



Economic and Social Council

Distr.: General
16 September 2021

Original: English

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

Seventh session

Geneva, 18–20 October 2021

Item 9 (a) of the provisional agenda

**Programme of work and operation of the Convention:
implementation of the work programme for 2018-2021**

Report on the implementation of the work programme for 2018–2021*

Note by the secretariat

Summary

The present report was prepared pursuant to the decision of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its sixth session (Budva, Montenegro, 11–14 September 2017). It provides an overview of the implementation of the work programme for the Convention for 2018–2021 as of 31 August 2021.

* This document was submitted late owing to additional time required for its finalization.



Introduction

1. The present report provides an overview of the implementation of the work programme for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) for 2018–2021¹ as of 31 August 2021 (the reporting period). An overview of contributions and expenditures in relation to the implementation of the work programme is provided in document ECE/MP.PP/2021/4. Only some activities related to access to information, capacity-building and awareness-raising regarding the Convention's Protocol on Pollutant Release and Transfer Registers are included; a comprehensive report on the implementation of the Protocol's work programme for 2018–2021 (ECE/MP.PRTR/2021/8) has been submitted to the Meeting of the Parties to the Protocol for consideration at its fourth session (Geneva, 22 October 2021).

2. In implementing the work programme, the secretariat made strenuous efforts to avoid duplication of work and the inefficient use of resources by pursuing synergies with activities under other United Nations Economic Commission for Europe (ECE) multilateral environmental agreements, United Nations agencies and other partners. This required spending more time on the preparatory phase of activities to ensure proper consultations with the chairs of the respective subsidiary bodies and partner organizations. Furthermore, in the light of restrictions associated with the coronavirus disease (COVID-19) pandemic, the secretariat adjusted to new methods of work by extending organization of meetings in online and hybrid formats and using more electronic tools. It should be noted that meetings in an online or a hybrid format allow participants to avoid spending time and resources on travel, provide an opportunity for wider participation, and could also be considered more resource efficient in general. However, the organization of such meetings required providing additional training for the staff to manage different information technology infrastructure and spending more time on the preparatory phase of activities to ensure proper consultations with delegations, the chairs of the respective subsidiary bodies and partner organizations, as well as liaising with conference services on numerous practical arrangements. Thus, arranging and servicing complex meetings in a hybrid or online format requires a high level of support by substantive and technical staff. In addition, there are a number of challenges associated with organizing such meetings. First, unpredictability of the quality of the Internet connection and availability of the required equipment on the participants' side, and other technical issues may have an impact on substantive discussions and procedures. Furthermore, the limited number of meeting rooms at the Palais des Nations, Geneva, that are equipped for servicing online or hybrid meetings posed additional challenge in organizing those meetings. In the future, it would be advisable to make decisions on holding such meetings based on the meetings' purpose. For example, meetings of small expert groups or the Bureau are less challenging to organize in such formats than complex meetings requiring interpretation, negotiations and decision-making. Moreover, the required quality of information technology infrastructure and, when needed, the availability of interpretation for remote participation, are key preconditions for organizing meetings in a hybrid or online format.

I. Substantive issues

A. Access to information

3. During the intersessional period, activities primarily focused on promoting the exchange of experience and identifying priority measures to improve public access to

¹ See ECE/MP.PP/2017/2/Add.1, decision VI/5, annex I, item X.

environmental information, as required by articles 4 and 5 and other relevant provisions of the Aarhus Convention, including through electronic information tools. Those activities contributed to the implementation of Sustainable Development Goals, in particular target 16.10 (public access to information and protection of fundamental freedoms), the Sendai Framework for Disaster Risk Reduction 2015–2030 and other relevant international commitments.

4. At the twenty-second meeting of the Working Group of the Parties (Geneva, 19–21 June 2018), a thematic session on access to information took stock of developments with regard to several subjects, including: (a) the benefits of providing public access to environmental information and the challenges encountered; (b) the scope of environmental information; (c) the providers of information; (d) exceptions to the provision of information and grounds for refusal; (e) the format of the information to be provided and timeliness; and (f) dissemination of real time, up-to-date, accurate and functional environmental information in forms and formats meeting the needs of different users.

5. The sixth meeting of the Task Force on Access to Information (Geneva, 3 and 4 October 2019) was focused on active dissemination of environmental information, including in case of an imminent threat to human health and the environment and on the use of modern technologies by the public. The following subjects were also addressed: public access to information related to emissions; the application of restrictions on access to information; and the protection of whistle-blowers and other persons exercising their rights under the Convention. ECE and the European Environment Agency held a joint workshop “Open Data for the Environment” on 2 October 2019 in Geneva, back-to-back with the above-mentioned sixth meeting. The event was supported by the European Union-funded project of the European Environment Agency on further implementation of the Shared Environment Information System principles in the six countries of the European Neighbourhood Policy-East region.

6. The seventh meeting of the Task Force on Access to Information (16 and 17 November 2020) was focused on promotion of transparency and digital transformation to support a green and circular economy, biosafety and community resilience. The following subjects were addressed: (a) access to environment-related product information; (b) access to information on genetically modified organisms (GMOs); (c) developments related to the COVID-19 pandemic; (d) the application of restrictions in disclosure of environmental information; and (e) monitoring of progress towards environment-related Sustainable Development Goals.

7. The Recommendations on the more effective use of electronic information tools to provide public access to environmental information (ECE/MP.PP/2005/2/Add.4, annex) were updated under the auspices of the Task Force on Access to Information through an open-ended consultative process involving Governments and a wide range of stakeholders.²

8. The secretariat also continued to manage the Aarhus Clearinghouse for Environmental Democracy,³ its databases, the PRTR.net global portal⁴ and the Convention’s website.⁵ During the intersessional period, the online tools were updated in terms of security, functionality and content; they are used to facilitate the collection, dissemination and exchange of information related to national implementation of the Convention, relevant global and regional developments regarding the application of Principle 10 of the Rio Declaration on Environment and Development and on pollutant release and transfer registers.

² See <https://unece.org/env/pp/tfai/consultation-recommendations-eit>.

³ See <http://aarhusclearinghouse.unece.org/>.

⁴ See <https://prtr.unece.org/>.

⁵ See <https://unece.org/environment-policy/public-participation>.

Parties were encouraged to continue uploading relevant news articles and resources and to provide the weblink to their national node.

9. In this regard, the secretariat undertook the following activities:

(a) The integration of the Aarhus Good Practice online database⁶ into the Aarhus Clearinghouse;

(b) The continued maintenance and population of a jurisprudence database accessible through the updated Convention website and the Aarhus Clearinghouse, which enhanced its search capabilities. The database promotes the exchange of jurisprudence concerning the Convention and facilitates work on access to justice;

(c) The gathering of case studies on electronic information tools, which it posted on a dedicated web page and updated regularly;⁷

(d) The upgrading and updating of the online reporting tools and databases of national implementation reports for the Aarhus Convention and its Protocol.

10. The secretariat undertook a number of substantial tasks associated with activities for digital transformation at ECE. This included the migration of the ECE website to the new content management system, the migration of its internal files to another system, the introduction of the new online meeting registration system, and the switch of operations to cloud applications. Work is ongoing to optimize the use of these tools.

11. The secretariat contributed to the work of other international forums or expert meetings organized by ECE subprogrammes and partner organizations dealing with access to environmental information and electronic information tools, such as the ECE Working Group on Environmental Monitoring and Assessment and the Working Group on Monitoring and Assessment under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes. It provided inputs to the: World Summit on the Information Society (Geneva, 8–12 April 2019, and online, 17–21 May 2021); the development of a shared environmental information system; digital transformation and circular economy across the region; digitalization of national environmental information systems; and the integration of environmental information into e-government and open data frameworks.

B. Public participation in decision-making

12. During the intersessional period, activities focused on promoting effective public participation in decision-making, as required by articles 6, 7 and 8 and other relevant provisions of the Convention. Activities contributed to furthering Sustainable Development Goals, in particular targets 16.7 (responsive, inclusive, participatory and representative decision-making at all levels) and 16.10 (protection of fundamental freedoms).

13. At its eighth meeting (Geneva, 8 and 9 October 2018), the Task Force on Public Participation in Decision-making provided a platform for discussing issues of a systemic nature on ensuring effective public participation, namely: (a) meaningful and early public participation; (b) the availability of all relevant documents to the public; (c) effective notification and time frames for public participation; and (d) ensuring that greater account was taken of the comments from the public in the final decisions, and ensuring the appropriate provision of feedback on how the public's comments had been taken into account in the

⁶ See https://aarhusclearinghouse.unece.org/resources-keyword?individual=1&field_keywords_target_id=good%20practice.

⁷ See <https://unece.org/env/pp/eit-case-studies>.

decisions. The Task Force discussed issues related to the protection of persons exercising their rights in conformity with the provisions of the Convention and held a thematic session on product-related decision-making and chemicals. The meeting also provided an opportunity to share experiences on the use of the *Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters*.⁸

14. During the twenty-third meeting of the Working Group of the Parties (Geneva, 26–28 June 2019), a thematic session took stock of developments regarding implementation of public participation during decision-making processes on specific activities, environmental impact assessments, environmental permits, plans and programmes, as well as normative acts related to the environment within the scope of the Convention, including public participation in a transboundary context. The session also looked at the increasingly important topic of protection of environmental defenders.

15. At its ninth meeting, the Task Force on Public Participation in Decision-making (Geneva, 1 and 2 March 2021) discussed participation of vulnerable and marginalized groups in decision-making. This also allowed for an exchange of practices facilitating more effective public participation without entailing additional significant resources on the part of public authorities. The thematic focus of the meeting was on decision-making in the extractive industries sector, on energy and climate and emerging technologies.

16. In 2020, the secretariat contributed to the work of other international forums or expert meetings organized by ECE programmes and partner organizations dealing with public participation in decision-making. In particular, it provided input to the drafting of a COVID-19 Recovery Action Plan for Informal Settlements in the ECE Region (ECE/HBP/WP.7/2021/7) and a people-first, public-private partnerships impact assessment tool.

17. A call for case studies on public participation in environmental decision-making was ongoing, with a view to the continued population of the Aarhus Clearinghouse Good Practice online database and sharing of experience, good practices and lessons learned.

C. Access to justice

18. During the intersessional period, activities focused on promoting the exchange of experience to improve access to justice for members of the public in environmental matters, as required by article 9 and other relevant provisions of the Convention. The activities contributed to the implementation of Sustainable Development Goals, in particular targets 16.3 (rule of law at the national and international levels and equal access to justice for all) and 16.10 (public access to information and protection of fundamental freedoms).

19. At its eleventh meeting (Geneva, 27 and 28 February 2018), the Task Force on Access to Justice provided a platform for exchanging information on developments concerning legislation, policy and case law and possible measures to remove barriers hampering access to justice. The thematic focus was on promoting effective access to justice in cases on the right to environmental information. Delegates also discussed tools to promote effective access to justice, such as e-justice, capacity-building and cooperation. The meeting was preceded by a special session for representatives of the judiciary, judicial training institutions and other review bodies.

20. At its twelfth meeting (Geneva, 28 February and 1 March 2019), the Task Force on Access to Justice focused on access to justice in cases relating to air quality. Delegates also continued the discussion on measures to promote effective access to justice in cases on the

⁸ United Nations publication, Sales No. E.15.II.E.7.

right to environmental information, based on the preliminary findings of a survey launched at the previous meeting. Delegates shared information on other developments related to the implementation of the third pillar of the Convention and examined tools to promote effective access to justice.

21. The Judicial Colloquium entitled “SDG16: Role of Judiciary in Promoting the Rule of Law in Environmental Matters” was held back-to-back with the above-mentioned meeting on 27 and 28 February 2019. This Colloquium was organized by the secretariat in cooperation with the United Nations Environment Programme (UNEP), the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Organization for Security and Cooperation in Europe (OSCE), the International Union for Conservation of Nature World Commission on Environmental Law, the Global Judicial Institute on the Environment, the European Union Forum of Judges for the Environment and the Association of European Administrative Judges. The event gathered representatives of the judiciary, judicial training institutions and other review bodies; its objective was to strengthen the capacity of the judiciary to effectively handle cases related to environmental matters and to apply constitutionally entrenched environmental rights. The meeting addressed the role of the Convention in that context and the linkages between the Convention and other ECE multilateral environmental agreements in enforcing environmental law and the concept of environmental constitutionalism.

22. A thematic session on access to justice was held during the second slot of the twenty-fourth meeting of the Working Group of the Parties (Geneva (hybrid), 28 and 29 October 2020). The Working Group took stock of developments and identified positive trends and challenges with regard to the implementation of access to justice. In particular, it considered the role of public interest litigation, which provided an opportunity to discuss achievements and barriers regarding the following key issues: (a) standing; (b) scope of review; (c) assistance mechanisms and costs; (d) timeliness; (e) remedies; and (f) protection against harassment and other forms of retaliation.

23. The Task Force at its thirteenth meeting (Geneva (hybrid), 15 and 16 February 2021) continued focusing on promoting public interest litigation in environmental matters and on measures to promote effective access to justice in information cases and cases relating to air quality.

24. A report on access to justice in information cases was prepared on the basis of a survey among 12 Parties from different subregions through open-ended consultations among Governments and different stakeholders.⁹

25. The secretariat continued to populate the Aarhus Clearinghouse and the jurisprudence database with relevant resources; a call for case summaries is ongoing. The secretariat also contributed to the work of other international forums or expert meetings organized by partner organizations dealing with access to justice. The secretariat promoted cooperation within the network of the judiciary, judicial training institutions and other review bodies in the pan-European region under the auspices of the Task Force.

D. Genetically modified organisms

26. Bilateral collaboration on GMOs is ongoing between the secretariats of the Aarhus Convention and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity. The two secretariats organized the third Joint Round Table on Public Awareness, Access to Information and Public Participation regarding Living Modified

⁹ See “Study on access to justice in information cases: Responses received, comments received”, available at <https://unece.org/env/pp/analytical-studies-on-access-to-justice>.

Organisms/Genetically Modified Organisms (LMOs/GMOs) (Geneva, 16–18 December 2019). The meeting brought together representatives of Governments, academia, the private sector, non-governmental organizations (NGOs) and other experts engaged in the implementation of both instruments from numerous countries of Europe, Asia, Africa and North and South America with the objective of developing capacities of authorities through the sharing of experiences and expertise. The event thus also helped Governments to further the achievement of a number of Sustainable Development Goals, in particular Goals 15 and 16. To enhance the capacities of authorities in those areas, the Round Table featured a training session during which participants practised identifying the public concerned for different cases: deliberate release, contained use and placing on the market of LMOs/GMOs. There was also discussion of how to apply a step-by-step approach to a procedure, which, if followed correctly, led to effective public participation in decision-making.

27. The secretariat of the Cartagena Protocol on Biosafety was actively involved in the organization of the two thematic sessions at the twenty-fifth meeting of the Working Group (Geneva (online), 3 May, and (hybrid) 7 and 8 June 2021): the first on promoting the principles of the Convention in international forums with a thematic focus on biosafety and geoengineering; and the second with a focus on access to information, public participation and access to justice in relation to GMOs.

28. The “Pocket Guide promoting effective access to information and public participation regarding living modified organisms/genetically modified organisms”¹⁰ was developed by the two secretariats on the basis of experiences shared by Parties to the Cartagena Protocol and to the Aarhus Convention and by stakeholders. The Pocket Guide aims to strengthen capacities of Governments and stakeholders in providing effective access to information and public participation in decision-making processes. It is available in English and had been translated into Arabic, Chinese and Spanish. It is planned to also translate it into French and Russian.

29. To advance access to information with respect to GMOs, the Task Force on Access to Information considered the matter at its seventh meeting (online, 16 and 17 November 2020).

30. Both secretariats continuously promoted the use of e-learning modules, checklists and other tools developed jointly under the Aarhus Convention and the Convention on Biological Diversity. A call for submitting useful resources to the Biosafety Clearing-House and the Aarhus Clearinghouse remains ongoing, with a view to continued sharing of experience, good practices and lessons learned.

31. At the invitation of the secretariat of the Convention on Biological Diversity, the Aarhus secretariat provided input to a joint issue of the Biosafety Protocol News in 2018.¹¹ The newsletter includes articles prepared jointly by national focal points to the Aarhus Convention and the Cartagena Protocol. Parties to the Cartagena Protocol from outside the ECE region also report how the Aarhus Convention and related guidelines on GMOs are beneficial for their implementation of article 23 of the Cartagena Protocol.

32. During the intersessional period, only Albania accepted the amendment to the Aarhus Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMO amendment). One more Party from among the following list must ratify the amendment for it to enter into force: Armenia; Azerbaijan; Belarus; Kazakhstan; Kyrgyzstan; North Macedonia; Tajikistan; Turkmenistan; and Ukraine.

¹⁰ United Nations Economic Commission for Europe (ECE)/Convention on Biological Diversity (May 2021). Available at <https://unece.org/environment-policy/public-participation/gmos>.

¹¹ Secretariat of the Convention on Biological Diversity, Biosafety Protocol News, 2017/2018, No. 13, available at <https://bch.cbd.int/protocol/outreach/newsletter/bpn-13-low-en.pdf>.

33. The Parties whose ratification of the GMO amendment would count towards its entry into force had been repeatedly called upon during the previous and the current intersessional periods to take specific steps towards ratification and to provide the secretariat with a written explanation of the status of ratification. Following the request of the Meeting of the Parties at its sixth session (Budva, Montenegro, 11–14 September 2017),¹² the Working Group of the Parties has been monitoring closely the progress towards the entry into force of the GMO amendment.

II. Procedures and mechanisms

A. Compliance mechanism

34. Since the opening of the sixth session of the Meeting of the Parties, the Compliance Committee has held 14 regular meetings, namely, its fifty-eighth to seventy-first meetings, and 44 virtual meetings. One regular meeting was held in parallel with the sixth session, one was held in the second half of 2017, three in 2018, 2019, 2020 and 2021, respectively. The seventy-second meeting will be held from 18 to 21 October in Geneva, in parallel with the seventh session of the Meeting of the Parties. At its meetings, the Committee reviewed communications from the public concerning alleged non-compliance by Parties.¹³ Since the Committee's report to the sixth session of the Meeting of the Parties, forty-two new communications have been forwarded to the Committee for consideration as to their preliminary admissibility. Thirty-six of those communications were determined to be admissible. The Committee received no new submissions from Parties and the secretariat made no referrals in the reporting period. During the reporting period, the Committee considered and made findings, and, in some cases, recommendations, with respect to the substance of twenty-six communications and one submission about the compliance of another Party. The Committee found non-compliance in 22 cases.¹⁴

35. In addition to its pending cases, the Committee followed up on the implementation of 10 decisions adopted by the Meeting of the Parties at its sixth session, namely decisions VI/8a-e and VI/8g-k concerning, respectively, Armenia, Austria, Belarus, Bulgaria, Czechia, Kazakhstan, Romania, Slovakia, Spain and the United Kingdom of Great Britain and Northern Ireland.¹⁵ The Committee also followed up on two requests made by the Meeting of the Parties at its sixth session concerning the compliance of the European Union¹⁶ and Turkmenistan.¹⁷ In addition, the Committee also followed up on three findings of non-compliance adopted since the sixth session of the Meeting of the Parties in which the Parties concerned had agreed to the Committee making recommendations to them directly, in accordance with paragraph 36 (b) of the annex to decision I/7 (ECE/MP.PP/2/Add.8).¹⁸

¹² ECE/MP.PP/2017/2, para. 38.

¹³ See Compliance Committee meeting reports, available at <https://unece.org/environment-policy/public-participation/aarhus-convention/compliance-committee-meetings>.

¹⁴ ECE/MP.PP/2021/44, para. 36, available at https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7 (under “Background reports and documents (Category II pre-session documents”).

¹⁵ Available at <https://unece.org/env/pp/cc/documents>.

¹⁶ Request ACCC/M/2017/3 (European Union) (see ECE/MP.PP/2017/2, para. 63).

¹⁷ Request ACCC/M/2017/2 (Turkmenistan) (see ECE/MP.PP/2017/2/Add.1, decision VI/8, para. 19).

¹⁸ Communications ACCC/C/2014/104 (Netherlands) (ECE/MP.PP/C.1/2019/3), ACCC/C/2013/107 (Ireland) (ECE/MP.PP/C.1/2019/9) and ACCC/C/2016/141 (Ireland) (ECE/MP.PP/C.1/2021/8).

36. In May 2019, the second edition of the *Guide to the Aarhus Convention Compliance Committee* was published.¹⁹ The Guide has subsequently been translated into French and Russian and is available on the Convention's website in the three official languages of ECE. Preparation of the revised Guide took place in a transparent and participatory manner, with all discussions of the draft revised Guide taking place in open session at Committee meetings and all drafts being published on the Committee's website in advance of the discussions. In addition to the discussions at the Committee meetings, Parties and observers were given the opportunity to send written comments on the various drafts.

37. Further information on the work of the Compliance Committee during the intersessional period is available in the Committee's reports to the seventh session of the Meeting of the Parties.²⁰

B. Capacity-building activities

38. In addition to capacity-building activities mentioned under other areas of work to build synergies and enhance coordination with partners, the secretariat continuously maintained close cooperation with and provided advisory support to United Nations partner agencies and other international organizations within the Convention capacity-building coordination framework.²¹

39. A networking event for matching countries' needs with offers of support was held on 20 June 2018, on the margins of the twenty-second meeting of the Working Group of the Parties. The event featured discussions in break-out groups facilitated by partner organizations on the three pillars of the Convention, as well as on e-learning and education.²²

40. The secretariat promoted the Convention and the decisions adopted by the Meeting of the Parties at its sixth session at the annual meetings of the Aarhus Centres, organized by OSCE (Issyk-Kul, Kyrgyzstan, 19 and 20 September 2018; Vienna, 16 and 17 October 2019 and online, 10 and 11 November 2020). The meetings focused on the role of Aarhus Centres in: supporting the implementation of the 2030 Agenda for Sustainable Development; ensuring environmental democracy in times of disaster and post-disaster recovery; and gender mainstreaming. Ensuring sustainable functioning of the Aarhus Centres through resource mobilization remained crucial.

41. The eleventh meeting of the Capacity-building Coordination Framework (Geneva, 9 October 2018) focused on potential cooperation within existing and future capacity-building activities under the Convention and its Protocol in the light of the decisions of the Meetings of the Parties to the Convention and the Protocol adopted at their sixth and third sessions, respectively, also considering the 2019 in-depth review of progress towards Sustainable Development Goal 16.

42. The twelfth meeting of the Capacity-building Coordination Framework (online, 11 May 2021) considered existing and future capacity-building activities in the light of the preparations for the seventh session of the Meeting of the Parties, with a view to promoting efficient use of resources and synergy.

¹⁹ See <https://unece.org/environment-policy/publications/guide-aarhus-convention-compliance-committee>.

²⁰ ECE/MP.PP/2021/44 and ECE/MP.PP/2021/45, available at https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7 (under "Background reports and documents (Category II pre-session documents)").

²¹ See <https://unece.org/env/pp/aarhus-convention-capacity-building>.

²² See AC/WGP-22/Inf. 10, available at <https://unece.org/environmental-policy/events/twenty-second-meeting-working-group-parties-aarhus-convention> (under "CB Networking Event – Documents" tab).

43. To promote the Convention's requirements regarding energy-related activities, the secretariat provided substantive support to:

(a) Multi-stakeholder dialogues entitled "Hard Talk: New Possibilities for Developing Renewable Energy Sustainably in Bosnia and Herzegovina" (Sarajevo, 4 and 5 December 2018) and "New Possibilities for Developing Renewable Energy Sustainably in Serbia" (Belgrade, 21 and 22 March 2019);

(b) A high-level workshop entitled "Action across sectors and borders for sustainable future of the Drina River Basin" (Belgrade, 29 October 2019);

(c) A workshop on environmental and health impacts of lifetime extension of nuclear power plants (Lisbon, 5 June 2019), organized by the International Association for Impact Assessment, in cooperation with the Convention on Environmental Impact Assessment in a Transboundary Context secretariat and the Portuguese Association for Impact Assessment.

44. The secretariat provided training to operational staff of the European Investment Bank on provisions of the Convention relevant to the Bank's operations (Luxembourg, 24 October 2019).

45. The secretariat and the Chair of the Task Force on Access to Justice provided substantive support to the online conference "The role of the ombudsperson, media and youth in promoting Aarhus Convention principles" organized by the OSCE Centre in Ashgabat on 24 and 25 June 2021.

46. During the intersessional period, the secretariat provided various inputs to the processes under the United Nations Sustainable Development Cooperation Framework²³ covering activities from 2021 to 2025 in 16 countries in the ECE region.

47. Following the expression of interest by Uzbekistan in learning from the experience of implementing the Convention, the secretariat provided advisory support and capacity-building to the country's authorities. That included a secretariat mission to Tashkent, on 29 and 30 May 2019, to meet with the State Committee of Uzbekistan on Ecology and Environmental Protection and international organizations, and a legislative review.

48. Further information on capacity-building activities, including current trends and considerations, is available in the report on capacity-building (ECE/MP.PP/2021/7) and its accompanying document (AC/MOP-7/Inf.3).

49. During the intersessional period, the secretariat continuously provided advisory support to Parties and non-Parties upon request. It liaised continuously with partner organizations, potential donors and interested countries and stakeholders on possible capacity-building activities and handled a number of consultations regarding capacity-building activities through electronic means.

C. Reporting mechanism

50. Following the failure of Armenia, Bosnia and Herzegovina, the Netherlands, the Republic of Moldova, North Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland to submit their national implementation reports for the 2017 reporting cycle within the deadlines set by the Meeting of the Parties, these Parties were invited by the Meeting of the Parties to submit their reports by 1 November 2017. Six of these seven countries subsequently submitted their reports (i.e.: Armenia, on 1 November 2019; Bosnia and Herzegovina, on 18 May 2018; Netherlands, on 11 July 2018; North Macedonia, on 30

²³ See <https://unsdg.un.org/2030-agenda/cooperation-framework>.

May 2018; Ukraine, on 26 February 2019; and United Kingdom of Great Britain and Northern Ireland, on 2 August 2018). As of 1 November 2019, only the Republic of Moldova had failed to submit its national implementation report for the 2017 reporting cycle.²⁴

51. The 2021 reporting cycle was launched by the secretariat in March 2020, when Parties were invited to submit national implementation reports for consideration at the seventh session of the Meeting of the Parties. A training session on preparation of national implementation reports was held for delegates at the twenty-fourth meeting of the Working Group of the Parties (Geneva (virtual), 1–3 July and (hybrid) 28 and 29 October 2020).

52. As of 25 August 2021, 39 Parties have submitted their national implementation reports for the 2021 reporting cycle, with 28 Parties submitting their reports before the deadline indicated in decision II/10 on reporting requirements. The following Parties have failed to submit their reports for the 2021 cycle to date: Azerbaijan, Iceland, Malta, Netherlands, Republic of Moldova, Sweden, Tajikistan and Ukraine.²⁵

III. Promotional activities

A. Awareness-raising and promotion of the Convention and the Protocol on Pollutant Release and Transfer Registers

53. On the occasion of the twentieth anniversary of the adoption of the Aarhus Convention, the twenty-second meeting of the Working Group of the Parties featured a special segment during which delegates heard testimonies by former and present Chairs of different bodies of the Convention, representatives of Governments, NGOs, academia and other experts, who played an important role in promoting the Convention. Moreover, young people were invited to discuss with delegates how they considered Aarhus rights help them to create a sustainable future. Prior to the meeting of the Working Group of the Parties, a special event to celebrate the twentieth anniversary of the adoption of the Aarhus Convention was held in Rome on 15 and 16 May 2018. The Rome anniversary event was organized by Italy in cooperation with the secretariat and the European Environmental Bureau. The meeting was unique in its format, as it allowed Parties, NGOs and other stakeholders to share their views in an open and rather informal way.²⁶

54. The secretariat, or relevant experts invited by the secretariat to do so, participated in conferences, seminars, workshops and other events in various countries to promote and raise awareness about the Convention and its Protocol at the international level. Below is a non-exhaustive account of the events.

55. The secretariat provided input regarding the Convention and its Protocol to the sixth *Global Environment Outlook*²⁷ and its derivatives submitted to the United Nations Environment Assembly of UNEP at its fourth session (Nairobi, 11–15 March 2019). In addition, the secretariat promoted synergy within the Multilateral Environmental Agreements Information and Knowledge Management Initiative coordinated by UNEP and the Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law

²⁴ See ECE/MP.PP/2017/6.

²⁵ See <https://unece.org/environment-policy/public-participation/aarhus-convention-reporting-mechanism/2021-reporting-cycle>.

²⁶ See <https://unece.org/environmental-policy/events/twenty-second-meeting-working-group-parties-special-segment-anniversary>.

²⁷ United Nations Environment Programme (UNEP) (n.p., Cambridge University Press, 2019).

(Montevideo Programme V)²⁸ coordinated by UNEP, as well as taking part in relevant meetings.

56. The secretariat provided substantive input on the Convention and its Protocol for the third cycle of environmental performance reviews of Kazakhstan (2018), North Macedonia (2018), Romania (2020) and Uzbekistan (2019).²⁹

57. The secretariat provided substantive support to a training programme on public participation and strategic environmental assessments for Chinese investors and policymakers from Central Asia in the context of the “International Coalition for Green Development on the Belt and Road” (Turin, Italy, 8–12 October 2018). The training was jointly organized by UNEP and the International Labour Organization International Training Centre.

58. The secretariat made a presentation on ensuring the effective use of the Aarhus Convention compliance mechanism, at a law conference entitled “21 Today: The Aarhus Convention Coming of Age?” (London, 25 June 2019).

59. Following distribution of the English- and Chinese-language³⁰ versions during the previous intersessional period, the French- and Russian-language versions of the second edition of *The Aarhus Convention: An Implementation Guide*³¹ were made available and distributed to national focal points and relevant stakeholders in the region and beyond.

60. The promotional brochure, *Protecting Your Environment: The Power Is In Your Hands – Quick guide to the Aarhus Convention*, addressing the general public interested in the Convention, was published in all six official languages of the United Nations – Arabic, Chinese, English, French, Russian and Spanish – and widely distributed.³² A Japanese-language translation was prepared by the NGO Aarhus Net Japan and made available online.

61. The secretariat promoted the Convention and its Protocol through various reports and articles prepared under the auspices of ECE and partner organizations. It continued an enhanced outreach exercise, distributing materials about the Convention and the Protocol to national focal points, Aarhus Centres, other United Nations bodies, international organizations, NGOs and academic institutions in the ECE region and beyond.

62. Following a formal expression of interest by Guinea-Bissau, the secretariat provided advisory support to the country in its efforts to accede to the Convention. The secretariat also provided advisory support to Mongolia on the Convention and its Protocol at its request.

B. Promotion of the principles of the Aarhus Convention in international forums and other interlinkages with relevant international bodies and processes

63. In connection with implementing the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines),³³ at its twenty-second, twenty-third, twenty-fourth and twenty-fifth meetings,

²⁸ See

https://wedocs.unep.org/bitstream/handle/20.500.11822/30819/Final_MonteV_Assess.pdf?sequence=1&isAllowed=y.

²⁹ See <https://unece.org/reviewed-countries>.

³⁰ The Chinese translation was provided within the framework of the European Union-China Environmental Governance Programme.

³¹ United Nations publication, Sales No. E.13.II.E.3..

³² United Nations publication, ECE/MP.PP/9.

³³ ECE/MP.PP/2005/2/Add.5.

the Working Group of the Parties held thematic sessions on promoting the application of the principles of the Convention in international forums. The session at the twenty-second meeting focused on promoting the application of the Convention's principles in international decision-making on chemicals and waste under the three UNEP chemical conventions,³⁴ the Minamata Convention on Mercury and the Strategic Approach to International Chemicals Management policy framework. Participants in the thematic session also reviewed progress in promoting these principles within the context of the United Nations Framework Convention on Climate Change (UNFCCC) and the 2030 Agenda for Sustainable Development processes, and regarding access to information and stakeholder engagement within the framework of the United Nations Environment Assembly of UNEP and international financial institutions-related processes.

64. The thematic session during the Working Group's twenty-third meeting looked at developments in promoting the principles of the Convention in the policies of international financial institutions and cross-cutting issues, such as: innovative practices; different modalities for engaging stakeholders; self-organization of stakeholders; hosting an international event; and identification of the public. The meeting considered the promotion of the principles within the context of International Civil Aviation Organization processes. Additional topics included: an update on the processes under the UNFCCC; the policy on stakeholder engagement of the United Nations Environment Assembly of UNEP; and the high-level political forum on sustainable development.

65. During the thematic session held at the twenty-fourth meeting of the Working Group, application of the principles of the Aarhus Convention in international trade negotiations and in International Civil Aviation Organization processes was in focus. The Working Group considered the progress made with regard to items discussed at previous thematic sessions, including international financial institutions, climate-related processes, with a focus on lessons learned from the twenty-fifth session of the Conference of the Parties to UNFCCC (Madrid, 2–15 December 2019) and preparations for the twenty-sixth session (Glasgow, United Kingdom of Great Britain and Northern Ireland, 31 October–12 November 2021); stakeholder engagement in the United Nations Environment Assembly of UNEP and the UNEP Policy on Stakeholder Engagement and the high-level political forum on sustainable development.

66. The thematic session during the Working Group's twenty-fifth meeting focused on promotion of the principles of the Aarhus Convention in international decision-making regarding geoenvironment and biosafety.

67. The secretariat continued to support efforts to promote the principles of the Convention in various international forums, working with other United Nations bodies (in particular, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Department of Economic and Social Affairs, the United Nations Development Programme, UNEP, the Economic and Social Commission for Asia and the Pacific (ESCAP), the United Nations Institute for Disarmament Research, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Institute for Training and Research, the Food and Agriculture Organization of the United Nations, the Inter-Organization Programme for the Sound Management of Chemicals and the UNEP Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (UNEP/MAP) Coordinating Unit), other environmental treaty bodies (such as the Convention on Biological Diversity and its

³⁴ The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants.

Cartagena Protocol on Biosafety, the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention), the Minamata Convention on Mercury, the Convention on the Transboundary Effects of Industrial Accidents, the Convention on Environmental Impact Assessment in a Transboundary Context and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes) and other international organizations (e.g., the European Bank for Reconstruction and Development (EBRD), the European Court of Human Rights, the European Investment Bank, the Organisation for Economic Co-operation and Development, OSCE, the Council of Europe, the Group on Earth Observations and the World Bank).

68. Within the United Nations Environment Management Group, the secretariat acted as focal point for ECE in the Issue Management Group on Human Rights and the Environment.

69. The secretariat continued to promote the use of the Aarhus Convention and its Protocol in the context of the implementation of the Sendai Framework for Disaster Risk Reduction and cooperation with the United Nations Office for Disaster Risk Reduction.

70. The secretariat promoted the Convention principles in a side event hosted by France and Costa Rica at the twenty-fourth session of the Conference of the Parties to the UNFCCC (Katowice, Poland, 2–15 December 2018), as well as at similar side events held during meetings of the subsidiary bodies of UNFCCC in April and June 2018, in preparation for the twenty-fourth session of the Conference of the Parties. Furthermore, the secretariat promoted the Convention and its principles at a side event to the 2018 high-level political forum on sustainable development entitled “Environmental democracy for sustainable societies”, organized by the Economic Commission for Latin America and the Caribbean (ECLAC), in collaboration with Chile, Costa Rica, France, Italy, ECE, UNEP and The Access Initiative (11 July 2018); at side events held during meetings of the subsidiary bodies of UNFCCC in June 2019; at different events taking place at the preparatory meeting for the twenty-fifth session of the Conference of the Parties to the UNFCCC (San José, 8–10 October 2019); and at a side event entitled “Realizing the right to participate: Empowering people as agents of more effective climate action” at the twenty-fifth session of the Conference of the Parties (Madrid, 9 December 2019).

71. The secretariat contributed to the joint submission by OHCHR, the International Labour Organization, the United Nations Entity for Gender Equality and the Empowerment of Women, UNESCO, UNEP, ECE, the United Nations Children’s Fund (UNICEF) and ECLAC for the review of the Doha work programme on Article 6 of the Convention,³⁵ also known as a call for recommendations and views on future work to enhance Action for Climate Empowerment.

72. Cooperation between the secretariat and the special procedures of the Human Rights Council was enhanced in the intersessional period. The secretariat provided input on the value added of the Convention and its Protocol to a study by OHCHR on “Promotion, protection and implementation of the right to participate in public affairs in the context of the existing human rights law: best practices, experiences, challenges and ways to overcome them”.³⁶ In response to the invitation of the High Commissioner for Human Rights, input was also provided to the civil society space report to be submitted to the Human Rights Council at its thirty-eighth session (Geneva, 18 June–6 July 2018), as requested in paragraph 18 of Human Rights Council resolution 32/31 on civil society space.³⁷ During the thirty-seventh session of the Human Rights Council (Geneva, 26 February–23 March 2018), the secretariat promoted the Convention on several occasions: (a) on 2 March 2018, at a side event regarding

³⁵ See FCCC/SBI/2019/L.3/Add.1.

³⁶ See A/HRC/30/26.

³⁷ See A/HRC/RES/32/31.

children's rights and the environment organized by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; (b) on 5 March 2018, during the plenary discussion on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development; (c) also on 5 March 2018, at a side event organized by the NGOs Earthjustice and the Centre for International Environmental Law on the protection of environmental human rights defenders; and (d) on 6 March 2018, at the launch event of the United Nations Environmental Rights Initiative.

73. In response to a call by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, in October 2018, the secretariat provided input³⁸ to the Special Rapporteur's report on human rights obligations in the context of air pollution³⁹ and promoted the principles of the Convention during the fortieth session of the Human Rights Council (Geneva, 25 February–22 March 2019). During the forty-sixth session of the Human Rights Council (Geneva, 22 February–24 March 2021), a joint statement of 15 United Nations entities,⁴⁰ including on behalf of ECE, on the right to a healthy environment was delivered during the general debate of the forty-sixth session of the Human Rights Council on 9 March 2021.

74. The Chair of the Bureau presented the ongoing work on developing a rapid response mechanism to protect environmental defenders under the Convention at a parallel event to the forty-sixth session of the Human Rights Council (online, 9 March 2021).⁴¹

75. In response to a call for comments by the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights,⁴² in March 2019, the secretariat prepared and submitted comments on the zero draft of a legally binding instrument regulating, in international human rights law, the activities of transnational corporations and other business enterprises.⁴³

76. The secretariat also promoted the Convention's relevant obligations at the expert seminar on best practices, lessons learned and the way forward on the right to a safe, clean, healthy and sustainable environment organized by OHCHR and UNEP in Geneva, on 20 and 21 June 2019.

77. Following a call for comments by EBRD, in March 2019, the secretariat prepared and submitted comments on the EBRD draft revised Public Information Policy.⁴⁴

78. The secretariat contributed to the launch of the online Information Repository of Good Practices and Lessons Learned in Land-Use Planning and Industrial Safety⁴⁵ by the Convention on the Transboundary Effects of Industrial Accidents and the European Investment Bank.

³⁸ Further information is available at www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/CleanAir.aspx.

³⁹ A/HRC/40/55.

⁴⁰ See <https://www.unep.org/news-and-stories/statements/joint-statement-united-nations-entities-right-healthy-environment>

⁴¹ For additional information, see www.genevaenvironmentnetwork.org/events/geneva-roadmap-40-11-milestones-and-opportunities-in-2021/.

⁴² Established through Human Rights Council resolution 26/9 on the elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights (A/HRC/RES/26/9).

⁴³ A/HRC/40/48, para. 91 (a).

⁴⁴ See www.ebrd.com/strategies-and-policies/have-your-say.html.

⁴⁵ See <https://unece.org/information-repository-good-practices-and-lessons-learned-land-use-planning-and-industrial-safety>.

79. The secretariat further promoted the Aarhus Convention at the first meeting of the Team of Specialists on Sustainable Fisheries, organized by the United Nations Centre for Trade Facilitation and Electronic Business (Geneva, 29 and 30 January 2018).

80. The secretariat also promoted the Convention at an event on “Strengthening the implementation of multilateral environmental agreements: Can NGOs make a difference through compliance mechanisms?” (Geneva, 7 March 2018), organized jointly by the Implementation Committee under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and the Compliance Committee under its Protocol on Water and Health.

81. The secretariat continued to support the activities lead by the Water Convention related to the promotion of the water-energy-food-ecosystems nexus approach.

82. Pursuant to the Flagship Initiative on Environmental Governance under the Mediterranean Strategy for Sustainable Development 2016–2025, which, among other things, encourages Mediterranean countries to accede to the Aarhus Convention, the Mediterranean Programme for International Environmental Law and Negotiation Centre, in cooperation with the secretariats of the Aarhus Convention and of the Barcelona Convention, carried out a survey among Parties and organizations. The survey focused on their experiences in implementing the Aarhus Convention. The results would be used to develop a document on accession to the Aarhus Convention for Mediterranean countries.

83. With regard to chemicals management and wastes, the secretariat promoted the work under the Convention and its interlinkages with other treaties and processes, among other things, at the following events:

(a) The sixth Inter-agency Meeting on Sound Chemicals Management (25 March 2021), organized by the Inter-Organization Programme for the Sound Management of Chemicals to facilitate exchange of experience between agencies and organizations and to consider collaboration in the context of the Strategic Approach to International Chemicals Management intersessional and beyond 2020 processes and the 2030 Agenda for Sustainable Development. In addition to the Strategic Approach to International Chemicals Management indicator on pollutant release and transfer registers, the number of countries that have implemented the Aarhus Convention is listed as a possible indicator to be mentioned for the beyond 2020 instrument;

(b) Several online meetings of the Virtual Working Groups (2020/2021) on targets, indicators and milestones and on governance and mechanisms to support implementation under the intersessional process considering the Strategic Approach and sound management of chemicals and waste beyond 2020.

84. During the reporting period, upon request, the secretariat provided ongoing advisory support, including by engaging relevant experts, to ECLAC regarding the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement). In this regard, the secretariat provided advisory support, in particular to share experiences and lessons learned regarding rules of procedure of the Convention’s Meeting of the Parties and the compliance mechanism, to the signatory countries of the Escazú Agreement at their first and second meetings (San José, 11 and 12 October 2019 and 9 and 10 December 2020). The ECE Executive Secretary participated in the online celebrations of the entry into force of the Agreement on 22 April 2021.

85. The secretariat organized a round table on the environmental dimension of Sustainable Development Goal 16, held on the margins of the 2019 Regional Forum on Sustainable Development for the United Nations Economic Commission for Europe Region (Geneva, 21

and 22 March 2019) and in cooperation with UNEP, the International Telecommunication Union and the World Health Organization Regional Office for Europe.

86. The secretariat contributed to the side event “Empowering people to protect the planet in a COVID-19 context: the contribution of SDG 16 and environmental access rights to sustainable and resilient recovery”, organized by Uruguay in collaboration with Costa Rica, France, Mexico, Saint Lucia and Switzerland, ECLAC, ECE, ESCAP and UNEP in the margins of the 2021 high-level political forum on sustainable development (15 July 2021). The secretariat spoke at a webinar for young people organized by the Centre for International Environmental Law on a rights-based approach to youth activism in international environmental negotiations on 12 November 2020.

87. The secretariat provides advice on an ongoing basis to various academic bodies, NGOs and other stakeholders upon request.

C. Coordination and oversight of intersessional activities

88. During the intersessional period, the status of the Convention with regard to accession, ratification or approval remained unchanged: as of 31 December 2016, the Convention has 47 Parties. On 3 September 2020, Albania accepted the GMO amendment to the Aarhus Convention. The amendment has 32 Parties to date. The ratification of the Protocol on Pollutant Release and Transfer Registers by Montenegro in 2017 and Italy and Kazakhstan in 2020 raised the number of Parties to that treaty to 38.

89. Coordination and oversight of intersessional activities during the reporting period was conducted by the Working Group⁴⁶ and its Bureau,⁴⁷ the latter regularly held electronic consultations and decision-making through electronic means.

90. Representatives of the ECE Committee on Environmental Policy and the governing bodies of the ECE multilateral environmental agreements continued to liaise at informal meetings to exchange information on priorities under the agreements and to identify and discuss possible areas of cooperation and synergy in the light of recent and future key developments in the area of the environment. The Chairs of the Aarhus Convention and the Protocol, along with members of the secretariat, participated in a meeting in Geneva on 28 January 2019.⁴⁸

91. Updates on activities under the Convention and its Protocol supporting Governments in their efforts to achieve the Sustainable Development Goals were presented by the Chairs of the two governing bodies at the twenty-fourth session of the Committee on Environmental Policy (Geneva, 29–31 January 2019). That progress had been made possible by promoting effective, accountable and transparent governance; effective access to information; effective and inclusive public participation and transparency in national and international decision-making; and effective and equal access to justice for all.⁴⁹

⁴⁶ See <https://unece.org/env/pp/wgp>.

⁴⁷ See <https://unece.org/env/pp/aarhus-convention-bureau>.

⁴⁸ The Chair’s summary of the meeting, which includes a list of participants, is available at www.unece.org/environmental-policy/conventions/informal-networks.html.

⁴⁹ more information, including texts of the presentations, is available at <https://unece.org/info/Environmental-Policy/Committee-on-Environmental-Policy/events/19257>.

92. The secretariat has been carrying out preparations for the seventh session of the Meeting of the Parties to the Convention, which will take place back-to-back with the fourth session of the Meeting of the Parties to the Protocol in Geneva, during the week of 18–22 October 2021.
