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

Twenty-second meeting
Geneva, 19–21 June 2018
Item 6 of the provisional agenda
Implementation of the work programmes for 2015–2017 and 2018–2021, including financial matters

Report on the implementation of the work programmes for 2015–2017 and 2018–2021

Note by the secretariat

Summary

The present report was prepared pursuant to the decision of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its sixth session (Budva, Montenegro, 11–13 September 2017) (see ECE/MP.PP/2017/2/Add.1, decision VI/5, annex I, item X). It provides an overview of the implementation of the work programme for the Convention for 2015–2017 for the period 1 June to 31 December 2017 and looks at the status of activities under the work programme for 2018–2021 up to 16 March 2018.
Introduction

1. The present report 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 2015–2017 (ECE/MP_PP/2014/2/Add.1, decision V/6, annex I) for the period 1 June to 31 December 2017 and the work programme for 2018–2021 (ECE/MP_PP/2017/2/Add.1, decision VI/5, annex I) up to 16 March 2018. The information herein complements information provided in the report on the implementation of the work programme for 2015–2017 (ECE/MP_PP/2017/3) submitted to the Meeting of the Parties to the Convention at its sixth session (Budva, Montenegro, 11–13 September 2017). Owing to the cross-cutting nature of the Convention, implementation of different work programme areas contributed to furthering the attainment of the Sustainable Development Goals across the whole 2030 Agenda for Sustainable Development. An overview of contributions and expenditures in relation to the implementation of the work programmes is provided in document ECE/MP_PP/WG.1/2018/5. Only some activities related to access to information, capacity-building and awareness-raising regarding the Convention’s Protocol on Pollutant Release and Transfer Registers are included; a comprehensive report on the implementation of the Protocol’s work programme for 2015–2017 (ECE/MP_PP/PRTR/2017/8) was submitted to the Meeting of the Parties to the Protocol for consideration at its third session (Budva, Montenegro, 15 September 2017) and the next report will be prepared for the upcoming meeting of the Protocol’s Working Group of the Parties (Geneva, 9 November 2018).

2. In implementing the work programme, the secretariat made strenuous efforts to avoid duplication of work and the inefficient use of resources by pursuing synergies with activities under other United Nations Economic Commission for Europe (ECE) multilateral environmental agreements, United Nations agencies and other partners. This required spending more time on the preparatory phase of activities to ensure proper consultations with the chairs of the respective subsidiary bodies and partner organizations. Furthermore, the secretariat extended, and will continue to extend, the use of electronic tools (e.g., email consultations; conferencing by means of web-based, video or telephone technology; online databases; and the clearinghouse mechanism), with a view to rendering its activities more resource and time efficient.

I. Substantive issues

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

3. In the reporting period (i.e., 1 June 2017–16 March 2018), activities primarily focused on promoting the exchange of experience to improve public access to environmental information, as required by articles 4 and 5 of the Aarhus Convention, including through electronic information tools.

4. The secretariat has continued managing the Aarhus Clearinghouse for Environmental Democracy\(^1\) and the PRTR.net\(^2\) global portal. The instruments have been updated, both in terms of functionality and content. The two portals are used to facilitate the collection, dissemination and exchange of information related to national implementation of

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\(^1\) See http://aarhusclearinghouse.unece.org/.
\(^2\) See http://www.prtr.net/.
the Convention and relevant global and regional developments regarding implementation of Principle 10 of the Rio Declaration on Environment and Development. They also provide information regarding pollutant release and transfer registers. Parties are encouraged to continue uploading relevant news articles and resources and to provide the web link to their national node.

5. The secretariat also continued to maintain and populate a jurisprudence database accessible through the Convention’s web page and the updated interface of the Aarhus Clearinghouse, which enhanced its search capabilities. The database promotes the exchange of jurisprudence concerning the Convention and facilitates the work on access to justice. It includes decisions issued by courts of law or other bodies that make reference to the Convention or its principles, and includes summaries in English and decisions in the original language and in English, when available. The database includes case summaries in Russian as well. To date, there are more than 100 cases in the database. Maintaining the jurisprudence database is an ongoing activity.

6. The secretariat has gathered a collection of case studies on electronic information tools, which it posts on a dedicated web page and updates regularly.3

7. The secretariat has also started exploring different options to update the online reporting tool and database of national implementation reports for the Aarhus Convention and its Protocol, along with the Aarhus Good Practice online database,4 in order to align these websites with the latest security standards.

8. In the reporting period, the secretariat contributed to the work of other international forums dealing with access to environmental information and electronic information tools. For instance, it provided a number of inputs related to the development of the shared environmental information system across the region.

9. Furthermore, the secretariat provided a number of inputs for documents produced by the Conference of European Statisticians, raising awareness about the relevance of the Convention and the Protocol with regard to the production of official statistics in environmental matters. It also briefed the ECE Working Group on Environmental Monitoring and Assessment at its nineteenth session (Geneva, 27–28 June 2017) on relevant activities under the Convention and the Protocol.

10. The secretariat also promoted the Aarhus Convention at a meeting on ECE cooperation with the European regional committee of the United Nations Initiative on Global Geospatial Information Management (UN-GGIM: Europe), held on 14 November 2017 in Geneva.

B. Public participation in decision-making

11. The secretariat is providing assistance to the Chair of the Task Force on Public Participation in Decision-making in preparing the eighth meeting of the Task Force (Geneva, 8–9 October 2018), following up on the subjects identified in decision VI/2 of the Meeting of the Parties on promoting effective public participation in decision-making (see ECE/MP.PP/2017/2/Add.1).

12. A call for case studies on public participation in environmental decision-making is ongoing, to continue populating the Aarhus Good Practice online database.

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4 See https://aarhus-good-practices.unece.org/.
C. Access to justice

13. In the reporting period numerous activities focused on promoting effective access to justice, thereby contributing to the implementation of Sustainable Development Goal 16 (peace, justice and strong institutions), and in particular its target 16.3 (promote the rule of law at the national and international levels and ensure equal access to justice for all).

14. In the margins of the sixth session of the Meeting of the Parties to the Convention, the secretariat, in cooperation with the Organization for Security and Cooperation in Europe (OSCE), the Regional Environmental Centre for Central and Eastern Europe and the United Nations Environment Programme (UNEP) and with the support of Sweden, organized a side event, “Strengthening the role of the judiciary in promoting the rule of law in environmental matters, protecting environmental procedural rights and achieving the Sustainable Development Goals”. The secretariat also promoted the third pillar of the Convention (access to justice) at the training for judges and legal professionals organized by the Regional Environmental Center for Central and Eastern Europe (Budva, Montenegro, 14–15 September 2017).

15. At its eleventh meeting (Geneva, 27–28 February 2018), the Task Force on Access to Justice provided a platform for exchanging information on key recent developments concerning legislation, policy and case law with regard to the implementation of the third pillar of the Convention and possible measures to remove barriers hampering its implementation. The thematic session of the meeting focused on promoting effective access to justice in cases on the right to environmental information. In addition, delegates discussed new developments related to the implementation of the third pillar of the Convention in general terms. The participants also examined tools to promote effective access to justice, including e-justice initiatives and initiatives promoting capacity-building and cooperation. The meeting was preceded by a special session for representatives of the judiciary, judicial training institutions and other review bodies.3

16. Pursuant to the outcomes of the sixth meeting of the Task Force (Geneva, 17–18 June 2013) and in accordance with decision V/3 of Meeting of the Parties, in 2015 a study on the possibilities for non-governmental organizations (NGOs) promoting environmental protection to claim damages on behalf of the environment was finalized and made available online. Later during the intersessional period 2015–2017, the secretariat updated this study in the light of the comments received. The updated study was made available online.6

17. Furthermore, the secretariat finalized a study on the scope of review in selected countries of Eastern and South-Eastern Europe, the Caucasus and Central Asia. For its part, the secretariat provided advisory support to a similar study being carried out in other countries of South-Eastern Europe by the Regional Environmental Centre for Central and Eastern Europe with the support of Germany.7

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7 The studies (forthcoming) will be made available on a dedicated web page of the Convention website: http://www.unece.org/env/pp/tfaj/analytical_studies.html.
D. Genetically modified organisms

18. Bilateral collaboration on genetically modified organisms is ongoing between the secretariats of the Aarhus Convention and the Cartagena Protocol on Biosafety (Cartagena Protocol) to the Convention on Biological Diversity. At the invitation of the secretariat of the Convention on Biological Diversity, the Aarhus secretariat provided input to the preparation of a joint Aarhus Convention-Cartagena Protocol issue of the Biosafety Protocol News.8 The newsletter includes articles prepared jointly by national focal points to the Aarhus Convention and the Cartagena Protocol. In addition, Parties to the Cartagena Protocol from outside the ECE region report how the Aarhus Convention and related guidelines on genetically modified organisms are beneficial for their implementation of article 23 of the Cartagena Protocol.

19. The secretariats of the Aarhus Convention and the Cartagena Protocol jointly organized a side event at the sixth session of the Meeting of the Parties to the Aarhus Convention. Participants shared experiences on tools, procedures and mechanisms for public participation concerning living modified organisms/genetically modified organisms in Austria, Georgia and Namibia. Moreover, the side event included a training session on public participation mechanisms and procedures to help participants identify key challenges regarding the ratification of the amendment to the Convention regarding public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMO amendment) and ways to promote more efficiently the implementation of the provisions of the Convention regarding decision-making on genetically modified organisms.

20. During the reporting period, no new Party ratified the GMO amendment. Two more Parties from among the following list must ratify the amendment for it to enter into force: Albania, Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine.

21. The Parties whose ratification of the GMO amendment would count towards its entry into force were repeatedly called upon during the previous intersessional period to take serious steps towards ratification and to provide the secretariat with a written explanation on the status of ratification. The Meeting of the Parties at its sixth session requested the Working Group of the Parties to continue monitoring closely progress towards the entry into force of the GMO amendment (see ECE/MP.PP/2017/2).

II. Procedures and mechanisms

A. Compliance mechanism

22. Since its reports to the sixth session of the Meeting of the Parties (ECE/MP.PP/2017/31 and ECE/MP.PP/2017/32), covering the period 6 April 2014 to 19 June 2017, the Compliance Committee held four regular meetings, namely, its fifty-seventh to sixtieth meetings, and two virtual meetings. Three regular meetings were held in the second half of 2017, one of these in parallel with the sixth session of the Meeting of the Parties. One regular meeting and two virtual meetings were held in the first quarter of 2018. At its meetings, the Committee reviewed communications from the public concerning

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alleged non-compliance by Parties.\textsuperscript{9} Between 19 June 2017 and 16 March 2018, 13 new communications were forwarded to the Committee for consideration as to their preliminary admissibility. The Committee determined nine of those communications to be admissible on a preliminary basis and one further communication was determined to be partially admissible on the same basis. In addition, at its sixth session, the Meeting of the Parties requested the Committee to review the compliance of one Party with the Convention\textsuperscript{10} and to review any developments that had taken place regarding the compliance of another Party.\textsuperscript{11} No submissions were made to the Committee by Parties in the reporting period and the secretariat made no referrals. As at 16 March 2018, the Committee had 45 pending cases, consisting of 42 pending communications, 1 pending submission and 2 pending requests.

23. In addition to its pending cases, the Committee is following up on 10 decisions adopted by the Meeting of the Parties at its sixth session on the compliance of individual Parties, namely decisions VI/8a-e and VI/8g-k concerning Armenia, Austria, Belarus, Bulgaria, Czechia, Kazakhstan, Romania, Slovakia, Spain and the United Kingdom of Great Britain and Northern Ireland. In this regard, at its sixthieth meeting the Committee held audio conferences in open session with representatives of the Parties concerned and observers in order to discuss the progress made by the Parties in implementing the decisions concerning their compliance. The audio conferences were also intended to provide Parties and observers with an opportunity to ask any questions they might have regarding the Committee’s follow-up procedure and what might be required to fully implement the decision concerning their compliance.

24. The Compliance Committee is continuing its work on revising the guide to the Aarhus Convention Compliance Committee, and is expected to complete the work at or prior to its sixty-first meeting. The revised guide has been prepared in a transparent and participatory manner, with all discussions of the draft revised guide taking place in open session at Committee meetings and all drafts published on the Committee’s website in advance of the discussion. In addition to the discussions in open sessions at the Committee meetings, Parties and observers have had the possibility to send written comments on the various drafts.

25. An informal network of chairs of the compliance and implementation bodies under the ECE multilateral environmental agreements was established in spring 2012 at the initiative of the Chair of the Aarhus Convention Compliance Committee. The network aims to exchange information and lessons learned on the work of the bodies and to share views on how to improve implementation and compliance mechanisms. It is proposed to hold the fifth meeting of the informal network in 2018.\textsuperscript{12}

B. Capacity-building activities

26. In addition to capacity-building activities mentioned under other areas of work to build synergies and enhance coordination with partners, the secretariat continuously maintained close cooperation with and provided advisory support to United Nations partner

\textsuperscript{9} For details, see the reports of the Compliance Committee available from http://www.unece.org/env/pp/ccMeetings.html.

\textsuperscript{10} Request ACCC/M/2017/2 (Turkmenistan) (see ECE/MP.PP/2017/2/Add.1, decision VI/8, para. 19).

\textsuperscript{11} Request ACCC/M/2017/3 (European Union) (see ECE/MP.PP/2017/2, para. 63).

\textsuperscript{12} Further information regarding the joint work and informal networks of ECE multilateral environmental agreements is available from http://www.unece.org/environmental-policy/conventions/joint-work-and-informal-networks.html.
agencies and other international organizations within the Aarhus Convention capacity-building coordination framework.  

27. Detailed information on the capacity-building activities, including current trends and considerations is available in the report on capacity-building (ECE/MP.PP/2017/7) and its accompanying (informal) document (AC/MOP-6/Inf.2), which were submitted to the Meeting of the Parties for consideration at its sixth session.

28. In addition, the secretariat is liaising continuously with partner organizations, potential donors and interested countries and stakeholders and is handling a number of consultations through electronic means on possible capacity-building activities that could be implemented in the 2018–2021 intersessional period.

29. The Aarhus Clearinghouse has been increasingly used for disseminating information about funding opportunities, workshops and training events relevant to building capacities in the implementation of the Aarhus Convention.

C. Reporting mechanism

30. Following the failure of Armenia, Bosnia and Herzegovina, the Netherlands, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom to submit their national implementation reports for the 2017 reporting cycle by the deadline set by the Meeting of the Parties, the Meeting of the Parties called upon these Parties to do so by 1 November 2017. None of the Parties concerned submitted their national implementation report for the 2017 reporting cycle by that later date.

III. Promotional activities

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

31. The secretariat, or relevant experts invited by the secretariat to do so, participated in conferences, seminars, workshops and other events in various countries to promote and raise awareness about the Convention and its Protocol at the international level.

32. The secretariat provided input regarding the Convention and its Protocol to the sixth Global Environment Outlook GEO-6 Assessment for the Pan European Region, prepared by UNEP and ECE with the support of the European Environment Agency and in close collaboration with partner institutions and individual experts. In addition, the secretariat promoted synergy within the Multilateral Environmental Agreements Information and Knowledge Management Initiative coordinated by UNEP and took part in relevant meetings.

33. The secretariat promoted the Convention and its Protocol at the first meeting of the Conference of the Parties to the Minamata Convention on Mercury (Geneva, Switzerland 24–29 September 2017) highlighting the potential for synergies in implementing the instruments.

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13 Meeting documents and other information on this work area are available from http://www.unece.org/env/pp/oa.html.

14 For more information, see the synthesis report on the status of implementation of the Convention (ECE/MP.PP/2017/6) submitted to the Meeting of the Parties at its sixth session.

34. The secretariat is contributing to a training programme on public participation and strategic environmental assessments for Chinese investors and policymakers from Central Asia in the context of the “International Coalition for Green Development on the Belt and Road”. The training is to be jointly organized by UNEP and the International Labour Organization International Training Centre.

35. The interactive French and Russian language versions of the second edition of the *Aarhus Convention: An Implementation Guide*\(^\text{16}\) were made available in 2017 and printed copies in French and Russian were distributed to national focal points and relevant stakeholders in the region and beyond.

36. The promotional brochure, *Protecting Your Environment: The Power Is In Your Hands*, addressing the general public interested in the Convention and its provisions, was published in Arabic, English, French, Spanish and Russian and widely distributed.\(^\text{17}\) The Chinese version of the promotional brochure is currently being finalized. After the finalization of the Chinese version, this brochure will be available in all six official languages of the United Nations.

37. The secretariat also promoted the Convention and the Protocol through various reports and articles prepared under the auspices of ECE and partner organizations. In addition, the secretariat continued an enhanced outreach exercise, distributing materials about the Convention and the Protocol to national focal points, Aarhus Centres, other United Nations bodies, international organizations, NGOs and academic institutions in the ECE region and beyond.

38. Following a formal expression of interest by Guinea Bissau, the secretariat continued to provide advisory support to the country in its efforts to accede to the Convention.

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

39. In connection with implementing the Almaty Guidelines on Promoting the Application of the Aarhus Convention in International Forums (Almaty Guidelines), it is planned that at its twenty-second meeting, the Working Group of the Parties will hold a thematic session focusing primarily on promoting the application of the Convention’s principles in international decision-making on chemicals and waste under the three UNEP chemical conventions,\(^\text{18}\) the Minamata Convention on Mercury and the Strategic Approach to International Chemicals Management policy framework. Participants at this thematic session are also expected to review progress in promoting the principles of the Convention in the United Nations Framework Convention for Climate Change (UNFCCC) and the 2030 Agenda on Sustainable Development processes and with regard to access to information and stakeholder engagement in the framework of the United Nations Environment Assembly and International Financial Institutions-related processes. The Working Group will also address cross-cutting issues related to international decision-making.

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40. During the reporting period the secretariat continued supporting efforts to promote the principles of the Convention in and promote interlinkages with various international forums, working with other United Nations bodies (in particular, the Office of the United Nations High Commissioner for Human Rights, UNEP, the United Nations Department of Economic and Social Affairs, the United Nations Development Programme and the United Nations Institute for Training and Research), other environmental treaty bodies (such as the Convention on Biological Diversity and its Cartagena Protocol) and other international organizations (inter alia, the European Bank for Reconstruction and Development, the European Investment Bank, the Organization for Economic Cooperation and Development, OSCE and the World Bank).

41. The secretariat also promoted the Aarhus Convention principles in a side event hosted by France at the twenty-third session of the Conference of the Parties to UNFCCC (Bonn, 6–17 November 2017).

42. Cooperation between the secretariat and the special procedures of the Human Rights Council was further enhanced in the reporting period. The secretariat provided input on the value added of the Convention and its Protocol to a study by the Office of the High Commissioner for Human Rights, “Promotion, protection and implementation of the right to participate in public affairs in the context of the existing human rights law: best practices, experiences, challenges and ways to overcome them” (A/HRC/30/26). In response to the invitation of the High Commissioner, input was also provided to the civil society space report to be submitted to the Human Rights Council at its thirty-eighth session, as requested in Council resolution 32/31 (para. 18). The secretariat further provided input during expert consultations on children’s rights (Geneva, 22–23 June 2017) and on human rights and the environment (Geneva, 17 October 2017) held to support the preparation of two reports of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/HRC/37/58 and A/HRC/37/59).

43. The secretariat provided input to a webinar organized by UNEP and the Office of the United Nations High Commissioner for Human Rights on environmental human rights defenders on 16 October 2017 and continued liaising with the representatives of these organizations on the matter.

44. The secretariat also promoted the Aarhus Convention during the 2017 United Nations Forum on Business and Human Rights (Geneva, 27–29 November 2017), organized on the theme of “Realizing Access to Effective Remedy”.

45. During the thirty-seventh session of the Human Rights Council, the secretariat promoted the Aarhus Convention on several occasions: (a) on 2 March 2018 at a side event regarding children’s rights and the environment arranged by the Special Rapporteur on human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; (b) on 5 March 2018 at the plenary discussion on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development; (c) also on 5 March 2018, at a side event organized by the NGOs Earthjustice and the Center for International Environmental Law on the protection of environmental human rights defenders; and (d) at the launch event of the United Nation Environmental Rights Initiative on 6 March 2018.


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47. The secretariat further promoted the Aarhus Convention at the First Meeting of the Sustainable Fisheries Team of Specialists organized by the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) (Geneva, 29–30 January 2018).

48. The secretariat participated in an event on “Strengthening the implementation of Multilateral Environmental Agreements: can non-governmental organizations make a difference through compliance mechanisms?” (Geneva, 7 March 2018) organized jointly by the Implementation Committee under the Convention for the Protection and Use of Transboundary Watercourses and International Lakes and the Compliance Committee under its Protocol on Water and Health.

49. Also in the reporting period, the secretariat provided ongoing advisory support, including by engaging relevant experts, upon request to the Economic Commission for Latin America and the Caribbean for the negotiations of a regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean.

50. In addition, the Aarhus Convention secretariat provided ongoing advice to various academic bodies, NGOs and other stakeholders upon request.

51. The Aarhus Clearinghouse has been increasingly used for disseminating information about public consultations under various international processes and forums.

C. Coordination and oversight of intersessional activities

52. During the reporting period the status of the Convention and its GMO amendment with regard to accession, ratification or approval has remained unchanged: as of 16 March 2018, the Convention has 47 Parties and the GMO amendment has 31 Parties. The ratification of the Protocol on Pollutant Release and Transfer Registers by Montenegro on 11 October 2017 raised the number of Parties to that treaty to 36.

53. Coordination and oversight of intersessional activities during the reporting period was mainly conducted by the Working Group of the Parties and its Bureau during regular meetings of those bodies.

54. In cooperation with the host country, Montenegro, the secretariat prepared and organized the sixth session of the Meeting of the Parties to the Convention and a Joint High-level Segment with the third session of the Meeting of the Parties to the Protocol, in Budva, Montenegro. Eighteen side events were organized on the margins of the sessions.19 The Bureau held its fortieth meeting in Budva on 10 September and its forty-first meeting in Geneva on 22 February 2018. The Bureau also held regular electronic consultations on different subjects.

55. Representatives of the ECE Committee on Environmental Policy and the governing bodies of the ECE multilateral environmental agreements continued to liaise at informal meetings to exchange information on priorities under the agreements and to identify and discuss possible areas of cooperation and synergy in the light of recent and future key developments in the area of the environment. At the last meeting (Geneva, 13 November 2017), held back to back with the twenty-third session of the Committee on Environmental Policy (Geneva, 14–17 November 2017), the Vice-Chair of the Aarhus Convention and the

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Chair of the Protocol on Pollutant Release and Transfer Registers participated, along with members of the secretariat.\textsuperscript{20}

56. At the twenty-third session, Aarhus representatives presented examples of how the Convention and the Protocol could support Parties in attaining Sustainable Development Goals 6 (clean water and sanitation), 11 (sustainable cities and communities), 12 (responsible consumption and production), 16 (peace, justice and strong institutions) and 17 (partnerships for the goals).\textsuperscript{21}

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\textsuperscript{20} The Chair’s Summary of the ninth informal meeting between representatives of the governing bodies of the ECE Multilateral Environmental Agreements and the Committee of Environmental Policy is available from http://www.unece.org/environmental-policy/conventions/joint-work-and-informal-networks.html.

\textsuperscript{21} For more information, including texts of the presentations, see the web page for the twenty-third session. Available from https://www.unece.org/index.php?id=45618.