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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

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ELECTRONIC INFORMATION TOOLS AND THE CLEARING-HOUSE MECHANISM

REPORT ON THE SEVENTH MEETING OF THE TASK FORCE ON ELECTRONIC INFORMATION TOOLS

Report by the secretariat

Summary

The Convention's work programme for 2006–2008, adopted by the Meeting of the Parties at its second session and further elaborated by the Working Group of the Parties at its sixth meeting, envisaged annual meetings of the Task Force on Electronic Information Tools established through decision I/6 on promoting the use of electronic and other information tools (ECE/MP.PP/2005/2/Add.11, annex, activity VIII; ECE/MP.PP/WG.1/2006/9, annex II, activity VIII; ECE/MP.PP/WG.1/2006/2, paras. 63 and 67; and ECE/MP.PP/2/Add.7). Through decision III/2, the Meeting of the Parties extended the Task Force's mandate for a further intersessional period (ECE/MP.PP/2008/2/Add.4, para. 9). The present report on the Task Force's seventh meeting has been prepared at the request of the Bureau of the Meeting of the Parties in order to assist the Working Group in fulfilling its mandate to oversee and direct the activities of subsidiary bodies established by the Meeting of the Parties (ECE/MP.PP/2/Add.15, para. 2 (b)).

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INTRODUCTION

1.   The seventh meeting of the Task Force on Electronic Information Tools was held in Geneva on 11 and 12 December 2008, following the decision by the Meeting of the Parties at its third ordinary session to extend in time the mandate of the Task Force.[1]

2.   The meeting was attended by experts designated by Armenia, Belgium, France, Georgia, Greece, Kyrgyzstan, Malta, the United Kingdom of Great Britain and Northern Ireland, and Uzbekistan.

3.   The United Nations Conference on Trade and Development (UNCTAD) and the United Nations Environment Programme-GRID/Europe were represented. The United Nations Economic Commission for Europe (UNECE) was represented by two of its divisions: Environment, Housing and Land Management and Trade and Timber.

4.   The following international non-governmental organizations (NGOs) and regional organizations were represented: ECO-TIRAS International Environmental Association of River Keepers, GLOBE Europe and the Regional Environmental Center for Central and Eastern Europe (REC). In the framework of the European ECO-Forum, the following national NGOs and academic organizations were represented: "ARMON" Women's Center for Environmental Law (Uzbekistan), Association "For Sustainable Human Development" (Armenia), Association of Social Economic Research of Azerbaijan, BlueLink Information Network (Bulgaria), Biosfera (the former Yugoslav Republic of Macedonia), Centre Youth Initiatives "Zhardem" (Kazakhstan), Greenwomen Environmental Analytical Agency (Kazakhstan), and Hellenic Society for the Preservation of the Environment and Cultural Heritage (Greece).

5.   The following Aarhus Centres were represented: Aarhus Centre Georgia and Information Centre on the Aarhus Convention (Kyrgyzstan).

6.   The Chairperson of the Task Force, Mr. Chris Jarvis (United Kingdom), opened the meeting and welcomed the participants to Geneva.

7.   The Task Force agreed on the agenda as presented by the Chairperson.

I.   RELEVANT OUTCOMES OF THE THIRD SESSION OF THE MEETING OF THE PARTIES TO THE CONVENTION

8.   The Chairperson reported on the main relevant outcomes of the third session of the Meeting of the Parties (Riga, 11–13 June 2008), including the adoption of decision III/2 on electronic information tools and the clearing-house mechanism (ECE/MP.PP/2008/2/Add.4). He pointed out that the Task Force had been given a mandate: (a) to identify solutions with respect to electronic access to information, including in the context of public participation and access to justice; and (b) to organize training workshops and undertake other capacity-building activities, as appropriate and subject to the availability of financial and human resources.

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[1] Decision III/2, paragraph 9 (ECE/MP.PP/2008/2/Add.4).

9.   The secretariat reported on other relevant outcomes of the Riga session, including decision III/9 on the work programme for 2009–2011 (ECE/MP.PP/2008/2/Add.17), which included, inter alia, activities on electronic information tools and the clearing-house mechanism (in its annex I, activity V). The secretariat also highlighted paragraph 10 of the Riga Declaration (ECE/MP.PP/2008/2/Add.1), wherein the Parties agreed that greater use of electronic tools to facilitate public participation should be made, and objective III.2 of the strategic plan for 2009–2014 (ECE/MP.PP/2008/2/Add.16, para. 11 (b)), which foresaw development of a gradually widened range of environmental information being made available to the public. These developments would enable more informed consumer choices regarding products, thereby contributing to more sustainable patterns of production and consumption. The secretariat also reported on a side-event on electronic information tools and e-environment services for the Convention. The Chairperson thanked the organizations that had contributed to the event's success.

10.   The Task Force took note of its renewed mandate.

II.   GLOBAL, REGIONAL AND NATIONAL DEVELOPMENTS AND PROCESSES RELEVANT TO DECISION II/3

11.   The Chairperson invited the Task Force experts to share their experience in promoting the information society and measuring progress in areas covered by the recommendations annexed to decision II/3 and in the new activities contained in decision III/2.

12.   Mr. Charles Geiger, Special Adviser to the UNCTAD secretariat on the Commission on Science and Technology for Development (CSTD) and former Executive Director of the second phase of the World Summit on the Information Society (WSIS), reported the United Nations system-wide follow-up to WSIS, focusing on the 2008 report to CSTD. The year 2008 marked the first time when over 50 per cent of the world's population would be connected through telecommunications networks, an important historical marker and a WSIS 2015 target. As many as 3.3 billion mobile telephone subscriptions were forecast by the end of 2008. The WSIS 2015 target had therefore been reached in 3 rather than 10 years. When considering electronic communications, one should think in terms of mobile telephony rather than personal computers connected by the Internet. Eighty to ninety per cent of the global population lived within range of cellular networks. The information society was rapidly evolving from provision of electronic, Web-based government services (e-government) to mobile telephony-based government services ("m-government"). Nonetheless, a digital divide persisted between developing and developed countries, e.g. lack of broadband access and the high costs of access remained challenges for the developing world. Inadequate coherence and complementarity between national information and communications technology policies and national development and poverty reduction strategies posed further challenges.

13.   The Chairperson of the UNECE Group for the Information Society reported on the outcome of the third meeting of the Internet Governance Forum (Hyderabad, India, 3–6 December 2008). UNECE had co-organized a workshop ("Towards a code of good practice on public participation in Internet governance – Building on the principles of WSIS and the Aarhus Convention") as part of an initiative in partnership with the Council of Europe and the

Association for Progressive Communications. The workshop had been highly appreciated and had provided a high degree of visibility for experience gained under the Convention. The closing plenary had emphasized the importance of making environmental data accessible and had singled out the Convention as an example of good practice. Such practice was also viewed as a prerequisite for developing new agreements on climate change. A proposal was made to hold a further stakeholder consultation on a draft code of conduct for public participation and transparency of information in Internet governance in conjunction with the weeklong annual meeting of the CSTD beginning on 25 May 2008 in Geneva. The Chairperson stressed the need for obtaining the support of Internet stakeholders and institutions for any code of practice. Such a document would not be legally binding and should not be very long or detailed. A first draft would be presented at the fourth annual meeting of the Internet Governance Forum (Sharm el-Sheikh, Egypt, 15–18 November 2009).

14.   The secretariat informed the Task Force that it had been appointed to serve as UNECE focal point to the United Nations Geographic Information Working Group, a network of professionals working in the fields of cartography and geographic information science to build the United Nations spatial data infrastructure needed to achieve sustainable development. The secretariat was also liaising with the Working Group and the Organisation for Economic Co-operation and Development (OECD) Task Force on Pollutant Release and Transfer Registers (PRTRs) on the development of a global map of releases and transfers of pollutants, which would be incorporated into the global Web portal, PRTR.net.[2]

15.   The secretariat reported on its participation in three events: the Symposium on Electronic Democracy (London, 28 February 2008), the workshop on international regulatory developments to be held at the Forum on the Future of Democracy (Madrid, 15–17 October 2008) and the Second International Conference on the Theory and Practice of Electronic Governance (Cairo, 1–4 December 2008). These events provided valuable opportunities to raise awareness of the Convention and inform key stakeholders about developments under the instrument in the areas of e-governance, e-participation and the operation of the clearing-house mechanism.

16.   The remainder of the discussion and exchange on global, regional and national developments and processes relevant to decision II/3 took the form of a forum on clearing-house mechanisms. The Chairperson invited Mr. Antoine Zahra (Malta), the Task Force's Vice-Chairperson, to chair the forum.

17.   The forum examined different models employed by nodes of the Convention's clearing-house mechanism. In some countries, Governments had taken the lead and organized the national node within the national ministry or environment agency (e.g. Belgium). In others, the development and management of the national node had been developed by an NGO working on behalf of the Government (e.g. Czech Republic). A third model involved the employment of Aarhus Centres serving as national nodes (e.g. Georgia). In this latter case, the Ministry of Environmental Protection and Natural Resources had asked the Centre to monitor information flow. In one case, NGOs had informally developed an Aarhus information node website, which they intended to offer to their Government as a model of the national node of the Aarhus Clearinghouse.

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[2] www.prtr.net.

18.   The Vice-Chairperson concluded that the institutional arrangements for organizing national nodes were fully within the competence of Governments, and that no single model should be promoted over the others. Where an Aarhus Centre was designated to serve as national node of the clearing-house mechanism, it was important to have a multi-stakeholder governance structure and to support the flow of information between civil society and government.

19.   The Task Force welcomed the contributions of the experts to the discussion of clearing houses and the participation of all stakeholders in the development of national nodes.

III. MONITORING IMPLEMENTATION OF DECISION II/3 AND III/2 OF THE MEETING OF THE PARTIES

20.   The secretariat informed the Task Force that the Working Group of the Parties had agreed to circulate the questionnaire on implementation of decision II/3 once every three years during the intersessional period (ECE/MP.PP/WG.1/2007/2, para. 47). The Task Force was invited to comment on the review the questionnaire developed in 2006 in view of its new mandate and to discuss the schedule of its circulation during the 2009–2011 triennium. The Task Force was also invited to discuss further measures to follow up and report on implementation of decisions II/3 and III/2, in particular, the application of electronic tools supporting public consultation and participation in decision-making.

21.   The secretariat outlined four issues which the Task Force might consider for the further development of the questionnaire on implementation of the recommendations annexed to decision II/3:

(a)   The extent to which information collected in the questionnaire might already be available through other data collection exercises, e.g. the UNECE publication, *Towards a Knowledge-based Economy: Europe and Central Asia: Internet Development and Governance*[3];

(b)   Whether questions asked in the 2006 survey had elicited useful information for monitoring the implementation of the recommendations contained in decisions II/3 and III/2;

(c)   Whether additional clarity was needed in the phrasing of some questions which delegations found difficult to answer;

(d)   Whether in the light of adoption of decision III/2 and the renewed mandate of the Task Force, any additional questions should be asked in the survey.

22.   A suggestion was made that further attention be given to eliciting information pertaining to electronic tools supporting public consultation and participation in decision-making.

23.   The secretariat was requested to prepare and circulate a new draft of the questionnaire to the members by 30 April 2009, and to invite comment on the document by 30 June 2009. In consultation with the Chairperson of the Task Force, the secretariat would finalize and circulate

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[3] Discussion Paper Series No. 1 (2008).

the revised questionnaire to the Parties and Signatories in mid-2009. The responses to the questionnaire would then be reviewed at the eight meeting of the Task Force in late 2009.

IV.   AARHUS CLEARING-HOUSE MECHANISM

24.   At its third session, the Meeting of the Parties welcomed the further development of the Aarhus Clearinghouse[4] and renewed its invitation to Parties, Signatories and other interested States, where they have not already done so, to establish national nodes of the Clearinghouse (decision III/2, paras. 5 and 6). The secretariat had been requested to provide technical assistance to national nodes of the Clearinghouse, including a programme of training workshops in support of capacity-building, within approved budgetary resources (decision III/2, para. 8 (c)).

25.   The secretariat reported on the further development of the clearing-house mechanism. It was in the process of incorporating the 2008 national implementation reports and Convention-related jurisprudence into online databases (see para. 39). The Clearinghouse had been featured in the UNCTAD Follow-up Report 2008 to WSIS.

26.   The Aarhus Centre Georgia presented an overview of the activities it had developed since its establishment in 2005, based on a memorandum of understanding between Georgia and the Organization for Security and Co-operation (OSCE). Working on all three pillars, although most strongly on access to information, it had provided a platform for discussion on environmental issues. This was demonstrated by the Centre's website[5], which linked to the Clearinghouse and featured an environmental library and information on the Convention and relevant projects implemented in Georgia. The Centre reported on its monitoring activities in the field of environmental impact assessment (EIA) to improve public participation in EIA processes. It was collaborating closely with the Georgian Ministry of Environmental Protection and Natural Resources in these efforts, by developing observer reports with recommendations for the public that would be posted on the Centre's website. The Centre also reported on its awareness-raising campaigns for different target groups and its online polls, which provided feedback from the public on the Centre's future directions. In addition, the Centre reported on its plans to organize training sessions for the judiciary next year and on its cooperation with the Ministry, which had requested the Centre to monitor its environmental information flow.

27.   Biosfera presented its work on several projects financed by the Ministry of Environment of the former Yugoslav Republic of Macedonia, noting the active role played by NGOs working on the Convention's implementation. It demonstrated how the information portal it had created with other NGOs served as a tool improving access to information and environmental democracy, e.g. by publishing an invitation from the Government to civil society representatives to join in an environmental committee. It noted that NGOs filled some of the gaps created by the Government's lack of capacity, which was due to a process of decentralization. Biosfera remarked that transposition of the Convention into law had taken place but that implementation remained a challenge. Finally, it reported on the creation of a network (the "Aarhus family") and the organization of a regional seminar to facilitate and improve future work.

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[4] See: http://aarhusclearinghouse.unece.org

[5] See: http://aarhus.dsl.ge/

28.   Certain members of the Task Force questioned whether single national Aarhus Centres could adequately serve local communities seeking to implement the Convention. In some countries, e.g. Albania, Armenia and Azerbaijan, subnational Centres had been set up. A memorandum of understanding between the Government of Armenia and OSCE had been signed to establish a network of local centres, at the request of mayors.

29.   The Task Force requested the secretariat to play a role in promoting the exchange of experiences between Aarhus Centres in Central Asia. The secretariat reported that it was in contact with OSCE concerning the Aarhus Centres project in Central Asia.

30.   The representative of Belgium presented an update on the Belgian national node of the Aarhus Clearinghouse.[6] The delegate of Belgium offered to contribute expertise gained in information management to a subregional capacity-building event.

31.   The Bureau of the Task Force presented the certificates for the awards of Best National Node 2008 and Best Information Node 2008 of the Aarhus clearing-house mechanism. The Aarhus Centre Georgia was recognized as the Best National Node 2008 and commended for its regular contributions to the Clearinghouse's Resource Directory, its programme of national and local seminars on the rights and obligations of the Convention and its active participation in capacity-building workshops and side-events organized under the Convention's work programme. European ECO-Forum was named Best Information Node 2008 in recognition of its frequent contributions to the Clearinghouse Resource Directory and ongoing activities disseminating information to the NGO community.

32.   The Chairperson thanked the representatives for their presentations, noting that the Aarhus Centres were growing in number. He welcomed their development and encouraged the Task Force to seek ways to capitalize on this growth to improve networks and the clearing-house mechanism. He expressed his appreciation for the Aarhus Centres' efforts to collaborate with academic institutions, and also noted that work of the Aarhus Centres' could help with the development of the communications strategy outlined in the Task Force's work programme. He welcomed the further development of the clearing-house mechanism and the active contributions of the Parties, regional capacity-building partner organizations and civil society.

33.   The Task Force concluded that there was a need to strengthen the capacity of subnational centres and to improve networking and information sharing among Aarhus Centres generally. Although the Centres could significantly contribute to information-sharing and capacity-building to promote the Convention's implementation, they should not be viewed as relieving the Governments of their responsibilities under the Convention.

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[6] See: http://www.aarhus.be (redirects to
https://portal.health.fgov.be/portal/page?_pageid=118,8292438&_dad=portal&_schema=PORTAL)

V.   CAPACITY-BUILDING ACTIVITIES

34.   REC reported on the project, "Compendium of good practice in e-access, e-participation and e-justice." Thirty-seven case studies and a summary of trends and recommendations had been compiled under a project supported by UNECE. Among the findings of the research were that websites addressing more focused audiences (e.g. youth) were generally more successful in terms of attracting participants than those intended for an "all-in-one" audience. REC would publish the compendium online and the United Nations would issue the project results as a report in 2009.

35.   The Task Force discussed preparations for the continued programme of capacity-building in the field of electronic information tools under the 2009–2011 work programme. It supported the idea of holding multi-themed events in South-Eastern Europe and in the Baltic subregion that would address priority capacity-building needs identified in specific subregions. Such events might be organized in late 2009.

36.   The Vice-Chairperson reported on ongoing development of the Malta Environment and Planning Authority (MEPA) e-applications system, an online land-use and environmental planning platform developed as part of his country's e-government infrastructure. The Web-based system allowed users to display planning applications and permit data, exchange digital correspondence with stakeholders, and submit online applications, including site delineation. These features had increased transparency and efficiency in the planning permitting process, and had promoted stakeholder engagement at early planning stages. MEPA had offered advisory services to other countries' planning authorities on the system.

37.   The Task Force welcomed the proposal to hold subregional capacity-building workshops in support of the work programme during the intersessional period 2009–2011, subject to the availability of resources.

VI.   INNOVATIVE APPLICATIONS OF ELECTRONIC INFORMATION TOOLS IN SUPPORT OF THE CONVENTION

38.   The secretariat reported on progress made vis-à-vis a project to make national implementation reports submitted during the first and second reporting cycles (concluded in 2005 and 2008, respectively) accessible online in a user-friendly format. The contents of the reports had been uploaded to an online database through the Aarhus Clearinghouse. The database enabled users to query and extract complete national implementation reports, as well as responses to individual questions contained in the reporting format. Multi-year and multi-country queries could also be performed, facilitating the comparative analysis of responses obtained from one or more countries on specific implementation issues over time.

39.   The secretariat also reported on the preparation of a database of Convention-related jurisprudence, including decisions of the Compliance Committee, which would be included in the Clearinghouse in 2009.

VII. CLOSE OF THE MEETING

40.   The Task Force requested the secretariat to circulate a draft report of the meeting for its review and mandated the Bureau of the Task Force, with the assistance of the secretariat and taking into account any comments it received, to finalize the report.

41.   The Chairperson thanked the participants for their valuable contributions and willingness to share their experience with the use of electronic tools to promote implementation of the Convention, and closed the meeting.

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