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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

Fifth session

Meeting of the Parties to the Protocol on Pollutant
Release and Transfer Registers to the Convention
on Access to Information, Public Participation in
Decision-making and Access to Justice in
Environmental Matters

Second session

Maastricht, the Netherlands, 2 July 2014

Report of the joint High-level Segment

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I. Introduction

1. The joint High-level Segment of the fifth session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and the second session of the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs), which were organized back to back in Maastricht, the Netherlands (30 June–4 July 2014), took place on 2 July 2014 at the invitation of the Government of the Netherlands.¹

A. Attendance

2. The High-level Segment was attended by delegations from the following Parties and Signatories to the Convention and its Protocol: Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, European Union (EU), Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Spain, Sweden, Switzerland, Tajikistan, Ukraine and United Kingdom of Great Britain and Northern Ireland.

3. Delegations from Chile, Costa Rica, Morocco, Myanmar and Uzbekistan also attended.

4. In addition, representatives of the following United Nations system organizations were present: the United Nations Economic Commission for Latin America and the Caribbean (ECLAC); the United Nations Environment Programme (UNEP); the United Nations Institute for Training and Research (UNITAR); and the United Nations University-Maastricht Economic and Social Research Institute on Innovation and Technology (UNU-MERIT). International organizations represented at the meeting included the Organization for Economic Cooperation and Development (OECD), the Organization for Security and Cooperation in Europe (OSCE) and the OSCE Mission to Montenegro.

5. Representatives of Aarhus Centres, regional environmental centres, international financial institutions and business, professional, research and academic organizations were also present, as were representatives of international, regional and national environmental non-governmental organizations (NGOs), many of whom coordinated their input within the framework of the European ECO Forum.

B. Organizational matters

6. The High-level Segment was chaired by Ms. Wilma Mansveld, Minister for the Environment of the Netherlands, and by Mr. Jit Peters, Chair of the Meeting of the Parties to the Aarhus Convention.

¹ Documents for the meeting, including the text of statements that were made available to the secretariat by delegates, are available online from <http://www.unece.org/env/pp/aarhus/mop5&mopp2/hls.html>.

7. Delegations present at the High-level Segment took note of the welcoming addresses delivered by Ms. Mansveld on behalf of the Government of the Netherlands and by Mr. Michel Amand, Chair of the Meeting of the Parties to the Protocol on PRTRs, as well as the message of United Nations Secretary-General Ban Ki-moon delivered by Mr. Michael Møller, Acting Executive Secretary of the United Nations Economic Commission for Europe (ECE). Parties to the two treaties adopted the agenda as set out in the annotated provisional agenda (ECE/MP.PP/2014/26–ECE/MP.PRTR/2014/1).

8. In her statement, Ms. Mansveld supported an ambitious new approach and a “future-proof” Convention. “Aarhus 2.0”² should address the growing opportunities new technologies offered to citizens, companies and Governments for a modern environmental policy, while protecting the rights of whistle-blowers and granting the public better access to product information.

9. The importance of social media as tools to promote environmental democracy was also reflected in the statement by the Secretary-General. Mr. Ban underlined that, as the post-2015 development agenda was being shaped, the Convention and its Protocol contained valuable lessons on how governments could effectively engage different stakeholders in decision-making. Indeed, those lessons had already inspired similar processes beyond the European region.

10. Mr. Amand stressed that the emphasis on new technologies and social media in the Maastricht Declaration added another building block that would pave the way for greater transparency, environmental democracy and constructive dialogue between the public and the authorities, which were essential elements for building a peaceful society.

11. Before the start of the thematic session, the Parties to the Protocol on PRTRs approved the report on credentials for representatives attending the second session of the Meeting of the Parties to the Protocol.³

II. Chair’s summary of the thematic session

12. The High-level Segment included a thematic session consisting of two panels moderated by the former Minister for the Environment of the Netherlands, Mr. Hans Alders. The first panel discussed the issue of the right to information and environmental democracy and the second considered the issue of the right to information and social media. Both panels were organized following a “Davos style” of discussion, with the panellists making short opening statements followed by an open debate. During the debate, panellists had the opportunity to react to statements of their fellow panellists and to respond to statements or questions from the floor. The Chair’s summary of the debate is set out below.

A. Panel 1: Right to information and environmental democracy

13. The topic of the first panel was introduced by Mr. Alders, who emphasized that Governments were no longer the only actors to share environmental information, as they were now joined by civil society and the public thanks to the changes brought about by technology.

² After “Web 2.0”, a term coined to describe the interactive programmes and applications offered via the Internet, often also referred to as social media.

³ For practical reasons, the report on credentials is included in the report on the second session of the Meeting of the Parties to the Protocol (ECE/MP.PRTR/2014/4).

14. Mr. Phil Hogan, Minister for Environment, Community and Local Government of Ireland, focused in his statement on the importance of public participation and broad public awareness for promoting environmental democracy. The education system should be used to increase the level of interest and participation in environmental decision-making by the public. For its part, Ireland had developed a framework for public participation that would provide the basis for statutory engagement by the community and ultimately enhance transparency, accountability and civic capacity.

15. Mr. Khachik Hakobyan, Deputy Minister of Nature Protection of the Republic of Armenia, provided information on the progress made by Armenia in implementing the Aarhus Convention and in preparing the ratification of the Protocol on PRTRs. Aarhus Centres played a particularly important role in disseminating environmental information and in raising public awareness in the country.

16. The role of Aarhus Centres in enhancing transparency and improving public participation and access to justice throughout the ECE region was also highlighted by Ms. Esra Buttari, an Environmental Affairs Adviser at OSCE. Sustainable development, a healthy environment and good governance were necessary for achieving peace and security. In that connection, there were a number of OSCE initiatives being carried out in collaboration with the ECE and other partners to transform environmental risks into opportunities for transboundary cooperation.

17. Mr. Jeremy Wates, Secretary General of the European Environmental Bureau, acknowledged the advances on the technological front that had facilitated access to information, but expressed concern over the continuing lack of transparency with regard to information held by public authorities but not made available to the public.

18. Ms. Gérardine Garçon, of BASF-The Chemical Company, while stressing the need to protect the confidentiality of business information and highlighting the risk of misuse of information by competitors, called for an approach to information dissemination that balanced the interests of industry and the public.

19. A number of questions were put to panellists and participants, such as the influence that the changing roles of civil society and governments might have on the nature and quality of information, decision-making and national governance. Panellists were also invited to reflect on possible conflicts between access rights and the protection of intellectual property rights, business information or the secrecy pertaining to international trade negotiations. During the ensuing discussion the following observations were made:

- (a) Environmental issues had to be addressed by all those affected by their outcome, not just by governments and industrial sectors;
- (b) Public awareness needed to be accompanied by the active engagement of citizens in environmental decision-making;
- (c) Greater awareness of citizens' rights could be promoted through education;
- (d) There was a need to broaden citizens' engagement by the inclusion of new actors;
- (e) Legislation and institutional capacity-building in several countries required further improvement;
- (f) Awareness among government officials regarding the obligations arising from the Aarhus Convention and its Protocol on PRTRs had to be enhanced;
- (g) There was a great potential to make further advances in access to information through the use of electronic tools;

- (h) NGO representatives called for the expansion of the Protocol on PRTRs into a “PRTR 2.0”, to encompass resource use, products and storage;
- (i) Implementation of the Convention and its Protocol on PRTRs required a combination of the general framework offered by the two treaties with on the ground action taking account of the different political, economic and social characteristics and constraints within each country;
- (j) There was growing concern over international agreements being negotiated without any public access;
- (k) There was a need to balance business confidentiality with the protection of the public good;
- (l) Efforts against environmental crime needed to be mounted.

B. Panel 2: Right to information and social media

20. The second panel featured interventions and comments by Ms. Zaneta Mikosa, Deputy State Secretary, Ministry of Environmental Protection and Regional Development of Latvia; Mr. Lazăr Chirică, Deputy Minister of Environment of the Republic of Moldova; Ms. Marta Szigeti Bonifert, Executive Director of the Regional Environmental Centre for Central and Eastern Europe; Mr. Jonathan Bradley, of the Consultation Institute; and Ms. Maria Westerbos, representing the NGO Plastic Soup Foundation.

21. Ms. Mikosa presented Latvia as a good example of using high-speed Internet and social networks to reach a broad audience on various environmental issues. She also described a number of examples where social media tools had proven to be much more efficient than traditional media or communication tools to conduct surveys and to establish efficient communication between the public and the authorities.

22. Mr. Chirică outlined the progress made in the Republic of Moldova in terms of Internet use and the great potential social media offered to public authorities for disseminating information as well as for exchanging opinions and data with the public. In particular, the launching of an initiative on open access to sensitive data was considered as a significant step towards greater transparency in the Republic of Moldova. Moreover, the signing of an Association Agreement with the EU was expected to offer additional guarantees for improving the country’s record of compliance with the Aarhus Convention and the Protocol on PRTRs.

23. Ms. Bonifert highlighted the opportunities offered by social media to all stakeholders and particularly to the public to exchange information and build a sustainable future. There were also potential risks, however, and the validity of information shared via social media should be regarded with caution. She called for using social media according to the level of public participation desired: to inform, consult, involve, collaborate and empower.

24. Ms. Westerbos demonstrated how whistle-blowers had used social media to draw attention to environmental risks and how “citizens’ science” and the use of mobile applications had helped phase out the use of microbeads (small pieces of plastic) in various cosmetic products, including toothpaste. She invited Parties to include plastic as an emission and include it in their pollutant release and transfer registers.

25. Mr. Bradley explained how social media had developed into a tool for sharing information, and identified potential risks deriving from misinformation. The rapid growth of the new communication tools made it necessary to reconsider how to present information

in a format that was ready for social media. The main challenge was how to ensure that consultations and information shared through those networks was accurate and honest.

26. A number of questions were put to panellists and participants, such as the practical steps and possible challenges for making Aarhus 2.0 a reality. In that respect, panellists were invited to propose actions, practices and rules that would help attain that goal. During the ensuing discussion participants addressed a number of important advantages as well as challenges regarding the role of social media in building Aarhus 2.0.

27. In terms of the advantages of social media it was acknowledged that:

(a) Social media could make the Convention and its Protocol more widely known and help inform people about their rights;

(b) Social media helped to make specialized scientific knowledge visible and to reach wider audiences;

(c) There were ample possibilities for public authorities to use social media to disseminate information and get feedback on policy proposals or decisions. In that respect, social media could be used as a cost-efficient tool to study society's opinion on various questions;

(d) Social media could draw global attention to local issues and concerns;

(e) Social media had reduced barriers to public participation;

(f) Social media could force organizations to be more transparent. They could force disclosure of information;

(g) Social media could also be adapted to help overcome capacity deficits.

28. Panel participants also voiced a number of cautions and recommendations in using social media:

(a) Verification and validation of information disseminated through social media remained an important challenge; without it, there was a risk of spreading misinformation and disinformation which ultimately might cause panic;

(b) Social networks should not be regarded as a substitute but as a complement to official electronic means of disseminating information;

(c) It was necessary to adopt a code of practice for using social media;

(d) Information provided by trusted sources could help reduce the risks identified.

III. Discussion and adoption of the Maastricht Declaration

29. Ministers and heads of delegation from Parties and Signatories to the Aarhus Convention and to its Protocol on PRTRs, together with representatives of other States, international, regional and non-governmental organizations, parliamentarians and other representatives of civil society throughout the ECE region and beyond discussed and adopted the Maastricht Declaration as amended during the meeting. (ECE/MP.PP/2014/CRP.7–ECE/MP.PRTR/2014/CRP.1).

30. Participants took note of statements made, in turn, by representatives of Ireland, Belarus, EU, Romania, Croatia, Latvia, Switzerland, Greece, ECLAC, Chile, Costa Rica and the European ECO Forum.

31. The delegation of Belarus expressed its gratitude for the assistance offered by the Aarhus Convention's Compliance Committee and by the Working Group of the Parties to the country in implementing the Convention's provisions. In particular, a joint EU-United Nations Development Programme project to promote environmental protection in Belarus was assisting the country in developing legislation on access to information and public participation in environmental decision-making, in accordance with the Compliance Committee's recommendations.

32. A representative of the EU reaffirmed the commitment of the EU to promoting the principles of the Convention in relevant international forums and expressed its strong support for the ongoing process of developing a regional instrument for Latin America and the Caribbean, as well as the resolution on the implementation of Principle 10 of the Rio Declaration on Environment and Development (UNEP/EA.1/L.13) adopted by the United Nations Environment Assembly at its first session (Nairobi, 23–27 June 2014).

33. A representative of Romania expressed the country's appreciation for the Compliance Committee's support for its efforts to address cases of non-compliance and pledged to continue its cooperation with the Committee in order to ensure full compliance with the Aarhus Convention.

34. The delegation of Croatia highlighted the development of the Shared Environmental Information System in the ECE region as a top priority and invited Parties to take additional actions to improve their capacities to fully implement the Aarhus Convention and its Protocol on PRTRs. It welcomed the initiative to develop a regional instrument on access rights in Latin America and the Caribbean and pledged the country's full support for the process and called for the active participation of the Aarhus Parties in international forums to help inspire other regions to develop similar mechanisms to ensure access to information and public participation.

35. The representative of Latvia stressed the significant contribution of modern communication tools to transparency and environmental democracy and supported the global promotion of the principles of the Convention and the Protocol. There was still a need to further improve the efficiency of environmental governance at the national and international levels; for that reason, Latvia would give special attention to environmental issues during its Presidency of the Council of the EU in 2015.

36. Drawing on Switzerland's long democratic tradition, the delegation of Switzerland recalled the value added of direct democracy and public participation in the political process. The country therefore welcomed the Maastricht Declaration as an important tool that promoted the implementation of the democratic principles enshrined in the Rio Declaration on Environment and Development (Rio Declaration). The delegation further drew attention to the need for objective environmental information, which had to be provided in an effective manner.

37. The representative of Greece welcomed the adoption of the Maastricht Declaration, noting that it had the potential to give a new political impetus and a clear strategic vision to the Convention and its Protocol. There was, however, a need to improve the quality of information and environmental democracy, and to that end Greece supported the development of innovative mechanisms and means, such as modern communication tools, to enhance stakeholder involvement.

38. The representative of ECLAC referred to the progress achieved by 18 countries in Latin America and the Caribbean in developing a regional instrument on access rights relating to the environment, and called upon the Parties to the Convention and the Protocol to offer their political support to the process.

39. The delegations of Chile and Costa Rica expressed their support for the Maastricht Declaration, as well as their gratitude for the acknowledgement and support given to the process under way in Latin America and the Caribbean to adopt an instrument on the full implementation of Principle 10 of the Rio Declaration.

40. Civil society representatives welcomed the Maastricht Declaration, particularly with respect to the reference to the protection of whistle-blowers. They expressed serious concerns, however, about the adoption of certain legislation by some countries, including legislation on so-called “foreign agents”, that allowed discrimination against NGOs. They were also concerned about the harassment and persecution of environmental activists in several countries. Civil society representatives called on Parties to take action in order to avoid the adoption of such laws, which went against the spirit of the Convention, and to eliminate the occurrence of such human rights’ violations.

IV. Adoption of the decisions of the Meeting of the Parties

41. After the adoption of the Maastricht Declaration, the Meeting of the Parties to the Convention formally adopted the decisions it had provisionally agreed earlier at its fifth session.⁴

V. Closing of the meeting

42. The Minister for the Environment of the Netherlands thanked the participants for their contributions, the interpreters and the secretariat for their support and the logistical support partners and the management of the meeting venue, the Municipality of Maastricht, the Province of Limburg and the Dutch people for their hospitality and an excellent organization of the event.

43. The Minister formally handed over to Mr. Michel Amand, Chair of the Meeting of the Parties to the Protocol on PRTRs, and closed the joint High-level Segment.

⁴ For practical reasons, decisions adopted by the Meeting of the Parties to the Convention at its fifth session are being issued in an addendum to the report of that meeting (ECE/MP.PP/2014/2/Add.1).