

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

Promotion of the principles of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) in international forums

QUESTIONNAIRE ON THE AARHUS CONVENTION'S ALMATY GUIDELINES

Background

The aim of this questionnaire is to provide an overview of the experiences of the ECE multilateral environmental agreements (MEAs) in addressing the issues covered by the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums. It draws on the consultation process with international forums carried out between June 2006 and July 2007 (available at: http://www.unece.org/env/pp/ppif.html#consultation_2). ECE MEA secretariats are kindly requested to provide updates to the answers they provided during the previous consultation process by filling in the respective tables and by providing any additional information they may consider relevant.

Please note that the term “the public” is used throughout the questionnaire to mean one or more natural and legal persons, including non-governmental organizations. More specific indications of points that may be relevant to the questionnaire are provided by the Almaty Guidelines themselves, available at

<http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf>

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Answering the questionnaire may require selection of a limited number of elements amongst what is often a complex field of rules and practice. To support or complement your answer, please feel free to provide existing relevant documentation about your forum.

Kindly submit your responses to the questionnaire before **10 February 2014**.

Thank you for your kind cooperation!

Remark: This questionnaire has been completed by the CLRTAP secretariat to the best of its knowledge.

I. RULES, PROCEDURES AND PRACTICES

Does your treaty have any rules, procedures and practices concerning access to information, public participation, and access to justice in environmental matters?

Please consult answers on your MEA to 2006 consultation process to provide the necessary updates in the narrative summary and to complete the tables below.

A. Narrative summary:

All official documents for the sessions of the Executive Body, the EMEP Steering Body, the Working Group on Effects and the Working Group on Strategies and Review under the Convention on Long-range Transboundary Air Pollution are made available on the Convention's website. In addition, a number of informal documents for such sessions are also posted on the respective webpages. In addition to promptly responding to information requests, the secretariat has taken a number of actions for improving the usability and the content of the Convention's website, both in the interest of the Parties and the wide public.

It should also be mentioned that the 1998 Protocol on Persistent Organic Pollutants and the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol) both have articles on public awareness (articles 6 and 5 respectively) that indicate that their Parties shall promote the provision of information to the public on, for example, the emissions of substances, effects, management options, alternatives. In the amendments to both Protocols, adopted by the Executive Body in 2009 for the Protocol on POPs and in 2012 for the Gothenburg Protocol, these articles have been retained.

The Executive Body has taken decisions on making certain data, held by the Convention's international centres or by the secretariat, publicly available; sometimes this is in the form of simple rules, sometimes by simple decision. The national reports by Parties with their emissions data submitted annually, for example, are publicly available on the website of the Centre on Emission Inventories and Projections (www.ceip.at).

B. Access to information

1. Access to documents

	YES	NO	Comments
Your MEA has adopted rules of procedure dealing with access to information or has an official access to information policy (If so, please provide a link to rules of procedure or policy)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
All official documents are publicly available on the website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
All informal documents made available to Parties are publicly available on the website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
All draft documents made available to Parties are publicly	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

available on the website			
All documents (official, informal and draft) are made available to “the public”, including NGOs, either at the same time as to Parties or sufficiently early	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All official and informal documents are made available to “the public”.
Some documents are not publicly available, but are available upon request (If so, please specify which types of documents, and on what grounds will they be made available)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Access to documents is restricted (If so, please specify the grounds for restriction/access)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Documents related to the potential non-compliance by Parties for considerations of members of the Implementation Committee are available on a password-protected “member’ area” of the CLRTAP website accessible to Implementation Committee members only.
Certain documents remain confidential (If so, please specify which types of documents, and on what grounds is confidentiality asserted)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paragraph 4 of the Executive Body decision 2012/25 on the structure and functions of the Implementation Committee states that the Committee shall ensure the confidentiality of any information that has been provided to it in confidence. The documents submitted by Parties on their (potential) non-compliance and related correspondence with the secretariat, the minutes and considerations by the Implementation Committee as well as a number of reference documents prepared by the secretariat are not made public.

2. Information-sharing

What methods does your MEA use to share information with, and increase the awareness of, “the public” about its processes and the issues it addresses? Please answer through the table below.

	YES	NO	Comments
Official reports of meetings under the MEA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Preparing official publications (in electronic or paper form)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Preparing unofficial publications (e.g. brochures) (in electronic or paper form)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Press releases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Information videos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Media interviews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Side events at meetings of other instruments/processes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Roundtables and workshops	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Social media	<input type="checkbox"/>	<input checked="" type="checkbox"/>	To date, social media has not been utilized to communicate about CLRTAP to the public.

			However, the 2014-2015 workplan contains an item on the use of social media platforms, as appropriate, to raise awareness of the Convention and social media platforms.
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

C. Public participation

	YES	NO	Comments
Your MEA's rules of procedure address the participation of "the public" in its processes (If so, please provide a link to rules of procedure)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	According to Rule 16, paras. 2 and 3 of the Rules of Procedure "Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the secretariat of its wish to be represented at a session as an observer, may be so admitted, unless at least one third of the Parties present at the session object. Such observers may, upon the invitation of the Chair, participate in the proceedings of any session in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the session object."
Any member of "the public" can vote on any agenda item without any restrictions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	According to rule 16, para. 4 of the RoP, "Observers entitled to participate in sessions pursuant to this rule do not have the right to vote at such sessions."
Any member of "the public" can provide written comments on any agenda item without restrictions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Any member of "the public" can speak on any agenda item (subject to time restraints)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See Rule 16 of the Rules of Procedure
Any member of "the public" can participate on any agenda item as an observer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See Rule 16 of the Rules of Procedure.
Your MEA has a process of accreditation before observers are permitted to take part in its processes (If so, please outline the criteria and process of accreditation and provide a link to where it is explained on your website)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	According to Executive Body decision 2006/11, each NGO with UN accreditation will have access to meetings under CLRTAP. In addition, any other body and agency can apply for accreditation, qualified in matters governed by the Convention at least 60 days before the start of the meeting. The Bureau, advised by the secretariat, will then make a recommendation for accreditation to the Executive Body which will decide on accreditation at the beginning of its session. This decision

			has not been applied since the adoption of the Rules of Procedure in view of its Rule 16 on “Observers”.
Only accredited members of “the public” can participate with voting rights	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Only Party representatives with the necessary credentials can vote. (see Rule 29 of the Rules of Procedure)
Only accredited observers can provide written comments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no formal process or restrictions under CLRTAP regarding the provision of written comments.
Accredited members of “the public” can participate as observers but have no voting rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	For the conditions of such participation, see Rule 16 of the Rules of Procedure on “Observers”
Travel assistance is provided to facilitate participation of a number of members of “the public” at official meetings. If yes, which (e.g. NGOs, academia)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Travel assistance is only provided to facilitate the participation of representatives nominated by Governments of Eastern Europe, the Caucasus and Central Asia, in line with Executive Body Decision 2006/13.
Accredited observers, including NGOs, can organize side events at meetings of the MEA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In principle, members of the public can organize side events. Since the Executive Body meets annually, no side events have been organized in its framework in recent years.
Any member of “the public”, including NGOs, can organize side events at meetings of the MEA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See above
Stakeholder dialogues, virtual/email consultations and discussion forums are regularly held to elicit the views of “the public”, including NGOs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
“The public”, including NGOs, is invited to, and do, take an active role in supporting implementation of the MEA’s programme of work	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Convention’s programme of work is implemented by the main responsible entities, in addition to the secretariat, such as the different Convention subsidiary bodies, centres and expert groups.
Other (please outline any other ways in which “the public”, including NGOs, is encouraged to participate in the processes and substantive work of your MEA)	<input type="checkbox"/>	<input type="checkbox"/>	

D. Access to justice

For a useful, quick reference to assist you in answering the questions below, you may wish to check the overview prepared for the first informal network of the Chairs of compliance/implementation bodies under the Multilateral Environmental Agreements (Geneva, 25 March 2013), available at: http://www.unece.org/fileadmin/DAM/env/pp/compliance/CC-40/Network_of_Chairs_meeting_Background_paper_FINAL.pdf

	YES	NO	Comments
Your MEA has a compliance mechanism (e.g. compliance committee or implementation committee)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
The compliance mechanism meets entirely in open to “the public” session	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Implementation Committee meets in closed session with its 9 members and the secretariat.
The compliance mechanism holds some sessions in open session	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Implementation Committee meets in closed session with its 9 members and the secretariat.
All documents submitted to/issued by the compliance body are publicly available on the website	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Some documents submitted to/issued by the compliance body are publicly available on the website (if so, please specify which types of documents)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The report by the Implementation Committee to the Executive Body and the draft recommendations prepared once annually are publicly available on the website.
Documents submitted to/issued by the compliance body are available to “the public” upon request (if so, please specify which types of documents, or if all documents)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Accredited observers (e.g. any accredited member of “the public”, including NGOs) can nominate members of the compliance body for election	<input type="checkbox"/>	<input checked="" type="checkbox"/>	As per the Terms of Reference of the Implementation Committee (Executive Body Decision 2012/25, see ECE/EB.AIR/113/Add.1), it consists of representatives of the Parties.
Any member of “the public”, including NGOs can nominate members of the compliance body for election	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any member of “the public” can trigger the compliance mechanism	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any member of the public can submit information for the consideration of the compliance mechanism	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any additional information			

II. CURRENT AND FUTURE WORK PLANS

Are there any current or future work plans of your MEA that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters?

Please consult answers on your MEA to 2006 consultation process to provide the necessary updates in the narrative summary and to complete the tables below.

A. Narrative summary:

There is forthcoming work under CLRTAP with regard to enhancing communication and outreach, in line with the 2014-2015 workplan, to raise public awareness of the Convention and overall visibility of air pollution issues. This work encompasses managing the Convention’s website as the main channel for communication to the public and to add non-technical content understandable to the general public to the website. In this spirit, most recently, information on national focal points, i.e. Heads of Delegations to the Executive Body, has been made publicly available on the website.

B. Access to information

	Current work plan		Future work plan		Comments
	YES	NO	YES	NO	
Proposal to develop rules of procedure or information policy or other relevant decision (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Proposal to develop communication strategy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	An ad hoc group of experts on the Action Plan for the implementation of the Long-term Strategy for the Convention had made recommendations on communication in 2012. Some of these recommendations have been taken up in the 2014-2015 workplan (see narrative above).
Actions to improve management of environmental information	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are forthcoming actions to further improve the website in the 2014-2015 workplan.
Proposal to revise website to improve public access to information	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See above
Review of treaty provisions relating to access to information (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Amendments to the three latest protocols had been negotiated over the past approx. 6 years and completed in 2012.
Other plans to increase public access to information (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other plans to reduce public access to information (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

C. Public participation

	Current work plan		Future work plan		Comments
	YES	NO	YES	NO	

Plans to increase public participation in the processes and substantive work of your MEA (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Plans to reduce public participation in the processes and substantive work of your MEA (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Review of treaty provisions concerning public participation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Review of accreditation rules	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Review of rules of procedure or other relevant decision concerning role of observers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Measures to increase participation of:	Environmental NGOs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Marginalised or vulnerable groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Women	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Youth	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Indigenous peoples	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Business	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Other groups (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Plans to introduce financial support for public to participate in MEA processes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other plans to increase public participation (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other plans to reduce public participation (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

D. Access to justice

	Current work plan		Future work plan		Comments
	YES	NO	YES	NO	
Review of rules/modus operandi of compliance procedure to increase access to information/public participation in the compliance procedure (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Decision 2012/25 on improving the functioning of the Implementation Committee had been adopted by the Executive Body in December 2012. There are currently no plans to review the Terms of Reference of the Implementation Committee in which representatives of the Parties serve as members.
Review of rules/modus operandi of compliance procedure to reduce access to information/public participation in the compliance procedure (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

III. CHALLENGES

In particular, what kind of challenges, if any, has your MEA encountered with regard to access to information, public participation in decision-making and access to justice in environmental matters (for example, low interest from “the public”, or practical difficulties in managing public participation)? Please provide any additional comments that you think might be useful for Aarhus Convention Parties to bear in mind when considering how to implement their obligation to promote public participation in international forums .

Please consult answers on your MEA to 2006 consultation process to provide the necessary updates in the narrative summary and to complete the tables below.

A. Narrative summary:

The technical nature of the considerations in the framework of CLRTAP intergovernmental meetings do not always easily attract public interest. A small number of NGOs have expressed interest and have been accredited to attend meetings in the past. Providing access to information through the internet and through publications has proved an effective mechanism for informing the public. With regard to public participation in compliance review, the Executive Body has recently adopted decision 2012/25 on improving the functioning of the Implementation Committee which does not provide for such participation.

B. Challenges regarding access to information

	YES	NO	Comments
Limited interest from members of “the public”, including NGOs	<input type="checkbox"/>	<input type="checkbox"/>	
Lack of political will by Parties	<input type="checkbox"/>	<input type="checkbox"/>	
Public access to information is a lower priority issue for Parties	<input type="checkbox"/>	<input type="checkbox"/>	
No rules or policy concerning access to information in place	<input type="checkbox"/>	<input type="checkbox"/>	
Parties have concerns regarding public disclosure of information (Please specify e.g. confidential business information, national security etc)	<input type="checkbox"/>	<input type="checkbox"/>	
Language barriers (Please specify regarding which languages)	<input type="checkbox"/>	<input type="checkbox"/>	
Limited resources to translate documents		<input type="checkbox"/>	
Low levels of internet access	<input type="checkbox"/>	<input type="checkbox"/>	
Low literacy	<input type="checkbox"/>	<input type="checkbox"/>	
Lack of infrastructure for data generation	<input type="checkbox"/>	<input type="checkbox"/>	
Lack of infrastructure for data analysis	<input type="checkbox"/>		
Lack of infrastructure for data dissemination	<input type="checkbox"/>	<input type="checkbox"/>	
Other challenges (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

C. Challenges regarding public participation

	YES	NO	Comments
Limited interest from “the public”, including NGOs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lack of political will by Parties	<input type="checkbox"/>	<input type="checkbox"/>	
Public participation is a lower priority issue for Parties	<input type="checkbox"/>	<input type="checkbox"/>	
No rules or procedures in place regarding public participation	<input type="checkbox"/>	<input type="checkbox"/>	
Lack of clarity of rules or procedures on public participation	<input type="checkbox"/>	<input type="checkbox"/>	
Level of interest from members of “the public”, including NGOs, too high to manage effectively	<input type="checkbox"/>	<input type="checkbox"/>	
Limited capacities of members of “the public”, including NGOs, to participate effectively (If so, please specify in which respects)	<input type="checkbox"/>	<input type="checkbox"/>	
Reconciling perspectives of various stakeholders is difficult	<input type="checkbox"/>	<input type="checkbox"/>	
Language barriers prevent effective participation (Please specify regarding which languages)	<input type="checkbox"/>	<input type="checkbox"/>	
Concerns regarding public disclosure of confidential or sensitive information if “the public”, including NGOs, were to participate in meetings etc. (Please specify what types of confidential information, e.g. for national security, confidential business information etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Risk of disruptive public participation	<input type="checkbox"/>	<input type="checkbox"/>	
Limited financial resources to ensure wide public participation	<input type="checkbox"/>	<input type="checkbox"/>	
Difficulties in identifying the public concerned	<input type="checkbox"/>	<input type="checkbox"/>	
Difficulties in verifying whether members of “the public”, including NGOs, actually represent the public concerned	<input type="checkbox"/>	<input type="checkbox"/>	
Difficulties in facilitating participation of marginalized or special interest groups	<input type="checkbox"/>	<input type="checkbox"/>	
Insufficient timeframes in meetings to enable effective public participation	<input type="checkbox"/>	<input type="checkbox"/>	
Outcomes of public participation often not taken into account in decision-making under the MEA	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

D. Challenges regarding public participation in compliance review

	YES	NO	Comments
No legal basis for public participation in compliance review	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lack of political will from Parties to promote public participation in compliance review	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There have been concerns about electing a member of the Implementation Committee, nominated by the authorities, because of the nominee’s involvement with an NGO (see ECE/EB.AIR/113, paras. 56-59 and 60(c))
Limited interest of “the public”, including NGOs, to be involved in compliance review	<input type="checkbox"/>	<input type="checkbox"/>	
Lack of public awareness of opportunities to be involved in compliance review	<input type="checkbox"/>	<input type="checkbox"/>	
“The public”, including	<input type="checkbox"/>	<input type="checkbox"/>	

NGOs, lacks capacity to be involved in compliance review			
Limited financial resources to involve “the public”, including NGOs, in compliance review	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)			

IV. COMMENTS

Please consult answers on your MEA to the 2006 consultation process and provide any comments on the Almaty Guidelines, in view of your treaty’s own processes, activities and particular characteristics: