

UN/ECE

Aarhus Convention: Meeting of Signatories

The second Meeting of the Signatories to the *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters* ("Aarhus Convention") took place in Cavtat, Croatia, from 3–5 July 2000, at the invitation of the Government of Croatia and with financial support from the Governments of Germany, Italy, The Netherlands, Norway and Sweden.

The Meeting was opened by Croatia's Minister for Environment and Physical Planning, who emphasised the importance of strengthening the role that citizens and non-governmental organisations (NGOs) play in the protection of the environment as one of the basic, intrinsic values of an open democratic society and a key to securing sustainable development. He also expressed Croatia's commitment to ratifying the Convention, and expressed the hope that the Meeting would further a common commitment to enhancing environmental decision-making and strengthening civil society.

Kjell Bärlund, Director of the Environment and Human Settlements Division of the United Nations Economic Commission for Europe (UN/ECE), informed the Meeting about the activities of the secretariat to promote the Convention and facilitate its early entry into force. He cited the opinion of the UN Secretary-General, Kofi Annan, that the Convention was the most ambitious venture in the area of "environmental democracy" so far undertaken under the auspices of the United Nations, and urged Governments to maintain the momentum which had been established in Aarhus and Chisinau.

The Chairperson, Willem Kakebeeke (The Netherlands), announced his intention to resign and not seek re-election. He emphasised the need to involve all Signatories in ECE activities under the Convention, noting that some were not represented due to the new financial rules concerning financial support for participants from countries with economies in transition. Many tributes were paid to Willem Kakebeeke's contribution to the development of the Convention, initially in his key role as Chairperson of the Ad Hoc Working Group, which had negotiated the text of the Convention, and subsequently as Chairperson of the Meeting of the Signatories. He received a standing ovation from the Meeting.

Francesco La Camera (Italy) was unanimously elected as new Chairperson, and Veit Koester (Denmark) and Jerzy Jendroska (Poland) as Vice-Chairpersons. It was agreed to establish a Bureau comprising seven people including the officers, with one being a representative of environmental NGOs, to assist the Chairperson in performing his duties with respect to the preparation of the next meeting and intersessional activities. It was agreed that the membership of the Bureau would not serve as a precedent in

the context of future discussions on the draft rules of procedure.

Promoting the Convention's Ratification and Effective Application Pending its Entry into Force

Delegations informed the Meeting of the progress made by their Governments to ratify or accede to the Convention. A table had been circulated by the secretariat showing that *Azerbaijan, Belarus, Georgia, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkmenistan, and Ukraine* had already deposited their instruments of ratification, accession or approval with the UN Secretary-General. The delegation of Romania informed the Meeting that its country had already ratified the Convention. *Denmark, Estonia, France, Hungary, Kazakhstan, Kyrgyzstan, Lithuania* (through a written report), *Poland, Slovenia and Uzbekistan* indicated that their countries expected to ratify or accede by the end of the year 2000. *Austria, Finland, Italy, The Netherlands, Norway and Spain* expected to do so early in 2001, and *Belgium, Bulgaria, the Czech Republic, Sweden and the United Kingdom* some time before the end of 2001. The *European Community* aimed to ratify in 2002 or 2003, and *Switzerland* in 2003. The delegations of *Armenia, Croatia, Germany, Ireland, Slovakia and Tajikistan* were unable to give specific target dates but the delegations of *Germany and Ireland* informed the Meeting that their countries were aiming to ratify as soon as possible. The delegation of *Turkey* stated its country's intention to accede by the end of 2000 or some time during 2001. It was noted that if these targets were met, the Convention would enter into force during the first half of 2001.

Some delegations had distributed written statements summarising their activities carried out in relation to the Convention. Other delegations were encouraged to do so after the Meeting. The secretariat stated its intention to place such reports on the Convention's Web site so that the information would be available to members of the public with Internet access.

A representative of the United Nations Environment Programme (UNEP) emphasised the high priority UNEP was giving to supporting activities under the Convention and referred to a number of specific initiatives being undertaken in close cooperation with the secretariat, including joint UNEP and UN/ECE awareness-raising workshops in the ECE region, information dissemination through the UNEP information networks and the promotion of the Convention through a series of TV programmes and publications.

Preparations for the First Meeting of the Parties

1) Draft Rules of Procedure

The secretariat presented a first draft of rules of procedure, prepared at the request of the Meeting of Signatories, and explained the approach that had been taken in preparing the draft. The text had drawn heavily on the rules of procedure of the Espoo Convention and the draft rules of procedure being prepared under the Convention on the Transboundary Effects of Industrial Accidents, among others. However, a number of innovative elements had been introduced to reflect the particular nature and subject matter of the Aarhus Convention, mainly relating to access to information and NGO involvement in the work.

The Meeting welcomed the draft and it was agreed that an open-ended intergovernmental working group, with the involvement of NGOs, should draw up a further draft. It was agreed that NGOs should be invited to participate in each of the task forces or working groups established under the auspices of the Convention.

A number of suggestions for changes to the draft rules were presented during the discussion. Delegates agreed that decision-making should follow usual UN/ECE practice, presumably based on consensus. The Meeting requested the task force and working group to discuss further the proposal to invite the NGOs to be represented on the Bureau.

2) Task Force on Compliance

The Meeting welcomed the report and thanked the task force and especially its Chairperson, Alistair McGlone (United Kingdom), for their work. During the discussion, the need in particular to take into account the optionality requirement contained in Article 15 of the Convention was underlined. It was agreed that the task force should also try to establish a catalogue of possible measures to prevent non-compliance and to respond to it.

Delegates agreed that the task force should meet again before the end of the year 2000 to carry out further work on the subject. Following this, an open-ended intergovernmental working group should be established, chaired by Alistair McGlone, to draw up a text for a draft decision establishing a compliance mechanism with the intention that this would be adopted at the first meeting of the Parties. This working group would also be charged with the task of drawing up the next draft of the rules of procedure.

It was agreed that the strengthening of reporting requirements was important, and it was suggested that such work might be one of the first tasks of any committee established by the decision relating to the compliance mechanism, which was to be presented to the Parties at their first meeting.

3) Task Force on Pollutant Release and Transfer Registers (PRTRs)

Ondrej Velek (Czech Republic) presented the report of the PRTRs task force. He emphasised that there had

been broad agreement among the experts in the task force on the need for an instrument on PRTR to be established under the Convention. He informed the Meeting that the Czech Republic was willing to continue in its role as Chair of the task force on PRTR and a possible future working group, but would be agreeable to sharing the role with an interested country.

The European Community proposed to amend paragraph 29 of annex I to the report of the Task Force, so as to reflect more accurately the state of progress towards establishing a European pollutant emissions register within the framework of the European Union's Integrated Pollution Prevention and Control Directive. The Meeting agreed that a written text circulated by the Commission should replace the previous text of the paragraph in question.

4) Task Force on Genetically Modified Organisms (GMOs)

Helmut Gaugitsch (Austria) presented the report of the task force on GMOs. It had examined national experiences and examples of good practice and had drawn up recommendations to further implement public access to information on GMO-related issues. Regarding public participation in such issues, the task force had identified and started to discuss various options and issues to consider further when applying Article 6 of the Convention to genetically modified organisms.

The Meeting considered the recommendations on public access to information on GMO-related issues and the examples of good practice described in paragraphs 15 to 18 of the report to be a useful contribution to the work ongoing in this area.

Regarding public participation, it invited the task force to continue to explore openly all options and issues addressed in the report, and to propose a definition of "deliberate release" of GMOs for the purpose of the Convention.

It was agreed, among other things, that in order to avoid duplication of work, the task force should continue to take account of work being undertaken in other fora, notably under the auspices of the Cartagena Protocol on Biosafety and specifically the biosafety Clearing-House envisaged under the Protocol, and should invite the interim secretariat of the clearing-house to participate in its work.

Noting the wish of the Ministers that this issue should be addressed at the first meeting of the Parties, it was agreed that the outcome of the next meeting of the task force, including that on the options with respect to public participation in decisions on GMOs, should be presented to an open-ended intergovernmental working group, which would prepare a draft decision for the Meeting of the Parties.

Other Elements in the Workplan or Arising from the 1st Meeting of the Signatories or the 6th Session of CEP

a) Public Participation at Local Level

The delegation of the United Kingdom reported on the outcome of an international workshop on public par-

ticipation at the local level, held in Newcastle in the United Kingdom on 6–7 December 1999.

Copies of a handbook of good practice, drawing on some of the case studies that had been presented at the workshop, which had just been published in English and would shortly be available in Russian, were made available at the Meeting. The handbook would be distributed on CD-ROM and posted on the Convention's Web site. The intention is to update the case studies on the Web site as new ones come to light.

b) The Convention in Central Asia

The Meeting was informed of the outcome of a workshop on the Convention, which had taken place in Ashgabat, Turkmenistan, from 4–7 May 2000, involving participants from Governments and NGOs from the five Central Asian member States of ECE.

The workshop had identified major issues in implementing the Aarhus Convention in Central Asia as well as good practices and possible practical means of implementation. It also provided possible directions for further assistance in implementing the Convention in that area.

c) Implementation Guide on the Convention

The Meeting was informed that the Implementation Guide on the Convention, produced as a collaborative project of the Regional Environmental Centre for Central and Eastern Europe (REC), the Danish Environmental Protection Agency and ECE, had reached the point of publication. The UN Secretary-General, Kofi Annan, had contributed the foreword to the Guide.

It was hoped that the Guide would serve as a valuable tool to assist countries in implementing the Convention.

d) Development of Information and Outreach Tools

The secretariat informed the Meeting of measures taken, or planned, for the purpose of improving communication and dissemination of information about the Convention and activities under its auspices.

e) Future Activities on Access to Justice

The European ECO Forum presented a paper proposing the creation of a task force on access to justice. It maintained that the third pillar of the Convention (*i.e.*, access to justice) would most likely prove to be the most difficult to implement but that, without it, effective implementation of the other two pillars would not be successful. The European ECO Forum particularly stressed the financial barriers to access to justice, as well as the need to take concrete steps to broaden access to justice and the need to consider assistance mechanisms and pilot projects.

The Meeting agreed to establish a task force on access to justice to support the implementation of the third pillar of the Convention. Estonia expressed willingness to take a lead in the new task force, and Finland offered financial support for the task force's activities. The Netherlands also indicated that it could make a substantial contribution in the light of experiences gained in this field. The Meeting welcomed these offers.

It was agreed that the task force should focus on means of practical implementation, such as pilot projects, measures to remove financial obstacles to those seeking access to justice and consideration of assistance mechanisms, rather than engage in efforts to extend or refine the legal framework provided by the Convention. It should gather information on good practices and provide a forum for exchange of experience, building also on the workshop of the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) held in The Hague, Netherlands, in May 2000. An effort should be made to provide models, concrete solutions and problem-solving approaches in the implementation of Article 9. It was agreed that representatives of Ministries of Justice should be invited to participate. Consideration should be given to holding a workshop.

f) Possible Instrument on Strategic Environmental Assessment; Public Participation in Programmes, Plans, Policies and Legislation

REC presented the background document "Key issues in the implementation of Article 7 on plans, programmes and policies, and Article 8 on regulations and laws", which it had prepared jointly with the European ECO Forum. It

| World distribution of hyper-arid, arid and semi-arid lands | | | | | | |
|--|------------------|------------------|-----------------|---------------|---------------------------|------------------|
| Climate zone | Africa | Asia | Australia | Europe | N&S America/ Caribbean | Total |
| Hyper-arid | 810 (27) | 274 (6) | 0 (0) | 0 (0) | 27 (1) | 1111 (8) |
| Arid | 505 (17) | 616 (13) | 349 (39) | 1 (0) | 120(3) | 1591 (12) |
| Semi-arid | 507 (17) | 765 (16) | 353 (39) | 37 (7) | 711 (17) | 2374 (18) |
| Total | 1822 (61) | 1655 (35) | 702 (78) | 38 (8) | 858 (21) | 5075 (34) |

Areas (in thousands of hectares) of hyper-arid, arid and semi-arid regions on each of the major land masses. The percentage of the total land area occupied by each climate zone is shown in parentheses. The major hyper-arid areas are the Saharan, Somali and Namib deserts in Africa, the Takla Makan Desert in central Asia, the Arabian Desert of eastern Asia, the Sonoran Desert of North America and the Peruvian-Chilean Deserts of South America. Source: UNEP (1997) *World Atlas of Desertification*

Courtesy: World Conservation 2/2000

expressed the view that effective implementation of article 7 of the Convention would require the existence of some form of strategic environmental assessment and that the topics were therefore closely linked. REC and the European ECO Forum were in favour of a task force being established to work on the issues covered by Articles 7 and 8, including but not limited to the issue of strategic environmental assessment.

The Meeting noted the recent decision of the Espoo Working Group on Environmental Impact Assessment to proceed with the preparation of a draft protocol on strategic environmental assessment (SEA). There was general agreement on the importance of the provisions of the Aarhus Convention being fully taken into account in this process, and on the need for the expertise of officials and NGOs involved in public participation issues to be made available to the process.

With this in mind, the Meeting agreed to request the Committee on Environmental Policy to invite all UN/ECE States to ensure that the provisions of the Aarhus Convention were reflected in the SEA protocol and that those involved in the Aarhus process be represented in the negotiations on the SEA protocol to the Espoo Convention. Work undertaken in other international fora should be taken into account.

In view of the number of task forces and working groups and the need to avoid duplication of efforts, the Meeting decided that consideration of the proposal to establish a task force on Articles 7 and 8 submitted by REC and the European ECO Forum should be deferred. However, the Meeting agreed to hold a workshop in order to develop ideas and make suggestions regarding public participation under Articles 7 and 8 with a view to supporting the drawing-up of a protocol on SEA to the Espoo Convention. The workshop would also address health impacts. The focal points of both the Aarhus and Espoo Conventions would be invited, with a view to furthering cooperation between the two Conventions.

There was general agreement on the desirability of the proposed protocol being ready for adoption at the Fifth Ministerial "Environment for Europe" Conference in Kiev, 2002.

g) Electronic Information

A paper on the topic of electronic information tools, prepared jointly by the European ECO Forum, REC and UNEP-INFOTERRA was presented by REC.

It was proposed that a task force with a practical rather than a legal focus should be set up. It would be oriented towards supporting the implementation of the Convention through promoting good practices in the field of electronic information tools. Reflecting the nature of its subject matter, it was agreed that the task force would function to a large extent using electronic means of communication.

h) Environment and Health

A representative of WHO/EURO reported on the relevant outcomes of the Third European Ministerial Conference on Environment and Health (London, 16–18 June 1999). Significant support had been expressed there for a legally binding instrument on strategic environmental assessment and the Ministers had agreed that steps should be taken to make better use of electronic tools with a view to providing the public with streamlined, low-cost and timely access to environmental and health information.

i) Interlinkages Between ECE Conventions

The secretariat informed the Meeting of plans to hold a round table during the seventh session of the Committee on Environmental Policy (25–29 September 2000) involving the governing bodies of the ECE environmental conventions and protocols together with delegations to the Committee, to consider measures to increase co-operation and synergies between the different multilateral environmental agreements and make them more effective.

The Meeting recommended that the occasion be used to put forward measures promoting the application of the principles and provisions of the Aarhus Convention in the other conventions and protocols, both with respect to their substance and with respect to their procedures. Specifically, it was proposed that the round table should be invited to consider the possibility of recommending the drawing up of guidelines on the modalities of involving NGOs, as representatives of the public concerned, in the process and activities of ECE multilateral environmental agreements. Such guidelines, which might also be relevant to multilateral environmental agreements in general, could be drawn up with the involvement of the main stakeholders (including representatives of governing bodies, secretariats and NGOs) with the coordination of the drafting process being carried out by the Aarhus Convention's secretariat. It was agreed that the themes of compliance and effective and coordinated reporting would also be suitable topics to raise during the round table.

Funding of Activities Under the Convention

The possibility of establishing financial arrangements in accordance with Article 10, paragraph 3, of the Convention, so as to provide a more stable basis for activities under the Convention, was briefly discussed.

The Meeting requested the secretariat to prepare a note in advance of the first meeting of the Parties setting out possible alternatives for funding arrangements.

Future Meetings

Delegates considered the question of whether a third meeting of the Signatories would be required, taking into account the likelihood that the Convention would enter into force during 2001.

It was generally agreed that there were too many uncertainties, for example, concerning the dates of entry into force and of the Fifth Ministerial "Environment for Europe" Conference in Kiev, to allow for a definitive recommendation to be made at this stage.

The Meeting therefore agreed to recommend to the Committee on Environmental Policy that a third meeting of the Signatories should be provisionally scheduled to take place during the period September to November 2001, but that in the event of the entry into force taking place earlier than anticipated, the Bureau would have a mandate to cancel the proposed meeting and to convene instead a meeting of an open-ended *ad hoc* working group to prepare the documentation for the first meeting of the Parties. ➤

Relevance of the Convention to the “Rio+10” Conference

The secretariat drew the attention of the Meeting to the opinion of the UN Secretary-General, expressed in his foreword to the Aarhus Convention Implementation Guide, that the Convention, although regional in scope, had a global significance and represented by far the most impressive elaboration of principle 10 of the Rio Declaration. Kofi Annan had gone on to indicate that the 2002 Special Session of the United Nations General Assembly marking the 10th anniversary of the Earth Summit would be a timely occasion to examine the relevance of the Convention as a possible model for strengthening the application of that principle in other regions of the world.

A representative of UNEP informed delegates of an informal consultation on the topic which had taken place in Rome in May 2000, organised jointly by UN/ECE and UNEP and hosted by the Italian Government. The consultation had brought governmental and non-governmental experts from different regions of the world together with members of the Advisory Board to discuss ways of

promoting principle 10 in other regions. The importance of awareness raising and the key role of NGOs at regional level were emphasised. The Meeting was also informed of a project by the World Resources Institute involving the development of a set of indicators to assess progress in this field in selected countries and regions, and the promotion of good practices.

It was agreed that efforts should be made to ensure that the issues covered by the Aarhus Convention were placed on the agenda of the 2002 Special Session and the preparatory meetings, and that the Convention itself should be promoted as a possible model or tool of inspiration.

It was noted that the topic of information was already a major theme for the ninth session of the Commission on Sustainable Development. The European ECO Forum urged Signatories to use the opportunity of the 2002 Special Session to promote global guidelines based on the Aarhus Convention, and to use the ninth session of the Commission on Sustainable Development to build support for this goal. (MJ) 