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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 to the Convention
(Third meeting, Geneva, 1-3 November 2004)
Item 15 of the provisional agenda

STRATEGIC PLANNING FOR THE CONVENTION
Background document prepared by the secretariat

Introduction

1. In decision I/11 on the procedures for the preparation, adoption and monitoring of work programmes, the Meeting of the Parties recognized a need for the adoption of a long-term strategic plan for the Convention and requested the Working Group of the Parties to draft a plan for possible adoption at the second meeting of the Parties.
2. This paper briefly analyses the possible scope and format of strategic plans and puts forward some possible elements for a draft strategic plan for the Convention for a five- to ten-year period. It also outlines possible further steps to be taken by the Working Group of the Parties in order to prepare the draft plan for consideration and adoption by the Meeting of the Parties.
3. It is assumed that the draft plan would also cover the Protocol on Pollutant Release and Transfer Registers (PRTRs), while recognizing the future role that the Meeting of the Parties to the Protocol will have in shaping the activities under the Protocol.

4. Strategic plans developed by multilateral environmental agreements tend to be rather technical and scientific. Their complexity and their tendency to use quantifiable indicators of performance seem to be directly linked with the subject matter, as some conventions deal with

topics where methods of quantitative analysis can easily be applied (for example, to measure success in the preservation of biodiversity or waste reduction).

5. Since the implementation of the Aarhus Convention hinges on the general principles of good governance, participatory democracy and the rule of law, its effectiveness cannot be easily measured in physical terms. This should be taken into consideration when developing a long-term strategic plan for the Convention. In particular, performance indicators, should be decided on the basis of a qualitative rather than quantitative analysis.

I. POSSIBLE ELEMENTS FOR A LONG-TERM STRATEGIC PLAN UNDER THE CONVENTION

6. Time frame. A strategic plan developed under the Aarhus Convention would need to cover a period long enough to give time for effective implementation of the Convention on the ground. The proposed elements for a strategic plan presented here have been drawn up on the assumption of a time frame of five to ten years.

7. Vision or mission. A possible vision for the Convention might be to secure the enjoyment of the rights of environmental democracy in order to improve the state of the environment throughout the pan-European region and, as appropriate, beyond. A mission statement could be framed in somewhat more concrete terms, summarizing the main goals of the plan. For example, the mission might be to strengthen the rights of the public to have access to information, participate in decision-making and obtain access to justice in environmental matters, throughout the UNECE region, by promoting more effective implementation of the Convention by a larger number of Parties and by further developing the Convention in selected priority areas.

8. Background. This would consist of a summary description of the progress so far, including both factors that facilitated ratification and implementation of the Convention as well as issues requiring further consideration.

9. Focal areas and their goals and objectives. A strategic plan for the Convention could cover the following focal areas, each having its own goals and objectives:

- a) Implementation of and compliance with the Convention and the Protocol. Such a heading could cover the goals of:
 - (i) Promoting implementation (e.g. through capacity-building aimed at specific groups of countries or addressing specific topics, providing guidance on implementation, promoting environmental education and strengthening civil society mechanisms);
 - (ii) Monitoring implementation (e.g. through reviewing and developing the reporting regime, developing a reporting system for the Protocol, using the clearing house to make available other sources of information on implementation and reviewing methodologies for assessing the state of implementation); and
 - (iii) Promoting compliance (e.g. addressing problems of non-compliance through information, support and guidance, reviewing the functioning of the compliance mechanism and making any necessary adjustments, promoting awareness of the

compliance mechanism and developing a compliance mechanism for the Protocol);

- b) Promoting ratification of the Convention and the Protocol. This could encompass the goal of bringing the Protocol into force, specific targets for the numbers of Parties to each instrument by specific dates (or meetings of the Parties) and encouragement to States outside the UNECE region to accede to the Convention and Protocol;
- c) Further work on substantive areas covered by the Convention. This could include:
 - (i) Promoting further application of the Convention in specific substantive areas (e.g. use of electronic tools to facilitate public participation in decision-making processes, availability of information enabling the public to make informed environmental choices, public participation in strategic decision-making, access to justice); and
 - (ii) Further developing the Convention in certain areas (e.g. carrying out a comprehensive review to identify areas which could be suitable for further development such as the lists of activities subject to article 6 of the Convention, the lists of pollutants and activities covered by the Protocol, measures to enhance the development and functioning of civil society organizations, exploration of new forms of public participation);
- d) Sharing experiences and finding synergies and areas of cooperation with the other UNECE conventions, in particular in informal consultations under the auspices of the Committee on Environmental Policy, aimed at assessing and promoting the implementation of the environmental legal instruments in the region;
- e) Global and regional developments on Rio principle 10 issues. Building upon the Convention's recognized status as the leading model of implementation of principle 10 of the Rio Declaration on Environment and Development, this focal area could cover goals such as:
 - (i) Supporting the application of the Convention in other instruments and processes (e.g. through promoting the application by Parties of the possible guidelines on public participation in international forums; and
 - (ii) Promoting and/or supporting global, regional and sub-regional initiatives related to the subject matter of the Convention, in particular in cooperation with the other regional commissions, the United Nations Environmental Programme and other interested parties, including NGOs.

10. Activities. For each of the above goals and sub-goals, activities could be identified. These would generally only be specified at the level of the work programme but some examples of the types of activity could be included in the long-term strategic plan. These could include workshops, seminars, or meetings of working groups, task forces or expert groups; awareness-raising activities; publications, such as legal or technical guidance material; and intergovernmental decision-making processes of various kinds.

11. Promoting cooperation. The Convention has attracted considerable interest and support of a variety of organizations and institutions in the UNECE region and beyond. The promotion of the

networking among all interested partners can produce significant synergies and provide important resources for implementation.

12. Implementation of the plan. The plan could include a section on its implementation (see next chapter).

II. FURTHER STEPS

13. The Working Group of the Parties is invited to use this document as a basis for a first discussion of the issue and to decide upon further steps to prepare the plan for adoption at the second ordinary meeting of the Parties.

14. The strategic plan could include a section providing guidance on how to link its goals and targets with the work programmes prepared during the period covered by the plan. Through the plan, the Parties could task the Working Group of the Parties or the secretariat to report to the Meeting of the Parties on the progress in its implementation. It could also commit the Parties and encourage the Signatories and other States to work to reach the set targets and to review the progress in implementation of the strategic plan halfway through the period of the plan. Towards the end of the period, the Meeting of the Parties could review the existing plan and prepare the next long-term strategic plan. The review could be based on an assessment of the implementation experience on the national level and an overview of the situation in the subregions.

15. The strategic plan could also refer to other activities for which it may serve as a basis. For example, the Meeting of the Parties may, in adopting the plan, invite Parties, Signatories and other States to take account of the strategic plan in developing their national strategic plans. In particular, the Meeting of the Parties could invite States as well as other actors to take note of the Convention's long-term strategic plan in the context of planning and implementation of capacity-building activities to support a more effective implementation of the Convention.

16. In terms of tools that could be used to help implement the long-term strategic plan, the Convention's clearing-house mechanism could be singled out in the strategic plan as an electronic tool that could facilitate information-sharing and monitor progress in the implementation of the plan.