

Economic Commission for Europe

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

Working Group of the Parties

Seventeenth meeting

Geneva, 26-28 February 2014

Item 7 of the provisional agenda:

Promotion of the principles of the Convention in international forums

At its 15th meeting (Geneva, 3-5 September 2013), the Working Group of the Parties agreed to invite Parties to each develop and implement a “national action plan to systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment, including those under the competencies of other ministries and not just the most high profile ‘purely environmental’ ones, and to report on the progress achieved to the next meeting of the Working Group”.¹

The Working Group also requested the secretariat, in consultation with the Chair of the thematic session on the promotion of the principles of the Convention in international forums, to develop a checklist of the measures to be borne in mind in the development of the above action plan.²

The draft checklist was presented at the 16th meeting of the Working Group of the Parties and was circulated to national focal points and stakeholders for comments. The final version set out below is intended to assist each Party to identify possible steps it might take to most efficiently and systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment in which it takes part. This checklist may also be used to report on progress achieved in implementing article 3, paragraph 7 of the Convention through national action plans that are already being or could be developed to systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment, including those under the competence of other ministries.

Checklist of measures to be borne in mind when developing a national action plan to systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment

**prepared by the secretariat,
in consultation with the Chair of the thematic session**

1. List all international forums dealing with matters relating to the environment in which your government takes part

Prepare a complete list of all international forums dealing with matters relating to the environment in which your government takes part. The list should include all international forums in which your government takes part of the following types:

- (a) The negotiation and implementation at the international level of MEAs, including decisions and actions taken under their auspices;
- (b) The negotiation and implementation at the international level of other relevant agreements, if decisions or actions undertaken at that level pursuant to such agreements relate to the environment or may have a significant effect on the environment;
- (c) Intergovernmental conferences focusing on the environment or having a strong environmental component, and their respective preparatory and follow-up processes at the international level;
- (d) International environmental and development policy forums; and

¹ Report of the fifteenth meeting of the Working Group of the Parties to the Aarhus Convention (ECE/MP.PP/WG.1/2012/2), para. 76 (b).

² Ibid., para. 76 (b).

- (e) Decision-making processes within the framework of other international organizations in matters relating to the environment.³

The list of international forums adopted by the Working Group of the Parties at its sixth meeting (Geneva, 5–7 April 2006) may be a helpful reference to assist you.⁴

It is important that the list is complete as possible. For those international forums covered by paragraphs (b), (d) and (e) above, you may wish to consult with officials from other ministries in order to identify the full list, for example national ministries responsible for agriculture, defence, economy, energy, fisheries, foreign affairs, forestry, infrastructure, mining, rural development, telecommunications, trade, transport and water etc.



2. Identify contact points for each international forum

For each of the international forums on the list, insert the contact details of the competent official(s) from your government responsible for that forum.



3. Prepare short information note on article 3, paragraph 7 and the Almaty Guidelines

Prepare a short information note on the Aarhus Convention, and article 3, paragraph 7, in your official national language(s) to be disseminated at a later point (see 4 below), together with the Almaty Guidelines, to the officials responsible for each of the international forums on your list.

The note should make clear that article 3, paragraph 7, is a legally binding obligation, and subject to potential compliance review before the Aarhus Convention's Compliance Committee. It should also include your contact details as national focal point for the Aarhus Convention.

Annex I to the draft checklist contains a sample information note which you are welcome to translate into your official national language(s) and disseminate to the officials responsible for each of the international forums on your list.



4. Carry out initial survey on article 3, paragraph 7

Prepare a short survey to be completed by all identified national contact points for the international forums on your list. Annex II to the draft checklist contains a survey template which you may wish to translate into your official national language(s) for national contact points to complete.

You may decide to invite the identified contact points to complete the survey in several ways. For example, you may wish to convene an expert meeting bringing together all identified national contact points and invite them to exchange in person about their existing knowledge and experiences with respect to promoting the principles of the Convention in international forums. Alternatively, you may decide to ask the identified contact points to simply complete the survey electronically. Each of these options is discussed further below.

(i) Expert meeting for identified contact points

If resources permit, convening an expert meeting to bring together all identified national contact points to discuss current national practice to promote public participation in international forums will provide for a much richer and deeper exchange than asking the contact points to complete the survey electronically. However, it will also obviously entail a greater time and resource commitment. If such an expert meeting is held, it would still be important at the start of the meeting to undertake a quick baseline analysis by asking

³ Almaty Guidelines, Decision II/4 (ECE/MP.PP/2005/2/Add.5), annex, para. 4.

⁴ List of international forums (ECE/MP.PP/WG.1/2006/2/Add.2), available at http://www.unece.org/fileadmin/DAM/env/documents/2006/pp/ece_mp_pp_wg_1_2006_2_add_2_e.pdf

each contact point to complete the short survey in annex II. The expert meeting itself should provide an opportunity for contact points to share their own experiences of promoting public participation (or not) in the international forums in which they take part. It is hoped that such an exchange will promote the cross-fertilization of ideas and good practices for promoting public participation. At the end of the meeting, it would be useful to provide each contact point with the information note (see annex I) on article 3, paragraph 7 to retain as a future quick reference aid.

(ii) Electronic survey

If it is decided to conduct the initial survey electronically, rather than through an expert meeting, there should be a clear deadline for the completion of the survey specified in the invitation to the responsible national officials. If necessary, reminders should be sent. In order to minimise correspondence and processing, Aarhus national focal points may wish to place the survey on an online portal, and invite respondents to complete the survey online.

If national protocol means it is not possible for Aarhus national focal point to address the contact points of international forums under the competence of other ministries directly, the Minister for Environment may need to contact his/her fellow Ministers for this purpose, clearly identifying which international forums' national contact points under those ministries' attention you seek to address.

Together with the acknowledgement of receipt of each contact's point completed survey form, send the information note (see annex I) on article 3, paragraph 7, inviting the contact point to retain it as a future quick reference aid.



5. Evaluate the outcomes of the initial survey

Following the expert meeting, or upon the expiration of the electronic survey's deadline, compare against your national list of international forums which international forums' officials have completed the survey and which did not. For those which did not complete the survey, send an electronic reminder for them to do so with a clear deadline.

Prepare a summary report of the outcomes of the initial survey. The summary report may specify for which international forums:

- (i) The competent national officials were not aware of the Aarhus Convention and/or what it addresses;
- (ii) The competent national officials were not aware of the obligation in article 3, para. 7;
- (iii) The competent national officials were not aware of the Almaty Guidelines;
- (iv) The competent national officials did not report any concrete actions that they have taken or are taking to implement article 3, para. 7;
- (v) The competent national officials did not consider article 3, paragraph, to be relevant for their work (and if so, why).

The summary report will be important for preparing your future reports to the Working Group of the Parties (see 7 below).



6. Optional additional capacity-building

If resources permit, you may wish to organize further training(s) for national contact points whose survey responses had indicated a lack of awareness of article 3, paragraph 7 and the Almaty Guidelines. Such trainings might be organized in the form of in-house trainings per relevant ministry, or as national trainings for officials responsible for international forums across all relevant ministries. You may wish to approach organizations involved in training and capacity-building, e.g. Aarhus Centres and Regional Environmental Centres if established in your region, to invite their assistance to organize such trainings.



7. Reporting to the Working Group of the Parties

Please send to the Aarhus Convention secretariat (aarhus.survey@unece.org), a brief report covering the following:

- (i) The complete list of international forums dealing with matters relating to the environment in which your government takes part (see 1 above);
- (ii) The summary report of the outcomes of the survey (see 5 above);
- (iii) The capacity-building actions carried out, including which international forums' national contact points were included in the capacity-building (see 4 and 6 above);
- (iv) Any proposed future actions.

Annex I: Sample information note on the Aarhus Convention and its article 3, paragraph 7

Information note on the Aarhus Convention and [insert your country's name] obligation to promote access to information, public participation and justice in international forums in matters relating to the environment

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) grants the public rights, and imposes on governments and their public authorities, obligations concerning access to information, public participation and access to justice regarding environmental matters. In so doing, it links government transparency and accountability with environmental protection and makes clear that sustainable development can only be achieved through the involvement of all stakeholders.

The Aarhus Convention was adopted in 1998 in the city of Aarhus, Denmark, and entered into force on 1 October 2001. To date, 46 countries from the UNECE region are party to the Convention and it is open globally. [Insert your country name] has been a Party since [insert date].

While the Aarhus Convention primarily addresses issues at the national level, article 3, paragraph 7, of the Convention contains a binding obligation upon Parties to “promote the application of the principles of this Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment”. The full text of the Aarhus Convention is available at <http://www.unece.org/env/pp/treatytext.html>

To assist Parties with meeting this obligation, at their second meeting (Almaty, 25-27 May 2005), Parties to the Convention adopted a set of guidelines on promoting the principles of access to information, public participation in decision-making and access to justice in international forums dealing with matters relating to the environment. These Guidelines, known as the Almaty Guidelines, are available at <http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf>

If a Party fails to meet its obligations under the Convention, the Convention's compliance review mechanism allows members of the public, as well as States, to bring issues regarding that Party's compliance before the Aarhus Convention Compliance Committee.

For further information, please contact:

[Insert your name and contact details], Aarhus Convention national focal point

Annex II: Survey template

1. What international forum(s) dealing with matters relating to the environment do you take part in?
2. Are you aware that [*insert your country's name*] is a party to the Aarhus Convention?
 Yes No
3. Can you briefly explain (in one sentence) what the Aarhus Convention is about?
4. Are you aware of the obligation in article 3, paragraph 7 of the Aarhus Convention to promote the application of the principles of that Convention in all international forums dealing with matters relating to the environment?
 Yes No
5. Are you familiar with the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in international forums?
 Yes No
6. If so, please list some concrete actions you have taken or are taking on an ongoing basis to comply with that obligation in the international forum(s) in which you take part.
7. If you have not taken any concrete actions to comply with article 3, paragraph 7, or you do not consider this relevant to your work, please explain very briefly why not.