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Procedures and mechanisms facilitating the implementation of the Convention: capacity-building

Report on capacity-building¹

Prepared by partner organizations and the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Summary

The present report on capacity-building activities and the accompanying document (AC/MOP-6/Inf.2) were prepared by partner organizations and the secretariat pursuant to the work programme for 2015–2017 for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, adopted by the Meeting of the Parties to the Convention at its fifth session (Maastricht, the Netherlands, 30 June–1 July 2014) (see ECE/MP.PP/2014/2/Add.1).

¹ The present document is being issued without formal editing.



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Introduction

1. Through the work programme for 2015–2017 adopted at its fifth session, the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) decided to give general priority to the issue of compliance and implementation, including capacity-building (see ECE/MP.PP/2014/2/Add.1, decision V/6, annex I).
2. The Convention's Strategic Plan 2015–2020 (ECE/MP.PP/2014/2/Add.1, decision V/5), adopted at the fifth session of the Meeting of the Parties, reiterated the role of capacity-building activities in the implementation of the Convention. Parties and the secretariat in cooperation with other organizations were identified as partners in the implementation of capacity-building activities in accordance with objective I.5 of the Convention's Strategic Plan.
3. The present report on capacity-building was prepared by the secretariat jointly with the following partner organizations: the European Commission; the European Environment Agency (EEA), the European Environmental Bureau (EEB)/European ECO Forum; the Organisation for Economic Co-operation and Development (OECD); the Organization for Security and Co-operation in Europe (OSCE); the Regional Environmental Center for Central and Eastern Europe (REC); the United Nations Environment Programme (UNEP); and the United Nations Institute for Training and Research (UNITAR).
4. The report provides an overview of the major capacity-building activities supporting the implementation of the Convention and Principle 10 of the Rio Declaration on Environment and Development (Rio Declaration) that were carried out in the intersessional period 2015–2017 and in connection with the Convention's Strategic Plan 2015–2020. It intends to facilitate a discussion on possible further work on capacity-building in the next intersessional period. The report provides limited information regarding capacity-building activities related to the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs), as they are considered under the framework of the International PRTR Coordination Group.
5. Capacity-building activities reported by the partner organizations are detailed in the accompanying document to this report (AC/MOP-6/Inf.2).² In addition, an online database of capacity-building activities (matrix) related to PRTRs was maintained and made available from PRTR.net.³
6. Information related to the capacity-building activities carried out by the secretariat during this period can be found in the report of the implementation of the work programme for 2015–2017 (ECE/MP.PP/2017/3).⁴
7. Capacity-building activities carried out by Parties, Signatories and other interested States were reported at the meetings of the Working Group of the Parties and task forces during 2015-2017⁵.

² The accompanying document to this report can be accessed (under category II documents rubric) from http://www.unece.org/env/pp/aarhus/mop6_docs.html

³ Information is available from <http://apps.unece.org/ehlm/pp/NIR/RLsearch.asp>

⁴ The document can be accessed (under category II documents rubric) from http://www.unece.org/env/pp/aarhus/mop6_docs.html

⁵ Additional information on the meetings is available from [http://www.unece.org/environmental-policy/conventions/public-participation/meetings-and-events.html#/.](http://www.unece.org/environmental-policy/conventions/public-participation/meetings-and-events.html#/)

I. Coordination framework for capacity-building

8. Capacity-building coordination meetings under the Convention and the International PRTR Coordination Group served as an effective platform to discuss the progress in and plans for capacity-building activities regarding the implementation of the Aarhus Convention, Principle 10 of the Rio Declaration and the Protocol on PRTRs, respectively.

9. The Convention's secretariat convened the ninth and tenth meetings on capacity-building coordination in Geneva on 25 February 2015 and 28 February 2017, respectively.⁶ The meetings addressed the activities carried out since the fifth session of the Meeting of the Parties to the Convention and detailed future plans. In addition to face-to-face meetings coordination was held regularly with partner organisations on numerous specific topics through electronic means.

10. To learn more about capacity-building needs and strength in countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia, the secretariat conducted a survey from November to December 2016 and collected 9 responses⁷ out of 15 countries (sixty percent response rate). The survey outcomes were addressed in the present report and discussed with partner organizations at the meeting on capacity-building coordination on 28 February 2017.

11. The International PRTR Coordination Group coordinated efforts related to the further development and implementation of pollutant release and transfer register (PRTR) systems at the global level. The ninth, tenth and eleventh meetings of the Group were held on 8 October 2014, 5 November 2016 and 29 June 2017, respectively.⁸ The Protocol's secretariat continued to serve as the secretariat for the Group.

12. The ECE secretariat also used the Aarhus Clearinghouse, PRTR.net and the Aarhus Good Practice Database to promote outcomes of capacity-building activities carried out by partner organizations and share identified good practices.

II. Supporting implementation of the Convention

A. General observations

13. The survey responses indicated international technical cooperation assistance and national budgets as the main sources for strengthening capacities in the implementation of the Convention in countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia. A small number of projects were financed by NGOs and the private sector.

14. The capacity-building projects and activities were mainly carried out on a periodic or one-time basis. No continuous capacity-building activities were reported in the survey.

⁶ For details, see the reports on the ninth and tenth Aarhus Convention capacity-building coordination meetings (AC/WG-19/Inf.1 and AC/MOP-6/Inf.3, respectively), available from <http://www.unece.org/env/pp/oa.html>

⁷ See the completed questionnaires provided by Albania, Armenia Azerbaijan, Belarus, Bosnia and Herzegovina, Georgia, Kazakhstan, Kyrgyzstan and Montenegro. More information is available from <http://www.unece.org/env/pp/cbc10.html>.

⁸ For details, see the reports of the International PRTR Coordination Group available from <http://www.unece.org/env/pp/prtr/intlcgimages/about.html>

15. Partner organizations continued to play a crucial role in promoting and assisting in implementation of the Convention at national and subregional level, in particular, in countries with economies in transition.

16. Several Aarhus-related projects were implemented in the current intersessional period by partner organizations through the framework of the Environment and Security Initiative (ENVSEC), which is a partnership between UNDP, UNEP, OSCE, ECE, and REC.⁹

17. OSCE, through the Office of the Co-ordinator of OSCE Economic and Environmental Activities and the OSCE field operations, in close cooperation with the secretariat, continued to support significantly the implementation of the Aarhus Convention in countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia.

18. The Aarhus Centres constitute the major component of OSCE support in this respect. As of 2017, there is a wide network of 60 Aarhus Centres in 14 countries in South-Eastern Europe (Albania, Bosnia and Herzegovina, Montenegro and Serbia), Eastern Europe (Belarus, the Republic of Moldova and Ukraine), the Caucasus (Armenia, Azerbaijan and Georgia) and Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan). The establishment and functioning of most of these Aarhus Centres are continuously supported by OSCE, including within the framework of ENVSEC. The host Governments and the OSCE field operations in the respective countries are also among the major supporters of these Aarhus Centres. Further efforts for ensuring the sustainability of Aarhus Centres remained crucially important.

19. The important role of Aarhus Centres in building capacities of public authorities and members of the public to promote the implementation of the Convention was largely recognized in the survey responses. The Aarhus Centres have continued to be instrumental in providing a forum for Government officials, particularly from ministries of environment, to meet with members of non-governmental organizations (NGOs) and the private sector to build cooperative approaches to tackle environmental issues. Working both in capital cities and in provinces, these Centres have been very active in promoting the implementation of the Aarhus Convention at the national and local levels, in helping Governments fulfil their respective obligations under the Convention and in involving the public in environmental decision-making.

20. OSCE also organizes annual meetings of the Aarhus Centre stakeholders to exchange experiences and lessons learned. The annual meetings were held in June 2015 and in November 2016 in Vienna. These meetings were attended by representatives of Governments, including Aarhus focal points, Aarhus Centres, NGOs, the secretariat of the Aarhus Convention and OSCE field operations in the respective countries and other relevant partner organizations, including the representatives of ENVSEC partner organizations. The 2015 Aarhus Centres' Annual Meeting was marked by the signature of the Joint Declaration on Co-operation among 13 Aarhus Centres from Albania, Bosnia and Herzegovina, Montenegro and Serbia. The Aarhus Centres committed themselves to strengthen partnership and to closely co-operate in the promotion of the principles of the Aarhus Convention. In 2017, OSCE also launched a new online platform dedicated to activities of Aarhus Centres.¹⁰

21. The Aarhus Centres shared the good practices and lessons learned at the Convention task force meetings. Their input to these meetings could be further strengthened.

⁹ More information is available from <http://www.envsec.org/index.php?lang=en>

¹⁰ Available from <https://aarhus.osce.org/>

22. The European Commission continued supporting various Aarhus-related activities through the LIFE Programme,¹¹ the European Neighbourhood and Partnership Instrument (ENPI)¹², the Technical Assistance and Information Exchange (TAIEX)¹³ instrument and Twinning funds.¹⁴ These activities pursued a general objective to contribute to the implementation, updating and development of European Union (EU) environmental policy and legislation (including Aarhus-related legislation) by co-financing pilot or demonstration projects with European added value. On 2 February 2017, as part of the Environmental Implementation Review, the European Commission announced that it intended to help provide tailored support to member states' experts directly by their peers in other member states, noting that peer exchange was an important means to improve mutual learning and expertise and to make sure that tested solutions are passed on to others¹⁵.

23. NGOs, also within the framework of the European ECO Forum, continued supporting numerous capacity-building activities which served to promote the Convention and its Protocol.

24. Various approaches were used to strengthen capacities of the different target groups in the implementation of the Convention. The survey outcomes indicated the greater interest of the target countries in short face-to-face workshops (1-2 days maximum), pilot projects, self-paced and moderated online course and face-to-face trainings (1-2 weeks). The combination of e-learning tools at the beginning or in the middle of the project combined with face-to-face meetings was stressed by partner organizations as the most effective approach.

25. Several partner organizations reported the development of e-learning courses on environmental legislation and good environmental governance. Given the increasing interest in e-learning tools, the secretariat together with UNITAR and other partner organizations could explore different options in the next intersessional period for developing a possible online course on the implementation of the Aarhus Convention. The could be further translated in national languages and provide the possibility to add modules on the implementation of the Aarhus Convention at the national level.

26. Public authorities and members of the public, including NGOs, were mentioned as key target groups for ongoing and potential capacity-building activities, with a special focus on the local and subnational levels. Members of judiciary, prosecutors and other legal professionals remained the target group for raising the awareness on the application of the Convention within the review procedures in environmental matters.

¹¹ The LIFE programme is a European Union (EU) funding instrument for the environment.

¹² The European Neighbourhood and Partnership Instrument (ENPI) supports the European Neighbourhood Policy (ENP). Operational since 1 January 2007, it represents the strategic continuity with enlarged objectives of the former cooperation programmes TACIS (for the Eastern European countries) and MEDA (for the Mediterranean countries).

¹³ TAIEX supports partner countries with regard to the approximation, application and enforcement of EU legislation.

¹⁴ The Twinning programme provides a framework for administrations and semi-public organizations in the beneficiary countries to work with their counterparts in EU member States to facilitate the transposition, enforcement and implementation of EU legislation.

¹⁵ See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "The EU Environmental Implementation Review: Common challenges and how to combine efforts to deliver better results" (COM(2017) 63 final) available from <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0063>.

B. Access to information, including through pollutant release and transfer registers and electronic information tools

27. The Parties in South-Eastern and Eastern Europe, the Caucasus and Central Asia highlighted the needs to establish “one-stop-shop environmental information portals”, improving reliability of data and technical support for developing structured, computerized and publicly accessible environmental information databases compiled through standardized reporting. The need to further strengthen public access to environment-related product information and information was also highlighted by the Parties.

28. OECD, REC, EEA and UNITAR supported the implementation of relevant projects dedicated to effective access to environmental information and its dissemination (see AC/MOP-6/Inf.2). More detailed information regarding PRTR-related activities is available through the reports of the International PRTR Coordination Group and the Protocol’s Working Group of the Parties.

29. To promote the implementation and ratification of the Protocol on PRTRs in Eastern Europe, the Caucasus and Central Asia, ECE in co-operation with Belarus organized a subregional workshop “Get Your Right to a Healthy Community” (Minsk, 19–21 September 2016).¹⁶ The event also helped strengthening the cooperation between experts dealing with the Protocol on PRTRs and those dealing with the Convention on Long-range Transboundary Air Pollution (Air Convention).

30. Another subregional workshop within the project “Support Establishment and Advancement of Pollutant Release and Transfer Registers (PRTRs) in Western Balkan Countries and in the Republic of Moldova”, funded by the German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety, supervised by the German Environment Agency and implemented by the REC was held on 8 and 9 November 2016 in Skopje.

31. OECD continued producing technical guidance documents which could help develop or implement a PRTR. They include documents to develop harmonized lists of pollutants and reporting sectors, how to use PRTR data and updated releases estimation techniques to produce PRTR data.

32. Further capacity-building activities in this area can be focused on active dissemination and reuse of environmental information and effective use of electronic information tools. At the same time, traditional means of communication should not be neglected to satisfy the information needs of the public that do not have ready access to electronic information tools. Particular focus can be given to public access to information regarding the quality of the environment and emissions into the environment in accordance with the Convention, hazardous substances and wastes, environment-related product information and decision-making in environmental matters. This also could include the provision of all necessary information to the public in case of an imminent threat to human health and the environment.¹⁷

33. Partner organizations are encouraged to assist countries in strengthening capacities to provide public access to real-time, as appropriate, up-to-date, accurate and functional environmental information, and to promote its interoperability, sharing and accessibility in forms and formats meeting the needs of different users as well as to establish one-stop-shop portals of environmental information.

¹⁶ See <http://www.unece.org/index.php?id=43077#/>

¹⁷ For more details, please see draft decision VI/1 on promoting effective access to information available from http://www.unece.org/env/pp/aarhus/mop6_docs.html#/

34. Partner organizations are invited to carry out capacity-building activities that could assist interested Parties in promoting Open Government, Open Data, e-Government, Shared Environmental Information System, geospatial information management, Earth observation and other similar initiatives that could make environmental information or data produced or commissioned by governments publicly available to access, reuse and redistribute.

35. National reports on the state of the environment, to be published and disseminated in accordance with the Convention, could become a self-assessment tool for the implementation of the Convention's access to information provisions. In this regard, a chapter that would provide user-friendly and visual information on this subject (e.g. progress in public accessibility of environmental information, the development of national environmental information systems (PRTRs, other electronic databases, lists, registers or files) and the points of contact, functioning and performance of eco-labelling and eco-auditing schemes, number of requests from the public received by public authorities, their topics, etc.) could be included in these reports.

C. Public participation in decision-making

36. According to the survey results, capacity-building with regard to public participation on specific activities and plans, programmes and policies continues to be a very important priority in the countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia. In addition, capacity-building with regard to public participation during the preparation of executive regulations and/or generally applicable legally binding normative instruments was recognized by respondents as being essential.

37. Strengthening countries' capacities in ensuring efficient and timely dissemination of information relevant to environmental decision-making also remains a priority. Access to documentation forming an integral part of environmental decision-making procedures regarding specific activities, including environmental impact assessment, state environmental *expertiza*,¹⁸ as applicable, licences and permits, and strategic decision-making, including strategic environmental assessment, as applicable, needs further improvement.

38. OSCE, regional environmental centres and other partner organizations supported the implementation of relevant projects dedicated to effective public participation in decision-making (see AC/MOP-6/Inf.2).

39. Aarhus Centres, supported by OSCE, in several countries provided assistance in the dissemination of information relevant to environmental decision-making both at local and national level and in organizing and monitoring procedures of public participation in decision-making relating to the environment.

40. The Maastricht Recommendations on promoting effective public participation in decision-making in environmental matters¹⁹ provide a valuable tool for Parties. Partner organizations are invited to widely disseminate and translate these Recommendations in the required languages.

¹⁸ The OVOS/*expertiza* system is a development control mechanism followed in many countries of Eastern Europe, the Caucasus and Central Asia. The Aarhus Convention Compliance Committee has held that the OVOS and the *expertiza* should be considered jointly as the decision-making process constituting a form of environmental impact assessment procedure (see ECE/MP.PP/C.1/2013/9, para. 44).

¹⁹ See the Maastricht Recommendations on promoting effective public participation in decision-making in environmental matters available from <http://www.unece.org/index.php?id=41803>.

41. Pilot projects supporting the target countries in organizing and carrying out model public hearings within the decision-making procedures relating to the environment received positive feedback and can be further promoted in interested countries.

42. Further capacity-building activities in this area could be focused on pilot projects, trainings for public authorities, improving legislation, implementing e-participation tools and improving access through the Internet to information related to decision-making procedures relating to the environment. The specific focus could be on climate change-, energy and green economy-related decision-making, in decision-making on the extractive sector, chemicals, emerging technologies, and on product-related decision-making.²⁰

43. Partner organizations are invited to address the main obstacles to effective public participation in all types of decision-making within the scope of the Convention at the national, subnational and local levels, in particular with regard to issues of a systemic nature as specified in draft decision VI/2, para 11 (d).

D. Access to justice

44. Capacity development in the area of access to justice remains quite important due to the challenges in implementing the third pillar of the Convention and the need to enhance effective access to justice. The survey revealed the need of the countries in South-Eastern and Eastern Europe, the Caucasus and Central Asia to continue raising awareness and building capacities of judiciary, prosecutors, other review bodies, members of Bar associations, public interest lawyers, other legal professionals, non-governmental organizations and members of the public in ensuring effective public access to justice in environmental matters.

45. Capacity-building efforts at the EU level are supported by the European e-Justice Portal,²¹ training modules for judges and prosecutors on EU environmental law and trainings for the judiciary and lawyers. The LIFE+ instrument provides possibilities to support relevant activities in this area, including activities involving public interest lawyers. On 28 April 2017, the European Commission published a notice on access to justice in environmental matters²², explaining case-law of the Court of Justice of the European Union relevant to the role of national judges.

46. OSCE and REC supported the implementation of relevant projects dedicated to effective access to justice at the national level through organizing trainings for the judiciary, prosecutors and other legal professionals, as well as multi-stakeholder round tables (see AC/MOP-6/Inf. 2).

47. The study on the scope of review in Albania, Armenia, Belarus, Kazakhstan, Serbia, and Ukraine has been prepared under the auspices of the Task Force on Access to Justice. REC has undertaken a study on the same subject matter with focus on Bosnia and Herzegovina, Montenegro and the former Yugoslav Republic of Macedonia with the support by Germany in close cooperation with ECE.

48. OSCE in cooperation with ECE and the Government of Georgia organized a subregional workshop on access to justice in environmental matters for high-level judges

²⁰ For more details, please see draft decision VI/2 on promoting effective public participation in decision-making available from http://www.unece.org/env/pp/aarhus/mop6_docs.html#/

²¹ See <https://e-justice.europa.eu/home.do?action=home>

²² See Commission Notice on Access to Justice in Environmental Matters. C(2017) 2616 final. Available from <http://ec.europa.eu/environment/aarhus/legislation.htm>.

and representatives of national judicial training centres of the following countries: Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine (Tbilisi, 19-20 February 2015).

49. Access to justice remains another focus for the capacity-building activities of EEB/European ECO Forum through its participation in the activities under the Convention's Task Force on Access to Justice, bringing knowledge in this area to its network and preparing the relevant analysis of case-law within the European Union and the Court of Justice of the European Union.

50. Further capacity-building activities in this area could be focused on supporting national multi-stakeholder dialogues to remove existing barriers to access to justice, improving the relevant legislation, monitoring and evaluating the effectiveness of domestic administrative and judicial review procedures in environmental matters and providing information to the public on access to judicial and administrative review procedures, as well as access to courts' and other review bodies' decisions.²³

51. Partner organizations are invited to support the establishment of a network of the judiciary, judicial training institutions and other review bodies in the pan-European region under the auspices of the Task Force to promote the exchange of experiences in access to justice and the enforcement of the rule of law in environmental matters. They could also promote such networking at the subregional and national levels.

E. Genetically modified organisms

52. Building capacities of the countries in the ratification and implementation of the amendment to the Convention on public participation in decisions on deliberate release into the environment and placing on the market of GMOs (GMO amendment) remains crucially important. Survey outcomes highlighted the lack of capacity of public authorities to apply the Aarhus Convention in GMOs/LMOs-related activities.

53. Ways to strengthen capacity-building development was discussed at the second round table on access to information, public participation and access to justice regarding living genetically modified organisms/genetically modified organisms (LMOs/GMOs) (Geneva, 15–17 November 2016), which was jointly organized by ECE and the secretariat of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity under the leadership of the Government of Austria. The event resulted in identifying key actions for the way forward summarised by the Chair²⁴

54. At the round-table, participants underscored an important role of Aarhus Centres, if available, or other relevant organizations, was underscored to help to strengthen capacities of authorities to promote effective access to information and public participation in LMOs/GMOs issues thereby assisting Parties to ratify the GMO amendment and implement the Aarhus Convention and the Cartagena Protocol in the context of LMOs/GMOs.

55. To support capacity-building work in this area, a checklist of key measures for ratification and implementation of the Aarhus Convention and the Cartagena Protocol on Biosafety in the context of LMOs/GMOs and a summary of tools and resources to support the implementation of the Aarhus Convention and the Cartagena Protocol in the context of LMOs/GMOs were prepared.

²³ For more details, please see draft decision VI/3 on promoting effective access to justice available from <http://www.unece.org/env/pp/aarhus/wgp21.html#/>

²⁴ See https://www.unece.org/env/pp/grt_lmo_gmo_2016.html#/

56. No other specific activities in the focus area of GMOs were reported by partner organizations. This focus area remained the least addressed through capacity-building activities under the Convention.

57. Further capacity-building activities could be focused on the following priority areas: (a) strengthening coordination and cooperation between national focal points of the Aarhus Convention and the Cartagena Protocol on Biosafety; (b) assisting in preparing required documents for ratification of the GMO amendment; and (c) organizing national multi-stakeholder round tables and trainings for relevant authorities and government agencies.

58. As of June 2017, priority countries for such activities include those Parties to the Convention whose ratification of the GMO amendment would count towards its entry into force, namely Albania, Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, the former Yugoslav Republic of Macedonia and Ukraine.

F. Public participation in international forums

59. Outcomes of the survey demonstrated that public participation in international forums remained important for countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia, nevertheless no specific capacity-building activities were reported on the matter.

60. To advance the implementation of article 3, paragraph 7, of the Convention, capacity-building activities in this area can be focused on:

(a) promotion public participation at the national level regarding international environmental decision-making processes and taking appropriate actions within the framework of international organizations in matters relating to the environment, bearing in mind relevant provisions of the *Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums*;

(b) wide dissemination and promotion of the checklist of measures prepared under the auspices of the Convention to systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment;

(b) supporting interaction within and between public authorities to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the *Almaty Guidelines*.²⁵

61. Partner organizations are invited to support the application of the *Almaty Guidelines* throughout the activities in which they are involved, as appropriate. Future capacity-building activities could be focused on thematic trainings for public officials and on assisting Parties to organise thematic workshops or round tables as to facilitate public engagement in preparing inputs by Governments to international forums, especially when hosting international forums.

G. Compliance with the Convention

62. Compliance with the Convention continued to be a general priority for the work in accordance with the work programme for 2015–2017.

²⁵ For more details, please see draft decision VI/4 on promoting on promoting the application of the principles of the Convention in international forums from <http://www.unece.org/env/pp/aarhus/wgp21.html#/>

63. ECE, OSCE and REC supported the implementation of several projects that assisted Parties in implementing recommendations of the Convention's Compliance Committee and the relevant decisions of the Meeting of the Parties (see AC/MOP-6/Inf.2).

64. The capacity-building activities of EEB/European ECO Forum were focused on the compliance mechanism under the Aarhus Convention. This included assistance to NGOs in the preparation of communications to the Compliance Committee and organization of trainings for NGOs and lawyers about the mechanism, and the follow-up to the Compliance Committee's findings and recommendations. Sustainable funding for NGOs to support their participation in the compliance mechanism remains crucially important.

65. Partner organizations are strongly encouraged to continue assisting Parties in implementing recommendations of the Convention's Compliance Committee and the relevant decisions of the Meeting of the Parties on compliance matter.

H. Supporting implementation of Principle 10 of the Rio Declaration

66. Activities dedicated to the implementation of Principle 10 of the Rio Declaration were conducted by the secretariat to the Aarhus Convention and partner organizations, such as UNITAR, UNEP, REC and EEB/European ECO Forum, outside the ECE region.

67. The Aarhus Convention secretariat continued to support ongoing initiatives in an advisory capacity to implement principle 10 of the Rio Declaration, namely: (a) the Advisory Group on International Environmental Governance for the project on the promotion of the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines), led by UNEP; and (b) the "Access for All" initiative, launched at the Eye on Earth Summit in December 2011 and led by the World Resources Institute, which seeks to provide a platform for global promotion of Principle 10. The secretariat also provides an ongoing advisory support to the Economic Commission for Latin America and the Caribbean (ECLAC) on the process of developing a regional agreement on access to information, public participation and access to justice for the ECLAC region.

68. UNEP continued providing support to countries interested in implementing the Bali Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental matters²⁶, inter alia through the Bali Guideline Implementation Guide²⁷ available in English and Spanish. UNEP is looking for partners to develop translations in other languages.

69. UNDP, UNEP and UNITAR have launched a joint capacity development initiative on strengthening capacities for rights-based, transparent and accountable environment governance²⁸. The overall goal of the training programme is to strengthen legal and institutional frameworks to enhance national implementation capacities to advance open, transparent, participatory and accountable decision-making and access to justice in matters that affect sustainable development, the environment and natural resources management. The project is at the fundraising stage. Its implementation is foreseen for the period 2018-2021 subject to the availability of the resources.

²⁶ Adopted by the Governing Council of the United Nations Environment Programme in decision SS.XI/5, part A of 26 February 2010 and available from <https://wedocs.unep.org/rest/bitstreams/46803/retrieve>.

²⁷ Available from <http://www.unep.org/about/majorgroups/bali-guideline-implementation-guide-published>

²⁸ More information is available from <http://www.unitar.org/ksi/strengthening-capacities-rights-based-transparent-and-accountable-environmental-governance>

70. UNEP continued to provide support to the process of developing a regional agreement on access to information, public participation and access to justice for the ECLAC region, inter alia by:

- (a) Building capacity of negotiators of Peru and Brazil;
- (b) Participating in and actively supporting the process of development of the Agreement, in particular through the UNEP Regional Office in Panama;
- (c) Developing a project “Strengthening compliance to Multilateral Environmental Agreements in Latin America and the Caribbean through the effective application of Principle 10” for the Global Environment Facility.

71. Furthermore, UNEP conducted many workshops, seminars and colloquia to assist countries in applying the rule of law in environmental matters, including by strengthening access to justice and a rights base approach.

72. REC also supported the process of developing the above mentioned regional agreement in the ECLAC region by sharing experience with stakeholders on the negotiation process of the Aarhus Convention. That capacity-building project had been ongoing since 2013 with the support of various donors, including the Netherlands and Italy. Activities focused on assisting regional civil society organizations to prepare background documents and participate in the negotiations.

III. Trends and considerations

A. General observations

73. Due to the cross-cutting nature of the Aarhus Convention and the Protocol on PRTRs, the related capacity-building activities can assist countries not only to advance the implementation of both instruments, but also to contribute to the promotion of good governance, effective implementation of the Sustainable Development Goals and promotion of transparency and public participation in the transformation towards green economy.

74. The capacity-building projects and activities were mainly carried out in the current intersessional period on a periodic or one-time basis with the support of national budgets and international technical assistance.

75. Continuous opportunities for building capacities of different targets groups in the target countries related to the Convention implementation could be supported through the development of an online self-paced or moderated online course based on the relevant material developed under the Convention (e.g. Implementation Guide, Maastricht Recommendations) that could be translated by each interested Party and that could include a module on the implementation of the Aarhus Convention at the national level. The opportunities for further cooperation with UNITAR and other partner organizations to develop such course could be further explored.

76. Further development of a regulatory framework, through systematically introducing Convention- and Protocol-related obligations into all relevant legislative and regulatory acts, continues to be essential. In addition, future activities should aim to strengthen inter-agency and multi-stakeholder cooperation and dialogue at the national and local levels.

77. The nature of many capacity-building projects remained multi-stakeholder. Representatives of NGOs provided substantive inputs to the various capacity-building

activities. Further strengthening the expert and technical capacities of NGOs will be a useful and intrinsic contribution to advance implementation of the Convention.

78. The protection of environmental human rights defenders, whistle-blowers and other environmental activists against persecution, harassment or any kind of retaliation through capacity-building and awareness raising initiatives with the involvement of national focal points, civil society and national human rights institutions remains a crucial issue to be addressed in the next intersessional period.

79. Most of the projects were largely focused on supporting the general²⁹ implementation of the Convention in accordance with beneficiary countries' needs. Several projects were strictly dedicated to specific areas, such as access to justice and public participation in decision-making.

B. Access to Information

80. Strengthening countries' capacities in active dissemination and reuse of environmental information as well as effective use of electronic information tools for the application of the Aarhus Convention remains a priority for the interested countries. Synergies with Open Government, Open Data, e-Government, SEIS, geospatial information management, Earth observation data and other similar initiatives that could make environmental information or data produced or commissioned by governments publicly available to access, reuse and redistribute could be further explored.

C. Public participation in decision-making

81. Public participation on specific activities and plans, programmes and policies was reported in the survey as the most important capacity-building priority in the countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia. Public participation during the preparation of executive regulations and/or generally applicable legally binding normative instruments could be also further promoted through capacity-building activities. These activities could be implemented through pilot projects, trainings, improving the legal framework and developing tools that assist countries to promote effective and inclusive public participation in environmental decision-making.

D. Access to Justice

82. In the field of access to justice, many efforts were made to provide training sessions for judges, other legal professionals and NGOs at the national and subregional levels, including the EU level. Greater involvement of public interest lawyers, bar associations, mediators, prosecutors and other legal professionals in capacity building activities remains crucial. Such activities should support a multi-stakeholder dialogue aiming at removing any barriers to access to justice and monitoring the effectiveness of domestic administrative and judicial review procedures in environmental matters.

83. Promotion of networking of the judiciary, judicial training institutions and other review bodies in the pan-European region, subregional and national levels remains important to promote the exchange of experiences in access to justice and the enforcement of the rule of law in environmental matters.

²⁹ Projects supporting general implementation of the Convention and the Protocol on PRTRs often address all the provisions of the treaties.

E. Public participation in GMOs-related activities and in international forums

84. Capacity-building activities dedicated to the implementation of the Aarhus Convention with respect to GMOs and to strengthening public participation in international forums should receive wider support in the next intersessional period. These activities should be focused on raising awareness and building capacities of governmental officials and relevant stakeholders, including NGOs.

F. Compliance with the Convention

85. Partner organizations are strongly encouraged to continue assisting Parties in implementing recommendations of the Convention's Compliance Committee and the relevant decisions of the Meeting of the Parties on compliance matter. Building capacities of NGOs to participate in the Convention's compliance mechanism continues to be crucially beneficial for the quality of its functioning. This work should receive priority for sustainable funding opportunities.

G. Promotion of Principle 10 of the Rio Declaration beyond the ECE region

86. Activities related to the promotion of Principle 10 of the Rio Declaration beyond the ECE region provide a good opportunity for the exchange of good practices and lessons learned and increase the visibility of the Convention and its Protocol outside the region. Further strengthening collaboration among international organizations mandated to work in this area is important.

H. Framework for future activities

87. The capacity-building activities for the next intersessional period should be focused on the issues specified in the decisions of the Meeting of the Parties to the Convention and its Protocol on PRTRs and should respond to countries' needs identified through the 2017 national implementation reports and through the compliance mechanism, as well as the relevant outcomes of the meetings of the Working Group of the Parties, the task forces, workshops, studies and surveys.

88. The role of partner organizations remains crucial for assisting in the promotion and implementation of the Convention and the Protocol on PRTRs at local, national and subregional levels.

89. Funding opportunities for partner organizations to carry out capacity-building projects, especially specific thematic projects (e.g. promoting the application of the Aarhus Convention to GMOs-related matters or promoting public participation in international forums), should be further expanded. The national focal points of the Parties providing development assistance are encouraged to work closely with the representatives of the public authorities responsible for development assistance programmes to address the capacity-building needs regarding the Aarhus Convention, Protocol on PRTRs and Principle 10 of the Rio Declaration, in such programmes.

90. Aarhus Centres provide a platform for cooperation between public authorities, civil society and other stakeholders, thereby fostering implementation of the Convention and the Protocol on PRTRs. They also make it possible to reach out to stakeholders at the

subnational and local levels and help to raise awareness of a wider audience. The Aarhus Centres network plays an important role for capacity-building activities for various target groups in the implementation of the Aarhus Convention. OSCE remains committed to supporting and strengthening the capacities of Aarhus Centres in addressing local environmental challenges, including those related to the transition towards greening the economy and disaster risk reduction. Further efforts for ensuring sustainability of Aarhus Centres remain crucially important.

91. In addition to cooperation with capacity-building partners mentioned above, cooperation with the secretariats of other multilateral environmental agreements and forums (e.g., the Convention on Biological Diversity, the Convention on Environmental Impact Assessment in a Transboundary Context, the Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, Air Convention, Industrial Accidents Convention, the ECE Working Group on Environmental Monitoring and Assessment, the ECE Statistical Division, DESA, SAICM, Office of the High Commissioner for Human Rights, and international financial institutions, including EIB, EBRD and World Bank and others) has proven to be a useful way to maximize synergies while ensuring the efficient use of resources.

92. The secretariat continues its efforts to promote synergies between activities of partner organizations through the Convention's capacity-building coordination mechanism and through the International PRTR Coordinating Group.

93. Wide dissemination of the outcomes of capacity-building activities through the Internet and by other electronic means should be an integral part of the projects and can substantially increase their visibility and contribute to raising awareness among other stakeholders. Regular use of the Aarhus Clearinghouse, the Aarhus Good Practice Online database, PRTR:learn and PRTR.net for uploading information on capacity-building and awareness-raising activities can contribute to this objective and improve further coordination.
