

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**Twenty-fourth meeting**

Geneva, 28–29 October 2020

Item 10 of the provisional agenda

Adoption of the outcomes

LIST OF DECISIONS AND MAJOR OUTCOMES
of the sessions of the twenty-fourth meeting of the Working Group of the Parties
held on 28-29 October 2020, as adopted by the Working Group¹

Item 1. Adoption of the agenda

The Working Group of the Parties:

- i. Took note of the information provided by the Chair and of the statement by the European Union and its Member States.
- ii. Adopted the agenda for the sessions for 28-29 October as set out in document AC/WGP-24/Inf. 13/Rev.1.

Item 3. Substantive issues**(a) Access to justice**

The Working Group of the Parties:

- i. Expressed its appreciation to Lord Robert Carnwath and Mr. John Bonine, representatives of Latvia, Serbia, Switzerland, of the United Nations Environment Programme, of the Supreme Court of Ukraine, and of the European ECO Forum, for their presentations and statements.
- ii. Welcomed the exchange of information, experiences, challenges and good practices provided by the representatives of Parties and stakeholders to promote effective access to justice in environmental matters for members of the public, especially in cases related to the protection of public interest;
- iii. Welcomed the identified several positive trends, namely (a) increasing use of the human rights approach to the protection of a safe, clean, healthy and sustainable environment; (b) increasing admissibility of the public interest litigation cases in such areas as protection of air quality, species and habitats, climate change, spatial planning and energy-related decision-making; (c) increasing review by courts and other review bodies of substantive legality of the challenged decisions, acts and omissions; (d) undertaken measures to remove or reduce financial barriers; and (e) promoting awareness raising and specialization of judiciary and other legal professionals in environmental matters;
- iv. Reiterated the importance of the public interest litigation in environmental matters for ensuring the rule of law, enabling effective judicial protection of environmental rights and legitimate interests and improving transparency and accountability of decision-making;
- v. Noted a number of identified challenges, namely (a) lack of access to justice in relation to several environmental subjects; (b) increased challenges in adhering to the rule of law in some countries; (c) insufficient guarantees to the independence of judiciary; (d) increased risks faced by environmental defenders; (e) adjustments made in functioning of administrations and justice systems due to the adverse impact of COVID-19 pandemic and its economic recovery phase;

¹ This document was not formally edited.

and (f) insufficient digitalization of review procedures that could meet the needs of the members of the public in seeking justice in environmental matters;

vi. Called on Parties to further improve access to justice in environmental matters in accordance with the Convention by taking the necessary measures with regard to (a) standing; (b) the scope of review; (c) burden of proof; (d) financial and other related barriers; (e) timeliness in review procedures, especially with regard to information cases; (f) remedies, including injunctive relief; (g) preventing abuse of the justice system by the strategic lawsuits against public participation and other forms of retaliation against environmental defenders; (h) compatibility between the domestic legislative provisions related to access to information, public participation in decision-making and access to justice; (i) inclusive use of electronic information tools and e-justice initiatives for review procedures; and (j) awareness of the public and legal professionals about the Convention;

vii. Encouraged Parties to further develop expert capacity; strengthen specialization of judiciary and other legal professionals in environmental law; use independent expert opinions in environmental matters; and allocate sufficient resources to the justice system;

viii. Encouraged Parties to improve online information on access to administrative and judicial review procedures, in particular, with regard to information on upcoming and current cases and called on partner organizations and stakeholders to continue supporting e-justice and other relevant initiatives in this area;

ix. Reiterated that effective access to justice in environmental matters supports the achievement of Sustainable Development Goal target 16.3 and underpins the implementation of other relevant Sustainable Development Goals and targets;

x. Took note of a new indicator 16.3.3 with regard to the proportion of the population who have experienced a dispute in the past two years and encouraged Parties to take further measures to strengthen monitoring of this indicator for environmental cases.

Item 7. Preparations for the seventh session of the Meeting of the Parties

(a) Future work programme;

The Working Group of the Parties:

- i. Took note of the situation regarding environmental defenders, and took note of the comments and additional information provided by participants regarding Draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention (ECE/MP.PP/WG.1/2020/13).
- ii. Requested the Bureau to revise the document in the light of the comments received for its submission to the 25th meeting of the Working Group (planned for Spring 2021) for consideration and approval and subsequent submission to the Meeting of the Parties for consideration and possible adoption. The draft document will be circulated to Parties and stakeholders for comments prior to its finalization for the twenty-fifth meeting of the Working Group. In order to facilitate the work of the Bureau, the Working Group, requested Parties and interested stakeholders to indicate the preferred option presented in the Draft note and provide brief explanation for the major reasons why this option was chosen and to submit this input to the secretariat by 1 December 2020.
- iii. Took note of comments and additional information provided by participants regarding Draft elements of the work programme for 2022–2025 (ECE/MP.PP/WG.1/2020/7).
- iv. Requested the Bureau:
 - a. In the light of the comments received, to prepare a draft decision on the future work programme based on the Draft elements of the work programme for 2022–2025 (ECE/MP.PP/WG.1/2020/7) for its submission to the twenty-fifth meeting of the Working Group for consideration and approval and subsequent submission to the Meeting of the Parties for consideration. The draft decision will be circulated to Parties and stakeholders for comments prior to its finalization for the twenty-fifth meeting of the Working Group.
 - b. To prepare draft decisions on access to information, on public participation in decision-making, on access to justice and on promoting the Convention's principles in international forums, for their submission to the twenty-fifth meeting

of the Working Group for consideration and approval and subsequent submission to the Meeting of the Parties for consideration. The draft decisions will be prepared on the basis of the Chairs' Notes and the submitted comments. The drafts will be circulated to Parties and stakeholders for comments prior to its finalization for the twenty-fifth meeting of the Working Group.

(b) Future strategic plan;

The Working Group of the Parties:

- i. Took note of comments provided by participants regarding Draft Strategic Plan for 2022–2030 (ECE/MP.PP/WG.1/2020/11)
- ii. Requested the Bureau to prepare a draft decision on the future Strategic plan based on the Draft Strategic Plan for 2022–2030 (ECE/MP.PP/WG.1/2020/11), revising it in the light of the comments received for its submission to the twenty-fifth meeting of the Working Group for consideration and approval and subsequent submission to the Meeting of the Parties for consideration. The draft decision will be circulated to Parties and stakeholders for comments prior to its finalization for the twenty-fifth meeting of the Working Group.

(d) Future financial arrangements;

The Working Group of the Parties:

- i. Took note of comments provided by participants regarding draft elements of possible financial arrangements under the Convention (ECE/MP.PP/WG.1/2020/8);
- ii. Requested the Bureau to prepare a draft decision on financial arrangements in light of the comments by the Working Group for its submission to the twenty-fifth meeting of the Working Group for consideration and approval and subsequent submission to the Meeting of the Parties for consideration. The draft decision will be circulated to Parties and stakeholders for comments prior to its finalization for the twenty-fifth meeting of the Working Group.

(e) Agenda of the seventh session of the Meeting of the Parties

The Working Group of the Parties:

- i. Took note of comments provided by participants regarding Draft elements of the provisional agenda of the seventh session of the Meeting of the Parties to the Aarhus Convention (ECE/MP.PP/WG.1/2020/10) and draft outline of the Declaration.
- ii. Requested the Bureau to prepare (a) draft provisional agenda for the seventh session of the Meeting of the Parties and (b) a draft declaration jointly with the Protocol's Bureau, in light of the comments by the Working Group provided at the meeting, for their submission to the twenty-fifth meeting of the Working Group for consideration and approval and subsequent submission to the Meeting of the Parties for consideration. The draft declaration will be circulated to Parties and stakeholders for comments prior to their finalization for the twenty-fifth meeting of the Working Group.
- iii. Took note of the information provided by the Chair regarding the hosting matter and requested the Bureau to follow up on this issue, and to report to the next meeting of the Working Group accordingly.

Item 8. Promotion of the principles of the Convention in international forums

The Working Group of the Parties:

- i. Thanked Parties that participated in the session's survey on the promotion of the principles of the Convention in international trade negotiations and in ICAO processes, and takes note of the survey's results;
- ii. Expressed its appreciation to the representatives of France, Georgia, ICSA and European ECO Forum for their presentations and statements, and took note of the information provided.

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- iii. Expressed its appreciation to the UNFCCC secretariat for its continuous cooperation and for the comprehensive written update on the lead up to and during the twenty-fifth session of the Conference of the Parties (COP 25) of UNFCCC, and preparations for COP 26 regarding access to information and public participation in decision-making;
 - iv. Expressed its appreciation to the UNEP secretariat for the detailed written update on stakeholder engagement, in particular for the upcoming fifth session of the United Nations Environment Assembly and the UNEP access to information policies;
 - v. Expressed its appreciation to the ECE secretariat for the update on the stakeholder engagement in global and regional follow-up and review of Agenda 2030 and the Sustainable Development Goals.
 - vi. Expressed its appreciation to AIIB, EBRD, EIB and the World Bank for the written updates.
 - vii. Took note of the written statements submitted by the above organisations.
 - viii. Took note of the statements by the European ECO Forum/Heinrich Boll Foundation regarding geoengineering, COVID-19 pandemic and climate change-related decision-making issues; and took note of the request to hold a session on the issue of geoengineering in 2021.
 - ix. Encourages Parties to continue promoting the Convention's principles in ICAO, UNEP and IFI-related processes, climate-related negotiations, in particular with regard to carbon trading mechanisms established under the Paris agreement, and when implementing the Sustainable Development Goals.
 - x. Welcomes the progress made in promoting the Convention's principles in international forums but recognizes that more efforts should be done to further transparency and effective public participation in international environment-related decision-making, including in international trade negotiations and ICAO related processes.
 - xi. Encourages Parties to continue fulfilling their obligations under article 3, paragraph 7, of the Convention and to consider the results achieved at the next meeting of the Working Group.
 - xii. Reiterates that promotion of transparency and effective public participation in international decision-making on environmental matters is key for achievement of Sustainable Development Goals, in particular, Goals 16 and 17.

Item 9. Other business

Took note of the statement by Armenia regarding the environmental impact of armed conflicts and COVID-19 pandemic.

Item 10. Adoption of outcomes

The Working Group adopted the major outcomes and decisions of the meeting, including of the sessions held on 1-3 July 2020 (as contained in this document AC/WGP-24/Inf. 21 and in document AC/WGP-24/Inf. 15) and requested the secretariat, in consultation with the Chair, to finalize the report and incorporate these adopted outcomes and decisions.

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