting of the Parties to the Aarhus Convention (ECE/MP.PP/2011/9), the following in-kind contributions were also made for:

(a) The organization of the fourth session of the Convention's Meeting of the Parties, provided by the Government of the Republic of Moldova, by UNDP and by OSCE;

(b) The participation of NGOs in the fourth session of the Meeting of the Parties, for whom the Government of Italy provided EUR 7,000;

(c) A side event on the Protocol on PRTRs during the Astana Ministerial Conference, provided by the Government of Kazakhstan and by OSCE;

(d) The organization of the subregional workshop on the Protocol on PRTRs for countries in Eastern Europe, the Caucasus and Central Asia, provided by the Government of Belarus;

(e) The translation into French of the synthesis report on the status of implementation for the fourth session of the Meeting of the Parties, provided by Government of Belgium;

(f) The translation into Russian of the simplified PRTR guide, provided by the Government of Belarus;

(g) The translation into Spanish and publishing of the Guidance for the Protocol on PRTRs, provided by the Central American Commission on Environment and Development and financed by the Government of Spain;

(h) The hosting of the Aarhus Clearinghouse for Environmental Democracy and the PRTR.net portals in 2012, provided by GRID-Arendal;

(i) Support for the travel of the secretariat to the second South-Eastern Europe Regional Coordination meeting (Sarajevo, 5–6 December 2011), provided by OSCE;

(j) Support for the organization of a subregional meeting for Central Asian countries in Almaty, Kazakhstan on 22–23 May 2012, provided by OSCE;

(k) Support from the Governments of Sweden and Ireland for the travel of the Chair of the Task Force on Access to Justice and the Chair of the Task Force on Public Participation in Decision-making, respectively;

(l) Support from the Governments of the Netherlands, Norway, Italy, Poland and Mongolia and by UNDP Mongolia to the ECE mission to promote the Aarhus Convention in Mongolia (25–26 April 2012);

(m) Support for the travel of the secretariat to the EESC hearing on the Lisbon Treaty (Brussels, 17 April 2012), provided by EESC;

(n) Support for the travel of the secretariat to the meeting of the EESC Section on Transport, Energy, Infrastructure and the Information Society (Brussels, 25 June 2012), provided by EESC;

(o) Support provided by the European ECO Forum for the travel of secretariat staff to the Colloquium "Effectiveness of the Compliance mechanism under the Aarhus Convention and addressing issues to Rio +20 and other MEAs" (Vienna, 14–15 May 2012);

(p) Promotion of the Protocol on PRTRs in countries of Latin America and the Caribbean, by the Government of Spain.

III. Estimated expenditures and balance^b

A. Expenditures in 2011 (in United States dollars)

<i>Description</i>	<i>Expenditures Aarhus Convention</i>	<i>Expenditures Protocol on PRTRs</i>	<i>Total</i>	<i>Remarks</i>
P-3: MOP-4 preparations, AJ, CC, capacity-building	103 827.88	–	103 827.88	Staff costs for January-August 2011 and December 2011
P-2: capacity-building, promotion, CC, general support to the secretariat	9 858.25	–	9 858.25	Staff costs for September-November 2011
P-3: Legal advice, CC, AJ	158 627.47	–	158 627.47	Staff costs for January-December 2011
P-3: EIT, Clearinghouse, PRTR.net; Protocol on PRTRs (60%)	61 399.63	92 099.44	153 499.07	Staff costs for January-December 2011
P-3: GMO, PPIF, Implementation Guide, CC, Legal advice	114 674.96	–	114 674.96	Staff costs for April-December 2011
P-2: GMO, PPIF, Implementation Guide	26 106.97	–	26 106.97	Staff costs for January-March 2011
Administrative support personnel	20 708.86	–	20 708.86	Staff costs for February-March 2011
Travel of staff on official business	9 487.44	6 378.18	15 865.62	
Travel of experts	244 332.30	37 156.58	281 488.88	e.g., Convention Meeting of the Parties, Convention Working Group of the Parties, Convention CC, Convention Bureau, Convention task forces, Protocol Working Group of the Parties, Protocol CC, Protocol Bureau
Consultancies	80 940.33	–	80 940.33	e.g., International Institute for Sustainable Development (IISD) Services for MOP-4, Analytical studies on AJ, translations for CC, synthesis report for MOP-4, Implementation Guide
Grants	–	26 655	26 655	Subregional Workshop on the Protocol on PRTRs for countries in Eastern Europe, the Caucasus and Central Asia
In-service training	600.93	–	600.93	

^b The estimated costs shown here are limited to those intended to be covered by voluntary contributions made under the Convention's and Protocol's schemes of financial arrangements through the trust fund. They do not include costs that are expected to be covered by the United Nations regular budget. In addition to the staff included in the following table, the salary and other entitlements of one staff member in the General Service category is covered by the 13 per cent programme support costs levied from the trust funds of the ECE Environment Division. Figures are rounded up. They may change in accordance with United Nations administrative regulations.

<i>Description</i>	<i>Expenditures Aarhus Convention</i>	<i>Expenditures Protocol on PRTRs</i>	<i>Total</i>	<i>Remarks</i>
Subtotal	830 565.02	162 289.20	992 854.22	
13% programme support costs	107 973.45	21 097.60	129 071.0	
Total	938 538.47	183 386.80	1 121 925.27	

B. Balance on 31 December 2011

<i>Description</i>	<i>Amount (in USD)</i>
[1] Available funds as of 1 January 2011	1 441 323.04
[2] Total Contributions received between 1 January–31 December 2011	1 254 424.47
[3] Total Expenditures in 2011	1 121 925.27
Total available funds as of 31 December 2011 [1]+[2]-[3]	1 573 822.24

C. Expenditures for 2012 (in United States dollars)^c

<i>Description</i>	<i>Expenditures Aarhus Convention</i>	<i>Expenditures Protocol on PRTRs</i>	<i>Total</i>	<i>Remarks</i>
P-3: AJ, access to information, CC, capacity-building	180 000	–	180 000	Staff costs for January–December 2012
P-3: Legal advice, CC, AJ	180 000	–	180 000	Staff costs for January–December 2012
P-3: EIT, Clearinghouse; PRTR.net, Protocol on PRTRs (60%)	72 000	108 000	180 000	Staff costs for January–December 2012
P-3: GMO, PPIF, Implementation Guide, CC, legal advice	180 000	–	180 000	Staff costs for January–December 2012

^c The estimated costs shown here are limited to those intended to be covered by voluntary contributions made under the Convention's and Protocol's schemes of financial arrangements through the trust fund. They do not include costs that are expected to be covered by the United Nations regular budget. In addition to the staff included in the following table, the salary and other entitlements of one staff member in the General Service category is covered by the 13 per cent programme support costs levied from the trust funds of the ECE Environment Division. Figures are rounded up. They may change in accordance with United Nations administrative regulations.

<i>Description</i>	<i>Expenditures Aarhus Convention</i>	<i>Expenditures Protocol on PRTRs</i>	<i>Total</i>	<i>Remarks</i>
Consultancies	60 000	5 000	65 000	e.g., Public participation, AJ, CC, Convention evaluations (financial and evaluation on the functioning of the Convention), Implementation Guide (design and translation into Russian), online PRTR reporting Tool
Travel of experts	250 000	65 000	315 000	e.g., Convention Working Group of the Parties, Convention CC, Convention Bureau, task forces, Protocol Working Group of the Parties, Protocol CC, Protocol Bureau
Travel of staff on official business	16 000	4 000	20 000	
Subtotal	938 000	182 000	1 120 000	
13% programme support	121 940	23 660	145 600	
Total	1 059 940	205 660	1 265 600	

D. Projected balance on 31 December 2012 (as of 1 June 2012)

<i>Description</i>	<i>Amount (in USD)</i>
[1] Available funds as of 31 December 2011	1 573 822.24
[2] Received contributions January-June 2012 (estimated)	405 402.14
[3] Funds to be committed by end 2012 (estimated)	1 265 600.00
Projected balance on 31 December 2012 [1]+[2]-[3]	713 624.38

IV. Pledges (as of 11 June 2012)

<i>Donor country</i>	<i>Original currency</i>	<i>Amount</i>	<i>Remarks</i>
Belarus	USD	300	Aarhus Convention 2012
Belgium (Federal)	EUR	22 000	Aarhus Convention 2012
Belgium (Walloon Region)	EUR	3 465	Aarhus Convention 2012
Belgium (Brussels Region)	EUR	945	Aarhus Convention 2012
Belgium (Flemish Region)	USD	8 499	Aarhus Convention 2012
Belgium (Walloon Region)	EUR	5 200	Protocol on PRTRs 2012

<i>Donor country</i>	<i>Original currency</i>	<i>Amount</i>	<i>Remarks</i>
Hungary	USD	5 000	Aarhus Convention 2011
Hungary	USD	5 000	Aarhus Convention 2012
Switzerland	CHF	70 000	Protocol on PRTRs 2012 (of which 50,000 to support capacity-building for countries with economies in transition)
Turkmenistan	USD	350	Aarhus Convention 2012
United Kingdom	GBP	30 000	Aarhus Convention 2012
European Union	EUR	100 000	Aarhus Convention 2012
