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ECONOMIC COMMISSION FOR EUROPE

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 to the Convention
(Third meeting, Geneva, 1-3 November 2004)
(Item 3 (b) of the provisional agenda)

DRAFT PROVISIONAL AGENDA FOR THE SECOND MEETING OF THE PARTIES¹

to be held at ..., Almaty, Kazakhstan
starting at 10 a.m. on Wednesday, 25 May 2005

Welcome address by Kazakhstan's Minister of the Environment.

1. Opening.
2. Adoption of the agenda.
3. Status of ratification of the Convention and of the Protocol on Pollutant Release and Transfer Registers (PRTRs).
4. Report on intersessional activities.
5. Substantive issues:
 - (a) Pollutant release and transfers registers;
 - (b) Genetically modified organisms (GMOs);
 - (c) Access to justice;

¹ Prepared by the Bureau with the assistance of the secretariat.

- (d) Electronic information tools and clearing-house mechanism;
 - (e) Public participation in international forums;
 - (f) Public participation in strategic decision-making.
- 6. Procedures and mechanisms facilitating the implementation of the Convention:
 - (a) Reports on implementation;
 - (b) Compliance mechanism;
 - (c) Financial arrangements;
 - (d) Capacity-building activities.
- 7. Programme of work and operation of the Convention:
 - (a) Report on the implementation of the work programme for 2003-2005;
 - (b) Work programme for 2006-2008;
 - (c) Long-term strategic planning for the Convention.
- 8. Synergies between the Aarhus Convention and other relevant multilateral environmental agreements.
- 9. Election of officers and other Bureau members.
- 10. Date and venue of the third ordinary meeting.

HIGH-LEVEL SEGMENT

Ceremonial statements.

- 11. General statements.
- 12. Ministerial panel discussion:
 - (a) Successes, failures and lessons learned: key challenges in implementing the Convention;
 - (b) Global and regional developments on issues related to principle 10 of the Rio Declaration on Environment and Development.
- 13. Discussion and adoption of the Almaty Declaration.
- 14. Any other business.
- 15. Review of decisions and adoption of the report.
- 16. Close of the meeting.

DRAFT ANNOTATED PROVISIONAL AGENDA WITH INDICATIVE TIMETABLE

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
Wednesday, 25 May 2005				
10.00-10.15	Item 1: Opening		Welcome address by Kazakhstan's Minister of the Environment. The Chair of the Meeting of the Parties will formally open the meeting.	
10.15-10.20	Item 2: Adoption of the agenda	Decision	The Meeting of the Parties will be invited to adopt the agenda of the meeting as prepared by the Working Group of the Parties and set out in the present document.	Provisional agenda
10.20-10.35	Item 3: Status of ratification of the Convention and of the Protocol on Pollutant Release and Transfer Registers (PRTRs).	Information	The secretariat will inform the Meeting of the Parties about the status of ratification of the Convention and of the Protocol on PRTRs. It will also provide information about any declarations made by the Parties upon the deposit of their instruments of ratification, acceptance, approval or accession. Delegates from States or regional economic integration organizations not yet Party to the Convention and/or to the Protocol will be offered an opportunity to briefly inform the Meeting of their plans to ratify, accept, approve or accede.	Report
10.35-10.45	Item 4: Report on intersessional activities	Report	The Chair will inform the Meeting about the activities that have taken place since the first meeting of the Parties in relation to the operation of the Convention.	Report
	Item 5: Substantive issues			

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
10.45-11.15	(a) Pollutant release and transfer registers	Information Decision	<p>At their first extraordinary meeting, the Parties to the Convention adopted the Protocol on Pollutant Release and Transfer Registers (PRTR) and established the Working Group on PRTRs to carry out activities in preparation for the entry into force of the Protocol and the first session of the Meeting of the Parties.</p> <p>The Chair of the Working Group on PRTRs will report on its progress, including steps taken to prepare technical guidance, draft rules of procedure of the Meeting of the Parties to the Protocol and a compliance mechanism for the Protocol. The Meeting will be invited to take note of the Working Group's achievements and to consider what further measures are required in order to promote the entry into force and effective implementation of the Protocol.</p>	
11.15-12.10	(b) Genetically modified organisms (GMOs)	Information Decision	<p>At their first meeting, the Parties adopted the Guidelines on Access to Information, Public Participation and Access to Justice with respect to Genetically Modified Organisms (GMOs) and established a new working group by virtue of decision I/4. The Working Group was mandated to explore options for a legally binding approach to further developing the application of the Convention with respect to GMOs and to develop selected options for consideration and possible decision and, as appropriate, adoption by the Parties at their second meeting. The Chair of the Working Group on GMOs and the Chair of the Working Group of the Parties will report on the results of the respective activities of those bodies.</p> <p>Based on the results of the preparatory work, the Meeting of the Parties will be invited to adopt a decision aimed at further developing the application of the Convention with respect to GMOs. As indicated in paragraph 3 of decision I/4, such a decision may involve the adoption of an amendment to the Convention. In accordance with paragraph 2 of decision I/4, the Meeting will also be invited to review the status of</p>	<p>Report on the status of implementation of the Guidelines</p> <p>Draft decision</p>

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
			implementation of the Guidelines.	
12.10-13.00	(c) Access to justice	Decision	<p>Through decision I/5, at their first meeting, the Parties established a task force on access to justice to support the implementation of the third pillar of the Convention.</p> <p>The Chair of the task force and the Chair of the Working Group of the Parties will report on the results of the respective activities of those bodies. The Meeting will be invited to review and take note of the work of the task force. It will also be invited to consider and adopt a draft decision, including a draft recommendation on promoting effective access to justice.</p>	Draft decision
13.00-15.00	Lunch			
15.00-16.20	(d) Electronic information tools and clearing-house mechanism	Information Decision	<p>At their first meeting, the Parties established a new task force on electronic information tools by virtue of decision I/6. The task force was mandated inter alia to facilitate the implementation of the Convention by preparing draft recommendations on the more effective use of electronic information tools to provide public access to environmental information.</p> <p>The Chair of the task force and the Chair of the Working Group of the Parties will report on the results of the respective activities of those bodies. Selected demonstrations of innovative uses of electronic tools will be given. The Meeting will be invited to take note of the work of the task force and to adopt a draft decision, including draft recommendations on promoting the use of electronic information tools.</p> <p>Through decision I/10, at their first meeting, the Parties requested the Secretariat to continue with its efforts to develop the clearing-house mechanism, as a means to address the need for coordinated and systematic assistance with the implementation of the Convention, primarily in countries with economies in transition.</p>	Draft decision

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
			The Secretariat will give a demonstration of the clearing house. The Meeting will be invited to take note of the progress achieved and then to consider those elements of a draft decision on electronic tools relating to the clearing house mechanism, welcoming this initiative, urging its continuation and encouraging Parties and other relevant bodies to support it in various ways.	
16.20-17.20	(e) Public participation in international forums	Decision	<p>Through the Lucca Declaration, the Parties, at their first meeting, recommended that consideration should be given to the possibility of developing guidelines on promoting the application of the principles of the Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment, for adoption, as appropriate, at a future meeting of the Parties.</p> <p>Pursuant to this provision, the Working Group of the Parties established an ad hoc expert group to consider the scope, format and content of possible guidelines and the appropriate process for their development with a view to drawing up options for further consideration by the Working Group.</p> <p>The Chair of the expert group and the Chair of the Working Group of the Parties will report on the results of the respective activities of those bodies. The Meeting will be invited to take note of the work undertaken and to consider and adopt a draft decision and draft guidelines on public participation in international forums.</p>	Draft guidelines

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
17.20-18.00	(f) Public participation in strategic decision-making	Information Decision	<p>At their first meeting, the Parties recognized the need to consider, in the light of the content of the new Protocol on Strategic Environmental Assessment (SEA) to the Espoo Convention, if further work was needed under the Aarhus Convention on the issue of public participation in strategic decision-making.</p> <p>The Working Group of the Parties reviewed two background papers on this topic. The first focused on an analysis of the public participation provisions in the Protocol on SEA and their relationship to those in the Aarhus Convention, identified challenges faced by the Parties and Signatories in implementing the provisions of articles 7 and 8 of the Convention, and outlined several procedural options for further work in this area, including “soft” options and legally binding measures. The second paper focused on sharing information and experience and identifying possibilities for further activities in this area. The Working Group of the Parties considered that a joint workshop with the Espoo Convention would be a practical way to undertake further work on the issue of public participation in strategic decision-making. The proposal was brought to the attention of the Meeting of the Parties to the Espoo Convention, which gave it a positive response.</p> <p>The Meeting of the Parties will be invited to consider progress achieved in this area and, if appropriate, adopt a draft decision on public participation in strategic decision-making, addressing inter alia the issue of a joint workshop with the Espoo Convention.</p>	Draft decision
Thursday, 26 May 2005				
	Item 6: Procedures and mechanisms facilitating the implementation of the Convention			

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
10.00-11.30	(a) Reports on implementation	Information Decision	<p>At their first meeting, the Parties adopted decision I/8 setting out the requirements on the Parties to report on their implementation of the Convention.</p> <p>The Meeting will be invited to review the implementation of the Convention on the basis of the national implementation reports submitted by the Parties and the synthesis report prepared by the secretariat. It will also take note of other reports submitted by the Signatories and other States not Party to the Convention, as well as reports prepared by international, regional and non-governmental organizations. The meeting will be invited to discuss the experience gained in compiling reports, including the experience with NGOs and other stakeholders, and to decide upon possible ways of improving the process in the future, if needed.</p>	<p>National Implementation reports</p> <p>Synthesis report</p>
11.30-12.00	(b) Compliance mechanism	Decision Election	<p>At their first meeting, the Parties adopted decision I/7 on review of compliance and elected the Compliance Committee.</p> <p>The Committee first focused on elaborating its procedures and modus operandi and then began the task of reviewing communications from the public and submissions by Parties.</p> <p>The Chair of the Committee will report on its activities and present any recommendations of the Committee. The Meeting will be invited to take note of the Committee's report and to consider, amend as appropriate, and adopt any draft recommendations of the Committee. The Meeting is also expected to elect four members of the Committee in accordance with the procedure set out in decision I/7.</p>	<p>Report of the Compliance Committee</p> <p>Draft recommendations of specific cases of non-compliance</p> <p>Draft decision</p>
12.00-12.30	(c) Financial arrangements	Decision	Through decision I/13, at their first meeting, the Parties established a task force to consider the feasibility of and modalities for introducing a system of financial arrangements based on the United Nations scale of assessment and to explore the possibility of establishing stable and predictable financial	Draft decision

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
			<p>arrangements for the Convention.</p> <p>The Chair of the task force and the Chair of the Working Group of the Parties will report on the results of the respective activities of those bodies. The Meeting will be invited to take note of the work undertaken and to consider and adopt a draft decision on financial arrangements.</p>	
12.30-13.00	(d) Capacity-building activities	Information Decision	<p>Through decision I/10 the Parties, at their first meeting requested the secretariat to continue with its efforts to develop capacity-building service, as a means to adequately address the need for coordinated and systematic assistance to the implementation of the Convention, primarily in countries with economies in transition.</p> <p>The Meeting will be invited to review the activities undertaken and the efforts made to coordinate these activities on the basis of a report prepared by the secretariat and other information provided by organizations involved in capacity-building activities. The Meeting is expected to focus, in particular, on the capacity-building needs of countries with economies in transition in relation to the implementation of the Convention. The Meeting is expected to provide feedback on the activities undertaken to provide guidance on the direction of future activities.</p>	Report
13.00-15.00	Lunch			
	Item 7. Programme of work and operation of the Convention			

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
15.00-15.15	(a) Report on the implementation of the work programme for 2003-2005	Information	<p>Through decision I/11, the Parties, at their first meeting, decided that a work programme covering the period up to and including the next meeting of the Parties would be prepared for adoption at each meeting of the Parties, including an estimation of the costs. Through decision I/12, they adopted a specific work programme for the period 2003-2005.</p> <p>The Meeting will be invited to review the implementation of the work programme and the use of the funds contributed for the period 2003-2004 on the basis of a report prepared by the secretariat.</p>	Report (including financial report)
15.15-16.15	(b) Work programme for 2006-2008	Decision	<p>The Meeting is expected to consider a draft decision containing the proposed work programme for 2006-2008, amend it as appropriate and adopt it.</p> <p>It is expected that Parties and other States and regional economic integration organizations will have informed the secretariat in advance of the meeting of their intention to contribute to the financial resources of the Convention under the proposed voluntary scheme of contributions envisaged in the draft decision.</p> <p>The secretariat will make the information received available to the Meeting and delegations will be invited to provide any supplementary information.</p>	Draft decision
16.15-17.15	(c) Long-term strategic planning for the Convention	Decision	<p>At their first meeting, through decision I/11, the Parties requested the Working Group of the Parties to take steps to prepare a long-term strategic plan for the Convention for possible adoption at the second meeting of the Parties.</p> <p>The Meeting is expected to consider a draft decision on long-term strategic planning for the Convention, amend it as appropriate and adopt it.</p>	Draft decision

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
17.15-17.30	Item 8. Synergies between the Aarhus Convention and other relevant multilateral environmental agreements	Information	Through the Lucca Declaration, the Parties, at their first meeting, agreed that the links between the Aarhus Convention and other relevant multilateral environmental agreements should be strengthened. The Meeting will be invited to explore ways of further promoting synergies between the Convention and other multilateral environmental agreements, inter alia, by taking into consideration the findings of the work on public participation in international forums and public participation in strategic decision-making.	
17.30-17.45	Item 9: Election of officers and other Bureau members	Election	The Meeting of the Parties is expected to elect a chair and two vice-chairs, both from among the representatives of the Parties present at the meeting in accordance with rule 18. It is also expected to elect the remaining members of the Bureau in accordance with rule 22, paragraph 1#(b). Non-governmental organizations established for the purpose of, and actively engaged in, promoting environmental protection and sustainable development are expected to appoint a representative to attend the meetings of the Bureau, as an observer, in accordance with rule 22, paragraphs 2 and 4.	
17.45-18.00	Item 10: Date and venue of the third ordinary meeting	Decision	The Meeting of the Parties is expected to make a preliminary decision with respect to the date and venue for its third ordinary meeting. Parties and prospective Parties are invited to consider hosting the meeting.	
HIGH-LEVEL SEGMENT Friday, 27 May 2005 The Chair of the Meeting of the Parties will invite a high-level official from the host country to chair the high-level segment.				
10.00-10.30	Ceremonial statements		Welcome address by the UNECE Executive Secretary. Welcome address by a high-level official from the host country.	

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
10.30-11.30	Item 11: General statements		Ministers and high-level representatives of selected intergovernmental and non-governmental organizations will be invited to deliver general statements, including declarations on priorities related to the implementation of the Convention and on issues related to principle 10 of the Rio Declaration on Environment and Development. Delegates are invited to provide written versions of their statements and any supplementary information, and to keep the delivery of their statements to a maximum of five minutes. ^{2/}	
	Item 12: Ministerial panel discussion		See annex.	
11.30-13.00	(a) Successes, failures and lessons learned: key challenges in implementing the Convention	Debate		
13.00-15.00	Lunch			
15.00-16.30	(b) Global and regional developments on issues related to principle 10 of the Rio Declaration on Environment and Development	Debate		
16.30-17.15	Item 13: Discussion and adoption of the Almaty Declaration	Adoption	Ministers, heads of delegation of Parties, Signatories and other States, as well as international, regional and non-governmental organizations and other representatives of civil society will be invited to consider and adopt a declaration based on a draft text prepared by the Working Group of the Parties.	Draft declaration

^{2/} Subject to downward revision, depending upon the number of delegates wishing to take the floor.

TIME	ITEM	ACTION	EXPLANATORY NOTES	DOCUMENTS
17.15-17.30	Item 14: Any other business		Delegations wishing to propose points under this item are requested to inform the secretariat as soon as possible.	
17.30-17.45	Item 15: Review of decisions and adoption of the report	Adoption	The Meeting will be invited to review the draft decisions and adopt a draft report. The Meeting will also be invited to approve the report on the credentials, presented by the officers in accordance with rule 17 of the rules of procedure.	Draft decisions Report of the meeting
17.45-18.00	Item 16: Close of the meeting		The Chair will close the meeting.	

Annex

PROPOSAL ON THE MINISTERIAL PANEL DISCUSSION

I. COMPOSITION OF THE PANEL

The panellists will be Ministers and distinguished representatives of stakeholders, including non-governmental, intergovernmental (IGO) and other international organizations. They may also include parliamentarians, academics, or representatives of the private sector, local authorities and the media.

The main criteria for determining the composition of the ministerial panels should be diverse geographical representation; commitment (including through ratification) and activity shown by a country in the implementation of the Convention; and the potential to share good practices or the severity of problems in the matter. The panel should ideally include articulate and stimulating speakers.

With regard to the stakeholders, criteria such as experience in matters related to public participation and active performance at the regional level are relevant, as well as the need to include stakeholders with different profiles and experience.

It is suggested that the entire high-level segment will be chaired by a representative of Kazakhstan, as the host country, and that the panellists will be selected by the Bureau and invited by the Chair of the Meeting of the Parties in accordance with the above-mentioned criteria.

The proposal regarding the composition of the panels is as follows:

Panel 1. Successes, failures and lessons learned: key challenges in implementing the Convention

Moderator: Minister from a European country outside the European Union (EU).

Panellists:

- (a) Parties/Signatories: 2 EU, 1 Eastern Europe, the Caucasus and Central Asia, 1 South-East Europe;
- (b) Stakeholders: 1 NGO, 1 other.

Panel 2. Global and regional developments on issues related to principle 10 of the Rio Declaration on Environment and Development

Moderator: High-level representative from IGO.

Panellists:

- (a) Governmental representatives: EU Commissioner, 1 representative from Parties/Signatories, 1-2 Ministers from other regions (Latin America; Africa; Asia);
- (b) Stakeholders: 1 NGO, 1-2 IGOs.

II. FORMAT AND THEMES OF THE PANELS

The format for the two panel discussions will be short opening statements by each of the panellists (up to 5 minutes); comments, questions and reactions from the floor; responses by the panellists; and concluding remarks by the moderator.

The list of panellists and the subjects of their opening statements will be further developed and circulated prior to the meeting. To this end, panellists will be invited to provide the secretariat with their opening statements in writing and any supplementary information, and to keep their addresses to a maximum of five minutes.

Ministers and other delegates will be invited to take part in the debate. They will be invited to submit to the secretariat copies of their interventions prior to or, if necessary, during the meeting. These interventions should not exceed three minutes.

Panel 1. Successes, failures and lessons learned: key challenges in implementing the Convention

Delegates are expected to discuss the main concerns in relation to implementation of the Convention, in particular, the focus should be on successes, failures and lessons learned in terms of implementation of the three pillars of the Convention: access to information, public participation in decision-making and access to justice in environmental matters.

During the discussion, delegates are expected to use the national implementation reports and the synthesis report as a focus. In doing so, they may wish to address the following aspects of implementation: general priorities; legislation; institutional framework; traditions of democracy (or lack thereof); and mechanisms that could facilitate implementation, including raising public awareness and capacity-building. The needs of countries with economies in transition in relation to the implementation of the Convention should receive special attention.

The following documents could serve as background material for the discussion: Report on the status of ratification of the Convention and of the Protection on PRTRs; national implementation reports; Synthesis report on implementation.

Indicative timetable

11.30-12.10	Opening statements by the moderator and by the panellists
12.10-12.55	Interventions from the floor and responses by the panellists
12.55-13.00	Concluding remarks by the moderator

Panel 2. Global and regional developments on issues related to principle 10 of the Rio Declaration on Environment and Development

Delegates are expected to discuss the major developments that are taking place at both global and regional levels in relation to principle 10 of the Rio Declaration on Environment and Development. They may wish to address the global and regional priorities and to consider the

extent to which there are common elements which should apply in all regions. Points for discussion could include:

- Whether the rights which the Convention seeks to guarantee are 'Eurocentric' and either irrelevant or inappropriate for other regions, or whether they are fundamental rights which should be recognized by all countries;
- Whether political and social differences, including aspects of culture, justify a differentiated approach to establishing procedures to implement principle 10, or whether those differences are simply 'part of the problem';
- Specific challenges facing developing countries (both governments and other stakeholders);
- Binding versus non-binding approaches to promoting environmental democracy;
- Possible frameworks for future partnerships and dialogue between different regions and at the global level;
- Whether it would be either feasible, or desirable, to develop a global instrument on environmental democracy or whether regional approaches, possibly using the Aarhus Convention as a model, make more sense.

The key outputs of the discussion could be conveyed to other regional commissions and the UNEP secretariat, to be taken into account in their respective decision-making processes.

Indicative timetable

15.00-15.40	Opening statements by the moderator and by the panellists
15.40-16.25	Interventions from the floor and responses by the panellists
16.25-16.30	Concluding remarks by the moderator