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COMMITTEE ON ENVIRONMENTAL POLICY

Meeting of the Signatories to
the Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(First meeting, Chisinau, Republic of Moldova, 19-21 April 1999)
Item 6 of the provisional agenda

WORK-PLAN

for the Aarhus Convention pending its entry into force

I. GENERAL OBJECTIVES AND MEANS

1. The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted and signed at the fourth Ministerial Conference "Environment for Europe" in Århus on 25 June 1998. Thirty-nine countries and the European Community have already signed it.

2. The Convention - more so than traditional environmental conventions - contains obligations on the part of the public authorities towards the public at large. It is also more intersectoral by nature, as it covers all environmental areas, such as water, air, soil, chemicals, biodiversity, human health and living conditions. This Convention lays down more detailed requirements in terms of openness and transparency in the decision-making process and access to all environmental information, and, in this way, its implementation will strengthen both environmental protection and democracy throughout the ECE region.

3. The Convention has attracted attention also outside the ECE region and has a potential for being applied worldwide. It is open for accession to all Member States of the United Nations. In their Resolution(ECE/CEP/43/Add.1/Rev.1), the Ministers invited any State that is a member of the United Nations and/or of other regional commissions to accede to the Convention.

4. To successfully fulfil its roles, the Convention needs to enter into force promptly and be applied properly. This, in turn, will raise its profile within the UN/ECE region and increase its potential global outreach. To this end, the Committee on Environmental Policy agreed, at its fifth session, to set the goal for the Convention to enter into force by the year 2000.

5. Consequently, there is a need to promote the Convention's ratification and to emphasize on its implementation pending its entry into force. The overall objective of this effort is to speed up the ratification by individual countries by raising political and public awareness of the Convention, and by providing assistance to Signatories and non-Signatories - in particular countries in transition - in their ratification or accession processes.

6. While focusing the attention on facilitating the entry into force and the implementation of the Convention, due account has to be given also to appropriate preparations for the first meeting of the Parties to the Convention.

7. From the above general objectives, specific working elements and tasks can be derived. They come under two headings: (a) promotion, ratification and implementation of the Convention; and (b) preparations for the Meeting of the Parties.

8. For the Convention to succeed, all actors need to take concerted action: Governments, international organizations and institutions, including donor institutions, the private sector, the media and non-governmental organizations, which all need to be involved in activities under the Convention.

9. To achieve the general objectives and specific tasks envisaged in this work-plan, several different ways of organizing and delivering the work may be needed, for example: workshops, groups of experts or tasks forces, reports or other publications, press releases, etc. The Convention's website and its Advisory Board will play an important role in this context.

10. The website is part of the UN/ECE website. It was created by the UN/ECE secretariat to inform the general public about the Convention and activities related to it. It will progressively be used to make information about forthcoming events, news and official documents available to the broadest possible audience.

11. The Advisory Board is intended to bring together renowned personalities who have experience or are committed to issues covered by the Convention. The Board consists of experts from governments, international institutions, non-governmental organizations and academic institutions dealing with issues related to access to information, public participation in decision-making and access to justice in environmental matters. They sit on the Board in their personal capacity. The role of the Board is to assist in promoting the Convention and its principles within and outside the UN/ECE region. The Board is intended to facilitate the early entry into force of the Convention, by providing the necessary support to countries requesting assistance in their efforts to ratify and implement the Convention, and to expand contacts, in particular with international institutions, the NGO community and donors involved in Convention-related activities. It can also be used to facilitate the implementation of the work-plan. The costs of participation of the Advisory Board's members in its activities will be borne by their respective organizations or institutions, unless funding is made available for such activities to the Trust Fund.

II. PROMOTION, RATIFICATION AND IMPLEMENTATION OF THE CONVENTION

A. Translations

12. **Objective.** To be ratified and properly implemented, the Convention must be widely known and well understood. This can be ensured only if it is available also in the national languages.

13. **Work to be undertaken.** Translation into the national languages, as the first step towards ratification, should be considered extremely urgent. It should be started immediately if not already done. Some of the countries in transition may require help in this respect. Efforts will be made to ensure that adequate assistance becomes available from different sources. Donors providing support for various Convention-related activities will be strongly encouraged to consider translation into national languages a priority and prerequisite for funding.

14. To facilitate the promotion of the Convention outside the UN/ECE region, the secretariat will make efforts to provide translation into official United Nations languages other than the three official languages of ECE. The translation into Spanish is already under way.

15. **Resources.** Translation costs will basically be borne by the respective Governments. Consideration should be given to supporting such activities through bilateral assistance or other financial means. In those countries in transition requesting assistance, translation will be much more cost-effective if done locally and in cooperation with the Government.

16. **Expected outcome.** For the second meeting of the Signatories, all Signatories will have at their disposal the Convention translated into their national languages.

B. Identification of problems and sharing of experience

17. **Objective.** There is a need to identify problems that may arise with the implementation of the Convention, in particular in relation to issues where obligations are described in general terms and countries are required to establish practical arrangements.

18. **Work to be undertaken.** On the basis of the discussion at the first meeting of the Signatories, a list of problematic issues will be drafted with a view to organizing a workshop in autumn 1999 to discuss the most relevant and to share experience. The conclusions and recommendations of the workshop will be presented to the Signatories at their second meeting.

19. **Resources.** Preparation and organization of the workshop, including travel costs for representatives of countries in transition may well amount to US\$ 100,000 and will be borne by the host country.

20. **Expected outcome.** Countries will have an opportunity to share their experience and learn from the experience of others, and thereby be better prepared to implement the Convention.

C. Implementation handbook

21. **Objective.** There is a need to assist, in particular national Governments, to understand the requirements of the Convention in the context of the negotiations that preceded it and existing international and national practice.

22. **Work to be undertaken.** Preparation of an implementation handbook for the Convention by a group of international lawyers in close cooperation with those actively involved in negotiations, under the supervision of the secretariat.

23. **Resources.** The preparation of such a handbook would require at least three professional months, and consultations with the appropriate forums. The estimated cost of the project is at least US\$ 75,000.

24. **Expected outcome.** An official UN/ECE publication which will help promote the Convention and provide assistance to Governments in their efforts to implement it.

D. Inventory of activities and available funding

25. **Objective.** Various Governments, organizations and institutions undertake Convention-related activities and have established funding schemes which go beyond their purely national interests. There is a need to have full information of such activities and funding to facilitate cooperation between all stakeholders, in particular potential beneficiaries and donors, avoid duplication of efforts and better designate the resources allocated for the purpose.

26. **Work to be undertaken.** On the basis of the discussions and information provided at the first meeting of the Signatories and subsequent submissions from Governments, institutions and organizations, an inventory of such activities and funding will be drawn up, continuously updated and posted on the Convention's website.

27. **Resources.** No additional costs involved.

28. **Expected outcome.** Easy access to information on the most relevant activities and funding.

E. Bringing together all actors

29. **Objective.** To encourage the sharing of experience, those interested in the experience gained in other countries must be able to contact directly those who are in a position to deliver such information.

30. **Work to be undertaken.** The contact details of all persons from Governments, international institutions, non-governmental organizations and others actively involved in implementing the Convention will be compiled (with their permission), constantly updated and made available on the Aarhus Convention's website.

31. **Resources.** No additional costs involved.

32. **Expected outcome.** Easy access to the contact details of those who may be able to provide information.

III. PREPARATION FOR THE MEETING OF THE PARTIES

A. Rules of procedure

33. **Objective.** According to article 10, paragraph 2 (h), of the Convention, the Parties shall, at their first meeting, consider and by consensus adopt rules of procedure for their meetings and the meetings of subsidiary bodies, including, according to article 10, paragraph 6, practical arrangements for the admittance procedure and other relevant terms referred to in article 10, paragraphs 4 and 5.

34. **Work to be undertaken.** The secretariat will draw up preliminary draft rules of procedure, in the light of the experience gained with other ECE environmental conventions. They will be discussed at the second meeting of the Signatories with a view to facilitating their adoption by consensus at the first meeting of the Parties.

35. **Resources.** The secretariat will draw up the preliminary draft rules. It is envisaged that no additional resources will be needed.

36. **Expected outcome.** At their first meeting, the Parties will have before them draft rules of procedure.

B. Compliance mechanism

37. **Objective.** According to article 15 of the Convention, the Meeting of the Parties to the Convention shall establish, on a consensus basis, optional arrangements of a non-confrontational, non-judicial and consultative nature for reviewing compliance with the provisions of the Convention.

38. **Work to be undertaken.** On the basis of the discussion at the first meeting of the Signatories, the possibility will be explored of establishing a task force (ad hoc expert group) to prepare draft elements for possible compliance mechanisms.

39. **Resources.** It may be necessary to cover the travel costs of some experts from countries in transition and NGOs.

40. **Expected outcome.** Draft elements to facilitate the discussion at the second meeting of Signatories.

C. Pollution inventories or registers

41. **Objective.** Article 10, paragraph 2 (i), of the Convention requires the Parties, at their first meeting, to review their experience in implementing the provisions of article 5, paragraph 9, and consider what steps are

necessary to develop further the system referred to in that paragraph, taking into account international processes and developments, including the elaboration of an appropriate instrument concerning pollution release and transfer registers or inventories which could be annexed to the Convention.

42. **Work to be undertaken.** On the basis of the discussion at the first meeting of the Signatories, the possibility will be explored of establishing a task force (ad hoc expert group) to prepare a report summarizing the experience in implementing the provisions of article 5, paragraph 9, as well as relevant international processes and developments, and make recommendations for further action.

43. **Resources.** It may be necessary to cover the travel costs of some experts from countries in transition and NGOs.

44. **Expected outcome.** A report with recommendations to be presented to the Signatories at their second meeting.

D. Genetically modified organisms

45. **Objective.** The Ministers, in their Resolution, requested the Parties to the Convention, at their first meeting to further develop, by means of inter alia more precise provisions, the application of the Convention to deliberate releases of genetically modified organisms into the environment, taking into account the work done under the Convention on Biological Diversity to develop a protocol on biosafety.

46. **Work to be undertaken.** On the basis of the discussion at the first meeting of the Signatories, the possibility will be explored of establishing a task force (ad hoc expert group) to prepare a report summarizing the experience in implementing the provisions of article 6, paragraph 11, as well as relevant international processes and developments, and make recommendations for further action, including draft proposals for more precise provisions.

47. **Resources.** It may be necessary to cover the travel costs of some experts from countries in transition and NGOs.

48. **Expected outcome.** Report with recommendations presented to the Signatories at their second meeting.