

# Aarhus Convention: First Meeting of the Parties

by Svitlana Kravchenko\*

The First Meeting of the Parties to the Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters took place in Lucca, Italy, from 21 to 23 October 2002.

The meeting was attended by all 22 Parties of the Convention (Albania, Armenia, Azerbaijan, Belarus, Bulgaria, Denmark, Estonia, France, Georgia, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Malta, Poland, Moldova, Romania, Tajikistan, Turkmenistan, and Ukraine). The delegations of the following UN/ECE member States were present: Austria, Belgium, Croatia, Czech Republic, Finland, Germany, Holy See, Ireland, Luxembourg, Monaco, Netherlands, Norway, Russian Federation, Slovenia, Spain, Sweden, Switzerland, United Kingdom, USA, Uzbekistan and Yugoslavia. The Commission of the European Communities and Holy See was also represented.

Representatives of the United Nations Environment Programme (UNEP), the UN Economic and Social Commission for Asia and the Pacific (UN/ESCAP), the UN Economic Commission for Latin America and Caribbean (ECLAC) the UN Institute for Training and Research (UNITAR), the World Bank and European Investment Bank also attended the meeting. Many international and regional non-governmental organizations were represented.

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## Opening

Welcoming address on behalf of the host government was delivered by Altero Matteoli, Minister of the Environment of Italy. Brigita Schmognerova, Executive Secretary of the United Nations Economic Commission for Europe (UN/ECE), delivered the opening address. She described the Convention as a major step forward in international law and reminded delegations of UN Secretary General Kofi Annan's opinion of the Convention as "the most ambitious venture in environmental democracy undertaken under auspices of the United Nations." She welcomed rapid ratification of the Convention by countries of Eastern Europe and Asia and expressed the hope that most States in Western and Central Europe would become Parties before the Second Meeting of the Parties.

The Secretariat informed the Meeting about the status of ratification of the Convention (ECE/MP.PP/inf.1). By 18 October, 2002, 22 ECE countries had become Parties to the Convention. They are: Albania, Armenia, Azerbaijan, Belarus, Denmark, Estonia, France, Georgia, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Malta, Poland, Republic of Moldova, Romania, Tajikistan, the Former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine.

## Election of the Chairperson and Adoption of the Agenda

Altero Matteoli, Minister of the Environment of Italy, was elected as a Chair of the Meeting of the Parties.

The Provisional Agenda (ECE/MP.PP/2002/1) was adopted with proposed amendments related to the elec-

tion of the officers of the Bureau and activities promoting the Aarhus Convention and its implementation.

### Adoption of the Rules of Procedure

A draft decision on the Rules of Procedure (MP.PP/2002/2) was presented by Jerzy Jendroska (Poland), the Vice-Chair of the Bureau of the Working Group for the Preparation of the First Meeting of the Parties (MOP). He expressed gratitude to Alistair McGlone (UK), who had chaired the Working Group, which prepared the draft Rules of Procedure and the draft Compliance Mechanism. He suggested a small amendment concerning eligibility of the Bureau members for re-election, but not to serve three consecutive terms. With this amendment the decision was adopted.

Serhiy Kurykin, Minister for the Environment, Ukraine was elected as Vice-Chair. Taking into account that the first Bureau serves only until the end of the meeting, other seats were left empty.

### General Statements

Statements were delivered by the delegations of Azerbaijan, Belarus, Bulgaria, Czech Republic, Denmark (on behalf of the European Union), Hungary, Luxemburg, Malta, Malaysia, Norway, Poland, Portugal, Romania, Tajikistan and the United States. Other statements were given by the World Bank and the Regional Environmental Centre for Eastern Europe (REC). The European ECO Forum (Susana Drhova) made a general statement presenting the conclusions of its two-day conference, which took place before the MOP. All statements will be available on the Convention web site.

### Panel Discussion "Making Aarhus Work"

The Panel discussion had begun by a keynote address by Klaus Töpfer, Executive Director of the United Nations Environmental Programme (UNEP). He expressed an urgent need for resources for the implementation of the Aarhus Convention in countries in transition and welcomed the Aarhus service, a joint effort of UN/ECE, UNEP and the Global Resource Information Database (GRID) Centre in Arendal, Norway.

He stressed the universal significance of the Convention and expressed the hope that the process would spread outside UN/ECE region.

The Chairman encouraged panelists to move from theory to practice; he mentioned some practical obstacles and the need to overcome them. Short introductory statements were delivered by: Vardan Ayvazyan, Minister of Nature Protection, Armenia, Anjelka Mihajlov, Minister for the Protection of Natural Resources and the Environment, Serbia, Michael Meacher, Minister for the Environment, UK and John Hontelez, the Chair of the Public Participation Campaign Committee of the European ECO Forum. After the statements the floor was opened to questions, comments and discussion.

During the second part of the panel the following delivered their statements: Rolf Annenberg, Head of the Cabinet of the European Commissioner for the Environment, Zaal Lombadze, Deputy Minister of the Environment, Georgia, Ravi Shawhney, Director of the Environ-

ment and Sustainable Development Division, and Willem Kakebeeke, Chair of the Advisory Board and former Chair of the *Ad Hoc* Working Group for the preparation of the Convention. The floor was opened again for questions and comments. The discussion and conclusions will be recorded in the proceedings of the meeting.

### Adoption of the Declaration

The draft of the Declaration was presented by Jerzy Jendroska (Poland), who chaired the informal meeting, which took place on 20 October and discussed the draft

#### Greenhouse gases emissions – 1999

	Total greenhouse gases emissions. Index 1990=100, based on Mio. tonnes CO <sub>2</sub> equivalents
<b>EU15</b>	96
Belgium	103
Denmark	104
Germany	81
Greece	117
Spain	124
France	100
Ireland	122
Italy	104
Luxemburg	56
Netherlands	107
Austria	103
Portugal	123
Finland	99
Sweden	102
United Kingdom	86

Source: Eurostat, European Environment Agency (EEA)

Courtesy: europe environment

Lucca Declaration, proposed by the Chairman of the Working Group Francesco La Camera (Italy). The informal meeting prepared a revised draft of the Declaration (MP.PP/2002/CRP.1). The Chairman invited all Parties, Signatories and other States, as well as representatives of civil society to adopt the Declaration. He noted that such a wide variety of bodies and interests, including governmental and non-governmental actors, reached an agreement, which could be considered as a symbol of close cooperation between government and civil society.

The Lucca Declaration (see page 300) was unanimously adopted.

### Specific Substantive Issues

#### A. Pollutant Release and Transfer Registers (PRTR)

The topic was introduced by Karel Blaha (Czech Republic), Chairman of the Working Group on PRTR established under the Committee on Environmental Policy. He referred to the requirements in article 10, paragraph 2 of the Convention, which have been the main reason for the issue to be included in the agenda of the MOP. The chairmen also presented the outcome of the former Working

Group towards developing the draft text of the proposed Protocol and draft decisions I/2 to establish a new Working Group on PRTR under the Meeting of the Parties and I/3 to convene an extraordinary MOP for adopting a new Protocol (MP.PP/2002/3 and 4). The new Working Group will have the task of preparing a draft Protocol on PRTR in time for the Fifth Ministerial Conference "Environment for Europe" (Kiev, May 2003). He reaffirmed the offer of the Czech Republic to chair the new Working Group.

Denmark, on behalf of the European Community, and supporting the draft decision, raised concern about the very short time available for developing the Protocol. In the light of different approaches taken in existing emission registers, it recommended to focus on options supported by most delegations involved.

The European ECO Forum (Dmytriy Slrulnikov) stated that PRTR is a powerful right-to-know tool which drives pollution prevention and contributes to sustainable development, but needs to contain a number of important elements.

The Meeting adopted decisions I/2 and I/3 by consensus, thanking the Czech Republic for its leadership and the activities and for its offer to continue as Chair of the new Working Group.

### B. Genetically Modified Organisms

Helmut Gaugitsch (Austria), Chairman of the Working Group on Genetically Modified Organisms (GMOs) established under the Committee on Environmental Policy, introduced the subject. He referred to the request of the Meeting of the Signatories to address this issue to the MOP and described the work of the Task Force and Working Group established in the light of this request. The WG had adopted a twin-track approach, on the one hand – legally binding, on the other – soft approach. He presented draft decision I/4 (MP.PP/2002/5) and the draft guidelines on access to information, public participation and access to justice in respect to GMOs (MP.PP/2002/6). The proposed decision would commit Parties to adopt guidelines and to create a new Working Group to develop options for a legally binding approach. He indicated the willingness of Austria to chair the new WG.

The USA, while it expressed its opposition to some elements of the draft guidelines, was not in a position to block the decision. It provided its view in writing during the process, but considered that this had not been taken into account.

The European ECO Forum (Iza Krushevska) expressed its deep regret that despite two years of negotiations nothing had been achieved in rectifying what is considered to be arbitrary exclusion of GMO-related activities from Annex I of the Convention.

The Meeting adopted decision I/4, thanking Austria for having chaired the Task Force and former Working Group and welcoming its offer to chair a new WG.

### C. Access to Justice

Rita Annus (Estonia), representing the lead country for the Task Force on Access to Justice established by the Meeting of the Signatories, introduced the agenda item.

She reported the progress being made by the Task Force, especially the work to develop a Handbook on Access to Justice and the workshop held in Tallinn in September 2001. She thanked Bulgaria, Denmark, Finland and the UK for their financial support, REC for its role in preparing the handbook, and ABA CEELI, the European ECO Forum, the Association of Environmental Law of CEE and NIS (GUTA) and Environmental Law Alliance Worldwide (ELAW) for its contribution.

The European ECO Forum (Svitlana Kravchenko) stressed the importance of removing barriers, such as lengthy and costly procedures that are neither fair nor equitable, of providing injunctive relief, and of building capacity for all actors (NGOs and the public, lawyers and the judiciary). ECO Forum welcomed the proposal to establish a Task Force on Access to Justice and for it to continue collecting and disseminating information, and to prepare recommendations, in particular regarding paragraphs 3, 4 and 5 of article 9 of the Convention. It urged the EU to move forward toward adoption of an ambitious directive on access to justice, based on the overall spirit of the Aarhus Convention, and to take necessary steps to apply access to justice provisions to its own institutions.

The Chair presented draft decision I/5 (MP.PP/2002/7) establishing the Task Force on Access to Justice, which will continue to further develop the work undertaken by the former task force. Belgium offered to chair the new task force on access to justice and to host its first meeting in Brussels in March 2003.

The Meeting adopted decision I/5 and thanked Estonia and other countries and organizations for their contribution to the work and Belgium for its offer to chair the new task force.

### D. Electronic Information Tools

Johannes Mayer (Austria), Chairman of the Task Force on Electronic Information Tools established by the Meeting of the Signatories, introduced the topic and reported on the progress achieved by the TF. The main results were the list of possible actions to further the use of electronic tools in the promotion and implementation of the Convention, which was identified at the workshop, hosted by Norway and GRID-Arendal in March 2001 and a compendium of good practices and priorities put together by the REC. He presented several examples of best practice of the effective use of electronic tools to provide access to environmental information.

Following the report, Nelly Ilieva (Bulgaria) presented draft decision I/6 to establish a task force on electronic information tools to continue and further develop the work of the former Task Force and to prepare draft recommendations on the more effective use of electronic information tools to provide public access to environmental information. She confirmed the offer of Bulgaria to take the lead in this work and proposed to have a first meeting of the new TF in the first half of 2003.

The Meeting adopted decision I/6, thanked the REC, UNEP, GRID-Arendal and the governments of Austria and Norway for the work being done and welcomed the offer of Bulgaria to lead the new TF. ➔

## Procedures and mechanisms

### A. Clearing-house mechanism and capacity building service

The Secretariat presented some activities undertaken by it and different partners to assist countries in the implementation of the Convention, in particular, four workshops, held in Central Asia and the Southern Caucasus during the last two years. These had been highly appreciated and considered extremely useful by the participants, but it was only the first step in addressing their needs. Therefore, it was proposed to establish an information clearing-house mechanism to facilitate the exchange of information and to link it with the Electronic Tools Task Force to enhance the synergies and to avoid any overlap.

The clearing-house mechanism would be complemented by a capacity building service, which is being established jointly by UN/ECE, UNEP Regional Office for Europe and UNEP/GRID-Arendal. Claudia Heberlein presented the Capacity Building Service in more detail. Its objective is to set up a comprehensive assistance structure to facilitate the implementation of the Convention in the recipient countries.

The Meeting adopted decision I/10 (MP.PP/2002/12) welcoming establishment of the clearing-house mechanism and capacity building service.

### B. Compliance mechanism

Frederique Van Zomeren (Netherlands) introduced the item and presented draft decision I/7 in review of compliance contained in the document MM.PP/2002/9, which was a result of hard, but constructive negotiations of the Working Group on Compliance and Rules of Procedure under the skilful chairmanship of Alistair McGlone (UK).

The USA presented a written statement expressing its concern with respect to the compliance mechanism. The Meeting agreed to annex the statement to the report.

Several other delegations expressed their support to the proposed mechanism as fully compatible with international law and prepared by designated experts.

The Meeting adopted decision I/7 on Review of the Compliance Mechanism by acclamation and turned to the question of the election of the Compliance Committee. Thirteen candidates were nominated, twelve of which were nationals of the countries – Parties or Signatories. Taking into account that there were only eight seats in the Committee, consultations were held, facilitated by Willem Kakebeeke, Chair of the Advisory Board, to reach the consensus on the composition of the Committee.

The consultations were completed successfully, and the Meeting elected by consensus the following candidates to the Compliance Committee to serve until the next ordinary meeting of the Parties: Vadim Nee (Kazakhstan), Merab Barbakadze (Georgia), Eva Kruzikova (Czech Republic) and Veit Koester (Denmark). The following candidates were elected to serve on the Committee until the third meeting of the Parties: Laurent Mermet (France), Elizabeth France (UK), Sandor Fulop (Hungary) and Svitlana Kravchenko (Ukraine).

### C. Reporting requirements

Jayne Boys (UK) presented draft decision I/8 (MP.PP/2002/10) in which a reporting format is proposed covering each of the specific obligations under the Convention and legislative and regulatory measures put in place to implement the Convention. Parties should report in advance of each meeting of the Parties and the Secretariat should be requested to prepare a synthesis report. The Meeting adopted decision I/8 establishing reporting requirements.

### D. Designation of focal points

The Secretariat introduced draft decision I/9 (MP.PP/2002/11). All countries not having focal points were invited to communicate any questions with respect to their focal points and any contact points for specific issues to the Secretariat. The Meeting adopted decision I/9 in designation of focal points.

### Work programme and budget for 2003-2005

The Meeting agreed to discuss decisions I/11, I/12 and I/13 and I/14 on preparation, adoption and monitoring of the work programme for the Convention together, since they are related and to adopt all four at the same time.

The Secretariat introduced draft decision I/12 on the work programme and budget for 2003-2005. Denmark, on behalf of the European Union, expressed support for the work programme, but stated that in the case of shortage of funds prioritization is needed. For the full work programme period the funds contributed should first and foremost be allocated to cover activities of the compliance mechanism. For the year 2003, after covering the compliance mechanism, priorities should be given to the following activities: PRTR, GMO, access to justice, electronic information tools, capacity building service, awareness raising and promotion of the Convention, the Extraordinary and Second Meeting of the Parties.

The Secretariat introduced draft decision I/13 (MP.PP/2002/15) on financial arrangements (sources of funding and fair sharing of burden as the guiding principles). The draft decision envisaged an interim voluntary scheme of contributions in the form of shares of US\$ 20,000 that should provide an effective and workable solution in the short and medium term. In the longer term, the level of contributions should be based upon the UN scale of assessment and other appropriate scales.

The Chair presented draft decision I/14 establishing the Working Group of the Parties for adoption. The Meeting adopted the four draft decisions. The Chair invited the delegations to pledge their contributions, after which the West European countries and the EU made their pledges.

### Issues for information

The meeting discussed the following issues: follow-up of the World Summit on Sustainable Development; public participation in international forums; interlinkages between the Aarhus Convention and the other UN/ECE environmental conventions and protocols; strategic environmental assessment; and activities to promote the Convention and its implementation.

