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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

Eighth meeting
Geneva, 31 October–2 November 2007
Item 12 of the provisional agenda

LONG-TERM STRATEGIC PLAN FOR THE AARHUS CONVENTION¹

DRAFT PLAN²

Prepared by the Bureau on the basis of draft elements prepared by
the Expert Group on Long-Term Strategic Planning

VISION AND MISSION

The serious environmental, social and economic challenges faced by societies worldwide cannot be addressed by public authorities alone without the involvement and support of a wide range of stakeholders, including individual citizens and civil society organizations. To strengthen the effectiveness and legitimacy of environmental policies and to ensure sustainable and environmentally sound development, the Convention establishes international standards for

¹ The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

² Decision II/8, adopted by the Parties at their second meeting, mandates development of a strategic plan for the Convention (ECE/MP.PP/2005/2/Add.12).

access to information, public participation in decision-making and access to justice in environmental matters, based on the principles of participatory democracy.

Our long-term vision is to secure the enjoyment of the rights of access to information, public participation in decision-making and access to justice in environmental matters throughout the pan-European region and beyond in order to improve the state of the environment and contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

We see it as our mission:

- (a) As a first priority, to work towards full implementation of the Convention and its Protocol on Pollutant Release and Transfer Registers by each Party and to encourage and support their use by the public;
- (b) To increase the impact of the Convention and Protocol by increasing the number of Parties within the UNECE Region and by encouraging States outside the region to accede to the Convention or implement its principles;
- (c) To further develop the provisions and principles of the Convention.

This vision and mission are part of our broader aspiration to achieve a more equitable world and a better quality of life for all through sustainable development and democratic governance. We believe the principles of participatory democracy on which the Convention is based are relevant to, and should be applied to, all three pillars of sustainable development.

FOCAL AREAS, STRATEGIC GOALS AND OBJECTIVES

A. Focal area I: Implementation

Strategic goal I: Achieve full implementation of the Convention and Protocol by each Party

This strategic goal will be realized when the following objectives have been reached:

1. Each Party has a clear, transparent and consistent framework for the implementation of all provisions of the Convention, comprising not only the necessary constitutional, legislative and regulatory provisions, but also the operational procedures and mechanisms required for their practical application.
2. Each Party's implementation framework and procedures are adequate not only to ensure application of the Convention in a national context, but also to guarantee its application where necessary in transboundary situations without discrimination as to citizenship, nationality or domicile.
3. In implementing the Convention, each Party not only complies with its mandatory provisions, but also makes a genuine effort to give effect to its provisions whose application is discretionary to the fullest extent possible under national circumstances, in keeping with the objectives and principles of the Convention.

4. Environmental education is widely available and promotes active and responsible environmental citizenship, including the exercise of the rights guaranteed by the Convention.
5. Public authorities at all levels and in all relevant sectors of government are fully aware of their obligations under the Convention and consistently allocate the necessary human and material resources to be able to comply with them.
6. The Convention leads to the development of an open administrative culture which supports public participation and transparency; values them as positive contributions to democratic, effective and legitimate governance; and ensures that public officials have the knowledge and skills to provide assistance and guidance to the public to facilitate the exercise of its rights.
7. Public authorities at all levels of government have well-established information policies and mechanisms under which environmental information of high quality is routinely provided and proactively disseminated to the public, in a user-friendly manner, making full use of electronic tools where available.
8. Within the framework of an overall environmental information policy, each Party has established a coherent, integrated, nationwide pollutant release and transfer register designed for effective use by public authorities and maximum ease of public access through electronic means, which facilitates the exercise of the rights guaranteed by the Convention and provides incentives for industry to prevent and reduce pollution.
9. Public participation procedures are regarded by public authorities and prospective developers in the private sector as an integral part of decision-making processes on policies, plans, programmes and projects which may have a significant effect on the environment, and are implemented in their full scope. Developers undertake proactive efforts to identify and inform the public concerned and enter into discussions with them at an early stage of planning allowing for the effective participation of all interested members of the public.
10. Each Party has easily accessible administrative and judicial review procedures which can provide timely and effective remedies to members of the public whose rights under the Convention have not been respected, and empower members of the public to challenge acts and omissions which contravene provisions of national environmental law. Each Party undertakes genuine efforts to reduce and, where possible, eliminate any financial or other obstacles which may prevent recourse to such review procedures and establish appropriate assistance mechanisms such as legal aid.
11. Judges, public prosecutors and other legal professionals are familiar with the rights guaranteed by the Convention and ready to exercise their respective responsibilities to uphold them.
12. Each Party recognizes and supports the role of civil society organizations promoting environmental protection as important actors in advancing democratic debate on environmental policies, raising public awareness and mobilizing and assisting citizens in exercising their rights under the Convention and contributing to its enforcement.

13. Civil society organizations and the general public are aware of their rights under the Convention and effectively assert them to advance both environmental protection and sustainable development including good governance.

14. The Convention's mechanism for compliance review fulfils the role of an effective instrument to address compliance problems which cannot be resolved at the national level. The findings and recommendations of the Compliance Committee are regarded by Parties as an authoritative source of advice on the implementation of the Convention and are used by them to improve their national practices in the best way possible.

15. No Party to the Convention applies or interprets its provisions in a way that reduces the scope of rights previously guaranteed to members of the public under the provisions of domestic law implementing the Convention.

B. Focal area II: Expansion

Strategic goal II: Increase the impact of the Convention and Protocol in the UNECE region and beyond

This strategic goal will be realized when the following objectives have been reached:

1. The number of Parties to the Convention within the UNECE region increases to 50 by 2011 (10 years after entry into force).
2. The amendment to the Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms is approved by a sufficient number of Parties to enter into force by 2009.
3. States in other regions of the world effectively exercise their right to accede to the Convention. Such accessions are actively encouraged by the Parties, with the aim of having at least five Parties which are not member States of the UNECE by 2011.
4. The Convention is widely regarded as setting an internationally recognized standard for access to information, public participation in decision-making and access to justice in environmental matters and inspires the development of similar instruments in other regions of the world.
5. The Parties to the Convention are actively promoting the application of its principles in international environmental decision-making processes and are successful in influencing the practices of international forums in matters relating to the environment, in particular the development and implementation of international environmental agreements.
6. The Parties to the Convention, both in their participation in international policymaking and in their national implementation activities, achieve synergies between the Convention and other international environmental and human rights agreements.

C. Focal area III: Development

Strategic goal III: Further develop the provisions and principles of the Convention

This strategic goal will be realized when the following objectives have been reached:

1. The provisions of the Convention are interpreted in a dynamic way, enabling practice to adapt to experience acquired in the course of implementation, to new developments in society, to technological innovation, and to new environmental challenges.
2. The range of environmental information that is made available to the public is gradually widened, inter alia, by developing and implementing mechanisms to ensure sufficient availability of product information to enable consumers to make informed environmental choices, thereby contributing to more sustainable patterns of production and consumption, and by considering measures to ensure access to environmental information held by the private sector, taking into account relevant issues of confidentiality of commercial and industrial information and of protection of intellectual property rights in line with the current approach under the Convention.
3. The scope of public participation gradually expands beyond site-specific activities and the placing on the market of genetically modified organisms to possibly encompass product-related and other decision-making having a significant impact on the environment through patterns of production and consumption.
4. The provisions of the Convention relating to public participation in the preparation of plans, programmes and policies relating to the environment, as well as executive regulations and other generally applicable legally binding normative instruments that may have a significant effect on the environment, are reviewed and further developed as appropriate to afford stronger guarantees of effective and high-quality participation from an early stage in strategic decision-making processes, while taking fully into account the specific nature and constraints of such processes.
5. To enhance the effectiveness of public participation, the development and application of innovative forms and tools of public participation beyond traditional consultation procedures are encouraged.
6. The range of members of the public having access to administrative or judicial procedures enabling them to challenge the substantive or procedural legality of decisions in which public participation is to be provided for under the Convention, as well as acts or omissions which contravene provisions of national law relating to the environment, is extended in such a way as to ensure that as a general rule, environmental non-governmental organizations (NGOs) that are recognized as promoting environmental protection and any member of the public concerned enjoy such access.
7. The experience of the Parties in implementing the Convention serves as a basis for fostering participatory democracy in sustainable development policy formulation and implementation across all three dimensions of sustainable development. This requires enlarging

the scope of information to be provided to the public within the framework of decision-making processes to include economic and social aspects, without weakening the environmental dimension. It may also involve the development of new norms or instruments to ensure public participation in the elaboration and adoption of sustainable development strategies and policies as well as in the decision-making relating to their implementation, in accordance with the aims of the Johannesburg Plan of Implementation.

III. FRAMEWORK FOR IMPLEMENTATION

| Objective | Indicative types of activity ³ | Implementing partners ⁴ |
|-----------|---|--|
| I.1 | Development and review of national framework in consultation with public authorities responsible for implementation and stakeholders Legislative, regulatory and administrative measures Updating of the Implementation Guide to the Convention | Parties Secretariat to facilitate technical assistance upon request |
| I.2 | Review of national framework to identify and amend any inconsistent provisions | Parties |
| I.3 | Consideration of possible measures to give effect to recommendatory provisions Pilot projects followed by broader application | Parties |
| I.4 | Information, training, organizational and budgetary measures Strengthening of national focal points Regional, subregional and national capacity-building ⁵ activities | Parties All public authorities concerned within Parties Secretariat, in cooperation with other agencies |
| I.5 | Political support at highest level Reward and encourage proactive officials Exchange of best practices Capacity-building for officials at all levels | Parties |
| I.6 | Establishment of systems to collect environmental information, including environment-related health information Establishment of public registers and information centres Establishment of electronic databases and national nodes in accordance with Decision II/3 | Parties All public authorities concerned within Parties All stakeholders, including health professionals' organizations Secretariat to facilitate technical assistance upon request |
| I.7 | Establishment of pollutant release and transfer registers Dissemination and use of guidance document Regional and subregional capacity-building activities | Parties Secretariat to facilitate technical assistance upon request |
| I.8 | Information and organizational measures to facilitate public participation procedures Training of officials and executives in communication with the general public | All permitting authorities within Parties Private sector |

³ To be further specified in the Convention's work programmes to be developed under Decision I/11. The list is not intended to be exhaustive.

⁴ In accordance with practice under the Convention, whenever there is a reference to activities taking place under the Convention bodies, it is understood that public participation will take place.

⁵ Wherever reference is made to capacity building activities, it is understood that the organizations participating in the Convention's capacity building coordination framework, including the secretariat, will be involved.

| Objective | Indicative types of activity ³ | Implementing partners ⁴ |
|-----------|--|--|
| I.9 | Legislative measures Information measures Establishment of assistance mechanisms Removal of financial and other barriers | Parties Secretariat and donors to facilitate advice and assistance |
| I.10 | Information, training and capacity-building measures for legal professionals in accordance with Decision II/2 | Ministries of Justice or similar national bodies Judicial training centres Law schools Professional organizations, including NGOs |
| I.11 | Formal and non-formal environmental and citizenship education programmes | Educational institutions Local and regional authorities Media NGOs |
| I.12 | Establishment of supportive legislative and fiscal framework Provision of capacity building and financial assistance Consideration of measures for the implementation of article 3, paragraph 8, such as “whistleblower” protection Consideration of other tools to achieve objective | Parties Donor institutions Capacity building institutions |
| I.13 | Public awareness campaigns Financial and other support to public interest environmental law organizations | Parties Civil society organizations Donors |
| I.14 | Review of submissions, communications and referrals Preparation and publication of findings and recommendations Thematic review of generic compliance problems | Compliance Committee Meeting of the Parties (MOP) Parties |
| II.1 | Build public and political support for ratification in non-Parties Bilateral consultations to discuss and overcome obstacles to ratification; provision of assistance upon request | Secretariat Civil society organizations Parties |
| II.2 | Complete national approval procedures | Parties |
| II.3 | Use of bilateral, regional and international cooperation arrangements to raise interest in the Convention, e.g. European Neighbourhood Policy Build public and political support for accession Provision of assistance upon request, e.g. appropriate European Union and bilateral financial instruments | Parties Secretariat |
| II.4 | Participation in key regional and international events to publicize the Convention Encourage references to the Convention in other forums (political and academic) Cooperation with other regional bodies interested in implementation of Principle 10 | Secretariat, with support of Parties and civil society organizations |
| II.5 | Promotion of application of Almaty Guidelines in international forums where Parties participate Adoption of appropriate practices and procedures in international forums; review of existing practices Consultations with other forums | Parties Task Force on Public Participation in International Forums |
| II.6 | Coordinated implementation of the Convention and provisions on access to information and public participation of other multilateral environmental agreements (MEAs) Organization of joint activities with other MEAs and human rights bodies | Parties Secretariat All stakeholders, including human rights bodies, NGOs |

| Objective | Indicative types of activity ³ | Implementing partners ⁴ |
|-----------|--|--|
| III.1 | Exchange of best practices Comprehensive review of the Convention 10 years after entry into force | Parties through Clearinghouse MOP |
| III.2 | Workshop on product information Consideration of issue of information held by private sector based on national experience | MOP |
| III.3 | Review of annex I Review of the implementation of article 6 Consideration of non site-specific activities, such as nanotechnology | MOP |
| III.4 | Review of the implementation of articles 7 and 8 in the light of the principles of Convention and results in terms of public participation and environmental policy objectives | MOP |
| III.5 | Exchange of experience and best practices on modes of participation and on their evaluation Workshop on new tools/forms of public participation | Parties through Clearinghouse MOP |
| III.6 | Exchange of experience and best practices on the impact of the instruments of participatory democracy in decisions related to all dimensions of sustainable development Revision and/or development of national strategies for sustainable development through participatory procedures Elaboration of new norms and instruments, both of a regulatory and voluntary nature as appropriate | MOP Parties All stakeholders, including civil society and business organizations, local and regional authorities |
