

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 9 (b) of the provisional agenda

**Preparations for the fifth ordinary session of the Meeting
of the Parties: evaluation of the current functioning and
implementation of the Convention**

Draft pProposal on preparation of an in-depth evaluation of the current functioning and implementation of the Convention

Approved, as amended at the meeting

Note by the Bureau

Summary

At its fourth session, the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters requested that an in-depth evaluation of the current functioning and implementation of the Convention, in particular its task forces, be prepared. The Bureau, with the assistance of the secretariat, was tasked with making a proposal for the terms of reference to be used for the evaluation, to be agreed by the Working Group of the Parties at its fifteenth meeting.¹

Pursuant to that decision, the present proposal has been prepared by the Bureau, with the assistance of the secretariat. The document outlines some key elements of the terms of reference for preparing an in-depth evaluation of the current functioning and implementation of the Convention, in particular its task forces. The Working Group ~~is invited to consider~~ed the document ~~with a view to providing its comments, as appropriate,~~ and approved ed it, as amended at the meeting~~ing it.~~

¹ ECE/MP.PP/2011/2/Add.1, decision IV/6 on the work programme for 2012–2014, Activity IX; available from the United Nations Economic Commission for Europe website at http://www.unece.org/fileadmin/DAM/env/pp/mop4/Documents/ece_mp.pp_2011_2_add.1_eng.pdf.

I. Purpose of the evaluation

1. An evaluation of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), providing a thorough assessment of the Convention's functioning and implementation since its entry into force (2001), is to be undertaken in order to prepare a new work programme for the period 2015–2017 and other relevant decisions.

II. Objectives of the evaluation

2. The evaluation aims to:

(a) Review and obtain insight into the efficiency of the multilateral tools and processes under the Convention (the activities referred to in the Convention's work programmes) and their impact on the Convention's implementation in countries, and the value-added of the task forces over the past decade, as well as to assess whether the task forces have fulfilled their mandates;

(b) Review the links/joint activities of the Convention with other multilateral environmental agreements (MEAs) of the United Nations Economic Commission for Europe (ECE) and other non-ECE bodies, with United Nations agencies and with other partner organizations;

(c) Identify the most effective means (modalities of multilateral tools and processes under the Convention) to support implementation of the Convention and the work required to achieve this;

(d) Provide a cost-benefit analysis of the activities under the Convention.

III. Methodology of the evaluation

3. The evaluation will be carried out by an independent consultant or a team of two consultants, which would allow for the possibility of balancing different areas of expertise. To ensure a truly independent review, in preparing the first draft the consultant(s) may include elements which do not derive from the comments on the draft evaluation received from Parties and stakeholders. The consultant(s) will be required to take into consideration, but not necessarily to incorporate, comments received from Parties or stakeholders. The consultant(s) will be required to incorporate comments of a factual or editorial nature.

4. The combination of the following approaches for data collection and analysis ~~could~~ will be considered:

(a) Desk review of relevant documents (national implementation reports, synthesis report, Compliance Committee documents, reports of the Convention's subsidiary bodies, reports of the workshops organized under the auspices of the Convention, relevant reports by non-governmental organizations and other organizations; and statements delivered at the sessions of the Meeting of the Parties and its subsidiary bodies);

(b) Survey (with a simple questionnaire) of national focal points and key stakeholders;

(c) Discussions with chairs of the current and former subsidiary bodies, the current and former Bureau members, national focal points, non-governmental organizations and other key stakeholders (such interviews will primarily be conducted by telephone, via

e-mail or in the context of meetings of Aarhus Convention bodies and will result in a written record available for reference).

5. The active engagement of chairs, Bureau members, national focal points and stakeholders is crucial for the successful preparation of the evaluation.

6. As the length of the evaluation may exceed the word limit established for such documents at the United Nations, and as the schedule for the document's preparation is very tight, arranging for translation outside United Nations Conference Services should be considered.²

IV. Content of the evaluation

7. Following the data collection and the interviews, the consultant(s) will prepare a report addressing:

(a) A quantitative analysis of the activities in terms of the number of meetings (including sessions of the Meeting of the Parties, task force meetings, meetings of the Working Group of the Parties and other events and conferences), the number of documents produced and country and stakeholder representation;

(b) A qualitative analysis of Convention activities (e.g., the impact of past and current activities on national implementation) and of the work of the task forces (e.g., whether violations of the Aarhus Convention's provisions have been remedied or prevented; whether the information gathered by the task forces has facilitated the work of enforcing authorities);

(c) To the extent that data are readily available, comparisons with equivalent activities under other MEA bodies and processes, within the context of cost-efficiency;

(d) An identification of barriers that may potentially compromise the smooth functioning and effective implementation of the Convention (e.g., organizational set-up of the Convention; logistic issues regarding meetings; thematic scope; communication issues; competing priorities; resources of Governments and the secretariat);

(e) An identification of potential for links/joint activities with other MEAs (both ECE and non-ECE), United Nations agencies and other partner organizations, within the context of substantive work.

8. On the basis of the above the consultant(s) will identify possible improvements in terms of, e.g., the thematic scope of the activities, the organizational set-up of the Convention (improving existing and/or developing additional mechanisms and modalities), the effectiveness of the work of the subsidiary bodies, the operational needs for the successful management of daily business and monitoring of the Convention's implementation (e.g., tools, staff and financial requirements).

² In accordance with United Nations regulations, a document prepared by the secretariat or a consultant and submitted for translation to the United Nations language services should not exceed 8,500 words. The document should be finalized for formatting, editing and translation at least 12 weeks prior to the date of the meeting. The secretariat will explore the possibility of translating the document through in-kind contributions by interested Parties.

V. Indicative timeline

9. Decision IV/6 specifies that a proposal for terms of reference, to be used for the evaluation, has to be agreed by the Working Group of the Parties at its fifteenth meeting. The evaluation should be conducted in accordance with the agreed terms of reference and its results reported to the Working Group at its sixteenth meeting. The results and recommendations of the evaluation should be considered in the process of preparation of draft decisions, including the Strategic Plan 2015–2020 (see ECE/MP.PP/WG.1/2012/6), to be adopted at the fifth session of the Meeting of the Parties.

10. The indicative timeline below was prepared taking into consideration the above requirements. The Working Group ~~may also wish~~decided to allow for a commenting process among national focal points and stakeholders prior to finalization of the evaluation.

- The draft proposal ~~is was~~ submitted by the Bureau to the Convention's Working Group of the Parties for discussion and approval (*fifteenth meeting, 3–5 September 2012*). The Working Group ~~may wish to~~mandated the Bureau to oversee the preparation of the evaluation in the intervening period before the Working Group's next meeting.
- The consultant(s) start(s) working on the draft as soon as possible after the approval of the terms of reference.
- The first draft of the evaluation is distributed to the Bureau for its comments (*late January/February 2013*).
- The draft is revised by the consultant, taking into consideration comments of the Bureau, ~~as appropriate~~, and the second draft is sent to the Bureau for its feedback and then circulated to national focal points and stakeholders for comments.
- The second draft is revised by the consultant, taking into consideration the comments received, ~~as appropriate~~, and sent to the Bureau for its feedback and final approval.
- The final version is submitted to the Working Group of the Parties (*sixteenth meeting, tentatively scheduled for June 2013*) for its consideration.

VI. Required expertise

11. The consultant(s) should have extensive experience in conducting evaluations; in-depth knowledge of the Aarhus Convention and its practical implementation, as well as of the civil society sector and the governmental sector in the ECE region; extensive professional experience in programme evaluation, impact assessment and strategic recommendations for continued support/development of programming/strategies; excellent writing skills; and strong analytical, presentation and interpersonal skills. The consultant(s) should be impartial and not pursue his/her personal interests or interests of any organization he/she might be associated with. Fluency in English is essential. Knowledge of Russian will be an asset. Recruitment of the consultant will be undertaken by the secretariat, in accordance with the United Nations administrative regulations on human resources management.
