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### 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

#### Working Group of the Parties

##### Sixteenth meeting

Geneva, 19–21 June 2013

Item 8 (b) (ii) of the provisional agenda

**Preparations for the fifth session of the Meeting of the Parties:  
functioning and implementation of the Convention:  
future work programme**

### Draft elements of the work programme for 2015–2017

#### Prepared by the Bureau

##### *Summary*

The present document, setting out a draft decision for and draft elements of the work programme for 2015–2017 for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), was prepared by the Bureau. The document was drafted on the basis of the outcomes of the meetings of the Working Group of the Parties, the task forces and the Compliance Committee held in the current interessional period and notes prepared by the Chairs of the Convention's task forces (AC/WGP–16/Inf.1; AC/WGP–16/Inf.2; and AC/WGP–16/Inf.3), and by the Chair of the thematic session on the promotion of the principles of the Convention in international forums (AC/WGP–16/Inf.5), also taking into consideration the first draft of the in-depth evaluation of the current functioning and implementation of the Convention prepared by a consultant. The cost estimate in annex I and the overview of extrabudgetary staff needs in annex III were provided by the secretariat. The Working Group is invited to consider the document in the light of the above-mentioned papers and the final text of the in-depth evaluation of the current functioning and implementation of the Convention (ECE/MP.PP/WG.1/2013/8).

There will be two rounds of open-ended consultations among national focal points and stakeholders on the draft document prior to and after the sixteenth meeting of the Working Group. The Bureau is expected to revise the draft document thereafter in the light of the comments received and to submit it to the seventeenth meeting of the Working Group for consideration, revision and approval and subsequent submission to the Meeting of the Parties for consideration.

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## Draft Decision on the work programme for 2015–2017<sup>1</sup>

*The Meeting of the Parties,*

*Recalling* its decision I/11 on the procedures for the preparation, adoption and monitoring of work programmes,

*Taking into account* the Strategic Plan **2015–2020** of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters adopted through decision V/..., and the scheme of financial arrangements adopted through decision V/...,

1. *Adopts* the work programme for **2015–2017**, containing the estimated costs of each activity, as set out in annex I to this decision;

2. *Agrees* upon the indicative allocation of resources and the resulting estimated costs set out in annexes I and II, subject to annual review and, as appropriate, revision by the Working Group of the Parties on the basis of annual reports provided by the secretariat pursuant to decision V/... on financial arrangements;

3. *Encourages* Parties to endeavour to ensure that the funding of the activities of the work programme remains stable throughout the period **2015–2017**;

4. *Also encourages* Parties, insofar as possible, and subject to the internal budgetary procedures of the Parties, to contribute to the Convention's trust fund for a given calendar year by **1 October** of the preceding year, so as to secure staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the priority activities of the work programme for **2015–2017**;

5. *Reiterates* its commitment to implementing the Almaty guidelines on promoting the principles of the Convention in international forums (Almaty Guidelines), through all activities of the work programme, as relevant;

6. *Decides* to give general priority<sup>2</sup> to issues related to compliance and implementation, including capacity-building;

7. *Also decides* to give particular priority to the following substantive issues:

- (a) Access to justice;
- (b) Public participation;
- (c) Access to information;

<sup>1</sup> This section contains the text of the proposed draft decision. Most of the text is identical to the corresponding decision IV/6 on the Work programme for 2012–2014 adopted by the Meeting of the Parties at its fourth session (see ECE/MP.PP/2011/2/Add.1, available from <http://www.unece.org/env/pp/mop4/mop4.doc.html>). Major substantive differences are shown in bold.

<sup>2</sup> The primary function of the prioritization indicated in paragraphs 6 and 7, apart from explaining and reflecting the proposed allocation of resources in the annexes, is to provide guidance in situations in which there is a significant discrepancy between the actual income and the estimated financial requirement. If there is a significant shortfall in resources, then savings need to be made, and the prioritization provides guidance as to where those savings should be made. If there are surplus resources that are not earmarked, then the prioritization provides guidance as to how that surplus may be used. If the resources available closely match the estimated requirements set out in the annexes, the resources can simply be applied as indicated therein, i.e., there is no need for any further exercise of prioritization.

8. *Calls* on the Parties, and invites Signatories, other States and relevant intergovernmental, regional and non-governmental organizations, to contribute actively to the activities contained in the work programme;

9. *Requests* the secretariat, taking into consideration the results of the implementation of the Strategic Plan for **2015–2020** and the work programme for **2015–2017**, to prepare a draft work programme for the intersessional period following the **sixth** session of the Meeting of the Parties, including a detailed breakdown of estimated costs, for consideration and further elaboration by the Bureau and the Working Group of the Parties, at the latest three months before the **sixth** session of the Meeting of the Parties, with a view to possible adoption at that meeting;

10. *Further requests* the secretariat to ensure that an estimated costing for each draft decision finalized by the Working Group of the Parties during the intersessional period is properly reflected in the draft work programme for **2018–2020**, in due time for the preparation of the **sixth** session of the Meeting of the Parties, in order to enable Parties to better prioritize activities and allocate sufficient financial resources in the budget to take them forward.

## Annex I

## Draft Work programme for 2015–2017

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$<sup>a</sup></i>
<b>Substantive issues</b>				
I. Access to information, including electronic information tools	Widening the range of environmental information made available to the public, including product information and exchange of information and good practices, with a focus on the following issues given a particular priority by the Task Force on Access to Information at its first meeting (Geneva, 7–8 February 2013): (a) the scope of environmental information and public access to environment-related information held by public authorities other than those responsible for environmental protection; (b) provision of sufficient environmental information with regard to products; (c) access to raw data and primary statistical data related to the environment; (d) improving dissemination of priority categories of information in accordance with decision II/3 and subject to the availability of resources; (e) access to environmental information in relation to copyright protection (Aarhus Convention, article 4, para. 4 (e)); and (f) protection of legitimate economic interests and commercial and industrial information related to the environment through laws on confidentiality and protection of the public interest served by disclosure of such information (ibid., article 4, para. 4 (d)).  Monitor implementation of the Recommendations on the More Effective Use of Electronic Information Tools to Provide	Task Force on Access to Information  Secretariat, enlisting technical support as necessary	Task Force meetings, workshops; survey(s), participation in other relevant regional initiatives as appropriate; pilot projects and capacity-building activities at subregional and national level are expected to be funded by partners.  Central management of the Aarhus Clearinghouse and promotion through online social media; provision of advice to and coordination of national and information nodes of the clearinghouse mechanism; information sharing and promotion of electronic tools through maintaining online databases for jurisprudence and national implementation reports, and maintaining online case studies on (a) public participation at the national level, and (b) public participation in international forums.	

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$<sup>a</sup></i>
	Public Access to Environmental Information (ECE//MP.PP/2005/2/Add.4, annex); provide policy and guidance for the Aarhus Clearinghouse; upgrade and use the Clearinghouse to facilitate the collection, dissemination and exchange of information related to the national implementation of the Convention and relevant global and regional developments on Principle 10 of the Rio Declaration on Environment and Development; and monitor technical developments in information and communication technology.			
II. Public participation	<p>Identify common difficulties and the main obstacles to effective public participation in all types of decision-making and at all levels (national, provincial, local) within the scope of articles 6, 7 and 8 of the Convention; and coordinate the collection and exchange of good practices to address the common difficulties and the main obstacles identified, including through the further development of the online compendium of case studies in public participation in decision-making.</p> <p>Monitor the implementation of the recommendations on public participation in decision-making currently being drafted, including through written surveys to Parties and stakeholders.</p> <p>In addition to considering public participation in environmental decision-making generally, focus on public participation in decision-making in key sectors, for example: product-related decision-making; decision-making for sustainable development; climate-change related decision-making; emerging technologies (e.g.,</p>	Task Force on Public Participation in Decision-making Secretariat	<p>Task Force meetings; workshops; surveys on the implementation of the recommendations on public participation in decision-making; collection of case studies exploring synergies and possibilities for cooperation with relevant bodies under other multilateral environmental agreements and partner organizations.</p> <p>Participation in other relevant regional initiatives as appropriate; pilot projects and capacity-building activities at the subregional and national levels are expected to be funded by partners.</p>	

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$<sup>a</sup></i>
	<p>nanotechnology); the nuclear domain; energy-related planning and policymaking; the extractive sector; and decision-making on chemicals, food and agriculture.</p> <p>Provide advisory assistance to partner organizations training public officials involved in the day-to-day task of carrying out public participation procedures covered by the Convention; provide a forum for sharing the results of researchers focusing on participatory processes and environmental decision-making; and assess, keep under review and, as appropriate, make recommendations for further developing the provisions of the Convention relating to public participation.</p>			
III. Access to justice	<p>Implementation of decisions adopted at the fourth and fifth sessions of the Meeting of the Parties, as well as previous decisions, as appropriate; exchange of information on good practices; raising awareness of the access to justice provisions of the Convention and building capacity among key groups of stakeholders, such as the judiciary and other legal professionals.</p> <p>Develop analytical and training materials, building on the work already carried out by the Task Force on Access to Justice on costs, remedies and standing, and examining in greater detail: (a) possible alternatives to the loser pays principle, legal aid mechanisms and support for public interest lawyers; (b) criteria for injunctions and the possibilities for the public concerned to stop planned or ongoing activities that may lead to irreparable environmental damage; and (c) the</p>	<p>Task Force on Access to Justice</p> <p>Secretariat, enlisting expert support as necessary</p>	<p>Task Force meetings, if feasible back to back with other relevant capacity-building events, to be organized in liaison with partner organizations active in access to justice.</p> <p>Strengthen cooperation with existing networks of judges and other legal professionals, as well as other international forums, to exchange information and support capacity building.</p> <p>Develop analytical and training materials.</p> <p>Pilot projects and capacity-building activities at the subregional and national levels are expected to be funded by partners.</p>	

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	<p>definition of legal interest.</p> <p>Also examine and develop guidance, if possible, on additional issues, including: (a) harassment of whistle-blowers; (b) alternative dispute resolution practices in environmental disputes; (c) access to administrative or judicial procedures to challenge acts or omissions by private persons contravening national environmental law; (d) problems in obtaining access to national jurisprudence, electronic information tools to facilitate access to justice and Compliance Committee findings; and (e) maintain and expand the case-study collection through increased population of the jurisprudence database.</p>			
IV. Genetically modified organisms (GMOs)	Support the implementation of the GMO amendment and relevant provisions of the Convention in this area, as well as the application of the Guidelines on Access to Information, Public Participation and Access to Justice with Respect to Genetically Modified Organisms (MP.PP/2003/3), inter alia, by promoting exchange of information on common difficulties and the main obstacles to their implementation, as well as good practices to address them.	Secretariat, in close cooperation with other stakeholders	Workshop(s); survey(s); advisory support to, and cooperation with, relevant bodies under the Cartagena Protocol on Biosafety; advisory support to countries upon request; use of the Aarhus Clearinghouse to facilitate exchange of information on good practices.	
<b>Procedures and mechanisms</b>				
V. Compliance mechanism	<p>Monitor and facilitate the implementation of and compliance with the Convention.</p> <p>Increase support to individual Parties in following up on decisions on compliance</p>	<p>Compliance Committee</p> <p>Secretariat, enlisting expert support, as necessary</p>	<p>Compliance Committee to review submissions, referrals and communications on cases of possible non-compliance, prepare decisions and reports and undertake fact-finding missions.</p> <p>Meeting of the Parties to review reports by the Committee on a more frequent basis, back to back with a meeting of the Working</p>	

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$<sup>a</sup></i>
			Group of the Parties when justified by the number of reports to be reviewed and/or the number of decisions to be adopted.	
			Secretariat to publicize the mechanism, manage the Committee's web page and develop a database of the Compliance Committee's findings.	
VI. Capacity-building	Coordination of capacity-building activities to assist countries in the effective implementation of the Convention; implementation of capacity-building measures at the regional and subregional levels.	Secretariat, in close cooperation with other relevant stakeholders	Annual inter-agency coordination meetings; maintaining the Convention's web pages with information on capacity-building activities; use of the Aarhus Clearinghouse to facilitate exchange of information on good practices; training workshops and technical assistance, mostly separately funded under other substantive work areas; capacity-building activities at the national and subregional levels are expected to be funded by partners.	
VII. Reporting mechanism	Production of national implementation reports and a synthesis report.	Secretariat, enlisting expert and administrative support as necessary  Compliance Committee	Preparation and processing of national implementation reports.  Analysis of reports and preparation of a synthesis report.  Adjustment of guidance on reporting requirements, as needed.	
<b>Awareness-raising and promotion</b>				
VIII. Awareness-raising and promotion of the Convention, including through:	Raise public awareness of the Convention throughout the United Nations Economic Commission for Europe (ECE) region and beyond; increase the number of Parties to the Convention; support regional and global initiatives on Principle 10 of the Rio Declaration.	Secretariat  Bureau of the Meeting of the Parties  Working Group of the Parties	Participation in key regional and international events and processes; use of bilateral, regional and international cooperation arrangements to raise interest in the Convention, e.g., the European Neighbourhood Policy; feed into international processes that closely relate to the Convention, including, the special procedures under the United Nations Human Rights	
VIII.1. The Communication Strategy;	Activities should be carried out in synergy with the relevant activities of the work programme of the			

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$<sup>a</sup></i>
VIII.2. Promotion of the principles of the Convention in international forums	Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs).		Council (depending on the mandate) and the United Nations Environment Programme, the international financial institutions and other relevant international forums.	
VIII.3. Support to non-ECE States to accede to the Convention			Expert assistance to regional and global initiatives on Principle 10 of the Rio Declaration; support to relevant events organized by others; missions and assistance to countries organized at the request of host Governments, with a focus on States that have expressed formal interest in becoming Parties to the Convention.	
VIII.4. Support to regional and global initiatives on Principle 10 of the Rio Declaration			Implementation of a communication strategy; website management; preparation of leaflets, publications, news bulletins, articles and other information materials.	
IX. Promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes	Further the application of the principles of the Convention throughout all activities under the Convention, as appropriate, and in the context of the work of relevant international bodies and processes, inter alia, through the promotion of the Almaty Guidelines and the Recommendations on the More Effective Use of Electronic Information Tools to Provide Public Access to Environmental Information and monitoring of their implementation.	Secretariat Bureau of the Meeting of the Parties Working Group of the Parties	Thematic sessions at meetings of the Working Group of the Parties to oversee progress in promoting the application of the principles of the Convention in international forums and to address challenges encountered in the implementation of article 3, paragraph 7, of the Convention.  Surveys regarding experiences gained in the implementation of article 3, paragraph 7, and the Almaty Guidelines; expert assistance to relevant international forums and to Parties upon request; joint activities with other treaties and multilateral processes; concrete actions by Parties at the national and international level to promote the principles of the Convention in international forums, and the Almaty Guidelines.  Subject to resources,	

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<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$<sup>a</sup></i>
			commissioning a study on how to make public participation in international forums more effective.	

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<b>Coordination, horizontal support and Meeting of the Parties</b>				
X. Coordination and oversight of intersessional activities	Coordination and oversight of the activities under the Convention.  Preparation of substantive documents for the sixth session of the Meeting of the Parties (e.g., drafting the future work programme, reviewing the implementation of the current work programme and the Strategic Plan) and a thematic extraordinary session of the Meeting of the Parties (preparation of the related decisions).	Working Group of the Parties  Bureau of the Meeting of the Parties	Working Group meetings, meetings of the Bureau and consultations among Bureau members electronically.	
XI. Sixth ordinary session of the Meeting of the Parties and extraordinary sessions of the Meeting of the Parties	See article 10 of the Convention.	Meeting of the Parties	Meetings of the Parties.	
XII. Horizontal support areas	Overall support that covers multiple substantive areas of the work programme.	Secretariat	Secretarial support, staff training, equipment.	
<b>Total (including costs for activities and staff, and 13% programme support costs)</b>				<b>1 400 000</b>

<sup>a</sup> Detailed estimations will be made at a later stage.

## **Annex II**

### **Estimated costs of the activities proposed in the work programme for 2015–2017**

This annex will contain a detailed overview of the estimated costs of the activities proposed in the future work programme. The annex will be prepared for the seventeenth meeting of the Working Group of the Parties.<sup>a</sup>

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<sup>a</sup> See annex II of decision IV/6 as an example: <http://www.unece.org/env/pp/mop4/mop4.doc.html>

## Annex III

### Overview of extrabudgetary staff needs to be covered from the Convention trust fund<sup>a</sup>

1. The following estimation of staff needs for the period 2015–2017 is based on the experience with regard to the implementation of the work programme for 2012–2014. The estimation aims to provide an overview of staff needs that reflects the reality of the requirements for implementation of the work programme as closely as possible. The information below is also shown in table format on the following page, for ease of reference.

**(a) One P–3 Legal Affairs Officer<sup>b</sup>**

2. Responsible for the Aarhus Convention Compliance Committee (70);<sup>c</sup> work on access to justice (10); awareness-raising and promotion (5); and support to the main bodies under the Convention and expert legal support to the secretariat (15).

**(b) One P–3 Environmental Affairs Officer<sup>d</sup>**

3. Responsible for electronic information tools, Aarhus Clearinghouse and web content management (30); other responsibilities include servicing of all activities under the Protocol on PRTRs funded from the contributions earmarked for the Protocol (70).

**(c) One P–3 Environmental Affairs Officer<sup>e</sup>**

4. Responsible for work on public participation in decision-making (40); genetically modified organisms (5); providing support to the Compliance Committee (10); the main bodies under the Convention (5); capacity-building (5); and outreach, awareness-raising and promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes (35).

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<sup>a</sup> The secretariat is currently serviced by three staff members funded through the United Nations regular budget: one at the P–4 level, one at the P–2 level and one at 50 per cent at the G–5 level. One G–3 Programme Assistant is financed through the 13 per cent of programme support costs. Extension of the latter contract is subject to availability of the required amount from the programme support costs in the Convention’s trust fund.

<sup>b</sup> This post is currently held by a P–3 Legal Affairs Officer responsible for, inter alia, for the Aarhus Convention Compliance Committee, work on access to justice and expert legal support to the secretariat.

<sup>c</sup> Figures contained in parentheses in this annex refer to the percentage of work time for each staff member, as compared with 100 per cent capacity for a full-time post.

<sup>d</sup> This post is currently held by a P–3 Environmental affairs Officer who performs tasks for both the Convention and the Protocol on PRTRs, and is responsible for, inter alia, the Meeting of the Parties to the Protocol on PRTRs, the PRTR Compliance Committee and the PRTR Bureau and Working Group of the Parties; PRTR.net and the Aarhus Clearinghouse; electronic information tools, awareness-raising and promotion of the Protocol.

<sup>e</sup> This post is currently held by a P–3 Environmental Affairs Officer responsible for, inter alia, work on public participation, including in international forums; genetically modified organisms; the Aarhus Convention Implementation Guide; outreach and capacity-building; and support to the Compliance Committee.

**(d) One P-3 Environmental Affairs Officer<sup>f</sup>**

5. Responsible for work on access to information (30); access to justice (30); genetically modified organisms (5); providing support to the Compliance Committee (10); the main bodies under the Convention (10); capacity-building (10); and awareness-raising (5). In 2017 (or other year, if the date is changed) the staff will also support organization of the sixth session of the Meeting of the Parties, including coordination with the host country regarding logistics and finance, overseeing nominations/participation and credentials, and providing support in the preparation of meeting documentation.

**(e) One G-5 Programme Assistant**

6. During the last quarter of the year preceding the sixth session of the Meeting of the Parties (2017), an additional programme assistant could be hired to provide horizontal administrative support, including for the Working Group of the Parties, the Meeting of the Parties, the Bureau, the Compliance Committee and national reporting.

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<sup>f</sup> This post is currently held by a P-3 Environmental Affairs Officer, responsible for, inter alia, work on access to information, access to justice; capacity-building; and support to the Compliance Committee.

## Table of estimated extrabudgetary staff needs for 2015–2017

(Figures in the table refer to an aggregate estimated percentage of work time for each staff member for three years, as compared with 100 per cent for a full-time post)

<i>Post</i>	<i>Activities</i>							
	<i>Access to information, including electronic information tools, Aarhus Clearinghouse and web management</i>	<i>Public participation in decision-making</i>	<i>Access to justice</i>	<i>Genetically modified organisms</i>	<i>Compliance Committee</i>	<i>Capacity-building</i>	<i>Awareness-raising and promotion, including promotion of Almaty Guidelines and other interlinkages with relevant international bodies and processes</i>	<i>Working Group of the Parties, Meeting of the Parties, Bureau, legal advice and general tasks</i>
(a) P–3 full time	–	–	10	–	70	–	5	15
(b) P–3 part-time	30	–	–	–	–	–	–	–
(c) P–3 full time	–	40	–	5	10	5	35	5
(d) P–3 full time	30	–	30	5	10	10	5	10
(e) G–5 full time	5	5	5	5	5	5	5	65