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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

Seventh meeting,
Geneva, 2–4 May 2007
Item 5 of the provisional agenda
Public participation in international forums

**SYNTHESIS OF RESPONSES RECEIVED FROM INTERNATIONAL FORUMS TO
THE WRITTEN QUESTIONNAIRE IN THE CONSULTATION PROCESS ON
THE ALMATY GUIDELINES**

Addendum

CURRENT AND FUTURE WORKPLANS

Prepared by the Task Force on Public Participation in International Forums
with the assistance of the secretariat

1. The purpose of this addendum is to synthesize the international forums' responses to the written questionnaire in respect of the following question:

Are there any current or future workplans of your forum that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.

2. The addendum first reports on the new policy instruments being developed by the international forums, and their revision of existing policy instruments, that may affect access to information, public participation in decision-making and access to justice in environmental matters. It next looks at international forums' current and future plans that may affect access to information, before addressing current and future plans bearing on public participation in decision-making and any current and future plans that may affect access to justice. Finally, it notes the international forums that indicate that they do not have current or future workplans on these issues.

New policy instruments and revisions of existing policy instruments

3. UNEP's Division of Early Warning and Assessment indicates that a process has been initiated to review the organization of the ministerial consultations of its Governing Council/Global Ministerial Environment Forum. A working document is under preparation for presentation to the 24th session of the Governing Council/Global Ministerial Environment Forum in February 2007. Civil society organisations are to have the opportunity to provide input and comments on this working document.

4. At its seventh session in April 2007, the UNFF will decide on a Non-Legally Binding Instrument on all kinds of forests and on its next Multi-Year Programme of Work. Its secretariat indicates that this should reflect the spirit of the draft resolution forwarded by the UNFF at its sixth session to ECOSOC, which calls for the promotion of the active participation and empowerment of all forest-related stakeholders.

5. The CMS secretariat reports that, at the last session of its Conference of the Parties, an Outreach and Communications Plan indicating actions and areas for public information work was adopted.

6. IFAD records that its Administrative Procedures for Environmental Assessment are currently being updated with involvement from its major partners.

7. The SAICM secretariat reports that the International Conference on Chemicals Management, which adopted SAICM in February 2006, will develop rules of procedure during its second session in 2009.

8. The MAP secretariat reports that a review is expected of its partnership policy with civil society, including its criteria, modalities and effectiveness, to conclude with a proposal for the consideration of the meeting of the Contracting Parties in 2007. The secretariat indicates that it will try to take into account the Almaty Guidelines and its recommendations in order to better orient its future work.

9. The Contracting Parties to the Tehran Convention have developed draft Rules of Procedure, which are to be approved and adopted by the First Conference of the Parties, preliminarily scheduled for March/April 2007. The interim secretariat of the Tehran Convention also indicates that there are a number of draft Protocols to the Convention currently under negotiation. Most include provisions relevant to public access to environmental information and some also include provisions relevant to public participation in environmental matters, although neither the Protocols nor the Tehran Convention address the issue of access to justice in environmental matters. The draft Biodiversity Protocol refers to the development of education and awareness programmes and promoting public participation in measures for the protection of Specially Protected Areas. The draft Protocol on EIAs in a Transboundary Context includes provisions regarding access to relevant EIA information and public consultation and gives the public the right to comment to the competent authorities about proposed activities. The draft Land-based Sources Protocol includes provisions regarding public access to relevant environmental information as well as the enhancement of public participation in measures necessary for the protection of the marine environment and coastal areas of the Caspian Sea from land-based sources pollution.

10. Following the adoption of the St. John's Declaration in 2005, NAFO commenced a reform process by revising the text of the Convention and strengthening monitoring, surveillance and control measures. Its secretariat reports that this has generated a lot of press attention and interest among NGOs with similar conservation objectives and it expects that NAFO will receive more requests for information and the participation of observers.

11. The response from the European Commission in its capacity as a Party to the Cotonou Agreement indicates that it is intended to shortly approve an environment integration manual, which lays down procedures for key instruments with respect to environmental issues, i.e. EIA, Strategic Environmental Assessments and Country Environmental Profiles. The manual also contains provisions for access to environmental information and public participation in decision-making through consultative processes. More information on these instruments is available at www.environment-integration.org

12. The EBRD response indicates that EBRD is currently commencing a review of its 2003 Environmental Policy and that this is likely to lead to a revision of the policy in 2007. The review and revision will be undertaken in consultation with governments, institutions, NGOs and the public. A consultation plan is presently being prepared.

13. The Helsinki Commission's secretariat reports that a new environmental strategy for the protection of the Baltic Sea, the HELCOM Baltic Sea Action Plan, is currently under development and will stress the importance and involvement of all stakeholders. In March 2006, a stakeholder conference was held to facilitate the involvement of the public and other sectors in the development of the HELCOM Baltic Sea Action Plan. The conference was intended to get input and commitments at the local, national, and regional levels as well as from the private sector. A second stakeholder conference is planned for spring 2007.

14. At its session in December 2006, the Executive Body of the LRTAP was to consider new rules to further promote the release of Convention data whilst paying due regard to intellectual property rights and commercial interests.

15. AfDB's Sustainable Development Division indicates that the Bank will review implementation of its Environmental and Social Assessment Procedures in 2007-2008, five years after their adoption. The objective of the review is to specify best practices, identify opportunities used, and highlight constraints faced with respect to their implementation.

16. ADB has launched a Safeguard Policy Update to enhance the effectiveness of its safeguard policies, and ensure their relevance to changing client needs and new lending modalities and instruments. ADB has three safeguard policies, on environment, involuntary resettlement and indigenous peoples respectively, which seek to avoid, minimize or mitigate adverse environmental impacts, social costs to third parties and marginalization of vulnerable groups that may result from development projects.

Current or future plans regarding access to information

Increasing the use of electronic information tools and upgrading of websites

17. Nine forums note current or future workplans to increase the use of electronic tools and/or improve their website. The ITTO secretariat reports that it has recently upgraded its English website, and is in the process of developing French, Spanish and Japanese versions. It comments that these different versions, coupled with the re-designed English site which contains all the organization's documents and information, will greatly increase access to information regarding its work. The UNFCCC secretariat indicates that it is continuously reviewing and improving its website for usability and content, a continuous challenge as the climate change process becomes more technical and involves more economic sectors. The UNFCCC secretariat notes that web-based solutions appear to be the most practical, economic and globally accessible way of providing information to the public, although they have limitations in developing countries. The secretariat of the UNESCO Man and the Biosphere Programme has sent a draft proposal to EuroMAB members to establish a EuroMAB web platform for more systematic exchanges of cooperative activities in the network. The first EuroMAB web platform was to be built in January 2007. The SAICM secretariat is currently in the process of developing a new website that will have interactive capabilities and greatly expanded resources, in order to fulfill the secretariat's clearing house function. The MAP secretariat reports that a new website is being developed. Proposed elements of the new website take into account the requirements of better access to information and more efficient public participation in decision-making.

18. The Bureau of the Water Convention indicates that the 2007-2009 workplan adopted at its fourth Meeting of the Parties foresees the establishment of an internet database presenting an assessment of transboundary waters in the UNECE region. The database will make available to the public information on the pressures on water resources, their status and trends, and the policy responses implemented to address water management issues. The Bern Convention's secretariat reports that its website will soon be revamped and updated, with a view to having more relevant information on-line and easier to find. The Sava Commission's secretariat indicates that its website will be further developed to include data on its projects and documents from its permanent expert groups, including minutes, decisions and final papers. It also intends to send electronic newsletters targeted to experts to share information on activities, methods, and results in order to get rapid feedback and to identify possible synergies or links with other projects.

UNESCAP's Environment and Sustainable Development Division is investigating the use of web-based video-conferencing and webcasting to address the cost constraints associated with expanding public participation in its forums.

19. IFAD observes that, although it has no specific workplans in this area, the use of technical means to effectively render information accessible to the public free of charge using electronic information tools, radio broadcasting and free publications is increasing tremendously.

Increasing dissemination in national languages

20. The CBD secretariat indicates that it has recently invited Parties to inform the secretariat if they have prepared translations in non-United Nations languages of any implementation tools for the Convention such as Principles or Guidelines so that these can be made available through the Convention's clearing house mechanism.

Increasing generation and sharing of environmental information

21. The MAP secretariat indicates that a new programme known as INFO MAP has been established to create a MAP information-sharing system. The system is expected to facilitate access to information by stakeholders, interested actors and civil society at the national and regional level. It will also facilitate public participation in decision-making. The secretariat of the Caribbean Environment Programme notes that many of its ongoing and future projects will focus on the generation and sharing of environmental data and information in the region, the development of environmental databases, and the use of GIS and other tools to demonstrate the relevance and importance of environmental data to decision-makers and the general public.

22. At the second meeting of the Signatories to the Tehran Convention (February 2006), it was agreed that there is a need to explore possible mechanisms for improved data and information management in the region. The interim secretariat reports that one option for addressing these challenges at the regional level is the development of a regional agreement or a separate protocol to the Tehran Convention with the aim of setting up an institutional body linked to the secretariat with the responsibility of collecting and disseminating information on Caspian environmental issues and developing centralized mechanisms for information sharing. Another option is to develop a set of voluntary guidelines addressing the key principles of the Aarhus Convention. The decision on most appropriate approach will be taken in due course by the COP.

Increasing awareness of the international forum itself

23. The CEP Bureau reports that the CEP was mandated by the Fifth Ministerial Conference "Environment for Europe" (Kiev, 2003) to develop, in consultation with interested stakeholders, a draft Communication Strategy to raise awareness of the "Environment for Europe" process

among stakeholders and the general public.¹ The Working Group of Senior Officials (WGSO) preparing for the Sixth Ministerial Conference “Environment for Europe” (Belgrade, October 2007) was invited to revise the strategy for submission to the Ministerial Conference and to consider the possible development of a Communication Plan for the implementation of the Strategy. At its second meeting in June 2006, the WGSO decided that communication plans should be developed to raise public awareness of each of the Ministerial Conferences and to inform the public on their concrete outputs, starting from the Belgrade Conference. Following the request by the WGSO, on the basis of inputs from the member States as well as the “Environment for Europe” partners and in consultation with the host country, a draft communication plan was developed aiming to raise awareness of the issues addressed by the Belgrade Conference and to enhance its visibility. The draft communication plan has two objectives: first, to deepen understanding of the issues to be addressed at the Belgrade Conference - the media has a key role to play in this respect; and second, to contribute to raising the visibility of the “Environment for Europe” process by highlighting its main commitments and successes. The “Environment for Europe” secretariat indicates that the Belgrade Conference will itself provide an important platform for stakeholders to better understand the achievements, impacts and challenges of the process.

Current and future workplans regarding public participation

General stakeholder involvement

24. Six forums report current or future plans to increase general stakeholder involvement; conversely, one forum reports that it may be necessary to restrict access. The CBD secretariat indicates that the Strategic Plan of the Convention calls on all Parties to promote public participation in support of the Convention. The Strategic Plan sets two important sub-objectives in that regard: first, the effective involvement of indigenous and local communities in implementation and in the processes of the Convention at national, regional and international levels; and second, the engagement of key actors and stakeholders, including the private sector, in partnership to implement the Convention. The secretariat states that it recently scaled-up its outreach activities with major groups and is committed to engaging all stakeholders in the Convention’s processes. It has focal points for major groups who are responsible for increasing the information on the work of the Convention within these groups and thus increasing both outreach and general understanding of the Convention’s objectives.

25. The UNCCD secretariat notes that the General Assembly of the United Nations declared 2006 the “International Year of Deserts and Desertification”. The secretariat accordingly organized numerous events during the year to foster awareness-raising, education and capacity building. For example, in September 2006, a meeting was held in Montpellier, France, about the role of civil society in combating desertification. In October 2006, the International Symposium on Desertification and Migration held in Almeria, Spain brought together stakeholders together

¹ The UNECE acts as the secretariat to both the CEP and the “Environment for Europe” process. The Working Group of Senior Officials of the “Environment for Europe” process is established by the CEP upon the recommendations of the Ministerial Conferences.

to review the relationship between desertification and migration, to encourage a debate concerning migratory processes and their environmental implications and to draw the attention of the scientific community and decision-making authorities to the issue. On a lighter note, in December 2006, a film festival entitled “Desert Nights – Tales from the Desert” was held in Rome, Italy.

26. The CMS secretariat reports that it is increasing the number of bodies with which it develops partnerships, including other inter-governmental organizations (e.g. Regional Seas Conventions), scientific bodies (e.g. the Zoological Society of London), conservation and animal welfare bodies (e.g. the Whale and Dolphin Conservation Society) and user groups (e.g. Commission Internationale pour la Chasse).

27. The UNCSTD secretariat indicates that, in view of the Commission’s new mandate regarding the follow-up to the outcomes of the World Summit on the Information Society (WSIS), the Commission will take into account a multi-stakeholder approach in its work. It adds that ECOSOC will consider civil society and business entities that have participated in the WSIS process for participation in the future work of the UNCSTD.

28. The interim secretariat of the Carpathian Convention refers to the Convention’s current project on public participation towards implementation of the Carpathian Convention. This has been developed in order to involve more representatives of civil society in the decision-making process, to stimulate interest and practical activities with different forums within the region and to carry out open consultations regarding priority areas and influence opportunities.

29. OAS’ Department of Sustainable Development indicates that in the last few years it has increased the number and type of public consultations related to access to information and decision-making in environmental matters. It comments that the success of these consultations and the rapid availability of the results (through an established civil society dedicated website) have prompted demands for more. Its future workplans will therefore include further local and sub-regional consultations, as well as increasing the use of virtual consultation forums as a consultation tool and improving mechanisms for prompt access to information. It notes that members of civil society are more willing to use virtual consultation mechanisms once they know who is behind them.

30. On the other hand, the UNESCO World Heritage Centre reports that the increasing interest in participation in World Heritage Committee sessions may lead to the restriction of access. It notes that the number of participants in observer delegations had to be restricted already in 2006.

Accreditation

31. Both the IWC secretariat and the LRTAP Bureau report that their rules for accreditation of NGOs are currently under review and may be revised. At its session in December 2006, the Executive Body of the LRTAP was to consider new procedures for accreditation that would enable more NGOs to participate in the work of the Convention. The IWC’s review includes whether the existing requirement for NGOs to have offices in at least four countries should be

relaxed to allow broader participation (e.g. of national NGOs); and whether to increase the numbers of representatives per organisation allowed in the meeting room at any one time.

Increasing focus on special groups

32. Work to increase the focus on particular stakeholder groups is mentioned by four forums. The UNCCD secretariat reports that, as part of the “International Year of Deserts and Desertification”, an International Conference on Women and Desertification was held in Beijing, China in May 2006. The secretariat notes that women’s equal participation in the economic and political development of communities and countries has been recognized as a fundamental prerequisite for achieving international sustainable development commitments. The secretariat also reports that in September 2006 a conference was organized in Bamako, Mali, on the subject of young people and desertification.

33. OAS’ Department of Sustainable Development notes that the inclusion and respect of indigenous peoples is becoming an increasingly important cross-cutting issue in the region, particularly when dealing with environmental matters, and that public participation initiatives are reflecting this trend by trying to ensure the presence of indigenous peoples during public consultations. It comments that the upcoming Bolivia Ministerial Conference presents an opportunity to improve the mechanisms already in place to reach out to indigenous communities.

34. The CBD secretariat reports that COP-8 in 2006 adopted a specific decision focused on harnessing the knowledge, information and technological resources of industry and business in the implementation of the Convention and its 2010 biodiversity target.

35. The Bureau of the Committee on Housing and Land Management reports that the Committee is currently considering a research proposal on the management of the multifamily housing stock, put forward by the Committee’s Advisory Network of experts from the private sector, financial institutions, NGOs, professional institutions, research institutions and local authorities dealing with housing, spatial planning and land administration.

36. Although it states that it does not have specific workplans in this area, the Baltic 21 secretariat indicates that it intends to strengthen the involvement of the research community and NGOs to link the results of research to NGO activities.

Implementation

37. The UNFCCC reports that one of the most recent developments regarding the involvement of the public are the Clean Development Mechanism (CDM) and Joint Implementation Supervisory Committee (JISC) processes. Both these processes govern project implementation by private entities and governments that impact various categories of stakeholders and have generated a great deal of interest. From its inception, the CDM included opportunities for input from the public in various stages. These “calls for public input” allow comments from the affected public. Additionally the CDM process has institutionalised question and answer sessions for observers to CDM Executive Board meetings with the Executive Board. Both these tools are

also being used by the JISC with equal success. The UNFCCC secretariat also reports that discussions are taking place under its Subsidiary Body for Implementation (SBI) on enhancing the participation of observers. As a result of these discussions, several practices have been institutionalized, including encouraging submissions by observers of information/views on specific issues, allowing observers to intervene on agenda items, and inviting observers to workshops. Other proposals, including establishing a fund to support participation by organizations from developing and economies-in-transition countries have not been approved. The item remains open with further consideration by the SBI expected in 2007.

Evaluation

38. The secretariat of the UNESCO Man and the Biosphere Programme is currently coordinating a research and training programme on dialogue and concertation in biosphere reserves, including comparative surveys on how dialogue processes in a biosphere reserve, at different time and spatial scales, are translated into management practices. One key issue is linked to the impact of participatory approaches on conservation and sustainable use of biodiversity and on assessing whether participation, dialogue and concertation processes are more efficient approaches for achieving conservation and sustainable use of biodiversity objectives than other approaches (e.g. market-oriented, state or private management). A pilot project was initiated on selected biosphere reserves for improving the periodic review process and data collected in selected sites, in order to better understand the causes and consequences of changes in the biosphere reserve, through the building up of a core set of indicators which will be comparable in all sites. There is a special focus on assessing and monitoring participation and stakeholders interactions and on how the communication of information and knowledge, both scientific and from practitioners, is contributing to conservation and sustainable use of biodiversity.

Current or future workplans regarding access to justice

39. The MAP secretariat reports that there are attempts to negotiate an article on access to justice on environmental matters under the new Draft Protocol on Integrated Coastal Zone Management (expected to be adopted late in 2007). There is agreement in principle to add some new elements on public participation to the draft Protocol, in particular the establishment of partnerships with civil society.

No current or future workplans

40. The IMF, the Committee on Sustainable Energy, and the secretariats of the Alpine Convention and the ICPDR advise that their forums have no current or future workplans that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters. NEFCO states that it has no plans that would negatively affect such modalities. The ICPDR secretariat says that it has no plans to change its existing guidelines or practice because it has just done a revision based on the requirement of the European Union Water Framework Directive.