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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 to the Convention  
(Fourth meeting, Geneva, 1-4 February 2005)  
Item 11 of the provisional agenda

**REPORT OF THE SECOND MEETING OF THE EXPERT GROUP ON PUBLIC  
PARTICIPATION IN INTERNATIONAL FORUMS**

**Addendum**

**DRAFT GUIDELINES ON PROMOTING THE PRINCIPLES OF THE AARHUS  
CONVENTION IN INTERNATIONAL FORUMS:  
THE POSSIBILITY OF A DIFFERENTIATED APPROACH\***

**Note from the secretariat**

1. The purpose of this note is to make some suggestions regarding the possibility of a differentiated or phased approach to implementing the proposed guidelines on public participation in international forums.
2. The draft guidelines prepared by the Expert Group reflect the assumption that the scope and target audience of the guidelines should be strictly determined by article 3, paragraph 7, of the Convention.

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\* This document was submitted late due to the unavoidably short interval between the second meeting of the Expert Group on Public Participation in International Forums (8-10 November 2004) and the document submission deadline, and the fact that it was prepared in response to the outcome of the Expert Group's meeting and therefore could not be prepared in advance of that meeting.

3. One consequence of this approach is that the guidelines would be addressed first and foremost to Parties and Signatories to the Convention, serving as a voluntary instrument to assist them in fulfilling their obligations under that provision. They would not be primarily addressed to other States, international organizations and processes or their secretariats, to non-governmental organizations or to other stakeholders. Any impact on those other States or bodies would be indirect, resulting either from the actions of Parties and Signatories or because those other States or bodies would have chosen to take note of and apply the guidelines. In particular, they would not undermine the autonomy of the governing bodies of international forums.

4. Another consequence is that the scope of bodies within which Parties and Signatories might apply the guidelines would be quite broad, encompassing global, regional and subregional forums, and forums whose main focus is environmental as well as those for which the environment is just one subject among others.

5. In the light of the breadth of forums within which the guidelines might be applied, it may be prudent to envisage some prioritization or phased application, distinguishing between forums which are more likely to embrace the Aarhus principles and those where there is much less prospect, at least for the time being, of them being applied. This distinction is addressed, at least in descriptive terms, in paragraph 6 of the draft guidelines, which distinguishes international forums wholly consisting of Parties to the Aarhus Convention from others (ECE/MP.PP/2005/8/Add.1). However, such differentiation could usefully be taken a step further in a strategy for implementing the guidelines.

6. The draft guidelines contain some provisions that are specific and that may be more difficult to apply within bodies dominated by non-Parties to the Convention or not primarily environmental in scope. In implementing the guidelines, Parties and Signatories may wish to consider the possibility of identifying which paragraphs might have a more general application and which might be applied to a narrower group of international forums, notably those which are largely made up of Parties to the Convention and which have a strong environmental focus.

7. As regards the process of implementing the guidelines, the first and minimum step would be the adoption of the guidelines by the Meeting of the Parties to the Aarhus Convention. Following this, the Parties and Signatories would then be expected to start applying them. At that point, it might be most effective to initially focus on international forums which are largely made up of Parties to the Convention and have a strong environmental focus. The other four UNECE environmental conventions (singled out for mention in paragraph 3 of the guidelines) and their protocols would be obvious examples. The Working Group may wish to consider a phased approach to the application of the guidelines following their adoption. This might be reflected in the related decision or in the report of the Meeting of the Parties.