

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

Nineteenth meeting

Geneva, 17–19 June 2015

Item 4 (b) of the provisional agenda

Procedures and mechanisms: capacity-building and awareness-raising

REPORT ON THE NINTH AARHUS CONVENTION CAPACITY-BUILDING COORDINATION MEETING¹

Prepared by the secretariat in cooperation with partner organizations

I. Introduction

1. The ninth meeting of the Aarhus Convention capacity-building coordination was held in Geneva on 25 February 2015. The meeting aimed to discuss the progress in capacity-building activities and to consider priorities for the future work in the light of the key outcomes of the latest sessions of the Meetings of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and to the Protocol on Pollution Release and Transfer Registers (PRTRs), held in Maastricht on 30 June - 4 July 2014. Furthermore, the participants also considered activities related to principle 10 of the Rio Declaration on Environment and Development (Rio Declaration).

2. The meeting was chaired by Ms. Ella Behlyarova, Secretary to the Aarhus Convention and the Protocol on PRTRs, United Nations Economic Commission for Europe (UNECE). UNECE also provided the secretariat services for the capacity building coordination meeting. The representatives of the following organizations were present at the meeting: Ms. Barbara Ruis, United Nations Environment Programme (UNEP), Ms. Yuri Saito, United Nations Institute for Training and Research (UNITAR), Ms. Esra Buttanri, Organization for Security and Co-operation in Europe (OSCE) and Ms. Ms. Elmira Dzhumakadyrova, OSCE Centre in Bishkek; Ms. Kaidi Tingas and Ms. Magdolna Tothne Nagy, Regional Environmental Center for Central and Eastern Europe (REC); Ms. Nune Harutyunyan, Regional Environmental Center Caucasus; Ms. Mara Silina, European Environmental Bureau (EEB)/European ECO Forum; Mr. Nickolai Denisov, Zoi Environment Network; and Ms. Dshkhuhi Sahakyan, NGO "Environmental survival". Ms. Adriana Gheorghe, European Environmental Agency (EEA), was connected to the meeting through the video-link.

3. The secretariat presented the key documents adopted by the Meetings of the Parties and recently published material that could guide and support capacity-building activities in different work areas.

4. The following documents served as a basis for the discussion: decision V/5 on the Strategic Plan for 2015-2020, decision V/6 on the work programme for 2015-2017 and other decisions adopted by the Meeting of the Parties at its fifth session (ECE/MP.PP/2014/2/Add.1)².

¹ This document was not formally edited.

² Available from http://www.unece.org/env/pp/aarhus/mop5_docs.html (See post-session documents)

5. Specific capacity-building activities carried out by partner organizations are detailed in the report on capacity-building (ECE/MP.PP/2014/7) and its accompanying document (AC/MOP-5/Inf.1) submitted to the fifth session of the Meeting of the Parties to the Convention (Maastricht, the Netherlands, 30 June – 2 July 2014)³.

II. Aarhus Convention

1. Access to information

6. UNECE informed that the current focus of access to information activities was placed on the scope of environmental information, the provision of environmental information by different public authorities, associated costs, the quality and comparability of the environmental information as well as the application of restrictions on access to environmental information in accordance with the Convention, dissemination of the priority types of information identified in Decision II/3 and the development of the shared environmental information system (SEIS). Activities could include trainings, assisting in developing a one-stop-shop portals, using the best experiences of e-government, Open Government Data, Public Re-use of Information, INSPIRE, GEOSS and other similar processes and assisting in establishing Aarhus (web) national nodes.

7. The following material could be used to support capacity-building activities in this area: relevant findings of the Compliance Committee of a systemic nature⁴, the Recommendations on the more effective use of electronic information tools to provide public access to environmental information (Decision II/3)⁵, the Summary report on the assessment of the implementation of the above mentioned recommendations and its accompanying document⁶, the Maastricht Recommendations on Public Participation in Decision-making in Environmental Matters⁷, the jurisprudence database⁸, the Implementation Guide⁹ and the Quick Guide¹⁰.

8. EEA informed about launching the EU state of environment report and the preparations for a new project dedicated to the development of SEIS in countries covered by European Eastern- and South- neighbourhood programmes. Data policy development and the sustainability of the capacity-building projects in countries remained crucial.

9. REC and the European ECO Forum referred to their cooperation within Access to All Initiative, which is a part of the Eye on Earth Initiative and includes various projects addressing also the public access to information aspect.

10. Some projects in this area facilitate crowdsourcing of environmental information and “maptivism”, i.e. using maps for social activism, transparency and engagement.

11. Zoi Environment Network informed about the outcomes of projects - in which the organisation participates - for introducing SEIS in the EU's European Neighbourhood countries (ENPI SEIS East) and Central Asia (FLERMONECA). The projects i.e. aim to assist the establishment of data flows for core indicators adopted by the UNECE Working Group on Environmental Monitoring and Assessments. Part of the mentioned ENPI project is dedicated to the development of a pilot interface for the one-stop-shop portal with environmental information regarding Lake Sevan in Armenia (SEIS-Sevan).

12. REC informed that access to information was integrated in its project activities in other areas, e.g. in the project “Supporting Environmental Civil Society Organisations” (SECTOR) in Belarus and Moldova (SECTOR) providing the grant opportunities and training for NGOs in this area.

13. Partner organizations highlighted the importance of spatial component of environmental information and agreed to facilitate the cooperation between national focal points dealing with the Aarhus Convention, Protocol on PRTRs, SEIS and e-government, Open Government Data, Public Re-

³ Available from http://www.unece.org/env/pp/aarhus/mop5_docs.html (See Category II documents)

⁴ E.g. see document AC/TF.AI-3/Inf.2 available in English from <http://www.unece.org/env/pp/aarhus/tfai3.html#/>

⁵ See document ECE/MP.PP/2005/2/Add.4 available in English, French and Russian from <http://www.unece.org/env/pp/mop2/mop2.doc.html#/>

⁶ See document ECE/MP.PP/WG.1/2014/4 and its accompanying document (AC/TF.AI-2/Inf.2/Add.1) available from <http://www.unece.org/index.php?id=31711#/>

⁷ See document ECE/MP.PP/2014/2/Add.2 (Chapter H, Part II) available in English, French and Russian from http://www.unece.org/env/pp/aarhus/mop5_docs.html#/ (Post-session document)

⁸ Available from <http://www.unece.org/env/pp/tfaj/jurisprudenceplatform.html>

⁹ Available from <http://www.unece.org/index.php?id=35869&L=0>

¹⁰ Available from <http://www.unece.org/index.php?id=35452&L=0>

use of Information, INSPIRE, GEOSS and other similar processes in advancing access to environmental information in the countries.

2. Public participation in decision-making

14. UNECE pointed out that ensuring effective public participation in decision-making still remains a challenge. The following thematic focus received a priority for the current intersessional period: sustainable development; climate change; energy; extractive sector; chemicals; emerging technologies (e.g., nanotechnology); and product-related decision-making.

15. Capacity-building activities in this area can include developing training programmes or conducting trainings at the national and subregional levels for public officials to cover articles 6, 7 and 8 of the Convention; assisting in improving legislation; conducting research with a view of collecting good practices and practical means of promoting more effective public participation, and assisting in developing e-participation tools and improving access through Internet to information related to the decision-making procedure (especially environmental impact assessment, strategic environmental assessment, permitting and licenses as well as state environmental *expertiza*).

16. The participants were informed about material produced within the framework of the Convention that could be used to support capacity-building in this area, in particular, the recently released Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters¹¹. In addition, Good practice recommendations on public participation in strategic environmental assessment under the Protocol on Strategic Environmental Assessment to the Espoo Convention¹² and the Guide to Public Participation under the Protocol on Water and Health¹³ could be used for activities in these areas. Aarhus Good Practice online database is currently being developed.

17. Many partner organizations reported about their activities focused on strengthening public participation in climate change-related decision-making, transboundary water management, waste management and disaster risk reduction.

18. OSCE updated on the public participation component of the climate change and security programme to be carried out in Eastern Europe, the Caucasus and Central Asia till the end of 2016. Another project focused on strengthening public participation in transboundary water management, disaster risk reduction at the local level being carried out in 7 countries such as: Albania, Bosnia and Herzegovina, Serbia, Armenia, Kyrgyzstan, and Tajikistan from 2014 till the middle of 2016. A project in Central Asia dedicated to uranium wastes management would foresee the public engagement and public access to information during the implementation of large-scale remediation programme.

19. REC briefed on the outcomes of the above mentioned SECTOR project supported by SIDA and carried out in Belarus and the Republic of Moldova in 2013-2015 to support the civil society which enabled NGOs for more efficient involvement in decision-making via grants and trainings. A new project may also cover Ukraine. REC also continued its work on the projects related to public participation in decision-making on nuclear issues as well as water management. REC Country Office Slovenia is leading the work on PLATENSO programme aimed to build a platform for enhanced societal research related to nuclear energy in Central and Eastern Europe. Within another project, "Environmental Protection of International River Basins (EPIRB)" funded by the EU, REC as partner is involved in supporting public consultations in developing river basin management plans in 7 pilot basins in Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.

20. REC Caucasus developed methodology for the elaboration of environmental plans and involved in carrying out a pilot project in Goris, Armenia.

21. OSCE Centre in Bishkek informed about close cooperation with the Aarhus Convention national focal point in Kyrgyzstan and the involvement of local communities in their projects. A positive development included public discussion on a draft law on Aarhus-related matters. Functioning of the Aarhus Centre in Osh facilitated a dialogue between local communities, public authorities and business operations that reduced the conflict situations.

¹¹ See document ECE/MP.PP/2014/2/Add.2 available in English, French and Russian from http://www.unece.org/env/pp/aarhus/mop5_docs.html#/ (Post-session document) ,

¹² Available in English, French and Russian from <http://www.unece.org/environmental-policy/conventions/environmental-assessment/meetings-and-events/environmental-impact-assessment/meetings-of-the-parties-espoo-convention/2014/meeting-of-the-parties-6th-session/enveiameetingsmop-6.html#/>

¹³ Available in English and Russian from <http://www.unece.org/index.php?id=34075>

22. ECE highlighted the importance of introducing innovative practices in public participation and called for translation of the Maastricht Recommendations in local languages.

23. Partner organizations stressed the importance of facilitating public participation in climate change-related decision-making, especially in light of the preparations and outcomes for the twenty first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC CoP21).

3. Access to justice

24. UNECE drew participants' attention that further capacity development in the area of access to justice remained important. The activities in this area should support a national dialogue, promote judicial networking, improve relevant legislation and facilitate provision of information to the public on access to judicial and administrative review as well as to courts' and other review bodies' decisions. The thematic focus includes the scope of review, costs and remedies. The following material could be used to support capacity-building activities in this area: relevant findings of the Compliance Committee of a systemic nature, analytical studies¹⁴, the jurisprudence database¹⁵, the Implementation Guide,¹⁶ and the Quick Guide¹⁷.

25. REC reported on its plan to continue capacity-building activities to promote national dialogues on removing barriers to access to justice following the preparation of the study on "Access to Justice in environmental matters in the SEE region particularly in respect of standing, costs and available remedies" funded by Austria within the ENVSEC Initiative and implemented in cooperation with the Aarhus Secretariat and OSCE.

26. European ECO Forum/EEB informed about a number of their activities related to access to justice highlighting the financial constraints for increasing the work. The activities focused on monitoring the developments related to the relevant EU law, including the revision of the Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (the Aarhus Regulation), as well as case law of the courts of the European Union and its Member States. The publication of the Aarhus Convention Compliance case-law is also planned to be updated.

27. UNEP drew attention to the compilation of good practices in the use of human rights obligations relating to the environment, prepared by the Independent Expert on Human Rights and the Environment¹⁸.

28. OSCE informed that capacity-building activities in this area included trainings, round tables and publications at the national and subregional levels.

29. A number of partner organizations referred to their continuous work on mediation. In particular, UNITAR informed about their course on mediation and conflict prevention.

30. Following the discussion, participants:

(a) Welcomed the suggestion to promote judicial networking in environmental field in Pan-European region under the Convention's Task Force on Access to Justice;

(b) Acknowledged the successful cooperation in the preparations of the study on access to justice in South-Eastern Europe;

(c) Stressed the importance of supporting the work on revising the relevant legislation and on supporting national dialogues on removing existing barriers in access to justice;

(d) Noted the importance of mediation and other alternative dispute resolution mechanisms, in particular in some subregions, such as in Caucasus. These tools could serve as useful complementary mechanisms to access to justice;

¹⁴ Available from http://www.unece.org/env/pp/tafj/analytical_studies.html

¹⁵ Available from <http://www.unece.org/env/pp/tafj/jurisprudenceplatform.html>

¹⁶ Available from <http://www.unece.org/index.php?id=35869&L=0>

¹⁷ Available from <http://www.unece.org/index.php?id=35452&L=0>

¹⁸ More information is available from <http://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/GoodPractices.aspx>

(e) Noted the importance of the participation of public interest lawyers in the activities under the Task Force on Access to Justice.

4. Genetically modified organisms (GMOs)

31. UNECE recalled objective II.2 of the Convention's Strategic Plan for 2015-2020 stating that the amendment to the Convention on public participation in decisions on the deliberate release into the environment and the placing on the market of genetically modified organisms (GMO amendment)¹⁹ is approved by a sufficient number of Parties to enter into force by 2015 and is progressively implemented.

32. Partner organizations took also note that the Meeting of the Parties to the Aarhus Convention called upon those Parties whose ratification of the GMO amendment would count towards its entry into force to take serious steps towards ratification of the amendment and called upon partner organizations to offer bilateral assistance, capacity-building and technical support to those Parties.

33. The participants were informed that the following material produced within the framework of the Convention's activities could be used to support capacity-building in this area: GMO amendment to the Aarhus Convention, Lucca Guidelines on access to information, public participation and access to justice with respect to genetically modified organisms²⁰, Report and material of the round-table (Geneva, 16-17 October 2013)²¹, Implementation Guide²² and Quick Guide²³. The participants were also informed that a checklist of key measures recommended for ratifying the Almaty Amendment of the Aarhus Convention and/or the Cartagena Protocol with regards to its Article 23, and for implementing the Aarhus Convention and the Cartagena Protocol in the context of GMOs/LMOs is currently being developed.

34. Thus, priority countries with economies in transition for capacity-building activities in this area included Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine.

35. Focus of capacity-building activities would be on: (a) assisting in preparing documents for ratification of the GMO amendment to the Convention, (b) developing a country-tailored list of key measures required for ratifying or implementing the GMO amendment to the Convention, the Lucca Guidelines and the Cartagena Protocol and (c) national round-tables and trainings as to strengthening capacity of the public and authorities to participate in GMOs-related decision-making.

36. UNECE further informed that in cooperation with partner organizations, is also exploring opportunities to pursue a possible project on strengthening public participation in decisions on the deliberate release into the environment and the placing on the market of GMOs within the Environment and Security Initiative (ENVSEC).

37. The REC has shown interest to be part of the initiative and share the experience in Central and Eastern Europe. 38. UNECE also informed that the next regional round-table on this matter is tentatively planned for 2016.

39. UNEP informed that the Lucca Guidelines and the GMO amendment were brought to the attention of participants at the regional workshops organized by the secretariat of the Convention on Biological Diversity in Mongolia and Arab Emirates.

40. Partner organizations acknowledged that this area remained to be the least addressed through capacity-building activities under the Convention. They were therefore called to address it through all relevant capacity-building activities.

5. Public Participation in International Forums (PPIF)

41. UNECE encouraged focusing capacity-building activities on trainings for authorities and NGOs and on assisting Parties to develop national action plans on PPIF. Activities to assist countries in ensuring proper public participation in the lead up to UNFCCC CoP21 could receive priority this year.

¹⁹ See <http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/about-the-convention/amendments/gmo-amendment.html>

²⁰ Available in English, French and Russian from <http://www.unece.org/env/pp/mop1docum.statements.html#/>

²¹ See <http://www.unece.org/environmental-policy/conventions/public-participation/meetings-and-events/public-participation/public-participation/2013/round-table-on-access-to-information-public-participation-and-access-to-justice-regarding-lmosgmos/gmo-2013.html#/>

²² Available from <http://www.unece.org/index.php?id=35869&L=0>

²³ Available from <http://www.unece.org/index.php?id=35452&L=0>

42. The following material could be used to support capacity-building activities in this area: the Almaty Guidelines promoting the application of the principles of the Convention in international forums²⁴, the List of international forums²⁵, the Compendium of the case studies²⁶, the Checklist of measures to be borne in mind when developing national action plans on PPIF²⁷, outcomes of the PPIF sessions within the meetings of the Working Group of the Parties to the Convention²⁸, PPIF leaflet (to be released)²⁹, the Implementation Guide³⁰ and the Quick Guide³¹. The Aarhus Good Practice online database will be also used for this area of capacity-building.

43. EEB reported on its continuous support to build NGOs capacities in this area.

44. REC informed about its role as a regional focal point for article 6 of UNFCCC, promoting the more efficient implementation of article 6 in Central and Eastern Europe and Turkey.

6. Compliance mechanism

45. UNECE informed participants about decisions adopted by the Meeting of the Parties at its fifth session regarding compliance by individual parties with their obligations under the Convention. Partner organisations were encouraged to assist Parties in implementing these decisions.

46. Partner organizations welcomed EEB's information regarding the upcoming update of the Aarhus Convention Compliance Committee case law publication in English and Russian.

II. Protocol on Pollutant Release and Transfer Registers

47. UNECE informed participants about potential priority areas for capacity building activities for 2015-2020 in light of the outcomes of the second session of the Meeting of the Parties to the Protocol on PRTRs (Maastricht, the Netherlands, 2 - 4 July 2014).

48. UNECE pointed out that the main capacity-building coordination framework for the PRTR Protocol was the International PRTR Coordination Group, which held its latest meeting in Santiago, Chile on 8 October 2014.

49. Zoi Environment Network informed about the progress in carrying out a project on establishing a pilot PRTR in Hrodna region, Belarus supported through ENVSEC.

50. REC will carry out a new PRTR project in South-Eastern Europe and the Republic of Moldova for 2015-2017 with the support from Germany.

51. EEA informed about the implementation of its PRTRs activities in Kosovo (United Nations administered region, Security Council resolution 1244 (1999)) and the PRTR component of the ENPI-Shared Environmental Information System (SEIS) project involving the Parties to the Barcelona Convention.

52. UNITAR informed about upcoming GEF-RTRP Phase II project focusing on the Republic of Moldova, Belarus, Cambodia, Kazakhstan, and Peru. UNITAR is also expected to carry out 2-year project dedicated to the PRTR design in Mongolia with the support of SAICM.

53. The European ECO Forum is also planning to strengthen its work on PRTRs.

III. Principle 10 of the Rio Declaration

54. The participants discussed further developments, fund-raising efforts and cooperation opportunities regarding the initiative on Principle 10 in the Latin America and Caribbean (LAC) region, promoting the Bali Guidelines, the UNEA stakeholder policy and the Eye on Earth process.

²⁴ See document ECE/MP.PP/2005/2/Add.5 available in English, French and Russian from <http://www.unece.org/env/pp/mop2/mop2.doc.html#/>

²⁵ See document ECE/MP.PP/WG.1/2006/2/Add.2 available from <http://www.unece.org/environmental-policy/conventions/public-participation/meetings-and-events/public-participation/public-participation/2006/sixth-meeting-of-the-working-group-of-the-parties-to-the-aarhus-convention/docs.html#/>

²⁶ Available from <http://www.unece.org/env/pp/ppif.compendium.html>

²⁷ Available from http://www.unece.org/fileadmin/DAM/env/pp/wgp/WGP_17/PPIF/Checklist_of_measures_for_national_action_plan_on_PPIF_final.pdf

²⁸ Available from <http://www.unece.org/env/pp/ppif.html>

²⁹ See draft from <http://www.unece.org/index.php?id=33629#/>

³⁰ Available from <http://www.unece.org/index.php?id=35869&L=0>

³¹ Available from <http://www.unece.org/index.php?id=35452&L=0>

55. The REC informed participants about supporting the drafting of the Principle 10 regional instrument in LAC and the involvement of NGOs, within two projects on “Building Bridges between Regions” funded by the Abu Dhabi Environment Agency, and the Netherlands. Following the fifth session of the Meeting of the Parties (Maastricht, the Netherlands, 30 June – 1 July 2015), the REC representatives participated and organized a side event during the fourth LAC Focal Points meeting (Santiago, 4-5 November 2014). The event aimed to share the experiences in developing the Aarhus Convention. The Chair of the Aarhus Convention Compliance Committee also attended the event as a speaker. REC will also attend and organize a side event during the first LAC Negotiating Committee meeting on the regional instrument (Santiago, 5-7 May 2015).

56. OSCE informed that Mongolia received a full membership in the organization, which brings potential opportunity for the cooperation.

57. The European ECO Forum informed participants about its cooperation with non-governmental organizations in China, Thailand, Philippines and Japan.

IV. The way forward

58. The secretariat expressed its appreciation to partner organisations for their continuous support to implementation of the Convention and its Protocol on the ground. It also invited the partner organisations to consolidate their efforts for the future activities.

59. Participants agreed:

(a) To consider giving priority to activities aimed to support implementation of the decisions of the Meetings of the Parties to the Convention and its Protocol adopted at the fifth and second sessions respectively;

(b) To ensure that capacity-building activities will be implemented in close cooperation with national focal points for the Aarhus Convention and its Protocol;

(c) To carry out a survey on capacity-building among national focal points for the Convention in South-Eastern and Eastern Europe, the Caucasus and Central Asia in September 2015 – February 2016 as to identify the needs for future activities. The outcomes of the survey will provide a contribution to the report on capacity-building to be prepared for the sixth session of the Convention’s Meeting of the Parties in 2017;

(c) To explore opportunity for supporting participation of country experts in the meetings of the task forces under the Convention as to share experiences gained through capacity-building projects;

(d) To further populate the PRTR capacity-building database³² and the Aarhus Clearinghouse³³ with the project activities;

(e) To provide cases for the jurisprudence database³⁴ and the Aarhus Good Practice Online Database³⁵.

³² Available from <http://apps.unece.org/ehl/pp/NIR/RLsearch.asp>

³³ Available from <http://aarhusclearinghouse.unece.org/>;

³⁴ Available from <http://www.unece.org/env/pp/tfaj/jurisprudenceplatform.html>

³⁵ Available from <http://www2.unece.org/aarhus-good-practice>