



# Economic and Social Council

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## 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-fifth meeting

Geneva, 3 May and 7 and 8 June 2021

Item 9 (d) of the provisional agenda

#### Preparations for the seventh session of the Meeting of the Parties:

application of the principles of the Convention in international forums

## Draft decision VII/...Promoting the application of the principles of the Convention in international forums\*

Prepared by the Bureau

### *Summary*

The present document sets out a draft decision on promoting the application of the principles of the Convention in international forums. The Working Group of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its twenty-fourth meeting (Geneva (online), 1–3 July 2020 and Geneva (hybrid), 29 and 30 October 2020) requested the Bureau to prepare a draft decision on the application of the principles of the Convention in international forums for the seventh session of the Meeting of the Parties (scheduled for October 2021).<sup>a</sup>

The present document was prepared by the Bureau on the basis of: the relevant outcomes of the twenty-fourth meeting of the Working Group of the Parties; the Note by the Chair of the thematic session on promotion of the principles of the Aarhus Convention in international forums (AC/WGP-24/Inf.4); the outcomes of the work undertaken by the Working Group of the Parties in the current intersessional period;<sup>b</sup> and decision VI/4 on the same subject matter, adopted by the Meeting of the Parties at its sixth session (Budva, Montenegro, 11–14 September 2017).

There were opportunities for open-ended consultations among national focal points and stakeholders on the present draft document after the twenty-fourth meeting of the Working Group. The Bureau revised the draft document thereafter in the light of the comments received and submitted it to the Working Group for consideration and approval at

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\* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.



its twenty-fifth meeting, with a view to its subsequent submission to the Meeting of the Parties for consideration at its seventh session.

<sup>a</sup> See ECE/MP.PP/WG.1/2020/2

<sup>b</sup> The Chair's Note and comments delivered at and after the meeting are available at <https://unece.org/environmental-policy/events/twenty-fourth-meeting-working-group-parties-aarhus-convention-site>.

*The Meeting of the Parties,*

*Recalling* article 3, paragraph 7, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

*Recalling also* its decisions II/4,<sup>1</sup> III/4,<sup>2</sup> IV/3,<sup>3</sup> V/4<sup>4</sup> and VI/4<sup>5</sup> on promoting the principles of the Convention in international forums, VII/... on the Strategic Plan for 2022–2030 and VII/... on the Work Programme for 2022–2025,

*Noting* Human Rights Council resolution 32/31 on civil society space,<sup>6</sup> which emphasizes “the essential role of civil society in subregional, regional and international organizations, including in support of the organizations’ work”, where that work is relevant to the Convention,

*Also noting* the reports of the Special Rapporteur on the rights to freedom of peaceful assembly and of association in relation to the exercise of these rights in the context of multilateral institutions,

*Mindful* of the importance of increasing understanding of the challenges faced and the good practices employed by international forums with respect to public participation, through further sharing of experience gained under the Convention with international forums,

*Welcoming* the increasing number of requests from interested international forums seeking expert assistance from the secretariat and Parties on this topic,

*Acknowledging* the progress made by Parties, international organizations, international financial institutions, non-governmental organizations and other stakeholders in promoting the application of the Convention’s principles,

*Mindful* of major ongoing international processes, including those related to sustainable development, sustainable mobility, climate change, chemicals and waste, civil aviation, geoengineering, international financial institutions, human rights, stakeholder participation and access to information policies of other United Nations agencies and programmes and international trade negotiations,

*Recognizing* that expert assistance is an important and powerful tool for promoting the principles of the Convention and sharing the considerable experience accumulated under the Aarhus Convention in an efficient and direct manner,

*Also recognizing* the valuable work that has been done to implement article 3, paragraph 7, of the Convention, while acknowledging the considerable challenges that still need to be addressed to fully implement this provision,

*Acknowledging* the vast cross-cutting scope of these activities, which support Parties’ efforts to achieve many Sustainable Development Goals related to specific forums and, in particular, Sustainable Development Goals 16 and 17,

*Having reviewed* the reports on the thematic sessions on promoting the principles of the Convention in international forums, held at the Working Group’s twenty-second, twenty-third, twenty-fourth and twenty-fifth meetings,<sup>7</sup>

*Welcoming* the [progress made towards the] entry into force of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement),

<sup>1</sup> See ECE/MP.PP/2005/2/Add.5.

<sup>2</sup> See ECE/MP.PP/2008/2/Add.6.

<sup>3</sup> See ECE/MP.PP/2011/2/Add.1.

<sup>4</sup> See ECE/MP.PP/2014/2/Add.1.

<sup>5</sup> See ECE/MP.PP/2017/2/Add.1.

<sup>6</sup> A/HRC/RES/32/31.

<sup>7</sup> See ECE/MP.PP/WG.1/2018/2, ECE/MP.PP/WG.1/2019/2, ECE/MP.PP/WG.1/2020/2 and ECE/MP.PP/WG.1/2021/2 (forthcoming).

1. *Notes with appreciation* the work undertaken under the auspices of the Working Group of the Parties, which has provided a true multi-stakeholder platform for effectively addressing a number of important issues;
2. *Expresses* its gratitude to France for its ongoing leadership of this work area;
3. *Reiterates* its commitment to continue to apply the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines),<sup>8</sup> adopted through decision II/4, within the activities and subsidiary bodies established under the Convention;
4. *Underlines* the opportunity for Parties and stakeholders to further promote the application of the principles of the Convention in international forums in close cooperation with Parties, signatories to and stakeholders associated with the Escazú Agreement;
5. *Encourages* each Party to continue implementing the following measures:
  - (a) Undertake further actions to promote public participation at the national level regarding international environmental decision-making processes and to take appropriate actions within the framework of international organizations in matters relating to the environment, bearing in mind relevant provisions of the Almaty Guidelines;
  - (b) Interact within and between its ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines;
  - (c) Consider innovative ways to improve its own public's access to information and participation in international forums and to share its experience with other Parties;
  - (d) Consider the relevance of the Convention's principles to ongoing processes under international forums related to the environment in advance of the meetings of these forums and continue, either individually or in collaboration with other Parties, signatories or like-minded Governments, to promote the principles of the Convention in the procedures of other international forums and in the work programmes, projects, decisions, instruments and other substantive outputs of those forums whose practices do not presently reflect the Almaty Guidelines or the principles of the Convention;
  - (e) Consider providing expert assistance to other interested Parties, signatories or Governments on possible good practices to facilitate more effective public participation in international forums, including when hosting important international events;
  - (f) Use as a guidance the checklist of measures prepared under the auspices of the Convention when developing action plans to systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment;<sup>9</sup>
  - (g) Consider opportunities to promote awareness and knowledge of the Convention's principles and obligations, as well as of the Almaty Guidelines, in ongoing processes under international forums related to the environment, including the possibility of organizing workshops for governmental and non-governmental delegates participating in these processes;
6. *Calls on* each Party to participate effectively in surveys and consultations carried out for this work area, so as to identify achievements, good practices and challenges associated with the implementation of article 3, paragraph 7, of the Convention;
7. *Decides* to continue the work on promoting the application of the principles of the Convention in international forums under the authority of the Working Group of the Parties;
8. *Welcomes* the offer of [Party] to lead the work on promoting the application of the principles of the Convention in international forums;

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<sup>8</sup> See ECE/MP.PP/2005/2/Add.5, decision II/4, annex.

<sup>9</sup> Available at [https://unece.org/fileadmin/DAM/env/pp/ppif/Checklist/Checklist\\_of\\_measures\\_for\\_national\\_action\\_plan\\_on\\_PPIF\\_final\\_En\\_2018.pdf](https://unece.org/fileadmin/DAM/env/pp/ppif/Checklist/Checklist_of_measures_for_national_action_plan_on_PPIF_final_En_2018.pdf).

9. *Requests* the Working Group to:

(a) Convene regularly, on a needs basis, a thematic session on promoting the principles of the Convention in international forums during its meetings, with a view to providing opportunities for Parties, signatories, other interested States, international organizations and stakeholders to exchange experiences in the context of promoting the application of the principles of the Convention with respect to those international forums within the definition of paragraph 4 of the Almaty Guidelines identified by Parties or stakeholders to be of particular priority; if it considers that one or more specific issues merit more in-depth consideration, to convene, on an ad hoc basis, a workshop or other event on the issue(s), and/or mandate a consultant or group of experts to examine it/them and to report on their findings to the Working Group, depending on the availability of resources;

(b) Focus on forums dealing with current pressing global environmental challenges such as threats to the marine environment, air pollution, deforestation and degradation of forests, loss of biodiversity and the environmental effects of agriculture, land use and land-use changes, as well as with such issues as carbon trading and other market-based mechanisms and with environmental impact assessment in a transboundary context, recognizing that other forums might be also considered, subject to a decision by Parties;

(c) Continue addressing cross-cutting issues (e.g., ensuring balanced and equitable participation, different modalities for engaging stakeholders, States' obligations with regard to the responsibility of business actors under their jurisdiction);

(d) Continue monitoring efforts to promote the principles of the Aarhus Convention with regard to international financial institutions, and with regard to decision-making related to the United Nations Environment Programme, the United Nations Environment Assembly of the United Nations Environment Programme, climate change and sustainable development;

10. *Requests* the secretariat, subject to availability of resources, to:

(a) Oversee the collection and dissemination of good practices and innovative initiatives to promote the principles of the Convention through the Aarhus Clearinghouse for Environmental Democracy and its Good Practice online database;

(b) Oversee development of a guide on hosting international events to assist host countries in applying relevant good practices regarding access to information and public participation;

(c) Oversee development of guidance material explaining obligations related to article 3, paragraph 7, tailored to each specific forum (dealing with e.g. chemicals and waste, climate change, trade, health matters, etc.), so as to assist Parties, interested countries, stakeholders and relevant forums;

(d) Carry out a consultation process with Parties and other interested States, international forums within the scope of the present decision, non-governmental organizations and other relevant actors, with regard to good practices and modalities contributing to ensuring balanced and equitable participation as defined in the Almaty Guidelines,<sup>10</sup> and mandate a consultant to examine the subject matter and the input received and to report on the findings to the Working Group of the Parties;

(e) Provide, upon request, expert assistance, including, as appropriate, commenting on draft documents and expert participation at meetings or events organized by international forums, training sessions, workshops, learning centres or other platforms, to:

(i) Interested international forums seeking to make their processes more transparent and participatory;

(ii) Individual Parties wishing to put in place tools or mechanisms to assist the public to participate more effectively in international forums, including when hosting an important conference of any international forum;

<sup>10</sup> Ibid., para. 15.

11. *Invites* Parties, signatories, international and other organizations to continue supporting the implementation of article 3, paragraph 7, of the Convention:

(a) At the national level, by supporting the participation of the public before, during and in the follow-up to meetings and events of international forums;

(b) At the international level, by supporting international forums to promote more effective public participation in their projects, processes and policies;

(c) By supporting the activities of the Convention's work programme on this topic, including the secretariat's expert assistance and capacity-building work, in order that it may respond usefully to the expected ongoing demand.

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