



**Economic and Social  
Council**

Distr.  
GENERAL

ECE/MP.PP/2008/8  
23 May 2008

Original: ENGLISH

---

**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**

Third meeting  
Riga, 11–13 June 2008  
Item 8 (b), of the provisional agenda  
Relevant developments and interlinkages

**GLOBAL AND REGIONAL DEVELOPMENTS ON ISSUES  
RELATED TO PRINCIPLE 10 OF THE RIO DECLARATION  
ON ENVIRONMENT AND DEVELOPMENT<sup>1</sup>**

Note by the secretariat

**CONTENTS**

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1-3	2
I. Global developments.....	4-25	3
A. United Nations Environment Programme .....	5-7	3

---

<sup>1</sup> This document was prepared at the request of the Working Group of the Parties at its ninth meeting (13–15 February 2008) (ECE/MP.PP/WG.1/2008/2, para. 19, and ECE/MP.PP/2008/1, items 8 (b) and 10). It was submitted late to allow for consultation with intergovernmental and regional organizations on recent international developments.

	<i>Paragraphs</i>	<i>Page</i>
B. United Nations Institute for Training and Research .....	8-11	4
C. World Bank.....	12	5
D. Multilateral environmental agreements.....	13-17	5
E. Organisation for Economic Co-operation and Development.....	18	7
F. Stakeholder Empowerment Project.....	19	7
G. The Access Initiative.....	20-22	8
H. Partnership for Principle 10.....	23-25	8
II. Aarhus Convention activities impacting at the global level.....	26-329	
III. Regional developments in Africa, Western Asia and the Mediterranean.....	33-38	11
A. African ministerial processes.....	34-35	11
B. Jeddah Convention.....	36	11
C. Barcelona Convention.....	37-38	12
IV. Regional developments in the Americas .....	39-44	12
A. Organization of American States.....	40-42	12
B. Mercosur.....	43-44	13
V. Regional and national developments in Asia and the Pacific .....	45-51	13
A. United Nations Economic and Social Commission for Asia and the Pacific.....	47-48	14
B. United Nations Development Programme.....	49-50	14
C. National developments in China.....	51	15
VI. Conclusions.....	52-56	15

## INTRODUCTION

1. Principle 10 of the Rio Declaration, adopted at the United Nations Conference on Environment and Development in Rio de Janeiro, Brazil, in September 1992, stipulates that:

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

2. The Johannesburg Declaration on Sustainable Development and the Plan of Implementation recognize that “sustainable development requires...broad-based participation in policy formulation, decision-making and implementation at all levels”<sup>2</sup> and that States are to:

---

<sup>2</sup> A/CONF.199/20.

Ensure access, at the national level, to environmental information and judicial and administrative proceedings in environmental matters, as well as public participation in decision-making, so as to further principle 10 of the Rio Declaration on Environment and Development, taking into full account principles 5, 7 and 11 of the Declaration.<sup>3</sup>

3. The present information paper is intended to provide background information on work undertaken on the application of principle 10 in connection with the consideration by the Meeting of the Parties of ways of providing appropriate support in accordance with decision II/9. The paper provides a brief review of global and regional developments regarding principle 10, focusing on initiatives commenced after the second meeting of the Parties in May 2005.<sup>4</sup> It first considers developments at the global level before looking at regional developments in Africa, Western Asia and the Mediterranean, the Americas, and Asia and the Pacific. Consideration of national developments is for the most part outside of the scope of this paper, though an exception has been made in the case of China, on account of the size of the country and the significance of the measures undertaken to implement principle 10 by China. It concludes with a brief analysis of the global and regional developments and a comment on the prospects for the realization of principle 10.

## I. GLOBAL DEVELOPMENTS

4. Global developments regarding principle 10 have continued to take place in a variety of bodies, including United Nations organs, multilateral environmental agreements (MEAs), international financial institutions and civil society groups. Initiatives and events involving the United Nations Economic Commission for Europe (UNECE) and the Aarhus Convention<sup>5</sup> itself, the United Nations Environment Programme (UNEP), the United Nations Institute for Training and Research (UNITAR), the United Nations Non-governmental Liaison Service (UN-NGLS), the World Bank, the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, the Stockholm Convention on Persistent Organic Pollutants, the Council of Europe, the Organisation for Economic Co-operation and Development (OECD), the Global Environment Facility (GEF), the Global Forum for a Sustainable Future, the Association for Progressive Communication (APC), the Access Initiative (TAI) and the Partnership for Principle 10 (PP10) are discussed below.

### A. United Nations Environment Programme

5. The 10-year work programme of UNEP in the area of environmental law, known as Montevideo Programme III, includes a programme area on public participation and access to information.<sup>6</sup> Its objective is to improve the quality of decision-making in environmental matters

---

<sup>3</sup> A/CONF.199/20.

<sup>4</sup> The present paper is a successor to the paper prepared on global and regional developments on issues related to principle 10 for the second meeting of the Parties to the Convention (ECE/MP.PP/2005/17).

<sup>5</sup> The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

<sup>6</sup> From 1982, the environmental law activities of UNEP have been organized as a series of 10-year programmes for the development and periodic review of environmental law (Montevideo Programme I, Montevideo Programme II and since 2001 Montevideo Programme III). Regarding implementation of the Montevideo Programme III for the period 2000–2005, see UNEP/GC.23/INF/10.

through increased transparency, access to information and public participation. In 2007, UNEP began the development of the fourth Montevideo Programme. For this purpose, an expert meeting was organized in September 2007, followed by a Consultative Meeting of Government Officials and Experts on a Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme). Further discussions will likely be held at an intergovernmental meeting late in 2008, for possible adoption of the programme by the Governing Council at its twenty-fifth regular session at the beginning of 2009.

6. The global and regional training programmes on environmental law and policy of UNEP include training on procedures relating to access to environmental information, public participation in decision-making and access to justice in environmental matters. Its work programme has included building the capacity of civil society groups dealing with environmental law to put pressure on public administrations to enforce environmental law, undertake public-interest litigation and participate meaningfully in environmental management, including in environmental impact assessments.

7. UNEP will convene two Consultative Meetings of Government Officials and Experts in Nairobi in June 2008. The first meeting on the development of guidelines for the development of national legislation on liability and compensation for environmental damage will be held on 18 and 19 June 2008. The second meeting, to be held on 19 and 20 June 2008, will review and further develop guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters. Both meetings are organized by the Division of Environmental Law and Conventions of UNEP. The draft guidelines on principle 10 of the Rio Declaration on Environment and Development have been prepared with the assistance of the UNEP Senior Advisors Group. The purpose of these proposed guidelines is to provide general guidance to States, primarily to developing countries and countries with economies in transition, on promoting the effective implementation of their commitments to principle 10 within the framework of their national legislation and processes. In doing so, the guidelines seek to assist such countries in filling possible gaps in their respective relevant national legislation in order to facilitate broad access to information, public participation and access to justice in environmental matters.

## **B. United Nations Institute for Training and Research**

8. Working with UNECE and the Aarhus Convention secretariat, UNITAR developed a guidance document entitled "Preparing a National Profile to Assess National Capacities to Implement the Aarhus Convention". National Profile pilot projects were successfully completed through multi-stakeholder processes in Kyrgyzstan, Serbia and Tajikistan. The methodology was subsequently adapted by UNITAR to assist countries in assessing national capacities to implement principle 10 of the Rio Declaration. Currently UNITAR is supporting Costa Rica, the Dominican Republic and Honduras to develop national profiles, set national priorities and develop action plans for principle 10 implementation in collaboration with the Central American Commission on Environment and Development and the United Nations Economic Commission for Latin America (ECLAC). Three pilot projects in Africa are scheduled to commence in 2008. Complementary to this work, UNITAR developed and pilot tested a research approach in collaboration with the University of Cape Town (South Africa) to identify lessons learned from engaging the public in environmental decision-making.

9. UNITAR and the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) commenced pilot projects on national implementation of Strategic Approach to International Chemicals Management (SAICM) in four countries (Belarus, Pakistan, Panama and the United Republic of Tanzania) in September 2006. The projects are focused on governance, stakeholder participation, and partnerships within an Integrated National Chemicals and Waste Management Programme. They are funded by the Government of Switzerland.

10. UNITAR, working in partnership with Yale University (MacMillan Center for International and Area Studies at Yale and Yale Center for Environmental Law and Policy), launched the UNITAR/Yale Environment and Democracy Initiative in March 2007. In May 2008, UNITAR organized, in partnership with Yale, and with the support of UNECE and other partners, a global Conference on Environmental Governance and Democracy. The event brought together 150 public participation practitioners and scholars who took stock of contemporary research and knowledge gaps at the intersection of institutions, public participation and environmental sustainability. The conference generated elements for a research programme to strengthen institutional approaches for effective and context-sensitive public participation in environmental governance.

11. Also in 2008, UNITAR is preparing a global survey to determine country needs for capacity development concerning stakeholder involvement and implementation of principle 10. Survey results are expected to be available in the second half of 2008.

### **C. World Bank**

12. The World Bank has sought to continue to strengthen its relations with civil society organizations since the conclusion of the Joint Facilitation Committee, a working group bringing together representatives of the World Bank and civil society, in May 2005. In 2006, it issued the World Bank- Civil Society Engagement Review of Fiscal Years 2005 and 2006. In February 2007, it published a civil society consultation sourcebook developed through consultation with civil society organizations between 2002 and 2006. Two aims of the Bank's efforts have been to improve civil society consultation in country assistance strategies and to encourage civil society participation in poverty reduction strategies. In 2006, representatives of the Bank met informally with the UNECE secretariat to explore further ways of improving public participation in Bank decision-making having a potentially significant impact on the environment.

### **D. Multilateral environmental agreements**

13. Among the most significant recent vehicles for promotion of principle 10 are the multilateral environmental agreements (MEAs) dealing with biosafety, chemicals management and climate change. These MEAs incorporate significant public information, participation or consultation procedures. The Parties to the Aarhus Convention, when addressing outreach beyond the UNECE region, may draw upon the experience of other UNECE regional MEAs conducting outreach to other regions and seek to achieve synergies between the Convention and the efforts undertaken through these instruments.<sup>7</sup>

---

<sup>7</sup> For example, the Executive Body for the UNECE Convention on Long-range Transboundary Air Pollution agreed at its twenty-fifth session (10–13 December 2007) that the UNECE secretariat should continue to invite participation from non-UNECE countries at its sessions. Networks in developing regions were further invited to identify specific

## 1. Cartagena Protocol on Biosafety

14. The Cartagena Protocol on Biosafety to the Convention on Biological Diversity entered into force in September 2003.<sup>8</sup> The Cartagena Protocol seeks to protect biological diversity and human health from the potential risks posed by living modified organisms (LMOs) resulting from modern biotechnology. Its article 23 mandates Parties to promote and facilitate public awareness, education and access to information on LMOs, to consult the public in the LMO decision-making process and to make the results of such decisions available to the public.

15. Article 22 of the Protocol requires Parties to cooperate in the development and/or strengthening of human resources and institutional capacities in biosafety. At its first meeting in February 2004, the Conference of the Parties acting as the Meeting of the Parties to the Convention on Biological Diversity adopted a decision setting out the role of different entities in supporting capacity-building, including, among the roles of intergovernmental organizations, “developing common principles for public participation and access to information: e.g. the work of the United Nations Economic Commission for Europe under the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters”.<sup>9</sup> At the fourth meeting of the Conference of the Parties (Bonn, May 2008), the Parties were expected to adopt a new outreach strategy for the Cartagena Protocol.

## 2. Stockholm Convention on Persistent Organic Pollutants

16. In May 2004, the Stockholm Convention on Persistent Organic Pollutants entered into force.<sup>10</sup> The Stockholm Convention aims to protect human health and the environment from the harmful impacts of persistent organic pollutants (POPs). Article 10 of the Convention requires Parties to provide the public with all available information on POPs, to develop and implement educational and awareness programmes, and to promote and facilitate public participation in the implementation of the Convention. It further calls upon each Party to “give sympathetic consideration to developing mechanisms, such as pollutant release and transfer registers, for the collection and dissemination of information on estimates of the annual quantities of the chemicals” covered under that agreement (art. 10, para. 5). A number of countries are exploring synergies between the Protocol on Pollutant Release and Transfer Registers (PRTRs) to the Aarhus Convention and the Stockholm POPs Convention, including, in the UNECE region, Armenia, Georgia, Kazakhstan and Ukraine.

---

areas where cooperation with that Convention might be most beneficial to them, as a basis for longer-term cooperative programmes (ECE/EB.AIR/91, paragraphs 94 (i) and 93 (c)). Among other UNECE regional instruments, in particular the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (SEA) and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and its Protocol on Water and Health, synergies with Aarhus Convention outreach to other regions may be considered, especially in light of the adoption of amendments to open up both the Espoo and Water Conventions to countries outside of the UNECE region.

<sup>8</sup> See [www.biodiv.org/biosafety/protocol.asp](http://www.biodiv.org/biosafety/protocol.asp).

<sup>9</sup> See UNEP/CBD/BS/COP-MOP/1/15, annex II.

<sup>10</sup> See [www.pops.int](http://www.pops.int).

### **3. United Nations Framework Convention Climate Change**

17. The Conference of the Parties to the United Nations Framework Convention on Climate Change, at its thirteenth session, amended the New Delhi Work Programme on Article 6 of the Convention, which inter alia encourages Parties

To undertake activities to facilitate public access to data and information, by providing the information on climate change initiatives, policies and results of actions that is needed by the public and other stakeholders to understand, address and respond to climate change, taking into account local and national circumstances...

and

To promote public participation in addressing climate change and its effects and in developing adequate responses, by facilitating feedback, debate and partnership in climate change activities and governance.<sup>11</sup>

### **E. Organisation for Economic Co-operation and Development**

18. OECD has a public governance and management programme. Further to the OECD 1998 Recommendation on Environmental Information<sup>12</sup>, it includes the review of the availability of and access to environmental information, as well as the degree to which stakeholders and the public participate in environmental decision-making processes.<sup>13</sup> Until January 2005, OECD also served as secretariat of the IOMC PRTR Co-ordinating Group working to coordinate PRTR development and capacity building globally. OECD hosted the third meeting of the International PRTR Coordinating Group, the successor to the IOMC body, and will host the fourth meeting of the Coordinating Group on 10 March 2009 in Paris.

### **F. Stakeholder Empowerment Project**

19. In partnership with the United Nations Non-governmental Liaison Service (UN-NGLS), Stakeholder Forum has been funded by the Ford Foundation to undertake an 18-month review of civil society engagement in the United Nations system. The Stakeholder Empowerment Project seeks to identify good practice within the area of stakeholder engagement in the United Nations, share knowledge from and between stakeholders, develop common terminology and establish a toolkit of guidelines for the design of stakeholder engagement in the United Nations system. The project will benefit from an Advisory Group and will work in close collaboration with the United Nations Focal Points from across United Nations, funds and programmes.

---

<sup>11</sup> Decision 9/CP.13, paragraphs 14 and 15 (FCCC/CP/2007/6/Add.1). The thirteenth session was held from 3 to 15 December 2007 in Bali.

<sup>12</sup> Recommendation on Environmental Information 3 April 1998 - C(98)67/Final. The Recommendation pays regard to principle 10.

<sup>13</sup> See [www.oecd.org/about/0,2337,en\\_2649\\_34303\\_1\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/about/0,2337,en_2649_34303_1_1_1_1_1,00.html).

## **G. The Access Initiative**

20. The Access Initiative (TAI) was formed in 2000 as a global coalition of civil society groups dedicated to implementing principle 10.<sup>14</sup> It aims to close the gaps between international commitments to information and participation and national laws and practices. It has developed a toolkit for civil society organizations to assess their national laws and practices and to monitor government performance. The World Resources Institute provides the secretariat to TAI.

21. Since 2005, TAI has expanded to include partners in close to 40 countries in Africa, Asia, Europe and Latin America. The UNECE region now has organizations from 11 participating countries: Bulgaria, Estonia, Hungary, Ireland, Kazakhstan, Latvia, Lithuania, Poland, Portugal, Spain and Ukraine. In Asia, TAI is preparing assessments in Bangladesh, Cambodia, China, Lao People's Democratic Republic, Malaysia, Sri Lanka and Viet Nam. In Africa, assessments of Cameroon, Democratic Republic of the Congo, Gabon, Malawi, Mozambique, Zambia and Zimbabwe are being prepared. Growth continues to be strongest in Latin America with groups from Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru and Bolivarian Republic of Venezuela participating.

22. With the rapid growth of the TAI network around the world, TAI regional Core Team members in South-East Asia, Latin America and Africa have begun to lead workshops independently of the TAI secretariat, in response to a growing number of requests for training the organization receives. The first global meeting of TAI was held on 25 to 27 April 2006 in Bangkok. A TAI European Regional meeting was held in April 2006 in Budapest. The Chair of the Meeting of the Parties to the Aarhus Convention at the time participated in the event.

## **H. Partnership for Principle 10**

23. The Partnership for Principle 10 (PP10) was launched by TAI at the World Summit on Sustainable Development in September 2002 as a multi-stakeholder "Type II" partnership, including Governments, international organizations and civil society organizations.<sup>15</sup> PP10 is designed to further paragraph 128 of the World Summit's Plan of Implementation<sup>16</sup> and principle 10. Upon joining, PP10 partners agree to support the enhanced implementation of principle 10 nationally and in their own policies and practice related to access to information, public participation and justice.

24. As of April 2008, the Governments of Bolivia, Chile, Hungary, Indonesia, Mexico, Peru, Uganda, Ukraine and the United Kingdom of Great Britain and Northern Ireland were PP10 partners. International organizations included the International Union for Conservation of Nature (IUCN/World Conservation Union), United Nations Development Programme (UNDP), UNEP and the World Bank. NGO partners came from Argentina, Australia, Bolivia, Columbia, Chile, Ecuador, Hungary, Indonesia, Mexico, Paraguay, Peru, Portugal, South Africa, Thailand,

---

<sup>14</sup> See [www.accessinitiative.org](http://www.accessinitiative.org).

<sup>15</sup> See [www.pp10.org](http://www.pp10.org).

<sup>16</sup> Paragraph 128 seeks to ensure access, at the national level, to environmental information and judicial and administrative proceedings in environmental matters, as well as public participation in decision-making, so as to further principle 10 (A/CONF.199/20).



Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America and Bolivarian Republic of Venezuela. Observer status had been accorded NGOs from Ireland and the European Union.

25. In April 2007, ECLAC participated in the PP10 Latin American Regional Meeting in Mexico City and formally requested to continue its technical support to principle 10 regional actions.<sup>17</sup> ECLAC has announced it will submit commitments to join PP10.<sup>18</sup> UNECE participated in the third and fourth meetings of the Committee of the Whole, held respectively in London in October 2006 and Mexico City in October 2007.

## II. AARHUS CONVENTION ACTIVITIES IMPACTING AT THE GLOBAL LEVEL

26. In accordance with decision II/7 of the Meeting of the Parties to the Aarhus Convention,<sup>19</sup> the secretariat has continued its efforts, within available resources, to promote awareness of the Convention throughout the UNECE region and beyond. While these efforts, which also encompassed the Protocol on PRTRs following its adoption in May 2003, have mainly been focused on the UNECE region, some activities have been aimed at supporting the implementation of principle 10 in other regions and globally through sharing the experience acquired with the Convention.

27. Within the context of the World Summit on the Information Society (WSIS) and its follow-up activities, the Convention secretariat organized a session on capacity-building for electronic information tools in support of principle 10 at the World Forum on Information Society, a side-event held during the second phase of the WSIS in November 2005 in Tunis. UNECE also co-organized two workshops held at the annual meetings of the Internet Governance Forum established by WSIS. The first, co-organized with the Association for Progressive Communication (APC), addressed national and regional applications of electronic information tools to promote principle 10 and sustainable development, and was held in November 2006 in Athens. The second, co-organized with the Council of Europe and APC, addressed best practices in public participation in Internet governance. It was held in Rio de Janeiro in November 2007.

28. In accordance with decision I/10 of the Meeting of the Parties to develop a clearing-house mechanism aimed at assisting the effective implementation of the Convention,<sup>20</sup> the secretariat launched the Aarhus Clearinghouse for Environmental Democracy in July 2004.<sup>21</sup> The Clearinghouse provides a forum for the collection, dissemination and exchange of information on laws, policies and good practices relevant to the rights of public access to information, public participation in environmental decision-making and public access to justice on environmental issues. In addition to information related to the Convention, the Clearinghouse also contains other information relevant to the implementation of principle 10 globally. A new phase in the development of the Clearinghouse designed to take advantage of the interactive potential of the

---

<sup>17</sup> See [www.pp10.org/FINAL\\_PP10Newsletter0907.pdf](http://www.pp10.org/FINAL_PP10Newsletter0907.pdf).

<sup>18</sup> See [www.pp10.org/COWpresentations/COWreport2007\\_Final.doc](http://www.pp10.org/COWpresentations/COWreport2007_Final.doc).

<sup>19</sup> See ECE/MP.PP/2005/2/Add.11, in particular activity area III.

<sup>20</sup> ECE/MP.PP/2/Add. 11.

<sup>21</sup> See <http://aarhusclearinghouse.unece.org>.

Internet was launched at a side-event to the annual session of the Commission on Science and Technology for Development jointly organized by the United Nations Regional Commissions in Geneva in May 2007.

29. The Convention secretariat organized an international workshop on access to information, public participation and access to justice with respect to genetically modified organisms (GMOs) in May 2008 in Cologne, Germany. The workshop aimed to identify the most pressing needs and challenges regarding access to information, public participation and access to justice with respect to GMOs and to facilitate exchange on good practices to address them. The date and location of the workshop had been chosen to coincide with the fourth meeting of the Cartagena Protocol's Conference of the Parties serving as the Meeting of the Parties, which was held in nearby Bonn the week before. By engaging speakers and participants from outside the UNECE region, the workshop has had the effect of promoting principle 10 in other regions in the specific field of GMOs.

30. The Convention secretariat participated in a symposium on public participation in environmental decision-making, held in August 2006 in Beijing, at the invitation of the State Environmental Protection Agency of China. The purpose of the symposium was to gather comments on a draft regulation on access to information and public participation in environmental decision-making under State Environmental Protection Agency. The secretariat also participated upon the initiative of the European Commission in a workshop in April 2008 to launch the five-year joint European Union/People's Republic of China Ministry of Environment project on environmental governance, and in an international conference on public participation in environmental protection co-organized by the Centre for Environmental Education and Communications of the Ministry of Environment and Greenpeace China. The secretariat's contribution to these activities took place in the context of the recent developments on public participation in environmental protection in China (see para. 51).

31. To further PRTR capacity-building and awareness of the Protocol on PRTRs internationally, the secretariat participates in an international PRTR coordination process, which until January 2005 operated under IOMC and since then as an independent coordination process. The newly established International PRTR Coordinating Group has met annually since 2006 back-to-back with the meetings of the OECD Task Force on PRTRs. In addition to attracting participants from among the Parties to the Convention, representatives from the Governments of Australia, Canada, Japan and the United States of America, as well as experts from international<sup>22</sup>, regional<sup>23</sup> and non-governmental organizations<sup>24</sup> have attended the Coordinating Group's meetings. UNECE serves as secretariat to the group.

32. The secretariat contributed to the establishment of PRTR.net<sup>25</sup>, a global portal on pollutant release and transfer registers launched in December 2007 by OECD and maintained by Environment Canada.

---

<sup>22</sup> UNEP and UNITAR.

<sup>23</sup> European Commission, European Environment Agency, North American Commission on Environmental Cooperation, OECD and the Regional Environmental Center for Central and Eastern Europe.

<sup>24</sup> European Environment Bureau and European Public Health Alliance (EPHA) Environment Network.

<sup>25</sup> See [www.prtr.net](http://www.prtr.net).

### III. REGIONAL DEVELOPMENTS IN AFRICA, WESTERN ASIA AND THE MEDITERRANEAN

33. Developments in Africa regarding the implementation of principle 10 have occurred at both the pan-African level and in the subregions. Pan-African activities include the African Convention on the Conservation of Nature and Natural Resources, the African Ministerial Conference on the Environment's decision encouraging the development of a strategic approach to international chemicals management (SAICM) and the New Partnership for Africa's Development (NEPAD) Action Plan of the Environment Initiative. In North Africa, the Mediterranean Action Plan and the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) provide scope for the participation of civil society organizations in their proceedings and implementation. The Partnership for the Development of Environmental Law and Institutions in Africa (PADELIA) illustrates how government-civil society partnerships serve to promote implementation of principle 10. These various development and initiatives are described in the following paragraphs.

#### A. African ministerial processes

34. The African Ministerial Conference on the Environment (AMCEN) is a permanent forum where African ministers of the environment discuss matters of relevance to the environment of the continent. At the eleventh regular session, held in May 2006 in Brazzaville, AMCEN adopted decision 6, which endorses the extension of the Africa Environment Information Network from 12 to 38 countries in Africa. In decision 5, AMCEN endorsed the implementation of SAICM on an inclusive multi-stakeholder basis.

35. The African Ministers' Council on Water (AMCOW), convened in Abuja, Nigeria in 2002, primarily promotes management of water resources and provision of water supply services. Through the Work Programme for 2005–2007, AMCOW Ministers undertook to ensure that civil society opinions in general, and gender concerns in particular, are taken into account, through consultation in policy formulation in all sectors of water, sanitation and human settlements. Civil society organizations reiterated their commitment to the principles of partnership as well as to open scrutiny, transparency and accountability and declared their readiness to participate in the African water resources management.<sup>26</sup>

#### B. Jeddah Convention

36. The Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA), established under the Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (Jeddah Convention), published in 2005 a study of public participation in integrated coastal zone management (ICZM). A best practice model of public participation in ICZM in Aqaba, Jordan, and Aden was developed by the project.<sup>27</sup>

---

<sup>26</sup> AMCOW Work Programme 2005-2007, Programme Clusters C. (f).

<sup>27</sup> Public Participation in ICZM: Case Studies from Jordan and Yemen. PERSGA, Kingdom of Saudi Arabia, 2005.

### C. Barcelona Convention

37. The Mediterranean Action Plan is a regional cooperative effort involving 22 Contracting Parties to the Barcelona Convention.<sup>28</sup> It strives to protect the environment and to foster sustainable development in the Mediterranean basin. It was adopted in Barcelona in 1975 under the auspices of UNEP and its legal framework comprises the Convention itself, adopted in 1976, and seven protocols covering specific aspects of environmental protection.

38. A Protocol on Integrated Coastal Zone Management to the Barcelona Convention was adopted in January 2008. According to the Barcelona Convention secretariat, it is the first time that Integrated Coastal Zone Management has been fully addressed by a legally binding international instrument. Article 14, Participation, of the ICZM Protocol addresses access to information, public participation and access to justice, whereby “the Parties shall take the necessary measures to ensure the appropriate involvement in the phases of the formulation and implementation of coastal and marine strategies, plans and programmes or projects, as well as the issuing of the various authorizations, of the various stakeholders....”

## IV. REGIONAL DEVELOPMENTS IN THE AMERICAS

39. ECLAC has actively partnered with civil society organizations in their promotion of principle 10 in the Americas. Regional developments furthering the implementation of principle 10 have also occurred in the Organization of American States Office for Sustainable Development and Environment, Mercosur, and various civil society initiatives.

### A. Organization of American States

40. In April 2000, the Organization of American States (OAS) approved a non-binding regional instrument to promote environmental governance. The Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development encourages Signatories to undertake legal and institutional reforms to promote public participation in sustainable development decision-making.<sup>29</sup>

41. Through the 2007–2008 Inter-American Civil Society Partnership Initiative, OAS seeks to promote and facilitate the participation of civil society in the Summits of the Americas Process by supporting them in their efforts to assist in the implementation and monitoring of the mandates emanating from the Summits of the Americas and the OAS General Assemblies. OAS, with the support of the Open Society Institute, in February 2008 awarded financial support totaling US\$100,000 to eight NGOs that were selected to implement projects related to themes of

---

<sup>28</sup> See [www.unepmap.gr/home.asp](http://www.unepmap.gr/home.asp). The Contracting Parties to the Barcelona Convention are: Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libyan Arab Jamahiriya, Malta, Monaco, Montenegro, Morocco, Serbia, Slovenia, Spain, Syrian Arab Republic, Tunisia, Turkey and the European Community.

<sup>29</sup> The Strategy was adopted by a resolution of the OAS Inter-American Council for Integral Development at its fifth regular meeting in April 2000 (CIDI/RES. 98 (V-O/00) Inter-American Strategy for the Promotion of Public Participation in Decision Making for Sustainable Development). See [www.oas.org/Assembly2001/assembly/eng/documents/3311.htm](http://www.oas.org/Assembly2001/assembly/eng/documents/3311.htm) and [www.ispnet.org/ISPubl/Publication.htm](http://www.ispnet.org/ISPubl/Publication.htm).

the inter-American agenda, including strengthening of democracy, protection of human rights and promotion of citizen participation. The funded projects will involve the development of strategies to encourage public participation by vulnerable groups to fight racial discrimination and encourage active citizen participation in the promotion of public sector transparency.

42. In March 2008, OAS promoted cooperation with civil society during a week of events at its Washington, D.C. headquarters. The initiative, sponsored by the OAS Secretariat of Summits of the Americas, in collaboration with the Secretariat of Political Affairs and the Inter-American Commission on Human Rights, brought together civil society organizations from across the hemisphere during several events, with the objective of receiving their contributions regarding the most pressing issues of the inter-American agenda such as the strengthening of democracy, protection of human rights and promotion of social development.

## **B. Mercosur**

43. In 1991, Mercosur was created by Argentina, Brazil, Paraguay and Uruguay as a common market and Customs union. Bolivia and Chile became associate countries to Mercosur in 1996. In 1995, a working group on environment was established (SGT 6), which meets four times a year.<sup>30</sup> The workplan for 2005 named access to information, participation and justice as an area of activities.<sup>31</sup> The build-up of an environmental information system (SIAM) and the initiative GEO Mercosur are means to implement these goals.

44. Somos Mercosur is a public initiative launched in 2005 and dedicated to involving citizens in the process of regional integration. The aim is to create new spaces for communication between citizens and local governments and thereby room for citizens to debate, formulate demands and participate in decision-making processes.<sup>32</sup> The initiative organized a number of workshops to promote public participation.

## **V. REGIONAL AND NATIONAL DEVELOPMENTS IN ASIA AND THE PACIFIC**

45. Over the past eight years, the importance of public participation in environmental governance has been recognized in several Asian and Pacific forums. In 2000, the Ministerial Conference on Environment and Development adopted the Regional Action Programme for Environmentally Sound and Sustainable Development, 2001–2005.<sup>33</sup> This called for appropriate mechanisms and guidelines to be developed to involve local communities and interest groups in decision-making processes and to share information with local people. In 2002, the Phnom Penh Regional Platform on Sustainable Development for Asia and the Pacific, adopted by the High-level Regional Meeting for the World Summit on Sustainable Development, recognized the vital roles of major groups in sustainable development and called on all Governments in the region to

---

<sup>30</sup> See <http://ambiente.mercosur.int/>.

<sup>31</sup> See [http://ambiente.mercosur.int/archivos/web/MERCOSUR/File/5anexo\\_02.pdf](http://ambiente.mercosur.int/archivos/web/MERCOSUR/File/5anexo_02.pdf).

<sup>32</sup> See <http://www.somosmercosur.org>.

<sup>33</sup> See <http://www.unescap.org/mced2000/rap2001-2005.pdf>, page 67.

recognize fully their crucial role and to promote their active participation in sustainable development.<sup>34</sup>

46. Initiatives to implement principle 10 have been undertaken by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) and UNDP. At national level, initiatives have been undertaken by China, working with civil society organizations, and have led to the adoption of legislation incorporating significant elements of principle 10.

#### **A. United Nations Economic and Social Commission for Asia and the Pacific**

47. At the Ministerial Conference on Environment and Development in Asia and the Pacific held in March 2005 in Seoul, the Conference noted that partnership with other stakeholders was important and would contribute to increased access to investment and innovative financing, building public awareness and effectively managing natural resources. It noted the experience of Parties to the Aarhus Convention and the important role that the Convention had played in facilitating access to environmental information by stakeholders.

48. The Conference also decided that the Parties to the Ministerial Conference held in Seoul should endeavour to improve environmental performance through, inter alia, enhancing environmental performance and accountability in the public and private sectors through the meaningful and timely inclusion of stakeholders and the provision of access to information, participation and redress as key principles of environmental governance and promoting the effective enforcement of national laws, regulations and standards relating to sustainable development, including laws governing environmental impact assessments. The Regional Implementation Plan for Sustainable Development in Asia and the Pacific for 2006–2010 includes “Promoting public awareness and participation through better access to information regarding legislation, regulations, activities and programmes geared to improving environmental performance by all stakeholders....”<sup>35</sup>

#### **B. United Nations Development Programme**

49. In 2004, UNDP commenced the Regional Environmental Governance Programme for the Asia Pacific Region. The Programme aims to strengthen environmental governance in the region by promoting sustainable approaches to natural resources and environmental management at the local level and enhancing the opportunities for public participation in decision-making affecting natural resource use and livelihoods. The Programme concluded with the workshop, “Environmental Rights for Environmental Wrongs: Advocating for Improved Environmental Governance in Asia Pacific”, held in November 2005, in Bangkok.<sup>36</sup> The workshop found that lack of information for environmental decision-making is widespread and was the major theme in several of the case studies. The workshop concluded that “The capacity of communities and civil society organizations to contribute information – often information at odds with that provided by powerful development actors – is a critical factor in the viability of environmental governance.”

---

<sup>34</sup> See [http://www.johannesburgsummit.org/html/prep\\_process/asiapacific.html](http://www.johannesburgsummit.org/html/prep_process/asiapacific.html).

<sup>35</sup> See [www.unescap.org/mced/documents/mom/MCED05\\_Report.pdf](http://www.unescap.org/mced/documents/mom/MCED05_Report.pdf)

<sup>36</sup> See [www.capacity.undp.org/indexAction.cfm?module=Library&action=GetFile&DocumentID=4187](http://www.capacity.undp.org/indexAction.cfm?module=Library&action=GetFile&DocumentID=4187)

50. The UNDP Regional Centre in Bangkok, through the Capacity 2015 Programme, is currently managing the Regional Environmental Governance Programme for Asia Pacific. This programme aims to empower local communities to take part in decision-making processes that may impact on the environment, and also to ensure fair and equal access to natural resources and the environment. It envisions greater opportunities for face-to-face dialogue between peer-to-peer networks and nontraditional partners, both within countries and across borders. On a regional basis, it advocates for demand driven solutions and innovative strategies occurring at the local level, with a view to improving policymaking relating to environmental governance.<sup>37</sup> Environmental governance entails enforcing global norms of good governance, notably including:

Access to Information, Access to Participation: The opportunity for citizens to participate in an informed, timely and meaningful way in the formulation of national, as well as local policies and plans and in the design of projects with potential environmental impacts; and Access to Justice: The opportunity for citizens to seek legal remedy and redress when there is a failure to provide information and allow for participation or when citizens wish to dispute a decision impacting on the environment or have such a decision independently reviewed.<sup>38</sup>

### C. National developments in China

51. With growing importance allocated to environmental protection in China, procedures related to implementation of protection measures, such as access to information and public participation, are being put in place in a regulatory framework. A provisional regulation on Public Participation in Environmental Impact Assessment was adopted in February 2006. A provisional regulation on Environmental Information Disclosure entered into force on 1 May 2008. Procedures for public participation in strategic decision-making are also being discussed. In addition to the national regulatory framework, progressive developments also take place on the regional level. There is also a growing recognition that for environmental protection legislation to be effective, public access to review procedures and the role of the judiciary in enforcement need to be addressed. While any practical implementation of these provisions as well as any future regulatory developments in this field will need to be based on national and local specifics, government agencies and other stakeholders in China are also interested to learn from the relevant experience in other regions, such as UNECE.

## VI. CONCLUSIONS

52. This overview leads to the following conclusions:

(a) Each region continues to promote initiatives to further the implementation of principle 10;

(b) Regions remain at very different stages in their development of supranational instruments implementing principle 10. Although the Aarhus Convention continues to be the

---

<sup>37</sup> See <http://regionalcentrebangkok.undp.or.th/practices/cap2015/reg/>

<sup>38</sup> See <http://regionalcentrebangkok.undp.or.th/practices/cap2015/reg/>

only legally binding instrument in force that is designed to implement principle 10 in a comprehensive way, various initiatives at the global level and in each of the regions have contributed significantly to implementation of principle 10, or show promise in this direction;

(c) The proposed development of guidelines on promoting the effective implementation of national commitments to principle 10 of the Rio Declaration on Environment and Development within the framework of national legislation and processes undertaken by UNEP could contribute to filling gaps in relevant national legislation primarily in developing countries and countries with economies in transition;

(d) Progress in implementation is also seen in regional sectoral initiatives, notably through SAICM in African States. Efforts to engage civil society in specific intergovernmental processes, such as the OAS Summit of the Americas Inter-American Civil Society Partnership Initiative, Somos Mercosur in the Mercosur countries of Latin America, the Capacity 2015 Regional Environmental Governance Programme in the Asia and the Pacific region, and AMCOW, also show promise. Sectoral initiatives are no longer primarily found among water resource management, but have broadened their scope to include resource management more generally, including land use and chemicals management;

(e) Progress at the national level has been made, e.g. in China with respect to access to environmental information and public participation. Capacity-building initiatives to improve access to justice also play an important role in fulfilling principle 10 objectives at national level.

53. In each region as well as globally, civil society is actively pursuing partnerships with governments to further the realization of principle 10. However, the different regions continue to show varying degrees of success, with incremental progress being made especially on developing regional or sectoral consultative processes, but few regional breakthroughs on securing legally binding instruments or comprehensive mechanisms. The lack of progress on this front may be due to a lack of political will towards principle 10, competing policy agendas or resource constraints facing both governments and civil society. Understanding the specific challenges to the implementation of principle 10 faced in each region may help identify ways of overcoming them.

54. Through decision II/9, the Meeting of the Parties expressed support for the work of UNEP on the application of principle 10, including the possible development of global guidelines, and for the drawing-up of appropriate regional instruments on access to information, public participation and access to justice in environmental matters in other forums, which might benefit from the experience acquired under the Convention. The Convention secretariat was requested to provide assistance and advice to UNEP, United Nations regional commissions and other relevant forums which decide to undertake work in this area, where requested to do so and within available resources.

55. Promoting the accession of States pursuant to article 19, paragraph 3, could increase the impact of the Convention and accelerate the implementation of principle 10 in countries outside the UNECE region. Recalling decision II/9, the draft Riga Declaration reiterates the invitation to States outside the UNECE region to accede to the Convention where it suits their particular circumstances. The convenience of being able to accede to a ready-made instrument and benefit



from the experience gained under the Convention may make the option of accession to the Convention attractive to countries outside the UNECE region that are interested in taking further steps to promote and apply principle 10.

56. Decision II/9 also notes that the impact of the Convention can be increased not only by the accession of States pursuant to article 19, paragraph 3, but also by the development of relevant global and regional instruments in other forums, which might benefit from the experience acquired under the Convention. An approach concentrating on supporting development of instruments in other forums may build upon experiences with sector-specific participation strategies, such as that reflected in the Protocol on ICZM to the Barcelona Convention. Any resulting instrument could be tailored to reflect regional needs and focus resources and attention on the areas that most need it.

\*\*\*\*\*