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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

Report of the Working Group of the Parties on its twenty-fifth meeting

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I. Introduction

1. Due to restrictions associated with the coronavirus disease (COVID-19) pandemic, as well as the availability of interpretation and of meeting rooms with interpretation facilities for remote participation, it was not feasible to hold the twenty-fifth meeting of 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 (Aarhus Convention) in one slot as originally planned. The Bureau held consultations and agreed that, in order to ensure smooth preparations for the seventh session of the Meeting of the Parties, the meeting would be held in two slots: (a) items of an informational nature would be considered in an online format, with no decision-making except the adoption of the agenda for the meeting; and (b) items requiring decision-making would be considered in a hybrid format (combining online and in-person participation). The first slot was held online on 3 May 2021 and the second slot was held on 7 and 8 June 2021 in Geneva in a hybrid format. The online session resulted only in draft outcomes, which were made accessible on the meeting's web page and were considered during the second slot.¹ A roll call to establish the presence of Parties for the purpose of decision-making was held on 8 June, concluding that the necessary quorum had been secured with more than 24 Parties present. To facilitate proceedings at the meeting, Parties and stakeholders were requested to submit written comments on documents that were subject to decision-making to the secretariat by 5 May 2021, in order to progress with preparations and discussions for the session in June 2021. All comments received were made available online and delegations had an opportunity to consider them and form their positions. Discussions and decisions during the two slots are summarized in the present report in accordance with thematic focus; reports by the chairs of the task forces and other updates on recent developments in the areas of access to information, public participation in decision-making and access to justice are reflected in section III below on substantive issues.

2. The meeting focused on the preparations for the seventh session of the Meeting of the Parties, including a joint high-level segment (Geneva, 18–21 October 2021). On the morning of 3 May, a thematic session on the promotion of the principles of the Convention in international forums, focusing on geoengineering and biosafety issues, took place. A thematic session on genetically modified organisms (GMOs), organized in cooperation with the secretariat of the Convention on Biological Diversity, was held in the afternoon of 8 June.

A. Attendance

3. The meeting was attended by delegations from the following Parties to the Convention: Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Czechia, Denmark, Estonia, European Union, Finland, France, Georgia, Germany, Greece, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan and United Kingdom of Great Britain and Northern Ireland.

4. A delegate from Tunisia was also present.

5. The meeting was also attended by representatives of the secretariat to the Convention on Biological Diversity, the European Bank for Reconstruction and Development, the European Environment Agency, the European Investment Bank, the World Bank, the World Health Organization, Aarhus Centres, the Association of Southeast Asian Nations (ASEAN) Centre for Biodiversity, judiciary and academic organizations. Furthermore, representatives

¹ Information on the meeting, including documentation, is available at <https://unece.org/environmental-policy/events/aarhus-convention-wgp-25>.

of international, regional and national environmental non-governmental organizations (NGOs) participated in the meeting, many of whom coordinated their input within the framework of the European ECO-Forum.

B. Opening of the meeting and adoption of the agenda and of procedures to facilitate remote participation and decision-making

6. The Chair opened the meeting. She recalled that the twenty-fourth meeting of the Working Group (Geneva, 1–3 July and 28 and 29 October 2020) had resulted in a number of outcomes,² including with regard to the preparation of documents for the current meeting. Pursuant to those outcomes, the draft documents had then been revised by the Bureau, taking into account the comments received, and submitted to the twenty-fifth meeting of the Working Group for consideration and approval.

7. The Working Group took note of the information provided by the Chair and of the statement made by the representative of the European Union and its member States and adopted the provisional agenda of the meeting (ECE/MP.PP/WG.1/2021/1).

8. The Working Party considered the Draft operating procedures to facilitate remote participation and decision-making in the twenty-fifth meeting of the Convention's Working Group of the Parties due to extraordinary circumstances (ECE/MP.PP/WG.1/2021/20). The Working Group further took note of the information provided by the Chair and participants and, pursuant to the discussion, revised and adopted, as amended at the meeting, the Draft operating procedures to facilitate remote participation and decision-making in the twenty-fifth meeting of the Convention's Working Group of the Parties due to extraordinary circumstances (AC/WGP-25/CRP.1).

II. Status of ratification of the Convention and the Protocol on Pollutant Release and Transfer Registers

9. The secretariat reported on the status of ratification of the Convention, the amendment to the Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMO amendment) and the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs). At the time of the meeting, there were 47 Parties to the Convention. Since the twenty-fourth meeting of the Working Group, Albania had accepted the GMO amendment on 3 September 2020, raising the total number of Parties to the amendment to 32. One more Party from among the following list must ratify the GMO amendment for it to enter into force: Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, North Macedonia, Tajikistan, Turkmenistan and Ukraine. Italy ratified the Protocol on PRTRs on 23 November 2020. There were currently 38 Parties to the Protocol.

10. The Working Group took note of the information on the status of ratification of the Convention, its amendment and the Protocol on PRTRs provided by the secretariat.

² See ECE/MP.PP/WG.1/2020/2

III. Substantive issues

A. Access to information

11. The Working Group considered the subsection of the report on the implementation of the work programme for 2018–2021 on access to information, including electronic information tools, the Aarhus Convention Clearinghouse for Environmental Democracy and PRTR.net.³ The Chair of the Task Force on Access to Information summarized the key outcomes of the Task Force’s seventh meeting (Geneva, 16 and 17 November 2020), including the progress made in preparing the draft updated Recommendations on the more effective use of electronic information tools (ECE/MP.PP/WG.1/2021/13).

12. The Working Group took note of the information provided by the Chair of the Task Force on Access to Information and of the Report of the seventh meeting of the Task Force on Access to Information (ECE/MP.PP/WG.1/2021/3). It also took note of the statement made by the representative of the European Union and its member States.

13. The Working Group welcomed the offer of the Republic of Moldova to lead the work area in the next intersessional period and expressed its appreciation for the work done.

B. Public participation in decision-making

14. The Working Group next considered the subsection of the report on the implementation of the work programme for 2018–2021 on public participation in decision-making.⁴ The Chair of the Task Force on Public Participation in Decision-making reported on the key outcomes of the Task Force’s ninth meeting (Geneva, 1 and 2 March 2021).

15. The Working Group took note of the information provided by the Chair of the Task Force on Public Participation in Decision-making and of the Report of the ninth meeting of the Task Force on Public Participation in Decision-making (ECE/MP.PP/WG.1/2021/4) and expressed its appreciation for the work done. It further took note of the statement made by the representative of the European Union and its member States.

C. Access to justice

16. Turning to access to justice issues, the Working Group considered the relevant subsection of the work programme for 2018–2021⁵ and took note of the statement by the representative of the European Union and its member States. The Chair of the Task Force on Access to Justice reported on the key outcomes of the Task Force’s thirteenth meeting (Geneva, 15 and 16 February 2021).

17. The Working Group took note of the information provided by the Chair of the Task Force on Access to Justice and of the Report of the thirteenth meeting of the Task Force on Access to Justice (ECE/MP.PP/WG.1/2021/5) and expressed its appreciation for the work done. Furthermore, the Working Group welcomed the offer of Belgium to lead the work area in the next intersessional period.

³ ECE/MP.PP/WG.1/2021/6, paras. 3–11.

⁴ Ibid., paras. 12–15.

⁵ Ibid., paras. 16–20.

IV. Thematic session on genetically modified organisms

18. The Working Group next considered the subsection of the report on the implementation of the work programme for 2018–2021 on GMOs.⁶ The Chair of the Joint Round Table on Public Awareness, Access to Information and Public Participation regarding Living Modified Organisms/Genetically Modified Organisms (LMOs/GMOs), Mr. Helmut Gaugitsch (Austria), who moderated the thematic session on GMOs, opened the event. He announced that a “Pocket guide promoting effective access to information and public participation regarding living modified organisms/genetically modified organisms”⁷ had been completed to strengthen capacities of Governments and stakeholders in providing effective access to information and public participation in decision-making processes regarding LMOs/GMOs. That informal training and learning tool had been prepared on the basis of experiences shared by Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity and to the Aarhus Convention and by stakeholders. The Pocket guide was available in English, had been translated into Arabic, Chinese and Spanish, and would be translated into French and Russian. He strongly encouraged Governments and stakeholders to use it.

19. The Working Group took note of the above information and welcomed the offer of Austria to lead the work area in the next intersessional period.

20. A representative of the secretariat of the Convention on Biological Diversity, speaking on behalf of the Executive Secretary of the Convention, highlighted common issues and successful cooperation between the Aarhus Convention and the Cartagena Protocol on Biosafety. She highlighted, for example, the successful launch in May 2021 of the above-mentioned joint Pocket guide on the promotion of transparency and public participation in GMO/LMO matters as a useful capacity-building tool to enhance the number of national procedures and mechanisms. She also emphasized several important recent and ongoing events, such as: (a) the acceptance of the GMO amendment to the Aarhus Convention by Albania; (b) meetings of the Convention on Biological Diversity Subsidiary Body on Implementation and Subsidiary Body on Scientific, Technical and Technological Advice; (c) the ongoing discussion between the Parties regarding the post-2020 global biodiversity framework, which included implementation and capacity-building plans on biosafety; (d) the tenth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol that was expected to be held in October 2021; and (e) the seventh meeting of the Aarhus Convention Task Force on Access to Information (Geneva, 16 and 17 November 2020) noting the importance of the Biosafety Clearing House-mechanism and the engagement of the Aarhus Centres in awareness-raising and education on that matter. She also welcomed and encouraged further cooperation between the two secretariats, including cooperation with regard to the Biosafety Clearing-House as a tool to support access to information.

21. A representative of KROK University, Ukraine, shared his insights into the promotion of awareness, education, access to information, public participation and access to justice on LMO/GMO-related matters. He provided significant information on the Aarhus Convention and the Cartagena Protocol, and their provisions concerning procedural requirements on GMOs. The speaker then explained in more detail the right to access to information under both instruments. He also provided an overview of provisions concerning public participation under both treaties, referring in particular to the decisions, plans, programmes, policies and regulations/normative instruments subject to public participation

⁶ Ibid., paras. 21–24.

⁷ United Nations Economic Commission for Europe (ECE)/Convention on Biological Diversity (May 2021), available at <https://unece.org/environment-policy/public-participation/gmos>.

under the Aarhus Convention, and describing the key elements and benefits of public participation. Lastly, he suggested further key actions at the national level, such as the establishment of effective procedures and mechanisms to ensure access rights, and continuous and strengthened cooperation between national focal points to the Aarhus Convention and the Cartagena Protocol. He also emphasized the importance of the Sustainable Development Goals for work on LMO/GMO matters.

22. A representative of Serbia described the approach of her country concerning the regulation of GMOs. She gave an outline of the legal framework, the most commonly used consultation techniques, the strategic framework concerning GMO policy (which included several strategies and programmes), and the institutional framework. Moreover, she emphasized some achievements and good practices concerning public participation regarding GMOs, such as the organization of discussions, round tables and art projects enabling the participation of NGOs and civil society representatives. Lastly, she highlighted some of the most important challenges and made suggestions for a way forward. Those concerned, among other things: the lack of working conditions for NGOs and the general public to enable their efficient public participation; the lack of quality standards for public participation, which would lead to mere pro forma public participation; the exclusion of large parts of society; a failure to take into account the results of consultation; the lack of financial support for public participation; and the lack of harmonization of the national GMO Law with European Union law.

23. A representative of Tunisia presented some achievements and good practices of the country on GMO/LMO-related matters. Those included: (a) ratification of the Cartagena Protocol in 2003; (b) legislation and work programmes; (c) institutional measures such as the establishment of a permanent commission on biosafety and three thematic sub-committees (on the Legal Framework, the Network of Laboratories for GMO Detection and Quantification and Communication, Education and Public Awareness) as well as further institutes, schools, research centres and laboratories specialized in handling biotechnology; (d) implementation of capacity-building projects financed by the United Nations Environment Programme – The Global Environment Facility, with a focus on training activities and public awareness seminars and workshops; and the development, translation and dissemination of publications and technical guides. According to the speaker, the establishment of a national legal biosafety system, the promotion of biosafety in other plans and sectors (such as industry, agriculture and health), the mobilization of financial resources, socioeconomic consideration and involvement of the private sector remained both challenges and priorities.

24. A representative of the European ECO-Forum shared her observations on three systemic challenges regarding access to information and public participation in decision-making on GMOs. First, she expressed concern about the fragmentation of GMOs as the research, development, field trials, production and use of products happened in different places and locations, which makes public participation and national regulation complicated, and she underlined the need to find an international solution to that problem. Similarly, as a second challenge, national supervision and regulation were made difficult by the divergence of expertise about GMOs in different countries, especially when research and development on GMOs were carried out in another country. In that context, she emphasized the importance of the Biosafety Clearing-House Mechanism of the Convention on Biological Diversity and the establishment of the Ad hoc Technical Expert Group on Risk Assessment and Risk Management, although she expressed regret at the fact that the guidance of the Ad hoc Technical Expert Group had not been adopted by the Parties to the Convention. The third challenge related to new genetic engineering techniques, which enabled the spread of new GMOs in the natural environment that might cross national borders, thus making risk assessment and public participation even more difficult.

25. The Chair of the Joint Round Table thanked the panellists and other speakers for their interesting and substantive contributions. He expressed appreciation for the rich experience and views of different institutions and countries shared during the session. Reflecting on the presentations and discussion, he recognized the progress made and results achieved over the years but also acknowledged that several challenges remained with regard to access to information and public participation in decision-making on GMO/LMO matters. For him, the topic remained “a moving target” as technology and knowledge developed, open questions and challenges remained or got even bigger with new technology available. He further noted several key issues derived from the discussion and suggested major points for consideration by the Working Group.

26. Pursuant to the outcomes of the session, the Working Group:

(a) Expressed its appreciation to the representatives of Serbia, Tunisia, the secretariat of the Convention on Biological Diversity, KROK University (Ukraine) and the European ECO-Forum for their presentations and took note of the information provided;

(b) Encouraged Governments and stakeholders to use the recently completed Pocket guide as an informal training and learning tool to strengthen capacity in providing effective access to information and public participation in decision-making processes regarding LMOs/GMOs;

(c) Reiterated that promotion of awareness, education, transparency and effective public participation in GMO/LMO-related decision-making was key for the achievement of Sustainable Development Goals, in particular Goal 2 (zero hunger), especially targets related to food security, improved nutrition and sustainable agriculture, Goal 15 (life on land) and Goal 16 (peace, justice and strong institutions);

(d) Recognized that the joint efforts by Parties, the treaties’ bodies and the two secretariats helped to support countries’ efforts to achieve those Sustainable Development Goals; and that enhanced cooperation at the national and international levels served Parties to both instruments;

(e) Acknowledged the importance of the following actions, which needed to be taken by Parties:

(i) The establishment or enhancement of the implementation of effective procedures and mechanisms for effective access to information, public awareness and for enabling effective and inclusive public participation in decision-making and access to justice with regard to LMOs/GMOs;

(ii) The continued strengthening of coordination and cooperation between national focal points of the Aarhus Convention and the Cartagena Protocol on Biosafety.

V. Procedures and mechanisms

A. Compliance mechanism

27. The Chair drew attention to the subsection of the report on the implementation of the work programme for 2018–2021 on the compliance mechanism.⁸

⁸ ECE/MP.PP/WG.1/2021/6, paras. 25–27.

28. The Chair of the Compliance Committee updated participants on the Committee's activities, in particular the outcomes of the sixty-seventh, sixty-eighth, sixty-ninth and seventieth meetings of the Compliance Committee (respectively, Geneva, 6–10 July 2020, 23–27 November 2020, 25–29 January 2021 and 12–16 April 2021) and other relevant developments.

29. The Chair of the Working Group thanked the Compliance Committee for its hard and professional work and for such impressive achievements, despite all the challenges posed by the COVID-19 pandemic and the extraordinarily high number of cases. A representative of the European ECO-Forum urged Parties to consider re-establishing funding for a team of NGOs aiming to provide advisory support to potential future communicants. In the past, according to the speaker, such advice had prevented a number of flawed or misconceived cases, reduced the workload and led to better outcomes. The previously existing support team was no longer in place due to a lack of funding.

30. The Working Group took note of the information provided by the Chair of the Compliance Committee and expressed its appreciation to him and to other outgoing members of the Committee for their dedication and to the Committee for its valuable work. It also took note of the information provided by the Chair of the Working Group, the secretariat and by participants.

B. Reporting mechanism

31. The Chair brought to the Working Group's attention the section of the report on the implementation of the work programme for 2018–2021 on the reporting mechanism.⁹ The secretariat informed the Working Group that, as of the time of the current meeting, 35 Parties had submitted their national implementation reports for the 2021 reporting cycle under the Convention in one or more official languages of the Convention. The majority of those reports had been received by the deadline of 21 April 2021. As of 4 June 2021, seven reports had been submitted after the deadline. One Party had submitted its report only in its national language. As of 4 June, twelve Parties had failed to submit their national implementation report for the current reporting cycle in at least one of the official languages of the Convention. The Republic of Moldova had also not submitted its report for the previous reporting cycle.

32. In addition, three reports on the status of implementation of the Aarhus Convention have been submitted by stakeholders, namely: (a) the Iceland Nature Conservation Association; (b) World Wildlife Fund Greece and the Hellenic Ornithological Society/BirdLife Greece; and (c) the Public Defender (Ombudsman) of Georgia.

33. The Working Group took note of the information provided by participants and by the secretariat on the status of submission of national implementation reports for the 2021 reporting cycle. The Working Group called upon those Parties that had failed to submit their reports by the time of the meeting – Azerbaijan, the European Union, Iceland, Italy, Malta, the Netherlands, North Macedonia, Portugal, the Republic of Moldova, Sweden, Tajikistan and Ukraine – to proceed with their submissions urgently, so as to ensure that national implementation reports would be taken into consideration during the preparation of the synthesis report.

34. It welcomed the good practice of Germany of submitting its 2021 national implementation report in all three official languages of the Convention, as well as of Belarus, Kazakhstan and Turkmenistan of submitting their reports in two official languages. The Working Group approved the Draft decision on reporting requirements

⁹ Ibid., paras. 35–36.

(ECE/MP.PP/WG.1/2021/19) and requested the secretariat to finalize the document and submit it to the Meeting of the Parties for consideration at its seventh session.

C. Capacity-building and awareness-raising

35. The Working Group considered the subsection of the report on the implementation of the work programme for 2018–2021 on capacity-building activities.¹⁰ The secretariat reported on preparations for the twelfth meeting of the Capacity-building Coordination Framework (Geneva, 11 May 2021). It had circulated a survey to the respective countries in February of 2021. The survey outcomes would be used for the report on capacity-building for the seventh session of the Meeting of the Parties and would provide a basis for future work in that area in the relevant countries.

36. The secretariat continued to raise awareness of the United Nations country teams about capacity-building needs of the Convention and the Protocol on PRTRs within the United Nations Sustainable Development Cooperation Framework. The Framework supported several clusters, including on good governance, human rights and the environment. Capacity-building activities could benefit from and, at the same time, strengthen a nexus approach between those clusters. In addition, the role of the Convention and its Protocol as important enablers for realizing and monitoring the environment-related Sustainable Development Goals needed to be clearly recognized in that regard.

37. The Working Group took note of the statement by the representative of the European Union and its member States. The Working Group also took note of the information provided by the secretariat and reiterated its appreciation to partner organizations for supporting the implementation of the Convention. It further reiterated its call to national focal points to continue reaching out to authorities responsible for development assistance and technical cooperation to explore the possibility of integrating the Convention into those programmes as a critical enabler for sustainable development.

38. The Working Group called on national focal points to liaise with officials supporting the work related to the United Nations Sustainable Development Cooperation Framework to make sure that: the needs related to the Convention's implementation were addressed in the Framework; and the nexus approach to environment, human rights and good governance received special attention in the Framework.

VI. Promotion of the Convention and relevant developments and interlinkages

39. The Chair brought to the Working Group's attention the subsection of the report on the implementation of the work programme for 2018–2021 on awareness-raising and promotion of the Convention and the Protocol.¹¹ The Working Group took note of the statement by the representative of the European Union and its member States on the subject matter.

40. The Working Group also took note of the information provided by the secretariat and reiterated its appreciation to partner organizations for promoting synergy in assisting countries to further access to information, public participation in decision-making and access to justice in environmental matters. It welcomed the entry into force of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental

¹⁰ Ibid., paras. 28–34.

¹¹ Ibid., paras. 37–41.

Matters in Latin America and the Caribbean (Escazú Agreement) on 22 April 2021 and, recalling the Mediterranean Strategy for Sustainable Development 2016–2025, welcomed the interest of the Mediterranean countries in joining the Aarhus Convention.

41. The Working Group took note of the efforts undertaken by Parties, other States, international organizations and stakeholders to promote a possible global recognition of the right to a safe, clean, healthy and sustainable environment. It encouraged Parties to promote the Convention and its Protocol at the upcoming session of the high-level political forum on sustainable development under the Economic and Social Council (New York, 6–15 July 2021) that would discuss Sustainable Development Goals 1 (no poverty), 2 (zero hunger), 3 (good health and well-being), 8 (decent work and economic growth), 10 (reduced inequalities), 12 (responsible consumption and production), 13 (climate action), 16 (peace, justice and strong institutions), and 17 (partnerships for the Goals) in depth.

VII. Thematic session on promotion of the principles of the Convention in international forums

42. The Working Group then considered the subsection of the report on the implementation of the work programme for 2018–2021 concerning the promotion of the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums and other interlinkages with relevant international bodies and processes.¹²

43. Ms. Laura Michel (France), the Chair of the thematic session on the promotion of the principles of the Convention in international forums, opened the session. The topics for discussion included biosafety and geoengineering, based on decision VI/4 (ECE/MP.PP/2017/2/Add.1) adopted by the Meeting of the Parties at its sixth session (Budva, Montenegro, 11–14 September 2017), and the outcomes of the twenty-fourth meeting of the Working Group.

A. Geoengineering

44. A representative of the International Risk Governance Centre at the École polytechnique fédérale de Lausanne presented a report on international governance issues on climate engineering. She emphasized the need to differentiate between technologies aimed at removing carbon dioxide from the atmosphere and technologies aimed at modifying solar radiation without addressing the causes of climate change. According to the speaker, there was a lack of policies and plans concerning both types of technology, and the uncertainty surrounding the use of those technologies made discussion, stakeholder engagement and public participation on the matter very complicated. She noted the need for a transparent and informed discussion, as geoengineering risks were potentially severe.

45. A representative of the ASEAN Centre for Biodiversity, a former chair of the Convention on Biological Diversity Subsidiary Body on Scientific, Technical and Technological Advice for 2017–2018, shared experiences on public participation in the negotiations concerning a moratorium on geoengineering under the auspices of the Convention on Biological Diversity. She highlighted the value of public participation and distinguished different levels of participation for community organizations (international, regional and national). After explaining the role of the Subcommittee on Biodiversity as a mechanism for public participation in the Philippines, she discussed geoengineering projects in the region. Drawing attention to Principle 15 of the Rio Declaration on Environment and

¹² Ibid., paras. 42–54.

Development (the precautionary principle), she said that the main problem lay in the uncertainty surrounding the environmental impacts of such projects.

46. A representative of the Heinrich Böll Foundation, also speaking on behalf of the European ECO-Forum, shared her observations on the issue of public participation in climate geoengineering governance and decision-making. She defined the concept of geoengineering and differentiated between carbon dioxide removal and solar radiation management in that context, and then drew attention to the increased investments by multinational corporations in the development of such technologies. She voiced special concern about the outdoor Stratospheric Controlled Perturbation Experiment, which aimed to develop a technology called stratospheric aerosol injection, and the risks associated therewith. According to her, the governance of such technologies must build on existing multilateral decisions and international norms due to their global impacts. Until such international regulations were in place and meaningful, global and transparent public participation, also involving vulnerable groups, was ensured, the existing Convention on Biological Diversity moratorium must be respected and outdoor experiments banned.

B. Biosafety

47. A representative of the secretariat of the Convention on Biological Diversity explained the framework on public participation and access to information under the Convention and its Protocols. He elaborated on the history and objectives of the Convention and its Protocols, before setting out the provisions on public participation and access to information in each of the treaties. Moreover, he highlighted several relevant rules of procedure concerning observers, conduct of business and webcasting at the sessions of the Conference of the Parties and subsidiary bodies. He also pointed out that some of the public participation requirements of the Convention and its Protocols, especially those concerning decision-making processes, were subject to national legislation. However, the clearing houses and information-sharing mechanisms under the Protocols allowed for easier sharing of information concerning the implementation of the Protocols and the decisions taken by the Parties. Overall, according to the speaker, the provisions of the treaties, the rules of procedure and the practice allowed for access to information and public participation in decision-making processes at the domestic/country and international levels under the Convention and its Protocols.

48. A representative of Finland shared the country's experiences with public participation in international biodiversity matters. Examples included: (a) a National Working Group on Biodiversity, which facilitated the implementation and monitoring of the National Biodiversity Strategy and Action Plan by preparing national positions on biodiversity issues and organizing active discussions that included government actors, NGOs, scientists, indigenous peoples and other stakeholders; (b) a Sub-Working Group on International Biodiversity Issues, which focused on international biodiversity matters and prepared the positions of Finland in international forums; and (c) a Sub-Working Group on Convention on Biological Diversity Article 8 (j) Issues, which prepared and implemented actions related to the protection of traditional knowledge of indigenous peoples, especially the Sámi people. The speaker admitted that coordination schedules did not always allow for formal working group discussions before international conferences, but she emphasized the inclusion of indigenous representatives and environmental NGOs and the good informal cooperation between working group members.

49. A representative of Ecoropa, also speaking on behalf of the European ECO-Forum and Third World Network, shared experiences and challenges of civil society organizations in the context of the Cartagena Protocol on Biosafety. Challenges include divergences between countries concerning the completeness of submitted data on GMOs and concerning

public participation procedures. On the latter issue, regarding meetings of the Convention of Biological Diversity, she positively noted the presence of civil society representatives as observers in working groups, technical expert groups and smaller meetings. Civil society representatives were frequently allowed to speak during meetings and a direct line of communication had been established between the secretariat and NGOs. However, she emphasized the following obstacles: interventions of NGOs were often cut short due to a lack of time; language barriers; and the choice of meeting venue often led to high travel and accommodation costs. Although she highlighted that the special role of indigenous peoples and local communities was acknowledged in article 8 (j) of the Convention on Biological Diversity and those groups were often actively included, she expressed regret at the fact that there was no universal approach to the matter. She mentioned challenges related to the pandemic, including poor Internet connections in developing countries and rural areas, and restrictions created by the online format of meetings. Lastly, she expressed concern about the lack of implementation of the Parties' commitments at the national level and a tendency to exclude new technologies of genetic engineering from national legislation.

C. General discussion

50. A representative of the European Environmental Bureau, also speaking on behalf of the European ECO-Forum, highlighted some issues related to the promotion of the principles of the Convention in international forums in a COVID-19/post-COVID-19 context. She reported on a global pushback against civil society in international forums in the form of both a general tendency to restrict public participation, which predated the pandemic, and pandemic-related restrictions such as online meetings. The rigidity of online meetings reduced interaction between civil society and public authorities and limited opportunities to influence decision-making. The speaker expressed concerns that a "new normal" would be created that would persist after the pandemic had ended and called upon the Parties to uphold their obligations under the Aarhus Convention.

51. A representative of the NGO Centre for Environment and Sustainable Development "ECO-Accord", also speaking on behalf of the European ECO-Forum, emphasized the need to promote public participation in international trade and World Trade Organization (WTO) negotiations. Under WTO rules, environmental impacts of production and trade were not yet adequately regulated and civil society was not sufficiently involved. According to the speaker, WTO was set to undergo a reform, providing a crucial opportunity for the Aarhus Parties to promote the principles of the Convention. She also highlighted the need for increased transparency and public engagement in the negotiation of bilateral and multilateral regional trade agreements. She called upon Aarhus Parties also members of the WTO to raise those issues at the Twelfth WTO Ministerial Conference (Geneva, 30 November–3 December 2021).

52. A representative of the Centre for International Environmental Law, also speaking on behalf of the European ECO-Forum, provided an update on key opportunities to promote public participation in international forums in the context of the twenty-sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (Glasgow, United Kingdom of Great Britain and Northern Ireland, 31 October–12 November 2021). She was concerned that the decisions expected at the twenty-sixth session of the Conference of the Parties with regard to carbon trading would breach the principles of the Aarhus Convention, especially as the drafts did not include the social safeguards and grievance mechanisms that were essential to prevent human rights abuses. Therefore, the speaker called upon the Parties to oppose any operationalization of the Paris Agreement that come at the expense of the rights of local communities and indigenous peoples. She also urged Parties to ensure that the principles of the Aarhus Convention inform the ongoing consultations on a new work programme on matters related to public participation, access to

information and climate education and to guarantee that the shift of negotiations to virtual meetings due to the pandemic does not hinder effective and transparent public participation.

53. A representative of Guta Environmental Law Association, also speaking on behalf of the European ECO-Forum, welcomed the entry into force of the Escazú Agreement in Latin America and the Caribbean and emphasized that it is the first environmental treaty of that region; and that the treaty includes a specific article on the promotion and protection of human rights defenders in environmental matters. She thanked the Aarhus Convention Parties, the Compliance Committee to the Convention, the secretariat and NGOs for the support given to the promotion of the Escazú Agreement thus far and proposed discussing a more strategic and systematic cooperation in the future, including the exchange of information, sharing experience and good practices, assistance and capacity-building, and cooperation in different international forums.

54. A representative of Nuclear Transparency Watch, also speaking on behalf of the European ECO-Forum, commented on the importance of facilitating the disclosure of environmental information in the context of nuclear energy. She highlighted the role of the Aarhus Convention and the European Union concerning access to information and meaningful public participation. She expressed concerns about the release by Japan of radioactive waste into the ocean. In particular, she noted a lack of transparency concerning the level of threat posed by the contaminated water and the failure to engage in meaningful public participation in the decision-making process. Moreover, she was critical of the International Atomic Energy Agency (IAEA), which had advocated discharges into the ocean as a preferred option for the management of radioactive waste, thereby demonstrating a disregard for human rights and safety standards. The speaker called upon the Parties, particularly European Union member States Parties, to promote democratic reform of IAEA, urging IAEA to enable access to information and to engage in effective public participation in decision-making in the future.

55. A representative of Earthjustice, also speaking on behalf of the European ECO-Forum, emphasized the importance of addressing the promotion of “Aarhus rights” in relation to environmental issues lacking an international forum. He differentiated between: (a) environmental issues relating to a clearly identified forum such as the Conference of the Parties to the United Nations Framework Convention on Climate Change; (b) cross-cutting issues that were worked on by several forums simultaneously and rarely developed in a joint and coherent manner, creating the need to develop adequate strategies for public participation; and (c) new topics for which there was not yet an adequate forum, such as entire ecosystems or certain technologies such as geoengineering or nanotechnology. He emphasized that the lack of an appropriate forum resulted in a lack of coherent policy, information and participation in a situation of real risks and damages, and he recalled the urgent need to address that issue.

D. Chair’s summary of the session

56. The Chair of the thematic session thanked the panellists and other speakers for their interesting substantive contributions, which had demonstrated the importance of the promotion of the Convention’s principles in international forums. Referring to emerging technology, i.e. “geoengineering”, the Chair noted that many technologies covered by that term were not mature and presented a high level of uncertainty. She stressed that geoengineering raised considerable concerns in terms of environmental risks, with impacts that might be on the planetary scale, but also social and democracy-related risks. A particular issue in that regard was a lack of regulation of such technology at the international level, as there was no international forum dedicated to geoengineering. That fact was a major issue for environmental democracy.

57. The Chair underlined the role of the Convention on Biological Diversity and the Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, which had adopted moratoriums on the use of geoengineering. Civil society mobilizations against specific projects in Sweden and the Philippines demonstrated the possibility of halting certain projects, at least temporarily, based on the application of the precautionary principle. She emphasized the need to establish global, integrated and transparent governance around the research and use of geoengineering. Such governance would have to be built on the Aarhus Convention's principles of access to information and public participation to allow a "real" public debate on those questions, which, currently, were often discussed in private forums not accessible to the public.

58. Regarding biosafety in international forums, the thematic session focused on the Convention on Biological Diversity and its Protocols. The Chair noted that the Biosafety Clearing-House mechanism provided access to a wide range of information, including on the status of implementation of the Protocols in countries; however, quality of information was not consistent among countries. Provisions in the Convention on Biological Diversity and its Protocols emphasized public participation of several stakeholders, such as indigenous peoples and local communities, or women. She noted that the secretariat of the Convention on Biological Diversity was offering a range of capacity-building activities related to access to information and public participation in decision-making on biosafety matters. The good practice shared by Finland demonstrated how environmental NGOs and representatives of indigenous peoples and local communities could participate both before and during international negotiations on biodiversity.

59. Lastly, the Chair reminded the Working Group that implementation of the principles of the Aarhus Convention varied greatly from one country to another. She encouraged Parties to strengthen their efforts in enhancing the effectiveness of access to information and public participation in international forums.

E. Conclusions

60. Concluding its thematic session, the Working Group:

(a) Expressed its appreciation to the representatives of the École polytechnique fédérale de Lausanne, the ASEAN Centre for Biodiversity, and the Heinrich Böll Foundation/the European ECO-Forum for their presentations and took note of the information provided. It noted challenges highlighted by speakers and recognized that serious efforts should be made to further transparency and effective public participation in international decision-making related to geoengineering;

(b) Expressed its appreciation to the representatives of Finland, the secretariat of the Convention on Biological Diversity and Third World Network/the European ECO-Forum for their presentations and took note of the information provided. It welcomed positive examples and good practices, and noted challenges highlighted by speakers, recognizing in that regard that more efforts should be made to further transparency and effective public participation in international decision-making related to biosafety;

(c) Welcomed achievements and good practices as presented by Parties and stakeholders;

(d) Took note of the issues, challenges and opportunities regarding the promotion of the principles of the Aarhus Convention in international forums dealing with biosafety and geoengineering matters as raised by Parties and stakeholders during the discussion;

(e) Encouraged Parties to continue promoting the Convention's principles in international forums and processes related to geoengineering and biosafety;

(f) Welcomed the progress made in promoting the Convention's principles in international forums but recognized that more efforts should be made to further transparency and effective public participation in international environment-related decision-making;

(g) Encouraged Parties to continue fulfilling their obligations under article 3 (7) of the Convention and to consider the results achieved at the next meeting of the Working Group;

(h) Reiterated that promotion of transparency and effective public participation in international decision-making on environmental matters was key for the achievement of the Sustainable Development Goals, in particular Goals 16 and 17.

VIII. Preparations for the seventh session of the Meeting of the Parties

A. Access to information

61. The Working Group considered the Draft updated recommendations on the more effective use of electronic information tools (ECE/MP.PP/WG.1/2021/13 and ECE/MP.PP/WG.1/2021/13/Add.1) and a Draft decision on promoting effective access to information (ECE/MP.PP/WG.1/2021/14), and took note of the information provided by the Chair and participants. Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the Draft updated recommendations on the more effective use of electronic information tools (AC/WGP-25/CRP.2), and the Draft decision on promoting effective access to information (AC/WGP-25/CRP.3), and requested the secretariat to submit the two documents to the Meeting of the Parties for consideration at its seventh session.

B. Public participation

62. The Working Group then considered a Draft decision on promoting effective public participation in decision-making (ECE/MP.PP/WG.1/2021/15) and took note of the information provided by the Chair and participants.

63. Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the Draft decision on promoting effective public participation in decision-making (AC/WGP-25/CRP.4), and requested the secretariat to submit the document to the Meeting of the Parties for consideration at its seventh session.

C. Access to justice

64. The Working Group considered a Draft decision on promoting effective access to justice (ECE/MP.PP/WG.1/2021/16) and took note of the information provided by the Chair and participants. Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the Draft decision on promoting effective access to justice (AC/WGP-25/CRP.5), and requested the secretariat to submit the document to the Meeting of the Parties for consideration at its seventh session.

D. Application of the principles of the Convention in international forums

65. The Working Group took note of the information provided by the Chair and participants and welcomed the offer of France to lead the work area during the next intersessional period.

66. The Working Group considered a Draft decision on promoting the application of the principles of the Convention in international forums (ECE/MP.PP/WG.1/2021/17). Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the Draft decision on promoting the application of the principles of the Convention in international forums (AC/WGP-25/CRP.6), and requested the secretariat to submit the document to the Meeting of the Parties for consideration at its seventh session.

E. Rapid response mechanism to deal with cases related to article 3 (8) of the Convention

67. A representative of the European ECO-Forum delivered a statement with regard to the issue of environmental defenders. The Chair stressed that everyone should be free from fear to exercise their rights under the Convention, as that was a fundamental obligation that all Parties should fulfil. The Working Group took note of the information provided by the Chair and participants and considered a Draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention (ECE/MP.PP/WG.1/2021/12). Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the Draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention (AC/WGP-25/CRP.7), and requested the secretariat to submit the document to the Meeting of the Parties for consideration at its seventh session.

F. Accession of Guinea-Bissau

68. The Working Group considered a Draft decision on accession of Guinea-Bissau to the Convention (ECE/MP.PP/WG.1/2021/21). It took note of the information provided by the Chair and participants. Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the Draft decision on accession of Guinea-Bissau to the Convention (AC/WGP-25/CRP.8), and requested the secretariat to submit the document to the Meeting of the Parties for consideration at its seventh session.

G. Work programme for 2022–2025

69. The Chair invited the Working Group to consider and approve the future work programme of the Convention for 2022–2025, also in the light of the outcomes from previous agenda items. She recalled that, at its twenty-fourth meeting, the Working Group had considered a document containing draft elements of the work programme for 2022–2025 (ECE/MP.PP/WG.1/2020/7). That document had subsequently been distributed to Parties and stakeholders for consultation. The Bureau had prepared a revised version of the document, containing a Draft decision on the work programme for 2022–2025 (ECE/MP.PP/WG.1/2021/8) with factual and editorial revisions only.

70. The Working Group took note of the information provided by the Chair and participants, and approved the Draft decision on the work programme for 2022–2025 (ECE/MP.PP/WG.1/2021/8) and requested the secretariat to submit the document to the Meeting of the Parties for consideration at its seventh session.

H. Strategic Plan for 2022–2030

71. The Working Group took note of the information provided by the Chair and participants. Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the Draft decision on the Strategic Plan for 2022–2030 (AC/WGP-25/CRP.9), and requested the secretariat to submit the document to the Meeting of the Parties for consideration at its seventh session.

I. Declaration

72. The Working Group considered the joint Draft Declaration on Environmental Democracy for Sustainable, Inclusive and Resilient Development (ECE/MP.PP/WG.1/2021/18), which had been made available to Parties to and stakeholders of the Convention and the Protocol during two rounds of comments in November 2020 and January 2021. The document had then been revised by the Convention's and Protocol's Bureaux in the light of the comments received and made available for submission to the twenty-fifth meeting of the Convention's Working Group. The Working Group took note of the information provided by the Chair and participants.

73. Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the Draft Declaration on Environmental Democracy for Sustainable, Inclusive and Resilient Development (AC/WGP-25/CRP.10), and requested the Convention Bureau to finalize it in cooperation with the Bureau of the Meeting of the Parties to the Protocol, and submit it for consideration by the Parties to both instruments at the joint high-level segment.

J. Financial arrangements

74. The Working Group next considered a Draft decision on financial arrangements under the Convention (ECE/MP.PP/WG.1/2021/9). The draft decision was circulated to Parties and stakeholders for comments prior to its finalization for the twenty-fifth meeting of the Working Group. The Working Group took note of the information provided by the Chair and participants.

75. The Working Group was unable to reach a consensus on several parts of the text: the scheme of contributions (e.g., mandatory, recommendatory or voluntary); the use of the United Nations scale of assessments; and an increase in the minimum level of contributions from \$500 to \$1,000. Pursuant to the discussion, the Working Group approved the Draft decision on financial arrangements under the Convention (ECE/MP.PP/WG.1/2021/9) with the above unresolved issues, and requested the secretariat to submit the document to the Meeting of the Parties for consideration at its seventh session.

K. Agenda for the seventh session of the Meeting of the Parties

76. The Working Group took note of the information provided by the Chair and participants. It approved the Draft provisional agenda of the seventh session of the Meeting of the Parties to the Aarhus Convention (ECE/MP.PP/WG.1/2021/10), and requested the Bureau to finalize the document and submit it to the Meeting of the Parties for consideration at its seventh session.

L. Venue of the seventh session of the Meeting of the Parties

77. The Chair recalled that, at the October slot of its twenty-fourth meeting, the Working Group had been informed that Georgia was not in a position to confirm its commitment to host the upcoming sessions of the Meetings of the Parties due to financial challenges associated with the pandemic.¹³ The Bureau had considered the matter and agreed that, in those circumstances, the next session of the Convention's Meeting of the Parties should be held in Geneva unless any Party would confirm its willingness to host the session.¹⁴ As no expression of willingness to host the sessions had been received in the meantime, the next session of the Meeting of the Parties was planned to take place in Geneva. The Working Group took note of the information provided by the Chair.

IX. Implementation of the work programme for 2018–2021, including financial matters

78. Turning to the implementation of the work programme for 2018–2021, including financial matters, the secretariat informed the Working Group about the contributions and expenditures received in relation to the implementation of the Convention's work programme for 2018–2021. That included an update on recent contributions that were not reflected in the report on implementation, as set out in the Note on contributions and pledges received after 17 May 2021 (AC/WGP-25/Inf.5).

79. The Working Group took note of the Report on the implementation of the work programme for 2018–2021 (ECE/MP.PP/WG.1/2021/6) and of the Report on contributions and expenditures in relation to the implementation of the Convention's work programme for 2018–2021 (ECE/MP.PP/WG.1/2021/7), and the information provided by the secretariat and delegations. It called upon the Parties to proceed with making financial contributions as soon as possible and expressed its concern at the fact that contributions were still arriving late in the year. The Working Group expressed appreciation for the work done by the secretariat and recognized the difficulties posed by limited and unpredictable funding.

X. Roll call to establish the presence of Parties

80. The Chair, with the assistance of the secretariat, organized a roll call to establish the presence of Parties. The Working Group took note of the information provided by the Chair confirming the presence of a majority of Parties established through a roll call and concluding that the necessary quorum had been secured with more than 24 Parties present.

XI. Adoption of outcomes

81. The Working Group adopted the major outcomes and decisions of the meeting, including of the session held on 3 May 2021 as revised at the meeting (see AC/WGP-25/Inf.6 and AC/WGP-25/Inf.2/Rev.1), and requested the secretariat, in consultation with the Chair, to finalize the report and incorporate those adopted outcomes and decisions into the report.

¹³ ECE/MP.PP/WG.1/2020/2, para. 47.

¹⁴ ACB-47 Report, para. 4, available at <https://unece.org/environmental-policy/events/bureau-aarhus-convention-47th-meeting>.