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ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Working Group of the Parties

Seventh meeting
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Item 5 of the provisional agenda
Public participation in international forums

**SYNTHESIS OF RESPONSES RECEIVED FROM INTERNATIONAL FORUMS TO
THE WRITTEN QUESTIONNAIRE IN THE CONSULTATION PROCESS ON
THE ALMATY GUIDELINES**

Prepared by the Task Force on Public Participation in International Forums
with the assistance of the secretariat

Background

1. In furtherance of article 3, paragraph 7, of the Convention, the Meeting of the Parties, through decision II/4, adopted the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums. Through the decision, the Meeting of the Parties also established a Task Force to enter into consultations regarding the Guidelines with relevant international forums and, inter alia, to prepare a report on the outcome of the consultations for consideration by the Working Group.

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2. At its sixth meeting on 5-7 April 2006, the Working Group of the Parties approved the work plan of the Task Force, the list of forums to be consulted and the consultation package to be sent to the selected international forums. The plan of consultation is set out in ECE/MP.PP/WG.1/2006/2/Add.1. The list of international forums, which prioritizes the international forums to be invited to take part in the consultation process according to four criteria, is contained in ECE/MP.PP/WG.1/2006/2/Add.2.

3. The four criteria used to prioritize the international forums were:

- (a) The number of members, including both Parties and Signatories, in the forum;
- (b) The presence of Aarhus members, including both Aarhus Parties and Signatories, in the forum;
- (c) The proportion of the forum's decisions or actions affecting the environment; and
- (d) Whether the forum's decisions or actions are considered to have the potential for particularly significant environmental impacts.

4. In mid-June 2006, the consultation package was sent by email and regular post to ninety-seven international forums provisionally identified as being of higher priority to invite to take part in the consultation process.¹ The consultation package included the Guidelines, a covering letter and a written questionnaire. The covering letter indicated that the questionnaire was the initial focus of the consultation process.

5. On the same date, a shorter letter enclosing the Guidelines without the questionnaire was sent to thirty-nine international forums provisionally identified as being of lower priority for consultation.² The letter informed the international forums of the existence of the consultation process but did not expressly invite them to take part.

6. The written questionnaire sent to the international forums identified as being of higher priority for consultation contained five broad, open-ended questions designed to allow representatives of the forums to share such of their experience as they considered relevant. The questions were:

- (a) Please provide any comments on the Guidelines, in view of your forum's own processes, activities and particular characteristics.
- (b) Does your forum have any formalized rules or procedures concerning access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.
- (c) Does your forum have any non-formalized practices concerning access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.

¹ Those forums classified as categories 1 & 2 forums in the list of international forums, ECE/MP.PP/WG.1/2006/2/Add.2.

² Those forums classified as category 3 forums in the list of international forums, ECE/MP.PP/WG.1/2006/2/Add.2.

(d) Are there any current or future workplans of your forum that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.

(e) In particular, what kind of challenges, if any, has your forum encountered with regard to access to information, public participation in decision-making and access to justice in environmental matters (for example, low involvement of civil society, or practical difficulties in managing public participation)? If appropriate, please provide a description underlining those experiences you think could be most useful to consider when reviewing the relevance and practicality of the Guidelines.

7. The original deadline for international forums to provide their responses to the written questionnaire was 17 September 2006. As a result of requests by a number of international forums for further time to complete their responses, the deadline was extended to 23 October 2006. At its meeting on 9-10 November 2006, the Task Force agreed that late responses should be incorporated into the synthesis paper as far as practicable.

8. As of 23 January 2007, responses had been received from sixty-five of the ninety-seven international forums provisionally identified as higher priority for consultation. Of these, fifty-two forums advised that they were interested to take part in the consultation process, nine forums stated that they were not interested to take part, and four forums did not provide a clear indication as to whether or not they intended to participate.

9. Of the nine international forums that indicated that they did not wish to take part in the consultation process, three forums did not provide reasons for this. The other six forums variously indicated that the Guidelines were not directly applicable to their work as they did not organize or conduct international forums of the type listed in paragraph 4 of the Guidelines; that they were not involved in practices that related to information sharing or decision-making on environmental matters; that the convention concerned had not entered into force; that they were unable to do so due to other commitments; or that they had not been able to reach agreement on engaging in the consultation exercise, implying that there were mixed views within the forum.

10. For the thirty-two forums from which no response was received, it is not possible to know the reasons for this. Within some of the forums addressed, some UNECE member States that are not party to the Aarhus Convention voiced opposition to any active involvement by the forums in question in the consultation process, indicating inter alia that they did not consider it to be an appropriate use of the forum's resources.

11. Although the shorter letter sent to the thirty-nine international forums provisionally identified as lower priority for consultation did not ask for a response, seven forums did reply. Two forums advised that they were interested to take part in the consultation process, four forums stated that they were not interested to take part, and one forum did not provide a clear indication as to whether or not it intended to take part.

12. As of 23 January 2007, completed responses to the written questionnaire had been received from forty-eight international forums provisionally identified as higher priority for consultation and one international forum provisionally identified as lower priority for consultation. A list of the international forums that provided responses, together with their acronyms, is contained in

the annex to this paper. The responses received are available online at <http://www.unece.org/env/pp/ppif.htm>.

13. The purpose of this paper and its five addenda is to synthesize the international forums' responses to the written questionnaire, initially for the consideration of the Working Group of the Parties at its seventh meeting on 2-4 May 2007. The first addendum provides an overview of the international forums' responses regarding their formalized rules and procedures and non-formalized practices concerning access to information and access to justice in environmental matters. The second addendum provides an overview of the international forums' responses regarding their formalized rules and procedures and non-formalized practices concerning public participation in decision-making. The third addendum reviews the current or future workplans that the international forums report may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters. The fourth addendum reviews the challenges identified by the international forums with regard to access to information, public participation in decision-making and access to justice in environmental matters. The fifth addendum summarises the comments made by the international forums on the Guidelines themselves. The present paper provides a summary of the responses reviewed in more detail in the addenda.³

14. Given its purpose to synthesize the international forums' responses, the scope of this paper and its addenda is limited to the information contained in those responses, including any policy documents or rules of procedure enclosed, referenced or hyperlinked in the response. This is notwithstanding the fact that in some cases international forums may have further rules, procedures or practices relevant to the issues at hand. In other words, it is not intended to be a comprehensive, in-depth or analytical review of the way in which the Aarhus principles are applied within the forums that are referred to in the paper.

15. As might be expected given the short time frame under which responses to the questionnaire were requested, all but six of the responses received were prepared and submitted in the name of the secretariats of the international forums, and in the case of those international forums that are institutions, the relevant department.⁴ Of the other six, one was prepared on behalf of the forum's governing body⁵ and five were approved by their respective Bureaux.⁶

³ The order in which forums' names or acronyms are listed and in which their responses are discussed in this paper and its addenda generally follows the order in which the forums are listed in the list of international forums adopted by the Working Group (ECE/MP.PP/WG.1/2006/2/Add.2).

⁴ The response received from the European Bank for Reconstruction and Development was provided by individuals from EBRD's Environment and Communications Department and does not necessarily reflect EBRD's institutional opinion.

⁵ The Committee on Sustainable Energy mandated its secretariat to respond to the factual parts of the questionnaire on its behalf.

⁶ LRTAP, Industrial Accidents Convention, Water Convention, Committee on Housing and Land Management, CEP.

Formalized rules and procedures and non-formalized practices

Access to information

16. Twenty-four forums report formalized rules and procedures regarding access to information.⁷ UNFF, UNFCCC, UNCCD, LRTAP, the Espoo Convention, the EEHC, the Helsinki Commission, and the Sava Commission consider all reports communicated to them as well as institutional information in the public domain and all official documents are available through their websites. ITTO and IWC disclose all documents except for financial and certain administrative documents. IWC has different rules depending on whether the information is required under its convention, requested or provided voluntarily. ITTO notes that limited translation budgets mean that despite policies of openness, not all documents are accessible to all. IMO reports that, while all documents are posted on its website, access to the website is restricted. The MAP secretariat indicates that an information unit has been set up at the secretariat and a regional activity centre established specifically to address information and communication.

17. Twenty-five forums report non-formalized practices in respect of access to information.⁸ About one third of these forums have non-formalized practices in addition to their formalized procedures.⁹ Examples of non-formalized practices to disseminate environmental information include environmental publications, media interviews, workshops, roundtables, and via the forum's website. Of the remaining two-thirds of forums, SAICM, the Water Convention, the Committee on Housing and Land Management, the CEP, the Committee on Sustainable Energy, the Bern Convention, and UNESCAP report that although they do not have formalized rules on the point, their non-formalized practice is to make official documents and reports available on their website, and for some forums, in print form also. NAFO makes most of its documents available through its website, although Working Papers circulated during meetings and vessel monitoring system data are not disclosed. UNEP provides environmental information proactively on its website and UNEP and IFAD webcast some events. In addition to technical means, IFAD works at the country/project level through targeted training and awareness raising. The EEHC has a web-based user-friendly country-driven implementation map.

Public participation in decision-making

18. Forty-one forums report formalized rules and procedures regarding public participation in decision-making. Thirty of these discuss formalized rules and procedures in relation to who may

⁷ UNFF, IWC, IMO, World Bank, UNFCCC, UNCCD, CBD, CMS, ITTO, ICAO, IAEA, MAP, Tehran Convention, LRTAP, Industrial Accidents Convention, Espoo Convention, EEHC, EBRD, Helsinki Commission, Sava Commission, NEFCO, AfDB, IADB, ADB.

⁸ IWC, World Bank, CMS, LRTAP, Industrial Accidents Convention, Espoo Convention, EBRD, Sava Commission, UNEP, UNESCO Man and the Biosphere Programme, IFAD, SAICM, NAFO, Cotonou Agreement, Water Convention, Committee on Housing and Land Management, CEP, Committee on Sustainable Energy, "Environment for Europe", EEHC, Bern Convention, ICWC, Alpine Convention, ICPR, UNESCAP.

⁹ IWC, World Bank, CMS, LRTAP, Industrial Accidents Convention, Espoo Convention, EBRD, Sava Commission.

participate in their processes.¹⁰ The CBD reports that any governmental or non-governmental body or agency may be represented at forum sessions unless one third of the Parties present at the session object. Examples of restrictions imposed by other forums include that observers be qualified in matters covered by the Convention,¹¹ support the forum's objectives,¹² have a wide membership, or have a well-organized internal structure,¹³ and may or may not provide for the possibility for one third of the Parties to veto participation. The UNFCCC reports on its constituency system whereby admitted civil society organizations are grouped into five constituencies: business and industry, environmental, local government and municipal authorities, research and independent, and indigenous peoples organizations. EEHC reports that, as well as NGO observers, three of its members represent NGOs.

19. Twenty-eight forums describe formalized rules and procedures with respect to how the public may participate.¹⁴ UNEP reports that accredited NGOs may submit written comments on unedited working documents prior to forum sessions. ADB staff instructions require stakeholder consultation during the processing of its safeguard policies, such as its Environment Policy. The majority of forums advise that accredited NGOs have the right to attend their meetings as observers without the right to vote, although the ICPDR and the Helsinki Commission note that institutional issues and for the Helsinki Commission, also financial issues, may be dealt with in a closed session. Other than the IWC and the IMO, all forums that refer in their responses to allowing observers to be present, also grant observers the right to speak. All but the IMO allow observers to submit written statements. The IMO and NAFO allow media representatives to observe meetings, and media may attend the IWC in plenary but not its sub-groups. The OAS' initiatives to promote participation include regional civil society forums and the presentation of proposals and recommendations arising therefrom, institutionalised discussions between civil society organizations and high-ranking national officials, and cooperation agreements with civil society organizations on the development and implementation of its work. UNCCD holds two special open dialogue sessions during each meeting of its Conference of the Parties on the activities of NGOs.

20. Twenty-three forums describe non-formalized practices concerning how the public may participate in decision-making.¹⁵ UNEP and UNFCCC allow NGO side events at forum sessions

¹⁰ UNEP, IWC, UNFCCC, CBD, UNCCD, CMS, ITTO, ICAO, UNCSTD, UNESCO World Heritage Centre, UNESCO Man and the Biosphere Programme, SAICM, NAFO, LRTAP, Industrial Accidents Convention, Water Convention, Espoo Convention, Committee on Housing and Land Management, CEP, Committee on Sustainable Energy, "Environment for Europe", EEHC, Bern Convention, Helsinki Convention, Carpathian Convention, ICPR, Sava Commission, ICPDR, Baltic 21, UNESCAP.

¹¹ UNCCD, Industrial Accidents Convention, Bern Convention, Helsinki Commission, Carpathian Convention, ICPR, ICPDR.

¹² NAFO, ICPR, ICPDR.

¹³ Helsinki Commission, ICPR, ICPDR.

¹⁴ UNEP, IWC, IMO, CSD, UNFCCC, CBD, UNCCD, ITTO, IAEA, UNESCO World Heritage Centre, UNESCO Man and the Biosphere Programme, SAICM, MAP, Tehran Convention, Industrial Accidents Convention, Water Convention, Espoo Convention, Bern Convention, NAFO, Alpine Convention, ICPDR, Helsinki Commission, Carpathian Convention, NEFCO, AfDB, IADB, OAS, ADB.

¹⁵ UNEP, UNFF, World Bank, International Monetary Fund, UNFCCC, UNCCD, UNESCO World Heritage Centre, UNESCO Man and the Biosphere Programme, SAICM, Tehran Convention, Water Convention, Espoo Convention, Committee on Housing and Land Management, CEP, Committee on Sustainable Energy, EBRD, Carpathian Convention, NEFCO, AfDB, IADB, OAS, UNESCAP, ADB.

and UNEP encourages NGOs to be involved in the delivery of its programme of work. UNFF and the Water Convention provide travel assistance for civil society representatives to attend forum meetings. UNCCD offers virtual consultation and discussion forums whilst the UNFCCC, AfDB and ADB holds regular, and the International Monetary Fund, occasional, stakeholder dialogues. The Carpathian Convention similarly organizes stakeholder consultations, workshops, roundtables, and festivals. EBRD seeks public comments in the development of its policies and strategies, and in the scoping stage of projects.

Access to justice

21. Eight forums indicate that they have rules, procedures or practices regarding access to justice in environmental matters.¹⁶ The Bern Convention and Alpine Convention secretariats and the Bureau of the Water Convention describe formalized compliance mechanisms that allow NGOs to present issues of compliance. The secretariat of the Espoo Convention reports that the draft operating rules currently being drawn up by the Convention's Implementation Committee, if adopted, would not prevent the Committee considering information from the public. IADB, AfDB and the EBRD response each refer to formalized independent recourse mechanisms for members of the public who consider that there has been non-compliance with the Bank's policies. The IFAD secretariat notes some non-formalized practices in its project work relating to access to justice issues.

Current and future workplans

22. Thirty-one forums report current or future workplans that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters. Fourteen forums report that they are currently drafting new or revising existing policy instruments relevant to the issues addressed by the Guidelines.¹⁷ Thirteen forums describe current or future workplans regarding access to information,¹⁸ twelve report plans regarding public participation in decision-making¹⁹ and one forum reports plans regarding access to justice.²⁰

Current or future plans regarding access to information

23. Nine forums have current or future workplans to improve their websites and/or to increase the use of electronic tools.²¹ The CBD has an initiative to increase dissemination of its implementation tools in national languages. The secretariats of the MAP, the Tehran Convention

¹⁶ Water Convention, Espoo Convention, Bern Convention, EBRD, Alpine Convention, AfDB, IADB, IFAD.

¹⁷ UNEP, UNFF, CMS, IFAD, SAICM, MAP, Tehran Convention, NAFO, Cotonou Agreement EBRD, Helsinki Commission, LRTAP, AfDB, ADB.

¹⁸ ITTO, UNFCCC, UNESCO Man and the Biosphere Programme, SAICM, MAP, Water Convention, Bern Convention, Sava Commission, UNESCAP, CBD, Caribbean Environment Programme, Tehran Convention, CEP.

¹⁹ CBD, UNCCD, CMS, UNCSTD, Carpathian Convention, OAS, World Heritage Centre, IWC, LRTAP, Committee on Housing and Land Management, UNFCCC, UNESCO Man and the Biosphere Programme.

²⁰ MAP.

²¹ ITTO, UNFCCC, UNESCO Man and the Biosphere Programme, SAICM, MAP, Water Convention, Bern Convention, Sava Commission, UNESCAP.

and the Caribbean Environment Programme have current or future plans to improve the generation and/or management and sharing of environmental information. The CEP has a draft communication strategy to raise awareness of the Ministerial Conferences “Environment for Europe” and the issues they address.

Current and future workplans regarding public participation

24. The secretariats of the CBD, UNCCD, CMS, UNCSTD, the interim secretariat of the Carpathian Convention and the OAS’ Department of Sustainable Development each report current or future plans to increase stakeholder involvement in general. Conversely, the UNESCO World Heritage Centre reports that the increasing interest in participating in World Heritage Committee sessions may lead to the restriction of access. The IWC and LRTAP report that their rules for accreditation of NGOs are currently under review and may be revised. The UNCCD, OAS, CBD and the Committee on Housing and Land Management are working to increase the focus on particular stakeholder groups, namely women, youth, indigenous peoples, business and those in multifamily housing. The UNFCCC reports on recent developments regarding involving the public in implementation, including with respect to its Clean Development Mechanism, the Joint Supervisory Implementation Committee and the Subsidiary Body for Implementation. The UNESCO Man and the Biosphere Programme is currently undertaking several projects that evaluate public participation processes in biosphere reserves.

Current and future workplans regarding access to justice

25. The MAP secretariat reports that there are attempts to negotiate an article on access to justice on environmental matters under the new Draft Protocol on Integrated Coastal Zone Management.

Challenges

26. Thirty-two forums identify challenges with regard to access to information, public participation in decision-making or access to justice in environmental matters. Of these, eight forums comment on general challenges regarding the issues covered by the Guidelines,²² ten forums report challenges in respect of access to information²³ and twenty-seven forums report challenges regarding public participation in decision-making.²⁴

²² UNFF, NEFCO, UNESCAP, Caribbean Environment Programme, UNFCCC, UNCCD, MAP, Sava Commission.

²³ SAICM, MAP, Sava Commission, UNESCAP, UNCCD, Espoo Convention, Baltic 21, OAS, Caribbean Environment Programme, ICWC.

²⁴ CBD, UNEP, CSD, SAICM, MAP, Tehran Convention, Water Convention, Espoo Convention, “Environment for Europe”, Baltic 21, ICWC, Sava Commission, UNESCAP, ITTO, EBRD, World Heritage Centre, EEHC, UNESCO Man and the Biosphere Programme, UNCSTD, CEP, Committee on Housing and Land Management, Committee on Sustainable Energy, AfDB, UNFCCC, IWC, Cotonou Agreement, NAFO.

General challenges

27. The UNFF secretariat notes that the rules of ECOSOC can be interpreted in a broad or restrictive manner depending on the Member States.

28. UNESCAP's Environment and Sustainable Development Division remarks that access to information and public participation must be fully supported by governments. NEFCO and the secretariat of the Caribbean Environment Programme note that decision-makers may have other economic and social priorities, where linkages to environmental issues are not made. NEFCO reports that corruption, weakly developed institutional routines, legislation and enforcement present a challenge in some of its target countries. The secretariat of the Caribbean Environment Programme remarks that dealing with information that governments consider too sensitive for public release will continue to be a challenge and that there is need for capacity building to demonstrate the value of using environmental information for improved decision-making.

29. The UNFCCC secretariat notes that newcomers to intergovernmental processes need guidance on how to interact. The UNCCD and the Sava Commission stress the importance of capacity-building to achieve education, public awareness and results-oriented solutions. The secretariats of the MAP and the Caribbean Environment Programme also report a strong need for capacity-building.

Challenges regarding access to information

30. Limited financial resources for maximising access to environmental information is reported by the secretariats of the SAICM, MAP, the Espoo Convention, the Sava Commission and UNESCAP's Environment and Sustainable Development Division.

31. The secretariats of the UNCCD, the Espoo Convention, Baltic 21, and OAS' Department of Sustainable Development note that there is a gap between developed countries and developing countries and countries with economies in transition concerning access to information and public participation through new technological means. Internet is still not an everyday tool in many countries.

32. The secretariats of the Espoo Convention and Baltic 21 note that language barriers are a challenge to dissemination of environmental information.

33. The secretariat of the Caribbean Environment Programme identifies a lack of appropriate infrastructure for data generation, analysis and dissemination and a need for improved mechanisms to effectively disseminate environmental information in a form appropriate and relevant to needs of general public.

34. The Caribbean Environment Programme also notes that environmental laws and regulations in its region are inadequate, the frameworks for enforcement are poor and many governments do not have access to information legislation.

Challenges regarding public participation

35. Limited financial resources for funding public participation in forum processes is identified as a challenge by thirteen forums.²⁵

36. UNEP's Division of Early Warning and Assessment, the ITTO secretariat, the EBRD response and UNESCAP's Environment and Sustainable Development Division each discuss the issue of representativeness. UNEP notes that when there are numerous environmental NGOs with competing interests, it is difficult to implement a nomination process that is representative of the various interests. ITTO remarks that it is important to verify that groups or individuals actually represent an indicated interest group. The EBRD response observes that it is often unclear whom NGOs represent and NGOs may focus on a few issues rather than the larger context. It also notes that it is a challenge to identify the stakeholders actually affected, and not just NGOs that choose to participate. UNESCAP remarks that it is critical to ensure that issues brought to the table benefit from the viewpoints of a wide range of stakeholders so that the practical limitations of participation at the international stage are mitigated.

37. The UNESCO World Heritage Centre, the Bureau of the Water Convention and the EEHC secretariat each describe challenges in respect of facilitating the participation of special interest groups. The UNESCO World Heritage Centre states that the biggest challenge is for access to decision-making at the local, i.e. site, level. The Bureau of the Water Convention refers to the specific challenges regarding public participation in transboundary water cooperation in the countries of Eastern Europe, Caucasus and Central Asia (EECCA). The EEHC secretariat indicates that establishing mechanisms to facilitate the participation of special interest groups and identifying funding for the same presents a challenge.

38. Eleven forums identify fluctuating or low civil society interest and awareness either in their work or their processes as a challenge.²⁶ The ITTO secretariat reports that the level of general public interest in its work fluctuates. The secretariat of the UNESCO Man and the Biosphere Programme states that its challenge for the next decade is for biosphere reserves to become truly-knowledge sharing sites. The secretariats of the UNCSTD, MAP, Committee on Housing and Land Management, Committee on Sustainable Energy, the Bureaux of the CEP and the Water Convention, ICWC's Scientific Information Center and the Sava Commission each report low civil society interest, the last two also noting poor capacities of civil society and a lack of knowledge about the problems at issue. AfDB's Sustainable Development Division reports that in a number of countries NGOs and civil societies are either non-existent or have limited influence with respect to the participatory dimensions of sustainable development.

39. The UNFCCC secretariat indicates that its process attracts large numbers of organizations and participants and it faces challenges channelling this interest to provide useful inputs into an intergovernmental meeting.

²⁵ CBD, UNEP, CSD, SAICM, MAP, Tehran Convention, Water Convention, Espoo Convention, "Environment for Europe", Baltic 21, ICWC, Sava Commission, UNESCAP.

²⁶ ITTO, UNESCO Man and the Biosphere Programme, UNCSTD, MAP, Water Convention, CEP, Committee on Housing and Land Management, Committee on Sustainable Energy, ICWC, Sava Commission, AfDB.

40. The IWC secretariat remarks that it has recently encountered disruptive behaviour from a small number of NGOs, which has led it to develop a code of conduct for NGOs.

41. Assessing the effectiveness of public participation is a challenge for the UNESCO Man and the Biosphere Programme and the MAP secretariat. The European Commission in its capacity as a Party to the Cotonou Agreement notes a challenge regarding how to keep track of the recommendations of Environmental Impact Assessments that have been carried out. AfDB's Sustainable Development Division remarks that it is a challenge to expand the consultation process beyond the preparation of projects to the implementation and evaluation phases.

42. Timeframes are considered a challenge by two forums. The European Commission in its capacity as a Party to the Cotonou Agreement notes that there is usually limited time available for consultations with civil society. AfDB's Sustainable Development Division indicates that the timely provision of environmental information to beneficiaries at the national and local levels is a challenge.

43. The UNFCCC secretariat observes that as a treaty among Parties, there are limitations to the involvement of the public in decision-making and the challenge is to enrich the negotiating process with input from civil society. The CSD secretariat refers to the need to enhance coordination between its global and regional processes and between stakeholders at the national level.

44. The challenge of coordinating divergent interests is noted by the interim secretariat of the Tehran Convention and the secretariats of NAFO and the Sava Commission. The Sava Commission also observes that participants may have different knowledge or expertise and that integration of skills is essential.

45. Finally, the interim secretariat of the Tehran Convention states that the absence of clear, transparent and regionally agreed rules on the participation and status of observers has been an obstacle to participation during the negotiations for the Convention and its Protocols. EBRD's response notes that even if its policies allow for participation in its projects, appropriate legislation to secure stakeholder input may be lacking at the country level.

Comments on the Guidelines

46. Thirty forums provide general comments on the Guidelines.²⁷ The CBD, UNCCD and ITTO secretariats, the interim secretariat of the Carpathian Convention, ICWC's Scientific Information Center, UNESCAP's Environment and Sustainable Development Division and the MAP secretariat comment to the effect that the Guidelines are a good starting point, a step forward and a useful tool to implementing public participation in international processes. The MAP secretariat states that it intends to make full use of the Guidelines. The secretariats of

²⁷ CBD, UNCCD, ITTO, Carpathian Convention, ICWC, UNESCAP, UNCSTD, CMS, MAP, UNFF, UNESCO World Heritage Centre, LRTAP, IFAD, Espoo Convention, Bern Convention, ICPDR, UNEP, IWC, UNESCO Man and the Biosphere Programme, SAICM, Cotonou Agreement, Industrial Accidents Convention, Water Convention, Alpine Convention, OAS, Caribbean Environment Programme, ADB, EBRD, Sava Commission, AfDB.

UNCTSD and the CMS remark that the Guidelines are generic and mainly a matter of common sense and that more should be done to develop practical guidance, including clear examples and procedures.

47. The UNFF and ICPDR secretariats, IFAD and the LRTAP Bureau note that they are not subject to the Guidelines. The LRTAP Bureau adds that it is for its own Parties to decide how such principles as those in the Guidelines might be applied in its work. IFAD remarks that because it is an institution working mainly through a programme/project approach, the Guidelines do not fully apply to its mandate. UNFF comments that Aarhus Parties who are also members of its forum, can introduce proposals in accordance with the Guidelines in other forums. The UNESCO World Heritage Centre indicates that the Guidelines have not been provided to the World Heritage Committee, its governing body, so there has been no formal process of taking them into account. However, the Aarhus Convention itself has been noted in the recommendations of selected World Heritage field missions. The secretariat of the Bern Convention observes that the Guidelines are relevant to its processes, because it falls within the Guidelines' definition of "international forums" and there is also a large overlap of its membership with the Aarhus Convention.

48. The secretariats of the CBD and Alpine Convention, ADB and OAS' Department of Sustainable Development report that their practices generally accord with the Guidelines. The SAICM secretariat remarks that the Guidelines' purpose is closely aligned with approaches taken by SAICM. The secretariat of the Caribbean Environment Programme states that the Guidelines reflect many of the elements used in the development of the Cartagena Convention.²⁸ The secretariats of the Industrial Accidents Convention and the Espoo Convention and the Bureau of the Water Convention advise that the three pillars of the Guidelines are addressed by their Conventions. The secretariat of the Espoo Convention and the Bureau of the Water Convention add that there is strong awareness of these issues among their Parties. The European Commission in its capacity as a Party to the Cotonou Agreement and the ADB state that their practices are consistent with the spirit of the Guidelines. UNEP's Division of Early Warning and Assessment and the IWC secretariat remark that their practices regarding with access to information would seem to conform, although the IWC remarks that the Guidelines' provisions on public participation in decision-making would be more controversial in that forum's context. The secretariat of the UNESCO Man and the Biosphere Programme comments that the definition of "the public" as applied in its biosphere reserves is as broad as its definition in the Almaty Guidelines.

49. The EBRD response comments that the Guidelines could make greater recognition of how institutions work in practice as they do not focus on the opportunities associated with organizations and institutions, but rather put them in the Parties' format.

50. The UNCCD secretariat comments that the Guidelines rightly state that participation of the public should be as broad as possible, having in view the nature and level of the particular meeting. The Sava Commission secretariat suggests that it would be useful for the Guidelines to define the main stakeholders to avoid any significant stakeholders being missed. The ICPDR

²⁸ Cartagena Convention on the Protection of the Marine Environment of the Wider Caribbean Region.

secretariat indicates that it has found it difficult to involve individuals in its process and has therefore decided to target only the organized public (organizations, unions etc.) It also comments that because public participation processes are expensive, it should be the responsibility of institutions to set up the legislative and practical frameworks for public participation, but the costs of capacity building for stakeholder groups should not be the sole responsibility of international organizations.

51. The UNCCD secretariat and ICWC's Scientific Information Center comment that the direct link that the Guidelines make between international access and investment of resources should be stressed more. UNCCD observes that experience shows that active participation of NGOs in its sessions depends on funds being made available.

52. With respect to access to information, the ICPDR secretariat remarks that it is not sure whether documents it distributes through the internet reach their target audience. It says that general information can be easily shared via the internet, but it is less convinced that distributing specialised and targeted information via the internet makes sense.

53. Regarding public participation in decision-making, the EBRD response considers that the Guidelines should encourage institutions to engage in public *consultation*, not public *participation* as institutions do not have the ability to provide the public with a decision-making role. EBRD also comments that if access to information and public participation in decision-making is provided with respect to environmental matters but not other in areas, this can create a difference of expectations and also lead to the public attempting to turn their non-environmental concerns about a proposed project into environmental concerns because to do so will be their only opportunity to voice their concerns about a project generally. The ICPDR secretariat reports on its own lessons learnt, including that well-informed stakeholders are the basis of meaningful participation, thus information must be provided in time and for free; that public participation is a process and takes time, thus must be started early and planned carefully; that public participation is a cooperative effort and that stakeholders as well as institutions must be willing to sit at the table to develop solutions and/or compromises; that stakeholders are diverse and a mixture of tools is necessary to ensure the right approach for each stakeholder group; and that it is important to make the best use of people's time.

54. In the context of access to justice, the UNCCD secretariat remarks that legal mechanisms for dispute settlement, such as arbitration or conciliation, remain valid and useful ways of resolving questions of implementation within multilateral environmental agreements. AfDB's Sustainable Development Division states that the paragraph with respect to the access to justice pillar of the Convention is somewhat short. AfDB suggests that this section be expanded on the basis of the international experiences involving compliance and review procedures.

55. The majority of the comments received from international forums are of a general nature, and not expressly directed to particular provisions of the Guidelines. However, seven forums provide comments on specific provisions of the Guidelines. In this regard, the IWC secretariat, the EBRD response and UNESCAP's Environment and Sustainable Development Division comment on the purpose and scope of the Guidelines; EBRD, ICWC's Scientific Information Center, the Sava Commission and UNEP's Division of Early Warning and Assessment comment

on general considerations; ICWC and EBRD comment on access to information; and UNEP, ICWC, EBRD and the CMS secretariat comment on public participation in decision-making.

Conclusion

56. The broad, open-ended nature of the five questions in the written questionnaire has, as intended, allowed the representatives of the selected international forums to share such of their experience as they consider relevant. Such an approach accords with paragraph 1 of the Guidelines, which stresses the need to take into consideration the institutional integrity and particular characteristics of each international forum concerned. In keeping with this, the responses received from the international forums show considerable diversity, both in the depth of information shared and comments made and in the range of rules, procedures and practices touched upon.

57. In relation to the formalized rules and procedures and non-formalized practices, there seem to be areas where some forums' processes differ quite significantly from those recommended in the Guidelines. However, at the same time, some practices of certain forums seem to go further to realise the principles of the Aarhus Convention than the Guidelines envisage.

58. In relation to the challenges identified by the forums, there was strong recognition of the issues of representativeness and the availability of funding for civil society involvement. Some of the challenges, such as language barriers and facilitating the involvement of special interest groups, are picked up in the current and future workplans. Other noted challenges, such as the ECOSOC Rules being open to wide interpretation, remain unaddressed.

59. With respect to the comments made by international forums on the Guidelines themselves, these range from general comments about their usefulness and applicability to subtle drafting points.

Annex

As of 23 January 2007, responses to the written questionnaire had been received from:²⁹

United Nations Environment Programme (UNEP)
United Nations Forum on Forests (UNFF)
International Whaling Commission (IWC)
International Maritime Organization (IMO)
United Nations Commission on Sustainable Development (CSD)
World Bank Group
International Monetary Fund
United Nations Framework Convention on Climate Change (UNFCCC)
Convention on Biological Diversity (CBD)
United Nations Convention to Combat Desertification (UNCCD)
Convention on the Conservation of Migratory Species of Wild Animals (CMS)
International Tropical Timber Organization (ITTO)
International Civil Aviation Organization (ICAO)
International Atomic Energy Agency (IAEA)
United Nations Commission on Science and Technology for Development (UNCSTD)
United Nations Educational Scientific and Cultural Organization Programme on Man and the Biosphere (UNESCO Man and the Biosphere Programme)
Convention concerning the Protection of the World Cultural and Natural Heritage (UNESCO World Heritage Convention)³⁰
International Fund for Agricultural Development (IFAD)
Preparatory Committee for Development of a Strategic Approach to Chemicals Management (SAICM)
United Nations Environment Programme Mediterranean Action Plan (MAP)³¹
Framework Convention for the Protection of the Environment of the Caspian Sea (Tehran Convention)
Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO)
Cotonou Agreement between the European Communities and the African Caribbean and Pacific States (Cotonou Agreement)³²
Convention on Long-range Transboundary Air Pollution (LRTAP)
Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention)
Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention)

²⁹ The order in which forums are listed follows the order in which the forums are listed in the list of international forums adopted by the Working Group (ECE/MP.PP/WG.1/2006/2/Add.2).

³⁰ The UNESCO World Heritage Convention receives secretariat support from the UNESCO World Heritage Centre.

³¹ The MAP secretariat also acts as the secretariat of the Convention for the Protection of the Mediterranean Sea against Pollution, usually known as the Barcelona Convention.

³² The Cotonou Agreement does not have a secretariat as such and is administered by the Parties themselves. The response referred to in this paper was prepared by the European Commission's Directorate-General Development and Relations with African, Caribbean and Pacific States in its capacity as a Party to the Cotonou Agreement.

Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)
United Nations Economic Commission for Europe Committee on Housing and Land Management (Committee on Housing and Land Management)
United Nations Economic Commission for Europe Committee on Environment Policy (CEP)
United Nations Economic Commission for Europe Committee on Sustainable Energy (Committee on Sustainable Energy)
“Environment for Europe” Ministerial Process (“Environment for Europe”)
European Environment and Health Committee (EEHC)
Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)
European Bank for Reconstruction and Development (EBRD)
Baltic Marine Environment Protection Commission (Helsinki Commission)
Inter-State Coordination Water Commission of Central Asia (ICWC)
Convention on the Protection of the Alps (Alpine Convention)
Framework Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention)
International Commission for the Protection of the Rhine (ICPR)
Sava River Basin Commission (Sava Commission)
International Commission for the Protection of the Danube (ICPDR)
Baltic 21
Nordic Environment Finance Corporation (NEFCO)
African Development Bank (AfDB)
Inter-American Development Bank (IADB)
Organization of American States (OAS)
United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)
Asian Development Bank (ADB)
Caribbean Environment Programme (Caribbean Environment Programme)



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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

Seventh meeting
Geneva, 2–4 May 2007
Item 5 of the provisional agenda
Public participation in international forums

**SYNTHESIS OF RESPONSES RECEIVED FROM INTERNATIONAL FORUMS TO
THE WRITTEN QUESTIONNAIRE IN THE CONSULTATION PROCESS ON
THE ALMATY GUIDELINES**

Addendum

**FORMALIZED RULES AND PROCEDURES
AND NON-FORMALIZED PRACTICES
REGARDING ACCESS TO INFORMATION
AND ACCESS TO JUSTICE**

Prepared by the Task Force on Public Participation in International Forums
with the assistance of the secretariat

1. The purpose of this addendum is to synthesize the responses received from international forums to the written questionnaire in respect of the following questions:

GE.07-

- a. Does your forum have any formalized rules or procedures concerning access to information and access to justice in environmental matters? If yes, please provide an overview.
 - b. Does your forum have any non-formalized practices concerning access to information and access to justice in environmental matters? If yes, please provide an overview.
2. The addendum looks at the international forums' formalized rules and procedures and non-formalized practices regarding access to information. It then notes any formalized procedures and non-formalized practices on access to justice in environmental matters.

Access to information

Formalised rules and procedures regarding access to information

3. Twenty-four forums report formalized rules and procedures regarding access to information.
4. The secretariat of the United Nations Forum on Forests (UNFF) reports that the Forum's documents and reports are public documents and are widely available on its website.
5. The secretariat of the International Whaling Commission (IWC) indicates that the Commission has rules of procedure relating to certain types of access to information. All Commission documents, with the exception of those for the Finance and Administration Committee and its sub-groups, are ultimately made available. However, reports of meetings of all committees, sub-committees and working groups are confidential until the opening plenary session of the Commission meeting to which they are submitted. In the case of intersessional meetings, documents are confidential until dispatched to the Contracting Governments and Commissioners. Access to data held by the IWC's Scientific Committee is subject to different rules depending on whether the information was required under the Convention, requested under the Convention, or made available to the Scientific Committee on a voluntary basis. Information required under the Convention is available on request to any interested persons with a legitimate claim relative to the aims and purposes of the Convention.³³ Information requested under the Convention is accessible to accredited persons, and to other interested persons subject to the agreement of the government submitting the information. In respect of information made available to the Scientific Committee on a voluntary basis, information collected as a result of IWC sponsored activities and/or on a collaborative basis is available at the latest after a suitable time interval to allow 'first use' rights to the primary contributors. With respect to information provided voluntarily under national programmes, the minimum level of access is that accredited persons may use the information during Scientific Committee meetings, although such information may not be passed on to third parties.

³³ The Rules of Procedure of the Scientific Committee state that the Government of Norway notes that for reasons of domestic legislation it is only able to agree that data it provides under this paragraph are made available to accredited persons.

6. The secretariat of the International Maritime Organization (IMO) indicates that all IMO documents are posted on the IMODOCS website, which is password protected. Member States, the United Nations and United Nations Specialized Agencies, inter-governmental organizations and non-governmental organizations (NGOs) are given a password to access the IMODOCS website. On presentation of a justified request, documents can also be made available to the public. Documents of past meetings are held in the International Maritime Organization's library, which is open to the public by appointment.

7. The World Bank indicates that its stated policy is to be open about its activities and to seek out opportunities to explain its work to the widest possible audience. It states that its 2002 Information Disclosure Policy makes an enormous amount of operational information available to the public, ranging from project and policy documents to strategy and evaluation documents. In March 2005 the Bank's Board approved a number of revisions, aiming to extend, rationalise, or simplify the Bank's 2002 disclosure policy. Details of the Bank's policy can be found at www.worldbank.org/operations/disclosure. The World Bank Group's International Finance Corporation also has a Policy on Disclosure of Information, available at <http://www.ifc.org>.

8. The secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) provides the public with a wide range of information principally through its website, www.unfccc.int. This includes all official documentation, in the UN languages, immediately following release; other documents including technical papers, workshop documentation, background papers and in-depth review reports; information for the general public on the background and issues of the complex intergovernmental process and technical and substantive information for those familiar with the process; notifications to Parties and observers; information on how the process works, including participation as observers; access to information on processes under the Convention and its Kyoto Protocol including the Clean Development Mechanism Executive Board and the Joint Implementation Supervisory Committee; access to targeted information on aspects on climate change provided by governments, organizations and the public. The secretariat recognizes the value of webcasts to inform the general public of proceedings and associated activities of the climate change process. Webcasted events include plenary sessions of the Conference of the Parties (COP) and the Conference of the Parties serving as the meeting of the Parties of the Kyoto Protocol (CMP); official press conferences; selected special events and side events and other key activities held during the official sessions which allow a more complete view into the process by the interested public; meetings of the Clean Development Mechanism Executive Board and the Joint Implementation Supervisory Committee. A daily reporting service on the official negotiations is provided in hard copy and online by the Earth Negotiations Bulletin, an independent expert service of the International Institute for Sustainable Development. The secretariat responds promptly to information requests within its mandate.

9. The secretariat of the United Nations Convention to Combat Desertification (UNCCD) indicates that access to information and public participation has been considered to be a key factor of the UNCCD since the first session of its COP. At that session, the COP adopted procedures for the communication of information and review of implementation that aim to organize and streamline the communication of information, inter alia, to "ensure that information on implementation is in the public domain and available to the international community, particularly intergovernmental and non-governmental organizations, and other interested

entities". Hence all reports communicated to the UNCCD secretariat as well as institutional information is in the public domain. The UNCCD secretariat has the duty to make available copies of these reports to any interested Parties to the UNCCD and other entities. It makes available all official documents through its own website and at meetings of international, regional, sub-regional and national scope. The rules of procedure do not set a time limit to provide requested environmental information, but the secretariat strives to respond to any query as soon as practicable.

10. The Convention on Biological Diversity (CBD) makes provision for information dissemination and public education and awareness and the exchange of technical, scientific and socio-economic information amongst Parties. The Strategic Plan of the Convention requires Parties to implement a communication, education and public awareness strategy. The Cartagena Protocol on Biosafety provides for the dissemination and access to scientific, technical, environmental and legal information on living modified organisms and requires Parties to promote and facilitate public awareness and education regarding the safe transfer, handling and use of the same.

11. The secretariat of the Convention on Conservation of Migratory Species of Wild Animals (CMS) reports that it has no specific rules or procedures on access to information. However, the secretariat notes that it has a specific mandate from the Convention to provide information concerning the Convention and its objectives to the general public and several mechanisms are in place for information sharing.

12. The secretariat of the International Tropical Timber Organization (ITTO) reports that ITTO has a general policy that all technical publications of the organization are to be made generally available and only financial and a few other administrative documents are restricted to members. However, the secretariat notes that limited translation budgets mean that despite this openness, not all documents are accessible to all.

13. The secretariat of the International Civil Aviation Organization (ICAO) indicates that the ICAO's main policy on aviation-related environmental issues is contained in its Assembly Resolution A35-5 "Consolidated statement of continuing ICAO policies and practices related to environmental protection". That Resolution requests the Council to disseminate information on the present and future impact of aircraft noise and aircraft engine emissions and on ICAO policy and guidance material in the environmental field, in an appropriate manner, such as through regular reporting and workshops.³⁴

14. The Office of Legal Affairs of the International Atomic Energy Agency (IAEA) indicates that a number of international instruments adopted under the auspices of the IAEA include the provision of information to the public. The Code of Conduct on the Safety and Security of Radioactive Sources provides for the proactive dissemination of information. The Convention on Nuclear Safety provides that Parties shall take appropriate steps to ensure that, insofar as they are likely to be affected by a radiological emergency, its own population and the competent

³⁴ The Resolution does not specify to whom this information should be disseminated, e.g. Contracting Parties and/or the public.

authorities of the States in the vicinity of the nuclear installation are provided with appropriate information for emergency planning and response. The Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management provides that each Party shall take appropriate steps to ensure that procedures are established and implemented to make information on the safety of a proposed spent fuel management facility or a waste management facility available to members of the public. Both Conventions require a summary report of each meeting of the Parties to be made available to the public. National reports required under the Conventions are available on the IAEA's website.

15. The secretariat of the United Nations Mediterranean Action Plan (MAP) indicates that the Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention) obliges the Contracting Parties to ensure that their competent authorities give to the public appropriate access to information on the environment within the scope of the Convention and its Protocols, as well as on activities or measures adversely affecting or likely to affect it and on activities carried out or measures taken in accordance with the Convention and the Protocols. The MAP secretariat reports that the meeting of the Contracting Parties has decided to develop an information and communication strategy. The Information Unit at the secretariat and INFO RAC, a regional activity centre established by Italy, have been set up to address information and communication. In addition, all MAP regional activity centres issue public-friendly environmental publications. The websites of MAP and the regional activity centres provide information about the state of the Mediterranean marine and coastal environment as well as about their own activities. The Croatian and Tunis regional activity centres have established clearinghouse mechanisms on coastal zone management and biodiversity. All documents on the MAP website are published in two or four languages and efforts will be made to have the website published in English, French and Arabic. Any information request by a member of the public is dealt with in conformity with the Convention. Information is provided free of charge.

16. The Framework Convention for the Protection of the Environment of the Caspian Sea (Tehran Convention), which entered force in August 2006, states that the Contracting Parties shall endeavour to ensure public access to information on environmental conditions of the Caspian Sea and measures taken or planned to be taken to prevent, control and reduce pollution of the Caspian Sea in accordance with their national legislation and taking into account provisions of existing international agreements concerning public access to environmental information.

17. The Bureau of the Executive Body of the United Nations Economic Commission for Europe (UNECE) Convention on Long-range Transboundary Air Pollution (LRTAP) indicates that the Executive Body is keen to ensure that the work of the Convention is transparent to all. All official documents are made freely available on the Convention webpages, and all Convention task forces, expert groups, programmes and ad hoc meetings are encouraged to make information and reports available on the internet. Proactive action regarding access to information has also been taken in some areas. First, the 1998 Protocol on Persistent Organic Pollutants and the 1999 Gothenburg Protocol both have articles on public awareness that require their Parties to promote the provision of information to the public on, for example, the emissions of substances, effects, management options and alternatives. Second, the Executive Body has made decisions on making certain data held by the Convention's international centres or by the secretariat publicly available. For example, Parties' responses to the Convention's biennial

questionnaire on strategies and policies are now routinely made available to the public on the Convention's website.

18. The secretariat of the UNECE Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) indicates that information concerning hazardous activities is maintained by the secretariat. According to the decision of the Parties to the Convention, access to such information is limited to Parties' competent authorities. Security issues are among the main concerns. Access to other documentation is provided on a non-formalized basis, as discussed in the section on non-formalized practices below.

19. The secretariat of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) indicates that official documents, including agendas, meeting reports and background papers, are publicly available in English, French and Russian, including on the Convention's website (<http://www.unece.org/env/eia/>). At its third meeting (June 2004), the Meeting of the Parties to the Convention requested that further information be made available on the Convention's website, including the full review of the implementation of the Convention in the period to 2003; the agenda for each Implementation Committee meeting; bilateral and multilateral agreements and arrangements that implement obligations under the Convention; information on, and electronic links to, transboundary environmental impact assessment (EIA) cases, national EIA authorities, national databases on transboundary EIA and other information related to implementation of the Convention. The Meeting of the Parties also called upon Parties to distribute guidance on the practical application of the Convention to NGOs and others, to raise awareness and to support them in applying the Convention. Completed questionnaires on Parties' implementation of the Convention in the period 2003 to 2005 are available on the website. The agenda of meetings of the Bureau are not made available to the public. No formal reports of Bureau meetings are prepared.

20. The secretariat of the European Environment and Health Committee (EEHC) reports that the EEHC has agreed that all documentation for its meetings should be made available on its website (www.euro.who.int/eehc) prior to meetings.

21. The response of the European Bank for Reconstruction and Development (EBRD) indicates that EBRD has an Environmental Policy (2003) which makes significant commitments on public consultation and information disclosure, particularly regarding projects that require an EIA.³⁵ The Environmental Policy acknowledges and supports the principles of international conventions, such as the Aarhus Convention and Espoo Convention. EBRD also has a Public Information Policy, which sets out the principles of transparency and the definition of confidentiality. The Public Information Policy commits to the release of certain information from the Publications Office and Resident Offices and through the EBRD website (www.ebrd.com) and also covers issues of translation.

³⁵ The response received from the European Bank for Reconstruction and Development was provided by individuals from EBRD's Environment and Communications Department and does not necessarily reflect EBRD's institutional opinion.

22. The secretariat of the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Commission) indicates that the Commission's meeting documents and the subsequent reports are available via the internet. Its policy is to distribute meeting agendas and preliminary timetables, together with relevant documents except those concerning internal issues, to all invited participants thirty days in advance of the meeting. Any user can access documents, reports and minutes after the respective meeting has processed them. In respect of information on the substantive issues dealt with by the forum, the Convention obliges Contracting Parties to ensure that information on the condition of the Baltic Sea and the waters in its catchment area, together with information on actual or planned measures to prevent and eliminate pollution, and the effectiveness of those measures, is available to the public.

23. The Rules of Procedures of the Sava River Basin Commission (Sava Commission) provide that documents of the Commission, secretariat and expert groups should be available to the public unless the Commission decides otherwise. Upon its approval by the Commission, the annual report is available to the public. The Rules require the Commission to maintain a website and to use the website, wherever convenient, for distribution of and access to documents, including possibilities for feedback from the public. The Rules state that in posting the documents on the website the Sava Commission meets the requirement of public access to information.

24. The Nordic Environment Finance Corporation (NEFCO) states that all its projects are evaluated pre, during and post investment, and their combined environmental effects are published annually. NEFCO's annual environmental report (including a non-formalized report on NEFCO's in-house environmental burden) is the formalized tool for access to environmental information.

25. The Sustainable Development Division of the African Development Bank (AfDB) indicates that the Bank has prepared a new Policy on Disclosure of Information (available at www.afdb.org). The Policy addresses issues relating to environmental and social assessment processes. The Bank's Strategic Environmental Assessment and Strategic Impact Assessment procedure include access to information and disclosure as crucial elements.

26. The Environment Division of the Inter-American Development Bank indicates that the Bank's Disclosure of Information Policy (OP-102) makes operational information available to the public, including project, policy and evaluation information. This information is available at the Bank's Public Information Center, www.iadb.org/ext/pic. The policy was last amended in August 2006.

27. The Asian Development Bank (ADB) reports that in 2005 it began implementation of its Public Communications Policy (<http://www.adb.org/Documents/Policies/PCP/default.asp?p=disclose>). The Public Communications Policy presumes disclosure of information subject to a list of specific exceptions. The Environment Policy also spells out requirements for the provision of information: <http://www.adb.org/Environment/policy.asp>.

Non-formalized practices regarding access to information

28. Twenty-five forums report non-formalized practices regarding access to information. Approximately one third of these forums report non-formalized practices over and above their formalized rules and procedures noted above. The other two-thirds report that they have non-formalized practices in lieu of formalized procedures. This section begins with the first group before looking to the second.
29. In addition to its formalized rules and procedures, the secretariat of the IWC states that its website makes a wide range of information publicly available at no charge, including official documents and meeting reports.
30. The World Bank reports that its Environment Monitor publications, produced by its East Asia and Pacific Regional Department, are illustrative of some of its non-formalised practices to facilitate dissemination of environmental information (see www.worldbank.org/eap).
31. The secretariat of the CMS notes that most of the Convention's practices regarding access to information are not formalized. Its general policy is to provide information requested unless it is of a confidential nature.
32. The Bureau of the LRTAP indicates that some of the Convention's programme centres have taken the initiative to release or publish data and results (with approval from submitting experts) without the need for formalized rules. It notes that, in general, the Executive Body encourages its subsidiary bodies and programme centres to make data readily available and to publish results in the scientific literature and popular press.
33. The secretariat of the Industrial Accidents Convention indicates that all official and non-official documents of the Conference of the Parties and its subsidiary bodies as well as information provided by the secretariat are publicly available on the Convention's website. As noted in the previous section, according to the decision of the Parties to the Convention, information concerning hazardous activities maintained by the secretariat may only be accessed by the Parties' competent authorities.
34. The secretariat of the Espoo Convention seeks to publish official documents and other information in accessible forms. For example, recent guidance adopted by the Meeting of the Parties has been published in English, French and Russian and posters, leaflets and other promotional materials are also published. The Convention and Protocol have been translated officially into Arabic and Spanish and some Parties have provided translations in their national languages of the Convention, its Protocol and practical guidance. The Convention's website, www.unece.org/env/eia, contains information on meetings under the Convention, including informal documentation in English and Russian, and other activities related to the Convention's workplan, as well as biannual financial reports. The outcomes of inquiry procedures are also available. The website also provides substantive information on Strategic Environmental Assessment and transboundary EIA and links to information provided elsewhere, including guidance published by NGOs. The secretariat responds promptly to procedural and substantive requests for information, including sending information by post, without charge. It produces an informal newsletter, which is translated into Russian by an NGO. Documents, announcements

and other information are distributed to NGOs electronically and NGOs are included on mailing lists for documents issued for consultation; comments on such documents are accepted from anyone, provided they are not anonymous. To illustrate the Implementation Committee's approach and to provide guidance on appropriate responses from Parties, the secretariat has placed correspondence between the Committee and Parties on the website, with the agreement of the Implementation Committee and the Parties concerned.

35. The EBRD response indicates that, in addition to its formalized rules, the EBRD has non-formalized procedures and guidance on disclosing information.

36. As well as its formalized procedures, the secretariat of the Sava Commission reports that Commission Members and the secretariat often participate in workshops, roundtables and other meetings dealing with navigation and protection of water and aquatic eco-systems. Commission Members and the secretariat also give media interviews via newspapers, radio and television.

37. The Division of Early Warning and Assessment of the United Nations Environment Programme (UNEP) indicates that UNEP provides environmental information proactively via the web on its corporate site, www.unep.org. Recent sessions of UNEP's Governing Council/Global Ministerial Environment Forum have pilot-tested live webcasting.

38. The secretariat of the United Nations Educational, Scientific and Cultural Organization Man and the Biosphere Programme (UNESCO Man and the Biosphere Programme) states that access to information is a basis in the establishment and management of biosphere reserves. In respect of the geographical focus of the Aarhus Convention, the majority of countries and biosphere reserve sites in the EuroMAB network have a web page linked to the forum's website (<http://www.unesco.org/mab>). The secretariat sends an electronic newsletter to all Man and the Biosphere contacts every three months. Information documents relating to the periodic review of each site every ten years are available to the public on request, subject to the government's consent.

39. The International Fund for Agricultural Development (IFAD) indicates that, with respect to access to environmental information, it works at the country/project level through targeted training and awareness raising and at the global level through the use of appropriate technical means, such as websites, databases and webcasting of events (see IFAD website: www.ifad.org and the Rural Poverty Portal <http://www.ruralpovertyportal.org>).

40. The secretariat of the Strategic Approach to International Chemicals Management (SAICM) indicates that it has been tasked by the International Conference on Chemicals Management with performing information clearing house functions. The SAICM secretariat makes extensive use of its website in its clearinghouse role, posting all relevant documents for public scrutiny.

41. The secretariat of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO) indicates that most documents, e.g. meeting proceedings, fish catch statistics, adopted decisions, and scientific advice, are available to the public through the public pages of NAFO's website. However, Working Papers circulated during the meetings and vessel

monitoring system data are considered confidential. NAFO reports that general inquiries for information are usually accommodated.

42. The response from the European Commission in its capacity as a Party to the Cotonou Agreement between the European Communities and the African, Caribbean and Pacific States (Cotonou Agreement) indicates that its policy is to make information resulting from Country Environmental Profiles publicly available. Information resulting from EIAs is normally available in conformity with the recipient country's legislation.

43. The Bureau of the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) indicates that all official documents such as agendas, background papers and reports are publicly available on the Convention's website. The secretariat also seeks to publish additional information on the website regarding meetings under the Convention and the Protocol (including extensive informal documentation, generally in English and Russian) and other activities either in the Convention's workplan or related to it. The website also provides extensive substantive information on transboundary water cooperation in the region and links to other sources of information (e.g. links to official website of river commissions). The secretariat responds promptly, typically within a few days, to procedural and substantive requests for information, including sending information by post, without charge. Documents, announcements and other information are distributed by email to NGOs, among others. Leaflets and other promotional materials are also published, usually in English and Russian at least. Some Parties have also provided translation into their national languages of the Convention and the Protocol on Water and Health.

44. The Bureau of the UNECE Committee on Housing and Land Management (Committee on Housing and Land Management) reports that all official documents of the Committee and its Working Party on Land Administration are publicly available on each body's website.

45. The Bureau of the UNECE Committee on Environment Policy (CEP) reports that the Committee's official documents and reports of its sessions are available to the public on its website (<http://www.unece.org/env/cep/welcome.html>).

46. The secretariat of the UNECE Committee on Sustainable Energy (Committee on Sustainable Energy) indicates that all official documents and reports of its session are available to the public on the Committee's website (<http://unece.org/ie>).

47. The secretariat of the UNECE "Environment for Europe" process ("Environment for Europe" process) indicates that all relevant documents during preparatory processes and Ministerial Conferences are made available on its website, www.unece.org/env/efe/welcome.html, for information and comments by participating NGOs, regional environmental centres and other major groups' representatives.

48. The EEHC secretariat reports that information on activities in countries which support implementation of the commitments taken at the Fourth Ministerial Conference on Environment and Health (Budapest, 2004) is readily available through a user-friendly web-based map, on the Committee's website. The implementation map, which is country-driven, is regularly updated

and also contains information on relevant activities by non-governmental organizations in the countries.

49. The secretariat of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) reports that all documents submitted to its Standing Committee, either for decision or information, are publicly available through the Council of Europe's website.

50. The Scientific Information Center of the Inter-State Coordination Water Commission of Central Asia (ICWC) indicates that it publishes the Commission's activities on its websites and in print form.

51. The secretariat of the Convention on the Protection of the Alps (Alpine Convention) notes that the Convention has no formalized rules or procedures concerning access to information. However, the secretariat's public relations tasks include responding to information requests and providing comprehensive information through the Alpine Convention's website www.alpenkonvention.org, such as the results of the Alpine Conference held every two years.

52. The secretariat of the International Commission for the Protection of the Rhine (ICPR) indicates that it frequently publishes brochures on its website, and the website itself provides information on a wide variety of water issues. The secretariat notes that the website has visitors from all over the world seeking information on water policy in the Rhine basin area. Visitors to the website can also download maps illustrating flood risk.

53. The Environment and Sustainable Development Division of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) reports that it has no formalized rules or procedures regarding access to information, but legislative documents and meeting reports are made public via UNESCAP's website on a routine basis.

Access to justice

54. Eight forums indicate that they have rules, procedures or practices with respect to access to justice in environmental matters. Seven forums have formalized procedures regarding access to justice and one forum reports some limited non-formalized practices.

55. The Bureau to the Water Convention reports that the compliance procedure adopted by the Parties to the Protocol on Water and Health at their first meeting (Geneva, January 2007) allows members of the public to bring before the Compliance Committee communications concerning a Party's compliance with the Protocol.

56. The secretariat of the Espoo Convention indicates that its Meeting of the Parties established a non-adversarial and assistance-oriented Implementation Committee for the review of compliance. The Meeting of the Parties decided to keep under review (and develop if necessary) the structure and functions of the Committee in the light of experience gained by the Committee, including with respect to public involvement. The Committee has discussed extensively the issue of public participation in its work. At present, the parts of meetings of the

Implementation Committee dealing with specific submissions relating to compliance are not open to observers, unless the Committee and the Party whose compliance is in question agree otherwise, and the Committee's mandate does not allow for the public to initiate a compliance procedure. However, the Committee was requested by the Meeting of the Parties at its third meeting (June 2004) to consider developing criteria for dealing with information from sources other than Parties under its "Committee initiative" function (whereby the Committee itself initiates a review of a Party's compliance). The draft operating rules currently being drawn up by the Committee to be put before the next meeting of the Parties do not exclude information from the public.

57. Other relevant aspects of the proposed operating rules of the Espoo Convention's Implementation Committee include: observers might, at the invitation of the Chair, and if there is no objection from the members present, participate in the proceedings of any meeting in matters of direct concern to them, but should not take part in the preparation and adoption of any report, finding or recommendation of the Committee; discussion papers prepared by the secretariat or by members of the Committee for meetings of the Committee should not be publicly available unless the Committee decides otherwise (in contrast with the practice of the Convention's Working Group on EIA); submissions and related documents should not be publicly available, but the secretariat should provide a short summary of each submission on the Convention website; apart from the short summary, working documents and other information related to specific submissions should not be published and their contents should be treated as confidential if requested. The Meeting of the Parties does not have a mechanism by which the public might have access to a review procedure regarding the application of its rules and standards. However, NGOs might refer difficulties to the Meeting of the Parties. To date, this has not occurred.

58. The secretariat of the Bern Convention refers to its case file procedure, which was provisionally adopted by its Standing Committee in 1984. The Standing Committee provisionally adopted a written procedure for the case file procedure in 1993. The secretariat states that the case file procedure offers a formal and systematic way for European citizens, governmental and non-governmental organisations to engage the secretariat and the Standing Committee of the Bern Convention in the examination, and hopefully resolution, of issues and problems that may arise in the implementation of the Convention. The process is characteristically driven by allegations or claims by NGOs that one or more Parties have failed to comply with the Convention. The secretariat comments that the procedure serves to draw out facts about the issue at stake, to raise awareness of the issue beyond the country concerned, to mobilise political support in an international forum for resolving the issue, and for recommending, debating and supporting potential solutions.

59. The EBRD response states that it has an Independent Recourse Mechanism by which local people who believe they have been harmed by a EBRD-financed project can complain either that EBRD did not follow its own policies (e.g. its Environmental Policy) or that they want assistance in resolving the problem (e.g. for the Independent Recourse Mechanism to play a role in re-establishing communication between the aggrieved parties and the project proponent).

60. The secretariat of the Alpine Convention states that, in view of its permissive practice regarding the availability of environmental information, there is no need for establishing review procedures relating to applications regarding access to information. It notes that under the Alpine

Convention's compliance mechanism not only the Contracting Parties but also NGOs with observer status have the right to present requests aimed at verifying assumed non-compliance.

61. AfDB's Sustainable Development Division indicates that the Bank recently adopted the operating rules and procedures of its Independent Review Mechanism. This should accelerate the full application of the newly introduced compliance review system including aspects relating to access to information and public participation.

62. The IADB's Environment Division indicates that the Bank has an Independent Investigation Mechanism, which enables stakeholders to request an independent investigation if they believe that there has been non-compliance with Bank policies. This policy was first approved in 1994 and amended in 2000. In 2005, management proposed a replacement mechanism, the Consultation and Compliance Review Mechanism, and conducted public consultations on the draft proposal.

63. IFAD remarks that access to justice in environmental matters is 'the weakest practice in its projects'; however there are some projects in which the communities can ask for service providers, technical assistance and advice on access to justice.

64. Most other international forums do not discuss access to justice in environmental matters in their responses. The UNFF secretariat indicates that its work does not involve issues of justice in environmental matters. The CBD secretariat notes that there are no provisions of the Convention or COP decisions that relate to access to justice as envisaged in the Aarhus Convention or the Guidelines.



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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

Seventh meeting
Geneva, 2–4 May 2007
Item 5 of the provisional agenda
Public participation in international forums

**SYNTHESIS OF RESPONSES RECEIVED FROM INTERNATIONAL FORUMS TO
THE WRITTEN QUESTIONNAIRE IN THE CONSULTATION PROCESS ON
THE ALMATY GUIDELINES**

Addendum

**FORMALIZED RULES AND PROCEDURES
AND NON-FORMALIZED PRACTICES
REGARDING PUBLIC PARTICIPATION IN DECISION-MAKING**

Prepared by the Task Force on Public Participation in International Forums
with the assistance of the secretariat

1. The purpose of this addendum is to synthesize the responses received from international forums to the written questionnaire in respect of the following questions:

GE.07-

- a) Does your forum have any formalized rules or procedures concerning public participation in decision-making in environmental matters? If yes, please provide an overview.
 - b) Does your forum have any non-formalized practices concerning public participation in decision-making in environmental matters? If yes, please provide an overview.
2. The addendum looks at the international forums' formalized rules and procedures and non-formalized practices regarding concerning public participation in decision-making.

Formalized rules and procedures regarding public participation

3. Forty-one forums report formalized rules and procedures regarding public participation in decision-making. Thirty forums discuss formalized rules and procedures in relation to who may participate in their processes and twenty-eight forums refer to rules and procedures in respect of how those persons may participate.

Who may participate

4. The Rules of Procedure of UNEP's Governing Council state that international non-governmental organizations having an interest in the field of the environment may designate representatives to sit as observers at public meetings of the Governing Council and its subsidiary organs, if any. The Rules of Procedure are available on the United Nations Environment Programme's website <http://hq.unep.org/resources/gov/Rules.asp>
5. The IWC's Rules of Procedure provide that any international organization with offices in more than three countries may be represented at meetings of the Commission by an observer if it submits its request in writing to the Commission 60 days prior to the start of the meeting and the Commission issues an invitation with respect to such request. Once an international organization is accredited, it remains accredited until the Commission decides otherwise. NGOs are restricted to having only one representative per organization (plus an interpreter as appropriate) in the meeting room at any one time. IWC's secretariat notes that there are currently around 100 accredited NGOs.
6. The UNFCCC secretariat reports that there are currently 773 civil society organizations admitted as observers to its processes and that observer participation is normally as great if not greater than that of Parties. Observer organizations represent a wide range of civil society interests from the developed and developing world, although participation from the developed world is far higher. The organizations are currently grouped into five constituencies: business and industry, environmental, local government and municipal authorities, research and independent, and indigenous peoples organizations. Other interest groups – trade unions, gender, faith and youth – are also represented. The constituency system allows channelling of information to and from particular interest groups and allows the process to have representation from civil society at limited access events including workshops.

7. The secretariat of the Convention of Biological Diversity (CBD) reports that its Rules of Procedure provide for the representation of “any body or agency, whether governmental or non-governmental” at meetings of the Conference of the Parties and its subsidiary bodies as observers, unless at least one third of the Parties at the meeting object.
8. The UNCCD Rules of Procedure state that “any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Permanent secretariat of its wish to be represented at a session of the Conference of the Parties as an observer may be so admitted unless at least one third of the Parties present at the session object”.
9. The CMS secretariat indicates that public participation under the Convention is formalized through partnership agreements with interested inter-governmental and non-governmental organizations, however no formal structure has been set up.
10. The ITTO secretariat remarks that it is relatively easy to register as an observer to attend its meetings, and only one public observer organization has ever been denied access. It adds, however, that the cost of attending meetings is a significant barrier to broad participation from developing country organizations and individuals. ITTO also has well-established Trade and Civil Society Advisory Groups whose members provide inputs to the International Tropical Timber Council on relevant areas of its work programme.
11. The secretariat of the International Civil Aviation Organization (ICAO) indicates that the ICAO has a technical committee, the Committee on Aviation Environmental Protection, which undertakes most of ICAO’s work in that area. An umbrella organization representing environmental NGOs, the International Coalition for Sustainable Aviation, participates in this Committee.
12. The secretariat of the United Nations Commission on Science and Technology for Development (UNCSTD) reports that participation in the work of the Commission is subject to ECOSOC rules of procedures and NGOs accredited by ECOSOC may participate in the work of the Commission as observers.
13. The UNESCO World Heritage Centre indicates that its Operational Guidelines provide that “partners in the protection and conservation of World Heritage can be those individuals and other stakeholders, especially local communities, governmental, non-governmental and private organizations and owners who have an interest and involvement in the conservation and management of a World Heritage property”. The Rules of Procedure of the UNESCO World Heritage Committee provide that, upon written request, international governmental and non-governmental organizations and non profit-making institutions having activities in the fields covered by the World Heritage Convention, may be authorized by the Committee to participate in the sessions of the Committee as observers.
14. The secretariat of the UNESCO Man and the Biosphere Programme indicates that the World Network of Biosphere Reserves is ruled by the World Network Statutory Framework (http://www.unesco.org/mab/BRs/pdf/statfram_E.pdf) and the 1996 Seville Strategy (<http://www.unesco.org/mab/BRs/pdf/Strategy.pdf>), which provide recommendations at the site,

national and international levels for the functioning of biosphere reserves. The objectives of the Seville Strategy include, inter alia, to secure the support and involvement of local people and to establish a local consultative framework in which the reserve's economic and social stakeholders are represented, including the full range of interests (e.g. agriculture, forestry, hunting and extracting, water and energy supply, fisheries, tourism, recreation, research).

15. The SAICM secretariat reports that the International Conference on Chemicals Management, which adopted SAICM in February 2006 as an international policy framework to further the sound management of chemicals, has not yet developed its own rules of procedure, but at its first session used those of the Preparatory Committee for the Development of SAICM. Under those rules, which are available in the report of "PrepCom1" at <http://www.chem.unep.ch/saicm/prepcom1/Default.htm>, any international NGO having expertise and responsibilities in the field of international chemicals management that has informed the secretariat in writing of its wish to be represented at sessions of the Preparatory Committee and whose request has not been objected to by one-third or more of the governmental participants present when the Committee considers the request may participate in sessions.

16. NAFO's website welcomes all NGOs that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO to attend NAFO Meetings as observers. NAFO's General Council and Fisheries Commission admit observers to all plenary sessions except meetings held in executive session or meetings of Heads of Delegations.

17. The Bureau of the LRTAP reports that the participation of NGOs at meetings of its Executive Body and main subsidiary bodies is currently governed by the United Nations rules of accreditation (but see "Current and Future Work Plans" below for changes planned). It notes that participation in Task Forces and Expert Groups is at the discretion of the Chairs, but Chairs are keen to include all those with an interest in the topic concerned and no NGO or individual expert has been excluded to date.

18. The Rules of Procedure of the Industrial Accidents Convention require the secretariat to notify international NGOs that have special qualifications with regard to matters relating to the Convention and have informed the secretariat of their wish to participate, of any meeting held in public, so that they may be represented as observers. In respect of meetings held in private, the COP may approve the admission of representatives of international NGOs that have special qualifications with regard to matters relating to the Convention as observers. It may similarly terminate its approval.

19. The Rules of Procedure of the Water Convention allow the participation of observers in its meetings, including NGOs qualified or having an interest in the fields to which the Convention relates, provided there is no objection from one third of the Parties present at the meeting.

20. The Rules of Procedure of the Espoo Convention allow the participation of observers at its meetings, including NGOs qualified in fields relating to EIA, provided there is no objection from at least one third of the Parties present at the meeting. At their third meeting (June 2004), the Parties requested the secretariat to grant, subject to the availability of funds, financial assistance

to participate in meetings under the Convention to a maximum of five NGO experts identified by the Bureau. The Bureau subsequently selected four NGOs to receive financial support.

21. The Bureau of the Committee on Housing and Land Management reports that the Committee's 2006 terms of reference state that "the Committee cooperates with the private sector, with non-governmental organizations and with local authorities, supported in particular by its Housing and Urban Management Advisory Network". The Advisory Network consists of experts from the private sector, financial institutions, NGOs, professional institutions, research institutions and local authorities dealing with housing, spatial planning and land administration. According to its 2006 Terms of Reference, the Committee's Working Party on Land Administration shall "coordinate its activities in close contact with other international governmental and nongovernmental organizations active in related fields".

22. The CEP Bureau indicates that the UNECE's 2006 revised terms of reference and Rules of Procedure require the UNECE to make arrangements to consult with NGOs granted consultative status by the United Nations Economic and Social Council (ECOSOC). Under the revised terms of reference, UNECE subsidiary bodies shall adopt their own rules of procedure unless otherwise decided by the Commission. The CEP, as a subsidiary body, has not adopted rules of procedure as such, however public participation is formalized under the CEP's own terms of reference. Under its 1994 terms of reference, the CEP shall "facilitate the coordination of environment-related programmes in the region, and cooperate closely with the European Union and sub-regional governmental and non-governmental organizations in order to extend their achievements and agreed practices to the region as a whole" and "promote legal, regulatory and administrative mechanisms of environmental management, and encourage public participation in environmental decision-making". The CEP is in the process of revising its terms of reference, but these principles will be retained.

23. The Committee on Sustainable Energy reports that it is similarly subject to the UNECE's 2006 revised terms of reference and Rules of Procedure. Like the CEP, the Committee on Sustainable Energy has not adopted rules of procedure as such, however public participation is formalized under its terms of reference. In the Committee on Sustainable Energy's revised terms of reference, approved by the UNECE Executive Committee in December 2006, the Committee's mandate is to, inter alia, "enhance cooperation with the business and private sectors, comprising both the energy industries and the financial community."

24. The secretariat of the "Environment for Europe" process indicates that the formal rules of procedure concerning public participation in decision-making within the "Environment for Europe" process are approved by the Ad Hoc Preparatory Working Group of Senior Officials (WGSO) prior to each of the Ministerial Conferences "Environment for Europe". The WGSO is an intergovernmental group created for the express purpose of preparing for the upcoming Ministerial Conferences "Environment for Europe" and for coordinating the follow-up response. Each WGSO is established by the CEP (discussed at paragraph 22 above) upon the recommendations of the Ministerial Conference. Representatives of NGOs, regional environmental centres (RECs) and other major groups are invited as observers to the WGSO and a senior representative of the European ECOForum, an NGO coalition, is invited to participate as observer in the Executive Committee of the WGSO.

25. The EEHC secretariat says that the Committee has three NGO members, representing trade unions, health and the environment respectively. The latter two were elected from pan-European networks. There are also two Youth Delegates, elected by participants at a youth workshop in Norway in March 2006. Other relevant NGOs are invited to attend meetings as observers as appropriate.

26. Under the Bern Convention, any international or approved national non-governmental body or agency technically qualified in the protection, conservation or management of wild fauna and flora and their habitats may inform the Secretary General of the Council of Europe, at least three months before the meeting of the Committee, of its wish to be represented at that meeting by observers and shall be admitted unless, at least one month before the meeting, one third of the Contracting Parties have informed the Secretary General of their objection.

27. The secretariat of the Helsinki Commission reports that international NGOs may apply for observer status to the Helsinki Commission upon demonstrating that they can contribute to matters dealt with by the Helsinki Commission, that they have a membership in a wide number of the Baltic Coastal States and an organized internal structure. The Commission's meeting in 2001 adopted guidelines for the granting of observer status to the Helsinki Commission for intergovernmental and non-governmental organizations (<http://www.helcom.fi/stc/files/observers/annex8.pdf>). The secretariat notes that at present the Commission has 19 non-governmental observers.

28. The draft Rules of Procedure of the Framework Convention for the Protection and Sustainable Development of the Carpathian (the Carpathian Convention) allow any national, intergovernmental or non-governmental organization with activities related to the Convention to participate as an observer at the ordinary and extraordinary sessions of the Conference of the Parties. The draft Rules of Procedure were to be adopted at the First Conference of the Parties, scheduled for December 2006.

29. The ICPR secretariat indicates that its Rules of Procedure set out the terms for observer status. The Rules require that NGOs seeking to participate as observers accept the targets and basic principles of the Convention, have specific technical or scientific knowledge or other knowledge pertaining to the targets of the Convention, have a well-structured administration, and have the power to speak in the name of the members of the organization as an accredited representative. (http://www.iksr.org/fileadmin/user_upload/documents/Gesch_fts-Finanzordnung-e.pdf)

30. Under the Sava Commission's Rules of Procedures, the Sava Commission may grant observer status to States and to international, regional and national governmental and non-governmental organizations. The observer status granted may be permanent or ad hoc. The Rules also require the Commission to adopt detailed criteria and procedures for granting observer status.

31. The secretariat of the International Commission for Protection of the Danube River (ICPDR) has guidelines for observer status, which can be downloaded from its website. To qualify for observer status, NGOs must acknowledge the goals and basic principles of the ICPDR; possess specialized technical or scientific competence or other competences relating to the goals of the ICPDR; have a structured permanent administration; be granted the mandate to speak as accredited representatives; and have a regional or basin-wide perspective. The ICPDR

website has a special section on “How to participate”, where all information regarding public participation, including the guidelines for observer status, can be downloaded (http://www.icpdr.org/icpdr-pages/public_participation.htm).

32. The Baltic 21 secretariat indicates that according to the Baltic 21’s founding document (An Agenda 21 for the Baltic Sea Region, Nyborg, 1998), all relevant actors are invited to participate in and contribute to the implementation of Baltic 21 and governments should encourage and promote such participation, and make efforts to fully involve all actors. The Senior Official Group of Baltic 21 should ensure that the Baltic 21 process is open, transparent, democratic and participatory.

33. UNESCAP’s Environment and Sustainable Development Division reports that the public’s participation in decision-making is governed by the ECOSOC rules.

How the public may participate

34. UNEP’s Division of Early Warning and Assessment states that, in the process leading up to sessions of the UNEP Governing Council/Global Ministerial Environment Forum, accredited civil society organizations have the possibility to receive unedited working documents at the same time as the Committee of the Permanent Representatives and to submit written comments on these to the UNEP secretariat for distribution to the governments.

35. The IWC secretariat indicates that observers from non-member governments, other intergovernmental organisations and international NGOs are allowed to attend meetings as observers (with the exception of meetings of the Finance and Administration Committee and its sub-groups), but they do not take part directly in decision-making. While the Commission’s Rules of Debate allow the Chair to invite observers to address a meeting, current practice is that NGOs are not called on to speak. All observers are allowed, however, to submit written opening statements to meetings of the Commission (which form part of the Commission’s official documentation), and can make ‘for information’ documents available via tables designated for this purpose. Documents and reports written/published by NGOs may be treated as official documents, but must be submitted by a member government. The secretariat reports that because of the nature of the work of the Commission and the differing views over whaling, the Commission’s meetings receive significant media attention. Accredited media representatives are admitted to meetings of the Commission in plenary but not to meetings of any of the Commission’s sub-groups. Media admission is not governed by formal rules of procedure, but they must abide by a code of conduct. Attendance by general members of the public is not allowed.

36. The IMO secretariat states that, subject to the relevant rules of procedure and security and to limitation of space, attendance by the public is allowed at IMO meetings. However, the public can ‘merely’ observe the meetings, without taking the floor or submitting documents and cannot participate directly in the decision-making. Accredited media representatives are admitted to observe IMO meetings.

37. The secretariat of the United Nations Commission on Sustainable Development (CSD) indicates that, at the Earth Summit+5, the United Nations General Assembly agreed that the CSD should “strengthen its interaction with representatives of major groups, including through greater and better use of focused dialogue sessions, and round tables.” The 2002 World Summit on Sustainable Development outcome and subsequent CSD-11 decisions have provided additional mandates for enhanced participation of major groups in the work of the CSD. In the post-WSSD phase, major groups are integrated in the various activities throughout the official CSD sessions, including thematic discussions, expert panels, and interactive discussions with Ministers during the High-level Segment. Major groups contribute their expertise to technical discussions on thematic issue areas and offer solutions for furthering implementation of sustainable development. The Chair’s Summary of CSD Review Sessions integrates major groups’ input, and allocates a separate section to the summary of the multi-stakeholders dialogues. In 1997, the organizing partners’ mechanism was initiated to reach out to greater and broader major groups’ networks worldwide. Under the mechanism, a steering group of organizing partners from each major group (credible networks who are invited by the Bureau to facilitate the engagement of their major group sector and are trusted by their sector in this role) engage in consultations with their sector’s networks to draft a “discussion paper” or a “priorities for action” paper (depending on the year of the implementation cycle), which represent a common platform for each sector. The major groups’ papers are released as part of the official documentation in all official UN languages, without editing the content. The CSD secretariat comments that the organizing partner’s mechanism allows the secretariat and the Bureau to consult in a timely fashion with major groups during the preparatory phase of the CSD and to organize major groups’ participation in a more harmonious, targeted and coordinated fashion during the session itself.

38. The texts of the UNFCCC and the Kyoto Protocol recognize the value of inputs from civil society, authorize Parties to draw upon any relevant information from non-governmental bodies and provide for the attendance of observers. The participation of observers is governed by the draft Rules of Procedure, FCCC/CP/1996/2, and decision 8/CP.4. A code of conduct has also been developed to assist observer organizations in their participation. Observers have the opportunity to make general statements at the COP and the COP serving as the Meeting of the Parties to the Protocol (CMP) joint plenary. Observers may request to make interventions on agenda items of the subsidiary bodies, the COP and the CMP, which are normally granted, although they are dependent on the decision of the Chairs of these bodies. Other inputs by observers into the negotiating process are provided through participation in workshops and submissions on issues on which Parties have been requested for views. These submissions are made publicly available on the website www.unfccc.int/parties_and_observers/ngo/items/3689.php. The Clean Development Mechanism and the Joint Implementation Supervisory Committee also request public input into aspects of their work through their respective areas of the website.

39. The CBD secretariat indicates that admitted observers may, upon the invitation of the presiding officer, participate without the right to vote in the proceedings of any meeting unless at least one third of the Parties present at the meeting object. The secretariat reports that to date civil society organizations have been admitted to meetings on an ad hoc basis upon request. Observers are entitled to receive copies of all official documentation to facilitate effective participation.

40. The UNCCD secretariat remarks that the UNCCD was perhaps the first international instrument to stress “the special role of NGOs” and to give them an important role in ensuring implementation. At COP meetings two open dialogue sessions are scheduled pertaining to the activities of NGOs within the official programme of work of the COP. More than 800 NGOs are accredited to the COP and more than 200 of their representatives participated at the seventh COP held in 2005 in Nairobi, Kenya.

41. The ITTO secretariat reports that ITTO has a policy of allowing anyone admitted to its open meetings to contribute under any agenda item. There is also a regular Council agenda item on inputs from observers.

42. Pursuant to its statute, the IAEA is authorized to adopt “standards of safety for protection of health and minimization of danger to life and property”. Several of these safety standards address public participation, particularly regarding radiation and nuclear safety practices and in respect of the siting of facilities using or involving radioactivity that can impact the environment. During the drafting of a safety standard, the draft is made public on the IAEA website for comments. Formal comments are also sought from member States. The final decision on the draft is made by the safety standard committees composed of official member States representatives. Once published the standards are public documents that can be downloaded from the IAEA web site, www.iaea.org.

43. The UNESCO World Heritage Centre indicates that the Rules of Procedure of the World Heritage Committee, available at www.whc.unesco.org, govern access to meetings and decision-making documents. Meetings shall be held in public unless decided otherwise by the Committee. This rule cannot be suspended by the Bureau. Observers may address the meeting with the prior consent of the Chairperson. Only member States may vote.

44. The secretariat of the UNESCO Man and the Biosphere Programme indicates that public participation is a basis in both the establishment and the management of biosphere reserves. Recommended actions in the 1996 Seville Strategy include, inter alia, to prepare guidance on key aspects of biosphere reserve management, including the involvement of stakeholders in decision-making and responsibility for management, and to survey the interests of the various stakeholders and fully involve them in planning and decision-making regarding the management and use of the reserve. As concerns building capacity, the secretariat regularly organizes training workshops on dialogue and concertation for the prevention and management of conflicts in biosphere reserves as well as comparative research activities.³⁶ Two regional training workshops were organized by the secretariat for biosphere reserve managers and coordinators, State representatives and NGOs working in biosphere reserves within the EuroMAB Network. A co-construction methodology has been tested and is now used in several biosphere reserves in Europe and in other regions such as Africa, Latin America, involving local communities and decision makers (see MAB Technical Note N. 1, 2006, <http://unesdoc.unesco.org/images/0014/001465/146566e.pdf>.)

³⁶ The term “concertation” is used to describe a process of active dialogue between different stakeholders, working together in concert, to develop a unified proposal or common focus (in terms of visions, objectives, points of view, concerted action etc).

45. The Rules of Procedure currently applied by SAICM allow NGO participants to speak, put forward proposals and raise points of order in the same manner as governmental and intergovernmental participants.³⁷ However, only governmental participants have voting rights.

46. The MAP secretariat indicates that the Barcelona Convention obliges Contracting Parties to ensure that the opportunity is given to the public to participate in decision-making processes relevant to the field of application of the Convention and the Protocols, as appropriate. The MAP secretariat reports that the Contracting Parties have decided to establish a partnership policy with civil society, on the basis of clear criteria. Currently 82 NGOs and other actors are partners of the MAP. They participate as observers at the meetings of the Contracting Parties and its subsidiary bodies, and other meetings, carry out activities that fall under the MAP profile and contribute to the achievement of its objectives. They have also made an important contribution to the development of regional legal protocols and other legal tools of the Barcelona Convention, such as the compliance mechanism and the guidelines on liability and compensation. Affected parties (such as affected industries in the case of liability and compensation or the offshore protocol) may access documents, take the floor and make proposals in line with rules and procedures agreed by the meetings of the Contracting Parties. The Contracting Parties have also established the Mediterranean Commission for Sustainable Development (MCSD), a forum for dialogue on sustainable development issues and an advisory body to the Contracting Parties. NGOs, socio-economic actors, academic and research institutions and other stakeholders may participate in MCSD meetings and its activities on an equal footing with members of the Commission (i.e. with the same status as Contracting Parties).

47. The interim secretariat of the Tehran Convention indicates that, at their first meeting, the Signatory States agreed that the participation of observers should be governed along the lines of the Rules of Procedure of the Steering Committee of the Caspian Environment Programme. Under the Convention's draft Rules of Procedure, the COP may invite States not Parties to the Convention as well as intergovernmental and NGOs to be present at its meetings as observers. The observers may participate, without the right to vote, in deliberations of the COP and its subsidiary bodies, upon the invitation of the Chairperson, on questions within their competence or scope of activities. Observers may, upon the invitation of the Chairperson, submit written statements that shall be circulated by the secretariat. The secretariat is expected to compile and regularly update the list of observers. An Explanatory Note to the draft Rules of Procedures proposes that, taking into account that contemporary international practice calls for the more active involvement of competent NGOs in COP deliberations and for improved transparency of COP meetings, the Chairperson should seek to allocate more time for NGO interventions and encourage the COP and its subsidiary bodies to limit the number of closed meetings to the minimum. The final wording of the Rules is still under negotiation.

48. The Rules of Procedure of the Industrial Accidents Convention provides that meetings shall ordinarily be held in public although the COP may decide that a meeting or parts of it shall be held in private. Observers may participate in meetings without the right to make decisions or to vote.

³⁷ Pending the development of its own rules of procedure, the International Conference on Chemicals Management is using those of the Preparatory Committee for the Development of SAICM.

49. The Bureau of the Water Convention reports that the Convention's Rules of Procedure allow the participation of observers in its meetings, without the right to vote. The Parties have recently amended the Rules of Procedure to establish that meetings shall be held in public unless the Meeting of the Parties decides otherwise.

50. The Rules of Procedure of the Espoo Convention state that the meetings of the Parties and the meetings of subsidiary bodies established by the Meeting shall be held in public unless the Meeting decides otherwise. Observers may participate in meetings, without the right to vote, at the invitation of the Chair of the meeting and if there is no objection from the Parties present. The Meeting of the Parties has also adopted guidance on public participation in transboundary EIA.

51. The Bern Convention's secretariat indicates that the Rules of Procedure of its Standing Committee establish that Contracting Parties and observers will receive meeting documents within the same timeframe, at least one month before the opening of the meeting concerned. Observers do not have the right to vote but, with the Chairman's permission, they may make oral or written statements on the subject under discussion. Observers can also make proposals to be put to vote, so long as these are sponsored by a delegation. However, the secretariat notes that Standing Committee decisions are customarily reached by consensus and voting is rare.

52. The NAFO secretariat indicates that observers are eligible to participate in all plenary sessions except meetings held in executive session or meetings of Heads of Delegations. Observers may make oral statements during the meeting, distribute documents at the meeting, and engage in other activities as appropriate. They are not eligible to vote. All observers admitted to a meeting will receive the same documentation as Contracting Parties, except those documents deemed confidential by a Contracting Party or the Executive Secretary. NAFO has a media policy in place that allows journalists to attend the opening and closing sessions of meetings. NAFO publishes press releases directly after its Annual Meeting.

53. The Alpine Convention secretariat indicates that the text of the Convention itself, the internal rules of the Alpine Conference and the internal rules of the Permanent Committee together provide interested NGOs with significant means of influencing decisions. It notes that accredited NGOs, very often umbrella organizations such as CIPRA International, participate in the meetings of the Alpine Conference, the Permanent Committee and the Working Groups at all stages of decision-making processes. Their participation may only be excluded according to the above-mentioned internal rules. NGOs with observer status are entitled to have access to all documents relevant to the decision-making, to circulate written statements and to speak at meetings.

54. The ICPDR secretariat indicates that the Commission follows the rule that observer organizations can participate in all meetings and workshops other than those dealing with internal regulation, such as staffing issues. The right to participate includes the right to submit papers, to speak and to influence the decision making process, although observers have no right to vote in the decision-making process.

55. According to the Helsinki Commission's Rules of Procedure, the meetings of the Commission are to be private, unless the Commission decides otherwise. The Executive

Secretary issues invitations to all Contracting Parties and to any Government, any intergovernmental organization and any international NGO with observer status. Meetings of Heads of Delegation are open to any organization with observer status to be represented by maximum one person, although Heads of Delegations may decide to deal with particular issues such as financial and institutional/organizational aspects of the Commission in an internal part of the meeting.

56. The interim secretariat of the Carpathian Convention indicates that the Convention's draft Rules of Procedure allow observers to participate in the proceedings of any meeting on questions within their competence or scope of activities and to present any information or report relevant to the Convention.

57. NEFCO reports that in May 2006, NEFCO, the Nordic Investment Bank, EBRD, the Council of Europe Development Bank and the European Investment Bank signed the European Principles for the Environment (EPE). One of the EPE's aims is to promote best European Union practice in the fields of environmental management, transparency, public consultation and reporting. The Aarhus Convention is one of the treaties cited as supporting material under the EPE.

58. AfDB's Sustainable Development Division states that the Bank, like its sister multilateral financial institutions, has recognized the importance of access to information, public participation in decision making, and access to justice in environmental matters. For instance, the Bank's Vision, adopted in 1999, states its commitment to engage with civil society organizations in order to facilitate the participation of potential beneficiaries in the development process. In addition, the Bank has put in place policies and procedures relating to public participation and consultation which include environmental and social impact assessment requirements for Bank operations at all stages of the project cycle. The Bank has also prepared a policy for cooperation with civil society organizations. This policy was accompanied by the development of a handbook on stakeholder consultations and participation in Bank operations. The implementation of the recommendations in the handbook has strengthened the Bank's effort to mainstream the participation of stakeholders, NGOs and civil society organizations in its operations. The Bank has recently carried out a number of Strategic Environmental Assessment (SEA) studies for selected Bank projects and programmes in line with its Strategic Impact Assessment (SIA) guidelines. The SEA/SIA processes include public participation as a crucial element.

59. The IADB's Environment Division indicates that the foundation for public participation and transparency in the Bank's activities is the IADB Strategy to Promote Citizen Participation in Bank Activities (GN-2232-5). This lays out the Bank's commitment and approach to public participation in general, including matters relating to the environment and sustainable development. The Bank is committed to ensuring public participation and transparency in the programming phase of its work. The Bank's Country Paper Guidelines (GN-2020-6) set forth the principle of involvement of stakeholders in the early stages of the country paper preparation, and specify that the country paper be disclosed to the public, with government authorization, after Board approval. The Bank's recently approved Environment and Safeguards Compliance Policy (GN2208-20) and Indigenous Peoples' Policy (GN2386-8) include standards for consultation, public participation, and transparency in decision-making to ensure that the projects are sustainable and that unintended adverse effects are prevented. The Environment and Safeguards

Compliance Policy also encourages the participation of civil society in the development of country environmental analysis and strategic environmental assessments. Both policies are supported by operational guidelines that lay out procedures for the consistent application of these policies. It is the Bank's stated policy to be transparent about its activities and open to receiving comments and feedback. The Operational Guidelines for the Development and Consultation of IADB Sectoral Policies and Strategies (CP-2916-1) set out guidance to improve and enhance the Bank's procedures for seeking input and comments in the development of Bank policies and strategies. All policies are available on the Bank's website www.iadb.org.

60. The Department of Sustainable Development of the Organization of American States (OAS) refers to the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development (Inter-American Strategy). This was formulated in fulfilment of a mandate of the 1996 Santa Cruz Summit, which set out the basic principles (proactivity, inclusiveness, shared responsibility, openness throughout the process, access, transparency, and respect for public input), goals, and policy recommendations for greater involvement of all sectors of society in decision-making on sustainable development.

61. The OAS also has a Manual for Civil Society Participation in the Organization of American States and in the Summits of the Americas Process, which explains in a straightforward manner, the means by which civil society organizations can participate in and be connected to OAS activities and policy-making. The Manual is available at: <http://www.civil-society.oas.org/>.

62. The Manual states that the OAS' initiatives to promote participation include regional forums/discussions organized by civil society organizations, with technical support from the OAS; presentation of proposals and recommendations resulting from national and regional consultations held by civil society organizations; establishment of strategic networks of civil society organizations, governments, and inter-American and international organizations to exchange information and provide feedback on implementation and follow-up; institutionalization of discussions between civil society organizations and high-ranking national officials from ministries of foreign affairs to exchange views on policy design and fulfillment of mandates; holding of special meetings with civil society during meetings of the Summit Implementation Review Group to exchange information on the Summit process. The OAS Manual for Civil Participation states that the OAS has three mechanisms to facilitate the participation of civil society organizations in its activities. The principal one is registration, the other two are special invitations and cooperation agreements. Registration allows civil society organizations to be part of a hemispheric network of organizations and to have access to information on political, economic, and social processes under way in the OAS. In respect of high-level OAS meetings, civil society organizations must apply for a special invitation to attend as an observer. The OAS concludes cooperation agreements with civil society organizations on the development and implementation of activities in all its areas of work.

63. The OAS also reports that, in accordance with the recommendations for action of the Inter-American Strategy, it is taking advantage of modern communication mechanisms (e.g. internet) to reach out to civil society and to promote civil society initiatives. A recent partnership with Development Gateway (www.developmentgateway.org) has resulted in the launching of a virtual consultation forum to obtain comments and recommendations from civil society in the

framework of the upcoming First Inter-American Meeting of Ministers and High Level Authorities on Sustainable Development. Other public participation initiatives include Informative Bulletins on civil society initiatives (via email and regular post), and a Quarterly Newsletter with updates on the Department of Sustainable Development's activities. Further information on the Department of Sustainable Development's initiatives regarding public participation is available at:

http://www.oas.org/dsd/MinisterialMeeting/ReunionInterAm_eng_Publicpar.htm.

64. The OAS comments that from its experience in Integrated Water Resources Management (IWRM) projects in the Latin American and Caribbean region it has concluded that technical dialogues over specific issues, training and skills development, continued workshops and seminars, public audiences, hands-on pilot demonstration projects, and use of electronic means are all tools that can help communities and stakeholder groups understand, relate to, join, and support IWRM efforts. It notes that such initiatives could be replicated and/or adjusted for other type of projects. (Further information on public participation on the Department of Sustainable Development's IWRM projects are available at:

<http://www.oas.org/dsd/publications/publications-water-series.htm>).

65. ADB staff instructions state that the active guidance of key stakeholders, both internal and external, as appropriate, should be sought during the processing of a policy or strategy paper. In respect of safeguard papers, notably the Environment Policy, staff instructions indicate that external consultation is essential.

Non-formalized practices regarding public participation

66. Twenty-three forums comment on their non-formalized practices concerning how the public may participate in decision-making.

How the public may participate

67. UNEP's Division of Early Warning and Assessment reports that non-governmental and civil society organisations may organise side events and exhibits in the wings of the main sessions and special sessions of UNEP's Governing Council/Global Ministerial Environment Forum. It also states that many NGOs (global, regional and national) are involved in the delivery of UNEP's programme of work, which strengthens their participation in programmatic activities at the operational level. UNEP's Global Environment Outlook global reporting process involves NGOs as collaborating centres in the writing and reviewing of various environmental reports. NGOs are also engaged in the provision of information and data to the global set of country environmental profiles (<http://countryprofiles.unep.org>).

68. The UNFF secretariat comments that it tries very hard to increase and enhance the participation of non-governmental actors in the work of the Forum, including through the financing of travel of representatives of major groups to its meetings.

69. The World Bank refers to its involvement in civic engagement work and community driven development (see www.worldbank.org/socialdevelopment), and its work on strategic

environmental assessment (SEA) and country environmental analysis (CEA) (see www.worldbank.org/environment).

70. The International Monetary Fund indicates that, in so far as environmental concerns are touched on in the Fund's work, this will usually be in the context of wider country consultations, which commonly become public documents. It states that environmental concerns very rarely arise in its technical assistance work; these reports are strictly confidential, and may be released only by national authorities. Its research-related work is ultimately public. It has occasional meetings with civil society organizations on environmental issues.

71. The UNFCCC secretariat indicates that it provides observers with various informal opportunities to gain information on the process, to provide their views directly and to exchange information with decision-makers and other participants. These include meetings between the constituencies and the Executive Secretary and with officials of key bodies in the process; press briefings by civil society at sessions of the COP, which provide a sounding board for civil society views on the negotiations, serve to convert the technical/diplomatic language of the negotiating process into useful information and assist in making the process more transparent; and the side event programme which provides a platform for information sharing events encompassing a broad range of climate change issues. More than half of side events are organized by civil society. Webcasts of selected side events and presentations at side events may be viewed through the website. In addition to side events, exhibits allow organizations to promote their climate change activities, viewpoints or publications. Lastly, the secretariat notes that researchers carrying out research projects on the influence of civil society on the climate change process have enjoyed active participation by the secretariat and open access to UNFCCC's archives. These projects help explain the intergovernmental process and also its interaction with civil society.

72. The UNCCD secretariat indicates that the UNCCD website proposes forums of discussion and debate at various levels, such as the DESELAC Forum on best practices and traditional knowledge in Latin America and the Caribbean.

73. The UNESCO World Heritage Centre reports that the current practice is to allow NGOs to attend the sessions of the World Heritage Committee and if time permits, to speak. According to its Operational Guidelines, information on environmental issues can come to the World Heritage Centre through civil society, NGOs or individuals.

74. The secretariat of the UNESCO Man and the Biosphere Programme indicates that each biosphere reserve is unique and has its own formalized and non-formalized practices, but that sites designated after the 1996 Seville Strategy are more based on a participatory process. Dialogue and concertation among stakeholders is the basis for the establishment and management of these sites. The range of practices observed in selected biosphere reserves include communication, information, consultation, dialogue, concertation and negotiation, on a specific resource, a specific area or zone in the biosphere reserve, or the entire biosphere reserve and at different times (during the reserve's creation, its periodic review or because of an event, a conflict, a new election, activity, change of coordination authority etc). (Some examples are provided in the MAB Technical Note N1, 2006, including emergence of the concepts of 'public

concertation spaces' and 'local hybrid forums',
(<http://unesdoc.unesco.org/images/0014/001465/146566e.pdf>.)

75. The SAICM secretariat reports that it strives to ensure maximum stakeholder participation in meetings in keeping with SAICM's Overarching Policy Strategy.

76. The interim secretariat of the Tehran Convention observes that, throughout the negotiations over the Convention and its Protocols, the aim has been to allow, to the maximum extent possible, the participation of relevant NGOs and public representatives in the regional negotiation meetings. Due to the absence of clear, transparent and regionally agreed rules regarding the participation and status of observers, decisions on the participation of observers have often been taken on an ad hoc basis in consultation with the Caspian governments. Despite the lack of rules to facilitate the involvement of the public in the Convention process, efforts have been made to establish a constructive dialogue with the public and relevant NGOs in particular. Requests for information were dealt with without delays and information about forthcoming meetings was shared automatically well in advance. During the first phase of the Caspian Environment Programme, technical assistance was provided to the Caspian countries in the form of small short-term projects at the national level. Three out of the five Caspian littoral states prepared projects relevant to the principles of the Aarhus Convention. Azerbaijan and Turkmenistan developed and disseminated a set of guidelines aimed at raising the public's awareness of the Aarhus Convention and relevant national legislation, and the Islamic Republic of Iran provided a training course to public officials on the implementation and importance of the Aarhus, CITES and Espoo Conventions.

77. The Bureau of the Water Convention reports that active participation of NGOs in the work under the Convention is a long-standing practice. Representatives of NGOs, the academic community, the private sector and interest groups participate as observers in all meetings under the Convention and have even take the lead in some of its activities. This is considered crucial to optimize the process of public participation in transboundary water resource management in the region. Subject to the availability of funds and the approval of the Bureau or the chairperson of the meeting, financial assistance for the participation of designated experts from NGOs in meetings under the Convention is also a common practice. A workshop on information management and public participation in transboundary water cooperation in the countries of Eastern Europe, the Caucasus and Central Asia (EECCA) was held in St. Petersburg, on 8-10 June 2005. During the workshop, public participation in transboundary water management in EECCA was analyzed, including recent progress and remaining problems. The workshop documentation illustrates main principles, instruments and mechanisms for public participation in water management and draws conclusions and recommendations (see <http://www.unece.org/env/water/cwc/info-pp.htm>).

78. The secretariat of the Espoo Convention indicates that NGOs have contributed to the development of the Convention's Protocol on Strategic Environmental Assessment and the current workplan. An NGO took the lead role in developing the Convention's guidance on public participation in transboundary EIA. Workshops and other activities under the Convention often include NGO participation.

79. The Bureau of the Committee on Housing and Land Management also reports that the active participation of civil society in the Committee's work is a long-standing practice. Accredited representatives of NGOs, the academic community, the private sector and interest groups participate as observers in the annual sessions of the Committee on Housing and Land Management and in the biannual sessions of the Committee's Working Party on Land Administration. The representatives of civil society do not have a decision-making power but have an important consultative role to play in the decisions of the Committee.
80. The CEP Bureau similarly indicates that the active participation of civil society in the Committee's work is a long-standing practice. The "Environment for Europe" process, which is one of the main strategic pillars of the Committee's work, is a unique partnership of UNECE member States and a cooperative process that brings together all major players in the field of the environment, including regional environment centres, NGOs and other major groups represented in the region. Accredited representatives of NGOs, the academic community and interest groups have been taking part as observers in the annual sessions of the Committee and contributed to the "Environment for Europe" process and to its Ministerial Conferences. The CEP Bureau reports that the representatives of civil society do not have a decision-making power but have an important consultative role to play in the decisions of the CEP.
81. The Committee on Sustainable Energy likewise reports that the active participation of civil society in the Committee's work is a long-standing practice. The Committee's work involves a cooperative partnership with the UNECE member States, which seeks also to engage all major players in the field of energy in the region, including international organizations, NGOs and other major groups represented in the region. Accredited representatives of NGOs, the academic community, interest groups and representatives of the media take part as observers in the annual sessions of the Committee. These representatives come from both the energy and environmental communities. As with the Committee on Housing and Land Management and the CEP, representatives of civil society do not have decision-making powers, but have an important consultative role to play in the decisions of the Committee.
82. The EBRD response indicates that EBRD has non-formalized procedures and guidance notes on scoping and on developing public consultation and disclosure plans. Public comments are sought on most draft Bank policies and strategies.
83. The interim secretariat of the Carpathian Convention notes that the Convention implies a principle of public participation and stakeholder involvement. In accordance with this principle, observer organizations from the region actively cooperate and develop partnerships by organizing stakeholder consultations, workshops, round tables, and festivals to exchange information, share experiences and provide their priority points and recommendations on the implementation of the Carpathian Convention.
84. NEFCO states that its active participation in international and Nordic national events, for example in the work of the Helsinki Commission, enables public access to its work.
85. AfDB's Sustainable Development Division indicates that the Bank has established a joint Bank-NGO Committee as a formal and permanent forum to promote dialogue with NGOs. Such

consultations include informal discussions and consultations on environmental and sustainable development issues.

86. The IADB's Environment Division reports that the Bank has a number of ongoing public advisory groups advising various representations in the region. These have enabled the Bank to receive ongoing feedback from local civil society organizations. As well, the Bank organizes a region-wide meeting each year where members of civil society are invited to meet with the President of the Bank and Bank officials to discuss important areas of concern. The results of these meetings are recorded and disseminated within the Bank and the NGO community.

87. The OAS' Department of Sustainable Development states that although the Inter-American Strategy and the Manual for Civil Society Participation provide formal guidelines for public participation, OAS tries not to constrain the process and is open to different approaches. It notes that public participation practices vary depending on the type of meeting or event. For instance, civil society organizations must apply for a special invitation to participate in General Assemblies and Summit Meetings, but this is not the case for less formal meetings (e.g. local, sub-regional and/or regional consultations) that are part of the preparatory process for high-level meetings.

88. UNESCAP's Environment and Sustainable Development Division reports that public (stakeholder) participation is recognized as a key element of project and programme design. According to the UNESCAP Programme and Project Management Guide, "[p]articipatory approaches are key to the success of any project. Participation refers to the involvement of stakeholders at all stages of the project cycle, including identification of problems and situation analyses to identify and prioritize the areas or issues to be addressed by a project. The stakeholders of a project are those people who affect or who are affected by the outcome of a project, positively or negatively." Every project concept is reviewed by a Quality Assurance Team, which assesses the concept based on whether participatory approaches to project design have been employed and whether appropriate project partners are clearly identified.

89. ADB reports that, in addition to its formal requirements and mechanisms, it holds regular dialogues with stakeholders on the environmental aspects of the projects that it finances. It has recently published a "Staff Guide to Consultation and Participation" (2006) to assist staff in their engagement of stakeholders in ADB-assisted operations. In addition to highlighting specific requirements where they exist, the Guide offers advice on good practice.



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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

Seventh meeting,
Geneva, 2–4 May 2007
Item 5 of the provisional agenda
Public participation in international forums

**SYNTHESIS OF RESPONSES RECEIVED FROM INTERNATIONAL FORUMS TO
THE WRITTEN QUESTIONNAIRE IN THE CONSULTATION PROCESS ON
THE ALMATY GUIDELINES**

Addendum

CURRENT AND FUTURE WORKPLANS

Prepared by the Task Force on Public Participation in International Forums
with the assistance of the secretariat

1. The purpose of this addendum is to synthesize the international forums' responses to the written questionnaire in respect of the following question:

GE.07-

Are there any current or future workplans of your forum that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.

2. The addendum first reports on the new policy instruments being developed by the international forums, and their revision of existing policy instruments, that may affect access to information, public participation in decision-making and access to justice in environmental matters. It next looks at international forums' current and future plans that may affect access to information, before addressing current and future plans bearing on public participation in decision-making and any current and future plans that may affect access to justice. Finally, it notes the international forums that indicate that they do not have current or future workplans on these issues.

New policy instruments and revisions of existing policy instruments

3. UNEP's Division of Early Warning and Assessment indicates that a process has been initiated to review the organization of the ministerial consultations of its Governing Council/Global Ministerial Environment Forum. A working document is under preparation for presentation to the 24th session of the Governing Council/Global Ministerial Environment Forum in February 2007. Civil society organisations are to have the opportunity to provide input and comments on this working document.

4. At its seventh session in April 2007, the UNFF will decide on a Non-Legally Binding Instrument on all kinds of forests and on its next Multi-Year Programme of Work. Its secretariat indicates that this should reflect the spirit of the draft resolution forwarded by the UNFF at its sixth session to ECOSOC, which calls for the promotion of the active participation and empowerment of all forest-related stakeholders.

5. The CMS secretariat reports that, at the last session of its Conference of the Parties, an Outreach and Communications Plan indicating actions and areas for public information work was adopted.

6. IFAD records that its Administrative Procedures for Environmental Assessment are currently being updated with involvement from its major partners.

7. The SAICM secretariat reports that the International Conference on Chemicals Management, which adopted SAICM in February 2006, will develop rules of procedure during its second session in 2009.

8. The MAP secretariat reports that a review is expected of its partnership policy with civil society, including its criteria, modalities and effectiveness, to conclude with a proposal for the consideration of the meeting of the Contracting Parties in 2007. The secretariat indicates that it will try to take into account the Almaty Guidelines and its recommendations in order to better orient its future work.

9. The Contracting Parties to the Tehran Convention have developed draft Rules of Procedure, which are to be approved and adopted by the First Conference of the Parties, preliminarily scheduled for March/April 2007. The interim secretariat of the Tehran Convention also indicates that there are a number of draft Protocols to the Convention currently under negotiation. Most include provisions relevant to public access to environmental information and some also include provisions relevant to public participation in environmental matters, although neither the Protocols nor the Tehran Convention address the issue of access to justice in environmental matters. The draft Biodiversity Protocol refers to the development of education and awareness programmes and promoting public participation in measures for the protection of Specially Protected Areas. The draft Protocol on EIAs in a Transboundary Context includes provisions regarding access to relevant EIA information and public consultation and gives the public the right to comment to the competent authorities about proposed activities. The draft Land-based Sources Protocol includes provisions regarding public access to relevant environmental information as well as the enhancement of public participation in measures necessary for the protection of the marine environment and coastal areas of the Caspian Sea from land-based sources pollution.

10. Following the adoption of the St. John's Declaration in 2005, NAFO commenced a reform process by revising the text of the Convention and strengthening monitoring, surveillance and control measures. Its secretariat reports that this has generated a lot of press attention and interest among NGOs with similar conservation objectives and it expects that NAFO will receive more requests for information and the participation of observers.

11. The response from the European Commission in its capacity as a Party to the Cotonou Agreement indicates that it is intended to shortly approve an environment integration manual, which lays down procedures for key instruments with respect to environmental issues, i.e. EIA, Strategic Environmental Assessments and Country Environmental Profiles. The manual also contains provisions for access to environmental information and public participation in decision-making through consultative processes. More information on these instruments is available at www.environment-integration.org

12. The EBRD response indicates that EBRD is currently commencing a review of its 2003 Environmental Policy and that this is likely to lead to a revision of the policy in 2007. The review and revision will be undertaken in consultation with governments, institutions, NGOs and the public. A consultation plan is presently being prepared.

13. The Helsinki Commission's secretariat reports that a new environmental strategy for the protection of the Baltic Sea, the HELCOM Baltic Sea Action Plan, is currently under development and will stress the importance and involvement of all stakeholders. In March 2006, a stakeholder conference was held to facilitate the involvement of the public and other sectors in the development of the HELCOM Baltic Sea Action Plan. The conference was intended to get input and commitments at the local, national, and regional levels as well as from the private sector. A second stakeholder conference is planned for spring 2007.

14. At its session in December 2006, the Executive Body of the LRTAP was to consider new rules to further promote the release of Convention data whilst paying due regard to intellectual property rights and commercial interests.

15. AfDB's Sustainable Development Division indicates that the Bank will review implementation of its Environmental and Social Assessment Procedures in 2007-2008, five years after their adoption. The objective of the review is to specify best practices, identify opportunities used, and highlight constraints faced with respect to their implementation.

16. ADB has launched a Safeguard Policy Update to enhance the effectiveness of its safeguard policies, and ensure their relevance to changing client needs and new lending modalities and instruments. ADB has three safeguard policies, on environment, involuntary resettlement and indigenous peoples respectively, which seek to avoid, minimize or mitigate adverse environmental impacts, social costs to third parties and marginalization of vulnerable groups that may result from development projects.

Current or future plans regarding access to information

Increasing the use of electronic information tools and upgrading of websites

17. Nine forums note current or future workplans to increase the use of electronic tools and/or improve their website. The ITTO secretariat reports that it has recently upgraded its English website, and is in the process of developing French, Spanish and Japanese versions. It comments that these different versions, coupled with the re-designed English site which contains all the organization's documents and information, will greatly increase access to information regarding its work. The UNFCCC secretariat indicates that it is continuously reviewing and improving its website for usability and content, a continuous challenge as the climate change process becomes more technical and involves more economic sectors. The UNFCCC secretariat notes that web-based solutions appear to be the most practical, economic and globally accessible way of providing information to the public, although they have limitations in developing countries. The secretariat of the UNESCO Man and the Biosphere Programme has sent a draft proposal to EuroMAB members to establish a EuroMAB web platform for more systematic exchanges of cooperative activities in the network. The first EuroMAB web platform was to be built in January 2007. The SAICM secretariat is currently in the process of developing a new website that will have interactive capabilities and greatly expanded resources, in order to fulfill the secretariat's clearing house function. The MAP secretariat reports that a new website is being developed. Proposed elements of the new website take into account the requirements of better access to information and more efficient public participation in decision-making.

18. The Bureau of the Water Convention indicates that the 2007-2009 workplan adopted at its fourth Meeting of the Parties foresees the establishment of an internet database presenting an assessment of transboundary waters in the UNECE region. The database will make available to the public information on the pressures on water resources, their status and trends, and the policy responses implemented to address water management issues. The Bern Convention's secretariat reports that its website will soon be revamped and updated, with a view to having more relevant information on-line and easier to find. The Sava Commission's secretariat indicates that its website will be further developed to include data on its projects and documents from its permanent expert groups, including minutes, decisions and final papers. It also intends to send electronic newsletters targeted to experts to share information on activities, methods, and results in order to get rapid feedback and to identify possible synergies or links with other projects.

UNESCAP's Environment and Sustainable Development Division is investigating the use of web-based video-conferencing and webcasting to address the cost constraints associated with expanding public participation in its forums.

19. IFAD observes that, although it has no specific workplans in this area, the use of technical means to effectively render information accessible to the public free of charge using electronic information tools, radio broadcasting and free publications is increasing tremendously.

Increasing dissemination in national languages

20. The CBD secretariat indicates that it has recently invited Parties to inform the secretariat if they have prepared translations in non-United Nations languages of any implementation tools for the Convention such as Principles or Guidelines so that these can be made available through the Convention's clearing house mechanism.

Increasing generation and sharing of environmental information

21. The MAP secretariat indicates that a new programme known as INFO MAP has been established to create a MAP information-sharing system. The system is expected to facilitate access to information by stakeholders, interested actors and civil society at the national and regional level. It will also facilitate public participation in decision-making. The secretariat of the Caribbean Environment Programme notes that many of its ongoing and future projects will focus on the generation and sharing of environmental data and information in the region, the development of environmental databases, and the use of GIS and other tools to demonstrate the relevance and importance of environmental data to decision-makers and the general public.

22. At the second meeting of the Signatories to the Tehran Convention (February 2006), it was agreed that there is a need to explore possible mechanisms for improved data and information management in the region. The interim secretariat reports that one option for addressing these challenges at the regional level is the development of a regional agreement or a separate protocol to the Tehran Convention with the aim of setting up an institutional body linked to the secretariat with the responsibility of collecting and disseminating information on Caspian environmental issues and developing centralized mechanisms for information sharing. Another option is to develop a set of voluntary guidelines addressing the key principles of the Aarhus Convention. The decision on most appropriate approach will be taken in due course by the COP.

Increasing awareness of the international forum itself

23. The CEP Bureau reports that the CEP was mandated by the Fifth Ministerial Conference "Environment for Europe" (Kiev, 2003) to develop, in consultation with interested stakeholders, a draft Communication Strategy to raise awareness of the "Environment for Europe" process

among stakeholders and the general public.³⁸ The Working Group of Senior Officials (WGSO) preparing for the Sixth Ministerial Conference “Environment for Europe” (Belgrade, October 2007) was invited to revise the strategy for submission to the Ministerial Conference and to consider the possible development of a Communication Plan for the implementation of the Strategy. At its second meeting in June 2006, the WGSO decided that communication plans should be developed to raise public awareness of each of the Ministerial Conferences and to inform the public on their concrete outputs, starting from the Belgrade Conference. Following the request by the WGSO, on the basis of inputs from the member States as well as the “Environment for Europe” partners and in consultation with the host country, a draft communication plan was developed aiming to raise awareness of the issues addressed by the Belgrade Conference and to enhance its visibility. The draft communication plan has two objectives: first, to deepen understanding of the issues to be addressed at the Belgrade Conference - the media has a key role to play in this respect; and second, to contribute to raising the visibility of the “Environment for Europe” process by highlighting its main commitments and successes. The “Environment for Europe” secretariat indicates that the Belgrade Conference will itself provide an important platform for stakeholders to better understand the achievements, impacts and challenges of the process.

Current and future workplans regarding public participation

General stakeholder involvement

24. Six forums report current or future plans to increase general stakeholder involvement; conversely, one forum reports that it may be necessary to restrict access. The CBD secretariat indicates that the Strategic Plan of the Convention calls on all Parties to promote public participation in support of the Convention. The Strategic Plan sets two important sub-objectives in that regard: first, the effective involvement of indigenous and local communities in implementation and in the processes of the Convention at national, regional and international levels; and second, the engagement of key actors and stakeholders, including the private sector, in partnership to implement the Convention. The secretariat states that it recently scaled-up its outreach activities with major groups and is committed to engaging all stakeholders in the Convention’s processes. It has focal points for major groups who are responsible for increasing the information on the work of the Convention within these groups and thus increasing both outreach and general understanding of the Convention’s objectives.

25. The UNCCD secretariat notes that the General Assembly of the United Nations declared 2006 the “International Year of Deserts and Desertification”. The secretariat accordingly organized numerous events during the year to foster awareness-raising, education and capacity building. For example, in September 2006, a meeting was held in Montpellier, France, about the role of civil society in combating desertification. In October 2006, the International Symposium on Desertification and Migration held in Almeria, Spain brought together stakeholders together

³⁸ The UNECE acts as the secretariat to both the CEP and the “Environment for Europe” process. The Working Group of Senior Officials of the “Environment for Europe” process is established by the CEP upon the recommendations of the Ministerial Conferences.

to review the relationship between desertification and migration, to encourage a debate concerning migratory processes and their environmental implications and to draw the attention of the scientific community and decision-making authorities to the issue. On a lighter note, in December 2006, a film festival entitled “Desert Nights – Tales from the Desert” was held in Rome, Italy.

26. The CMS secretariat reports that it is increasing the number of bodies with which it develops partnerships, including other inter-governmental organizations (e.g. Regional Seas Conventions), scientific bodies (e.g. the Zoological Society of London), conservation and animal welfare bodies (e.g. the Whale and Dolphin Conservation Society) and user groups (e.g. Commission Internationale pour la Chasse).

27. The UNCSTD secretariat indicates that, in view of the Commission’s new mandate regarding the follow-up to the outcomes of the World Summit on the Information Society (WSIS), the Commission will take into account a multi-stakeholder approach in its work. It adds that ECOSOC will consider civil society and business entities that have participated in the WSIS process for participation in the future work of the UNCSTD.

28. The interim secretariat of the Carpathian Convention refers to the Convention’s current project on public participation towards implementation of the Carpathian Convention. This has been developed in order to involve more representatives of civil society in the decision-making process, to stimulate interest and practical activities with different forums within the region and to carry out open consultations regarding priority areas and influence opportunities.

29. OAS’ Department of Sustainable Development indicates that in the last few years it has increased the number and type of public consultations related to access to information and decision-making in environmental matters. It comments that the success of these consultations and the rapid availability of the results (through an established civil society dedicated website) have prompted demands for more. Its future workplans will therefore include further local and sub-regional consultations, as well as increasing the use of virtual consultation forums as a consultation tool and improving mechanisms for prompt access to information. It notes that members of civil society are more willing to use virtual consultation mechanisms once they know who is behind them.

30. On the other hand, the UNESCO World Heritage Centre reports that the increasing interest in participation in World Heritage Committee sessions may lead to the restriction of access. It notes that the number of participants in observer delegations had to be restricted already in 2006.

Accreditation

31. Both the IWC secretariat and the LRTAP Bureau report that their rules for accreditation of NGOs are currently under review and may be revised. At its session in December 2006, the Executive Body of the LRTAP was to consider new procedures for accreditation that would enable more NGOs to participate in the work of the Convention. The IWC’s review includes whether the existing requirement for NGOs to have offices in at least four countries should be

relaxed to allow broader participation (e.g. of national NGOs); and whether to increase the numbers of representatives per organisation allowed in the meeting room at any one time.

Increasing focus on special groups

32. Work to increase the focus on particular stakeholder groups is mentioned by four forums. The UNCCD secretariat reports that, as part of the “International Year of Deserts and Desertification”, an International Conference on Women and Desertification was held in Beijing, China in May 2006. The secretariat notes that women’s equal participation in the economic and political development of communities and countries has been recognized as a fundamental prerequisite for achieving international sustainable development commitments. The secretariat also reports that in September 2006 a conference was organized in Bamako, Mali, on the subject of young people and desertification.

33. OAS’ Department of Sustainable Development notes that the inclusion and respect of indigenous peoples is becoming an increasingly important cross-cutting issue in the region, particularly when dealing with environmental matters, and that public participation initiatives are reflecting this trend by trying to ensure the presence of indigenous peoples during public consultations. It comments that the upcoming Bolivia Ministerial Conference presents an opportunity to improve the mechanisms already in place to reach out to indigenous communities.

34. The CBD secretariat reports that COP-8 in 2006 adopted a specific decision focused on harnessing the knowledge, information and technological resources of industry and business in the implementation of the Convention and its 2010 biodiversity target.

35. The Bureau of the Committee on Housing and Land Management reports that the Committee is currently considering a research proposal on the management of the multifamily housing stock, put forward by the Committee’s Advisory Network of experts from the private sector, financial institutions, NGOs, professional institutions, research institutions and local authorities dealing with housing, spatial planning and land administration.

36. Although it states that it does not have specific workplans in this area, the Baltic 21 secretariat indicates that it intends to strengthen the involvement of the research community and NGOs to link the results of research to NGO activities.

Implementation

37. The UNFCCC reports that one of the most recent developments regarding the involvement of the public are the Clean Development Mechanism (CDM) and Joint Implementation Supervisory Committee (JISC) processes. Both these processes govern project implementation by private entities and governments that impact various categories of stakeholders and have generated a great deal of interest. From its inception, the CDM included opportunities for input from the public in various stages. These “calls for public input” allow comments from the affected public. Additionally the CDM process has institutionalised question and answer sessions for observers to CDM Executive Board meetings with the Executive Board. Both these tools are

also being used by the JISC with equal success. The UNFCCC secretariat also reports that discussions are taking place under its Subsidiary Body for Implementation (SBI) on enhancing the participation of observers. As a result of these discussions, several practices have been institutionalized, including encouraging submissions by observers of information/views on specific issues, allowing observers to intervene on agenda items, and inviting observers to workshops. Other proposals, including establishing a fund to support participation by organizations from developing and economies-in-transition countries have not been approved. The item remains open with further consideration by the SBI expected in 2007.

Evaluation

38. The secretariat of the UNESCO Man and the Biosphere Programme is currently coordinating a research and training programme on dialogue and concertation in biosphere reserves, including comparative surveys on how dialogue processes in a biosphere reserve, at different time and spatial scales, are translated into management practices. One key issue is linked to the impact of participatory approaches on conservation and sustainable use of biodiversity and on assessing whether participation, dialogue and concertation processes are more efficient approaches for achieving conservation and sustainable use of biodiversity objectives than other approaches (e.g. market-oriented, state or private management). A pilot project was initiated on selected biosphere reserves for improving the periodic review process and data collected in selected sites, in order to better understand the causes and consequences of changes in the biosphere reserve, through the building up of a core set of indicators which will be comparable in all sites. There is a special focus on assessing and monitoring participation and stakeholders interactions and on how the communication of information and knowledge, both scientific and from practitioners, is contributing to conservation and sustainable use of biodiversity.

Current or future workplans regarding access to justice

39. The MAP secretariat reports that there are attempts to negotiate an article on access to justice on environmental matters under the new Draft Protocol on Integrated Coastal Zone Management (expected to be adopted late in 2007). There is agreement in principle to add some new elements on public participation to the draft Protocol, in particular the establishment of partnerships with civil society.

No current or future workplans

40. The IMF, the Committee on Sustainable Energy, and the secretariats of the Alpine Convention and the ICPDR advise that their forums have no current or future workplans that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters. NEFCO states that it has no plans that would negatively affect such modalities. The ICPDR secretariat says that it has no plans to change its existing guidelines or practice because it has just done a revision based on the requirement of the European Union Water Framework Directive.



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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

Seventh meeting
Geneva, 2–4 May 2007
Item 5 of the provisional agenda
Public participation in international forums

**SYNTHESIS OF RESPONSES RECEIVED FROM INTERNATIONAL FORUMS TO
THE WRITTEN QUESTIONNAIRE IN THE CONSULTATION PROCESS ON
THE ALMATY GUIDELINES**

Addendum

CHALLENGES

Prepared by the Task Force on Public Participation in International Forums
with the assistance of the secretariat

1. The purpose of this addendum is to synthesize the international forums' responses to the written questionnaire in respect of the following question:

What kind of challenges, if any, has your forum encountered with regard to access to information, public participation in decision-making and access to justice in

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environmental matters (for example, low involvement of civil society, or practical difficulties in managing public participation)? If appropriate, please provide a description underlining those experiences you think could be most useful to consider when reviewing the relevance and practicality of the Guidelines.

2. The addendum first reports on the general challenges identified by international forums. It next looks at the challenges identified regarding access to information, before noting the challenges identified in respect of public participation in decision-making. No challenges regarding access to justice were identified.

General challenges

Rules open to different interpretations

3. The UNFF secretariat, whose rules of procedure are governed by ECOSOC, notes that the rules and regulations of the United Nations regarding the participation of non-governmental actors can be interpreted in a broader or more restrictive manner depending on the individual member State's point of view on the matter. It comments that this has the potential either to enhance or to curtail the participation of major groups in official meetings.

Political will

4. NEFCO reports that low governmental interest in environmental issues, corruption, weakly developed institutional routines, legislation and enforcement present a challenge in some of its target countries.

5. UNESCAP's Environment and Sustainable Development Division remarks that access to information and public participation must be fully supported by governments. In its case, it will be necessary to consult with UNESCAP member governments (which, with the exception of the Central Asian and Caucasus states, have not acceded to the Aarhus Convention) to ensure the acceptability of expanded access.

6. The Caribbean Environment Programme's secretariat reports that there is a lack of a culture of using environmental data and information for decision-making in the Wider Caribbean Region. Decision-makers may have other economic and social priorities where linkages to environmental issues are not made. Also, the tourism-based economies of Small Island Developing States (SIDS) are extremely dependent on the state of the natural environment. The secretariat remarks that environmental information is thus often quite sensitive and dealing with data that governments consider too sensitive for public release or sharing at the regional level will continue to be a challenge.

Capacity-building

7. The UNFCCC secretariat remarks that climate change is an issue of such global significance that new organizations continue to join the process. The majority of these are newcomers to intergovernmental processes and need guidance on how to interact. The secretariat encourages capacity building for new organizations joining the process. It remarks that this task is best carried out by civil society organizations with the secretariat providing support and expert information on the process. The UNCCD secretariat remarks that the importance of capacity-building – institution-building, training and development of relevant local and national capacities – should not be underestimated in efforts to achieve education, public awareness and thus results-oriented solutions. The UNCCD secretariat adds that multilateral environmental agreements have a history of introducing innovative means and mechanisms, whether financial mechanisms or the transfer of resources or technology, to achieve their goals. The MAP secretariat remarks that there is a strong need for capacity building amongst different MAP partners, in particular those representing the Southern and Eastern part of the Mediterranean and that this needs to be addressed on a priority basis. The Sava Commission similarly considers capacity-building to be a significant challenge. The Caribbean Environment Programme's secretariat remarks that there is a need for capacity building activities that enable more effective demonstration of the value of the use of environmental data and information for improved decision-making.

Challenges regarding access to information

Funding

8. The SAICM secretariat remarks that budgetary constraints are a challenge for the further development of information clearing house services, which would facilitate access to information by all stakeholders. The MAP secretariat states that although MAP's publications have achieved a great deal regarding public access to information on the regional level there are still many challenges. Providing the necessary infrastructure and access to information takes time and requires important human and financial resources. The secretariat of the Espoo Convention reports that lack of funds means that the Russian version of its website is less extensive than the English version. The Sava Commission reports a lack of resources for the development of information and communication tools, such as its website and newsletters. UNESCAP's Environment and Sustainable Development Division remarks that funding is the chief constraint to maximising access to information, particularly because of high translation costs due to the multilingual nature of its region.

Technology

9. The UNCCD secretariat remarks that the gap between developed and developing countries concerning access to information and participation through new technological means and know-how constitutes a major stumbling block to allowing full participation of civil society in environmental matters. The secretariat of the Espoo Convention indicates that distribution of materials by email in Eastern Europe, Caucasus and Central Asia is sometimes restricted by

technical problems. If webcasting were easily available, the secretariat would propose to the Parties the webcasting of meetings of the Parties, the Working Group on EIA and, as appropriate, the Implementation Committee. The Baltic 21 secretariat notes that technology and limited human resources present a challenge to actively seeking out new information and disseminating it to the Baltic 21 network. OAS' Department of Sustainable Development notes that internet use is still not an everyday tool in many countries in the Latin American and Caribbean Region, particularly in small rural towns and indigenous communities and virtual consultation forums have not yet reached the level of participation expected.

Language

10. The Espoo Convention secretariat remarks that the Convention's website in English is more extensive than in Russian, partly because of limited funds. The Baltic 21 secretariat comments that language barriers are a challenge to the dissemination of environmental information.

Infrastructure

11. The Caribbean Environment Programme's secretariat notes that there is a lack of an appropriate infrastructure for data generation, analysis and dissemination in the Wider Caribbean Region. The Wider Caribbean Region is challenged by an overall lack of adequate baseline environmental data and information and inadequate mechanisms for data compilation, analysis, interpretation and dissemination. The secretariat comments that too often, environmental data is presented in a scientific format that does not generate much general interest unless presented in a sensational style and that it may be subject to misinterpretation if it is not presented in a scientifically accurate and objective manner. It considers that there is a need for improved mechanisms to effectively disseminate environmental information in a form that is appropriate and relevant to the needs of the general public.

Legislation

12. The Caribbean Environment Programme's secretariat also observes that environmental laws and regulations in its region are inadequate and there are poor enforcement frameworks. It adds that decisions on the sharing of information lie with governments, many of whom do not have freedom of access to information legislation. The ICWC similarly notes that improved legislation is required, although it does not specify in which area.

Challenges regarding public participation

Funding

13. Limited financial resources for funding public participation in forum processes are identified as a major challenge by a number of forums. The CBD secretariat notes that this is

particularly the case with NGOs and indigenous and local communities from developing countries and countries with economies in transition. This has led to the under-representation of NGOs from developing countries and countries with economies in transition in some meetings. At COP-7, the CBD decided to establish a voluntary funding mechanism to facilitate the participation of indigenous and local communities in meetings under the Convention, giving special priority to those from developing countries and countries with economies in transition and small island developing states. Funding for civil society involvement was also identified as a challenge by UNEP's Division of Early Warning and Assessment, the secretariats of the CSD, SAICM and MAP, the interim secretariat of the Tehran Convention, the Bureau of the Water Convention, the secretariats of the Espoo Convention, the "Environment for Europe" process, the Baltic 21, the Sava Commission, the ICWC's Scientific Information Center and UNESCAP.

14. The MAP secretariat comments that better consultations need to be carried out in order to have all MAP partners and other stakeholders involved. Since it is difficult to invite and financially support all partners to MAP meetings and events, cost effective means, such as consultation through the website and electronic tools has to be further investigated and better organised. The secretariat expects improvements in this direction once the MAP's new website is operational. The Bureau of the Water Convention remarks that the limited availability of funds means that only a limited number of NGOs can participate and many requests for financial support have to be rejected because of lack of funds. The Espoo Convention secretariat remarks that NGOs that are not provided with financial support may be unable to participate and that visa assistance is only provided to NGO representatives receiving financial assistance. The secretariat of the Sava Commission indicates that there is a lack of financial resources for technical and secretariat support of conferences, meetings and workshops; for building the capacity of the different organizations involved in the process; and for exchanges and field visits of experts and stakeholders. UNESCAP's Environment and Sustainable Development Division states that funding to ensure wide participation of civil society is the chief constraint to maximising public participation in its work as it relates to environmental issues. Due to the multilingual nature of the Asian and Pacific region, maximising participation incurs high interpretation and translation costs.

Representativeness

15. UNEP's Division of Early Warning and Assessment notes that there are a large number of non-governmental and civil society organizations operating in the broad area of environmental protection and sustainable development. It comments that large countries may have numerous environmental organizations with competing interests with the result that it is difficult to implement a formal nomination process that is representative of the various stakeholder interests.

16. The ITTO secretariat remarks that it is important to try to verify that groups or individuals invited to participate in forum processes actually represent an indicated interest group. It is also useful to rotate support for participation in meetings rather than to always support the same entities. The EBRD response remarks that it is often unclear whom NGOs "represent", and they are often focused on a few issues instead of the larger context. In the event that a country or sector strategy is revised, only a handful of people generally provide comments. Furthermore, while some NGOs prepare detailed reports on their expectations, there is not significant input

from a larger stakeholder group. The EBRD response notes that the general focus of NGOs on its work is with regard to environment, and more recently, a growing list of social issues, such as worker protection, human rights, and indigenous peoples. It considers that a wider range of NGOs is needed to balance the comments coming in from “the public” when these are often in fact comments from one group and focused solely on the environment.

17. The EBRD response reports that the majority of input it receives is from the international non-governmental community, and not from local groups. It comments that it is a challenge to identify the stakeholders actually affected by a project, and not just NGOs that put themselves forward to participate. Affected stakeholders may be reticent to participate, and may not be aware of processes, and so it is critical that adequate resources are spent on identifying them and agreeing a communication process by which they can provide comments.

18. UNESCAP’s Environment and Sustainable Development Division remarks that it is critical to ensure that issues brought to the table benefit from, and reflect the viewpoints of, a wide range of stakeholders, so that the practical limitations of participation at the international stage are mitigated.

Facilitating the participation of special interest groups

19. The UNESCO World Heritage Centre states that the biggest challenge is for access to decision making at the local, i.e. site, level. It states that transparency of processes is absolutely necessary to make people feel partners in site management. It observes that this principle may not be applied equally in all States party to the World Heritage Convention and some NGOs and civil society may feel excluded from decision-making processes in and around World Heritage properties.

20. The Bureau of the Water Convention indicates that the background paper prepared for the workshop on information management and public participation in transboundary water cooperation, held in St Petersburg on 8-10 June 2005, discusses specific challenges regarding public participation in transboundary water cooperation in EECCA countries, (available at http://www.unece.org/env/water/cwc/Info-pp/Backdoc_pp_e.pdf). Specific challenges identified include a lack of knowledge regarding participative practices for water management; inadequate or inconsistent legislation; limited public access to environmental information regarding water management; lack of public awareness of water management issues, programmes and legislation; insufficient capacity amongst NGOs and civil society, especially a lack of human and financial resources and specialised knowledge; documents only made accessible at the end of the decision-making process and failure to publish the results of public consultations; and barriers to access to justice, including high court costs, slow judicial procedures and the lack of positive established practice regarding access to justice in natural resource management.

21. The EEHC secretariat indicates that facilitating the participation of a special interest group, in its case the involvement of youth, can present challenges. It mentions that these challenges lie in establishing mechanisms to facilitate such participation and identifying the necessary funding at national and international levels.

Fluctuating or low civil society interest and awareness

22. Eleven forums identify fluctuating or low civil society interest and awareness either in their work or their processes as a challenge. The ITTO secretariat observes that the level of general public interest in its work and in tropical forests in general has fluctuated over the life of the organization, leading to quite different desires for and levels of public participation. The UNESCO Man and the Biosphere Programme states that biosphere reserves are increasingly recognized as sustainable development laboratories, and one of the main challenges for the World Network of Biosphere Reserves over the next decade, especially in Europe, is for biosphere reserves to become truly knowledge-sharing sites, so that scientific and practical knowledge and insights on sustainable development practice may be shared with a wider national and regional audience and with other regional networks.

23. The UNCTSD secretariat remarks on low involvement of civil society and private sector in the work of the Commission. The MAP secretariat reports that participation in MAP events, activities and processes is somewhat low and based mainly on funding by the secretariat. The Committee on Sustainable Energy and the Bureaux of the Water Convention, the CEP and the Committee on Housing and Land Management each observe that it is a challenge to continue attracting the interest of civil society in their activities in order to benefit from their active participation. The ICWC's Scientific Information Center reports that a low activity level and poor capacities of civil society including NGOs have presented a challenge to a certain degree, and maintains that special training should be held in this respect. The Sava Commission's secretariat also refers to the capacity of stakeholders and actors involved in the process, remarking that there is a lack of knowledge about the problem and that stakeholders are not prepared to accept arguments from the other side to solve the problem.

24. AfDB's Sustainable Development Division reports that there is wide variation across countries regarding cooperation and consultation with stakeholders. For instance, in a number of countries, NGOs and civil societies are either non-existent or have limited influence with respect to the participatory dimensions of sustainable development.

High civil society interest

25. The UNFCCC secretariat indicates that its process attracts large numbers of organizations and participations. For example, COP 12 and CMP 2 (Nairobi, 2006) had 6000 participants while COP 11 and CMP 1 (Nairobi, 2005) had 10,000. The secretariat faces challenges channelling this interest to provide useful inputs to an intergovernmental meeting. The development of the constituency system has helped in managing large numbers to allow a representation of the different perspectives to provide input in a fair, transparent manner. The secretariat of the "Environment for Europe" process indicates that the major challenges it faces are mostly related to practical difficulties, such as the limited capacity of meeting rooms.

Disruptive civil society involvement

26. The IWC's secretariat states that the behaviour of a small number of NGOs in the margins of recent meetings has led the Commission to develop an NGO Code of Conduct, which was adopted by consensus at the 58th Annual Meeting in June 2006. Disruptive behaviour and/or failure to conform to the Code may result in suspension or withdrawal of accreditation. The secretariat goes on to say that while a number of NGOs have expressed an interest in being more involved in the work of the Commission (e.g. having speaking rights, taking part in working groups, preparing documents etc.), there is certainly no consensus support for this among member governments at present. No other forums report experiences of disruptive civil society involvement.

Implementation and evaluation

27. The secretariat of the UNESCO Man and the Biosphere Programme indicates that a key issue that it is currently looking at is how to assess the effectiveness and efficiency of participation and concertation approaches in biosphere reserves with regard to the conservation and sustainable use of biodiversity. It observes that biosphere reserves, some of which were created thirty years ago, are rich demonstration and study sites for monitoring changes over time and for understanding and predicting under which economic and socio-cultural conditions dialogue, communication and sharing information between various stakeholders will be sound bases for sustainable development and for biodiversity conservation. It has undertaken comparative studies on the costs of concertation (e.g. costs of information, communication, conflicts with some stakeholders, 'blocking' stakeholders, transaction costs) versus benefits on short and long-term scales.

28. The MAP secretariat reports that the efficiency of public participation on the regional level is difficult to assess.

29. The response from the European Commission in its capacity as a Party to the Cotonou Agreement notes a challenge regarding how to keep track of the recommendations of EIAs that have been carried out. The European Court of Auditors, in their recent report on the integration of the environment in development cooperation, made a number of observations in this respect (www.eca.europa.eu/audit_reports/special_reports/docs/2006/rs_06en.pdf)

30. AfDB's Sustainable Development Division remarks that expanding the consultation process beyond the preparation of projects to include the implementation and evaluation phases presents a challenge.

Time frames

31. The response from the European Commission in its capacity as a Party to the Cotonou Agreement remarks that there is usually limited time available for the preparation of Country Environmental Profiles (usually 4-6 weeks fieldwork), which limits the possibilities for constructively engaging with civil society on environmental issues.

32. AfDB's Sustainable Development Division notes that the timely provision of environmental information to beneficiaries at the national and local levels is a challenge.

Forum processes

33. The UNFCCC secretariat observes that as the Convention and its Kyoto Protocol are treaties among Parties, there are limitations to the involvement of the public in decision-making. The challenge is to enrich the negotiating process with input from civil society and to provide civil society with information to help create public momentum for action on climate change. The CSD secretariat refers to the need to enhance the connection between national major groups' implementing actors and national sustainable development focal points, including in the development of National Strategies for Sustainable Development. It also observes that the regional processes related to the CSD need to be aligned with the participatory nature of the CSD itself.

Coordination

(a) Divergent interests

34. The challenge of reconciling divergent interests is remarked upon by three forums. The NAFO secretariat observes that the Convention has to strike a balance in accommodating the conflicting interests of the different stakeholders in the fisheries sector and that it can be a challenge for the secretariat to serve the interests of the Contracting Parties, NGOs and the general public in the conservation of fishery resources. The Sava Commission's secretariat notes that its membership is four independent States with different political systems and legislation. It considers that this could potentially constrain public participation in the decision-making process, especially where trans-boundary cooperation between different Parties is essential for a successful resolution of a particular environmental problem. The interim secretariat of the Tehran Convention reports that regional NGOs showed considerable interest during negotiation of the Convention and its Protocols but their lack of internal coordination was a weak point.

(b) Differing expertise

35. The Sava Commission's secretariat also observes that participants in a process may have differing knowledge or expertise, for example technical matters, economics or social issues, and that the integration of skills is essential.

Legislation

36. The interim secretariat of the Tehran Convention states that, during the negotiations on the Convention and its Protocols, the absence of clear, transparent and regionally agreed rules on the participation and status of observers very often obstructed the aim of allowing the participation of relevant NGOs to the maximum extent possible. The EBRD response remarks that even

though its own policies might allow for participation on its projects, this does not provide capacity building in the country for appropriate legislation to secure stakeholder input.



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**SYNTHESIS OF RESPONSES RECEIVED FROM INTERNATIONAL FORUMS TO
THE WRITTEN QUESTIONNAIRE IN THE CONSULTATION PROCESS ON
THE ALMATY GUIDELINES**

Addendum

COMMENTS ON THE ALMATY GUIDELINES

Prepared by the Task Force on Public Participation in International Forums
with the assistance of the secretariat

Background

1. The purpose of this addendum is to synthesize the international forums' responses to the written questionnaire in respect of the following question:

Please provide any comments on the Guidelines, in view of your forum's own processes, activities and particular characteristics.

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2. The addendum is in two sections. The first section reports the international forums' general comments on the Guidelines, including the Guidelines' usefulness, applicability and whether the forums' practices generally accord with them. This section also includes comments on institutional realities, stakeholders, investment of resources, access to information, public participation in decision-making and access to justice. The second section contains comments made by forums on specific provisions of the Guidelines. These comments are set out in table format for ease of reference.

General comments

Usefulness

3. The CBD secretariat observes that, although broadly speaking the requirements of the Almaty Guidelines are already expressed in its own provisions and practices, the Guidelines nevertheless provide a useful tool for the practical implementation of the principles of the Aarhus Convention in international processes such as the CBD. The secretariat considers that the Guidelines should be of use to Parties to the CBD in fulfilling their obligations of public participation and access to information in the specific context of the CBD's own prescriptions. The Guidelines will also be useful in the further development of the CBD's programmes relating to communication, education and public awareness. The secretariat remarks that there is a need to develop synergies and greater linkages between the range of international instruments and institutions dealing with these issues both at the policy and implementation levels and that the Guidelines' consideration by other international forums should help in bridging existing gaps.

4. The UNCCD secretariat remarks that the Guidelines are a good starting point in highlighting the importance of broad and full participation of the international community and the public in environmental issues. They also encourage all relevant actors who feel concerned to make their voices heard and be part of the decision-making processes at levels appropriate to the matter at hand. In this sense, the Guidelines represent a step forward towards effective information sharing, participation and decision-making in environmental matters.

5. The ITTO secretariat comments that the Guidelines are a good attempt to institutionalise public participation in international processes. The interim secretariat of the Carpathian Convention comments that the Guidelines seem to be a useful tool to promote the application of the principles of the Aarhus Convention in international forums and are also of help to the development and application of formalized and non-formalized rules of procedure and practices within international forums. ICWC's Scientific Information Center remarks that the Guidelines are a well-presented and quite relevant document for promoting the application of the principles of Aarhus Convention in international forums dedicated not only to Aarhus Parties but also to other States. It adds that the Guidelines are particularly important for post-Soviet Newly Independent States in the process of democratic development and civil society building. UNESCAP comments that the Guidelines are likely to serve as a useful instrument for allowing international forums to re-examine their own policies and procedures, not only as they relate to environmental issues, but in relation to general practice.

6. The UNCTSD secretariat states that the Guidelines could be useful for improving public participation in international forums, however they are generic and should be more practical. The CMS secretariat similarly remarks that the Guidelines are very generic, and guidance is mainly a matter of common sense and good practice, as is the nature of United Nations' guidance. It considers that, in view of the importance of the topic, more should be done to develop practical guidance for access to information and public participation in environmental issues and processes, including clear examples and procedures. It remarks that most of what is proposed in the Guidelines has been discussed and proposed at length under other processes such as the CSD. Although repeating these concepts is important, the fact there is a need to still address the issue is a sign that efforts so far were not effective, and new instruments and a different type of guidance should be developed.

7. The MAP secretariat states that it intends to make full use of the Guidelines, which are in line with the spirit of the MAP and the Barcelona Convention and their practices on public participation. The secretariat remarks that the Guidelines provide a number of recommendations and suggestions through which Parties, other States and international organisations or bodies may promote and facilitate public access to information and public participation and provide an excellent opportunity to further develop and implement such policies.

Applicability

8. The UNFF secretariat notes that, as a subsidiary organ of ECOSOC, the UNFF's rules of procedures are those directed to functional commissions of ECOSOC and the Guidelines therefore do not apply directly to its work. It goes on to make the point, however, that since the signatories of the Aarhus Convention are all members of the UNFF, they can influence its work by introducing proposals in accordance with the Guidelines.

9. The UNESCO World Heritage Centre indicates that the Guidelines have not been provided to the World Heritage Committee, the governing body of the UNESCO World Heritage Convention, so there has been no formal process of taking them into account. However, the Aarhus Convention has been noted in the recommendations of selected field missions monitoring World Heritage properties (e.g. the 2005 mission to Durmitor National Park in Montenegro, which concerned threats by a hydropower project).

10. IFAD remarks that, given its particular characteristics as an institution working mainly through a programme/project approach, the Guidelines do not fully apply to its mandate.

11. The Bureau of the LRTAP reports that its Executive Body and Implementation Committee have taken note of the Guidelines and the obligations on Aarhus Parties, and have further noted that a number of Aarhus Parties are also party to the LRTAP. The Bureau observes, however, that as overall the set of Parties to the two Conventions is different, it is for LRTAP Parties, in the light of the specificities of that Convention, to agree how such principles as those in the Guidelines might be applied in their work.

12. The Bern Convention's secretariat indicates that the Guidelines are relevant to that Convention, as it falls within the definition of "international forum" provided in paragraph 9 of the Guidelines, as well as paragraphs 4(a) and (e) regarding the scope of the Guidelines. It also notes the large overlap of membership between the Aarhus and Bern Conventions.

13. The ICPDR secretariat indicates that the countries cooperating in its processes have agreed to cooperate under the Convention on Cooperation for the Protection and Sustainable Use of the Danube River and the European Union Water Framework Directive and that the Commission therefore does not base its public participation activities on the provisions of the Aarhus Convention.

Whether forums' practices generally accord with Guidelines

14. UNEP's Division of Early Warning and Assessment indicates that, with respect to access to environmental information, it has taken practical steps to comply with these provisions. In regard to public participation in international forums, it comments that, at a practical level, representation would have to be facilitated through NGOs and civil society groups.

15. The IWC secretariat remarks that the Guidelines' provisions on access to information seem broadly acceptable and the Commission's practices would largely conform. However, it considers that the provisions on public participation in decision-making would be likely to be controversial in the context of the Commission. In particular, the Commission's meetings are not open to the general public, although accredited NGOs can attend meetings as observers. The Commission's decisions are taken by vote by member governments. NGOs are therefore not involved directly in the decision-making process, although several member governments include representatives from NGOs on their delegations and NGOs may lobby member governments both at and between meetings. The secretariat notes that, in addition, many member governments (and the secretariat itself) receive a significant volume of correspondence from members of the general public in relation to Commission matters that governments may use in framing their policy decisions.

16. The CBD secretariat indicates that, broadly speaking, the requirements of the Almaty Guidelines have already found expression in the provisions and practices of the Convention.

17. The secretariat of the UNESCO Man and the Biosphere Programme remarks that the definition of "the public" in biosphere reserves is as broad as its definition in the Almaty Guidelines.

18. The SAICM secretariat remarks that the Guidelines' purpose is closely aligned with approaches taken by SAICM. For example the objectives of SAICM's Strategic Approach with regard to knowledge and information are, inter alia, to ensure for all stakeholders that information on chemicals throughout their life cycle is available, accessible, user friendly, adequate and appropriate to the needs of all stakeholders.³⁹

³⁹ SAICM Overarching Policy Strategy, paragraph 15(b)(i).

19. The response from the European Commission in its capacity as a Party to the Cotonou Agreement remarks that the Guidelines are very relevant and to the point. The European Commission notes that the Cotonou Agreement does not make direct reference to access to information, public participation in decision-making or access to justice with respect to environmental issues. However, it contains two provisions relevant to the subject which, taken together, are well in the spirit of the Aarhus Convention and the Almaty Guidelines.
20. The secretariat of the Industrial Accidents Convention indicates that the provision of information to the potentially affected public regarding a hazardous activity (before and during an accident), public participation in decision-making on off-site contingency plans, and access to justice, are addressed by the Convention. Their implementation is reviewed by the Convention's Working Group on Implementation.
21. The Bureau of the Water Convention reports that the Parties at their fourth meeting took note of the Guidelines and of the obligations on Parties to the Aarhus Convention, the majority of which are also Parties to the Water Convention. The Bureau notes that the Water Convention and its Protocol on Water and Health address and promote access to information, public participation in decision-making, and, to a lesser degree, access to justice in environmental matters. Moreover, a *Guidance on Public Participation and Compliance with Agreements* has been developed under the Water Convention (<http://www.unece.org/env/water/publications/documents/guidance.pdf>). The Bureau indicates that there is therefore a strong awareness of these issues among Parties to the Water Convention and its Protocol on Water and Health.
22. The secretariat of the Espoo Convention observes that the Convention and its Protocol address and promote access to information, public participation in decision-making and, to a lesser degree, access to justice in environmental matters and that there is therefore a strong awareness of these issues among participants in meetings under the Espoo Convention.
23. The Alpine Convention's secretariat comments that, with regard to the particular characteristics, the processes and activities of the Alpine Convention, there is no need for changes or specifications in the differentiated system of rules set by the Almaty Guidelines.
24. OAS' Department of Sustainable Development observes that the Guidelines reflect the general objective of the principles and recommendations contained in its Inter-American Strategy.
25. Similarly, the Caribbean Environment Programme's secretariat states that the Guidelines reflect many of the elements used in the development and adoption of the Cartagena Convention on the Protection of the Marine Environment of the Wider Caribbean Region and its supporting Protocols. It adds that these elements are employed in the development and implementation of national, sub-regional and regional projects and activities to implement the Convention and its Protocols.
26. ADB indicates that whilst the Bank has not adopted a formal stance regarding the Guidelines, their spirit – one promoting information sharing with the public on environmental matters – is certainly consistent with the way in which ADB conducts its business.

Institutional realities

27. The EBRD response remarks that the Guidelines could make greater recognition of how institutions work in practice. It says that the Guidelines do not focus on the opportunities associated with organizations and institutions, but rather attempt to put them in the Parties' format, which does not always work. For example, organizations and institutions often have internal and external policies, strategies, grievance/accountability mechanisms, some of which may have associated or direct environmental issues. Institutional decisions are made by a managerial structure or board of directors, which is accountable to its shareholders. Organizations and institutions deal with matters of confidentiality and documentation belonging to third parties, sometimes provided under restrictions. They often have events with stakeholders, such as annual meetings, and they make decisions on external documentation and reporting. The EBRD response states that all of these aspects potentially have a public dimension, particularly for organisations and institutions supported by public funds. It suggests that while the structure of the Guidelines is directed at "international forums", it perhaps does not take full advantage of the potential aspects of organizations and institutions which might apply the principles (although restricted by structure on applying the letter) of the Aarhus Convention. In addition, the EBRD response remarks that there is not enough separation in the Guidelines between what applies to an international conference on environment, and to a multilateral organization whose actions may affect the environment.

Stakeholders

28. The UNCCD secretariat comments that the Guidelines rightly state that participation of the public should be as broad as possible, and that in the international context, this should be done having in view the nature and the level of each particular meeting.

29. The Sava Commission's secretariat suggests that it would be very useful if the Guidelines defined the main "stakeholders" as otherwise some stakeholders who could potentially play a significant role in the international forum might be missed.⁴⁰

30. The ICPDR secretariat indicates that it has found it very difficult to address and involve individuals in its processes and it has therefore decided not to target individuals, but only the organized public (organizations, unions, etc.). It considers that targeting individuals at the international level is simply too ambitious, too costly and not cost-efficient.

31. The ICPDR secretariat also observes that since developing and running public participation processes is very expensive, it does not seem sensible to impose the costs of the capacity building of the stakeholder groups on international organizations. It suggests that such activities, which are in most cases "democratization processes", could be carried out on a voluntary basis but should not be seen as the sole responsibility of international organizations. It should be the

⁴⁰ Paragraph 30 of the Guidelines does give some guidance as to who relevant stakeholders may be. However, it appears that the Sava Commission considers further guidance is required.

responsibility of institutions to set up the legislative and practical frameworks for public participation, and a shared responsibility to secure the democratization process on the other side.

Investment of resources

32. The UNCCD secretariat remarks that the direct link the Guidelines make between international access and investment of resources should perhaps be stressed more. It comments that experience shows that attendance, and thus active participation, in sessions of its COP and other subsidiary bodies, depends on funds being made available. Often it is not only envisaged, but also wished, that representatives of NGOs be more widely present at meetings, but they more often than not lack the means to do so. The UNCCD has organized meetings at the regional and national level to remedy this situation.

33. ICWC's Scientific Information Center comments that it seems expedient to add a principle of providing financial support to international organizations to the Guidelines in order to increase the activity level of civil society in environmental management.

Access to information

34. The ICPDR secretariat indicates that the ICPDR provides information to the interested public in two ways, namely simple leaflets for wide distribution and technical reports for specific audiences. It remarks that it has to date distributed documents in printed form as well as via the internet but that it is not sure whether the documents distributed through the internet were useful and reached the audience, although it does not indicate the basis of this view. It adds that general information can be easily shared via the internet, but it is less convinced that distributing targeted and specialised information via the internet makes sense.

Public participation in decision-making

35. The EBRD response remarks that the Almaty Guidelines should encourage transparency in policy and strategy development and public *consultation*, but institutions should not be told to conduct public *participation* as they do not have the ability to provide the public with a decision-making role. Rather, it is the remit of the relevant government to provide such rights. The EBRD response observes it can take comments into account, but final decisions are made by its Board of Directors.

36. The EBRD response also comments that while it appreciates the public's right to environmental information, the environment is often a cross-cutting issue and this can create a difference of expectations on what information is necessary to be in the public domain. Furthermore, if countries lack overarching citizens' rights to information and participation, the public's rights may be codified under environmental law, instead of a more general right under constitutional law. As a consequence, the public may turn their non-environmental concerns about a proposed project into environmental concerns because to do so will be their only opportunity to voice a concern about the project generally.

37. The ICPDR secretariat reports on its own lessons learned, namely:

(a) Informed stakeholders are the basis of meaningful participation. It is crucial to provide information in time and for free. Efforts should be undertaken to make sure that the stakeholders get the information they need.

(b) Public participation is a process and it takes time, should be started early and planned carefully. Several years may be needed to ensure that new structures fit the needs of stakeholders and that stakeholders can adapt to the new concept of governance.

(c) Public participation is a cooperative effort and needs to be actively implemented by all partners. It is not enough that organizations offer the possibility to participate if the stakeholders are not willing to sit at the table to discuss and to develop solutions and/or compromises.

(d) Public participation has to happen on different levels, both locally and internationally.

(e) Stakeholders are very diverse (e.g. navigation, hydropower, agriculture, environmentalists), and each group might need a slightly different approach.

(f) A mixture of tools is necessary to secure the right tool for each stakeholder group (e.g. workshops, conferences, electronic feedback forms).

(g) It is crucial to make the best use of the people's time, so that observers do not feel that outcomes do not justify the time and money they put into the process.

Access to justice

38. The UNCCD secretariat remarks that legal settlement of dispute mechanisms, such as arbitration and conciliation procedures or other ways of resolving questions of implementation, remain valid and useful within multilateral environmental agreements. It also expects that more attention will be paid to dispute avoidance within the general framework of dispute settlement and resolution.

39. AfDB's Sustainable Development Division states that the Guidelines are well-written and adequate for the purposes of the Convention. In this regard, the Guidelines cover the minimum requirements in terms of access to information and public participation in line with the objectives of the Convention. However, the paragraph with respect to the access to justice pillar of the Convention is somewhat short. AfDB suggests that this section be expanded on the basis of the international experiences involving compliance and review procedures.

Specific comments on specific provisions

40. The majority of the international forums' comments are of a general nature, not expressly directed to particular provisions of the Guidelines. However, seven forums, namely UNEP's Division of Early Warning and Assessment, the IWC secretariat, the CMS secretariat, EBRD, ICWC's Scientific Information Center, the Sava Commission secretariat and UNESCAP provide comments on specific provisions of the Guidelines as well. A synthesis of their comments is set out in the annex.

ANNEX
Comments on specific provisions of the Guidelines

<i>Paragraph</i>	<i>Paragraph text</i>	<i>Forum</i>	<i>Comments</i>
Purpose and scope			
1	The primary purpose of these Guidelines is to provide general guidance to Parties on promoting the application of the principles of the Convention in international forums in matters relating to the environment. In order to meet the Convention's objective effectively, Parties should seek to apply these Guidelines to the extent appropriate in the light of reasonable considerations such as the institutional integrity and particular characteristics of each international forum concerned, its procedures and decision-making processes, and the nature and availability of its resources. The level and the extent of application of these Guidelines will depend on the specific rules and composition of each international forum concerned.	IWC	The IWC secretariat comments "Given the challenging working environment of the Commission, the second sentence of paragraph 1 of the Guidelines, 'Parties should seek to apply these Guidelines to the extent appropriate in the light of reasonable considerations such as the institutional integrity and particular characteristics of each international forum concerned', seems particularly important." ⁴¹
2 (a)	These Guidelines are intended to provide guidance to Parties in the context of: (a) The development, modification and application of relevant rules and practices applied within international forums (e.g. rules of procedure covering issues such as transparency, accreditation, etc.);	EBRD	EBRD's response suggests to amend paragraph 2(a) to read 'The development, modification and application of relevant rules and practices applied within international forums (e.g. rules of procedure covering issues such as transparency, accreditation, <i>applied strategy and policies that affect environment, safety, social issues, communication within a specific sector or geographical area, etc.</i>);'
4 (c)	These Guidelines relate to international forums, including: (c) Intergovernmental conferences focusing on the environment or having a strong environmental component, and their respective preparatory and follow-up processes at the international level;	EBRD	EBRD's response comments "There may be an over-emphasis on international conferences in [the Guidelines] - they are only one type of communication, and not a primary one for providing rights of access to information, decision-making or justice."

⁴¹ Direct quotations from the responses received from the international forums are indicated by double quotation marks (""). Excerpts from the Guidelines are shown by single quotation marks ('). Possible amendments to the Guidelines proposed in the international forums' responses are shown in italics.

<i>Paragraph</i>	<i>Paragraph text</i>	<i>Forum</i>	<i>Comments</i>
4 (e)	These Guidelines relate to international forums, including: (e) Decision-making processes within the framework of other organizations in matters relating to the environment.	EBRD	EBRD's response suggests to amend paragraph 4(e) to read 'decision-making processes within the framework of other international organizations in matters <i>that may be relevant to the environment, such as applied policies or strategies relevant to sector development or geographical areas.</i> ' EBRD's response comments "It may not just be on environmental documentation – it could be an energy policy, or the Balkan Stability Pact, or some other regional initiative where environment needs to be taken into consideration. The wording of the Guidelines should be generic enough so that people affected by the various decision-making processes can have input - regardless of whether the word 'environment' is in the title."
5	These Guidelines relate to all international stages of any relevant decision-making process in matters relating to the environment.	EBRD	EBRD's response suggests to add ' <i>or that may have an impact on the environment</i> ' to the end of the sentence.
		UNESCAP	UNESCAP's Environment and Sustainable Development Division comments "While the guidelines are indicated as relating to 'all international stages of any relevant decision-making process', it is clear that at the international stage, many important decisions have been taken that would benefit from (non-international) public participation and information access before the 'international stage'."
General considerations			
13	There may be a need to adapt and structure international processes and mechanisms in order to ensure meaningful and equitable international access.	ICWC	The ICWC's Scientific Information Center suggests that the provision should be stated as an obligation rather than as 'may be'.
		EBRD	EBRD's response suggests to amend paragraph 13 to read 'There may be a need to adapt and structure international processes and mechanisms in order to <i>identify affected stakeholders</i> and ensure meaningful and equitable <i>access for them to information that may have an impact on the environment. In addition, other stakeholders who are not directly affected, may have an interest in the information, and this also should be accommodated wherever possible.</i> '

Paragraph	Paragraph text	Forum	Comments
14	In any structuring of international access, care should be taken to make or keep the processes open, in principle, to the public at large.	EBRD	EBRD's response suggests to add ' <i>but particularly designed in a way that the affected stakeholders can participate</i> ' to the end of the sentence. EBRD's response comments "International organizations develop policies for investment in developing countries—and design communication programmes that are easy for international non-governmental organizations to participate—but less often, for the people in the country actually affected to participate. The mechanisms selected, such as internet access, email comment, may not be appropriate for the affected public."
15	Where members of the public have differentiated capacity, resources, socio-cultural circumstances or economic or political influence, special measures should be taken to ensure a balanced and equitable process. Processes and mechanisms for international access should be designed to promote transparency, minimize inequality, avoid the exercise of undue economic or political influence, and facilitate the participation of those constituencies that are most directly affected and might not have the means for participation without encouragement and support.	Sava Commission	The Sava Commission's secretariat comments "[D]ue to different socio-cultural circumstance and economic and political influence special measures should be taken ...and we would expect that some of the measures should be incorporated into the Guidelines."
		ICWC	The ICWC's Scientific Information Center comments "In [paragraph] 15 the meaning of 'special measures' to ensure balanced and equitable process should be clarified." "Participation of all stakeholders should be facilitated." It suggests to amend the last phrase of the paragraph to read 'and <i>particularly</i> facilitate the participation of those constituencies that are most directly affected and might not have the means for participation without encouragement and support'.
16	International access should be provided without discrimination on the basis of citizenship, nationality or domicile. In the case of a legal person, international access should be provided without discrimination as to where it has its registered seat or an effective centre of its activities.	ICWC	The ICWC's Scientific Information Center suggests to amend paragraph 16 to read ' <i>In the case of a physical person</i> , international access should be provided without discrimination on the basis of citizenship, nationality, <i>sex</i> or domicile. In the case of a legal person, international access should be provided without discrimination as to where it has its registered seat or an effective centre of its activities <i>according to national legislation. It is strongly recommended to keep gender balance when providing international access.</i> '

<i>Paragraph</i>	<i>Paragraph text</i>	<i>Forum</i>	<i>Comments</i>
17	Capacity-building may be important to facilitate international access for the public concerned, in particular NGOs promoting environmental protection, and especially in developing countries and in countries with economies in transition.	UNEP	UNEP's Division of Early Warning and Assessment comments "Fast and reliable internet access is an issue for developing countries and the reference to capacity building in para 17 is very important. Aside from webcasting, the simple downloading of documents from websites can take as long as one hour for developing country users with limited bandwidth." "The reference to capacity building in para17... should perhaps be brought to the attention of the United Nations Development Group."
Access to information			
19	Each Party should encourage international forums to develop and make available to the public a clear and transparent set of policies and procedures on access to the environmental information that they hold in order to make access by the public more consistent and reliable. Such policies and procedures should enhance and facilitate both accessibility and understanding of the relevant information.	EBRD	EBRD's response comments "[T]here needs to be a differentiation between information held by an institution and information generated by that institution. We have control over the information we generate. We cannot make the same promises regarding release of information...submitted to us by third parties, for example, private sector project sponsors. This information does not belong to us and is submitted under confidentiality agreements in most cases." The response suggests that the phrase 'environmental information that they hold' in paragraph 19 might be amended to be ' <i>environmental information that they originate.</i> '
21	The availability of appropriate technical means for effectively rendering information accessible to the public free of charge using electronic information tools such as clearing houses, interactive databases and registers should be promoted. Where appropriate, live webcasting of events and alternative methods to reach a broader public should be considered.	EBRD	EBRD's response comments "We would suggest not specifying webcasting, but make it more general - to consider different technologies that may be useful. The key issue is whether or not they are reaching first, the affected public, and secondly, the interested public. The first category may not have as high tech access as the second category of people. In the transition countries, for example, access to this technology may be non-existent or extremely limited." The response suggests to delete 'Where appropriate, live webcasting of events and alternative methods to reach a broader public should be considered' and to replace it with ' <i>Consideration should be given to method of release to reach the interested public, taking into account new technologies and methodologies.</i> '

<i>Paragraph</i>	<i>Paragraph text</i>	<i>Forum</i>	<i>Comments</i>
22	Environmental information should be provided proactively, in a meaningful, accessible form, including, as appropriate, in the official languages of the concerned international forum, so that access to information may translate into an increase in knowledge and understanding. The designation of information officers or contact persons in international forums will facilitate the flow of information to the public and should be promoted.	ICWC	The ICWC's Scientific Information Center suggests that 'proactively' and 'proactively in a meaningful, accessible form' should be clarified. It also suggests that the Russian language version of the Guidelines sentence should be slightly edited to read ' <i>Environmental information should be provided in a meaningful and accessible form in [a] proactive manner</i> '.
24	When environmental information is requested by a member of the public, it should be provided as soon as possible following the request, and subject to an appropriate time limit, recalling that the time limit under the Convention is one month.	EBRD	EBRD's response comments "We suggest that there should be a 'reasonableness test' associated with requests. We frequently get requests phrased 'Give me all your information on projects in (specific country)'. This is not specific enough [a] request to be manageable – a country may have hundreds of projects, etc. and the resources needed to accommodate such a request are unreasonable."
25	Requests for environmental information should be permitted to be refused only on the basis of specific grounds for refusal, taking into account the relevant provisions of the Convention, including the requirement that grounds for refusal should be interpreted in a restrictive way, taking into account the public interest in disclosure.	EBRD	EBRD's response comments "[T]his may differ slightly for institutions, which are talking about information that is in the public interest to make transparent – whereas for Parties under the Convention – you are talking about people's inherent rights to information held by their government. Some differentiation may be in order here – or simply specify that [i]nstitutions should clearly state the types of information that will not be released and definitions of confidentiality in a publicly available policy (e.g. personnel information, commercially confidential information, etc)."

Paragraph	Paragraph text	Forum	Comments
Public participation in decision-making			
31	<p>While an international forum, or a process within it, should in principle be open to the participation of the public, the number of members of the public concerned participating in the meetings may be restricted if this is necessary and unavoidable for practical reasons. Any such restriction should take account of the nature and phase of the decision-making process and the form of participation sought, and should aim at ensuring the quality, efficiency and expediency of the decision-making process. Where they are applied, accreditation or selection procedures should be based on clear and objective criteria, and the public should be informed accordingly.</p> <p>Such procedures should be transparent, fair, timely, accountable and accessible, and aimed at securing meaningful and equitable participation, while avoiding excessive formalization.</p> <p>Selection criteria may include field of expertise, representation in geographic, sectoral, professional and other relevant contexts, and knowledge of the working language, having due regard for paragraphs 17 and 18.</p>	CMS	The CMS secretariat comments “More practical guidance could be provided on difficult situations, like the handling of closed sessions. More details could also be provided in para 31, providing examples [of the] actions described.”
35	Public participation procedures in international forums should include reasonable time frames for the different stages, allowing sufficient time for informing the public and for the public concerned to prepare and participate effectively during the decision-making process. The timing of the opportunities to participate should be compatible with those pertaining to public access to the relevant documents, in order to facilitate informed public participation. The opportunity to participate in a given international decision-making process should be provided at a stage when options are still open and effective public influence can be exerted.	ICWC	The ICWC’s Scientific Information Center suggests to amend the final sentence to read “The opportunity to participate in a given international decision-making process should be provided at <i>any stage, including the process of project proposal preparation</i> , when options are still open and effective public influence can be exerted.”

Paragraph	Paragraph text	Forum	Comments
36	<p>The public should be informed in due time of the opportunities, procedures and criteria for public participation in the decision-making and of the availability of information for the public, such as drafts for comments, final documents, decisions and reports. Such information should be provided through web sites as well as, if feasible, directly to members of the public concerned having requested to be so notified or having otherwise been identified as in need of direct communication. To preserve the quality of the decision-making process, transparent and clearly stated standards should be set regarding the provision of comments and the public should be informed accordingly.</p>	UNEP	<p>UNEP's Division of Early Warning and Assessment comments "The reference in para 36 to the web as a means of engaging with the public and obtaining comments on draft documents under preparation for international forums is very timely and relevant." [but] "will present some challenges. It should be noted that there are language considerations to be taken into account. Drafts may only be available in English and this may rule out the receipt of comments from non-English speakers. Furthermore, individuals and organizations in developing countries may have difficulty in accessing documents due to bandwidth limitations. With respect to draft decisions, it may be very difficult for the public to influence decisions that are prepared by the secretariats of international forums and the delegations of member states. It has to be assumed that non-governmental and civil society organisations, as representatives of the public, would scrutinise draft decisions and provide comments on them, which may lead to subsequent amendments by member states."</p>
37	<p>In decisions, due account should be taken of the outcome of public participation. Transparency with respect to the impact of public participation on final decisions should be promoted, through, inter alia, facilitating the public availability of documents submitted by the public.</p>	EBRD	<p>EBRD's response suggests that the phrase '<i>due account should be taken of the outcome of public participation</i>' may be more appropriate phrasing for Parties. EBRD's response comments "For institutions, our boards of directors are not Parties and have not granted the public a specific role in participating in decision-making - only in taking public comments into account, in most cases."</p>
39	<p>Noting that traditional arrangements for providing financial support for travel and subsistence costs to facilitate participation in some international forums can be quite costly and thus constrain the number of people who can participate, efforts should be made to apply innovative, cost-efficient and practical approaches which are consistent with good accounting practices with a view to maximizing participation.</p>	EBRD	<p>EBRD's response suggests to amend 'with a view to maximising participation' at the end of the provision to read '<i>with a view to allowing full participation, with particular emphasis on affected stakeholders.</i>' EBRD's response comments "We would suggest that the goal is not maximising participation for the sake of large scale initiatives - which have significant resource costs in planning, managing, and implementation. The key is to identify the relevant stakeholders and to ensure full participation for those affected, and as much participation as possible for those who are interested. The goal should not be to just make it as big as possible - but to make it as meaningful as possible."</p>