



**Economic and Social
Council**

Distr.
LIMITED

ECE/MP.PP/WG.1/2007/L.2/Add.1
19 February 2007

Original: ENGLISH

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

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

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

Addendum

**FORMALIZED RULES AND PROCEDURES
AND NON-FORMALIZED PRACTICES
REGARDING ACCESS TO INFORMATION
AND ACCESS TO JUSTICE**

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

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

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- a) Does your forum have any formalized rules or procedures concerning access to information and access to justice in environmental matters? If yes, please provide an overview.
 - b) Does your forum have any non-formalized practices concerning access to information and access to justice in environmental matters? If yes, please provide an overview.
2. The addendum looks at the international forums' formalized rules and procedures and non-formalized practices regarding access to information. It then notes any formalized procedures and non-formalized practices on access to justice in environmental matters.

Access to information

Formalised rules and procedures regarding access to information

3. Twenty-four forums report formalized rules and procedures regarding access to information.
4. The secretariat of the United Nations Forum on Forests (UNFF) reports that the Forum's documents and reports are public documents and are widely available on its website.
5. The secretariat of the International Whaling Commission (IWC) indicates that the Commission has rules of procedure relating to certain types of access to information. All Commission documents, with the exception of those for the Finance and Administration Committee and its sub-groups, are ultimately made available. However, reports of meetings of all committees, sub-committees and working groups are confidential until the opening plenary session of the Commission meeting to which they are submitted. In the case of intersessional meetings, documents are confidential until dispatched to the Contracting Governments and Commissioners. Access to data held by the IWC's Scientific Committee is subject to different rules depending on whether the information was required under the Convention, requested under the Convention, or made available to the Scientific Committee on a voluntary basis. Information required under the Convention is available on request to any interested persons with a legitimate claim relative to the aims and purposes of the Convention.¹ Information requested under the Convention is accessible to accredited persons, and to other interested persons subject to the agreement of the government submitting the information. In respect of information made available to the Scientific Committee on a voluntary basis, information collected as a result of IWC sponsored activities and/or on a collaborative basis is available at the latest after a suitable time interval to allow 'first use' rights to the primary contributors. With respect to information provided voluntarily under national programmes, the minimum level of access is that accredited persons may use the information during Scientific Committee meetings, although such information may not be passed on to third parties.

¹ The Rules of Procedure of the Scientific Committee state that the Government of Norway notes that for reasons of domestic legislation it is only able to agree that data it provides under this paragraph are made available to accredited persons.

6. The secretariat of the International Maritime Organization (IMO) indicates that all IMO documents are posted on the IMODOCS website, which is password protected. Member States, the United Nations and United Nations Specialized Agencies, inter-governmental organizations and non-governmental organizations (NGOs) are given a password to access the IMODOCS website. On presentation of a justified request, documents can also be made available to the public. Documents of past meetings are held in the International Maritime Organization's library, which is open to the public by appointment.

7. The World Bank indicates that its stated policy is to be open about its activities and to seek out opportunities to explain its work to the widest possible audience. It states that its 2002 Information Disclosure Policy makes an enormous amount of operational information available to the public, ranging from project and policy documents to strategy and evaluation documents. In March 2005 the Bank's Board approved a number of revisions, aiming to extend, rationalise, or simplify the Bank's 2002 disclosure policy. Details of the Bank's policy can be found at www.worldbank.org/operations/disclosure. The World Bank Group's International Finance Corporation also has a Policy on Disclosure of Information, available at <http://www.ifc.org>.

8. The secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) provides the public with a wide range of information principally through its website, www.unfccc.int. This includes all official documentation, in the UN languages, immediately following release; other documents including technical papers, workshop documentation, background papers and in-depth review reports; information for the general public on the background and issues of the complex intergovernmental process and technical and substantive information for those familiar with the process; notifications to Parties and observers; information on how the process works, including participation as observers; access to information on processes under the Convention and its Kyoto Protocol including the Clean Development Mechanism Executive Board and the Joint Implementation Supervisory Committee; access to targeted information on aspects on climate change provided by governments, organizations and the public. The secretariat recognizes the value of webcasts to inform the general public of proceedings and associated activities of the climate change process. Webcasted events include plenary sessions of the Conference of the Parties (COP) and the Conference of the Parties serving as the meeting of the Parties of the Kyoto Protocol (CMP); official press conferences; selected special events and side events and other key activities held during the official sessions which allow a more complete view into the process by the interested public; meetings of the Clean Development Mechanism Executive Board and the Joint Implementation Supervisory Committee. A daily reporting service on the official negotiations is provided in hard copy and online by the Earth Negotiations Bulletin, an independent expert service of the International Institute for Sustainable Development. The secretariat responds promptly to information requests within its mandate.

9. The secretariat of the United Nations Convention to Combat Desertification (UNCCD) indicates that access to information and public participation has been considered to be a key factor of the UNCCD since the first session of its COP. At that session, the COP adopted procedures for the communication of information and review of implementation that aim to organize and streamline the communication of information, inter alia, to "ensure that information on implementation is in the public domain and available to the international community, particularly intergovernmental and non-governmental organizations, and other interested

entities". Hence all reports communicated to the UNCCD secretariat as well as institutional information is in the public domain. The UNCCD secretariat has the duty to make available copies of these reports to any interested Parties to the UNCCD and other entities. It makes available all official documents through its own website and at meetings of international, regional, sub-regional and national scope. The rules of procedure do not set a time limit to provide requested environmental information, but the secretariat strives to respond to any query as soon as practicable.

10. The Convention on Biological Diversity (CBD) makes provision for information dissemination and public education and awareness and the exchange of technical, scientific and socio-economic information amongst Parties. The Strategic Plan of the Convention requires Parties to implement a communication, education and public awareness strategy. The Cartagena Protocol on Biosafety provides for the dissemination and access to scientific, technical, environmental and legal information on living modified organisms and requires Parties to promote and facilitate public awareness and education regarding the safe transfer, handling and use of the same.

11. The secretariat of the Convention on Conservation of Migratory Species of Wild Animals (CMS) reports that it has no specific rules or procedures on access to information. However, the secretariat notes that it has a specific mandate from the Convention to provide information concerning the Convention and its objectives to the general public and several mechanisms are in place for information sharing.

12. The secretariat of the International Tropical Timber Organization (ITTO) reports that ITTO has a general policy that all technical publications of the organization are to be made generally available and only financial and a few other administrative documents are restricted to members. However, the secretariat notes that limited translation budgets mean that despite this openness, not all documents are accessible to all.

13. The secretariat of the International Civil Aviation Organization (ICAO) indicates that the ICAO's main policy on aviation-related environmental issues is contained in its Assembly Resolution A35-5 "Consolidated statement of continuing ICAO policies and practices related to environmental protection". That Resolution requests the Council to disseminate information on the present and future impact of aircraft noise and aircraft engine emissions and on ICAO policy and guidance material in the environmental field, in an appropriate manner, such as through regular reporting and workshops.²

14. The Office of Legal Affairs of the International Atomic Energy Agency (IAEA) indicates that a number of international instruments adopted under the auspices of the IAEA include the provision of information to the public. The Code of Conduct on the Safety and Security of Radioactive Sources provides for the proactive dissemination of information. The Convention on Nuclear Safety provides that Parties shall take appropriate steps to ensure that, insofar as they are likely to be affected by a radiological emergency, its own population and the competent

² The Resolution does not specify to whom this information should be disseminated, e.g. Contracting Parties and/or the public.

authorities of the States in the vicinity of the nuclear installation are provided with appropriate information for emergency planning and response. The Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management provides that each Party shall take appropriate steps to ensure that procedures are established and implemented to make information on the safety of a proposed spent fuel management facility or a waste management facility available to members of the public. Both Conventions require a summary report of each meeting of the Parties to be made available to the public. National reports required under the Conventions are available on the IAEA's website.

15. The secretariat of the United Nations Mediterranean Action Plan (MAP) indicates that the Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention) obliges the Contracting Parties to ensure that their competent authorities give to the public appropriate access to information on the environment within the scope of the Convention and its Protocols, as well as on activities or measures adversely affecting or likely to affect it and on activities carried out or measures taken in accordance with the Convention and the Protocols. The MAP secretariat reports that the meeting of the Contracting Parties has decided to develop an information and communication strategy. The Information Unit at the secretariat and INFO RAC, a regional activity centre established by Italy, have been set up to address information and communication. In addition, all MAP regional activity centres issue public-friendly environmental publications. The websites of MAP and the regional activity centres provide information about the state of the Mediterranean marine and coastal environment as well as about their own activities. The Croatian and Tunis regional activity centres have established clearinghouse mechanisms on coastal zone management and biodiversity. All documents on the MAP website are published in two or four languages and efforts will be made to have the website published in English, French and Arabic. Any information request by a member of the public is dealt with in conformity with the Convention. Information is provided free of charge.

16. The Framework Convention for the Protection of the Environment of the Caspian Sea (Tehran Convention), which entered force in August 2006, states that the Contracting Parties shall endeavour to ensure public access to information on environmental conditions of the Caspian Sea and measures taken or planned to be taken to prevent, control and reduce pollution of the Caspian Sea in accordance with their national legislation and taking into account provisions of existing international agreements concerning public access to environmental information.

17. The Bureau of the Executive Body of the United Nations Economic Commission for Europe (UNECE) Convention on Long-range Transboundary Air Pollution (LRTAP) indicates that the Executive Body is keen to ensure that the work of the Convention is transparent to all. All official documents are made freely available on the Convention webpages, and all Convention task forces, expert groups, programmes and ad hoc meetings are encouraged to make information and reports available on the internet. Proactive action regarding access to information has also been taken in some areas. First, the 1998 Protocol on Persistent Organic Pollutants and the 1999 Gothenburg Protocol both have articles on public awareness that require their Parties to promote the provision of information to the public on, for example, the emissions of substances, effects, management options and alternatives. Second, the Executive Body has made decisions on making certain data held by the Convention's international centres or by the secretariat publicly available. For example, Parties' responses to the Convention's biennial

questionnaire on strategies and policies are now routinely made available to the public on the Convention's website.

18. The secretariat of the UNECE Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) indicates that information concerning hazardous activities is maintained by the secretariat. According to the decision of the Parties to the Convention, access to such information is limited to Parties' competent authorities. Security issues are among the main concerns. Access to other documentation is provided on a non-formalized basis, as discussed in the section on non-formalized practices below.

19. The secretariat of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) indicates that official documents, including agendas, meeting reports and background papers, are publicly available in English, French and Russian, including on the Convention's website (<http://www.unece.org/env/eia/>). At its third meeting (June 2004), the Meeting of the Parties to the Convention requested that further information be made available on the Convention's website, including the full review of the implementation of the Convention in the period to 2003; the agenda for each Implementation Committee meeting; bilateral and multilateral agreements and arrangements that implement obligations under the Convention; information on, and electronic links to, transboundary environmental impact assessment (EIA) cases, national EIA authorities, national databases on transboundary EIA and other information related to implementation of the Convention. The Meeting of the Parties also called upon Parties to distribute guidance on the practical application of the Convention to NGOs and others, to raise awareness and to support them in applying the Convention. Completed questionnaires on Parties' implementation of the Convention in the period 2003 to 2005 are available on the website. The agenda of meetings of the Bureau are not made available to the public. No formal reports of Bureau meetings are prepared.

20. The secretariat of the European Environment and Health Committee (EEHC) reports that the EEHC has agreed that all documentation for its meetings should be made available on its website (www.euro.who.int/eehc) prior to meetings.

21. The response of the European Bank for Reconstruction and Development (EBRD) indicates that EBRD has an Environmental Policy (2003) which makes significant commitments on public consultation and information disclosure, particularly regarding projects that require an EIA.³ The Environmental Policy acknowledges and supports the principles of international conventions, such as the Aarhus Convention and Espoo Convention. EBRD also has a Public Information Policy, which sets out the principles of transparency and the definition of confidentiality. The Public Information Policy commits to the release of certain information from the Publications Office and Resident Offices and through the EBRD website (www.ebrd.com) and also covers issues of translation.

³ The response received from the European Bank for Reconstruction and Development was provided by individuals from EBRD's Environment and Communications Department and does not necessarily reflect EBRD's institutional opinion.

22. The secretariat of the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Commission) indicates that the Commission's meeting documents and the subsequent reports are available via the internet. Its policy is to distribute meeting agendas and preliminary timetables, together with relevant documents except those concerning internal issues, to all invited participants thirty days in advance of the meeting. Any user can access documents, reports and minutes after the respective meeting has processed them. In respect of information on the substantive issues dealt with by the forum, the Convention obliges Contracting Parties to ensure that information on the condition of the Baltic Sea and the waters in its catchment area, together with information on actual or planned measures to prevent and eliminate pollution, and the effectiveness of those measures, is available to the public.

23. The Rules of Procedures of the Sava River Basin Commission (Sava Commission) provide that documents of the Commission, secretariat and expert groups should be available to the public unless the Commission decides otherwise. Upon its approval by the Commission, the annual report is available to the public. The Rules require the Commission to maintain a website and to use the website, wherever convenient, for distribution of and access to documents, including possibilities for feedback from the public. The Rules state that in posting the documents on the website the Sava Commission meets the requirement of public access to information.

24. The Nordic Environment Finance Corporation (NEFCO) states that all its projects are evaluated pre, during and post investment, and their combined environmental effects are published annually. NEFCO's annual environmental report (including a non-formalized report on NEFCO's in-house environmental burden) is the formalized tool for access to environmental information.

25. The Sustainable Development Division of the African Development Bank (AfDB) indicates that the Bank has prepared a new Policy on Disclosure of Information (available at www.afdb.org). The Policy addresses issues relating to environmental and social assessment processes. The Bank's Strategic Environmental Assessment and Strategic Impact Assessment procedure include access to information and disclosure as crucial elements.

26. The Environment Division of the Inter-American Development Bank indicates that the Bank's Disclosure of Information Policy (OP-102) makes operational information available to the public, including project, policy and evaluation information. This information is available at the Bank's Public Information Center, www.iadb.org/ext/pic. The policy was last amended in August 2006.

27. The Asian Development Bank (ADB) reports that in 2005 it began implementation of its Public Communications Policy (<http://www.adb.org/Documents/Policies/PCP/default.asp?p=disclose>). The Public Communications Policy presumes disclosure of information subject to a list of specific exceptions. The Environment Policy also spells out requirements for the provision of information: <http://www.adb.org/Environment/policy.asp>.

Non-formalized practices regarding access to information

28. Twenty-five forums report non-formalized practices regarding access to information. Approximately one third of these forums report non-formalized practices over and above their formalized rules and procedures noted above. The other two-thirds report that they have non-formalized practices in lieu of formalized procedures. This section begins with the first group before looking to the second.
29. In addition to its formalized rules and procedures, the secretariat of the IWC states that its website makes a wide range of information publicly available at no charge, including official documents and meeting reports.
30. The World Bank reports that its Environment Monitor publications, produced by its East Asia and Pacific Regional Department, are illustrative of some of its non-formalised practices to facilitate dissemination of environmental information (see www.worldbank.org/eap).
31. The secretariat of the CMS notes that most of the Convention's practices regarding access to information are not formalized. Its general policy is to provide information requested unless it is of a confidential nature.
32. The Bureau of the LRTAP indicates that some of the Convention's programme centres have taken the initiative to release or publish data and results (with approval from submitting experts) without the need for formalized rules. It notes that, in general, the Executive Body encourages its subsidiary bodies and programme centres to make data readily available and to publish results in the scientific literature and popular press.
33. The secretariat of the Industrial Accidents Convention indicates that all official and non-official documents of the Conference of the Parties and its subsidiary bodies as well as information provided by the secretariat are publicly available on the Convention's website. As noted in the previous section, according to the decision of the Parties to the Convention, information concerning hazardous activities maintained by the secretariat may only be accessed by the Parties' competent authorities.
34. The secretariat of the Espoo Convention seeks to publish official documents and other information in accessible forms. For example, recent guidance adopted by the Meeting of the Parties has been published in English, French and Russian and posters, leaflets and other promotional materials are also published. The Convention and Protocol have been translated officially into Arabic and Spanish and some Parties have provided translations in their national languages of the Convention, its Protocol and practical guidance. The Convention's website, www.unece.org/env/eia, contains information on meetings under the Convention, including informal documentation in English and Russian, and other activities related to the Convention's workplan, as well as biannual financial reports. The outcomes of inquiry procedures are also available. The website also provides substantive information on Strategic Environmental Assessment and transboundary EIA and links to information provided elsewhere, including guidance published by NGOs. The secretariat responds promptly to procedural and substantive requests for information, including sending information by post, without charge. It produces an informal newsletter, which is translated into Russian by an NGO. Documents, announcements

and other information are distributed to NGOs electronically and NGOs are included on mailing lists for documents issued for consultation; comments on such documents are accepted from anyone, provided they are not anonymous. To illustrate the Implementation Committee's approach and to provide guidance on appropriate responses from Parties, the secretariat has placed correspondence between the Committee and Parties on the website, with the agreement of the Implementation Committee and the Parties concerned.

35. The EBRD response indicates that, in addition to its formalized rules, the EBRD has non-formalized procedures and guidance on disclosing information.

36. As well as its formalized procedures, the secretariat of the Sava Commission reports that Commission Members and the secretariat often participate in workshops, roundtables and other meetings dealing with navigation and protection of water and aquatic eco-systems. Commission Members and the secretariat also give media interviews via newspapers, radio and television.

37. The Division of Early Warning and Assessment of the United Nations Environment Programme (UNEP) indicates that UNEP provides environmental information proactively via the web on its corporate site, www.unep.org. Recent sessions of UNEP's Governing Council/Global Ministerial Environment Forum have pilot-tested live webcasting.

38. The secretariat of the United Nations Educational, Scientific and Cultural Organization Man and the Biosphere Programme (UNESCO Man and the Biosphere Programme) states that access to information is a basis in the establishment and management of biosphere reserves. In respect of the geographical focus of the Aarhus Convention, the majority of countries and biosphere reserve sites in the EuroMAB network have a web page linked to the forum's website (<http://www.unesco.org/mab>). The secretariat sends an electronic newsletter to all Man and the Biosphere contacts every three months. Information documents relating to the periodic review of each site every ten years are available to the public on request, subject to the government's consent.

39. The International Fund for Agricultural Development (IFAD) indicates that, with respect to access to environmental information, it works at the country/project level through targeted training and awareness raising and at the global level through the use of appropriate technical means, such as websites, databases and webcasting of events (see IFAD website: www.ifad.org and the Rural Poverty Portal <http://www.ruralpovertyportal.org>).

40. The secretariat of the Strategic Approach to International Chemicals Management (SAICM) indicates that it has been tasked by the International Conference on Chemicals Management with performing information clearing house functions. The SAICM secretariat makes extensive use of its website in its clearinghouse role, posting all relevant documents for public scrutiny.

41. The secretariat of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO) indicates that most documents, e.g. meeting proceedings, fish catch statistics, adopted decisions, and scientific advice, are available to the public through the public pages of NAFO's website. However, Working Papers circulated during the meetings and vessel

monitoring system data are considered confidential. NAFO reports that general inquiries for information are usually accommodated.

42. The response from the European Commission in its capacity as a Party to the Cotonou Agreement between the European Communities and the African, Caribbean and Pacific States (Cotonou Agreement) indicates that its policy is to make information resulting from Country Environmental Profiles publicly available. Information resulting from EIAs is normally available in conformity with the recipient country's legislation.

43. The Bureau of the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) indicates that all official documents such as agendas, background papers and reports are publicly available on the Convention's website. The secretariat also seeks to publish additional information on the website regarding meetings under the Convention and the Protocol (including extensive informal documentation, generally in English and Russian) and other activities either in the Convention's workplan or related to it. The website also provides extensive substantive information on transboundary water cooperation in the region and links to other sources of information (e.g. links to official website of river commissions). The secretariat responds promptly, typically within a few days, to procedural and substantive requests for information, including sending information by post, without charge. Documents, announcements and other information are distributed by email to NGOs, among others. Leaflets and other promotional materials are also published, usually in English and Russian at least. Some Parties have also provided translation into their national languages of the Convention and the Protocol on Water and Health.

44. The Bureau of the UNECE Committee on Housing and Land Management (Committee on Housing and Land Management) reports that all official documents of the Committee and its Working Party on Land Administration are publicly available on each body's website.

45. The Bureau of the UNECE Committee on Environment Policy (CEP) reports that the Committee's official documents and reports of its sessions are available to the public on its website (<http://www.unece.org/env/cep/welcome.html>).

46. The secretariat of the UNECE Committee on Sustainable Energy (Committee on Sustainable Energy) indicates that all official documents and reports of its session are available to the public on the Committee's website (<http://unece.org/ie>).

47. The secretariat of the UNECE "Environment for Europe" process ("Environment for Europe" process) indicates that all relevant documents during preparatory processes and Ministerial Conferences are made available on its website, www.unece.org/env/efe/welcome.html, for information and comments by participating NGOs, regional environmental centres and other major groups' representatives.

48. The EEHC secretariat reports that information on activities in countries which support implementation of the commitments taken at the Fourth Ministerial Conference on Environment and Health (Budapest, 2004) is readily available through a user-friendly web-based map, on the Committee's website. The implementation map, which is country-driven, is regularly updated

and also contains information on relevant activities by non-governmental organizations in the countries.

49. The secretariat of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) reports that all documents submitted to its Standing Committee, either for decision or information, are publicly available through the Council of Europe's website.

50. The Scientific Information Center of the Inter-State Coordination Water Commission of Central Asia (ICWC) indicates that it publishes the Commission's activities on its websites and in print form.

51. The secretariat of the Convention on the Protection of the Alps (Alpine Convention) notes that the Convention has no formalized rules or procedures concerning access to information. However, the secretariat's public relations tasks include responding to information requests and providing comprehensive information through the Alpine Convention's website www.alpenkonvention.org, such as the results of the Alpine Conference held every two years.

52. The secretariat of the International Commission for the Protection of the Rhine (ICPR) indicates that it frequently publishes brochures on its website, and the website itself provides information on a wide variety of water issues. The secretariat notes that the website has visitors from all over the world seeking information on water policy in the Rhine basin area. Visitors to the website can also download maps illustrating flood risk.

53. The Environment and Sustainable Development Division of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) reports that it has no formalized rules or procedures regarding access to information, but legislative documents and meeting reports are made public via UNESCAP's website on a routine basis.

Access to justice

54. Eight forums indicate that they have rules, procedures or practices with respect to access to justice in environmental matters. Seven forums have formalized procedures regarding access to justice and one forum reports some limited non-formalized practices.

55. The Bureau to the Water Convention reports that the compliance procedure adopted by the Parties to the Protocol on Water and Health at their first meeting (Geneva, January 2007) allows members of the public to bring before the Compliance Committee communications concerning a Party's compliance with the Protocol.

56. The secretariat of the Espoo Convention indicates that its Meeting of the Parties established a non-adversarial and assistance-oriented Implementation Committee for the review of compliance. The Meeting of the Parties decided to keep under review (and develop if necessary) the structure and functions of the Committee in the light of experience gained by the Committee, including with respect to public involvement. The Committee has discussed extensively the issue of public participation in its work. At present, the parts of meetings of the

Implementation Committee dealing with specific submissions relating to compliance are not open to observers, unless the Committee and the Party whose compliance is in question agree otherwise, and the Committee's mandate does not allow for the public to initiate a compliance procedure. However, the Committee was requested by the Meeting of the Parties at its third meeting (June 2004) to consider developing criteria for dealing with information from sources other than Parties under its "Committee initiative" function (whereby the Committee itself initiates a review of a Party's compliance). The draft operating rules currently being drawn up by the Committee to be put before the next meeting of the Parties do not exclude information from the public.

57. Other relevant aspects of the proposed operating rules of the Espoo Convention's Implementation Committee include: observers might, at the invitation of the Chair, and if there is no objection from the members present, participate in the proceedings of any meeting in matters of direct concern to them, but should not take part in the preparation and adoption of any report, finding or recommendation of the Committee; discussion papers prepared by the secretariat or by members of the Committee for meetings of the Committee should not be publicly available unless the Committee decides otherwise (in contrast with the practice of the Convention's Working Group on EIA); submissions and related documents should not be publicly available, but the secretariat should provide a short summary of each submission on the Convention website; apart from the short summary, working documents and other information related to specific submissions should not be published and their contents should be treated as confidential if requested. The Meeting of the Parties does not have a mechanism by which the public might have access to a review procedure regarding the application of its rules and standards. However, NGOs might refer difficulties to the Meeting of the Parties. To date, this has not occurred.

58. The secretariat of the Bern Convention refers to its case file procedure, which was provisionally adopted by its Standing Committee in 1984. The Standing Committee provisionally adopted a written procedure for the case file procedure in 1993. The secretariat states that the case file procedure offers a formal and systematic way for European citizens, governmental and non-governmental organisations to engage the secretariat and the Standing Committee of the Bern Convention in the examination, and hopefully resolution, of issues and problems that may arise in the implementation of the Convention. The process is characteristically driven by allegations or claims by NGOs that one or more Parties have failed to comply with the Convention. The secretariat comments that the procedure serves to draw out facts about the issue at stake, to raise awareness of the issue beyond the country concerned, to mobilise political support in an international forum for resolving the issue, and for recommending, debating and supporting potential solutions.

59. The EBRD response states that it has an Independent Recourse Mechanism by which local people who believe they have been harmed by a EBRD-financed project can complain either that EBRD did not follow its own policies (e.g. its Environmental Policy) or that they want assistance in resolving the problem (e.g. for the Independent Recourse Mechanism to play a role in re-establishing communication between the aggrieved parties and the project proponent).

60. The secretariat of the Alpine Convention states that, in view of its permissive practice regarding the availability of environmental information, there is no need for establishing review procedures relating to applications regarding access to information. It notes that under the Alpine

Convention's compliance mechanism not only the Contracting Parties but also NGOs with observer status have the right to present requests aimed at verifying assumed non-compliance.

61. AfDB's Sustainable Development Division indicates that the Bank recently adopted the operating rules and procedures of its Independent Review Mechanism. This should accelerate the full application of the newly introduced compliance review system including aspects relating to access to information and public participation.

62. The IADB's Environment Division indicates that the Bank has an Independent Investigation Mechanism, which enables stakeholders to request an independent investigation if they believe that there has been non-compliance with Bank policies. This policy was first approved in 1994 and amended in 2000. In 2005, management proposed a replacement mechanism, the Consultation and Compliance Review Mechanism, and conducted public consultations on the draft proposal.

63. IFAD remarks that access to justice in environmental matters is 'the weakest practice in its projects'; however there are some projects in which the communities can ask for service providers, technical assistance and advice on access to justice.

64. Most other international forums do not discuss access to justice in environmental matters in their responses. The UNFF secretariat indicates that its work does not involve issues of justice in environmental matters. The CBD secretariat notes that there are no provisions of the Convention or COP decisions that relate to access to justice as envisaged in the Aarhus Convention or the Guidelines.