

**1ST MEETING OF THE WORKING GROUP ON COMPLIANCE AND
RULES OF PROCEDURE**

Palais des Nations, Geneva, 12-16, February 2000

**COMMENTS FROM DELEGATIONS ON THE DRAFT RULES OF
PROCEDURE FOR THE MEETING OF THE PARTIES (CEP/WG.5/2000/3)**

Informal note from the Secretariat

The second meeting of the Signatories invited delegations to submit written comments to the Secretariat on the draft rules of procedure for the Meeting of the Parties (CEP/WG.5/2000/3), for compilation and distribution in advance of the first meeting of the intergovernmental Working Group dealing with the issue.

Written comments were received from the following delegations:

Denmark
Germany
Kazakhstan
Switzerland
European Commission
Regional Environmental Center for Central and Eastern Europe
European ECO Forum

The comments received are reproduced in the following pages. They have not been formally edited.

DENMARK

1) A rule about extraordinary meetings of the Parties is missing e.g. along the lines of the rules of procedure for the CBD 4(3 and 4) + 13 which read:

"Rule 4

1.....

2.....

3. Extraordinary meetings of the Conference of the Parties shall be convened at such times as may be deemed necessary by the Conference of the Parties, or the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of three Parties.

4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

Rule 13

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the invitation to the extraordinary meeting".

2) Rule 5 (2,c): Add a reference to the definition of member of the public in the Convention to the notion of "member of the public" in rule 5 (2,e).

3) Rule 11 (1) "except that the exceptions ---- apply": either it is irrelevant in which case this sentence could be deleted or the exemptions in para 3 or 4 of article 4 might be relevant, in which case they should be applicable.

4) Rule 17:

a) Normally it is the task of the Bureau to examine credentials!

b) replace "approval" by "decision".

5) Rule 18 (1) + 18 (2): Insert after the word "At" the following: "the commencement of the first session of" + add in para 2 after the first sentence the following words:

"at the next ordinary meeting of the Parties" + delete the second sentence in para 2 ("During any meetingnext meeting").

6) Rule 18 (1) + 22 (3): The election of the Vice-Chairperson from among the NGO`s is not based on nomination by the NGO's, while the election of the ordinary

member of the Bureau from among the NGO's in based on a nomination. It should be either the other way round or a nomination in both cases or no nominations in either of the cases.

7) Rule 22:

a) the figure in para 1 should be fixed

b) 8 members will cause difficulties -e.g. the number of the members representing the EU would be the same as the number the of NGO-members. On the other hand a bigger Bureau would also cause difficulties.

c) The tasks of the Bureau are not indicated even not that it shall serve as Bureau of the meeting. Rule 25 (a) could be referred to and maybe to examine credentials (point 4, a above) and probably "any other task assigned to the Bureau by the meeting of the Parties".

8) Rule 29, sentence 3 "if so desired": by whom? It is probably better to delete: "following consultation if so desired". The chairman is always free to consult anybody he wishes to consult.

GERMANY

1. Re rule 3 (Place of meetings)

This rule leaves open whether the Parties or the Bureau determine the place of meetings (just as rule 3 RoP for the ECE Transboundary Watercourses Convention). In order to avoid potentially time-consuming discussions at a later date, a clear decision should be made here. Suggested wording: "... at the United Nations Office at Geneva, unless the Meeting of the Parties decided otherwise." [new text underlined].

2. Re rule 5 para. 4 (Notification by electronic mail)

As it cannot be assumed that every relevant Party can always be reached by computer, notification by email *only* should be rejected. At least first pages with a reference as to how the rest of the document can be obtained are to be sent in the usual form.

However, for the party mentioned in paragraph 2 (e), *any members of the public*, this must not necessarily apply.

If/insofar members of the public are excluded in accordance with rule 7 (cf. the comments regarding rule 7) they might be excluded from notification as well.

Also cf. comments on rule 10.

3. Re rule 6 (Observers)

The text of this rule is quite confused by complicated references. It should in any case be edited.

4. Re rule 7 (The public)

For effective work at the conference, it could be necessary to be able to exclude the public and the media, at least from some/all Subsidiary Bodies.

Consideration will also have to be given to the legal argument that the list of observers in Article 10 para.s 4 and 5 of the Convention is definitive and the public (in the full scope as determined in Article 2 para.s 4 and 5) cannot be permitted, as it is not listed. Also in Article 10 para. 6 of the Convention, only a regulation on the details of admitting observers of the type listed in paragraphs 4 and 5 of this Article (certain IGOs and NGOs) is called for in the rules of procedure.

If, however, public participation is accepted on the whole, the question arises of whether the provision in rule 7 para. 2 - where reference is made to the "public *having requested*" - makes sense. Should only those who made a request beforehand be allowed to attend?

5. Re rule 8 (Provisional agenda)

Other rules of procedure provide for *agreement* with the Bureau or the Chairman (e.g. rule 8 RoP ECE-EIA, rule 8 RoP Basel).

6. Re rule 10 second sentence (distribution of the agenda)

The provisional agenda should also not only be sent by email (see comments regarding rule 5 para. 4).

7. Re rule 11 para. 1 (public access to official meeting documentation)

It appears that the provisions on confidentiality in paragraphs 3 and 4 of Article 4 of the Convention could indeed be relevant for some conference documents, for example in the case of the Compliance Committee, which has to comply with these rules of confidentiality. It cannot do any harm to be able to apply these rules where necessary as an exception.

8. Re rule 18 (Vice-Chairperson)

The provision in paragraph 1 to elect the second Vice-Chairperson from among the representatives of NGOs does not seem to be compatible with Article 10 para. 5 of the Convention, which provides for NGO representation at the MoP "as an observer". Serving as an officer of the MoP, as a Vice-Chairperson or another Bureau member, is a function different from that of an observer. Each of these functions is incompatible with the other.

The possibility to reelect certain officers of the MoP for five consecutive terms, as foreseen in paragraph 2, may prove detrimental to a better share in the "ownership" of the Convention. Accordingly, the number of possible reelections should be reduced.

9. Re rule 22 (Bureau)

Paragraph 1c and paragraph 3 contain provisions on a member of the Bureau from the NGOs. As already pointed out regarding rule 18, it is difficult to reconcile the Bureau membership with the observer status given to NGOs under Article 10 para. 5 of the Convention.

As regards the number of members of the Bureau mentioned in paragraph 1 it seems advisable to decide on a definite number in the RoP.

The possibility to reelect the members of the Bureau for seven consecutive terms, as foreseen in paragraph 4, may prove detrimental to a better share in the "ownership" of the Convention. Accordingly, the number of possible reelections should be reduced.

10. Rule 23 para.s 2-7 (Subsidiary Bodies)

This rule leads to the working groups also having to work in three languages (in essence as in rule 23 of the RoP for ECE-EIA Convention, left open in rule 22 of the RoP for ECE- Transboundary Watercourses Convention), which will perhaps be too expensive and laborious. More flexibility could be desirable here (e.g. “2. Unless the Conference of the Parties decides otherwise, these rules of procedure shall apply mutatis mutandis...”, cf. also rule 26 para. 6 of the RoP for the Basel Convention).

In rule 23 para. 2, the words “save as otherwise specified *in this paragraph*” seem superfluous, as nothing else is specified in this paragraph that could give reason to make this reference.

As regards the quorum mentioned in rule 23 para. 5 - one quarter of the Parties for the meetings of the Subsidiary Bodies – it is unclear why the quorum at meetings of Subsidiary Bodies is smaller than the one for the MoP (rule 26). Different quora require a special reason not yet seen. In order to minimize discussions on topics with very little support it seems advisable to apply rule 26 to all bodies and consequently delete paragraph 5..

In an advanced stage of the work, a more detailed investigation might be useful into the effects of a general clause which declares the provisions of the RoP of the MoP applicable for the Subsidiary Bodies. What effects could this have, for example, on the work of the Compliance Committee?

11. Re rule 27 (Right to speak)

According to paragraph 1, third sentence of this rule, the NGOs enjoy practically the same right to speak as the Parties. Normally, NGOs are granted the right to speak following debate among the representatives of Parties, often in combination with some time restrictions. Under unfavourable conditions, paragraph 4 of this rule may not achieve its intended goal.

12. Re rule 32 (Order of motions)

In the RoP of other ECE Conventions, the following is often added at this point as a second paragraph: “Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall immediately be put to the vote.” There is no apparent reason why this should not also be added in this case.

13. Re rule 36 (Multi-option preference vote)

No comment seems necessary regarding rule 36, as the Second Meeting of the Signatories agreed to not pursue the ideas in this rule further. It therefore is to be deleted.

14. Re rule 37 (Majority decisions)

If majority decision remains an option, there has to be exceptions for financial decisions and amendments of the RoP, which could only be taken by consensus as already ruled in Article 10 para. 3 and para. 2 (h) of the Convention.

The provision in rule 37 para. 1, second sentence, according to which decisions on amendments to the Convention require a three-fourths majority “in any case” seems incompatible with the Convention. According to Article 14 para. 3 of the Convention, this refers to the “last resort” if agreement cannot be reached. Although according to rule 50, the Convention has precedence over the RoP in the case of conflicts, such conflicts should as far as possible be avoided right from the start.

15. Re rule 45 (Ballots with proportional representation)

No comment seems necessary regarding rule 45, as the Second Meeting of the Signatories agreed to not pursue the ideas in this rule further. It therefore is to be deleted.

KAZAKHSTAN

The Draft Rules of Procedure, developed on the base of the Rules of Procedure of Aarhus Convention, and the Draft Rules of Procedure, which are developing within the frames of the Convention on Transboundary Effects of Industrial Accidents, and which also includes a number of innovative elements, had been introduced to reflect the particular nature and subject matter of the Aarhus Convention, relating to the access to information and NGO involvement in the work, had been attentively studied by the Ministry of Natural Resources and Environment Protection of Republic of Kazakhstan. We consider, that it almost completely reflects interests of all stakeholders, including the non-governmental organizations (NGO).

We have just few notes and/or additions to it.

a.. Rule 5, item 4. "Notifications by electronic mail shall be considered sufficient for the purposes of this rule, if receiving of the message is confirmed, unless there are specific reasons requiring the use of other communication methods".

b.. Rule 6, item 3. From our point of view, it is not exactly clarified a moment of procedure of voting on the issue of observers' participation at the Meetings of Parties. It would be better participation of different organizations as the observers at the Parties' Meeting to be agreed before the Meeting starts.

Regarding the rest items of the Procedure Draft Rules we have no additions and/or notes.

SWITZERLAND

A) Rule 2: add the definition of the bureau

Explanation: rule 8 and 12 mention the Bureau but it gets defined under rule 22.

B) Rule 18 :

The rule 18 should encompass all items about the Bureau and not have them split between rule 18 and rule 22

C) Rule 18, para. 5/Rule 22, para. 1(c) : On the inclusion in the Bureau of NGOs

Switzerland does not wish to see any NGO officer as a full member in the Bureau for the following reasons :

The NGOs have a wide access to the activities of this convention but according to the article 10, para. 5, they are granted an observer status in the meeting of the Parties. They are not considered as full members as a State that has ratified.

Only Parties, that is States that have ratified and therefore have the responsibility to implement the convention can accede to the Bureau. No signatory State has access.

NGOs did not sign or ratify the convention. Therefore they have no obligation as the Parties.

If in the future the Bureau would have to handle the matter of compulsory financial contributions, it would be unacceptable to have NGOs in the Bureau as full members as they would not pay anything to the convention.

Having NGOs as observers raises the question of how many. This access might also be asked by international organisations : should we grant them the same status ? How do we manage this situation keeping in mind that, by definition, a Bureau shall be small to function well.

Therefore, Switzerland does not wish to have any NGO participation in the Bureau. Switzerland also concludes that the rights and obligations of the Parties leave to them the major role to play ie a privileged access to the Bureau.

D) Rule 18, para.2 and rule 22, para. 4 : On the terms of office

A term of office for re-election is not defined. If a term of office is the number of years between 2 Meetings of the Parties, we might have persons staying for ...21 years in the Bureau ! The re-election problematic could be left out of the rules of procedures (ex : Espoo convention, Industrial accidents convention→rule 22, para. 2).

EUROPEAN COMMISSION

Following the invitation to submit written comments on the draft RoP (Dubrovnik MoS report CEP/WG.5/2000/2 point IV.A, page 5) the European Commission would like to make the following comments for consideration by the Task Force or intergovernmental Working Group that will be set up to prepare a draft Decision on Rules of Procedure for the Aarhus Convention.

1. Rule 5

We appreciate why the reference to organisations in Rule 5(2) (c) and (d) is quite wide but might it not be desirable to have a phrase such as “meeting any requirements under national law...” as appears in Article 2(5) of the Convention to ensure that some screening exercise has already been carried out at national level to ascertain the *bona fides*/competence of such an organisation. Otherwise the meeting could be inundated with organisations wishing to participate as observers whose seriousness could be questioned.

2. Rule 7 (1) and (2)

Whilst not objecting in principle to the media being present at the meetings, should it not be with the general agreement of the parties? Is this also a novel provision or is it already provided for in other UN/ECE Conventions?

So far as the use of audio-visual equipment in Rule 7(2) is concerned, some qualification should be added such as “so far as reasonably practical”, given that there may be some signatory countries who do not have the resources etc to provide this.

3. Rule 10 (with reference to Rule 5(3) and 5(4))

As a six-week period between the dispatch of documents and a meeting is a strict minimum in order for participants to effectively prepare themselves and consult accordingly, it is important that all addressees have those documents at their disposal for a full six week period. This means that no time should be lost by copying and forwarding hard copies of the documents. It would be useful if the RoP provided for immediate web-based access to all meeting documents. As far as the Commission is aware, this would constitute a novelty (although under the Rotterdam PIC-Convention the same discussion has started). It has to be underlined that the issue here is accessibility of documents via the web for meeting participants, not necessarily for the general public.

4. Rule 11

Rule 11 provides for “official meeting documentation” prepared in connection with meetings of the Parties or of subsidiary bodies” to be available to the public in accordance with Article 4 of the Convention. However, the exceptions in paragraphs 3 and 4 to that article are stated not to apply. Clarification would be needed as to what exactly is meant by “official meeting documentation”? Does it mean “finalised documents? If this was the case, would this mean that “material in the course of completion” (e.g. drafts submitted for the consideration of a meeting of a subsidiary

body) which is referred to in Article 4(3)(c) of the Convention would not be available? If so, this would seem to be contrary to the spirit of the Convention.

5. Rules 12 and 13

In relation to agenda-items that arise between the dispatch of the provisional agenda (according to draft Rule 10 only 6 weeks before a Meeting) and the start of the meeting, additional items may be proposed for inclusion on the agenda, unless at the start of the Meeting a majority of Parties disagreed (which would be highly unlikely).

As a matter of principle, the RoP should ensure that Parties and participants are allowed sufficient time for a proper preparation of points figuring on the agenda of a Meeting, and should limit last-minute-additions to a minimum. This is all the more so, as, according to draft Rule 9 it is already relatively easy to get something on the provisional agenda.

6. Rules 14 to 17 (Representation and credentials)

This rule provides, as is usual, for a delegation consisting of accredited representatives of the parties to participate in the meeting. Should there not be some similar equivalent “credentials” requirement for NGOs, particularly as Rule 27(4) allows the chairman of the meeting to request representatives of two or more NGOs to constitute themselves into a delegation? This remark is a logical extension of our remarks in relation to Article 5 above (qualifying requirements for NGOs etc).

7. Rule 18 (officers)

The draft RoP follow the usual approach of starting a MoP with the election of the Officers and Bureau members, whose term of office ends at the beginning of the next MoP. This classical approach has certain disadvantages. In fact, through this time-cycle, the people "preparing" a MoP during an intersessional period, are NOT the ones that manage the MoP they have prepared, and might thus lose interest in the intersessional period. On the other hand, people elected at the beginning of a MoP might not have been involved in the preparatory process leading up to the MoP at the beginning of which they are elected.

Therefore, it might be useful to discuss the idea of having elections at the END of a MoP, whereby the elected people "take office" for the next intersessional period and the subsequent MoP. If this were considered too unusual, one might distinguish between the Chairperson (to be elected at the beginning of a MoP) and the other officers and members of the Bureau (to be elected at the end of a MoP).

8. Involvement of NGO representatives as Officers (Rule 18) and members of the Bureau (Rule 22)

The starting point for the involvement of NGOs is Article 10(5) and (6) of the Convention providing that NGOs may participate in Mops as observers and that the RoP shall determine admittance procedures and “other relevant terms”. In putting this into effect, this part of the draft RoP is novel compared to other such Conventions and should be carefully considered.

The issue of an NGO representative being elected as an "Officer" of a given MoP (vice-Chairperson), which draft Rule 18 provides for, is not addressed in the

Convention itself. Therefore, general principles and practice should determine the approach to be taken in this respect. The status of observer in MoPs implies normally only the right to attend the meeting and to participate in the discussions (except for voting), but not any right to steer the debates. Even if draft Rule 20 excludes that the vice-Chairperson elected from among the NGOs under rule 18 presides over a Mop, the quality of "officer" implies via Rule 22.1(a) that an NGO-representative becomes a member of the Bureau. And via draft Rule 22.1(c) there is another NGO-representative to be a member of the Bureau. This Bureau has indeed a steering role to play, in choosing the place of meetings (draft Rule 3), in the establishment of the agenda (draft Rules 8 and 9 (1)(c)) and for documentation (draft Rule 25 (a)).

As a result, "observers" to MoPs would be enabled to directly exercise a certain influence on its running. Indeed, it would seem that out of a Bureau of a maximum of 8 persons, one quarter (2 persons) could come from NGOs (namely, one Vice Chairman under Rule 22(1)(a) and the NGO representative under Rule 22(1)(c). We are reflecting further on this composition as it seems to us that this may not be a balanced/proportionate representation given the number of signatories to the Convention and the fact that the Bureau, elected by the Parties gathering in a MoP, ought to be seen, in the pursuit of its functions, as an emanation of the MoP and its Parties and as a balanced representation of the geographical sub-regions of ECE.

REGIONAL ENVIRONMENTAL CENTER FOR CENTRAL AND EASTERN EUROPE

Introduction

The Aarhus Convention is a unique instrument promoting environmental rights, transparency openness and through these ultimately democracy. We think that all the activities related to the Convention including the deliberations of the Parties should be governed by the spirit and the principles of the Aarhus Convention. The Aarhus Convention creates a new precedent in this regard among the international agreements and this new approach also should be reflected and followed in the Rules of Procedure governing the activities of the Meeting of Parties as well.

Therefore, we welcome the valuable components of the Draft Rules of Procedure ensuring transparency, openness of the activities of the meetings of Parties and its subsidiary bodies including the early notification about the date and venue of the meetings, provision of information about the planned and ongoing activities, ensuring participation of NGOs in the meetings and in the different bodies established by the meetings of Parties, providing an opportunity for the public to observe and follow the proceedings and activities of the meetings of Parties. We strongly support all these suggestions, especially those included in Rule 5, 6, 7, 11, 18, 22.

Specific Comments

Rule 2, new par. 5 bis:

“‘Bureau’ means the Bureau determined in accordance with rule 22 of these rules of procedure.”

Rule 5, par. 2 (b):

“ to seek to accede to it which has requested”

subparas. (c) and (d):

There is overlap between these two subparagraphs that could lead to potential confusion and possible disputes. At the moment it is unclear whether an international governmental organization would fall under (c) or (d), or whether the fact that such an organization may have requested notification might place it under (d) rather than (c). Furthermore, the terms used in (d) are more applicable to the kinds of bodies in (c) and vice versa. We suggest the following rewording:

“(c) Relevant bodies or agencies within the United Nations system and other international bodies or agencies with a specific competence

“(d) Other relevant bodies, agencies or organizations qualified or having an interest”

Rule 6, par. 1, second sentence:

This is illogical as currently formulated. Only states that have requested to be notified are referred to under 5.2 (b).

Para. 3:

At present this might be read to allow the exclusion of ALL representatives where the Parties have objected to any ONE of the them. Suggest:

“Where representatives of any body referred to in paragraph 2, its representatives”

Rule 10, last sentence:

The reference here to 5.3 and 5.4 raises the question whether the extension and slight rewording of Rule 5 to apply to any notifications required under the rules (not just the notification of meetings) might be an improvement, making further references unnecessary.

Rule 11, par. 1:

Currently there is a gap in the rules with respect to posting documentation on the UNECE website. Only some information is specifically required to be posted. This would be the place to provide that, as a matter of course, all official meeting documentation shall be posted on the web. Suggest to add at the end of the first sentence:

“, and shall be posted on the UNECE website.”

Also, we note that there is no paragraph 2, although the numbers for pars. 1 and 2 do appear. Has something been accidentally deleted?

Rule 18, par. 1, and passim:

The language referring to “non-governmental organizations established for the purpose of, and actively engaged in, promoting environmental protection and sustainable development” appears here and in several other places. This raises the question whether there should be a more clear linkage with the bodies, agencies and organizations covered by Rule 5, par. 2 (d). Why is the language different and should there be harmonization?

In addition, the same rule should apply here as in Rule 22, par. 3: the Meeting should elect from among the candidates nominated by the NGOs themselves. The NGOs should nominate candidate/s for this purpose so the Meeting could elect from them. The NGO representatives should have a mandate from those organizations.

Rule 22, pars. 1, 4:

There is a reference in par. 4 to the terms of office of the Bureau, but this section does not contain language, such as that found in Rule 18, par. 2, describing or defining the term of office. Language should be added at the end of par. 1 to the following effect:

“who shall serve in such capacity until their successors are elected in accordance with paragraph 2.”

New par. 6:

Perhaps it is necessary to provide some rules with respect to the internal workings of the Bureau, including meetings. Note that the provisions of Rule 23 might apply to some extent, but certainly NOT Rule 23, par. 5. Some reconciliation is needed.

Rule 27, par. 3:

“Executive Secretary” is not a defined term. It either needs to be spelled out entirely, as in Rule 24, or defined.

Rule 28:

Should there be a similar rule for the secretariat?

Rule 36 and passim:

This mechanism seems to raise more questions than it answers. Why is it necessary? If it is withdrawn, please note that there are several instances in the text where references should be deleted.

Rule 42:

We are not sure whether every action upon which voting might take place could be called a “proposal.” Therefore, it may be useful to reword this rule to apply to every instance where voting takes place under these rules of procedure.

Rule 45, fn 2:

We can see both positive and negative consequences of a proportional voting system, and are not convinced that it offers any advantages over the presently accepted practice in meetings of this kind.

EUROPEAN ECO FORUM

Rule 5: We fully support the active notification of bodies and any members of the public that have requested to be notified, and note that use of email and mailing lists (unless not possible for the recipient) should mean that this is a virtually insignificant burden. In addition, the availability of information on the UNECE web site (draft rule 5.3) is also important, enabling a more passive system of notification also to be in effect.

Rule 6: The principle of public participation (including NGO participation) is of course a fundamental pillar of the Convention itself, and we would expect this to continue to apply to the Convention processes themselves. Draft Rule 6.3, however, would allow a minority of Parties to the Convention to take away the right of non-voting participation from NGOs, reflecting Article 10.5 of the Convention. We regret the inclusion of this in the Convention, since the possibility of completely excluding participation under the Rules, by a vote of one third (i.e. a minority even) of the Parties, appears to run contrary to principles of open government that are otherwise central to the Aarhus process.

In practice though, the participation of NGOs is well accepted and so we suggest that

- a) this expectation of NGO (non-voting) participation is mentioned in the rule
- b) the rule could suggest consideration of alternative restrictions first - to restrict the type, nature, and opportunities for participation; cancelling participation altogether would be a last resort.

Under this approach, it can be suggested that, if necessary and subject to the voting rules of the Parties, NGOs could be given a different, more restricted kind of right to participate – such as only addressing the Meeting during an oral "public comment" period.

Rule 7: Proceedings of the Meetings of Parties should be transparent. The right of observers to attend Meetings and those of subsidiary bodies is vital. We are very supportive of the inclusion of the duty to make practical arrangements to relay proceedings to the public where space is a limiting factor on attendance and observation. We also draw attention to the benefits, in terms of public participation, of removing both language and physical barriers to observation and participation. Accordingly, we ask that the following new paragraph be added at the end of Rule 7:

4. When a Meeting of the Parties or a subsidiary body is being held in a country where one of the official languages is not overwhelmingly predominant, and observers from the public notify the Secretariat or national host office in advance of a need for translation into additional languages, the Secretariat will arrange for such translation. Where a member of the public notifies the Secretariat or national host office in advance of the need for reasonable accommodation for the needs of a physically handicapped person (for example, wheelchair access), the Secretariat will arrange for such reasonable accommodation.

Rule 10: Although the cross-reference to Rule 5 means that agenda and supporting documents will be placed on the Web, we recommend that the same sentence that is in Rule 5.3 also be included here, in its entirety:

"At the time of issuing the notifications referred to in paragraphs 1 and 2, the same information shall be placed on the ECE Web site."

Rule 11: All official meeting documentation should be available on the UNECE web site (active provision of information). Yet Rule 11 only talks about making material available to the public "on request" (passive provision of information). The combination of Rule 10 and Rule 5 mean that the agenda and supporting documents must be placed on the Web. We cannot see any reason for doing any less for other "official meeting documentation" mentioned in Rule 11.

Furthermore, there are exclusions in Rule 11 that should be removed. In light of the easy availability of optical scanners and inexpensive Adobe Acrobat software to create "portable document format" files, there is no longer any reason for the following phrase from the last sentence in Rule 11:

"the documentation shall be provided in electronic form where it exists in that form"

There is no reason to limit electronic access to situation "where it exists in that form." We recommend addition of a simple sentence to the rules:

"All supporting documentation shall be placed on the ECE Web site."

Furthermore, the need for maximum transparency and access to information contradicts the following final phrase in Rule 11.

"unless the applicant has specific reasons justifying its provision in a different form in which it is also held."

This, in combination with the previous phrase, seems to mean that where a document does exist in both electronic and printed form, and a person wants a printed copy, he or she can be required to settle for the electronic form unless he or she "has specific reasons" justifying getting a printed copy.

Rule 18: Naturally, we support the notion of a Vice-Chairperson elected by the Meeting from among the representatives of environmental/sustainable development NGOs. Similarly, taking into account the need to ensure a balanced geographical representation is important and will enhance the Meetings' reputations for fair and equitable debate. Sharing some power at this level would demonstrate considerable commitment to democratic functioning of the meeting.

Rule 20: We recommend that this sentence be added:

"If both such persons are temporarily absent from a meeting or any part thereof, the other Vice-Chairperson shall act as Chairperson."

Rule 22: The inclusion of an NGO representative in the Bureau would also demonstrate a political commitment to public participation. We also believe that an NGO representative could make a very useful contribution to meetings by virtue of being “non-governmental” and so possibly having a different perspective to offer.

Rule 23.5: We ask that the quorum rule stated in the draft be examined closely. If the term "subsidiary bodies" is meant to apply to committees, and a quorum is $\frac{1}{4}$ of all the Parties in number, then each committee will have to be larger than may be desirable.

Rule 27.4: We support this draft, as long as the phrase “having common goals and interests” is in place.