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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

Twenty-first meeting
Geneva, 4–6 April 2017

Report of the Working Group of the Parties on its twenty-first meeting

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I. Introduction

1. The twenty-first 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 4 to 6 April 2017 in Geneva, Switzerland.

2. Following a presentation on the status of ratification, the meeting focused on the review of the implementation of the work programme for 2015–2017, which the Working Group considered on the basis of a note by the secretariat (ECE/MP.PP/WG.1/2017/3)¹ in addition to comments and presentations by Parties and stakeholders delivered at the meeting. Participants also considered preparations for the sixth session of the Meeting of the Parties, including a joint high-level segment (Budva, Montenegro, 11–14 September 2017). On the morning of 5 April, a thematic session on the promotion of the principles of the Convention in international forums was organized in the format of panel presentations followed by discussions focused on the theme of international decision-making on environment and health matters.

A. Attendance

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

4. A delegate from Guinea-Bissau was also present.

5. A representative of the World Health Organization (WHO) participated by video link. The meeting was also attended by the representatives of the European Investment Bank, the Regional Environmental Centre for Central and Eastern Europe, Aarhus Centres and business and academic organizations. 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.

B. Opening of the meeting and organizational matters

6. 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 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.

¹ Report on the implementation of the work programme for 2015–2017. Further references to the report herein indicate only the paragraph numbers of the section under consideration.

7. The Working Group took note of the information provided by the Chair regarding the meeting's proceedings. On the proposal of the European ECO Forum, the Working Group decided to discuss the issue of the persecution of activists in Belarus under the item "any other business", and adopted its agenda as set out in document ECE/MP.PP/WG.1/2017/1.²

8. The Chair informed the Working Group about a recent change in the composition of the Bureau. The Government of the Netherlands had appointed Ms. Seray Özsöylemez-Martherus as a member of the Bureau to replace Mr. Edwin Koning. Mr. Koning had been the national focal point to the Aarhus Convention since 2008. The Working Group took note of the appointment and expressed its appreciation to Mr. Koning for his long-standing professional support and promotion of the Aarhus Convention in the region and beyond.

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

9. 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. At time of the meeting there were 47 Parties to the Convention, 35 Parties to the Protocol and 31 Parties to the GMO amendment. Since the twentieth meeting of the Working Group of the Parties (Geneva, 15–17 June 2016), France and Malta had ratified the GMO amendment (on 11 July 2016 and 24 March 2017, respectively). There had been no new ratifications of the Convention or the Protocol.

10. The Working Group of the Parties took note of the information provided by the secretariat on the status of ratification of the Convention, its amendment and the Protocol. It further took note of the information on relevant developments with regard to ratification of the Protocol presented by Georgia and Montenegro.

III. Substantive issues

A. Access to information

11. The Working Group considered the section of the report on the implementation of the work programme for 2015–2017 (paras. 3–12) on access to information, including electronic information tools, the clearinghouse mechanism and PRTR.net. The representative of the Republic of Moldova, on behalf of the Chair of the Task Force on Access to Information, summarized the key outcomes of the Task Force's fifth meeting (Geneva, 10–11 October 2016), including a summary report on the assessment of the implementation of the recommendations of the Meeting of the Parties on electronic information tools (see ECE/MP.PP/WG.1/2017/4). He also presented a supplementary report to the summary report (AC/WGP-21/Inf.2), which displayed the assessment results visually, through charts and graphs.

² Documents for the meeting are available online from <http://www.unece.org/index.php?id=43897#/>. Statements delivered at the meeting that were made available to the secretariat by presenters are also accessible from this web page.

12. The Working Group of the Parties expressed its appreciation to the Republic of Moldova for chairing the Task Force and welcomed its willingness to continue leading the work on access to information. It also thanked the Task Force for the work done and took note of the report by the representative of the Republic of Moldova and the statements and information related to the subject area provided by other delegations.

13. The Working Group then considered a draft decision on promoting effective access to information (ECE/MP.PP/WG.1/2017/L.1) and the respective section in the draft decision on the work programme for 2018–2021 (ECE/MP.PP/WG.1/2017/L.5). Pursuant to the discussion, the Working Group reached a consensus on the draft decision on promoting effective access to information. The Working Group accordingly revised and approved, as amended at the meeting, the draft decision (AC/WGP-21/CRP.1)³ and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

B. Public participation in decision-making

14. The Working Group next considered the section of the report on the implementation of the work programme for 2015–2017 (para. 13) on public participation in decision-making. The representative of Italy, on behalf of the Chair of the Task Force on Public Participation in Decision-making, reported on the key outcomes of the Task Force's seventh meeting (see ECE/MP.PP/WG.1/2017/5).

15. The Working Group of the Parties expressed its appreciation to Italy for chairing the Task Force and welcomed its willingness to continue leading the work area. It also thanked the Task Force for the work done and took note of the report by the representative of Italy and the statements and information related to the subject area provided by other delegations.

16. The Working Group then considered a draft decision on promoting effective public participation in decision-making (ECE/MP.PP/WG.1/2017/L.2) and the respective section in the draft decision on the work programme for 2018–2021. Pursuant to the discussion, the Working Group reached a consensus on the draft decision on promoting effective public participation in decision-making. The Working Group accordingly revised and approved, as amended at the meeting, the draft decision (AC/WGP-21/CRP.2) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

C. Access to justice

17. Turning to access to justice issues, the Working Group considered the relevant section of the work programme for 2015–2017 (paras. 14–16). It took note of the oral report on the key outcomes of the tenth meeting of the Task Force on Access to Justice (Geneva, 27–28 February 2017) presented by a representative of Sweden on behalf of the Task Force Chair.

18. The Working Group expressed its appreciation to Sweden for chairing the Task Force and thanked the Task Force for the work it had accomplished. It also took note of statements and information related to the subject area provided by other delegations.

³ All conference room papers (CRPs) are also available on the web page of the meeting <http://www.unece.org/index.php?id=43897#/>.

19. The Working Group then considered a draft decision on promoting effective access to justice (ECE/MP.PP/WG.1/2017/L.3) and the respective section in the draft decision on the work programme for 2018–2021. Pursuant to the discussion, the Working Group reached a consensus on the draft decision on promoting effective access to justice. The Working Group accordingly revised and approved, as amended at the meeting, the draft decision (AC/WGP-21/CRP.3) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

D. Genetically modified organisms

20. A delegate from Austria, speaking on behalf of the round table Chair, reported on the main outcomes of the second global round table on public awareness, access to information and public participation regarding genetically modified organisms/living modified organisms (Geneva, 15–17 November 2016), which had been organized jointly by the Aarhus Convention and the Cartagena Protocol on Biosafety under the leadership of Austria. The Working Group expressed its appreciation to Austria for chairing the global round table and welcomed its willingness to continue leading the work on genetically modified organisms.

21. The Working Group took note of the report on the second global round table (ECE/MP.PP/WG.1/2017/8) and expressed its appreciation to the secretariat of the Cartagena Protocol on Biosafety for its cooperation. The Working Group further took note of the information provided by delegations on recent developments related to the subject area.

22. The Working Group welcomed in particular the ratification of the GMO amendment by France and Malta.

23. The representative of Albania reported that the Government was aligning its laws with the European Union legislation on genetically modified organisms. When that legal framework was in place, Albania would take steps towards ratification of the GMO amendment. The delegate of Armenia said that the Government was revising a draft law so that it would comply with the GMO amendment. The delegate of Azerbaijan stated that the draft legislation for ratification of the amendment had been prepared and the bill was currently in consultations. The representative of Belarus reported that ratification of the GMO amendment was being considered in Belarus by amending the existing law implementing the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

24. The representative of Kazakhstan reported that the Kazakh Government had started working on ratification of the GMO amendment and was currently consulting with different authorities in that regard. Kyrgyzstan was also working on ratification, according to its representative. The delegate of Tajikistan reported that an interdepartmental commission had been created to work towards ratification of the GMO amendment. According to the representative of Turkmenistan, the relevant authorities were also working on the ratification of the amendment by Turkmenistan.

25. A representative from the European ECO Forum expressed concern about the slow progress made in ratifying the GMO amendment and regretted that, 12 years after its adoption, the amendment had still not entered into force.

26. The Working Group called on Parties whose ratification of the GMO amendment would count towards its entry into force — i.e., Albania, Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine — to take serious steps towards ratification, and requested those Parties to report at the Meeting of the Parties at its sixth session on the progress achieved.

IV. Procedures and mechanisms

A. Compliance mechanism

27. The Chair drew attention to the section of the report on the implementation of the current work programme (paras. 19–21) on the compliance mechanism.

28. The Chair of the Compliance Committee, joining the meeting by video link, updated participants on the Committee's activities. Since the date of the Committee's report to the fifth session of the Meeting of the Parties in April 2014, the Committee had held 12 regular meetings and eight virtual meetings at which it had followed up on the implementation of decisions V/9a-n concerning compliance by Armenia, Austria, Belarus, Bulgaria, Croatia, Czechia, the European Union, Germany, Kazakhstan, Romania, Spain, Turkmenistan, Ukraine and the United Kingdom. In the same period, the Committee had received 46 new communications, 35 of which were admissible and were now at different stages of the process of consideration. In addition, the Committee had received: one submission by a Party concerning another Party's compliance; one submission by a Party concerning its own compliance; one request from the Meeting of the Parties concerning a Party's compliance; and one request from a Party for advice or assistance.

29. The Chair of the Compliance Committee noted that the Committee was working to finalize a number of findings and draft findings in order that those cases could be concluded during the present intersessional period and reported on to the Meeting of the Parties at its sixth session in September 2017. The Bureau would start working on decisions regarding compliance matters in mid-May, and would submit the related draft decisions directly to the Meeting of the Parties.

30. Furthermore, the Committee Chair mentioned that the Committee had been working to increase the use of electronic tools in its processes. In addition to the audio conferences during the open sessions of the Committee's meetings in Geneva, the Committee had also increasingly been using electronic tools for its deliberations in closed session. That included electronic decision-making and, since September 2015, virtual meetings of the Committee in closed session. To date, the Committee had held eight virtual meetings in order to make further progress on its draft findings in between its regular meetings in Geneva. Feedback from Parties, stakeholders and members of the Compliance Committee had shown that they had all found the possibility to participate in meetings by means of electronic tools valuable, though, frustratingly, technical difficulties could still interfere with the smooth running of the sessions. Also, as the sound quality of audio or video connections was not deemed sufficient at all times, no interpretation of those meetings was currently offered by the United Nations Office at Geneva conference services.

31. He also informed the Working Group that the Committee was at the final stages of preparing the second edition of the guide to the Compliance Committee,⁴ which explained to Parties and stakeholders, in a user-friendly way, the Committee's mandate, functions and working methods. The guide also provided a step-by-step overview of its procedures for reviewing compliance. It had been revised through an open and transparent process and the Chair thanked those Parties and that had sent comments, and also the European ECO Forum for its contribution. The Committee intended to complete the revision process at its upcoming fifty-seventh meeting in June 2017.

⁴ United Nations Economic Commission for Europe, *Guidance Document on the Aarhus Convention Compliance Mechanism* (Geneva, 2010).

32. The Chair of the Compliance Committee stressed the importance of dialogue as one of the key ingredients to ensure the effective functioning of the compliance mechanism. In that regard, he encouraged Parties that had questions regarding either their individual cases or the compliance mechanism in general to contact the secretariat, but also to attend the open sessions of the Committee, held on the morning of the first day of each meeting, in person or by audio conference and to ask questions. They could also raise general points at the “open dialogue” that would be held during the sixth session of the Meeting of the Parties.

33. The Working Group of the Parties took note of the information provided by the Chair of the Compliance Committee and by delegations related to the compliance mechanism. It thanked the Compliance Committee and its Chair for the work done. It further took note of the Committee Chair’s invitation to Parties to send to the secretariat proposed issues to be discussed at the open dialogue during the sixth session of the Meeting of the Parties. The Working Group also expressed concern about the challenges associated with audio and video connections for meetings proceedings.

B. Capacity-building and awareness-raising

34. The Working Group next considered the section of the report on the implementation of the work programme for 2015–2017 on capacity-building (paras. 22–26).

35. The secretariat reported on the outcomes of the tenth capacity-building coordination meeting (Geneva, 28 February 2017). The meeting had gathered together representatives of partner organizations, such as the European ECO Forum, the European Environment Agency, the European Investment Bank, the Organization for Security and Cooperation in Europe (OSCE), the Regional Environmental Centre for Central and Eastern Europe and the United Nations Institute for Training and Research, to discuss the progress in capacity-building activities related to the Aarhus Convention. A survey conducted by the secretariat among national focal points prior to the meeting had identified a greater interest in one- to two-day workshops, self-paced and moderated online courses and training sessions.

36. A delegate of Belarus said that more than eight round tables and seminars had been held around the country for different target groups to advance implementation of the Aarhus Convention, including the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters. In addition, a model public hearing focusing on the draft National Action Plan on Green Economy had been organized together with OSCE in November 2016. Belarus appreciated the cooperation and support provided by the United Nations Economic Commission for Europe (ECE) and OSCE for the event. It was also grateful to Italy for having organized a study tour for civil servants.

37. A representative of the Regional Environmental Centre for Central and Eastern Europe informed delegates about a two-year project on promoting implementation of the third pillar of the Convention (access to justice) in five countries of South-Eastern Europe, funded by Germany. Activities included a study on the scope of review, carried out in cooperation with the secretariat and the Task Force on Access to Justice, and the training of judges.

38. The Working Group took note of the information provided by the secretariat and delegations related to capacity-building and awareness-raising. It welcomed the cooperation of the secretariat on capacity-building activities with other partners and expressed its appreciation to partners for their continued support to the implementation of the Convention.

V. Promotion of the Convention and relevant developments and interlinkages

39. The Chair brought to the Working Group's attention the section of the report on the implementation of the work programme (paras. 28–33) on awareness-raising and promotion of the Convention and the Protocol.

40. The secretariat informed the meeting about recent developments regarding the formal request of Guinea-Bissau to accede to the Convention. The Government was reviewing its national legislation and developing a road map for its accession. However, Guinea-Bissau would not be ready to prepare the required documents and submit its request for accession to the Convention to the Meeting of the Parties at its upcoming session in accordance with the deadline set through decision IV/5. There were no additional requests for accession to the Convention by other non-ECE countries.

41. A representative of Guinea-Bissau informed the Working Group that the implementation of measures to improve public participation had started. Moreover, Guinea-Bissau was in a dialogue with neighbouring countries to promote the Convention and environmental democracy in the region. The Working Group took note of the information provided by the secretariat and a representative of Guinea-Bissau regarding the country's accession to the Convention.

42. The secretariat briefed the Working Group on 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. Since the Working Group's twentieth meeting in June 2016, three more meetings of the negotiating committee had been held: in Santo Domingo in August 2016; in Santiago de Chile in November 2016; and in Brasilia in March 2017. The Aarhus Convention secretariat continued to provide advisory support to the Economic Commission for Latin America and the Caribbean (ECLAC), upon its request, to develop the regional instrument. The Working Group of the Parties took note of the information provided by the secretariat and delegations regarding the promotion of the Convention in Latin America and the Caribbean.

43. A representative of the Regional Environmental Centre for Central and Eastern Europe reported on progress made in supporting the process of developing a regional instrument on Principle 10 in the ECLAC region by sharing experience with stakeholders on the negotiation process of the Aarhus Convention. That capacity-building project had been ongoing since 2013 with the support of various donors, including the Netherlands and Italy. Activities focused on assisting regional civil society organizations to prepare background documents and participate in the negotiations. In that context, two more stakeholder consultations were planned in Grenada and Dominica to promote the regional instrument on Principle 10 and seek feedback from different stakeholders on the draft text.

44. The Working Group welcomed the initiatives by Parties or stakeholders to promote the Convention beyond the ECE region.

VI. Implementation of the work programme for 2015–2017, including financial matters

45. With regard to the work programme for 2015–2017, including financial matters, the Working Group took note of the report on the implementation of the work programme for 2015–2017, the information provided by the secretariat on the financial resource situation of the secretariat, and the report on contributions and expenditures in relation to the

implementation of the Convention's work programme for 2015–2017 (ECE/MP.PP/WG.1/2017/7).

46. The Chair recalled decision V/7 on financial arrangements and decision V/6 on the work programme for 2015–2017 adopted by the Meeting of the Parties at its fifth session. In particular, she noted that decision V/6 called for contributions for a given calendar year to be made by 1 October of the preceding year, so as to secure staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the programme of work.

47. The secretariat informed the Working Group about the contributions and expenditures in relation to the implementation of the Convention's work programme for 2015–2017, including recent contributions not reflected in the report on implementation, as set out in the note on contributions and pledges received after 10 January 2017 (AC/WGP-21/Inf.3). In addition, the secretariat noted that there had been two omissions in the report:

(a) Under section A, "Contributions received in 2015 and for 2015 for the Convention and the Protocol as of 10 January 2017", the year of the additional contribution for the Aarhus Convention by the Government of France should be changed from 2015 to 2016;

(b) The contribution of the Government of Bosnia and Herzegovina for the Aarhus Convention in 2017 should also be included under section C, "Contributions received in 2017 and for 2017 for the Convention and the Protocol until 10 January 2017".

48. The Working Group took note of the information on the pledges provided by the secretariat and delegations on expected financial contributions and called upon the Parties to proceed with making financial contributions as soon as possible. In that regard, it expressed concern that contributions were still arriving late in the year. On a positive note, the Working Group welcomed the synergies with partner organizations that had helped the effective implementation of the work programme.

49. The Working Group expressed strong concern about the difficulties arising from the fact that Umoja was not fully operational and that its deficiencies impacted the workload of the secretariat and the secretariat's ability to deliver on its tasks efficiently. In addition, it expressed appreciation for the work done by the secretariat and recognized the difficulties posed by the limited and unpredictable funding and the challenges associated with Umoja.

VII. Promotion of the principles of the Convention in international forums

50. The Working Group then considered the section of the report on the implementation of the work programme for 2015–2017 (paras. 34–40) concerning the promotion of the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines).

51. The Working Group considered a draft decision on promoting the application of the principles of the Convention in international forums (ECE/MP.PP/WG.1/2017/L.4). Pursuant to the discussion, the Working Group reached a consensus on the draft document. The Working Group accordingly revised and approved, as amended at the meeting, the draft decision (AC/WGP-21/CRP.4) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

A. Promotion of the Convention's principles in international decision-making on environment and health matters

52. The segment on the promotion of the Convention's principles in international decision-making on environment and health matters included presentations followed by an interactive discussion on the experiences of Parties and NGOs in addressing the issues covered by the Almaty Guidelines.

53. The secretariat presented the preliminary results of a survey on the promotion of the Convention's principles in the European Environment and Health Process, which had been circulated to Parties' focal points prior to the meeting.

54. A representative of Czechia, the country hosting the Seventh Ministerial Conference on Environment and Health (Ostrava, Czechia, 13–15 June 2017), outlined the actions taken by the country to promote the principles of the Convention and particularly to support and facilitate NGO participation in the Conference.

55. The representative of the WHO European Centre for Environment and Health outlined the benefits of using the Aarhus Convention as a tool to raise awareness, ensure public participation and sensitize public opinion on issues of environment and health in a time of a declining interest in that area. There were no similar provisions in the health sector. In reply to a question on the lack of transparency in the functioning of the Ministerial Board for Environment and Health, the WHO representative explained that it was expected that the upcoming Ministerial Conference would decide to discontinue the Ministerial Board. The European Environment and Health Task Force, however, was expected to continue its work in cooperation with NGOs, business associations, other international organizations and the European Commission. The participation of umbrella NGOs (e.g., the European Environment and Health Youth Coalition, the Health and Environment Alliance and Women Engage for a Common Future in association with the European ECO Forum) as full members of the Task Force was recognized as a good practice. The WHO secretariat would bring the results of the analysis of the Aarhus Convention secretariat on the compatibility of the rules of procedure of the governing bodies of the Environment and Health Process to the attention of the Task Force at its upcoming meeting (Copenhagen, 10–11 April 2017).

56. The representative of Albania reported on the interministerial coordination taking place at the national level in the context of the European Environment and Health Process. The system of coordination was based on the model that had been used for preparing the positions of Albania for the climate change negotiations in Paris. All documents related to the national preparatory process for the next Ministerial Conference in Ostrava were publicly available on the website of the Ministry of Health. In addition, the Government of Albania had drafted an Albanian Health Strategy in consultation with the public and in cooperation with WHO.

57. The representative of Women Engage for a Common Future, speaking on behalf of the European ECO Forum, shared the experience of NGO participation in the European Environment and Health Process. She noted the challenges to NGO participation in the Ministerial Board and the Task Force, and outlined opportunities for NGO participation at the national and international level. The main challenges to NGO participation in the process were the lack of opportunity for organizations to participate in Ministerial Board meetings and limited possibilities for non-member organizations to comment on documents prepared by the Task Force. She also expressed regret over the lack of funding for non-member organizations to participate at the Task Force meetings. Although NGOs could play a key role in raising awareness and help build capacities on environment and health issues, their meaningful participation in the decision-making process at the national and

international levels was often hindered by their own lack of capacities and limited financial resources.

58. Intervening from the floor, a representative of the Center for International Environmental Law, speaking also on behalf of the European ECO Forum, highlighted additional opportunities for reinforcing the Aarhus principles in other international processes to help improve the health and well-being of millions of people around the world. Those processes included the Strategic Approach to International Chemical Management and the chemical and hazardous waste conventions under the United Nations Environment Programme.⁵ The representative proposed that the issue of chemicals be added to the thematic discussions on the promotion of the principles of the Convention during the next intersessional period.

59. The ensuing discussion highlighted additional challenges with regard to promoting the principles of the Convention in the European Environment and Health Process, including the need to:

(a) Bridge the gap between stakeholder involvement, which was seen as an opportunity for the engagement of a limited number of well-established NGOs, and public participation, which was a much broader and more inclusive process;

(b) Clarify which approach was the most appropriate for effective NGO participation (e.g., major groups, umbrella organizations or an open process);

(c) Strengthen public participation, as it was arranged only for a small group of organizations and accreditation processes were insufficiently transparent;

(d) Ensure that different NGOs were represented in the decision-making related to the European Environment and Health Process. The establishment of the European Environment Youth Coalition was a positive step in that regard, as it provided a wide network representing the interests of several organizations throughout Europe;

(e) Mobilize greater financial resources, as limited financial contributions to support WHO activities created additional hurdles for NGO participation;

(f) Collect comments from NGOs throughout the preparations for international conferences and negotiations. In that context preparations at the national level should not be neglected;

(g) Enhance access to information, as it appeared to be only partially adequate, in particular with regard to access to preparatory documents, such as working papers, policy documents and progress reports;

(h) Support the efforts of WHO to enhance transparency, public awareness and public participation by, e.g., promoting close cooperation between the national focal points for the European Environment and Health Process and the Aarhus Convention and developing practical recommendations, such as those reflected in the note prepared by the secretariat on the rules of procedure and practices of the European Environment and Health Process (AC/WGP-21/Inf.6);

(i) Promote the principles of the Aarhus Convention in other processes that were relevant for health matters, such as those on chemicals, so that they could also benefit from increased transparency and public participation.

⁵ The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants.

B. Follow-up from the previous thematic session

Update on the promotion of the principles of the Aarhus Convention throughout developing, implementing and monitoring implementation of the Sustainable Development Goals

60. The Chair of the thematic session brought to the attention of participants a written update on stakeholder engagement in the global and regional follow-up and review of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals provided by the ECE secretariat. Particular attention had been given, inter alia, to the organizational modalities, objectives and expected outcomes of the high-level political forum on sustainable development. The Chair also informed Parties of the upcoming Regional Forum on Sustainable Development for the ECE region (Geneva, 25 April 2017), and invited them to use the opportunity to provide input into that process. He also invited civil society to participate in the self-organized civil society consultation preceding the Regional Forum (24 April 2017) and to use the modalities offered by the high-level political forum to play an important role in achieving the Sustainable Development Goals through the provision of voluntary reports.

Lessons learned from the twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change

61. The Chair of the thematic session brought to the attention of participants a written update on civil society engagement in the United Nations Framework Convention on Climate Change (UNFCCC) processes, which had been provided by the UNFCCC secretariat. In that context, a representative of the Center for International Environmental Law, speaking also on behalf of the European ECO Forum, welcomed the supportive role played by the Moroccan presidency in promoting public participation at the twenty-second session of the Conference of the Parties to the UNFCCC. In relation to the implementation of the Paris Agreement, he noted that NGOs had expressed concern over the lack of initiatives by Aarhus Parties to support NGO engagement in shaping adaptation policies, increasing transparency and strengthening public momentum for climate action. He also provided information on a number of meetings taking place behind closed doors and called Parties to take action against that practice, which was neither in line with the provisions of the Aarhus Convention nor the Paris Agreement on Climate Change. In particular, a workshop on modalities, procedures and guidelines for the transparency framework for action and support referred to in article 13 of the Paris Agreement (Bonn, Germany, 16–18 March 2017) had been organized with the participation of all UNFCCC Parties, but civil society representatives had been denied access to the meeting. Such modalities undermined the integrity of the process and its public credibility, and threatened the spirit of partnership that had provided the basis of the Paris Agreement. In that context, the Center for International Environmental Law wished to work closely with Aarhus Parties in relation to the workshop on opportunities to further enhance the effective engagement of non-Party stakeholders, to be held by the UNFCCC on 9 May 2017 in Bonn, Germany, on enhancing engagement with non-State actors. Finally, as the hosts of the 2017 and 2018 climate conferences, Germany and Poland should build on recent good practices observed in Paris and Marrakesh and actively promote the Aarhus principles.

62. The session Chair encouraged Parties and NGO representatives to actively participate at the workshop on opportunities to further enhance the effective engagement of non-Party stakeholders, to be convened during the forty-sixth session of the Subsidiary Body for Implementation of UNFCCC (Bonn, Germany 8–18 May 2017).

Update on stakeholder engagement in the United Nations Environment Assembly and the United Nations Environment Programme access to information policies

63. The Chair of the thematic session, referring to a written update of the United Nations Environment Programme (UNEP) concerning the status of its access to information and stakeholder engagement policies, noted two points of concern. First, the statement acknowledged the failure of members to reach an agreement on a new stakeholder policy. That matter had been discussed inconclusively in 2014 and in 2016 and a revised policy was not expected before 2019. Until that time, UNEP would continue to apply its current rules and practices for stakeholder engagement. In addition, under the leadership of the President of the United Nations Environment Assembly, Governments would continue informal discussions, including with civil society. A second source of concern was that existing opportunities for participation and engagement, including by means of interactive teleconferencing, were rarely used by civil society actors, which seemed to mainly focus on major meetings, such as the sessions of the United Nations Environment Assembly.

64. In response, NGOs present at the meeting claimed that they were facing logistical and financial problems that prevented them from attending meetings in Nairobi.

65. In the light of the UNEP statement and information provided by NGOs, the Chair of the thematic session invited Parties to make every effort to encourage and facilitate the participation of NGO representatives in UNEP processes.

C. Conclusions of the Working Group

66. Concluding its thematic session, the Working Group of the Parties:

(a) Thanked the Chair of the thematic session for his skilled leadership and long-standing dedication to the promotion of the principles of the Aarhus Convention in international forums;

(b) Expressed its appreciation to France for leading the work on promoting the application of the principles of the Convention in international forums, and welcomed the willingness of the French Government to continue leading that work area.

(c) Thanked Parties that had participated in the survey on the promotion of the principles of the Convention in the framework of the European Environment and Health Process, and noted good examples shared through the survey;

(d) Expressed its appreciation to the representatives of Albania, Czechia, the European ECO Forum and the WHO European Centre for Environment and Health for their presentations;

(e) Took note of the background document prepared by the secretariat on the compatibility of the rules of procedure and practices of the governing bodies of the Environment and Health Process with the Almaty Guidelines (AC/WGP-21/Inf.6);

(f) Noted the need for strengthening cooperation between national focal points of the Aarhus Convention and the European Environment and Health Process, so as to promote the principles of the Aarhus Convention in the Process more effectively;

(g) Requested the secretariat to communicate the outcomes of the present thematic session to the WHO Regional Office for Europe, so as to make them available for consideration at the preparatory meetings for the Ostrava Ministerial Conference and at the Conference itself;

- (h) Expressed its appreciation to the UNFCCC secretariat for its continuous cooperation and for the update on stakeholder engagement in the lead up to the twenty-second session of the Conference of the Parties of UNFCCC and during the meeting itself;
- (i) Requested the secretariat of the Aarhus Convention:
- (i) To prepare a consolidated background document on good practices and challenges with regard to stakeholder participation, based on the relevant material prepared under the auspices of the Convention's former Task Force on Public Participation in International Forums and the Working Group of the Parties (e.g., meeting reports and presentations);
- (ii) To communicate the consolidated background document to the UNFCCC secretariat for possible use in UNFCCC processes, as appropriate;
- (j) Expressed its appreciation to the UNEP secretariat for the update on stakeholder engagement in the United Nations Environment Assembly and on UNEP access to information policies;
- (k) Expressed its appreciation to the ECE secretariat for the update on the promotion of the principles of the Aarhus Convention throughout developing, implementing and monitoring implementation of the Sustainable Development Goals;
- (l) Took note of the information provided by the representatives of stakeholders regarding good practices and challenges in promoting access to information and public participation in the climate-related negotiations, in UNEP processes and when implementing Sustainable Development Goals;
- (m) Encouraged Parties to continue promoting the Convention's principles in the European Environment and Health Process and UNEP processes, and when implementing the Sustainable Development Goals;
- (n) Expressed its serious concern with regard to the report by NGOs on the lack of transparency and public participation in the implementation of the commitments of the Paris Agreement on climate change, and urged Parties to ensure that the principles of the Aarhus Convention were promoted effectively in climate-related decision-making;
- (o) Welcomed the progress made in promoting the Convention's principles in international forums, but recognized that more efforts were needed to enhance transparency and effective public participation in international environment-related decision-making;
- (p) 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;
- (q) Encouraged Parties to include NGO representatives in their respective delegations for the upcoming sessions of the Meetings of the Parties to the Convention and the Protocol.

VIII. Other substantive preparations for the sixth session of the Meeting of the Parties

A. Agenda for the sixth session

67. The Working Group of the Parties approved the draft provisional agenda for the sixth session of the Meeting of the Parties (ECE/MP.PP/WG.1/2017/L.8). The Working

Group requested the secretariat to finalize the provisional agenda in consultation with the Chair and to submit it to the Meeting of the Parties for consideration at the sixth session.

68. The Chair informed the Working Group that the Bureaux of the Convention and the Protocol, in cooperation with the host country, would deliberate in the coming months on the preparations for the thematic session of the joint high-level segment. She also called on Parties to encourage participation at the ministerial level.

69. The Working Group mandated the Bureau to finalize the programme for the high-level segment, in the light of the comments by members of the Working Group and in cooperation with the Bureau of the Protocol on Pollutant Release and Transfer Registers.

B. Programme of work for 2018–2021

70. The Chair recalled that, at its twentieth meeting, the Working Group of the Parties had considered a document containing draft elements of the work programme for 2018–2021. That document had subsequently been distributed to Parties and stakeholders for consultation. The Bureau had considered the comments received and prepared a revised version of the document, containing a draft decision on the work programme for 2018–2021 (ECE/MP.PP/WG.1/2017/L.5). The Chair invited the Working Group to consider and approve the future work programme of the Convention for 2018–2021, also in the light of the outcomes from previous agenda items.

71. Pursuant to the discussion, the Working Group approved the draft decision on the work programme for 2018–2021 and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

C. Financial arrangements under the Convention

72. The Working Group next considered a draft decision on financial arrangements under the Convention (ECE/MP.PP/WG.1/2017/L.6). The Chair recalled that, at its twentieth meeting, the Working Group had considered a document containing draft elements of possible financial arrangements under the Convention. That document had subsequently been distributed to Parties and stakeholders for consultation. The Bureau had considered the comments received on the draft decision, focusing its discussions on the topic on the different schemes for contributions (mandatory or voluntary) and the use of the United Nations scale of assessment as a reference for a future scheme of contributions. In addition, the Bureau considered whether to suggest an increase of the minimum level of contributions from \$500 to \$1,000. Having considered a number of arguments, the Bureau agreed to put forward for further consideration the document as amended by the Working Group at its twentieth meeting.

73. The Working Group of the Parties took note of the information provided by delegations. It was not able to reach a consensus on several parts of the text. Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the draft decision on financial arrangements under the Convention (AC/WGP-21/CRP.6/Rev.1) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

D. Reporting requirements

74. The secretariat informed the Working Group that, as of the time of the meeting, 31 Parties had submitted their national implementation reports for the 2017 reporting cycle

under the Convention, with 30 Parties submitting their reports before the official deadline. The secretariat reported on good practices of Parties with regard to reporting, including submitting the report in several official ECE languages and promoting the report to a wider audience.

75. The Working Group of the Parties took note of the information provided by the secretariat on the status of submission of national implementation reports for the 2017 reporting cycle. It called upon those Parties that had failed to submit their reports to date — i.e., Armenia, Bosnia and Herzegovina, Cyprus, Denmark, the European Union, France, Luxembourg, Malta, the Netherlands, Portugal, the Republic of Moldova, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom — to proceed with their submissions urgently, so as to ensure that their national implementation reports would be taken into consideration during the preparation of the synthesis report.

76. The Working Group welcomed the good practice of Germany, which had submitted its 2017 national implementation report in all three ECE languages, and also those of Kazakhstan and Turkmenistan, which had submitted reports in two ECE languages.

77. The Working Group then revised and approved, as amended at the meeting, the draft decision on reporting requirements (AC/WGP-21/CRP.7), and requested the secretariat to finalize it and submit it to the Meeting of the Parties for consideration at the sixth session.

E. Declaration

78. The Working Group considered the draft joint Budva declaration (ECE/MP.PP/WG.1/2017/L.7), which had been distributed to Parties and stakeholders for comments prior to its consideration by the Bureaux of the two Meetings of the Parties.

79. Pursuant to the discussion, the Working Group of the Parties approved, as amended at the meeting, the draft joint declaration by the Meeting of the Parties to the Convention and the Meeting of the Parties to the Protocol (AC/WGP-21/CRP.5/Rev.1). The Working Group mandated the Convention Bureau to finalize the text in cooperation with the Bureau of the Protocol, and to submit it for consideration by Parties to both instruments at the upcoming joint high-level segment.

IX. Practical preparations for the sixth session of the Meeting of the Parties

80. The host country⁶ and the secretariat briefed participants about the status of preparations for the sixth session of the Meeting of the Parties. The Working Group of the Parties took note of the information and expressed its appreciation to the host country for its efforts and the preparatory work presented.

X. Other business

81. Recalling commitments made through the Maastricht Declaration, the Working Group noted with concern allegations of non-compliance with article 3, paragraph 8, of the Convention reported by the European ECO Forum in connection with the recent

⁶ For more information, please see:
<http://www.unece.org/env/pp/aarhusmop6&prtrmopp3/main.html#/>.

widespread arrest and detention by the authorities in Belarus of peaceful protesters. Some of those protesters were from the same organization whose members had previously experienced problems when exercising their rights under the Convention, and which had submitted Communication ACCC/C/2014/102, currently under consideration by the Compliance Committee.

82. The Working Group also took note of the statement delivered by the representative of Belarus, explaining that the above events had no relevance to article 3, paragraph 8, of the Convention.

83. Several Parties requested that the issue not be discussed. Considering different opinions expressed in statements made by several Parties, several Parties requested the Bureau to look further into the extent to which the situation was relevant to the obligations of Belarus under the Aarhus Convention and if necessary to bring its concerns to the attention of the Government of Belarus.

84. Turning to other matters, the Working Group welcomed the willingness of Italy to organize an event in Italy in 2018 to celebrate the anniversary of the signing of the Aarhus Convention. It also took note of information provided by a representative of a Montenegrin NGO regarding environmental issues in Montenegro.

XI. Adoption of outcomes

85. 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, incorporating the adopted outcomes and decisions.
