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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

**Twentieth meeting**  
Geneva, 15–17 June 2016

## Report of the Working Group of the Parties on its twentieth meeting

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## I. Introduction

1. The twentieth meeting of the Working Group of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held from 15 to 17 June 2016 in Geneva, Switzerland.

### A. Attendance

2. The meeting was attended by delegations from the following Parties to the Convention: Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Czechia, Denmark, Estonia, European Union, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Republic of Moldova, Slovakia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine and United Kingdom of Great Britain and Northern Ireland.

3. Delegates from Guinea-Bissau and Uzbekistan were also present.

4. Also present was a representative of the United Nations Environment Programme (UNEP). The meeting was also attended by representatives of the following international financial institutions: the Asian Infrastructure Investment Bank (by audio link); the European Investment Bank; the European Bank for Reconstruction and Development (EBRD); and the World Bank. Representatives of the Regional Environmental Centres for Central and Eastern Europe, Aarhus Centres, academic organizations, governmental institutions, including the Danish Institute for Human Rights, and the public were also present. Furthermore, representatives of international, regional and national environmental non-governmental organizations (NGOs) participated in the meeting, many of whom coordinated their input within the framework of the European ECO Forum.<sup>1</sup>

### B. Opening of the meeting and organizational matters

5. The Chair opened the meeting. She informed the Working Group that, with a view to minimizing the use of paper and ensuring equal opportunities for English-, French- and Russian-speaking delegations, the meeting would result in a list of decisions and outcomes that would be projected on the screen around 30 minutes before the close of the meeting. The list would also be made available through a weblink and would be presented by the Chair verbally for adoption, thereby allowing for interpretation. The adopted list of decisions and outcomes would be distributed to participants by e-mail after the meeting and would be incorporated in the report.

6. The Working Group took note of the information provided by the Chair and adopted the agenda for the meeting as set out in document ECE/MP.PP/WG.1/2016/1. Following a presentation on the status of ratification, the meeting was largely devoted to a review of the implementation of the work programme for 2015–2017, which the Committee considered on the basis of a note by the secretariat (ECE/MP.PP/WG.1/2016/5)<sup>2</sup> as well as comments and presentations by Parties and stakeholders during the meeting. On the morning of

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<sup>1</sup> Information on the meeting, including documentation and a list of participants, is available online from <http://www.unece.org/env/pp/aarhus/wgp20#/>. Statements delivered at the meeting that were made available to the secretariat are also accessible from this web page.

<sup>2</sup> Report on implementation of the work programme report for 2015–2017. Further references to the report herein indicate only the paragraph numbers of the section under consideration.

16 June, a thematic session on promoting the principles of the Convention in international forums was organized in the format of panel presentations followed by discussions.

## **II. Status of ratification of the Convention and the Protocol on Pollutant Release and Transfer Registers**

7. The secretariat reported on the status of ratification of the Convention, the amendment to the Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMO amendment) and the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs). At the time of the meeting there were 47 Parties to the Convention, 35 Parties to the Protocol and 29 Parties to the GMO amendment. Since its nineteenth meeting (Geneva, 17–19 June 2015), Ukraine had ratified the Protocol, on 2 May 2016, and Malta, on 20 May 2016. In addition, Georgia had ratified the GMO amendment to the Convention on 4 February 2016. There had been no new ratifications of the Convention. A representative of France informed the Working Group that the country had completed its national procedure on ratification of the GMO amendment to the Convention.

8. The Working Group took note of the secretariat's report on the status of ratification as well as relevant developments presented by delegations. It welcomed the accession of Malta and Ukraine to the Protocol, and the ratification by Georgia of the GMO amendment.

## **III. Substantive issues**

### **A. Access to information**

9. The Working Group considered the section of the report on the implementation of the work programme for 2015–2017 (paras. 3–10) concerning access to information, including electronic information tools, the clearinghouse mechanism and PRTR.net.

10. The representative of the Republic of Moldova, on behalf of the Chair of the Task Force on Access to Information, presented the key outcomes of the fourth meeting of the Task Force on Access to Information, held in Geneva from 8 to 10 December 2015 (see ECE/MP.PP/WG.1/2016/3), as well as the note by the Task Force Chair on possible future directions for the Task Force's work (AC/WGP-20/Inf.1).

11. Delegations considered the suggested thematic priorities for the next intersessional period contained in the note by the Task Force Chair, including with regard to public access to particular types of environmental information (e.g., product- and emissions-related information), the application of restrictions and the active dissemination of environmental information, with a focus on the update of the Recommendations on the More Effective Use of Electronic Information Tools to Provide Public Access to Environmental Information, (ECE/MP.PP/2005/2/Add.4, annex).

12. The secretariat provided an update on the upgrade of the Aarhus Convention Clearinghouse for Environmental Democracy.<sup>3</sup> The upgrade included a new design for the website, extended and refined search options for news, resources and the jurisprudence database, and a separate subpage for national nodes and national Aarhus-related websites. Users could subscribe to a new content alert and Rich Site Summary (RSS) feeds, and share

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<sup>3</sup> Available from <http://aarhusclearinghouse.unece.org/>. The upgraded version of the Clearinghouse will be made available via this URL in due course.

news and resources by e-mail as well as social media channels such as Twitter and Facebook.

13. The Working Group took note of the report by the representative of the Republic of Moldova and information provided by other delegations. The Working Group expressed its appreciation to the Task Force and its Chair for the work done, and acknowledged once again the important role the Task Force played in the implementation of the Convention. The Working Group also took note of the proposal by the European Union to discontinue producing separate substantive decisions on access to information, public participation in decision-making, access to justice and the promotion of the Convention in international forums but to incorporate their key elements in the decision on the new work programme. It agreed to consider the suggestion in its discussions under relevant items of the present meeting.

14. The Working Group also took note of the presentation by the secretariat on the upgrade of the Aarhus Clearinghouse and encouraged Parties and stakeholders to contribute to its jurisprudence database, the national nodes subpage and the database of good practice, and to take other actions suggested by the secretariat (e.g., subscribing to the new content alert and providing links to national nodes).

## **B. Public participation in decision-making**

15. The Working Group next considered the section of the report on the implementation of the work programme (paras. 11–13) concerning public participation in decision-making. The Chair of the Task Force on Public Participation in Decision-making presented the report of the Task Force's sixth meeting (ECE/MP.PP/WG.1/2016/4), held in Geneva on 10 and 11 February 2016, as well as the Chair's note on possible future directions for the Task Force's work (AC/WGP-20/Inf.2).

16. Delegates considered the proposed thematic topics for the next intersessional period contained in the note by the Task Force Chair, including issues of a systemic nature, such as early public participation and means of notification, as well as the thematic focus on issues not yet discussed during the current intersessional period. Those included extractive industries, chemicals, emerging technologies and product-related decision-making. In addition, raising awareness about the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters (ECE/MP.PP/2014/2/Add.2) was recognized as an important topic for the future work.

17. The Working Group took note of the report by the Task Force Chair and the information provided by delegations. It expressed its appreciation to the Task Force and its Chair for the work done, and acknowledged once again the important role the Task Force played in the implementation of the Convention.

## **C. Access to justice**

18. The Working Group considered the section of the report on the implementation of the work programme (paras. 14–16) concerning access to justice. The Chair of the Task Force on Access to Justice reported on the key outcomes of the Task Force's ninth meeting, held from 13 to 15 June 2016 in Geneva, back to back to the present meeting, and presented the Chair's note on possible future directions for the Task Force's work (AC/WGP-20/Inf.3). The Task Force meeting had been preceded by a workshop of members of judiciary and the European Forum of Judges for the Environment.

19. Delegations discussed the Task Force Chair's suggestion of maintaining a broad Task Force mandate while at the same time having more focused discussions on key areas in the future, such as access to justice in information cases and the lack of possibilities for members of the public to challenge acts or omissions that contravened permit requirements or laws relating to the environment.

20. The Working Group took note of the report by the Chair of the Task Force on Access to Justice and information provided by delegations. It also expressed its appreciation to the Task Force and its Chair for the work done, and acknowledged once again the important role the Task Force played in the implementation of the Convention.

#### **D. Genetically modified organisms**

21. The Working Group considered the section of the report on the implementation of the work programme (paras. 17–18) concerning genetically modified organisms (GMOs). At the meeting, representatives of several Parties reported on the status of efforts in their countries towards ratification.

22. The delegation of Armenia stated that a draft law had been prepared, but had been rejected by the parliament during the second reading. The Government would now begin the process of preparing a new draft law. The representative of Azerbaijan reported that the country hoped to ratify the GMO amendment in the future. The delegate of Belarus mentioned that ratification of the GMO amendment was still being considered by amending the existing law based on the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

23. The representative of France reported that the GMO amendment had been approved at the national level. As a next step the country would deposit the instrument of approval with the Treaty Section of the Office of Legal Affairs of the United Nations in New York. The delegate of Malta mentioned that the Government had taken the necessary measures, and indicated that Malta would be the next European Union member State to ratify the GMO amendment.

24. The representative of Tajikistan reported that the Government was carrying out awareness-raising activities among its population and State bodies. Afterwards, the Government would start preparing a law on GMOs. In the former Yugoslav Republic of Macedonia the process of ratification was ongoing, the national representative said.

25. The representative of Turkmenistan mentioned that the country was preparing the legal basis for the use of GMOs through the development of a law on food products and safety. Aarhus Centres in the country supported the efforts towards ratifying the Protocol on PRTRs and the GMO amendment. That work was expected to move forward in 2017.

26. The representative of Ukraine explained that, owing to changes in Government, the national consultation process on the draft law had to be restarted once again.

27. The Working Group took note of the information provided by delegations on recent developments. It expressed its serious concern that, although objective II/2 of the Strategic Plan 2015–2020<sup>4</sup> envisaged that the GMO amendment to the Convention would be approved by a sufficient number of Parties to enter into force by 2015, that objective had not been achieved.

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<sup>4</sup> ECE/MP.PP/2014/2/Add.1, decision V/5, annex.

28. The Working Group called upon the Parties whose ratification of the GMO amendment would count towards its entry into force — namely, Albania, Armenia, Azerbaijan, Belarus, France, Kazakhstan, Kyrgyzstan, Malta, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine — to take serious steps towards ratification, and requested them to report at the next meeting of the Working Group on the progress achieved.

29. The Working Group welcomed the continuing cooperation between the Convention secretariat and the secretariat of the Cartagena Protocol on Biosafety on GMO issues. It further welcomed the checklist of key measures required for ratification and implementation of the Aarhus Convention and the Cartagena Protocol on Biosafety and the note summarizing sources of available technical assistance, tools and materials with regard to the implementation of the two treaties, as well as the synergy between the two secretariats.<sup>5</sup>

## **IV. Procedures and mechanisms**

### **A. Compliance mechanism**

30. The Working Group considered the section of the report on the implementation of the work programme (paras. 19–23) concerning the compliance mechanism. The Chair of the Compliance Committee presented the major outcomes of recent Committee meetings and key issues, outlined in his note on promoting effective compliance with the Convention (AC/WGP-20/Inf.4).

31. Delegations discussed with the Committee Chair a number of procedural issues with regard to the Committee's work related to, among others, the screening of new communications, pre-admissibility, follow-up to decisions of the Meeting of the Parties and screening of material prior to its publishing online.

32. The Working Group took note of the information provided by the Compliance Committee Chair and delegations on recent developments related to the subject area and thanked the Compliance Committee and its Chair for the work done.

### **B. National implementation reports**

33. The secretariat gave an overview of instructions and guidance materials available to Parties online<sup>6</sup> when preparing their national implementation reports, including the online reporting tool, an analysis of the experience from previous reporting cycles with recommendations, guidance on reporting from the Compliance Committee and an outline of practical considerations in relation to the 2017 reporting, such as the deadlines and methodology for reporting. The Working Group took note of the information provided by the secretariat on the reporting for the next session of the Meeting of the Parties, and on the use of an online reporting tool.

34. The Chair informed the Working Group that the former Yugoslav Republic of Macedonia had submitted its report for the third (2011) reporting cycle in July 2015, but also that the country was the only Party that had not submitted its report for the fourth (2014) reporting cycle. The representative of the former Yugoslav Republic of Macedonia

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<sup>5</sup> The materials are available from <http://www.unece.org/env/pp/gmos.html>.

<sup>6</sup> Available from [http://www.unece.org/env/pp/reports\\_implementation\\_2017.html](http://www.unece.org/env/pp/reports_implementation_2017.html).

then informed the Working Group that the country's report for the fourth reporting cycle was expected to be submitted in September 2016. The Working Group took note of the information from the Party; nevertheless, the Committee expressed its serious concern over the continuing failure of the Party to submit its report for the fourth cycle, and urged it to submit the report as soon as possible.

### **C. Capacity-building and awareness-raising**

35. The Working Group began its discussion on capacity-building and awareness-raising by considering the sections of the report on the implementation of the work programme focusing on those activities (paras. 24–27) and the promotion of the Convention and the Protocol on PRTRs more generally (paras. 29–35).

36. The Working Group took note of the information provided by the delegations, including by the Regional Environmental Centre for Central and Eastern Europe. It welcomed the cooperation of the secretariat on capacity-building activities with other partners, and expressed its appreciation to partners for their continued support for the implementation of the Convention.

## **V. Promotion of the principles of the Convention in international forums**

### **A. Introduction**

37. A thematic session on promoting the principles of the Convention in international forums was organized under the leadership of France, chaired by Etienne Ballan. In his welcome statement, the Director of the Environment Division of the United Nations Economic Commission for Europe (ECE) stressed the importance of the promotion of the principles of the Convention in the context of two major international instruments that had been adopted in 2015: the 2030 Agenda for Sustainable Development and the Paris Agreement on climate change. He further stressed that the latter constitutes an important framework for the international community to effectively address the causes and impacts of climate change over the coming years.

38. In his introductory statement, Mr. Ballan outlined the key objectives of the session. He also expressed his appreciation to the 13 Parties<sup>7</sup> that had completed the secretariat's survey on the promotion of the principles of the Convention in processes, policies and projects of international financial institutions, as well as on innovative tools to enhance access to information and/or public participation in international forums with a focus on international financial institutions and on climate change-related decision-making. In addition, 20 stakeholders from 11 different countries<sup>8</sup> had responded to a separate survey on innovative tools they had used and/or were aware of to improve access to information and public participation in international forums. The results of both surveys were summarized by the secretariat and made available on the meeting web page.<sup>9</sup>

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<sup>7</sup> Armenia, Austria, Belgium, Estonia, Georgia, Germany, Latvia, Lithuania, Netherlands, Romania, Slovakia, Sweden and Switzerland.

<sup>8</sup> Albania, Armenia, Austria, Georgia, Hungary, Kazakhstan, Republic of Moldova, Spain, Tajikistan, Turkmenistan and United Kingdom.

<sup>9</sup> Available from [http://www.unece.org/env/pp/aarhus/wgp20.html/](http://www.unece.org/env/pp/aarhus/wgp20.html#/) (click on the tab "PPIF session").



39. In preparation for the discussions in the thematic session, the Working Group considered the section (paras. 46–45) of the secretariat's report on the implementation of the work programme concerning the promotion of the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines)<sup>10</sup> and other interlinkages with relevant international bodies and processes.

## **B. Chair's summary of the thematic session**

### **Update on UNEP stakeholder engagement and access to information policies**

40. Based on the written notes submitted by UNEP and by ECE, Mr. Ballan reported on the progress made with regard to items discussed at the previous thematic session during the nineteenth meeting of the Working Group. That included an update on stakeholder engagement in the United Nations Environment Assembly and the UNEP Access-to-Information Policy, as well as in the high-level political forum on sustainable development processes.

41. Mr. Ballan reported that, in June 2014, the Executive Director of UNEP had established an Access-to-Information Policy, which had been implemented on an interim basis. After that, an in-depth consultation process with Member States, representatives of major groups and stakeholders, experts and others took place in order to identify areas in the policy that needed adjustment or improvement. As a result, in January 2016, a new version of the policy had been prepared.<sup>11</sup>

42. For the development of the new Stakeholder Engagement Policy, UNEP had put in place a process for its endorsement by the United Nations Environment Assembly. Given that no conclusion had been reached at the first session of the Assembly in 2014, in preparation for the second session the President of the United Nations Environment Assembly had been requested by Member States to facilitate an informal process for reaching consensus on those elements of the policy that had not been agreed during the first session. As Member States had not yet agreed on a new policy, UNEP would use the current policy in place until the new one had been finalized.<sup>12</sup> The Chair of the thematic session urged Parties to make their best efforts to facilitate negotiations between Member States so that a new UNEP Stakeholder Engagement Policy could be adopted.

### **Update on the promotion of the Convention's principles in the high-level political forum on sustainable development**

43. Mr. Ballan presented a written update from the ECE Sustainable Development and Gender Unit on recent developments in engaging stakeholders in the high-level political forum on sustainable development, the central platform for follow-up and review of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals. He noted that representatives of the major groups and other relevant stakeholders were allowed: to attend all official meetings of the High-level Political Forum; to have access to all official information and documents; to intervene in official meetings; to submit documents and present written and oral contributions; to make recommendations; and to

<sup>10</sup> See ECE/MP.PP/2005/2/Add.5, annex, available from <http://www.unece.org/env/pp/mop2/mop2.doc.html#/>.

<sup>11</sup> Available from <http://www.unep.org/environmental-governance/UNEPsWork/AccessstoInformationPolicy/Revised2015/tabid/1060867/Default.aspx>.

<sup>12</sup> Available from <http://www.unep.org/civil-society/Handbook>.

organize side events and round tables, in cooperation with Member States and the Secretariat.

44. For the 2016 meeting of the high-level political forum (New York, 11–20 July 2016), a number of position papers had been submitted by stakeholders. Stakeholders would also have the possibility to submit a written report on their own contribution to the implementation of the Sustainable Development Goals. Stakeholder participation in the forum had been increasing; at the time of the Working Group meeting, around 900 participants from major groups and other stakeholders had registered for the 2016 meeting.

45. The inclusion of other relevant stakeholders in addition to the major groups in the work of the high-level political forum allowed for the strengthened participation of additional groups, such as persons with disabilities, older persons, migrants or volunteer groups. At the same time, some major group representatives had expressed the view that the inclusion of other stakeholders outside previously existing coordination structures had posed challenges to the coherence of stakeholder participation.

46. The General Assembly invited the United Nations regional commissions to contribute to the work of the forum, including through annual regional meetings, the regional forums on sustainable development. Supported by a number of member States, organizational arrangements had been defined to ensure the involvement of non-State actors in the ECE regional forum.

#### **Promotion of the principles of the Aarhus Convention in the United Nations Framework Convention on Climate Change processes**

47. The Chair introduced the discussion on lessons learned when promoting access to information and public participation at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (Paris, 30 November–11 December 2015), as well as during the preparatory process for the twenty-second session scheduled (Marrakesh, Morocco, 7–18 November 2016).

48. Summarizing the outcomes from the survey of Parties, Mr. Ballan said the results showed that the Almaty Guidelines had been implemented in the preparatory processes leading to the twenty-first session as well as during the Climate Change Conference in Paris itself. For example, in Belgium, the Netherlands and Switzerland stakeholders had been part of the official delegations to the Conference and had had access to negotiation documents. For the twenty-second session, 10 out of 12 Parties that had responded said they were promoting principles of the Convention during the preparatory processes. For example, Estonia had held stakeholder meetings and issued relevant press releases.

49. Representatives of France and the Center for International Environmental Law, also speaking on behalf the European ECO Forum, summarized the modalities for public participation during the Climate Change Conference in Paris. The Chair presented a statement by the Convention secretariat, and expressed his regret that no delegate from Morocco was present in the room to comment on stakeholder engagement during the preparatory process for the Climate Change Conference in Marrakesh.

50. The General Secretary for the preparation and organization of the twenty-first session of the Conference of the Parties, a representative of France, stressed that the presence of an active civil society in the process leading to as well as during the Conference had been essential for the success of the climate change negotiations, resulting in the Paris Agreement. France had already initiated the dialogue with civil society two years before the session. In addition, regular meetings had taken place between focal points of the major groups and the Executive Secretary of the United Nations Framework Convention on Climate Change. The active presence of civil society in Le Bourget, near Paris, where the Conference had been held, had been another key to the success of the Paris Conference. At

the Conference venue itself two areas had been dedicated to civil society representatives. Overall, anticipation, in-depth consultation on the substance and format as well as proximity to the negotiators had been crucial for the meaningful participation of civil society in the Paris negotiations.

51. The session Chair then presented a summary of a written statement from the United Nations Framework Convention on Climate Change secretariat. At the twenty-first session, it had been the first time ever that the “climate village” had been set up adjacent to the negotiation venue and had been open to public — despite the background of the terrorist attacks and the tense security conditions in France. Also, demonstrations from NGOs inside the Conference venue had been allowed thanks to a good cooperation with French security authorities. Moreover, for observer participation at the Paris Climate Change Conference a two-year deadline for registration had been put in place to ensure that everyone was on board a long time before the Conference started. There had also been improved audio and video connections for the public to follow what was happening in the plenary session. Room sizes, however, had remained a challenge.

52. The representative of the Center for International Environmental Law, speaking also on behalf of European ECO Forum, gave a presentation on public participation from the NGO perspective. He noted a systematic exclusion of observers from the negotiating sessions during the Paris Climate Change Conference, and stressed that there was room for improvement to enable effective participation of civil society representatives at all stages of the decision-making process. He also saw the need for Aarhus principles to be guaranteed and promoted in the new processes and bodies established under the Paris Agreement.

53. The presentations and the subsequent discussion on the United Nations Framework Convention on Climate Change processes illustrated that:

(a) There was a difference in understanding with regard to the term “participation”, between “being physically present at the venue” and “participating in discussions that could actually influence the negotiations”;

(b) While negotiations should be transparent, some privacy for Parties was needed in order to exchange their views openly and to achieve progress in negotiations. The question remained how those two obligations could be reconciled and balanced in the future;

(c) Given the experience in Paris, France should transfer its knowledge and methodologies with regard to civil society involvement, to be used in Morocco as well as other future meetings;

(d) All Parties to the United Nations Framework Convention on Climate Change should nominate national focal points for article 6 of that Convention;

(e) There was a need for civil society engagement in the implementation of the Paris Agreement and, especially, in developing its mechanisms, e.g., its review and compliance mechanisms. For those mechanisms to be effective, they should be open to the public. Moreover, cooperation should be initiated between the United Nations Framework Convention on Climate Change and United Nations regional commissions in the implementation of the Paris Agreement.

#### **Recent developments in promoting the principles of the Aarhus Convention in the policies of international financial institutions**

54. The Chair introduced the discussion on recent developments and results achieved by international financial institutions in promoting the Convention’s principles in their processes, policies and projects since the previous thematic session on the topic, held during the sixteenth meeting of the Working Group (Geneva, 19–21 June 2013).

55. Representatives of EBRD presented a guidance note entitled “UNECE Aarhus Convention — Disclosing Environmental Information: Guidance for Operators Providing Public Services”.<sup>13</sup> The guidance was available in English and Russian. There had been requests to also translate it into Arabic and French for EBRD operations in North Africa and the Middle East. It was also reported that the Bank had joined the International Aid Transparency Initiative, which required EBRD to make data available on the Initiative’s website.

56. The representative of the European Investment Bank gave an overview of the Bank’s complaints mechanism, including the right to appeal for stakeholders. The complaints mechanism could be triggered by a single physical or legal person, and there was no need for that person to be directly affected. Moreover, the mechanism was not only project related, but also applied to any action or decision by the Bank. The European Investment Bank review mechanism was currently subject to public consultation.

57. The representative of the Asian Infrastructure Investment Bank said the Bank had just opened in 2016. Its focus was on infrastructure and productive sector projects in Asia, in particular in the areas of energy, transport, urban development and water. The Bank had signed several memorandums of understanding with other international financial institutions to co-finance projects in the region. The Bank’s environmental and social policy framework had been adopted in February 2016.

58. The representative of the Central and Eastern Europe (CEE) Bankwatch Network presented plans for the construction of a hydroelectricity dam in Georgia. He illustrated how — according to his organization — Aarhus principles and indigenous peoples’ policies had not been respected during the strategic planning phase of the project. At the same time, the Working Group Chair, speaking on behalf of Georgia, stated that the respective requirements of the Aarhus Convention had been applied in public participation procedures. She further stressed that the application of indigenous peoples policies was not relevant for Georgia and, hence, was also not relevant in relation to the planned facility.

59. In the ensuing discussion a number of points were made:

(a) The presentations of the international financial institutions showed that there were a number of policies under review that provided an opportunity to better align them with the principles of the Aarhus Convention.

(b) It was important to recognize and address the gap between strategic and project planning. While strategic assessments were normally undertaken by Governments, financial institutions usually came in later at the project level only when certain parameters had been set and decisions taken;

(c) Parties should become more involved in designing the policies of international financial institutions so as to ensure the Almaty Guidelines were applied to them.

### **C. Future work**

60. The Working Group considered the note by the Chair of the thematic session on promoting the Convention’s principles in international forums and possible future directions for that work (AC/WGP-20/Inf.5), as well as the respective section in the draft elements of the work programme for 2018–2021 (ECE/MP.PP/WG.1/2016/7), in particular

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<sup>13</sup> Available from <http://www.ebrd.com/who-we-are/our-values/environmental-and-social-policy/implementation.html>

the suggested priority international forums and cross-cutting topics to be considered in the next intersessional period.

## D. Conclusions of the Working Group

61. The conclusions of the Working Group were as follows:

(a) Regarding general matters, the Working Group:

(i) Expressed its appreciation to the representatives of France, the ECE Sustainable Development and Gender Unit, UNEP, the United Nations Framework Convention on Climate Change secretariat, EBRD, the European Investment Bank, the Asian Infrastructure Investment Bank, CEE Bankwatch Network and the Center for International Environmental Law, speaking also on behalf of the European ECO Forum for their presentations and statements;

(ii) Took note of the information provided by the representatives of the United Nations Framework Convention on Climate Change secretariat, international financial institutions, Parties, and other stakeholders regarding good practices, innovative initiatives and challenges in promoting access to information and public participation in the United Nations Framework Convention on Climate Change and international financial institutions' processes;

(iii) Expressed its appreciation to France for promoting the Convention's principles in the lead up and at the Climate Change Conference in Paris;

(iv) Encouraged Parties to continue promoting the Convention's principles in UNEP processes, climate-related negotiations, international financial institutions and when implementing the Sustainable Development Goals;

(v) Encouraged Parties to continue fulfilling their obligations under article 3, paragraph 7, of the Convention and to consider the results achieved at the next meeting of the Working Group;

(b) Regarding the future work in this area, the Working Group:

(i) Took note of the note by the Chair of the thematic session (AC/WGP-20/Inf.5) and thanked him for the work done;

(ii) Noted that, although there had been some progress in promoting the Convention's principles in international forums, more efforts should be undertaken to further transparency and effective public participation in international environment-related decision-making;

(iii) Also noted the continuing demand for assistance from international forums, as an illustration of the success to date in promoting the principles of the Convention in international forums and the growing awareness of the Aarhus Convention in the international sphere;

(iv) Agreed to consider at its next meeting the promotion of the Convention's principles in international decision-making on environment and health matters;

(c) Specifically regarding the work for the next intersessional period, the Working Group:

(i) Agreed to further monitor the progress achieved with regard to the UNEP Stakeholder Engagement and Access-to-Information Policies, the promotion of the Convention's principles in implementation of the 2030 Agenda for Sustainable Development and in international financial institutions;

(ii) Agreed, in the context of promoting the Convention's principles in international forums, to focus on forums dealing with climate change, trade negotiations and biosafety, recognizing that other forums might be also considered, subject to a decision by Parties;

(iii) Also agreed to continue addressing cross-cutting issues in the context of implementing the Almaty Guidelines (e.g., innovative practices; different modalities for engaging stakeholders; and self-organization of stakeholders).

## **VI. Promotion of the Convention and relevant developments and interlinkages**

62. The Working Group next considered relevant information included in the section (paras. 29–45) of the report on the implementation of the work programme for 2015–2017 on promotional activities. The secretariat reported that it had had a formal correspondence with the Government of Guinea-Bissau. The country had nominated a National Focal Point to the Aarhus Convention and had made a formal request to accede to the Convention.

63. The representative of Guinea-Bissau informed the Working Group that at the country's State Secretariat for Environment a legal department had been set up about two years ago to strengthen the country's capacities in environmental law. There had a growing number of complaints from NGOs questioning whether proper environmental impact assessments had been conducted before granting permissions for mining and resource extraction. However, no regulatory instruments had been put in place to cover the rights enshrined in the three pillars under Aarhus Convention. He reiterated the interest of Guinea-Bissau in acceding to the treaty.

64. The Working Group took note of the information provided by the secretariat and delegations regarding promotion of the Convention in other regions. It welcomed the interest of Guinea-Bissau in acceding to the Aarhus Convention and invited the Government to consider the steps required to proceed with accession in accordance with decision IV/5 of the Meeting of the Parties (see ECE/MP.PP/2011/2/Add.1). The Working Group requested the Bureau to follow up on the matter.

65. The secretariat informed the Working Group about recent developments in Latin America and the Caribbean with regard to a regional instrument on Principle 10 of the Rio Declaration on Environment and Development, based on a written statement received from the United Nations Economic Commission for Latin America and the Caribbean (ECLAC). In November 2014, ECLAC countries had launched the negotiation of a regional agreement and established a negotiating committee with a view to concluding its functions by December 2016. The process was co-chaired by Chile and Costa Rica. The Declaration on the regional instrument on Principle 10 had been signed by 21 countries, with Grenada being the last country to join, in April 2016.

66. During two meetings of the negotiating committee in Panama City (October 2015) and Montevideo (April 2016), the countries had made progress in negotiations, resulting in a preliminary draft document. The fourth meeting of the negotiating committee would take place in the Dominican Republic in August 2016. With the negotiation of the regional agreement, the issue had climbed up the political agenda of ECLAC countries. Governments had begun to develop a greater number of activities and enter into dialogue with civil society in an unprecedented way. As the negotiation on substantive matters of the regional agreement moved forward, the exchange of experiences and lessons learned from the implementation of the Aarhus Convention had become fundamental.

67. In that regard, the delegate of Italy reported that the country was considering funding a capacity-building project, previously financed by the Netherlands, to support the ECLAC regional process.

68. The Working Group welcomed the progress made in the development of a regional instrument on the application of Principle 10 in Latin America and the Caribbean and reiterated its full support to establishing a legally binding instrument in that region. The Working Group thanked Italy, the Netherlands, the Regional Environmental Centre for Central and Eastern Europe, the Convention secretariat and other Parties and stakeholders for supporting the process.

69. Regarding the promotion of the Aarhus Convention in other regions, a representative of the NGO Rivers without Boundaries provided information on the Silk Road Economic Belt. That new infrastructure and trade route was currently under development and involved a number of ECE member States. According to the NGO there was a great potential to apply ECE multilateral environmental agreements in that context, in particular the Aarhus Convention and the Convention on Environmental Impact Assessment in a Transboundary Context, to ensure effective public participation, strategic environmental assessment and environmental impact assessment for the new developments. The Working Group took note of the information on public participation in the context of the Silk Road Economic Belt, provided by the NGO Rivers without Boundaries.

70. The Chair, speaking on behalf of Georgia, reported on the promotion of the Aarhus Convention and its Protocol at the Eighth Environment for Europe Ministerial Conference (Batumi, Georgia, 8–10 June 2016).

71. Concerning the role of the Aarhus Convention in promoting implementation of the 2030 Agenda for Sustainable Development, a representative from the Danish Institute for Human Rights presented the Human Rights Guide to the Sustainable Development Goals.<sup>14</sup> In the form of an interactive online database matching the Sustainable Development Goal targets to human rights instruments, the Guide showed that more than 92 per cent of the targets reflected substantial provisions of international human rights and labour standards. In collaboration with the secretariat and other experts, the Institute hoped to be able to formally include the Aarhus Convention in the Guide. The Working Group took note of the information on linkages between the Aarhus Convention and the Human Rights Guide to the SDGs, provided by the Danish Institute for Human Rights.

72. The Working Group took note of the statements made. It welcomed initiatives taken by Parties or stakeholders to promote the Convention beyond the ECE region, expressed its appreciation to partner organizations for their support and welcomed the progress made in building synergies that helped to promote the Convention.

## **VII. Implementation of the work programme 2015–2017, including financial matters**

73. The Working Group took note of the report on the implementation of the Convention's work programme for 2015–2017 (ECE/MP.PP/WG.1/2016/5) and the related report on contributions and expenditures (ECE/MP.PP/WG.1/2016/6).

74. The secretariat informed the Working Group about the contributions (see table 1 below) and pledges (table 2) received from Parties between 1 April and 14 June 2016. The secretariat further noted an error in the Russian version of the report on contributions and

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<sup>14</sup> Available from <http://sdg.humanrights.dk/>

expenditures. The 2016 pledge by the federal Government of Belgium was recorded as “20 5000” Euros, which might be read as €205,000. The correct amount pledged was €20,500.

Table 1  
**Contributions received between 1 April–14 June 2016**

(in United States dollars)

<i>Donor country</i>	<i>Contributions for 2016</i>	<i>Remarks</i>
Belgium (Walloon Region)	3 929	For Aarhus Convention 2016
Finland	5 574	For Aarhus Convention 2016
Italy	53 781	Additional contribution for Aarhus Convention work programme 2015–2017 to promote the Convention in non-ECE countries
	112 740	For Aarhus Convention 2016
Lithuania	1 115	For Aarhus Convention 2016
Netherlands	50 280	For Aarhus Convention 2016
	22 650	For Protocol on PRTRs 2016
Sweden	35 000	For Aarhus Convention 2016
	5 000	For Protocol on PRTRs 2016
Switzerland	40 609	For Aarhus Convention 2016, of which 20,000 Swiss francs to support the building of capacity of experts from countries with economies in transition
	72 539	For Protocol on PRTRs 2016, of which 50,000 Swiss francs to support the building of capacity of experts from countries with economies in transition
<b>Total</b>	<b>403 217</b>	
of which exclusively for the Protocol on PRTRs	100 189	

Table 2  
**Pledges (as of 14 June 2016)**

(in original currency)

<i>Donor country</i>	<i>Original currency</i>	<i>Amount</i>	<i>Remarks</i>
Austria	USD	5 000	For Protocol on PRTRs 2017
Belarus	USD	500	For Aarhus Convention 2016
Belgium (Federal)	EUR	20 500	For Aarhus Convention 2016
Belgium (Flemish Region)	USD	8 499	For Aarhus Convention 2016
Bosnia and Herzegovina	EUR	500	For Protocol on PRTRs 2014
European Union	USD	12 597	For Protocol on PRTRs 2016
	EUR	100 000	For Aarhus Convention 2016
Germany	EUR	15 000	For Protocol on PRTRs 2016
	USD	60 000	For Aarhus Convention and Protocol on PRTRs 2017



<i>Donor country</i>	<i>Original currency</i>	<i>Amount</i>	<i>Remarks</i>
Greece	USD	1 000	For Aarhus Convention 2014
Hungary	USD	5 000	For Aarhus Convention 2016
	USD	500	For Protocol on PRTRs 2016
Iceland	USD	1 500	For Aarhus Convention 2016
Israel	USD	5 000	For Protocol on PRTRs 2014
Malta	USD	1 000	For Aarhus Convention 2011
	USD	1 000	For Aarhus Convention 2012
	USD	1 000	For Aarhus Convention 2013
Republic of Moldova	EUR	1 000	For Aarhus Convention 2014
Spain	EUR	5 000	For Aarhus Convention 2016
The former Yugoslav Republic of Macedonia	USD	200	For Protocol on PRTRs 2012
	USD	200	For Protocol on PRTRs 2013
Ukraine	USD	3 000	For Aarhus Convention 2015

*Abbreviations:* EUR = euros; USD = United States dollars.

*Note:* For 2015, no financial contributions, in-kind contributions and/or pledges had been received from the following eight Parties to the Convention: Azerbaijan, Cyprus, Greece, Malta, Romania, Tajikistan, the former Yugoslav Republic of Macedonia and Turkmenistan. For 2016, no financial contributions, in-kind contributions and/or pledges had as yet been received from the following eighteen Parties to the Convention: Azerbaijan, Bulgaria, Cyprus, Greece, Kazakhstan, Luxembourg, Malta, Portugal, Republic of Moldova, Romania, Serbia, Slovenia, Spain, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine and the United Kingdom.

75. The Working Group took note of the report by the secretariat on financial matters, including recent contributions and pledges. It also took note of the information provided by delegations and expressed its concern that contributions were arriving late in the year, which further hindered the implementation of the work programme.

## VIII. Preparations for the sixth session of the Meeting of the Parties

### A. Future work programme

76. The Working Group of the Parties considered the draft elements of the work programme for 2018–2021 (ECE/MP.PP/WG.1/2016/7). The document had been prepared by the Bureau on the basis of the outcomes of the meetings of the Working Group, the Task Forces and the Compliance Committee in the current intersessional period as well as the notes prepared by the Chairs of the Task Forces, the Compliance Committee and the thematic session, and the proposals contained therein for future directions under those work areas.

77. The secretariat drew attention to the amendments that would be required in the draft work programme in the light of the preparations of the draft work programme for the Protocol on PRTRs. The full-time 100 per cent staff costs for administrative support of one General Service (G-4) post would be split between the Convention and its Protocol (70 per cent for the Aarhus Convention and 30 per cent for the Protocol). In addition, the 5 per cent

staff cost for one Professional (P-3) post currently included under work area I on access to information, including electronic information tools, would in future be 100 per cent accounted for under the work programme of the Protocol on PRTRs.

78. The Working Group discussed a number of issues in relation to the new work programme, including: the prolongation of the intersessional period to four years; introducing a thematic discussion on different substantive issues at each meeting of the Working Group of the Parties; the prioritization of topics within each work area of the work programme; and the number of task force meetings in the next intersessional period. The role of the task forces in capacity-building, exchange of experiences and supporting the effective implementation of the Convention was underlined. By introducing one special substantive segment during a meeting of the Working Group of the Parties to discuss relevant issues at the policy level, the role of the Working Group as a policy think tank could be strengthened and provide a stronger focus on implementation of the Convention.

79. There was general support for extending the intersessional period to four years and introducing new substantive thematic sessions at the meetings of Working Group. The Working Group, however, could not reach a consensus on other issues and requested the Bureau to:

(a) Prepare a draft decision on the work programme in the light of the comments received at the meeting, including, to prioritize topics within each work area of the work programme;

(b) Prepare draft decisions on:

(i) Access to information;

(ii) public participation in decision-making;

(iii) Access to justice;

(iv) Promotion of the Convention's principles in international forums.

80. The draft decisions should be circulated to Parties and stakeholders for comments prior to their finalization for submission to the Working Group at its twenty-first meeting (Geneva, 4–6 April 2017) for consideration and approval. Finalized drafts would subsequently be submitted to the Meeting of the Parties at its sixth session for consideration.

## **B. Future financial arrangements for the Convention**

81. The Working Group discussed future financial arrangements under the Convention on the basis of a document containing draft elements of possible financial arrangements (ECE/MP.PP/WG.1/2016/8) prepared by the Bureau. The Working Group focused its discussion on the following issues: the scheme of contributions (e.g., mandatory or voluntary); the use of the United Nations scale of assessments; and the increase of the minimal level of contributions from US\$ 500 to US\$ 1,000. The Working Group did not reach a consensus on those matters, and requested the Bureau to prepare a draft decision on financial arrangements in the light of the comments received at the meeting. The draft decision would be circulated to Parties and stakeholders for comments prior to its submission to the Working Group for consideration and approval at its twenty-first meeting. A finalized draft would subsequently be submitted to the Meeting of the Parties for consideration at its sixth session.

### **C. Agenda for the sixth session of the Meeting of the Parties**

82. The Working Group considered an outline of the agenda for the sixth session of the Meeting of the Parties (ECE/MP.PP/WG.1/2016/10) prepared by the Convention's Bureau in consultation with the Bureau of the Meeting of the Parties to the Protocol.

83. Concerning the organization of a possible joint high-level segment, Parties agreed on the theme suggested by both Bureaux on the role of the Convention and its Protocol in implementing the Sustainable Development Goals. During the discussion, it was stressed by several Parties that the organization of a high-level segment should remain optional for future sessions. However, the theme suggested justified the organization of such a joint high-level segment at the upcoming sessions of Meetings of the Parties to the two treaties.

84. With reference to the Maastricht Declaration on transparency as a driving force for environmental democracy (ECE/MP.PP/2014/27/Add.1–ECE/MP.PRTR/2014/2/Add.1), a representative of the European ECO Forum expressed concern regarding constrained operating conditions of environmental NGOs observed in some countries in Eastern Europe, the Caucasus and Central Asia. Several Parties and stakeholders echoed that concern and suggested addressing the issue of environmental whistle-blowers during the high-level segment or other parts of the programme of the sixth session of the Meeting of the Parties.

85. The Working Group of the Parties requested the Convention Bureau, jointly with the Bureau of the Meeting of the Parties to the Protocol, to prepare a draft provisional agenda for the sixth session of the Meeting of the Parties to the Convention, as well as a draft declaration, in the light of the comments provided at the meeting. The draft provisional agenda and draft declaration would be circulated to Parties and stakeholders for comments prior to their submission to the Working Group for consideration and approval at its twenty-first meeting. The draft documents would then be finalized for submission to the Meeting of the Parties for consideration at its sixth session.

86. Furthermore, the Working Group of the Parties expressed its broad support for a high-level segment addressing the link between the Convention and its Protocol and the implementation of the Sustainable Development Goals, and took note of a proposal from the European ECO Forum that the issue of the persecution and harassment of environmental NGOs in some parts of the region of Eastern Europe, the Caucasus and Central Asia should somehow be reflected on the agenda for the joint session.

### **D. Dates and hosting of the sixth session of the Meeting of the Parties**

87. The Chair informed the Working Group that the Bureaux of the Convention and the Protocol agreed that the total duration of the sessions of the Meetings of the Parties and the joint segment should have a maximum duration of one working week. The Bureaux also welcomed the offer of Montenegro to host the events.

88. The representative of Montenegro presented the national preparations and the venue for the events. Meetings had already been held with representatives of the Organization of Security and Cooperation in Europe and the United Nations Development Programme to help support the organization of events. At the same time, bilateral support from Aarhus Parties or other organizations would be welcome.

89. The Working Group agreed to hold the sixth ordinary session of the Meeting of the Parties in the week of 11 September 2017. It welcomed the offer of Montenegro to host the next sessions of the Meetings of the Parties to the Convention and the Protocol, and expressed its appreciation to the Government of Montenegro for the offer. The Working

Group also took note of the information provided by the host country regarding its national preparations and a tentative timeline prepared by the secretariat (AC/WGP-20/Inf.6).

## **IX. Other business**

90. The Working Group took note of the invitation by the Regional Environmental Centre for Central and Eastern Europe to the subregional workshop on the Protocol on PRTRs for South Eastern Europe to be held from 7 to 11 November 2016 in Skopje.

## **X. Adoption of outcomes**

91. The Working Group adopted the major outcomes and decisions presented by the Chair at the meeting and requested the secretariat, in consultation with the Chair, to finalize the report and incorporate the outcomes and decisions adopted.

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