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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

REPORT OF THE SECOND MEETING OF THE PARTIES

Addendum

ALMATY DECLARATION

adopted at the second meeting of the Parties
held in Almaty, Kazakhstan, on 25-27 May 2005

We, Ministers and heads of delegation of Parties, Signatories and other States, parliamentarians and representatives of civil society, in particular non-governmental organizations promoting environmental protection from throughout the UNECE region and beyond, gathered at the second meeting of the Parties to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, affirm the following:

1. Since our first meeting in Lucca, Italy, the Aarhus Convention has taken firmer hold in the UNECE region. The number of Parties, which now include the European Community, has more than doubled since it entered into force in 2001. More States are preparing to ratify or accede to it and a growing number of States, whether or not Signatories, are making efforts to give effect to its principles and provisions in their internal law, thereby strengthening the protection of citizens' environmental rights and environmental democracy throughout the region.

I. ADVANCING ENVIRONMENTAL PROTECTION AND DEMOCRATIC GOVERNANCE

2. The Convention is an unprecedented instrument of international environmental law, representing a significant step forward both for the environment and for the consolidation of democracy. Today, gathered in Almaty, we reiterate our pledge to continue to advance both environmental protection and democratic governance by adhering to, implementing and possibly, where appropriate, further developing the Aarhus Convention as an instrument to enable public authorities and citizens to assume their individual and collective responsibility to protect and improve the environment for the welfare and well-being of present and future generations.

3. The Convention reflects the important link between human rights and environmental protection. This link has been recognized not only in the UNECE region but also in other regions of the world, in the work of certain international organizations and the practice of human rights bodies. We welcome these developments and encourage the Council of Europe and the United Nations Commission on Human Rights to pursue their ongoing work on the relationship between environmental protection and human rights. Consolidating democracy, the rule of law and the protection of human rights is paramount, as was recently reiterated by the Heads of State and Government of the member States of the Council of Europe in their Warsaw Declaration and Action Plan (16-17 May 2005). We welcome in particular their encouragement of cooperation between the Council of Europe and the United Nations in order to achieve everyone's entitlement to live in a healthy environment.

4. Our long-term strategic vision is to secure the enjoyment of the rights of environmental democracy in order to improve the state of the environment and promote sustainable development throughout the pan-European region and beyond. We see it as our mission to strengthen the rights of the public to have access to information, participate in decision-making and obtain access to justice in environmental matters, throughout the UNECE region, by promoting more effective implementation of the Convention by a larger number of Parties, by encouraging States which are not yet in a position to become Parties to take steps to participate in the Aarhus process and give effect to the principles of the Convention, and by further developing the Convention to the extent necessary, where doing so may usefully contribute to the achievement of its objective.

5. We encourage each Party to consider going further in providing access to information, public participation in decision-making and access to justice than the minimum required under the Convention. We also urge Parties to refrain from taking any measures which would reduce existing rights of access to information, public participation in decision-making and access to justice in environmental matters even where such measures would not necessarily involve any breach of the Convention.

II. FROM LUCCA TO ALMATY: PROGRESS IN DEVELOPING THE CONVENTION

6. In Lucca, we mandated the Convention's bodies to undertake further work on a number of topics. We welcome the results achieved on most of those topics, which reflect important progress.

7. The adoption of the Kiev Protocol on Pollutant Release and Transfer Registers two years ago was a particularly important step forward. Once the Protocol enters into force, it is likely to contribute to increasing corporate accountability, reducing pollution and promoting sustainable development. We urge all Signatories to speed up their internal processes with a view to ratification of the Protocol by the end of 2007 and to put in place implementing legislation as well as administrative procedures and mechanisms for establishing operational pollutant release and transfer registers in accordance with the provisions of the Protocol.

8. With respect to genetically modified organisms, the adoption of the Lucca Guidelines on Access to Information, Public Participation and Access to Justice with respect to Genetically Modified Organisms was a first step towards addressing the need to develop more precise provisions identified by the Signatories when the Convention was adopted in Aarhus, Denmark. The adoption of the Almaty amendment represents another significant step forward. We consider this amendment, which further develops the Convention, to be a crucially important result of this meeting. We call upon the Parties to ratify the amendment without delay and to start implementing it as soon as possible without awaiting its formal entry into force.

9. The Almaty Guidelines are another milestone resulting from this meeting. They will guide us in implementing the Aarhus principles in international decision-making. We recognize the importance of further consultation on the Guidelines and hope that they will inspire other environmental governance processes within forums at the regional and global levels.

10. We welcome the successful launch of the Aarhus Clearing House for Environmental Democracy and the adoption of a set of practical recommendations to further promote the wider use of electronic information tools as an effective instrument for the implementation of the Convention's provisions on the dissemination of environmental information. We encourage all Parties, Signatories and other States, as well as international, regional and non-governmental organizations, academic and other research institutions and other members of the public, to submit relevant information for inclusion in the Clearing House, to make use of this important information resource and to contribute to the implementation of our recommendations on electronic information tools.

11. In Lucca, we agreed that further work was required to support Parties in ensuring effective access to justice. We have identified the main obstacles and taken the first steps to overcome them. We welcome the establishment of a task force with the involvement of legal professions and other stakeholders.

III. IMPLEMENTATION AND COMPLIANCE AS A PRIORITY

12. Promoting the Aarhus Convention and the Kiev Protocol, their implementation and compliance with them, are our immediate priority.

13. We urge all Signatories to the Convention which have not yet ratified it to do so as soon as possible and all UNECE member States which have not signed the Convention to cooperate with us and consider acceding to it. We call upon those States to put in place the necessary legislation, procedures and mechanisms for implementing the various provisions of the Convention and, in the interim, to seek to apply them to the maximum extent possible.

14. Implementation and compliance by the Parties with their obligations under the Convention continue to be crucial to its success. In this regard, we welcome the fact that the unique system for compliance review, which was established by the Meeting of the Parties in its decision I/7, has now become fully operational. We commend the work of the Compliance Committee, undertake to give full consideration to its recommendations and encourage the Parties involved to give full effect to the measures decided on the basis of these recommendations.

15. Implementation needs to be continuously and effectively monitored. To this end, we aim to review and, if necessary, further develop the reporting regime under the Convention, based on the experience gained; to develop an adequate reporting system for the Protocol; to use the clearing house to make available other sources of information on implementation; and to review methodologies for assessing the state of implementation, including where appropriate relevant indicators.

16. Problems of non-compliance need to be further addressed through information, support and guidance; through applying the existing mechanism for compliance review, while promoting wider awareness of its existence; and through developing a suitable compliance mechanism for the Protocol, drawing on the experience with the compliance mechanism gained under the Convention and other compliance mechanisms.

17. Promoting implementation will require further capacity-building efforts aimed at addressing the identified needs of specific countries or groups of countries or addressing specific topics or professional target groups and providing guidance and support for implementation. We expect the reporting regime and compliance mechanism to provide a rich source of information, which should be used as a basis for identifying specific priorities for capacity-building, having regard to the respective needs and possibilities of public authorities, legal professionals and civil society in the countries or groups of countries in question.

18. We recognize the important tasks to be performed by public authorities in implementing the Convention and the need to provide them with a proportionate level of resources to enable them to effectively fulfil their obligations. We welcome the initiatives of those countries that have prepared and adopted national profiles, strategies and action plans to assess and strengthen their capacities related to the Convention. We also welcome the activities carried out by international and regional organizations to strengthen the capacities of national authorities and other stakeholders to implement the Convention, and invite donors to further support these activities. We recognize the importance of democratic processes with regard to decision-making relating to the Convention, in particular for countries with economies in transition, and sub-regional cooperation, including on transboundary issues. We welcome and support initiatives and proposals for strengthening sub-regional cooperation for implementation of the Convention, for example in Central Asia.

19. We encourage the public to make full use of its rights under the Convention and recognize the role that all partners in civil society have to play in its effective implementation. In particular, we welcome the important contribution non-governmental organizations can make to the successful pursuit of the Convention's objectives, and call upon Governments and others in a position to do so to give appropriate support, including financial support, to such organizations.

20. Promoting environmental education and strengthening civil society mechanisms will be crucial for the effective implementation of the Convention and its Protocol. Measures taken to implement the UNECE Strategy for Education for Sustainable Development and the United Nations Decade on Education for Sustainable Development (2005-2014), as well as efforts of public authorities and civil society organizations aimed at raising environmental awareness generally, will help the public to exercise its rights under the Convention more effectively.

IV. OUR VISION FOR THE FUTURE

21. As regards future activities under the Convention, we underline the importance of the declaration of Environment Ministers at their fifth "Environment for Europe" Conference in Kiev in May 2003 that greater emphasis should be placed on compliance and national implementation of legally binding instruments for environmental protection within the UNECE region, and that a larger concentration of effort on the East European, Caucasian and Central Asian countries is needed. While we recognize that further work remains to be done on specific topics regarding the application of the principles of the Convention, we reiterate that promoting the implementation of and compliance with the Aarhus Convention and the Kiev Protocol is our immediate priority. In this respect, we stress the paramount importance of sharing and transferring knowledge and experience on the matters covered by the Convention, and of finding synergies and areas of cooperation in relation to the practical application of the Convention, both within the UNECE region and in the wider global context.

22. It gives us great encouragement that the Convention has attracted considerable interest and support from a variety of organizations and institutions in the UNECE region and beyond. The promotion of networking and capacity-building among all interested partners, to which the regional environmental centres are making a key contribution, can produce significant synergies and provide important resources for implementation. Sharing experiences and finding synergies and areas of cooperation with the other UNECE conventions, as well as with other regional, subregional and global multilateral environmental agreements, such as the Cartagena Protocol on Biosafety, in order to maximize their combined effectiveness in our region, will also be one of our priorities during the next few years.

23. With the adoption of the Protocol on Strategic Environmental Assessment to the Espoo Convention, a contribution has been made to the implementation of article 7 of the Aarhus Convention. However, we recognize the need for further work to clarify how public participation in decision-making on plans, programmes and, to the extent appropriate, policies is to be organized in other contexts relating to the environment.

24. We reiterate our invitation to interested States, including those outside the UNECE region, to accede to the Convention and/or the Protocol. We believe that the involvement of such States could be of mutual benefit, by enriching the processes under the Convention and its Protocol and affirming the global relevance of their standards, while at the same time strengthening support for the implementation of principle 10 of the Rio Declaration on Environment and Development worldwide. In this regard, we also encourage the United Nations Environment Programme to continue its work on access to information, public participation in decision-making and access to justice in environmental matters. Where requested and within available resources, we are prepared to support initiatives in other regions and forums aimed at

applying the principles contained in the Aarhus Convention and at making clear the links between various initiatives focused on strengthening environmental democracy throughout the world.

25. Securing adequate funding of activities under the Convention remains paramount. We therefore call upon Parties, Signatories and other interested States, as well as other potential donors, to make voluntary financial contributions to support the implementation of the work programme under the Convention and related activities. At the same time, we will continue to explore and develop as appropriate one or several options for establishing stable and predictable financial arrangements based on appropriate scales.

26. At our third meeting, we intend to adopt a long-term strategic plan covering the following five-year period and translating our collective aspirations and priorities into operational terms.

27. We express our appreciation and gratitude to the Government of Kazakhstan for having undertaken to host the second meeting of the Parties.