

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>

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!

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:

The Parties to the Industrial Accidents Convention at their first meeting (Brussels, 22- 24 November 2000) adopted the rules of procedure for their meetings as set out in ECE/CP.TEIA/3. The participation of representatives of international non-governmental organizations in meetings of the Conference of the Parties (CoP) and their access to information is governed by rules 6 and 7 under the subchapter “observers”. Their participation in decision-making is governed by rule 8.

All official and non-official documents of the CoP and its subsidiary bodies as well as information provided by the secretariat is publicly available on the Convention’s website. Information concerning hazardous activities is maintained by the secretariat. Access to it according to the decision of the Parties to the Convention is limited to their competent authorities. Security issues are among the major concerns.

Provision of information concerning a hazardous activity to the potentially affected public (before and during an accident), its participation in decision-making on off-site contingency plans, as well as access to justice, are addressed by the Industrial Accidents Convention. Their implementation is reviewed by the Working Group on Implementation.

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 available on the website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	
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 type="checkbox"/>	
Access to documents is restricted (If so, please specify the grounds for	<input checked="" type="checkbox"/>	<input type="checkbox"/>	National implementation reports are treated as

restriction/access)			confidential. There is ongoing discussion on whether the reports should become publicly available.
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"/>	See above

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			
Media interviews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Side events at meetings of other instruments/processes	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	http://www.unece.org/fileadmin/DAM/env/documents/2001/teia/ece.cp.teia.3.pdf
Any member of “the public” can vote on any agenda item without any restrictions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any member of “the public” can provide written	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

comments on any agenda item without restrictions			
Any member of “the public” can speak on any agenda item (subject to time restraints)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any member of “the public” can participate on any agenda item as an observer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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"/>	<p>Rule 7</p> <p>1. The secretariat shall notify international non-governmental organizations that have special qualifications with regard to matters relating to the Convention and have informed the secretariat of their wish to participate of any meeting held in public, so that they may be represented as observers.</p> <p>2. The Conference of the Parties may approve the admission of representatives of international non-governmental organizations that have special qualifications with regard to matters relating to the Convention as observers to its meetings held in private. It may similarly terminate any such approval.</p> <p>Rule 8</p> <p>Such observers may participate in the meetings without the right to make decisions or to vote.</p>
Only accredited members of “the public” can participate with voting rights	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Only accredited observers can provide written comments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Accredited members of “the public” can participate as observers but have no voting rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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"/>	
Accredited observers, including NGOs, can organize side events at meetings of the MEA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any member of “the public”, including NGOs, can organize side events at meetings of the MEA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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"/>	
Other (please	<input type="checkbox"/>	<input type="checkbox"/>	

outline any other ways in which “the public”, including NGOs, is encouraged to participate in the processes and substantive work of your MEA)			
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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"/>	<p>The Working Group on Implementation is the body established by the Conference of the Parties to review implementation. It consists of a maximum of ten members representing Parties to the Convention who serve for one term (i.e. one intersessional period) and may be re-elected. The Group elects its own Chair and Vice-Chair for the period.</p> <p>The main purpose of the WGI is to promote international cooperation, information and technology-sharing. The WGI:</p> <ul style="list-style-type: none"> (i) Monitors implementation and reports to the COP; (ii) Reviews the national implementations reports, submitted by Parties and non-Parties participating in the Assistance Programme under the Convention (States interested in becoming Parties are also expected to submit a report), and prepares an overall report; (iii) Assists the Bureau in facilitating implementation and/or ratification of the Convention by UNECE member States; (iv) Monitors the Strategic Approach (i.e. implementation of the Assistance Programme) and the review of self-assessments and action plans; (v) Carries out any other task at the request of the COP. <p>The WGI does not consider compliance by</p>

			Parties, but only makes general observations on the Parties' responses to the questionnaire on implementation. The periodic review of implementation identifies those Parties that completed the questionnaire and those that did not. It also makes observations about other countries' completed questionnaires, or rather absence thereof, as these countries committed also to report on implementation even though not party. Otherwise the WGI names countries to identify successes or difficulties, but without putting their compliance in question.
The compliance mechanism meets entirely in open to "the public" session	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
The compliance mechanism holds some sessions in open session	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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"/>	Minutes of the WGI Meetings
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"/>	
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:

The Working group on the development of the Convention was requested by the 7th Conference of the Parties (CoP) (14 - 16 November 2012, Stockholm), to evaluate the possible amendment of the Convention to address a number of other provisions and issues, including strengthened rights for the public, in terms of information, public participation in decision-making and access to justice, in line with Aarhus Convention. It is anticipated that the CoP would then prioritize issues at its next, eighth, meeting in autumn 2014 with a view to adopting an amendment at its ninth meeting in autumn 2016.

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 type="checkbox"/>	
Proposal to develop communication strategy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Actions to improve management of environmental information	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Proposal to revise website to improve public access to information	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Review of treaty provisions relating to access to information (If so, please specify)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The WGD is requested by the 7 th Conference of the Parties (CoP) to evaluate the possible amendment of the Convention to address a number of other provisions and

					issues, including strengthened rights for the public, in terms of information, public participation in decision-making and access to justice, in line with Aarhus Convention. It is anticipated that the CoP would then prioritize issues at its next, eighth, meeting in autumn 2014 with a view to adopting an amendment at its ninth meeting in autumn 2016.
Other plans to increase public access to information (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See answer to B.
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 type="checkbox"/>	
Review of treaty provisions concerning public participation		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See answer to B.
Review of accreditation rules		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	
Measures to increase participation of:	Environmental NGOs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Marginalised or vulnerable groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Women	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Youth	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Indigenous peoples	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Business	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Other groups (please	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	specify)					
Plans to introduce financial support for public to participate in MEA processes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Other plans to increase public participation (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Other plans to reduce public participation (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See answer to B.
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 type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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:

B. Challenges regarding access to information

	YES	NO	Comments
Limited interest from members of “the public”, including NGOs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lack of political will by Parties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Public access to information is a lower priority issue for Parties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
No rules or policy concerning access to information in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Parties have concerns regarding public disclosure of information (Please specify e.g. confidential business information, national security etc)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Language barriers (Please specify regarding which languages)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Limited resources to translate documents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Low levels of internet access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Low literacy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lack of infrastructure for data generation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lack of infrastructure for data analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lack of infrastructure for data dissemination	<input checked="" 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 checked="" type="checkbox"/>	
Public participation is a lower priority issue for Parties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
No rules or procedures in place regarding public participation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lack of clarity of rules or procedures on public participation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Level of interest from members of “the public”, including NGOs, too high to manage effectively	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Limited capacities of members of “the public”, including NGOs, to participate effectively (If so, please specify in which respects)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Reconciling perspectives of various stakeholders is difficult	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Language barriers prevent effective participation (Please specify regarding which languages)	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
Risk of disruptive public participation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Limited financial resources to ensure wide public participation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Difficulties in identifying the public concerned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Difficulties in verifying whether members of “the public”, including NGOs, actually represent the public concerned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Difficulties in facilitating participation of marginalized or special	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

interest groups			
Insufficient timeframes in meetings to enable effective public participation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Outcomes of public participation often not taken into account in decision-making under the MEA	<input type="checkbox"/>	<input checked="" 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"/>	
Limited interest of “the public”, including NGOs, to be involved in compliance review	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lack of public awareness of opportunities to be involved in compliance review	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
“The public”, including NGOs, lacks capacity to be involved in compliance review	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Limited financial resources to involve “the public”, including NGOs, in compliance review	<input checked="" 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: