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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
(Fourth meeting, Geneva, 1-4 February 2005)
Item 4 of the provisional agenda

DRAFT ALMATY DECLARATION¹

For eventual adoption at the second meeting of the Parties
to be held in Almaty, Kazakhstan, 25-27 May 2005

Prepared by the Bureau

We, Ministers and heads of delegation of Parties, Signatories and other States, parliamentarians and representatives of civil society, in particular non-governmental organizations promoting environmental protection from throughout the UNECE region and beyond, gathered at the second meeting of the Parties to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, affirm the following:

1. Since our first meeting in Lucca, Italy, the Aarhus Convention has taken firmer hold in the UNECE region. The number of Parties has [almost][more than] doubled. More States

¹ This document has been submitted two days late as a consequence of an unavoidably short interval between the date of the third meeting of the Working Group and the deadline for the submission of documents for its fourth meeting, and the fact that the Bureau was only given a mandate to start preparing the text and guidance on its format at the third meeting of the Working Group.

are preparing to ratify or accede to it and a growing number of States, whether or not Signatories, [as well as the European Community,] are making efforts to give effect to its principles and provisions in their internal law, thereby strengthening the protection of citizens' environmental rights and environmental democracy throughout the region.

2. The Convention is an unprecedented instrument of international environmental law, representing a significant step forward both for the environment and for the consolidation of democracy. Today, gathered in Almaty, we solemnly reiterate our pledge to continue to advance both environmental protection and democratic governance by adhering to, implementing and further developing the Aarhus Convention as an instrument to enable public authorities and citizens to assume their individual and collective responsibility to protect and improve the environment for the welfare and well-being of present and future generations.

3. At the same time, we urge all Signatories to the Convention which have not yet ratified it to do so as soon as possible, to put in place the full set of implementing legislation as well as procedures and mechanisms for implementing the specific provisions of the Convention and, in the interim, to seek to apply them to the maximum extent possible. We also encourage the public to make full use of its rights under the Convention and welcome in particular the important work of non-governmental organizations promoting environmental protection in this regard, which deserves further recognition and support in all countries. We recognize the important tasks to be performed by public authorities for the implementation of the Convention and the need for States to provide them with adequate resources for this purpose.

4. In Lucca, we mandated the Convention's bodies to undertake further work on a number of key topics. We welcome the results achieved on many of those topics, which reflect important progress.

5. The adoption of the Kiev Protocol on Pollutant Release and Transfer Registers two years ago was a particularly important step forward, contributing to increasing corporate accountability, reducing pollution and promoting sustainable development. We urge all Signatories to speed up their internal processes with a view to early ratification and entry into force of the Protocol and to put in place implementing legislation as well as administrative procedures and mechanisms for establishing operational pollutant release and transfer registers in accordance with the provisions of the Protocol.

6. In Aarhus, the Signatories to the Convention identified the need to develop more precise provisions with respect to genetically modified organisms. The adoption of the Lucca Guidelines was a first step towards addressing this need. [Additional sentence based on the outcome of the negotiations at the fourth meeting of the Working Group of the Parties]

7. [Paragraph on electronic information tools based on the outcome of the negotiations at the fourth meeting of the Working Group of the Parties]

8. We welcome the successful launch of the Aarhus Clearing House for Environmental Democracy. We urge all Parties, Signatories and other States, as well as non-governmental organizations, academic and other research institutions and other members of the

public, to submit relevant information for inclusion in the Clearing House and to make use of this important information resource.

9. [Paragraph on access to justice based on the outcome of the negotiations at the fourth meeting of the Working Group of the Parties]

10. The Convention reflects the close relationship between human rights and environmental protection. This link is increasingly being recognized not only in the UNECE region but also in other regions of the world, in the work of many international organizations and the practice of human rights bodies. We welcome these developments and encourage the United Nations Commission on Human Rights to pursue its ongoing work on the relationship between the environment and human rights as part of sustainable development.

11. We reiterate our invitation to States outside the UNECE region to accede to the Convention. We also invite States outside the UNECE region to consider acceding to the Protocol once it has entered into force. We believe that the involvement of such States could be of mutual benefit, by enriching the processes under the Convention and its Protocol and affirming the global relevance of their standards, while at the same time strengthening support for the implementation of principle 10 of the Rio Declaration on Environment and Development worldwide. In this regard, we also encourage the United Nations Environment Programme to continue its work with a view to developing global guidelines on access to information, public participation in decision-making and access to justice in environmental matters. Where requested and within available resources, we are prepared to support initiatives in other regions and forums aimed at applying the principles contained in the Aarhus Convention.

12. [Paragraph on public participation in international forums based on the outcome of the negotiations at the fourth meeting of the Working Group of the Parties]

13. It gives us great encouragement that the Convention has attracted considerable interest and support from 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. Sharing experiences and finding synergies and areas of cooperation with the other UNECE conventions, as well as with other regional, subregional and global multilateral environmental agreements, in order to maximize their combined effectiveness in our region, will also be one of our priorities during the next few years.

14. Implementation and compliance by the Parties with their obligations under the Convention continue to be crucial to its success. In this regard, we welcome the fact that the unique system for compliance review, which was established by the Meeting of the Parties in its decision I/7, has now become fully operational. We commend the work of the Compliance Committee and undertake to give full effect to its recommendations.

15. We note with appreciation the valuable information on the status of implementation of the Convention provided by Parties in their national reports and submitted by other stakeholders. [Further sentence(s) based on main findings of first reporting cycle.]

16. While we recognize that further work remains to be done on specific topics to develop the application of the principles of the Convention, promoting the implementation of and compliance with the Aarhus Convention and the Kiev Protocol is our first priority.

17. Promoting implementation will require further capacity-building efforts aimed at specific groups of countries or addressing specific topics or professional target groups and providing guidance and support for implementation. We expect the reporting regime and compliance mechanism to provide a rich source of information, which should be used as a basis for identifying specific priorities for capacity-building, having regard to the needs of public authorities, legal professionals and civil society in the countries in question.

18. Promoting environmental education and strengthening civil society mechanisms will also be crucial for the effective implementation of the Convention and its Protocol. Measures taken to implement the UNECE Strategy for Education for Sustainable Development, as well as efforts of public authorities and civil society organizations aimed at raising environmental awareness generally, will help the public to exercise its rights under the Convention more effectively.

19. Problems of non-compliance need to be further addressed through information, support and guidance, through the application of the existing mechanism for compliance review, while promoting wider awareness of its existence, and through developing an appropriate compliance mechanism for the Protocol based on the experience gained under the Convention.

20. Implementation also needs to be continuously and effectively monitored. To this end, we aim to review and further develop the reporting regime under the Convention, based on the experience gained, to develop an adequate reporting system for the Protocol, to use the clearing house to make available other sources of information on implementation and to review methodologies for assessing the state of implementation.

21. Securing adequate funding of activities under the Convention remains paramount. We therefore call upon Parties, Signatories and other interested States, as well as other potential donors, to make voluntary financial contributions to support the implementation of the work programme under the Convention and related activities. At the same time, we will continue to explore possibilities for establishing a more permanent system of financial arrangements guaranteeing funding on a stable, sustainable and predictable basis.

22. Our long-term strategic vision is to secure the enjoyment of the rights of environmental democracy in order to improve the state of the environment and promote sustainable development throughout the pan-European region and, as appropriate, beyond. We see it as our mission 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, by encouraging States which are not yet in a position to become Parties to take steps to participate in the Aarhus process and give effect to the principles of the Convention, and by further developing the Convention in selected priority areas. At our third meeting, we

intend to adopt a long-term strategic plan covering the next [two][three] intersessional periods and translating these general objectives into operational terms.

23. We express our appreciation and gratitude to the Government of Kazakhstan for having undertaken to host the second meeting of the Parties. [We welcome and accept the offer of the Government of [...] to host the third meeting of the Parties in [.. 2008].]