



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/2005/2
12 July 2005

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

REPORT OF THE SECOND MEETING OF THE PARTIES

1. The second meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters took place in Almaty, Kazakhstan, from 25 to 27 May 2005, at the invitation of the Government of Kazakhstan.
2. The meeting was attended by delegations from the following Parties to the Convention: Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Tajikistan and the United Kingdom. The Commission of the European Communities (EC) was also represented.
3. Delegations from the following UNECE Member States were also present: Bosnia and Herzegovina, Germany, Ireland, Luxembourg, Russian Federation, Slovakia and Uzbekistan.
4. Representatives of the United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), United Nations Institute for Training and Research (UNITAR), United Nations Commission on Human Rights, Council of Europe, European Environment Agency (EEA), European Parliament, Interstate Coordination Water Commission (ICWC) and Organization for Security and Co-operation in Europe (OSCE) also attended.
5. The following regional environmental centres were represented: Regional Environmental Center for Central and Eastern Europe (REC-CEE), Regional Environmental Centre for Central

Asia (CAREC), Regional Environmental Centre for the Caucasus, Regional Environmental Centre for Moldova and Regional Environmental Centre for the Russian Federation.

6. The following international and regional non-governmental organizations working in the field of the environment, some within the framework of the European ECO Forum, were represented: Center for Human Rights and Environment (CEDHA), Earthjustice, European Environmental Bureau, European Public Health Alliance-Environment Network, Friends of the Earth International, Global Legislators Organisation for a Balanced Environment and World Resources Institute. Also present were representatives of the Aarhus Centre for Armenia, the Aarhus Centre for Azerbaijan and the Osh Aarhus Centre for Kyrgyzstan. In addition, more than fifty representatives of national environment organizations participated in the meeting coordinating their input within the framework of the European ECO Forum. They are all included in the final list of participants at www.unece.org/env/pp/mop2.htm.

7. The following business, professional, research and academic organizations were also represented: Black Sea Biotechnology Association, Central European University, CropLife International, European Union Forum of Judges for the Environment (EUFJE), the Institute for Plant Biotechnology for Developing Countries (IPBO), Kyrgyz State Law Academy, MAGISTR Scientific-Production Enterprise, MCT Management Consulting Training and MNT Consulting.

I. OPENING

8. A welcome address on behalf of the host government was delivered by Mr. Akhmetzhan Yessimov, Deputy Prime Minister of Kazakhstan. The Deputy Prime Minister noted that the Convention had received global recognition for its role in securing a legal basis for the implementation of environmental rights at the international and national levels. He expressed the hope that the second meeting of the Parties would provide further impetus to the development of the Convention and its implementation, particularly in the Central Asian region, and reiterated the commitment of his country to implement the rights guaranteed under the Convention.

9. Following this statement, the Chairman, Mr. Marc Pallemmaerts (Belgium), formally opened the meeting. The Chairman of the Environment Committee of Majilis Parliament of the Republic of Kazakhstan, Mr. Erlan Nigmatulin, was invited to make some opening remarks. He referred to legislation recently adopted by Parliament in Kazakhstan on environmental rights, particularly access to information, and expressed the hope that the meeting would further cooperation in the region and enable problems to be tackled jointly.

II. ADOPTION OF THE AGENDA

10. The Meeting of the Parties adopted the agenda of the meeting as prepared by the Working Group of the Parties (ECE/MP.PP/2005/1).

III. STATUS OF RATIFICATION OF THE CONVENTION AND OF THE PROTOCOL ON POLLUTANT RELEASE AND TRANSFER REGISTERS

11. The secretariat informed the Meeting about the status of signature and ratification of the Convention and of the Protocol on Pollutant Release and Transfer Registers (PRTRs) (ECE/MP.PP/2005/19). Thirty-four UNECE Member States and the EC had deposited their instruments of ratification, acceptance, approval or accession and were Parties to the Convention by the time of the meeting. The recent ratification of the Convention by Sweden was noted and welcomed by the secretariat and the Chair. The PRTR Protocol had 37 Signatories.

12. The Chair invited delegates from States or regional economic integration organizations not yet Party to the Convention and/or the Protocol to briefly inform the Meeting of their plans to ratify, accept, approve or accede. The EC announced it had taken the necessary procedural steps towards ratification of the Protocol. Two Parties, Kazakhstan and Tajikistan, also announced that measures were being taken towards ratification of the Protocol in the near future.

IV. REPORT ON THE IMPLEMENTATION OF THE WORK PROGRAMME FOR 2003-2005

13. Through decision I/11, the Parties had decided at their first meeting that a work programme covering the period up to and including the next meeting of the Parties would be prepared for adoption at each meeting of the Parties, including an estimation of the costs. Through decision I/12, they had adopted a specific work programme for the period 2003-2005.

14. The secretariat presented its report on the implementation of the work programme for 2003-2005, including an overview of contributions and expenditures in 2003 and 2004 (ECE/MP.PP/2005/10). The report addressed each of the substantive areas of work by describing the main activities and provided commentary on financial aspects. The Chair invited delegates to review the implementation of the work programme and the use of the funds contributed for the period 2003-2004 on the basis of the report prepared by the secretariat.

15. The Meeting welcomed the report, which it considered to adequately respond to the need to analyze and present in a transparent manner the budgetary needs and available resources for the Convention.

16. Signatories and other interested States had informed the secretariat in advance of the Meeting of their intention to contribute to the financial resources of the Convention for 2005 under the proposed voluntary scheme of contributions envisaged in the draft decision. The information was made available to the Meeting in an informal document.

V. SUBSTANTIVE ISSUES

A. Pollutant release and transfer registers

17. At their first extraordinary meeting, the Parties to the Convention adopted the Protocol on PRTRs and established a Working Group on PRTRs to carry out activities in preparation for its

entry into force and the first session of the Meeting of the Parties. The Chairman of the Working Group, Mr. Karel Blaha (Czech Republic), reported on the progress made towards preparation for entry into force. Measures undertaken by the EC, notably the preparation and possible adoption of an EU regulation to establish a European PRTR in line with the requirements of the Protocol, were expected to speed up the process of ratification.

18. At its second meeting (13-15 April 2005), the Working Group had reviewed a draft guidance document on implementation of the Protocol prepared by the secretariat with the financial support of the European Commission. It had requested the secretariat to finalize the guidance document by early 2006. The Working Group had also reviewed options for preparation of rules of procedure and a compliance mechanism, expressing a preference for a separate bureau and compliance committee and mandating further preparatory work. The secretariat, working with the UNECE Economic Analysis Division, had initiated a study aimed at costing implementation of the PRTR Protocol for its Signatories as well as for other prospective Parties to the instrument. The Working Group had adopted a programme of work based on the presumption that the Protocol would enter into force by 2007. It had considered the possibility of holding the first session of the Meeting of the Parties to the Protocol back-to-back with the third meeting of the Parties to the Convention.

19. The work that had been done by the Working Group was welcomed by many delegations which especially found the guidance to be a clear and constructive document to help with implementation of the instrument. There was general support for the development of separate rules of procedure and a separate compliance mechanism, bearing in mind the open character of the Protocol and its specific nature, while noting that the rules of procedure and compliance mechanism of the Convention provided a good starting point. Several delegations reported on their PRTR-related capacity-building activities in South-East Europe (SEE) and EECCA.

20. The Meeting took note of the Working Group's progress and expressed its appreciation of the important work being undertaken.

B. Genetically modified organisms

21. At their first meeting, the Parties had adopted the Guidelines on Access to Information, Public Participation and Access to Justice with respect to Genetically Modified Organisms (GMOs) (MP.PP/2003/3) and established a new Working Group on GMOs by virtue of decision I/4. The Working Group had been mandated to explore options for a legally binding approach to further developing the application of the Convention with respect to GMOs and to develop selected options for consideration and, if appropriate, adoption by the Parties at their second meeting.

22. The secretariat presented a review of the implementation of the GMO Guidelines (ECE/MP.PP/2005/5) based on the results and conclusions of a survey carried out among Parties at the request of the Working Group and having regard to paragraph 2 of decision I/4, which requires the Meeting of the Parties to monitor and keep under review the implementation of the Guidelines and amend them as necessary. The Meeting took note of the report prepared by the secretariat.

23. Mr. Helmut Gaugitsch (Austria), the Chair of the Working Group on GMOs, and Ms. Hanne Inger Bjurstrøm (Norway), who had chaired the informal drafting group on GMOs under the Working Group of the Parties, reported on the results of the activities of these bodies. On the basis of the work done by the Working Group on GMOs, the Working Group of the Parties had agreed at its fourth meeting to request the secretariat to circulate four legally binding options for amending the Convention. These were presented as annexes to draft decision II/1 (ECE/MP.PP/2005/4), in advance of the Meeting of the Parties in accordance with the procedure set out in article 14 of the Convention. An additional legally binding option for amending the Convention had been proposed by the Republic of Moldova and duly circulated in accordance with the applicable rules (ECE/MP.PP/2005/4/Add.1). At its fifth meeting, the Working Group of the Parties had agreed upon a compromise proposal for an amendment to the Convention involving the substitution of new text in article 6, paragraph 11, and the addition of a new article 6 bis and a new annex I bis.

24. The Meeting of the Parties was invited to consider and adopt the draft decision as amended by the Working Group of the Parties at its fifth meeting, thereby adopting an amendment to the Convention. Strong support was expressed by delegations for the draft decision and its annex, which were seen as reflecting a good compromise solution adequately taking into account the interests of the participants in the process. NGOs and the REC-CEE however regretted that the amendment precluded the application of the provisions of article 9 of the Convention to activities with GMOs. Following some further small amendments, the Meeting reached agreement on the text of decision II/1 as amended and decided to table it for formal adoption during the high-level segment, expressing its thanks to Austria for having served as lead country since substantive discussions began in 2000. The Meeting welcomed the constructive approach adopted and the end of long-standing negotiations.

C. Access to Justice

25. Through decision I/5, the Parties had established, at their first meeting, the Task Force on Access to Justice to support the implementation of the third pillar of the Convention.

26. The Chairman, in his capacity as the Chairman of the Task Force, introduced the item on access to justice. He reported on the progress achieved by the Task Force, including its work on identification of obstacles to access to justice through the surveys carried out by Belgium in its capacity as lead country.

27. The Chairman then introduced draft decision II/2 on promoting effective access to justice (ECE/MP.PP/2005/6). The draft decision proposed establishing an intersessional body on access to justice under the authority of the Working Group of the Parties to carry out further work with a practical focus. The Meeting was invited to review the work undertaken, decide on the most appropriate form of future work, and consider and adopt the draft decision.

28. Many delegations welcomed the work of the Task Force and the proposed draft decision. They emphasized the need to focus future work on practical assistance and exchange of experience and supported the establishment of a new task force with an expert focus. Some other delegations were concerned that having a task force might not allow for appropriate practical arrangements, regarding in particular interpretation and translation of documents, and considered that for this and other reasons it might be preferable to establish a working group.

29. After further discussion, the Meeting decided to establish a task force and to request the United Nations to make available interpretation and translation for the task force on an exceptional basis. It was also agreed to make a minor amendment to paragraph 24 of the draft decision to clarify the nature of the costs and financial risk referred to.

30. The Meeting then reached agreement by consensus on the text of decision II/2, with these amendments, decided to table it for formal adoption during the high-level segment and thanked Belgium and other countries and organizations for their active contribution.

D. Electronic information tools and clearing-house mechanism

31. At their first meeting, the Parties had established a new Task Force on electronic information tools by virtue of decision I/6. The Task Force had been mandated inter alia to facilitate the implementation of the Convention by preparing draft recommendations on the more effective use of electronic information tools to provide public access to environmental information.

32. The Chair of the Task Force, Ms. Svetlana Zhekova (Bulgaria), and the Chairman of the Working Group of the Parties reported on the results of the activities of those bodies. The Chair of the Task Force presented the recommendations developed at the second and third meetings of the Task Force. These had been amended by the Working Group at its fourth meeting and were annexed to draft decision II/3 on electronic information tools and the clearing house mechanism (ECE/MP.PP/2005/7).

33. The secretariat reported on the development of the Aarhus Clearinghouse for Environmental Democracy, an electronic forum designed to promote the exchange of information and good practice in the implementation of the Convention and its Protocol on PRTRs and more generally on matters related to principle 10 of the Rio Declaration on Environment and Development. Through decision I/10, the Parties had requested the secretariat to continue with its efforts to develop the clearing-house mechanism. Following its launch in July 2004, it was reported that usage of the clearing house had grown steadily and had reached an average monthly rate of more than 12,000 visits.

34. The Meeting proceeded to discuss the draft decision and the Clearinghouse. During the discussion, one Party noted that one of the obstacles to the creation of a national node of the clearing-house mechanism in its country was the lack of institutional capacity: approaches and standards on access to information were lacking, first of all in the capacity of ministries and agencies which believe their information to be official and therefore confidential. It proposed a country strategy for information technology, including a mandate for use of the Clearinghouse as an instrument for the promotion of the objectives of the Convention and its integration into programmes of environmental protection and the sustainable use of natural resources. It further proposed the insertion into paragraph 10 of the draft recommendations of an indicator of the proportion of government officials having access to electronic information and their ability to use and sharing such information in support of the implementation of the Convention.

35. The Meeting noted that the mandate of the Task Force had been fulfilled and thanked Bulgaria for its leadership of the process. It welcomed the successful launch and increasing usage of the Clearinghouse. It took note of the proposals made during the discussion and agreed to note them in the report but not to incorporate them in the draft recommendations. The Meeting then reached agreement on the text of decision II/3 by consensus and decided to table it for formal adoption during the high-level segment.

E. Public participation in international forums

36. Through the Lucca Declaration, the Parties had recommended at their first meeting that consideration should be given to the possibility of developing guidelines on promoting the application of the principles of the Convention in international decision-making processes, and within the framework of international organizations, in matters relating to the environment, for adoption, as appropriate, at a future meeting of the Parties. The Working Group of the Parties had subsequently established an ad hoc expert group to consider the scope, format and content of possible guidelines.

37. The Chairman of the Expert Group, Mr. Attila Tanzi (Italy), and the Chairman of the Working Group of the Parties reported on the results of the activities of their respective bodies. The Expert Group had met twice and had prepared a first draft of possible guidelines, which had been transmitted to the Working Group. The Working Group had made certain amendments at its fourth meeting and had mandated an informal 'friends of the chair' group, together with the Bureau, to work further on the text and to prepare a revised draft for the Meeting of the Parties, subject to further consideration by the Working Group of the Parties. The revised text had been duly prepared and submitted in the name of the Bureau as draft decision II/4 (ECE/MP.PP/2005/8). At its fifth meeting, the Working Group had made further changes to the draft and had submitted a revised text for consideration by the Meeting of the Parties.

38. The Meeting unanimously welcomed the work done by the Expert Group and expressed its appreciation to the government of Italy for leading the process. Following further discussion, the Meeting agreed on a number of amendments to the draft decision to which the draft guidelines were annexed. The key amendment was the establishment of a Task Force to carry out further consultation on the application of the guidelines with a view to considering the outcomes of these consultations at the third ordinary meeting of the Parties. The Meeting welcomed the offer of the government of France to lead the Task Force. The Meeting then reached agreement by consensus on the text of decision II/4, including the annexed guidelines, as amended and decided to table them for formal adoption during the high-level segment.

39. It was stressed that Parties to the Convention should start to consider promoting the concepts addressed in the guidelines in other international forums proactively. Other suggestions were to ask the secretariat to develop an implementation guide to provide a practical tool for the application of the guidelines and to proclaim 2008 as year of Environmental Democracy, but there was no agreement on these points.

F. Public participation in strategic decision-making

40. At their first meeting, the Parties had recognized the need to consider, in the light of the Protocol on Strategic Environmental Assessment (SEA) to the Espoo Convention on

Environmental Impact Assessment in a Transboundary Context, if further work was needed under the Aarhus Convention on the issue of public participation in strategic decision-making.

41. The Working Group of the Parties had reviewed two background papers on this topic prepared by the secretariat (MP.PP/WG.1/2003/5 and MP.PP/WG.1/2004/5) and considered that a joint workshop with the Espoo Convention would be a practical way to undertake further work on the issue of public participation in strategic decision-making. The proposal had been brought to the attention of the Meeting of the Parties to the Espoo Convention, which had given it a generally positive response.

42. The secretariat reported on communications that had taken place between the Chairman of the Meeting of the Parties to the Aarhus Convention, the Chairs of the Meeting of the Parties to the Espoo Convention, and the Meeting of the Signatories to the SEA Protocol, as well as on the discussions on the topic that had taken place at the second meeting of the Signatories to the SEA Protocol and at the eighth meeting of the Espoo Convention Working Group on Environmental Impact Assessment (see MP.EIA/AC.3/2005/2, paras. 11 and 12, and MP.EIA/WG.1/2005/2, para. 32).

43. The Meeting of the Parties was invited to consider the progress achieved and decide upon further steps, addressing inter alia the proposal for a joint workshop with the Espoo Convention. In view of the difficulties in reaching a coordinated decision on the matter in the respective bodies of both instruments, the Meeting invited the Working Group of the Parties to reconsider the issue at its next meeting, basing its discussions on the original document prepared by the secretariat (MP.PP/WG.1/2003/5) as well as on the response received from the Espoo Convention and SEA Protocol bodies.

VI. PROCEDURES AND MECHANISMS FACILITATING THE IMPLEMENTATION OF THE CONVENTION

A. Reports on implementation

44. At their first meeting, the Parties had adopted decision I/8 which requires the Parties to report on their implementation of the Convention. At its fifth meeting, the Working Group of the Parties had prepared draft decision II/10 on reporting requirements, which had been forwarded to the Meeting of the Parties for consideration and adoption.

45. The secretariat presented a synthesis report (ECE/MP.PP/2005/18 and 20) prepared on the basis of the national implementation reports submitted by Parties pursuant to decision I/8 (ECE/MP.PP/2005/18/Add.1 to 25, and 30). The synthesis report summarized progress made and identified significant trends, challenges and solutions on the basis of the national reports. In particular, it suggested that the Parties consider an earlier deadline for the submission of reports, and invited those organizations involved in the Convention's capacity-building coordination framework to examine the material gathered through the reporting process at their next meeting. It also suggested that consideration be given to ways of presenting the information gathered through the process in a transparent way, e.g. through the Clearinghouse

46. The Meeting was invited to note the content of the reports and to discuss the experience gained in compiling them, including the experience with NGOs and other stakeholders, and to decide upon possible ways of improving the process in the future. Delegations generally welcomed the synthesis report as representing a valuable tool in assessing the implementation status of the Convention. NGOs, while welcoming the first cycle of reporting, maintained that the national reports did not always give an accurate picture of the implementation status of the Convention, and that further work was needed to improve the effectiveness of the reporting mechanism, for instance using indicators. Several Parties expressed concern about the difficulties that they had encountered in ensuring public feedback in the process of preparation of the national reports as required by decision I/8, and the Meeting consequently invited the Working Group of the Parties to consider this issue in its work. Two Parties which had not previously submitted a report for the first reporting cycle indicated their intention to do so.

47. The Meeting took note of the synthesis report prepared by the secretariat and reached agreement on the text of decision II/10, which it decided to table for formal adoption during the high-level segment. This decision *inter alia* calls upon States that were Parties at the time of the deadline for submission of the implementation reports and that failed to submit such reports to the secretariat, to do so by 15 September 2005.

B. Compliance mechanism

48. At their first meeting, the Parties had adopted decision I/7 on review of compliance and elected the members of the Compliance Committee.

49. The Chairman of the Committee, Mr. Veit Koester, reported on its activities and presented the findings and recommendations of the Committee stemming from review of compliance on the basis of a submission by a Party with regard to compliance by another Party and several communications from the public that had been considered by the Committee. The Meeting was invited to take note of the Committee's report and to consider and adopt the recommendations of the Committee (ECE/MP.PP/2005/13 and add.1 to 5) within the framework of its own decisions on compliance issues.

50. All delegations that intervened emphasized the importance of promoting and facilitating compliance with the Convention and welcomed the work of the Compliance Committee.

51. The Meeting considered draft decision II/5 prepared by the Bureau at the request of the Working Group of the Parties (ECE/MP.PP/2005/14). Various amendments were made and it was agreed to present the conclusions with respect to specific Parties found not to be in compliance as separate decisions though linked to a general decision on compliance and without changing the substance of the Committee's findings and recommendations with respect to specific Parties found not to be in compliance. As a result of its discussions, the Meeting reached agreement by consensus on the text of a revised version of decision II/5 on general issues of compliance as well as on the text of decisions II/5a on compliance by Kazakhstan, II/5b on compliance by Ukraine and II/5c on compliance by Turkmenistan, and decided to table them for formal adoption during the high-level segment.

52. The Chairman informed the Meeting about the substitution of two Committee members who had given notice of their resignation. In accordance with the procedure stipulated in

paragraph 10 of the annex to decision I/7, the Bureau, with the approval of the Compliance Committee, had appointed Mr. Jonas Ebbesson (Sweden) and Mr. Gerhard Loibl (Austria) to replace Ms. Elizabeth France (United Kingdom) and Mr. Laurent Mermet (France), with effect from the end of the second meeting of the Parties, for the remainder of their terms, i.e. until the end of the third ordinary meeting of the Parties.

53. The Meeting re-elected the following members of the Committee by consensus in accordance with the procedure set out in decision I/7 to serve until the end of the fourth meeting of the Parties: Mr. Merab Barbakadze (Georgia), Mr. Veit Koester (Denmark), Ms. Eva Kruzikova (Czech Republic) and Mr. Vadim Ni (Kazakhstan).

C. Financial arrangements

54. At their first meeting, the Parties had established through decision I/13 an interim voluntary scheme of financial contributions and set up a task force to explore the possibility of establishing stable and predictable financial arrangements for the Convention based on the United Nations scale of assessment or other appropriate scales. Following the conclusion of the work of the Task Force, draft decision II/6 on financial arrangements (ECE/MP.PP/2005/9) was finalized at the third meeting of the Working Group of the Parties. The text had been further considered and amended at the fifth meeting of the Working Group and forwarded to the Meeting of the Parties.

55. The Chairman introduced the item on behalf of Mr. Olivier Martin (France), Chairman of the Task Force, who was not present. He noted that the issue of financial arrangements had not been exhausted, and that the need to arrive at a more stable and predictable system remained. The Meeting was invited to take note of the work undertaken and to consider and adopt draft decision II/6.

56. Several delegations expressed their support for the draft decision and thanked the Task Force for preparing it. They however voiced concern over the fact that the current financial arrangements did not necessarily ensure that the funds needed to meet core requirements were available, and agreed with the secretariat that the present scheme did not achieve a fair sharing of the financial burden, as evidenced by the list of contributions received for 2003-2004 (ECE/MP.PP/2005/10, annex I). They expressed the hope that, as a result, Parties, Signatories and others would contribute further to the work programme. The Meeting agreed with the secretariat and the Bureau that a new task force was not necessary, although further review of financial arrangements should be undertaken by the Working Group of the Parties.

57. After agreeing on amendments reflecting the final figures resulting from the adoption of decision II/7 on the work programme for 2006-2008, the Meeting reached agreement on the text of decision II/6 by consensus and decided to table it for formal adoption during the high-level segment.

D. Capacity-building activities

58. Through decision I/10, the Parties at their first meeting had noted the urgent need for coordinated and systematic assistance for the effective implementation of the Convention,

primarily in countries with economies in transition, and had welcomed the efforts made by the secretariat to address these needs through the establishment of a capacity-building service.

59. Mr. Kaj Bärlund, Director of the Environment and Human Settlements Division, UNECE, highlighted the importance of capacity building for effective implementation. Presenting a background document prepared by the secretariat (ECE/MP.PP/2005/16), he stressed that capacity-building activities, and especially the identification of needs, priorities and strategies for building capacity, should be driven by the countries themselves rather than be seen as outside assistance only. He noted that public participation and especially access to justice required particular attention in the context of capacity building. Mr. Bärlund also informed the Meeting that the capacity-building service had been expanded into a wider framework in order to provide a consistent, structured and well-coordinated approach to capacity building. Within this coordination framework, the secretariat had taken on a facilitation role with the aim of providing an overview of all major capacity-building initiatives, facilitating coordination among the major organizations and institutions and providing support to projects implemented by various organizations. Two joint meetings had been held with the participation of the partner organizations carrying out capacity-building activities at the regional and subregional levels, and a third meeting was planned for autumn 2005.

60. The Central Asian countries made a joint statement concerning the Central Asian Sustainable Development Initiative that had been presented at the fifth "Environment for Europe" conference in Kiev in 2003. Under the initiative, Central Asian countries had called on the international community to support efforts, based on the coordinated priorities of the region, to achieve sustainable development. The countries noted that both the preparatory processes for the second meeting of the Parties and the region's national reports had identified a lack of capacity as the major challenge to the implementation of the Convention. In these circumstances, the Central Asian Sustainable Development Initiative's proposals on capacity building were seen as particularly important for the implementation of the Convention at the national and subregional levels.

61. Several NGOs, as well as UNEP and REC-CEE, emphasized the need to use existing expertise and materials, build synergies and coordinate capacity-building work. NGOs also asked for further support of capacity building at the local level with regard to local environmental programmes and plans. The need for training on access to justice, including exchange of experience for judges and legal professionals, was highlighted, especially in the light of the information drawn from the national implementation reports and of the findings of the Compliance Committee and the Task Force on Access to Justice.

62. The Meeting took note of the report by the secretariat on capacity-building activities supporting implementation of the Convention and of the points raised in the discussion.

VII. PROGRAMME OF WORK AND OPERATION OF THE CONVENTION

A. Work programme for 2006-2008

63. The Meeting considered draft decision II/7 containing the proposed work programme for 2006-2008 (ECE/MP.PP/2005/11). It agreed to incorporate some amendments to the body of the

draft decision proposed by the Working Group of the Parties at its fifth meeting and furthermore agreed to replace the last two operative paragraphs with new paragraphs calling for the secretariat to provide more detailed information on estimated costs for the forthcoming intersessional periods.

64. The Meeting then turned to the annex to the draft decision. The secretariat provided additional information upon request concerning the breakdown of the figures contained in the draft decision. Delegations expressed their satisfaction with the additional details on the estimated costs provided by the secretariat. The Meeting agreed upon amendments relating to several areas of work, namely public participation in international forums, GMOs and public participation in strategic decision-making. The overall cost estimates were adjusted accordingly.

65. The Meeting however expressed its concern over the fact that the ratio of extrabudgetary funding to regular budget funding appeared to be significantly greater for the Convention than for the other UNECE environmental conventions. The extent of extrabudgetary support should be interpreted as an indicator of priority by the contributing States and should not be seen as a reason to provide less regular budget support, rather the contrary. On this basis, the Meeting requested the Executive Secretary of UNECE to consider increasing the regular budget support for the servicing of the Convention.

66. The Meeting then reached agreement by consensus on the text of decision II/7, including the annexed work programme, as amended and decided to table it for formal adoption during the high-level segment.

B. Long-term strategic planning for the Convention

67. Through decision I/11, the Parties at their first meeting had requested the Working Group of the Parties to take steps to prepare a long-term strategic plan for the Convention, for possible adoption at the second meeting of the Parties.

68. The Meeting considered draft decision II/8 on long-term strategic planning for the Convention mandating the Working Group of the Parties to prepare a strategic plan for possible adoption at the third Meeting of the Parties (ECE/MP.PP/2005/12). It agreed that the plan should cover a five-year period starting from the year following the third meeting of the Parties and revised the draft decision to reflect this. On this basis, the Meeting reached agreement by consensus on the text of decision II/8 as amended and decided to table it for formal adoption during the high-level segment.

VIII. SYNERGIES BETWEEN THE CONVENTION AND OTHER RELEVANT MULTILATERAL AGREEMENTS, AND WORK ON ISSUES RELATED TO PRINCIPLE 10 OF THE RIO DECLARATION AND DEVELOPMENTS IN OTHER REGIONAL AND GLOBAL FORUMS

69. Through the Lucca Declaration, the Parties had agreed at their first meeting that the links between the Aarhus Convention and other relevant multilateral environmental agreements should be strengthened.

70. The Meeting was invited to explore ways of further promoting synergies between the Convention and other multilateral environmental agreements, taking into consideration the findings of the work on public participation in international forums. The Meeting was also invited to review developments related to the implementation of principle 10 of the Rio Declaration on Environment and Development in other regions and at the global level, on the basis of a background document prepared by the secretariat (ECE/MP.PP/2005/17), and to consider and adopt draft decision II/9 on accession of non-UNECE Member States to the Convention and advancement of the principles of the Convention in other regions and at the global level (ECE/MP.PP/2005/15).

71. The Meeting also welcomed the report on global and regional developments in issues related to principle 10 of the Rio Declaration prepared by the secretariat. In a written statement, Mr. Okechukwu Ibeanu, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, United Nations Commission on Human Rights, underscored the close relationship between the implementation of the procedural rights protected under the Convention and the fulfillment of other human rights, including those guaranteed under the International Covenant on Civil and Political Rights (ICCPR). He praised the Convention as indeed representing a “formidable tool to advance both environmental protection and the effective enjoyment of human rights”. The Special Rapporteur also welcomed the establishment of the compliance mechanism, and its role in allowing for consideration of individual communications concerning alleged non-compliance that could result in human rights violations.

72. The Chairman presented the draft decision, drawing attention to part of the text where alternative options remained in square brackets. After discussion, the Meeting resolved the outstanding issues and reached agreement on the text of decision II/9 as amended, which it decided to table for formal adoption during the high-level segment.

IX. REPORT ON CREDENTIALS

73. Ms. Aida Iskoyan (Armenia), in her capacity as Vice-Chair of the Bureau, presented the report on credentials. Twenty-seven Parties had submitted their credentials to the secretariat although some of them were entitled as full powers. While it was noted that some credentials were not originals, the Bureau recommended to the Meeting to accept them, subject to subsequent submission of duly signed originals to the Secretary.

74. The Meeting approved the report on credentials, presented by the officers in accordance with rule 17 of the rules of procedure.

HIGH-LEVEL SEGMENT

X. CEREMONIAL STATEMENTS

75. A welcome address on behalf of the host government was delivered by Ms. Aitkul Samakova, Minister of Environmental Protection of Kazakhstan. In her address, she stressed the

importance of the meeting, noting that it would not only take a number of important decisions but would also address various substantive aspects of implementation, such as setting common priorities, national legal and institutional frameworks, traditions of democracy and tools for effective implementation, as well as international cooperation. She also noted with appreciation that it represented the first meeting of the Parties to an environmental convention held in the region of Central Asia.

76. Ms. Brigita Schmögnerová, Executive Secretary of UNECE, delivered a message to the Meeting from the Secretary-General of the United Nations, Mr. Kofi Annan, in which he noted that the principles of the Convention empowered citizens to hold governments accountable and to play a greater role in promoting more sustainable forms of development. Welcoming the discussions on ways to make the Convention more accessible to States outside the ECE region, the Secretary General stressed the universal applicability of the values inspiring the Convention and called on States not yet Party to the Convention to consider acceding to it. Finally, he emphasised that over the long term, the success of the Convention would depend not only on the political will of governments but also on the readiness of the public to exercise the rights that the Convention seeks to guarantee. In this regard, he welcomed the active participation of civil society organizations in the Aarhus processes, which would ensure that the Convention remained a living, evolving instrument.

77. Speaking in her capacity as Executive Secretary of UNECE, Ms. Schmögnerová added that by establishing concrete procedures to implement the principles of environmental democracy, the Convention addressed, in a practical way, the relationship between human rights and the environment. Its implementation would continue to strengthen government accountability and contribute to the creation of more integrated societies, in which people could feel that their voices were heard. She noted both a quantitative growth, reflected in the increased number of Parties, and a qualitative evolution, evidenced by the agenda of the meeting. Ms. Schmögnerová underlined the importance of the reporting mechanism which provided a practical tool to Parties to assess the implementation of the Convention. She expressed her appreciation of the work of a number of international and regional organizations engaged in capacity-building projects aimed at promoting implementation of the Convention. She expressed particular thanks to Minister Samakova and the Government of Kazakhstan for hosting the meeting and for their warm welcome.

XI. SUCCESSES, FAILURES AND LESSONS LEARNED: KEY CHALLENGES IN IMPLEMENTING THE CONVENTION

A. Panel discussion

78. Ms. Aitkul Samakova, Minister of Environmental Protection of Kazakhstan, acted as moderator for the first ministerial panel. In her opening remarks, Minister Samakova stressed the need for the adoption of a solid legal framework and institutional structure for implementation, particularly for coordination of efforts between governmental authorities. She also emphasized that future activities and priorities should be determined through a regional approach to implementation.

79. Panelists were then invited to briefly present their views.

Mr. Pieter van Geel, State Secretary for the Netherlands, on behalf of the EU and acceding countries, focused on the main implementation challenges in the EU, including those relating to the legislation on public participation and criteria for NGO access to EU decision-making processes. He expressed his conviction that the EC was striking the right balance between transparency and efficiency. Successful implementation of the Convention would require both sustained political commitment and the support of the public, including NGOs.

Mr. Constantin Mihailescu, Minister of Ecology and Natural Resources, Republic of Moldova, underlined the need for technical and financial assistance to introduce electronic tools for collecting, storing and disseminating environmental information. He also stressed the need to develop national PRTRs with a view to ratifying the Protocol. Mr. Mihailescu emphasised the importance of the compliance mechanism as a non-judicial tool to improve implementation across the region. He also welcomed the consensus achieved in the adoption of an amendment on activities with GMOs.

Mr. Raimonds Vejonis, Minister for the Environment, Latvia, identified as one of the main challenges to implementation the need to ensure that the implementing legislation was well understood both by public authorities and by the public so that it could be applied effectively in practice. Other challenges were to ensure adequate involvement of the public in law-making, to promote access to justice through education of public authorities and legal professionals, to establish affordable and effective review mechanisms for environmental decision-making and provide appropriate financing for developing and sustaining environmental information systems.

The presentation by **Mr. John Hontelez**, Secretary-General, European Environmental Bureau (on behalf of the European ECO-Forum), addressed the growing role played by the Convention especially in EECCA, and stressed that public participation and access to justice remain the greatest implementation challenges, both in EU Member States and at the EU institutional level. He urged that the Convention remain ambitious and innovative, e.g. by Parties promoting its principles in other forums, and at the same time credible, by not glossing over problems with implementation.

Lord Justice Carnwath, Secretary-General, European Union Forum of Judges for the Environment, went on to describe some of the practical obstacles to the implementation of access to justice, including the limitations put on access to courts and delays in, and costs of, judicial proceedings.

Ms. Magda Toth Nagy, Head of Public Participation Programme, REC-CEE, focused on implementation in SEE. Particular attention was devoted to lessons learned, inter alia the importance of a long-term strategic approach to provide a stable framework for implementation, the need for structures to support integrated and participatory approaches, the importance of involving other ministries and agencies and the need to address community level projects.

Finally, **Ms. Rebecca Harms** (Germany), Member of the European Parliament, underscored the role of the Parliament as a driving force in the implementation of the Convention. She expressed particular concern that the draft regulation applying the Convention to the EU

institutions, in its present form, would not provide sufficient access to justice for environmental organizations and would thus fail to adequately implement the third pillar of the Convention.

B. General debate

80. During the general debate, the Meeting was invited to provide its views on challenges and successes in the implementation of the Convention. Several delegations described the different implementation measures that had been adopted in their countries. The complementary roles of the Convention's reporting mechanism in providing evidence of progress in implementation and of the compliance mechanism in enabling problems to be identified at an early stage were highlighted. Some interventions focused on specific challenges, such as the inadequacy of the implementing legislative framework, lack of financial and technical resources, insufficient public awareness, inefficiency of inter-sectoral cooperation, weakness of procedural mechanisms for access to justice and shortcomings in the dissemination of information to all sectors of the public. The need for capacity building was highlighted, and a proposal was made for the organization of subregional meetings on issues arising from the second meeting of the Parties. NGOs called on States to accelerate ratification of the Convention and the Protocol, and the OSCE described its activities in promoting implementation, particularly through the establishment of Aarhus centres.

XII. GLOBAL AND REGIONAL DEVELOPMENTS CONNECTED WITH PRINCIPLE 10 OF THE RIO DECLARATION

A. Panel discussion

81. Mr. Zaal Lomtadze, Deputy Minister for Environment, Georgia, and Chairman of the UNECE Committee on Environmental Policy, acted as moderator of the second ministerial panel. In his introductory remarks, Mr. Lomtadze considered the ways in which implementation of principle 10 outside the UNECE region had been stimulated by the Aarhus Convention and its successful implementation within the region.

82. Panelists were then invited to briefly present their views.

Mr. Victor Ricco, Centre for Human Rights and Environment (CEDHA), Argentina, highlighted the significance of the Nuevo León Declaration of the Special Summit of the Americas, adopted in Monterrey, Mexico, in January 2004. He reported that a protocol on access to information and public participation was under discussion among the Mercosur States (i.e. Argentina, Brazil, Paraguay and Uruguay) and Chile.

Mr. Grant Lawrence, Director, Directorate-General for the Environment, European Commission, discussed the application of Convention rules to the institutions of the EU. He reported that the Treaty establishing a Constitution for Europe currently subject to ratification by the Member States of the European Union would codify a Charter of Fundamental Rights that included a right of access to documents.

Mr. Roberto Lamponi, Director for Legal Cooperation, Council of Europe (CoE), addressed issues of cost, complexity and the uncertainty citizens may face in seeking access to justice. Considering the European norms and the specific expertise of the CoE in the field of access to justice, he expressed the Council's readiness to cooperate with the UNECE on furthering the principles of the Convention among the Council's 46 Member States.

Mr. John Carstensen, Senior Legal Officer, UNEP/Regional Office for Europe, stressed the challenge of translating principle 10 into action. He suggested that the UNEP Governing Council could promote cross-fertilization between the Almaty Guidelines and initiatives in other regions to promote public participation in GMO decision-making. He suggested that global instruments such as the Bali Strategic Plan for Technology Support and Capacity-building, which had been developed in accordance with regional and subregional strategies defined by regional and subregional bodies, could be effective vehicles for carrying forward principle 10's participatory approach to environmental decision making.

Mr. Arab Hoballah, Deputy Coordinator, Mediterranean Commission for Sustainable Development, UNEP/MAP, noted that UNEP/MAP provided a bridge between Europe and the Southern Mediterranean region. He suggested that cooperation between UNEP, UNITAR and UNECE could be fruitful in promoting principle 10 but should be conducted with an awareness of the region's specific political and cultural sensitivities.

Ms. Elena Petkova, Access Initiative (TAI)/Partnership for Principle 10 (PP10), World Resources Institute, reported that principle 10 indicators had been developed covering specific provisions of the Convention by TAI partner organizations. The existence of a national constituency prepared to support demand for principle 10 and flexibility were seen as critical factors in the success of the Initiative. Other important factors included peer accountability, mutual learning and financial support for participating organizations.

B. General debate

83. During the general debate, the Meeting was invited to provide its views on global and regional developments connected with principle 10. Several delegations expressed support for a global initiative to address environmental democracy or welcomed further discussion on global guidelines on principle 10. The adoption of guidelines on public participation in international forums and decision-making on the deliberate release of GMOs were highlighted in some interventions as concrete achievements having an international impact. Partnerships between major sectors, such as PP10 and the Partners for Environmental Cooperation in Europe, which include business and civil society organizations, were seen as a promising way to promote principle 10 internationally and, in particular, further its practices in countries with economies in transition.

XIII. REVIEW AND ADOPTION OF DECISIONS

84. Based on the work carried out under the preceding agenda items, the Meeting formally adopted the following decisions by consensus :

- Decision II/1 on Genetically Modified Organisms (ECE/MP.PP/2005/2/Add.2)

- Decision II/2 on Promoting Effective Access to Justice (ECE/MP.PP/2005/2/Add.3)
- Decision II/3 on Electronic Information Tools and the Clearinghouse Mechanism (ECE/MP.PP/2005/2/Add.4)
- Decision II/4 on Promoting the Application of the Principles of the Aarhus Convention in International Forums (ECE/MP.PP/2005/2/Add.5)
- Decision II/5 on General Issues of Compliance (ECE/MP.PP/2005/2/Add.6)
- Decision II/5a on Compliance by Kazakhstan with its Obligations under the Aarhus Convention (ECE/MP.PP/2005/2/Add.7)
- Decision II/5b on Compliance by Ukraine with its Obligations under the Aarhus Convention (ECE/MP.PP/2005/2/Add.8)
- Decision II/5c on Compliance by Turkmenistan with its Obligations under the Aarhus Convention (ECE/MP.PP/2005/2/Add.9)
- Decision II/6 on Financial Arrangements (ECE/MP.PP/2005/2/Add.10)
- Decision II/7 on the Work Programme for 2006-2008 (ECE/MP.PP/2005/2/Add.11)
- Decision II/8 on Long-term Strategic Planning for the Convention (ECE/MP.PP/2005/2/Add.12)
- Decision II/9 on Accession of Non-UNECE Member States to the Convention and Advancement of the Principles of the Convention in Other Regions and at the Global Level (ECE/MP.PP/2005/2/Add.13)
- Decision II/10 on Reporting Requirements (ECE/MP.PP/2005/2/Add.14)

XIV. DISCUSSION AND ADOPTION OF THE ALMATY DECLARATION

85. The Meeting was invited to consider the draft Almaty Declaration, as initially prepared by the Bureau and subsequently discussed and revised by the Working Group of the Parties at its fourth and fifth meetings. Ministers and heads of delegation of Parties, Signatories and other States, as well as the international, regional and non-governmental organizations and other representatives of civil society present amended and adopted the Almaty Declaration (ECE/MP.PP/2005/2/Add.1).

XV. ELECTION OF OFFICERS AND OTHER BUREAU MEMBERS

86. The Meeting of the Parties elected Ms. Hanne Inger Bjurstrøm (Norway) as Chairperson and Ms. Saltanat Abdikarimova (Kazakhstan) and Mr. Jerzy Jendroska (Poland) as Vice-Chairpersons from among the representatives of the Parties present at the meeting in accordance

with rule 18. It also elected the following members of the Bureau from among the representatives of the Parties in accordance with rule 22, paragraph 1 (b): Mr. Faig Sadigov (Azerbaijan), Ms. Maud Istasse (Belgium), Ms. Giuliana Gasparini (Italy) and Ms. Zaneta Matijesku (Latvia). The Meeting noted that while efforts should be made to achieve regional balance in the composition of the Bureau, there was no strict earmarking of seats in the Bureau for specific sub-regions. Mr. John Hontelez (European Environmental Bureau) was appointed by the European ECO Forum, a coalition of NGOs, to attend the meetings of the Bureau as an observer, in accordance with rule 22, paragraphs 2 and 4.

XVI. DATE AND VENUE OF THE THIRD ORDINARY MEETING

87. It was agreed that the third meeting of the Parties would take place in 2008, and that the exact date and venue would be decided by the Working Group of the Parties on the basis of further consultations on the matter. The delegation of the Republic of Moldova kindly offered to host the meeting. The Meeting took note of this offer.

XVII. ADOPTION OF THE REPORT

88. The Meeting mandated the incoming Bureau to finalise the report of the Meeting.

XVIII. CLOSE OF THE MEETING

89. Closing the meeting, Minister Samakova expressed her appreciation of the fruitful and far-reaching progress made and thanked all delegates for their constructive contributions to the positive results.