

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

Sixth session

Budva, Montenegro, 11–13 September 2017

Item 7 (c) of the provisional agenda

**Procedures and mechanisms facilitating the implementation
of the Convention: capacity-building**

Report on the tenth Aarhus Convention Capacity- building Coordination meeting¹

**Prepared by the secretariat of the Convention on Access to
Information, Public Participation in
Decision-making and Access to Justice in Environmental
Matters in cooperation with partner organizations**

1. Introduction

1. The tenth meeting of the Aarhus Convention capacity-building coordination took place in the Palais des Nations, Geneva, on 28 February 2017.

2. The meeting was chaired by Ms. Ella Behlyarova, Secretary to the Aarhus Convention and the Protocol on PRTRs, United Nations Economic Commission for Europe (UNECE). UNECE also provided the secretariat services for the capacity building coordination meeting.

3. Representatives of the following organizations were present at the meeting: Ms. Sueli Giorgetta, United Nations Institute for Training and Research (UNITAR); Ms. Tsvetelina Filipova and Ms. Magdolna Tothne Nagy, Regional Environmental Center for Central and Eastern Europe (REC); Ms. Adriana Gheorghe, European Environmental Agency (EEA); Mr. Roberto Rando, European Investment Bank (EIB); Ms. Margherita Tolotto and Ms. Mara Silina from the European ECO Forum; and Mr. Jan Darpo, Chair of the Task Force on Access to Justice also attended the meeting. Ms. Esra Buttanri and Ms. Jenniver Sehring, Organization for Security and Co-operation in Europe (OSCE), participated in the meeting through audio-link.

2. Opening and adoption of the agenda

4. The Chair opened the meeting, introduced the participants and highlighted the objectives of the meeting. The meeting aimed to take stock of recent developments with regard to existing and future capacity-building activities under the Aarhus Convention and, to some extent, under its Protocol on PRTRs. In addition, it intended to discuss a possible input on capacity building to the report for the sixth session of the Meeting of the Parties to the Aarhus Convention (Budva, Montenegro, 11-13 September 2017). Furthermore, the participants also discussed an update on activities related to principle 10 of the Rio Declaration on Environment and Development (Rio Declaration).

¹ The present document is being issued without formal editing.

5. The Chair draw attention to the following documents serving as a background material for the discussion: decision V/5 on the Strategic Plan for 2015-2020, decision V/6 on the work programme for 2015-2017 and other substantive decisions adopted by the Meeting of the Parties at its fifth session (ECE/MP.PP/2014/2/Add.1)².

6. The Chair informed that specific capacity-building activities carried out by partner organizations would be detailed in the report on capacity-building and its accompanying document to be submitted to the sixth session of the Meeting of the Parties to the Convention. The participants received these draft documents as a basis for the discussion at the current meeting. In addition, the Aarhus Convention secretariat conducted a survey from November to December 2016 to learn about capacity-building needs and strengths in countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia. The results of the survey also provided a basis for discussions at the meeting.

7. The participants took note of the information provided by the Chair and adopted the agenda for the meeting.³

3. Overall implementation of the Convention

8. The above mentioned survey was responded by national focal points from nine countries⁴ (sixty per cent response rate), that were fairly distributed among subregions.

9. International technical cooperation assistance by partner organizations and national budget were mentioned in the survey responses as the main sources of funding for strengthening capacities of the countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia in the implementation of the Convention.

10. The capacity-building projects and activities were mainly carried out on a periodic or one-time basis. No continuous capacity-building activities were reported in the survey.

11. Various approaches were used in the target countries to strengthen capacities of the different target groups in the implementation of the Convention. The survey outcomes indicated a greater interest in short face-to-face workshops (1-2 days), pilot projects, self-paced and moderated online course and face-to-face trainings (1-2 weeks).

12. At the meeting, the partner organizations further shared their experiences, advantages and disadvantages in using different approaches to capacity-building activities. The combination of e-learning tools at the beginning or in the middle of the project combined with face-to-face meetings was acknowledged as the most effective approach.

13. The participants considered different options for developing of a possible online course on the implementation of the Aarhus Convention with its further translation in national languages.

14. The participants highlighted the importance of addressing the issue of the protection of environmental human rights defenders, whistle-blowers and other environmental activists against persecution, harassment or any kind of retaliation through capacity-building and awareness raising initiatives with the involvement of national focal points, civil society and representatives of the Office of United Nations High Commissioner for Human Rights and national human rights institutions.

i. Access to information

15. The secretariat highlighted the priorities for future capacity-building work based on the survey results, potential substantive focus and types of such activities. The activities could focus on promotion of active dissemination, re-use of environmental information and use of electronic information tools. Activities could include knowledge sharing; assisting in developing a “one-stop-shop portal” by using the best experiences of e-government, Open Government Data, Public Re-use of Information, INSPIRE, GEOSS and other similar processes; assisting in establishing Aarhus (web) national nodes; reviewing legislation, in particular with regard to the application of access to information exceptions; and trainings.

16. The following material could be used to support capacity-building activities in this area: relevant findings of the Compliance Committee of a systemic nature⁵, the Recommendations on the

² Available from http://www.unece.org/env/pp/aarhus/mop5_docs.html (See post-session documents)

³ Agenda, other documents and presentations for the meeting are available from https://www.unece.org/env/pp/cbc10.html#.

⁴ Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Georgia, Kazakhstan and Montenegro.

⁵ E.g. see document AC/TF.AI-3/Inf.2 available in English from http://www.unece.org/env/pp/aarhus/tfai3.html#

more effective use of electronic information tools to provide public access to environmental information (Decision II/3)⁶, the Summary report on the assessment of the implementation of the above mentioned recommendations and its accompanying document⁷, collection of case studies on electronic information tools⁸, the Maastricht Recommendations on Public Participation in Decision-making in Environmental Matters⁹, the jurisprudence database¹⁰, the Implementation Guide¹¹ and the Quick Guide¹².

17. The reported needs of the countries in South-Eastern and Eastern Europe, the Caucasus and Central Asia included the establishment of a “one-stop-shop environmental information portal”, improved reliability of data and technical support for developing structured, computerized and publicly accessible environmental information databases and registries compiled through standardized reporting. Such databases and registries should be publicly accessible in a user-friendly and easy-to-find manner.

18. Greater integration between national PRTRs and other elements of environmental information management system of the countries could be also in focus of capacity-building activities.

19. Increasing demand for public access to environment-related product information and the potential of partner organizations to address this topic were also noted.

20. Taking up the survey results, partner organizations presented ongoing and potential projects in the countries and underscored the value of data sharing and effective institutional coordination at the national level on this matter. They agreed to further facilitate the cooperation between national focal points dealing with the Aarhus Convention, Protocol on PRTRs, SEIS and e-government, Open Government Data, Public Re-use of Information, INSPIRE, GEOSS and other similar processes in advancing access to environmental information in the countries.

21. Aarhus Centres have gathered vast experience in promoting public access to environmental information and using innovative methods in reaching out the public to create demand and increase the use of environmental information. They are therefore considered instrumental in this regard.

22. Partner organizations highlighted the importance to promote not only active dissemination of environmental data per se but also of environmental knowledge as well as the benefits of preparing and disseminating the state of the environment reports in this regard.

23. Partner organizations also underscored the importance to continue building capacity of public authorities in relation to requests for environmental information that could be a subject for exceptions due to challenges associated with the scoping of environmental information and the application of restrictions to access it (e.g. copyright, business and trade secrets, or security issues).

24. Capacity-building projects and programmes in the countries also should take into account local conditions and traditional means of communication in order to address the needs of the public in access to environmental information. Partner organizations suggested further exploring how electronic information tools could be combined with traditional means of communication (e.g. community boards, libraries or information kiosks) to assist the public in finding the required environmental information.

25. The participants also shared views on the applicability of self-assessment tools for the implementation of access to information provisions of the Aarhus Convention and suggested to explore whether a self-assessment survey could be carried out among Parties on the implementation of the provisions on access to information and the results of the survey be included in national reports on the state of the environment to be published and disseminated in accordance with the Convention.

ii. Public participation in decision-making

26. UNECE pointed out that ensuring effective public participation in decision-making on specific activities, plans, programmes and policies were reported in the survey as very important in the countries in South-Eastern and Eastern Europe, the Caucasus and Central Asia. Promoting effective

⁶ See document ECE/MP.PP/2005/2/Add.4 available in English, French and Russian from <http://www.unece.org/env/pp/mop2/mop2.doc.html#/>

⁷ See document ECE/MP.PP/WG.1/2014/4 and its accompanying document (AC/TF.AI-2/Inf.2/Add.1) available from <http://www.unece.org/index.php?id=31711#/>

⁸ Available from http://www.unece.org/env/pp/aarhus/tfai/case_studies.html

⁹ See document ECE/MP.PP/2014/2/Add.2 (Chapter H, Part II) available in English, French and Russian from http://www.unece.org/env/pp/aarhus/mop5_docs.html#/ (Post-session document)

¹⁰ Available from <http://www.unece.org/env/pp/tfaj/jurisprudenceplatform.html>

¹¹ Available from <http://www.unece.org/index.php?id=35869&L=0>

¹² Available from <http://www.unece.org/index.php?id=35452&L=0>

public participation in decision-making during the preparation of executive regulations and legally binding normative instruments remains also essential.

27. The systemic issues that should be addressed through capacity-building activities included meaningful and early public participation, the availability of all relevant documents to the public, effective notification and time frames for public participation, participation of vulnerable and marginalized groups, protection of whistle-blowers, environmental activists and other persons.

28. The following thematic focus could receive further priority for the next intersessional period: climate change; green economy; energy; extractive sector; chemicals; emerging technologies (e.g., nanotechnology); and product-related decision-making.

29. Capacity-building activities in this area can include pilot projects, developing training programmes or conducting trainings at the national and subregional levels for public officials to cover articles 6, 7 and 8 of the Convention; assisting in improving legislation; conducting research with a view to collecting good practices and examples of practical means of promoting more effective public participation, and assisting in developing e-participation tools and improving access through Internet to information related to the decision-making procedure (especially environmental impact assessment, strategic environmental assessment, permitting and licenses as well as state environmental *expertise*).

30. The participants were informed about material produced within the framework of the Convention that could be used to support capacity-building in this area, in particular, the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters¹³ and the Aarhus Good Practice online database¹⁴.

31. Many partner organizations reported about their activities focused on strengthening public participation in climate change-related and nuclear decision-making, green economy, extractive sector, and disaster risk reduction.

32. UNECE highlighted the importance of introducing innovative practices in public participation and called to assist the countries in the translation of the Maastricht Recommendations in national and local languages.

iii. Access to justice

33. UNECE drew participants' attention that further capacity development in the area of access to justice continued to be important for all Parties to the Convention and highlighted potential substantive focus areas of the future capacity-building work.

34. The survey revealed the need of the countries in South-Eastern and Eastern Europe, the Caucasus and Central Asia to continue raising awareness and building capacities of judiciary, prosecutors, other review bodies, members of Bar associations, public interest lawyers, other legal professionals, non-governmental organizations and members of the public in ensuring effective public access to justice in environmental matters.

35. The activities in this area should continue to support a national dialogue, promote judicial networking, monitor and evaluate the effectiveness of domestic administrative and judicial review procedures, improve relevant legislation and facilitate provision of information to the public on access to judicial and administrative review procedures as well as on access to courts' and other review bodies' decisions.

36. The following material could be used to support capacity-building activities in this area: relevant findings of the Compliance Committee of a systemic nature, analytical studies¹⁵, the jurisprudence database¹⁶, the Implementation Guide,¹⁷ and the Quick Guide¹⁸.

37. UNECE acknowledged the successful cooperation with OSCE and REC in the current intersessional period in the preparation of several analytical studies and carrying out subregional trainings to promote good practices and address challenges and barriers related to access to justice.

¹³ Available from <http://www.unece.org/index.php?id=41803&L=0>

¹⁴ See <http://ece-prd-php.unog.ch/aarhus-good-practices/>

¹⁵ Available from http://www.unece.org/env/pp/afaj/analytical_studies.html

¹⁶ Available from <http://www.unece.org/env/pp/afaj/jurisprudenceplatform.html>

¹⁷ Available from <http://www.unece.org/index.php?id=35869&L=0>

¹⁸ Available from <http://www.unece.org/index.php?id=35452&L=0>

38. Partner organizations informed about the recent and planned capacity-building activities and confirmed their commitment to support this area of capacity-building activities at the national and subregional levels.

39. Partner organizations also reaffirmed their support to promoting networking of judiciary, judicial training institutions and other review bodies at the subregional and national levels and would continue to look into the practical means that could allow them to carry out these activities on a systemic basis.

40. In supporting multi-stakeholder dialogues to reduce barriers to access to justice, participants also underscored the significant role of using effective moderation and other suitable tools that would facilitate reaching concrete outcomes.

41. Participants also discussed the importance of stronger engagement of public interest lawyers in the activities of the Task Force on Access to Justice and strengthening cooperation with their networks.

iv. Genetically modified organisms (GMOs)

42. UNECE noted the lack of achieving objective II.2 of the Convention's Strategic Plan for 2015-2020, which states that the amendment to the Convention on public participation in decisions on the deliberate release into the environment and the placing on the market of genetically modified organisms (GMO amendment)¹⁹ is approved by a sufficient number of Parties to enter into force by 2015 and is progressively implemented.

43. Partner organizations noted that the Meeting of the Parties to the Aarhus Convention at its fifth session called upon those Parties whose ratification of the GMO amendment would count towards its entry into force to take serious steps towards ratification of the amendment and called upon partner organizations to offer bilateral assistance, capacity-building and technical support to those Parties.

44. The participants were informed about the material produced within the framework of the Convention's activities could be used to support capacity-building in this area, in particular reports and materials of the global round-tables²⁰, the checklist of key measures for ratification and implementation of the Aarhus Convention and the Cartagena Protocol in the context of LMOs/GMOs²¹, and the summary of tools and resources to support implementation of the Aarhus Convention and the Cartagena Protocol in the context of LMOs/GMOs²².

45. Thus, the priority countries with economies in transition for capacity-building activities in this area included Albania, Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine.

46. The focus of capacity-building activities would be on: (a) assisting in preparing documents for the ratification of the GMO amendment to the Convention; (b) national round-tables and trainings and (c) strengthening the capacity of the public to participate in GMOs-related decision-making.

47. UNECE highlighted the effective cooperation with the secretariat of the Convention on Biological Diversity and its Cartagena Protocol to promote this area of work. At the same time, it expressed the concern that this area has not been sufficiently addressed through specific capacity-building activities in the current intersessional period.

48. Partner organizations acknowledged that this area remained to be the least addressed through the ongoing capacity-building activities. They were therefore encouraged to address this matter through other relevant upcoming capacity-building activities.

49. In addition, UNECE could explore opportunities of cooperation with other relevant organizations dealing with, for example, agriculture or food safety to raise awareness and promote capacity-building with regard to public participation in decisions on the deliberate release into the environment and the placing on the market of genetically modified organisms.

¹⁹ See <http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/about-the-convention/amendments/gmo-amendment.html>

²⁰ Available from <http://www.unece.org/env/pp/gmos.html>

²¹ Available from <http://www.unece.org/env/pp/gmos.html>

²² Available from <http://www.unece.org/env/pp/gmos.html>

v. Public Participation in International Forums (PPIF)

50. UNECE encouraged focusing capacity-building activities on trainings for public authorities and NGOs and on facilitating public engagement in preparing inputs by Governments to international forums, including when a country hosts important international events.

51. The following material could be used to support capacity-building activities in this area: the Almaty Guidelines promoting the application of the principles of the Convention in international forums²³, the List of international forums²⁴, the Compendium of case studies²⁵, the Checklist of measures to be borne in mind when developing national action plans on PPIF²⁶, outcomes of the PPIF sessions within the meetings of the Working Group of the Parties to the Convention²⁷, the PPIF leaflet²⁸, the Implementation Guide²⁹ and the Quick Guide³⁰ as well as the Aarhus Good Practice online database³¹.

52. Partner organizations have not reported any specific capacity-building activities focused on the promotion of public participation in international forums. They were encouraged to address this topic in future relevant capacity-building projects, in particular, through projects focused on accession or implementation of multilateral environmental agreements or on the participation in international forums relating to the environment (e.g. trade negotiations).

53. European ECO Forum informed about the NGO coordination event to be organized in Rome in March this year with the support of Italy. The event would focus on NGO preparations for the sixth session of the Meeting of the Parties to the Aarhus Convention and the third session of the Meeting of the Parties to the Protocol on PRTRs.

vi. Compliance mechanism

54. UNECE informed that the compliance by individual Parties with their obligations under the Convention will be considered by the Convention's Meeting of the Parties at its sixth session.

55. Partner organisations agreed to assist Parties in implementing these decisions.

56. UNECE also expressed its appreciation to the European ECO Forum and EEB for their activities, which help to raise awareness and build capacities of NGOs regarding the functioning of the Convention's compliance mechanism.

4. Principle 10 of the Rio Declaration

57. The participants discussed further developments, fund-raising efforts and cooperation opportunities regarding the initiative on implementing Principle 10 of the Rio Declaration in the Economic Commission for Latin America and Caribbean (ECLAC) region, promoting the Bali Guidelines and other initiatives.

5. Further steps

58. The secretariat expressed its appreciation to partner organisations for their continuous support and cooperation with regard to the implementation of the Convention and its Protocol at the subregional and national levels.

59. The participants highlighted the existing opportunities and concerns with regard to the funding of capacity-building projects, especially specific thematic projects (e.g. promoting the application of the Aarhus Convention to GMOs-related matters or promoting public participation in international forums), and discussed possible ways to address this matter and further cooperation.

²³ See document ECE/MP.PP/2005/2/Add.5 available in English, French and Russian from <http://www.unece.org/env/pp/mop2/mop2.doc.html#/>

²⁴ See document ECE/MP.PP/WG.1/2006/2/Add.2 available from <http://www.unece.org/environmental-policy/conventions/public-participation/meetings-and-events/public-participation/public-participation/2006/sixth-meeting-of-the-working-group-of-the-parties-to-the-aarhus-convention/docs.html#/>

²⁵ Available from <http://www.unece.org/env/pp/ppif.compendium.html>

²⁶ Available from http://www.unece.org/fileadmin/DAM/env/pp/wgp/WGP_17/PPIF/Checklist_of_measures_for_national_action_plan_on_PPIF_final.pdf.

²⁷ Available from <http://www.unece.org/env/pp/ppif.html>

²⁸ See draft from <http://www.unece.org/index.php?id=33629#/>

²⁹ Available from <http://www.unece.org/index.php?id=35869&L=0>

³⁰ Available from <http://www.unece.org/index.php?id=35452&L=0>

³¹ Available from <http://ece-prd-php.unog.ch/aarhus-good-practices/>

60. Participants agreed to:

(a) Promote capacity building efforts of partner organizations at the sixth session of the Meeting of the Parties to the Aarhus Convention, the third session of the Meeting of the Parties to the Protocol on PRTRs and their joint-high level segment (Budva, Montenegro, 10-15 September 2017);

(b) Provide final comments to the report on capacity-building and its accompanying document to be submitted to the Convention's Meeting of the Parties at its sixth session (Budva, Montenegro, 11-13 September 2017);

(c) Ensure that capacity-building activities are implemented in close cooperation with national focal points for the Convention and the Protocol in the respective countries;

(d) Use capacity building activities for assisting countries to implement relevant decisions of the Meetings of the Parties to the Aarhus Convention and the Protocol on PRTRs, to be adopted at their sixth and third sessions respectively;

(e) Support "thematic networks" on subjects relevant to the work of the Convention (e.g. access to information; access to justice) at the subregional and country levels and national multi-stakeholder dialogues to address challenges and barriers to the implementation of the Convention, in particular on access to justice as a priority;

(f) Explore the opportunity to develop an online course on the Aarhus Convention in English, using the material developed under the Convention, with the further possibility to translate the course into national languages;

(g) Document good practices and promote them through the Aarhus Clearinghouse³², electronic information tools case studies³³, the jurisprudence database³⁴ and the Aarhus Good Practice Online Database³⁵.

(h) Continuously explore the opportunity for supporting participation of country experts in the meetings of the task forces under the Convention as to share experiences gained through capacity-building projects and to present good practices;

(k) Further populate the PRTR capacity-building database³⁶ and the Aarhus Clearinghouse³⁷ with the project activities.

³² Available from <http://aarhusclearinghouse.unece.org/>

³³ Available from http://www.unece.org/env/pp/aarhus/tafi/case_studies.html

³⁴ Available from <http://www.unece.org/env/pp/tafi/jurisprudenceplatform.html>

³⁵ Available from <http://www2.unece.org/aarhus-good-practice>

³⁶ Available from <http://apps.unece.org/ehlm/pp/NIR/RLsearch.asp>

³⁷ Available from <http://aarhusclearinghouse.unece.org/>