



SUMMARY OF THE FOURTH SESSION OF THE MEETING OF THE PARTIES TO THE AARHUS CONVENTION: 29 JUNE - 1 JULY 2011

The fourth session of the Meeting of the Parties (MOP 4) to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) took place from Wednesday, 29 June to Friday, 1 July 2011 in Chisinau, Republic of Moldova. Marking the tenth anniversary of the entry into force of the Aarhus Convention, the session addressed, *inter alia*: access to justice; access to information; and public participation in national decision-making as well as in international forums; genetically modified organisms; compliance; other procedures and mechanisms facilitating implementation; promotion of the Convention, including the procedure for accession to the Convention by States from outside the region of the UN Economic Commission for Europe (UNECE); and the work programme. On Friday, a high-level segment focused on the role of the Aarhus Convention in promoting sustainable development, in connection with the UN Conference on Sustainable Development (UNCSD or Rio+20), providing an opportunity to discuss how the implementation of the Aarhus Convention has helped to enhance good governance and sustainable development across the region and beyond. MOP 4 was preceded by the fourteenth meeting of the Working Group of the Parties from and the thirty-third meeting of the Compliance Committee, both convened from 27-28 June 2011.

Around 400 participants, representing governments, intergovernmental and non-governmental organizations, the private sector and academia, attended the session. The MOP adopted the Chisinau Declaration “Rio Plus Aarhus – 20 Years on: Bearing Fruit and Looking Forward” and several decisions on the three pillars of the Convention, compliance and the operations of the Convention.

A BRIEF HISTORY OF THE CONVENTION

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted on 25 June 1998 in Aarhus, Denmark, at the Fourth Ministerial Conference of the “Environment for Europe” process, under the aegis of UNECE. It entered into force on 30 October 2001 and currently has 44 parties including the European Union.

The Aarhus Convention has the objective of guaranteeing the rights of access to information (first pillar), public participation in decision-making (second pillar), and access to justice (third pillar) in environmental matters in order to contribute to the protection of the right of every person of present and future



L-R: MOP 4 Chair Dusik consulting with Gheorghe Salaru, Minister of Environment, Republic of Moldova

generations to live in an environment adequate to his or her health and well-being (Article 1). Under the Convention, parties are required, *inter alia*, to promote the application of the Aarhus principles in international environmental decision-making processes and within international organizations in matters related to the environment (Article 3(7)). The MOP is tasked to keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties, including by reviewing the policies for, and legal and methodological approaches to, access to information, public participation in decision-making and access to justice in environmental matters (Article 10). Membership to the Convention is open to any member of UNECE (Article 19(2)) and any member of the United Nations upon approval by the MOP (Article 19(3)).

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MOP 1: The first session of the MOP took place in Lucca, Italy, from 21-23 October 2002. The MOP adopted: the Lucca Declaration; Guidelines on Access to Information, Public Participation and Access to Justice with respect to Genetically Modified Organisms (GMOs); the Rules of Procedure; and a decision mandating the preparation of a legally binding instrument in the form of a protocol on pollutant release and transfer registers. MOP 1 also set up: a Working Group of the Parties to oversee the implementation of the Convention work programme, prepare the sessions of the MOP, and oversee the activities of subsidiary bodies established by the MOP; the Task Force on Access to Justice; the Task Force on Electronic Information Tools; and the Task Force on Financial Arrangements. MOP 1 further established the Compliance Committee in accordance with Aarhus Convention Article 15, determining its structure, functions and procedures.

Ex MOP: An extraordinary session of the MOP was held on 21 May 2003 in Kiev, Ukraine, in the framework of the fifth "Environment for Europe" Ministerial Conference. The ExMOP adopted the Protocol on Pollutant Release and Transfer Registers.

MOP 2: The second session of the MOP took place in Almaty, Kazakhstan, from 25-27 May 2005. The Meeting adopted an amendment to the Convention setting out more precise provisions on public participation in decision-making on the deliberate release of GMOs, which will enter into force once ratified by at least three-quarters of the Parties that were parties at the time of the adoption of the amendment. The Meeting also adopted the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums, several decisions on compliance, and the Almaty Declaration. MOP 2 established a Task Force on Public Participation in International Forums.

MOP 3: The third session of the Meeting of the Parties was held in Riga, Latvia, from 11-13 June 2008. The Meeting adopted the Riga Declaration and a strategic plan for the Convention, decided on how to calculate the number of parties required for an amendment to enter into force, and renewed the mandates of Task Forces dealing with access to justice, electronic information tools and public participation in international forums.

Ex MOP2: An extraordinary session of the MOP was held from 19-22 April 2010 in Geneva, Switzerland. The MOP established a Task Force on Public Participation in Decision-making and agreed to mandate the Working Group of the Parties to consider the procedure for decision-making regarding accession to the Convention by non-ECE States. The Meeting further agreed to: provide a clear mandate to produce the reports and findings of the Compliance Committee as official documents so that they would be available in the three official languages; and mandate the Working Group to consider the option of discontinuing the practice of producing the

national implementation reports in the three official languages.

MOP 4 REPORT

On Wednesday, following a cultural performance, Iurie Leanca, Deputy Prime Minister of the Republic of Moldova and Minister of Foreign Affairs and European Integration, opened the meeting. He reported on national implementation, including the National Action Plan for 2011-2015, the establishment of a National Council with the participation of non-governmental organizations (NGOs), and the adoption of electronic tools to increase public access to government information and services.

Gheorghe Salaru, Minister of Environment of the Republic of Moldova, noted that much experience has been gained during twelve years of implementation of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), and that more than 100 NGOs are presently working in the country to promote environmental education, public participation and access to justice.

Jan Dusik (Czech Republic), Chair of the fourth session of the Meeting of the Parties (MOP 4), outlined the main objectives of the session as: assessing progress in implementation; adopting decisions for future work; and discussing the theme of the role of the Aarhus Convention in promoting sustainable development. Marco Keiner, Director of the Environment Division of the UN Economic Commission for Europe (UNECE), suggested highlighting at the UN Conference on Sustainable Development (UNCSD or Rio+20) the Aarhus Convention as the best example of implementation of Principle 10 of the Rio Declaration (public participation). He underlined the importance of internal coordination, at the national level, among institutions and individuals working on related environmental and sustainable development issues.

Delegates then adopted the provisional agenda (ECE/MP.PP/2011/1) without amendment. On the status of ratifications, the Secretariat highlighted: three new parties to the Aarhus Convention (Bosnia and Herzegovina, Montenegro and Serbia), the entry into force of the Protocol on Pollutant Release and Transfer Registers (PRTR Protocol) in October 2009, and that the Amendment on public participation in decisions on deliberate release into the environment and placing on the market of genetically modified organisms to the Aarhus Convention (GMO Amendment) has not reached the requisite number of ratifications to enter into force. Serbia announced the intention to ratify the PRTR Protocol by the end of 2012.

All decisions and outcomes included in the list of decisions and major outcomes (ECE/MP.PP/2011/CRP.11) were adopted on Friday. This document summarizes discussion on each agenda item at MOP 4.

SUBSTANTIVE ISSUES

GENETICALLY MODIFIED ORGANISMS

On Wednesday, Chair Dusik recalled that five ratifications are still needed for the GMO Amendment to enter into force, and introduced relevant sections of the report on the implementation of the work programme for 2009-2011, including in relation to the Strategic Plan 2009-2014 (ECE/MP.PP/2011/9). He called attention to possible further work on GMOs in the work programme for 2012-2014. Margareta Stubenrauch (Austria) reported on a joint workshop by the Aarhus Convention and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity on public awareness, access to information and public participation regarding GMOs (ECE/MP.PP/2011/3) held in Nagoya, Japan, in October 2010.



Birthday cake for the 10th anniversary of the entry into force of the Aarhus Convention.

She highlighted the joint workshop's conclusion that increased efforts from all stakeholders are needed to raise public awareness and promote public participation concerning GMOs.



Margareta Stubenrauch,
Austria

European ECO Forum expressed support for joint activities between the Aarhus Convention and the Biosafety Protocol, and encouraged the ratification of the GMO Amendment as a matter of high priority, as well its immediate transposition into national law in the countries that have already

ratified it. ECOROPA stressed that the “*de facto* exclusion of GMOs” from the Aarhus Convention is the result of lack of political will at the time of the conclusion of the Aarhus Convention. The Regional Environmental Centre for the Central and Eastern Europe (REC) proposed focusing on public participation concerning GMOs in the work of the Aarhus Convention at the national and international level, pending the entry into force of the GMO Amendment.

Final decision: In the annex to the decision on the work programme for 2012-2014 (ECE/MP.PP/2011/CRP.1), the MOP agrees that the expected outcome is to support the implementation of the Aarhus Convention in the area of GMOs and the application of the Lucca Guidelines on GMOs by promoting exchange of information on good practices, and promote the entry into force of the GMO Amendment, through, *inter alia*, cooperation with relevant bodies under the Biosafety Protocol.



Celine Mesquida, European ECO
Forum

ACCESS TO INFORMATION

On Wednesday, Chair Dusik introduced a draft decision on access to information, including electronic information tools (ECE/MP.PP/2011/L.1). Jane Barton (UK) on behalf of the Chair of the Task Force on Electronic Information Tools, reported on the work of the Task Force on Electronic Information Tools, recalling that the mandate of the Task Force was to identify solutions with respect to electronic access to information, and capacity building. The Organization for Security and Cooperation in Europe (OSCE) reported on its Aarhus Centres Initiative to facilitate the provision of environmental information and legal advice. European



Jane Barton, UK

ECO Forum underlined the need for future work on access to socially significant environmental information held both by the state and the private sector. REC supported the proposed broader scope for the Task Force to consider how to facilitate dialogue with industry and access to product information.

Final decision: In the decision on access to information (ECE/MP.PP/2011/L.1), the MOP:

- recognizes the need to continue strengthening the implementation of the first pillar of the Convention;
- welcomes, *inter alia*, the further development of the Aarhus Clearinghouse for Environmental Democracy and calls on parties and signatories to continue promoting the wider use of electronic information tools as an effective instrument for the implementation of the Convention's provisions;
- agrees to extend the scope of the work to address certain areas of the Aarhus Convention Strategic Plan that were not previously covered by the mandate of the Task Force;
- decides to change the name of the Task Force on Electronic Information Tools to the Task Force on Access to Information, with the mandate to, *inter alia*, promote exchange of information and identify barriers and solutions concerning public access to environmental information, including with regard to products and the promotion of the accessibility of environmental information held by the private sector; and
- welcomes the offer of the Republic of Moldova to lead the Task Force.

PUBLIC PARTICIPATION

On Wednesday, Chair Dusik introduced the documentation related to public participation in decision-making (ECE/MP.PP/WG.1/2011/5 and ECE/MP.PP/2011/9). Philip Kearney (Ireland), Chair of Task Force on Public Participation in Decision Making, reported on the work of the Task Force highlighting: the development of a template for the submission of good-practice case studies; challenges and obstacles in implementing public participation, including poverty; innovative forms and tools for public participation; and the proposed joint activities with the UNECE Protocol on Water and Health, the Aarhus and Nuclear Initiative, and the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). He reported on the ongoing preparation of a revised list of recommendations on public participation for consideration by the Task Force at its next meeting.

Armenia stressed the importance of public participation in environmental impact assessment (EIA), including the duty of authorities to justify the decision not to take into account inputs from the public, and the need to ensure access to justice for impairments of the right of public participation in decision-making.

European ECO Forum praised the work of the Task Force on Public Participation in Decision Making, emphasizing the need for parties to translate its findings into action, and supported the proposed extension of its mandate. REC supported the Task Force's future work on water management, EIA and decision-making in the nuclear field, recommending that this also address decision-making concerning GMOs.

Final decision: MOP 4 agrees on extending the mandate of the Task Force and endorses its proposed workplan (ECE/MP.PP/WG.1/2011/5). In the annex to the decision on the work programme for 2012-2014 (ECE/MP.PP/2011/CRP.1),



Aida Iskoyan, Armenia

the MOP agrees that the expected outcome is to: coordinate information-sharing, including the collection of case studies, on the implementation of the Convention articles on public participation; identify common difficulties in implementation and main obstacles at regional, subregional and national levels; prepare draft recommendations on improving implementation, including with a focus on thematic areas; and make progress towards the achievement of the relevant objectives and activities in the focal area 3 of the Strategic Plan 2009-2014 (further development of the Convention). MOP 4 also welcomed the offer of Ireland to continue leading the Task Force.

ACCESS TO JUSTICE

On Wednesday, Chair Dusik introduced a draft decision on promoting effective access to justice (ECE/MP.PP/2011/L.2). Vibeke Ursin-Smith (Norway) highlighted as issues for further work: standing of NGOs; costs, legal aid and the establishment



Jan Darpö, Chair of the Task Force on Access to Justice (Sweden)

of bodies outside the ordinary court system to address environmental disputes; and injunctions. Armenia stressed the importance of the Aarhus Convention Implementation Guide for national judges and proposed placing more emphasis on access to justice in the updated version of the guide. Jan Darpö (Sweden), Chair of the Task Force on Access to Justice, reported on the work of the Task Force, suggesting that future work

focus on: continuing analytic studies on ways to overcome barriers to access to justice; identification of criteria for standing; improving training material; and enhancing the accessibility and breadth of the case law database.

Serbia underlined the need to: promote dialogue between inspectors, prosecutors and judges to share best practices at national and regional levels and develop cooperation in adopting preventive and interim measures; organize permanent training programmes to increase judges' understanding of environmental matters; provide technical assistance to judges in assessing environmental damages; and assess if judicial review systems are effectively in place.

European ECO Forum lamented lack of progress on access to justice by many parties, noting that this undermines also the other two pillars of the Aarhus Convention. They called for eliminating barriers to access to justice by: addressing prohibitively expensive legal costs; ensuring national and regional financial support for environmental litigation brought in the public interest; ensuring access to justice against illegal private and public acts; ensuring appropriate criteria for standing; and, supported by Justice and Environment, WWF and the Coalition for Access to Justice for the Environment, reviving the proposed EU directive on access to justice.

WWF and the Coalition for Access to Justice for the Environment further recommended: continuing with analytical studies, focusing on costs, injunctive relief and standing; and encouraging parties to attend the meetings of the Task Force. REC supported continued work of the Task Force

focusing on standing, remedies and costs; proposed developing recommendations on the basis of the gaps identified by the Task Force; and encouraged individual parties to engage more actively in the third pillar of the Convention.

Final decision: In the decision on promoting effective access to justice (ECE/MP.PP/2011/L.2), the MOP:

- prompts governments to stimulate increased information exchange among, and build capacity on access to justice for, public officials from different ministries and agencies responsible, *inter alia*, for national policies on environment, justice and education;
- decides to extend the mandate of the Task Force on Access to Justice to, *inter alia*, systematically collect information on the implementation of the Convention's third pillar, such as criteria for standing, the removal of financial and other barriers and the establishment of assistance mechanisms and remedies, including timeliness and injunctive relief, with the objective of identifying gaps and providing recommendations;
- entrusts the Secretariat to: participate in, plan and implement, as appropriate, capacity building activities; develop training materials for legal professionals, especially members of judiciary bodies and public interest lawyers; and expand, in cooperation with the Task Force, the portal for the exchange of jurisprudence concerning the Convention; and
- welcomes the offer of Sweden to continue leading the Task Force.

PUBLIC PARTICIPATION IN INTERNATIONAL FORUMS

On Wednesday, Chair Dusik introduced a draft decision on promoting the application of the principles of the Aarhus Convention in international forums (ECE/MP.PP/2011/L.3). Giuliana Gasparrini (Italy) underlined the need to evaluate the impact of the Almaty Guidelines on procedures for public participation in existing forums and on the negotiations of new instruments. She stressed the importance of the outreach work done by the Secretariat and the need for a clear mandate by the MOP to pursue this task. Megumi Endo, Secretariat of the UN Framework Convention on Climate Change (UNFCCC), reported on recent cooperation between the UNFCCC

and the Aarhus Convention on public participation and highlighted work by the UNFCCC's Subsidiary Body for Implementation on ways to enhance the engagement of observer organizations in the UNFCCC process.



Giuliana Gasparrini, Italy

Etienne Ballan

(France), Chair of the Task Force on Public Participation in International Forums, reported on the work of the Task Force, stressing the responsibility of national focal points in collaborating with other ministries implied in environment-related international forums. He drew attention to the proposal



L-R: Compliance Committee members with Mereb Barbakadze; Vadim Ni; Svitlana Kravchenko, Vice-Chair of the Compliance Committee; and Veit Koester, Chair of the Compliance Committee.

to entrust the Working Group of the Parties with the oversight of continued work on public participation in international forums.

European ECO Forum stressed the need to: devote sufficient time, resources and focus in the meetings of the Working Group of the Parties to fulfil its new responsibilities on public participation in international forums; review the performance of the Working Group of the Parties in taking responsibility for this item in one year's time; promote Aarhus principles in the Espoo Convention, international climate change negotiations, and international financial processes; and apply the Aarhus principles in the context of the EU's European Neighbourhood Policy, Eastern Partnership and related negotiations of bilateral agreements.

Final decision: In the amended decision on promoting the application of the principles of the Aarhus Convention in international forums (ECE/MP.PP/2011/CRP.5), the MOP:

- considers that significant work still remains to be done to implement Article 3(7) of the Convention;
- decides to continue promoting the application of the Aarhus principles in international forums under the authority of the Working Group of the Parties, which shall oversee progress and challenges encountered by parties, signatories and stakeholders and provide a forum for capacity building;
- calls on parties and signatories to: coordinate within and between relevant ministries; provide access to information and enable public participation at the national level regarding international forums; and promote the Aarhus principles in the procedures of other international forums;

- encourages collaborative activities by groups of parties to promote the Almaty Guidelines in international forums whose practices do not presently reflect the Guidelines or the Aarhus principles;
- requests the Secretariat to provide advisory assistance to interested international forums, expand the electronic compendium of case studies, inform the Working Group of the Parties on new practices developed in international forums, and continue outreach to interested international forums in a focused way; and
- welcomes the offer of France to continue leading this area of work.

PROCEDURES FACILITATING IMPLEMENTATION REPORTING

On Wednesday, Chair Dusik presented the synthesis report on the status of implementation (ECE/MP.PP/2011/7), noting that thirty-eight national implementation reports were submitted by parties, but only seven within the deadline and two (from Poland and Slovakia) were submitted too late to be considered in the synthesis. He pointed out that: all reporting countries claimed to have used transparent and participatory processes to prepare their national implementation reports; some described changes in environmental legislation; and several countries emphasized difficulties resulting from the lack of financial resources to implement the Convention. Montenegro reported that the first national implementation report is under preparation and that an Aarhus Centre was established within the environmental protection agency. European ECO Forum noted the negative trends compared with previous reporting cycle.



View of the opening plenary of the Aarhus Convention MOP 4.

On Thursday, delegates considered the draft decision on reporting requirements (ECE/MP.PP/2011/CRP.2).

Final decision: In the decision on reporting requirements (ECE/MP.PP/2011/CRP.2), the MOP:

- calls upon Luxembourg, Malta, Montenegro, Portugal, Tajikistan and the former Yugoslav Republic of Macedonia, who failed to submit their national implementation report within the deadline, to submit them to the Secretariat by 20 September 2011, for subsequent consideration, *inter alia*, by the Compliance Committee;
- encourages parties to ensure transparency and public consultation during the process of the preparation and submission of the reports; and
- endorses the revised reporting format included in the annex to the decision.

COMPLIANCE MECHANISM

On Wednesday, Chair Dusik introduced a draft decision on general issues of compliance (ECE/MP.PP/2011/L.11) and nine draft decisions concerning specific cases of non-compliance concerning Armenia, Belarus, Kazakhstan, Republic of Moldova, Slovakia, Spain, Turkmenistan, Ukraine and the UK.

Veit Koester, Compliance Committee Chair, reported on the work of the Committee (ECE/MP.PP/2011/11 and Add.1–3) emphasizing that the MOP should:

review the rule according to which the Compliance Committee can only make recommendations on non-compliance against a party subject to agreement with the party concerned; and consider a more flexible approach to the role of the Committee in monitoring parties' follow-up to compliance decisions. He also lamented that one party tried via diplomatic



Jean-François Brakeland, EU

channels to influence the position of two members of the Compliance Committee.

General compliance issues: On Wednesday, European ECO Forum, supported by WWF, noted the importance to share the Compliance Committee “case law,” underscoring issues of translation. Chair Dusik introduced a textual suggestion on: contacting the relevant UN services to request an extension of the current waiver on the rules regarding translation of the Compliance Committee reports and findings, and exploring alternative options for translation, for MOP 5 consideration.

On Thursday, MOP 4 elected by consensus three new members to the Compliance Committee: Pavel Černý, nominated by European ECO Forum; Heghine Hakhverdyan, nominated by Armenia; and Ion Diaconu, nominated by the EU. Jerzy Jendroska, nominated by the EU, was re-elected to serve for another term of office as member of the Committee.

Final decision: In the decision on general issues of compliance (ECE/MP.PP/2011/CRP.6), the MOP:

- welcomes the acceptance by most of the parties found not to be in compliance, of the Committee's recommendations;
- urges each party to cooperate in a constructive manner with the Committee in connection with any future review of its compliance;

- notes that the workload of the Secretariat and the Committee related to the functioning of the compliance mechanism has significantly increased during the intersessional period 2008–2011 and is expected to increase further, and requests the Working Group of the Parties, the Bureau and the Secretariat to ensure that sufficient resources are made available for this purpose; and
- reiterates the importance that all Committee reports, findings and recommendations be made available in time in the UNECE official languages.

In the list of decisions and major outcomes (ECE/MP.PP/2011/CRP.11), the MOP mandates the Secretariat, in consultation with the Compliance Committee, to: contact the relevant UN services to request an extension of the current waiver on the rules regarding the translation by the UN of the Compliance Committee's reports and findings until MOP 5; explore alternative options for their translation, while respecting the equal treatment of the three UNECE official languages; and report to MOP 5.

Individual cases of non-compliance: On Wednesday, the OSCE Office for Democratic Institutions and Human Rights reported on an expert law review of Turkmenistan legislation related to public associations. Ukraine reported on its recent approval of a Decree on involvement

of the public in decision-making, noting that this development addresses some of the compliance problems discussed by the Compliance Committee, and agreed to remove brackets in the draft decision on compliance by Ukraine (ECE/MP.PP/2011/CRP.9) around the possible suspension of its special rights and privileges under the Aarhus Convention if the Compliance Committee reports to MOP 5 that Ukraine has not fulfilled relevant recommendations. Environment People Law lauded the positive change in attitude by Ukraine.

WWF and the Coalition of Access to Justice for the Environment commented on the draft decision on the UK (ECE/MP.PP/2011/L.20), expressing concern that notwithstanding opposition from NGOs and senior members of the judiciary, the UK government is planning to codify its protective costs regime and has amended civil procedure rules that make access to interim relief more difficult. The UK announced that further public consultations would be conducted on these matters. European ECO Forum drew participants' attention to cases of prosecution of environmental activists in Belarus. Transparency International disagreed with the reference to progress made by Armenia, in the draft decision on Armenia (ECE/MP.PP/2011/L.12).

Kazakhstan reported on the adoption of new legislation including provisions for public participation and access to justice. Green Salvation called for a “tougher” decision on Kazakhstan because of the pressure put on activists by the government and the non-respect of previous decisions on compliance.

On the draft decision on compliance by Spain (ECE/MP.PP/2011/CRP.8), the EU suggested, and delegates agreed, to clarify in the MOP report that the Compliance Committee's



Désirée Schweitzer, Organization for Security and Co-operation in Europe (OSCE)

observation: "in practice the trend that, if a natural or legal person loses in the court of first instance against a public authority, appeals the decision and loses again, the related costs are being imposed on the appellant, reflected a general practice of courts of appeal in Spain regarding costs, this would also constitute non-compliance with Article 9(4)" of the Convention (remedies) was not a finding and was not endorsed as such by the MOP.

Final decisions: In the final decision on compliance by **Armenia** (ECE/MP.PP/2011/L.12) on a case concerning public participation in the decision-making and access to justice in connection with the issuance and renewal of licences to a developer for the exploitation of copper and molybdenum deposits in the Lori region of Armenia, the MOP, *inter alia*:

- endorses the findings of the Committee;
- encourages Armenia to continue its constructive dialogue with the Committee and to accelerate the process for the new legislation on EIA, including procedures on public participation in it, to be finalized and come into effect;
- invites Armenia to take the necessary legislative, regulatory, and administrative measures and practical arrangements to ensure that, *inter alia*: thresholds for activities subject to an EIA procedure, including public participation, are set in a clear manner; the public is informed as early as possible in the decision-making procedure, and that reasonable time frames are set for the public to consult and comment on project-related documentation; and a system of prompt notification of the public concerned on final conclusions of environmental expertise is arranged; and
- requests Armenia to submit an initial progress report to the Committee by 1 December 2011, to draw up an action plan to be submitted by 1 April 2012, and to report to the Committee at least six months in advance of MOP 5.

In the final decision on compliance by **Belarus** (ECE/MP.PP/2011/L.13) on a case concerning access to information and public participation in the decision-making for the hydropower plant project on the Neman River in Belarus, the MOP, *inter alia*:

- endorses the findings of the Committee that the following general features of the Belarusian legal framework are not in compliance with the Convention: requiring an interest be stated for access to environmental information; inadequately regulating the public notice requirements; setting only maximum time frames for public hearings and allowing in individual cases for time frames to be set which might be unreasonable; making the developers (project proponents), rather than the relevant public authorities, responsible for

organizing public participation; not establishing mandatory requirements for the public authorities that issue the expertise conclusion to take into account the comments of the public; not establishing appropriate procedures to promptly notify the public about the environmental expertise conclusions, and not establishing appropriate arrangements to facilitate public access to these conclusions;

- recommends to Belarus to take the necessary legislative, regulatory, and administrative measures and practical arrangements to reach compliance with the Convention; and
- invites Belarus to draw up an action plan for implementing the Committee's recommendations with a view to submitting an initial progress report to the Committee by 1 December 2011, and the action plan by 1 April 2012, and to report to the Committee at least six months before MOP 5.

In the final decision on **Kazakhstan** (ECE/MP.PP/2011/L.14), the MOP:

- decides to issue a caution to Kazakhstan, effective on 1 May 2012, unless Kazakhstan has thoroughly examined, with appropriate public involvement, the relevant environmental and procedural legislation, as well as the relevant case law, to identify whether it sufficiently provides judicial and other review authorities with the possibility to provide adequate and effective remedies in the course of judicial review by 1 January 2012;
- invites Kazakhstan to submit to the Committee periodically, namely, by November 2012 and November 2013, detailed information on the implementation of the recommended measures; and
- invites Kazakhstan to consider accommodating an expert mission, with the involvement of Committee members and other experts, with a view to making available to it a wide range of expert opinion on possible ways to implement relevant measures regarding access to justice.

In the final decision on compliance by **the Republic of Moldova** (ECE/MP.PP/2011/CRP.7) in a case on access to information on contracts for rent of land in the State Forestry Fund, the MOP, *inter alia*:

- endorses the Compliance Committee findings that the Republic of Moldova failed to comply with the Convention by not providing copies of requested contracts, without stating the grounds for refusal and without providing information on access to a review procedure; but welcomes the recent actions undertaken by the Party concerned to address the recommendations of the Committee; and
- invites the Republic of Moldova to submit to the Compliance Committee the final version of an action plan and periodic information on progress in its implementation.

In the decision on compliance by **Slovakia** (ECE/MP.PP/2011/L.16), the MOP:

- endorses the finding of the Committee that Slovakia failed to provide for early and effective public participation in the decision-making concerning the Mochovce Nuclear Power Plant;
- recommends that Slovakia review its legal framework so as to ensure that early and effective public participation is provided for in decision-making when old permits are reconsidered or updated, or the activities are changed or extended compared to previous conditions, in accordance with the Convention; and
- invites Slovakia to submit to the Committee a progress report on 1 December 2011 and an implementation report on 1 December 2012 on achieving the recommendation of the MOP.



MOP 4 Chair Dusik consulting with the EU and European ECO Forum about text on the accession by non-UNECE states to the Aarhus Convention.

In the final decision on compliance by **Spain** (ECE/MP.PP/2011/CRP.8) concerning decision-making on a residential development project in Murcia, the MOP, *inter alia*:

- endorses the Compliance Committee's findings that Spain failed to comply with the Convention by, *inter alia*: failing to provide information in the form requested, without giving reasons and imposing an unreasonable fee for photocopying; failing to provide adequate and effective remedies through its system of access to justice; and setting inhibitive conditions for public participation;
- notes that further action should be taken by Spain to ensure that fees charged by public authorities for providing information related to urban planning and building are the same as for information related to the environment;
- recognizes that further efforts are needed in the area of access to justice;
- invites Spain to thoroughly examine, with the appropriate public involvement, relevant legislation and court practice related to injunctive relief, legal aid and rules on dual representation; and
- invites Spain to report to the MOP through the Compliance Committee, six months before MOP 5.

In the list of decisions and major outcomes (ECE/MP.PP/2011/CRP.11), the MOP clarifies that the Compliance Committee's observation: "in practice the trend that, if a natural or legal person loses in the court of first instance against a public authority, appeals the decision and loses again, the related costs are being imposed on the appellant, reflected a general practice of courts of appeal in Spain regarding costs, this would also constitute non-compliance with Article 9(4)" of the Convention (remedies) was not a finding and was not endorsed as such by the MOP.

In the decision on **Turkmenistan** (ECE/MP.PP/2011/L.18), the MOP:

- decides to suspend the caution which entered into effect on 1 May 2009, which should re-enter into effect on 1 January 2013 unless Turkmenistan has amended the Act on Public Associations with a view to bringing all of its provisions into compliance with the Convention by 1 October 2012; and
- requests that Turkmenistan examine other relevant legislation to ensure it is consistent with the provisions of the revised Act on Public Associations and, together, provide a clear and transparent framework to implement the Convention.

In the final decision on compliance by **Ukraine** (ECE/MP.PP/2011/CRP.9), the MOP:

- endorses the conclusions of the Compliance Committee that Ukraine is still in a state of non-compliance with a previous decision by MOP 2;
- decides to issue a caution to Ukraine, which will be lifted on 1 July 2012 if Ukraine has fully implemented measures requested by MOP 2; and
- requests the Compliance Committee to report on this to MOP 5 for a possible decision on suspending the special rights and privileges accorded to Ukraine under the Aarhus Convention.

In the decision on **the UK** (ECE/MP.PP/2011/L.20) in relation to three cases, the MOP:

- endorses the finding of the Committee about non-compliance concerning: the fact that the communicants were ordered to pay the whole of the costs while the operator was not ordered to contribute at all; the quantum of costs awarded in that case rendered the proceedings prohibitively expensive, and that the manner of allocating the costs was unfair; and not having taken the necessary legislative,

regulatory and other measures to establish a clear, transparent and consistent framework to implement Article 9(4) (remedies);

- welcomes the Committee's recommendations and the willingness of the UK to accept them; and
- invites the UK to submit to the Committee periodically, namely, in February 2012 and February 2013, and six months before MOP 5, information on the progress in implementing the recommendations of the Committee.

IMPLEMENTATION GUIDE

On Thursday, Chair Dusik reported on the ongoing project, including public consultation, to finalize the updated implementation guide. MOP 4 looked forward to the guide's publication as a valuable implementation tool.

CAPACITY BUILDING

On Thursday, Chair Dusik introduced reports on interessional activities on capacity building and measures taken to coordinate the various activities through the capacity-building coordination framework (ECE/MOP/PP 2011/8 and /9).

Tajikistan reported on a new law on environmental monitoring and education, and the preparation of a national implementation plan. European ECO Forum called for more support from international and regional organizations in capacity-building and coordination activities. The Sustainable Development Public Union expressed concern about the weakening of environmental control procedures in Azerbaijan and called on the Secretariat to carry out a comprehensive assessment. The International Center for Not-for-Profit Law reported that the Turkmenistan National Institute for Human Rights is proposing amendments to Turkmenistan's public association law to bring it in line with the country's international obligations. REC underscored the need for more strategic capacity-building programming.

Serbia underscored capacity building on access to justice, and suggested nominating a second national focal point from ministers of justice to improve implementation and national reporting. Amsterdam Centre for Environmental Law and Sustainability offered collaboration on capacity building.

Final decision: In the annex to the decision on the work programme for 2012-2014 (ECE/MP.PP/2011/CRP.1), the MOP agrees that the expected outcome is to coordinate capacity-building activities to assist countries in the effective implementation of capacity-building measures at the subregional level.

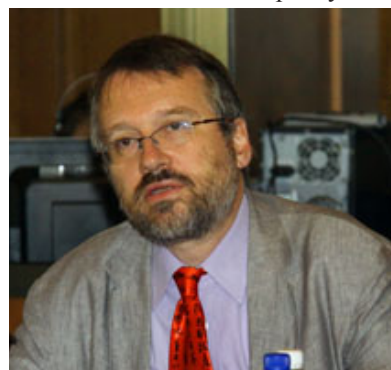
PROMOTION OF THE CONVENTION

ACCESSION BY NON-UNECE STATES

On Thursday, Chair Dusik introduced a draft decision on accession to the Convention by states



Jeremy Wates, Secretary-General of EEB and European ECO Forum



Marc Pallemarts, Amsterdam Centre for Environmental Law and Sustainability

from outside the UNECE region (ECE/MP.PP/2011/CRP.3), explaining that it elaborated procedural steps for the MOP's approval of accession by non-UNECE states, and that the draft Chisinau declaration links accession by non-UNECE states to increasing the global impact of the Aarhus Convention. The Secretariat reported that Mongolia recently expressed interest in acceding to the Aarhus Convention.

European ECO Forum, supported by The Access Initiative and Amsterdam Centre for Environmental Law and Sustainability, cautioned against the message emerging from the draft decision, noting that the procedural steps proposed impose exaggerated and discriminatory conditions on non-UNECE countries, instead of facilitating their accession. Chair Dusik clarified that the Working Group of the Parties had deliberated in depth on the draft decision to send the right signals to non-UNECE countries. The Access Initiative supported reference in the draft Chisinau declaration to "recognizing that there are different ways" to promote the Aarhus Convention internationally.

Amsterdam Centre for Environmental Law and Sustainability argued that, while the draft decision reiterates that the MOP's approval should not be interpreted as implying a substantive review by the MOP of the national legal system and administrative practices of the country wishing to accede, as decided at MOP 2, it actually puts in place a procedure of a prior substantive review of the country's legal and administrative system by the MOP. He also enquired about instruments of accession deposited by African countries during the intersessional period.



Csaba Kiss, The Access Initiative

Chair Dusik confirmed that expressions of interest in accession had been received earlier from Guinea Bissau and Cameroon and that, at the request of the Bureau, he has written letters to these countries, but no response has been received from the countries concerned. He explained that the draft decision does not aim to set up a review, but rather to ensure that some documentation on the state wishing to accede is submitted to the MOP. ECOROPA proposed to emphasize the "welcoming nature" of the Aarhus Convention, by inviting countries that express interest in accession to participate in the MOP even before the formal consideration of their request. Chair Dusik, supported by the EU, proposed to reflect this in the list of decisions and major outcomes. The decision was provisionally adopted (ECE/MP.PP/2011/CRP.3).

During the Friday High-level Segment, Jeremy Wates, Secretary-General of European Environmental Bureau and European ECO Forum, expressed discontent with the MOP 4 draft decision on the accession for non-UNECE states, which introduces a further obstacle to accession to the Convention, and urged parties to commit to amending the Convention in this respect and reflect this commitment in the Chisinau declaration.

The EU expressed doubts about the proposal to amend the Convention, emphasizing the light-touch approach of the MOP 4 draft decision on accession by non-UNECE countries.

Friends of the Earth UK and The Access Initiative stressed that the overwhelming opinion of civil society from outside the UNECE region is to call for an amendment to the Aarhus Convention, noting that the "two-tiered system" for accession currently in place is a serious impediment to accession by non-UNECE countries. Uzbekistan supported the NGO proposal, stating that: the Convention should be "absolutely open" to other countries; there are no objective criteria for the MOP to approve the accession by non-UNECE states; and the lack of required approval by the MOP is not a threat to current parties to the Convention.

Amsterdam Centre for Environmental Law and Sustainability remarked that the MOP 4 draft decision on accession by non-UNECE states raises questions of public international law, as the draft decision does not respect the sovereign equality of states. The Access Initiative lamented that the European Commission's Communication on Rio+20 did not make reference to access rights or the Aarhus Convention.

On Friday afternoon, Chair Dusik, following informal consultation with delegates, suggested including in the meeting report a request to the Working Group of the Parties to monitor the application of decision IV/5 (on accession by non-UNECE states) taking into account progress towards achievement of the relevant objectives of the Strategic Plan, and to report about its effectiveness to enable MOP 5 to have an informed debate about how to further encourage the accession by non-UNECE states. The EU and Norway agreed to the proposal.

European ECO Forum and REC suggested instead requesting the Working Group of the Parties to consider whether to propose an amendment to the Convention for MOP 5 adoption. The EU opposed, and the meeting was suspended to allow further informal consultations. Chair Dusik then proposed, and delegates agreed on, requesting the Working Group of the Parties to report about the effectiveness of Decision IV/5 to enable MOP 5 to have an informed debate "and to take any action considered relevant" to further encourage the accession on non-UNECE states. European ECO Forum expressed regret that the MOP was not willing to commit to amending the Convention at MOP 5, in order to remove the requirement that accession to the Convention by non-UNECE states be subject to approval by the MOP. They expressed hope that such an amendment would nonetheless be adopted by MOP 5.

Final decision: In the amended decision on accession to the Aarhus Convention by non-UNECE states (ECE/MP.PP/2011/CRP.3), the MOP:

- reiterates that the MOP approval of requests of accession to the Convention from non-UNECE states should not be interpreted as implying a substantive review by the MOP of the state's national legal system and administrative practices;
- notes that minimum legal and other measures should be in place to ensure that the state concerned is in a position to comply with its obligations at the time of the entry into force of the Convention for that state;
- encourages states outside the UNECE region to accede to the Convention and welcomes expression of interests to do so;
- decides that the procedural steps for approval of accession include, *inter alia*, that: the Secretariat maintains regular communication with and provide advisory support, if requested and appropriate, to the state concerned; the

written expression of interest to accede to the Convention is accompanied by a description of activities already undertaken or planned by the state concerned relating to the accession to and implementation of the Convention; and the MOP considers the expression of intention in the presence of the representative of the state concerned.

In the list of decisions and major outcomes (ECE/MP.PP/2011/CRP.11), the MOP requests the Working Group of the Parties to monitor the application of decision IV/5 (on accession by non-UNECE states) taking into account progress towards achievement of the relevant objectives of the Strategic Plan, and to report about its effectiveness to enable MOP 5 to have an informed debate and to take any action considered relevant to further encourage the accession by non-UNECE states. The document also includes the final statement by European ECO Forum.

AWARENESS RAISING

On Thursday, Claire Piens (Belgium) presented a draft communication strategy (ECE/MP.PP/2011/L.10), underlining that it is a living document to be adjusted to new developments and availability of resources, and that its goal is to provide specific information to specific audiences. She explained that governments are the first target audience, environmental NGO have a key role as interface between the government and the public, and the private sector is important particularly in the context of the PRTR Protocol. European ECO Forum and REC supported the draft strategy, with REC suggesting inclusion of reference to: the role of the Aarhus Convention



Claire Piens, Belgium

bodies and the Secretariat at the European level; key messages on the Aarhus Convention implementation challenges; and the judiciary and journalists as target audiences. The MOP endorsed the draft communication strategy and agreed on the related activities included in the proposed work programme for 2012-2014.

Final decision: In the annex to the decision on the work programme for 2012-2014 (ECE/MP.PP/2011/CRP.1), the MOP agrees that the expected outcome is to: raise public awareness of the Convention through the UNECE region and beyond; increase the number of parties to the Convention; and support regional and global initiatives on Rio Principle 10.

In the list of decisions and major outcomes (ECE/MP.PP/2011/CRP.11), the MOP endorses the Communication Strategy.

SYNERGIES WITH OTHER CONVENTIONS

On Thursday, Eric Tamale, Secretariat of the Convention on Biological Diversity (CBD), highlighted: the principles and values of informed public participation that



Michael Ewing, European ECO Forum



Eric Tamale, Secretariat of the Convention on Biological Diversity

are common to the Aarhus Convention and the CBD; the commonalities between the GMO Amendment and the Cartagena Protocol on Biosafety, which requires parties to consult the public in decision-making on living modified organisms and to make such decisions publicly available, and the Nagoya Protocol on Access and Benefit Sharing requirement that parties ensure the prior

informed consent or approval and involvement of indigenous and local communities before granting access to their genetic resources and traditional knowledge. He suggested pursuing closer linkages between the clearinghouse mechanisms of the Aarhus Convention and CBD in the near future.

European ECO Forum welcomed proposed collaboration with the UNECE Protocol on Water and Health, the Aarhus and Nuclear Initiative, and the Espoo Convention; and suggested highlighting, in the preparation of the inputs to the Rio+20 Conference, the compliance mechanism as a strength of the Aarhus Convention.

UNEP INITIATIVES

On Thursday, the UN Environment Programme (UNEP) reported on its activities on access to information, public participation and access to justice in environmental matters, including: the adoption by its Governing Council in 2010 of the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters, coupled with the Governing Council's request to UNEP Executive Director to assist countries in the development of such legislation; and UNEP's role as interim secretariat of environmental conventions in supporting work on public participation in a manner fully complementary to that of the Aarhus Convention. She invited the Aarhus Task Force on Access to Information to contribute to the preparation of the Eye on Earth Summit, scheduled from 12-15 December 2011 in Abu Dhabi, focusing on improved access and ability to use environmental data for more informed decision-making on sustainable development.

Final outcome: According to the list of decisions and major outcomes (ECE/MP.PP/2011/CRP.11), the MOP agrees that the Task Force on Access to Information and relevant bodies under the PRTR Protocol should engage to the extent possible in the preparatory process to the Eye on Earth summit, participate in the summit, and continue to engage in post-summit relevant initiatives.

OPERATIONS OF THE CONVENTION

IMPLEMENTATION OF THE 2009-2011 WORK PROGRAMME

On Thursday, Chair Dusik introduced a document on implementation of the work programme for 2009-2011, including in relation to the Strategic Plan 2009-2014 (ECE/MP.PP/2011/9), and provided an update on contributions and pledges by parties received after 22 March 2011. REC stressed that focal area 3 of the Strategic Plan (further development of the Aarhus Convention provisions) deserves greater attention in the future and noted the difficulties for the Secretariat

in delivering the work programme due to administrative requirements regarding staff contracts. The MOP expressed appreciation for the work done by the Secretariat.

2012-2014 WORK PROGRAMME

On Thursday, Chair Dusik introduced a draft decision on the work programme for 2012–2014 (ECE/MP.PP/2011/L.6), noting that MOP 4 has already discussed its substantive parts, and inviting parties to indicate their intention to contribute funding for the implementation of the work programme. The EU confirmed that it would maintain its annual pledge of 100.000 Euros until that amount would become 2.5% of the total estimated costs of activities under the work programme not covered by the UN regular budget. Austria confirmed its contribution of 10.000 Euros for 2011, the Czech Republic of 15.000 USD for 2012, and Croatia its annual contribution of 6.000 USD in the coming year.

European ECO Forum expressed disappointment about the low number of parties participating in the first meeting of the Task Force on Public Participation. Chair Dusik noted that the in-depth evaluation of the current functioning and implementation of the Convention, particularly its Task Forces, scheduled for the next intersessional period, could look into the question of parties' participation in the various Task Force meetings.

Final decision: In the amended decision on the work programme for 2012-2014 (ECE/MP.PP/2011/CRP.1), the MOP:

- adopts the work programme in Annex I;
- agrees upon the indicative allocation of resources and the resulting estimated costs set out in Annexes I and II, subject to annual review and as appropriate revision by the Working Group of the Parties;
- reiterates commitment to implementing the Almaty Guidelines;
- decides to give “general priority” to issues related to compliance and implementation, including capacity building. A footnote to the decision clarifies that the prioritization is to provide guidance in situations in which there is a significant discrepancy between the actual income and the estimated financial requirement; and
- decides to give “particular priority” to access to justice, public participation, and access to information.

The decision includes annexes on: the work programme; estimated costs of the activities proposed in the work programme for 2012-2014 to be covered from sources other than the UN regular budget; and an overview of extra-budgetary staff needs to be covered from the Aarhus Convention trust fund.



L-R: Christine von Weizsacker, ECOROPA, with Gwenda Zuurbier, EU

Among other activities, the work programme includes an in-depth evaluation of the current functioning and implementation of the Convention, in particular its Task Forces.

FINANCIAL ARRANGEMENTS

On Thursday, Chair Dusik presented a proposal to remove the remaining brackets in the draft decision on financial arrangements (ECE/MP.PP/2011/L.7) based on informal negotiations among parties. The proposal included that the MOP will maintain an interim voluntary scheme of contributions, and an assessment of the current interim scheme of contributions, to be prepared by the Secretariat and the Working Group of the Parties, shall be taken into account, together with any budgetary constraints faced by parties, when preparing the decision on financial arrangements for adoption by MOP 5. Chair Dusik then proposed deleting reference to distributing the burden of contributions based on the UN scale of assessments.

The EU supported the proposal, explaining that reference to the UN scale of assessments could not be accepted. Norway expressed hope that MOP 5 would agree a “more vigorous” financial scheme. European ECO Forum and the Institute for Environmental European Policy expressed regret at the continuing deferral of the establishment of a fair and stable financial scheme for the Aarhus Convention. Serbia suggested preparing a resource mobilization strategy before MOP 5, as a further step on financial arrangements.

Final decision: In the decision on financial arrangements (ECE/MP.PP/2011/CRP.10), the MOP:

- recognizes the need, *inter alia*, to establish financial arrangements under the Convention based on the principles of a fair sharing of the burden, stable and predictable sources of funding, accountability and sound financial management;
- notes that the amounts contributed under the interim voluntary scheme have fallen short of the estimated costs of implementing the work programme and that the financial burden has not been evenly distributed, with a significant number of parties and signatories not contributing at all;
- maintains an interim voluntary scheme of contributions aimed at covering the costs of activities under the work programme that are not covered by the UN regular budget; and
- requests, *inter alia*, the Secretariat and the Working Group of the Parties to prepare an assessment of the current interim scheme of contributions and its relationship to the work of the Convention, which, together with any budgetary constraints faced by parties, shall be taken into account when preparing the decision on financial arrangements for adoption by MOP5.

STRATEGIC PLANNING

On Thursday, Chair Dusik introduced a draft decision on strategic planning (ECE/MP.PP/2011/L.8).

Final decision: In the decision on strategic planning (ECE/MP.PP/2011/L.8), the MOP:

- requests the Working Group of the Parties, with the appropriate involvement of the public, to develop a strategic plan for the Convention covering the period 2015–2020, based on the experiences and results of the implementation of the current Strategic Plan;

- calls on parties and invites signatories, other states and relevant intergovernmental, regional and NGOs to contribute actively to the development of the strategic plan; and
- requests the Working Group of the Parties to establish a procedure for preparing the strategic plan and to regularly monitor its preparation for consideration and adoption at MOP5.

HIGH-LEVEL SEGMENT

On Friday, Mihai Moldovanu, Republic of Moldova Deputy Prime Minister, opened the High-level Segment, under the theme “The role of the Aarhus Convention in promoting sustainable development.” He underscored the importance of the Aarhus Convention in connecting human rights with environmental protection and in creating obligations for states towards their societies for the benefit of future generations. Ján Kubiš, UNECE Executive Secretary, congratulated MOP 4 delegates for their work, particularly in setting priorities in the work plan 2012-2014 to match financial resources. He considered that the announcement by the Russian Federation and the interest shown by Mongolia to become parties to the Convention demonstrate the universal nature of the Aarhus principles. Kubiš then delivered a message from UN Secretary-General Ban Ki-Moon, stressing that the Aarhus Convention is a major result of the Rio Declaration and is today more important than ever to help face current environmental challenges such as climate change, biodiversity loss, and water and air pollution, while keeping governments accountable.

Poland, on behalf of the EU, its Member States and Croatia, emphasized that the Aarhus Convention pillars are critical to ensure the full participation of civil society and the private sector in the transition to a green economy and its principles should play an important role not only in the Rio+20 process, but also in the implementation of the measures to be agreed at the Rio+20 Conference.

Session 1: Advancing sustainable development in the UNECE region: a success story or a missed opportunity for the Aarhus Convention?

This session was chaired by Gheorghe Salaru, Minister of Environment of the Republic of Moldova. Raimonds Vejonis, Latvia Minister of Environment, emphasized the right of every person of present and future generations to live in a healthy environment, noting that while there is no comparable instrument to the Aarhus Convention elsewhere in the world, the implementation of the Convention is still a challenge. He also reported that the Aarhus principles are used in the development of regional development policy.

Philippe Henry, Minister of Environment, Land-use planning and Mobility, Walloon region, Belgium, stressed the importance of: developing legislation on public participation; clearly communicating environmental risks and benefits to citizens; and exchanging

experience in the UNECE region. Aram Papyan, Armenia First Deputy Minister of Nature Protection, stated that the Aarhus Convention has contributed to a new way of thinking in the region and that further regional cooperation is necessary to implement the Convention and ensure environmental democracy.



Azra Rogovic-Grubic, Bosnia and Herzegovina

Esra Buttanri, OSCE, explained that environmental cooperation is part of a comprehensive approach to security, noted the need to devote more attention to the link between environmental governance and security, and reported on the Aarhus Centres Initiative and its network of 31 centres in 10 countries. Marta Szigeti Bonifert, REC, stressed that public participation: is often perceived as a burden rather than as an opportunity to improve the quality of decision-making; should be ensured in the areas of climate change, renewable and other energy, security and the green economy; should be based on measures to raise the awareness of citizens and NGOs about their rights and how to use them.

Chair Dusik asked the speakers to point to a major challenge for the Convention. Papyan emphasized the need for international experts' support in the development of national laws, as well as the question of fully implementing new laws. Szigeti Bonifert pointed to the challenge of integrating the Aarhus principles in all relevant sectors. Buttanri identified challenges in engaging local communities and in adequately legislating on public participation, to avoid confining public participation to narrow and secondary issue areas or late stages of the decision-making process. Vejonis underscored access to justice, and Henry stressed the protection of general interests.

Session 2: The Aarhus Convention as an inspiration for promoting Principle 10 of the Rio Declaration

This session was chaired by Gheorghe Salaru, Minister of Environment of the Republic of Moldova. Asra Rogovic-Grubic, Bosnia and Herzegovina Ministry of Foreign Trade and Economic Relations, reported on the participatory preparation of his country's first national implementation report to the Convention and on next steps: improving the capacity of relevant authorities; raising awareness of judges and prosecutors; improving cooperation at subnational and local levels; and establishing an Aarhus Centre. Zoltan Illés, State Secretary, Hungary Ministry of Rural Development, pointed to the importance of public access to information on products and activities that may have a negative impact on human life, and to Hungary's unique Environmental Ombudsman for Future Generations. Brice Lalonde, Rio+20 Executive Coordinator, UN Commission on Sustainable Development, underlined the importance of the Aarhus Convention as an example of cooperation on and implementation of the Rio principles and as a learning process. He stressed that Rio+20 will lay the path for the next 20 years and that governments have to negotiate solutions that match the expectation of young generations.

Jeremy Wates, Secretary-General of European Environmental Bureau and European ECO Forum, lamented insufficient recognition of the importance of transparency and public participation to the themes of Rio+20.



Philippe Henry, Minister of Environment, Land-use Planning and Mobility, Walloon Region, Belgium



Raimonds Vejonis, Minister of Environment, Latvia



L-R: Raimonds Vejonis, Minister of Environment, Latvia; Aram Papyan, First Deputy Minister, Ministry of Nature Protection, Armenia; MOP 4 Chair Dusik; Gheorghe Salaru, Minister of Environment, Republic of Moldova; Mihai Moldovanu, Deputy Prime Minister, Republic of Moldova; Philippe Henry, Minister of Environment, Land-use Planning and Mobility, Walloon Region, Belgium; Esra Buttanni, OSCE; and Marta Szigeti Bonifert, REC CEE

Italy underscored that the Aarhus principles: facilitate the integration of the environmental, social and economic pillars of sustainable development; are an essential component of the institutional framework for sustainable development; and need to be respected in the context of the green economy, such as in the EIA of investments and corporate social responsibility reporting. Croatia emphasized electronic tools for facilitating access to environmental information, the need for cooperation with ministries of justice and law faculties to ensure access to justice, and public participation as a precondition for responsible economic development. UNESCO stressed the role of innovation, education and transparency in facilitating the better understanding of sustainable development.

Discussion of the draft Chisinau Declaration

Delegates considered the draft Chisinau Declaration (ECE/MP.PP/2011/CRP.4/Rev.1). The Office of the High Commissioner for Human Rights welcomed the draft declaration and stressed that: health, housing, food, education, water, social security and other human rights are inextricably linked to the environmental agenda; and obstacles to access to justice in matters related to the environment, including arbitrary limitations on NGOs' standing in legal proceedings, prohibitive costs of bringing legal action to challenge human rights abuses in environmental matters and problematic implementation of binding court judgments, are fundamental human rights issues. The International Chamber of Commerce stated that environmental challenges such as climate change, waste management and water scarcity, require the involvement of all stakeholders, including the capacity of the private sector to offer innovative products and solutions.

Final outcome: The Chisinau Declaration includes sections on Aarhus and the green economy, Aarhus and environmental governance, and looking ahead. In the Declaration, the ministers and heads of delegation together with the other participants of MOP 4 state that:

- environmental rights and democracy are essential elements of good governance and informed decision-making, and a prerequisite for achieving the objective of sustainable development;
- since the adoption of the Rio Declaration in 1992 there has been a continued reinforcement of environmental democracy, including the adoption of the Aarhus Convention, its PRTR Protocol, as well as the UNEP Guidelines for the Development of National Legislation on public participation, which reflect the Aarhus principles at the global level;
- the Aarhus Convention has strongly contributed to putting Rio Principle 10 into practice, through its compliance mechanism that can be triggered directly by the public, active and continuous participation of civil society through all its processes, and an effective clearinghouse;
- it is important to promote the Aarhus principles of openness, transparency, wide participatory approach and accountability in international environmental decision-making processes and in the preparations for the Rio+20 Conference;
- government action should be matched by a commitment to achieve sustainable development from all stakeholders, including the wider business community, through the further promotion of corporate social and environmental responsibility, transparency and accountability among the business community;
- citizens should be invited to participate in defining and implementing green economy programmes and in choosing the most appropriate road maps to sustainability;
- achieving good environmental decision-making at the national level is closely related to environmental governance at the global level;
- the preparations for Rio+20 and its deliberations should serve as a model of how to implement Rio Principle 10, with a high level of participation and influence on decision-making by a wide range of stakeholders;



Member delegations from the EU consulting.



Gheorghe Salaru, Minister of Environment, Republic of Moldova, gavelled the meeting to a close at 5:24 pm.

- the Aarhus Convention provides an opportunity for improved coordination, effectiveness and a synergistic implementation of multilateral environmental instruments; and
- the process of deciding on priorities, mandates and financial contributions for the range of international agendas should also be transparent, inclusive and accountable. Participants at MOP4 further:
 - request the participants in the Rio+20 Conference take into account the Aarhus principles in their consideration of the institutional framework for sustainable development (IFSD), including the options for broader institutional reform identified in UNEP's Nairobi- Helsinki Outcome, as a contribution to strengthening the IFSD by improving international environmental governance;
 - recognize there are still steps to be taken in order to achieve a full and balanced application of Rio Principle 10 in the Aarhus family, on a global scale, by further introducing the Aarhus Principles in other environmental conventions, and within the Convention; and
 - recognizing that there are different ways to implement Rio Principle 10, offer to share their experience with all countries that wish to join the Aarhus family, to replicate its achievements or to be inspired by this most ambitious venture in environmental democracy undertaken under the auspices of the UN, and draw attention to the procedure for accession to the Convention by non-UNECE states.

CLOSING PLENARY

On Friday afternoon, delegates adopted the draft decisions and all the outcomes included in the draft meeting report, requesting the Secretariat to circulate electronically the final version of the list of decisions and major outcomes from the meeting (ECE/MP.PP/2011/CRP.11), and requested the Secretariat, in consultation with the MOP Chair, to finalize the report and incorporate the adopted outcomes and decisions in it.

The MOP elected by consensus Jelis Antonie Peters (Netherlands) as Chair and re-elected Loredana Dall'Ora (Italy) and Ivan Narkevitch (Belarus) as Vice-Chairs from among the representatives of the Parties present at the meeting. The MOP also elected by consensus the following members of the Bureau from among the representatives of the Parties: Lukas Pokorny (Czech Republic); Thomas Legoupil (France); Jean-Francois Brakeland (EU); and Gordana Petkovic (Serbia). Jeremy Wates (European Environmental Bureau) was appointed by European ECOForum to attend the meetings of the Bureau as an observer.

On the date and venue of MOP 5, Ukraine expressed interest in hosting MOP 5. Chair Dusik proposed to note the expression of preliminary interest from Ukraine in the meeting report, and

to request the Working Group of the Parties at its next meeting to consider the possible date and venue of MOP 5, taking into account Ukraine's proposal.

Chair Dusik congratulated participants on reaching consensus on all MOP 4 outcomes, including the findings of the Compliance Committee on non-compliance. European ECO Forum expressed overall satisfaction with the outcomes of MOP 4, hoping that the inputs from the NGOs will continue to be a key feature of the Aarhus process. Gheorghe Salaru, Republic of Moldova Minister of Environment, gavelled the meeting to a close at 5:24 pm.

UPCOMING MEETINGS

Workshop on Equitable Access to Water under the Protocol on Water and Health: The Workshop on Equitable Access to Water and Sanitation - Challenges, Good Practices and Lessons Learned – is organized by France, with the support of the UN Economic Commission for Europe (UNECE) Secretariat of the Protocol on Water and Health, and in cooperation with the mandate of the UN Special Rapporteur on the human right to safe drinking water and sanitation. **dates:** 4 and 5 July 2011 **location:** Geneva, Switzerland **contact:** Francesca Bernardini, Co-Secretary of the Protocol **phone:** +41 22 917 24 63 **fax:** +41 22 917 01 07 **email:** francesca.bernardini@unece.org **www:** http://www.unece.org/env/water/meetings/equitable_access_workshop.html

African Regional Workshop on the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety: Organized by the Secretariat of the Convention on Biological Diversity (CBD), this Workshop aims to raise awareness and understanding about the Nagoya–Kuala Lumpur Supplementary Protocol and to identify needs and requirements by parties to the Cartagena Protocol to Biosafety to the CBD, with a view to expediting the Protocol's early entry into force and implementation. **dates:** 21 - 22 July 2011 **location:** Addis Ababa, Ethiopia **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** secretariat@cbd.int **www:** <http://www.cbd.int/doc/notifications/2011/nf-2011-098-bs-en.pdf>

High-level Dialogue on the Institutional Framework for Sustainable Development: This event is organized by Indonesia and the UN Conference on Sustainable Development (UNCSD or Rio+20) Secretariat, to facilitate a frank and open high-level discussion on the options for strengthening the institutional framework for sustainable development, with a view to making progress towards formulating concrete proposals that could be taken up for consideration and possible adoption at Rio+20. **dates:** 19-21 July 2011 **location:** Purwokerto (Jawa Tengah), Indonesia **contact:** Diane Quarless

phone: +1-212-963-8563 **e-mail:** quarless@un.org **www:** <http://www.uncsd2012.org/rio20/?page=view&nr=201&type=13&men...>

UNEP Consultations with Major Groups: “Engaging with Major Groups and Stakeholders on Rio+20: The Role of Civil Society in Shaping the Sustainable Development Agenda for the 21st Century” is the theme for a global consultation on Rio+20 organized by the UN Environment Programme (UNEP). The global consultation will take place on 1 September 2011, and a regional consultation meeting for Europe on 2 September 2011. **dates:** 1-2 September 2011 **location:** Bonn, Germany **contact:** Jose de Mesa, Major Groups Stakeholders Branch, UNEP **phone:** 00 (25420) 7623437 **e-mail:** jose.demesa@unep.org **www:** <http://www.unep.org/civil-society/MeetingsandEvents/UpcomingMeetingsandEvents/UNEPRegionalconsultationswithMajorGroups/tabid/54256/Default.aspx>

Astana Ministerial Conference Environment for Europe: The Seventh “Environment for Europe” Ministerial Conference, convened by the UNECE Committee on Environmental Policy, is being prepared in accordance with the provisions of the Reform Plan of the “Environment for Europe” process. It will consider two main themes: “the sustainable management of water and water-related ecosystems” and “greening the economy: mainstreaming the environment into economic development.” **dates:** 21-23 September 2011 **location:** Astana, Kazakhstan **contact:** Ministry of Environmental Protection **phone:** +7 7172 74 00 09 **fax:** +7 7172 74 07 77 **e-mail:** Alexander.paperny@unece.org, and anara_bulzhanova@eco.gov.kz **www:** <http://www.unece.org/env/efe/Astana/welcome.html>

34th meeting of the Compliance Committee of the Aarhus Convention: The Compliance Committee will meet from 20-23 September 2011. **dates:** 20-23 September 2011 **location:** Geneva, Switzerland **contact:** Aarhus Convention Secretariat; **phone:** + 41 22 917 2682 / 917 1502 **fax:** + 41 22 917 0634 **e-mail:** public.participation@unece.org **www:** <http://www.unece.org/env/pp/ccMeetings.htm>

Joint Session of the UNECE Timber Committee and the FAO European Forestry Commission: The Joint Session will consider, *inter alia*, an action plan on the role of the forest sector in a green economy is intended to provide policymakers with ideas for ways and means of improving and promoting the forest sector’s contribution to a green economy. **dates:** 10-14 October 2011 **location:** Antalya, Turkey **contact:** UNECE Forestry and Timber Section **phone:** +41-22-917 1286 **fax:** +41-22-917 0041 **e-mail:** info.timber@unece.org **www:** <http://www.fao.org/forestry/efc/31913/en/>

1st Meeting of the Working Group of the Parties of the Protocol on Pollutant Release and Transfer Registers (PRTR): The meeting will be held from 28-29 November 2011. **dates:** 28-29 November 2011 **location:** Geneva, Switzerland **contact:** Aarhus Convention Secretariat **phone:** + 41 22 917 2682 / 917 1502 **fax:** + 41 22 917 0634 **e-mail:** public.participation@unece.org **www:** <http://www.unece.org/env/pp/calendar.htm>

Durban Climate Change Conference: The 17th session of the UNFCCC Conference of the Parties (COP 17) and the 7th session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP 7) will take place in Durban, South Africa. **dates:** 28 November - 9 December 2011 **location:** Durban, South Africa **contact:** UNFCCC Secretariat **phone:** +49-228-815-1000 **fax:** +49-228-815-1999 **e-mail:** secretariat@unfccc.int **www:** http://unfccc.int/meetings/unfccc_calendar/items/2655.php?year=2011

2nd Meeting of the Compliance Committee of the PRTR Protocol: The Compliance Committee will meet from 12-13 December 2011. **dates:** 12-13 December 2011 **location:** Geneva, Switzerland **contact:** Aarhus Convention Secretariat **phone:** + 41 22 917 2682 / 917 1502 **fax:** + 41 22 917 0634 **e-mail:** public.participation@unece.org **www:** <http://www.unece.org/env/pp>

Eye on Earth Summit: Hosted by Abu Dhabi, United Arab Emirates, in partnership with UNEP, Eye on Earth is a global summit devoted to the greater access to environmental and societal data. **dates:** 12-15 December 2011 **location:** Abu Dhabi **contact:** Marjie Heurter **phone:** +97126934516 **fax:** +97124463339 **e-mail:** marjie.heurter@ead.ae **www:** <http://www.eyearthsummit.org>

35th meeting of the Compliance Committee of the Aarhus Convention: The Compliance Committee will meet from 13-16 December 2011. **dates:** 13-16 December 2011 **location:** Geneva, Switzerland **contact:** Aarhus Convention Secretariat; **phone:** + 41 22 917 2682 / 917 1502 **fax:** + 41 22 917 0634 **e-mail:** public.participation@unece.org **www:** <http://www.unece.org/env/pp>

Initial Discussions on Zero Draft of Rio+20 Outcome Document: This event will discuss an initial discussions on the “zero draft” of the Outcome Document for Rio+20, which will be based on a compilation of inputs received by the UNCSD Secretariat from member states and stakeholders by 1 November 2011. **dates:** 16-18 January 2012 **location:** New York, US **contact:** UNCSD Secretariat **e-mail:** uncsd2012@un.org **www:** <http://www.uncsd2012.org/rio20/index.php?menu=14>

Third Intersessional Meeting for Rio+20: As called for at the first PrepCom of Rio+20, three intersessional meetings will be convened, in addition to three PrepComs, to prepare for the



Group photo of participants to the Aarhus Convention MOP 4.

June 2012 UNCSD event. **dates:** 26-27 March 2012 **venue:** UN Headquarters **location:** New York, US **contact:** UNCSD Secretariat **phone:** +1-212-963-8102 **e-mail:** uncsd2012@un.org **www:** <http://www.uncsd2012.org/rio20/index.php?page=view&type=13&n...>

36th meeting of the Compliance Committee of the Aarhus Convention: The Compliance Committee will meet from 27-30 March 2012. **dates:** 27-30 March 2012 **location:** Geneva, Switzerland **contact:** Aarhus Convention Secretariat; **phone:** + 41 22 917 2682 / 917 1502 **fax:** + 41 22 917 0634 **email:** public.participation@unece.org **www:** <http://www.unece.org/env/pp>

Third PrepCom for UNCSD: The UN General Assembly, in December 2009, adopted a resolution calling for the UNCSD(Rio+20) to be convened in Brazil in 2012. This meeting will mark the 20th anniversary of the UN Conference on Environment and Development (UNCED)-, which convened in Rio de Janeiro, Brazil. The General Assembly resolution specifies that a three-day PrepCom should convene in May 2010, a two-day PrepCom should convene in March 2011, and a three-day PrepCom should convene immediately before the UNCSD (PrepCom III). **dates:** 28-30 May 2012 **location:** Rio De Janeiro, Brazil **contact:** UNCSD Secretariat **e-mail:** uncsd2012@un.org **www:** <http://www.uncsd2012.org/>

UNCSD/Rio+20: This meeting will mark the 20th anniversary of the UN Commission on Environment and Development, which convened in Rio de Janeiro, Brazil. **dates:** 4-6 June 2012 **location:** Rio De Janeiro, Brazil **contact:** UNCSD Secretariat **e-mail:** uncsd2012@un.org **www:** <http://www.uncsd2012.org/>

37th meeting of the Compliance Committee of the Aarhus Convention: The Compliance Committee will meet from 26-29 June 2012. **dates:** 26-29 June 2012 **location:** Geneva, Switzerland **contact:** Aarhus Convention Secretariat; **phone:** + 41 22 917 2682 / 917 1502 **fax:** + 41 22 917 0634 **email:** public.participation@unece.org **www:** <http://www.unece.org/env/pp>

38th meeting of the Compliance Committee of the Aarhus Convention: The Compliance Committee will meet from 25-28 September 2012. **dates:** 25-28 September 2012 **location:** Geneva, Switzerland **contact:** Aarhus Convention Secretariat; **phone:** + 41 22 917 2682 / 917 1502 **fax:** + 41 22 917 0634 **email:** public.participation@unece.org **www:** <http://www.unece.org/env/pp>

Sixth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety: The meeting will be held from 1-5 October 2012. **dates:** 1-5 October 2012 **location:** Hyderabad, India **contact:** CBD Secretariat **phone:** +1 514 288 2220 **fax:** +1 514 288 6588 **email:** secretariat@cbd.int **www:** www.cbd.int

Aarhus Convention MOP 5: The time and venue of the next session of the Meeting of the Parties to the Aarhus Convention will be determined by the Working Group of the Parties at its first meeting following MOP 4, taking into account the preliminary expression of interest to host the MOP made by Ukraine. **dates:** TBD **location:** TBD **contact:** Aarhus Convention Secretariat; **phone:** + 41 22 917 2682 / 917 1502 **fax:** + 41 22 917 0634 **email:** public.participation@unece.org **www:** <http://www.unece.org/env/pp>

GLOSSARY

Aarhus Convention	Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
CBD	Convention on Biological Diversity
GMO	genetically modified organism
IFSD	institutional framework for sustainable development
MOP	Meeting of the Parties
NGOs	Non-governmental organizations
PRTR Protocol	Protocol on Pollutant Release and Transfer Registers
UNCED	UN Conference on Environment and Development
UNCSD/RIO+20	UN Conference on Sustainable Development
UNECE	UN Economic Commission for Europe
UNEP	UN Environment Programme



MOP 4 Chair Dusik with UNECE staff servicing the Aarhus Convention MOP 4, Chisinau, Republic of Moldova.