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Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

(Second meeting, Almaty, Kazakhstan. 25-27 May 2005)
(Item 11 of the provisional agenda)

DRAFT ALMATY DECLARATION¹

We, Ministers and heads of delegation of Parties, Signatories and other States, parliamentarians and representatives of civil society, in particular non-governmental organizations promoting environmental protection from throughout the UNECE region and beyond, gathered at the second meeting of the Parties to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, affirm the following:

1. Since our first meeting in Lucca, Italy, the Aarhus Convention has taken firmer hold in the UNECE region. The number of Parties has more than doubled since it entered into force in 2001. More States, as well as the European Community, are preparing to ratify or accede to it and a growing number of States, whether or not Signatories, are making efforts to give effect to its principles and provisions in their internal law, thereby strengthening the protection of citizens' environmental rights and environmental democracy throughout the region.

¹ This document was prepared by the Bureau and been amended by the Working Group of the Parties at its fourth meeting on 1-4 February 2005.

[Aspirations]

2. The Convention is an unprecedented instrument of international environmental law, representing a significant step forward both for the environment and for the consolidation of democracy. Today, gathered in Almaty, we [solemnly] reiterate our pledge to continue to advance both environmental protection and democratic governance by adhering to, implementing and further developing the Aarhus Convention as an instrument to enable public authorities and citizens to assume their individual and collective responsibility to protect and improve the environment for the welfare and well-being of present and future generations.

3. The Convention reflects the close relationship between human rights and environmental protection. This link is increasingly being recognized not only in the UNECE region but also in other regions of the world, in the work of many international organizations and the practice of human rights bodies. We welcome these developments and encourage the Council of Europe and the United Nations Commission on Human Rights to pursue their ongoing work on the relationship between environmental protection and human rights. Consolidating democracy, the rule of law and the protection of human rights is paramount, as was recently reiterated at the Third Summit of Council of Europe Heads of State and Government (Warsaw, 16-17 May 2005).

4. Our long-term strategic vision is to secure the enjoyment of the rights of environmental democracy in order to improve the state of the environment and promote sustainable development throughout the pan-European region and beyond. We see it as our mission to strengthen the rights of the public to have access to information, participate in decision-making and obtain access to justice in environmental matters, throughout the UNECE region, by promoting more effective implementation of the Convention by a larger number of Parties, by encouraging States which are not yet in a position to become Parties to take steps to participate in the Aarhus process and give effect to the principles of the Convention, and by further developing the Convention where doing so may usefully contribute to the achievement of its objective.

[Taking stock]

5. In Lucca, we mandated the Convention's bodies to undertake further work on a number of topics. We welcome the results achieved on [many of] those topics, which reflect important progress.

6. The adoption of the Kiev Protocol on Pollutant Release and Transfer Registers two years ago was a particularly important step forward, contributing to increasing corporate accountability, reducing pollution and promoting sustainable development. We urge all Signatories to speed up their internal processes with a view to early ratification and entry into force of the Protocol [by the end of 2006] and to put in place implementing legislation as well as administrative procedures and mechanisms for establishing operational pollutant release and transfer registers in accordance with the provisions of the Protocol.

7. In Aarhus, Denmark, the Signatories to the Convention identified the need to develop more precise provisions with respect to genetically modified organisms. The adoption of the Lucca Guidelines was a first step towards addressing this need. [Additional sentence based on the outcome of the negotiations at the fifth meeting of the Working Group of the Parties.]

8. We welcome the successful launch of the Aarhus Clearing House for Environmental Democracy and the adoption of a set of practical recommendations to further promote the wider use of electronic information tools as an effective instrument for the implementation of the Convention's provisions on the dissemination of environmental information. We encourage all Parties, Signatories and other States, as well as non-governmental organizations, academic and other research institutions and other members of the public, to submit relevant information for inclusion in the Clearing House, to make use of this important information resource and to contribute to the implementation of our recommendations on electronic information tools.

9. [Paragraph on public participation in international forums based on the outcome of the negotiations on this question.]

10. [Paragraph on access to justice based on the outcome of the negotiations at the fourth meeting of the Working Group of the Parties]

[Implementation]

11. [While we recognize that further work remains to be done on specific topics to develop the application of the principles of the Convention,] promoting the implementation of and compliance with the Aarhus Convention and the Kiev Protocol is our immediate priority.

12. We urge all Signatories to the Convention which have not yet ratified it to do so as soon as possible and all UNECE member States which have not signed the Convention to cooperate with us and consider acceding to it. We call upon those States to put in place the necessary legislation, procedures and mechanisms for implementing the various provisions of the Convention and, in the interim, to seek to apply them to the maximum extent possible. We encourage each Party to consider going further in providing access to information, public participation in decision-making and access to justice than required under the Convention, noting that the Convention provides for minimum requirements only.

13. Implementation and compliance by the Parties with their obligations under the Convention continue to be crucial to its success. In this regard, we welcome the fact that the unique system for compliance review, which was established by the Meeting of the Parties in its decision I/7, has now become fully operational. We commend the work of the Compliance Committee and undertake to give full [effect] [consideration] to its recommendations.

14. Implementation needs to be continuously and effectively monitored. To this end, we aim to review and, if necessary, further develop the reporting regime under the Convention, based on the experience gained, to develop an adequate reporting system for the Protocol, to use the clearing house to make available other sources of information on implementation and to review methodologies for assessing the state of implementation. [Further sentence based on main findings of first reporting cycle.]

15. Problems of non-compliance need to be further addressed through information, support and guidance, through the application of the existing mechanism for compliance review, while promoting wider awareness of its existence, and through developing an appropriate compliance mechanism for the Protocol [based on the experience gained under the Convention].

16. Promoting implementation will require further capacity-building efforts aimed at addressing the identified needs of specific countries or specific groups of countries or addressing specific topics or professional target groups and providing guidance and support for implementation. We expect the reporting regime and compliance mechanism to provide a rich source of information, which should be used as a basis for identifying specific priorities for capacity-building, having regard to the respective needs and possibilities of public authorities, legal professionals and civil society in the countries in question.

17. We recognize the important tasks to be performed by public authorities in implementing the Convention and the need to provide them with a proportionate level of resources to enable them to effectively fulfil their obligations. We welcome the initiatives of those countries that have prepared and adopted national profiles on the Convention and urge international organizations and other donors to support programmes to strengthen the capacities of national authorities to implement the Convention.

18. We encourage the public to make full use of its rights under the Convention and recognize the role that all partners in civil society have to play in its effective implementation. In particular, we welcome the important contribution non-governmental organizations can make to the successful pursuit of the Convention's objectives, and call upon Governments and others in a position to do so to give appropriate support, including financial support, to such organizations.

19. Promoting environmental education and strengthening civil society mechanisms will be crucial for the effective implementation of the Convention and its Protocol. Measures taken to implement the UNECE Strategy for Education for Sustainable Development and the United Nations Decade on Education for Sustainable Development (2005-2014), as well as efforts of public authorities and civil society organizations aimed at raising environmental awareness generally, will help the public to exercise its rights under the Convention more effectively.

[Prospects]

20. It gives us great encouragement that the Convention has attracted considerable interest and support from a variety of organizations and institutions in the UNECE region and beyond. The promotion of the networking among all interested partners, to which the regional environment centres are making a key contribution, can produce significant synergies and provide important resources for implementation. Sharing experiences and finding synergies and areas of cooperation with the other UNECE conventions, as well as with other regional, subregional and global multilateral environmental agreements, such as the Cartagena Protocol on Biosafety, in order to maximize their combined effectiveness in our region, will also be one of our priorities during the next few years.

21. [With the adoption of the Protocol on Strategic Environmental Assessment to the Espoo Convention, a contribution has been made to the implementation of article 7 of the Aarhus Convention. However, we recognize the need for further work to clarify how public participation in decision-making on plans, programmes, policies, regulations and legislation is to be organized in other relevant contexts.]

22. We reiterate our invitation to States outside the UNECE region to accede to the Convention. We also invite States outside the UNECE region to consider acceding to the Protocol once it has entered into force. We believe that the involvement of such States could be of mutual benefit, by enriching the processes under the Convention and its Protocol and affirming the global relevance of their standards, while at the same time strengthening support for the implementation of principle 10 of the Rio Declaration on Environment and Development worldwide. In this regard, we also encourage the United Nations Environment Programme to continue its work [with a view to developing global guidelines] on access to information, public participation in decision-making and access to justice in environmental matters. Where requested and within available resources, we are prepared to support initiatives in other regions and forums aimed at applying the principles contained in the Aarhus Convention and at making clear the links between various initiatives focused on strengthening environmental democracy throughout the world.

23. Securing adequate funding of activities under the Convention remains paramount. We therefore call upon Parties, Signatories and other interested States, as well as other potential donors, to make voluntary financial contributions to support the implementation of the work programme under the Convention and related activities. At the same time, we will continue to explore [, subject to appropriate monitoring of the existing system,] possibilities for establishing a more permanent system of financial arrangements guaranteeing funding on a [more] [stable, sustainable and] predictable basis.

24. At our third meeting, we intend to adopt a long-term strategic plan covering the next [two][three] intersessional periods and translating our collective aspirations and priorities into operational terms.

25. We express our appreciation and gratitude to the Government of Kazakhstan for having undertaken to host the second meeting of the Parties. [We welcome and accept the offer of the Government of [...] to host the third meeting of the Parties in [2007] [2008].]
