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CONVENTION ON ACCESS TO INFORMATION,
PUBLIC PARTICIPATION IN DECISION-MAKING AND
ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Working Group of the Parties

Seventh meeting
Geneva, 2–4 May 2007
Item 5 of the provisional agenda
Public participation in international forums

**SYNTHESIS OF RESPONSES RECEIVED FROM INTERNATIONAL FORUMS TO
THE WRITTEN QUESTIONNAIRE IN THE CONSULTATION PROCESS ON
THE ALMATY GUIDELINES**

Addendum

**FORMALIZED RULES AND PROCEDURES
AND NON-FORMALIZED PRACTICES
REGARDING PUBLIC PARTICIPATION IN DECISION-MAKING**

Prepared by the Task Force on Public Participation in International Forums
with the assistance of the secretariat

1. The purpose of this addendum is to synthesize the responses received from international forums to the written questionnaire in respect of the following questions:

GE.07-20835

- a) Does your forum have any formalized rules or procedures concerning public participation in decision-making in environmental matters? If yes, please provide an overview.
 - b) Does your forum have any non-formalized practices concerning public participation in decision-making in environmental matters? If yes, please provide an overview.
2. The addendum looks at the international forums' formalized rules and procedures and non-formalized practices regarding concerning public participation in decision-making.

Formalized rules and procedures regarding public participation

3. Forty-one forums report formalized rules and procedures regarding public participation in decision-making. Thirty forums discuss formalized rules and procedures in relation to who may participate in their processes and twenty-eight forums refer to rules and procedures in respect of how those persons may participate.

Who may participate

4. The Rules of Procedure of UNEP's Governing Council state that international non-governmental organizations having an interest in the field of the environment may designate representatives to sit as observers at public meetings of the Governing Council and its subsidiary organs, if any. The Rules of Procedure are available on the United Nations Environment Programme's website <http://hq.unep.org/resources/gov/Rules.asp>
5. The IWC's Rules of Procedure provide that any international organization with offices in more than three countries may be represented at meetings of the Commission by an observer if it submits its request in writing to the Commission 60 days prior to the start of the meeting and the Commission issues an invitation with respect to such request. Once an international organization is accredited, it remains accredited until the Commission decides otherwise. NGOs are restricted to having only one representative per organization (plus an interpreter as appropriate) in the meeting room at any one time. IWC's secretariat notes that there are currently around 100 accredited NGOs.
6. The UNFCCC secretariat reports that there are currently 773 civil society organizations admitted as observers to its processes and that observer participation is normally as great if not greater than that of Parties. Observer organizations represent a wide range of civil society interests from the developed and developing world, although participation from the developed world is far higher. The organizations are currently grouped into five constituencies: business and industry, environmental, local government and municipal authorities, research and independent, and indigenous peoples organizations. Other interest groups – trade unions, gender, faith and youth – are also represented. The constituency system allows channelling of information to and from particular interest groups and allows the process to have representation from civil society at limited access events including workshops.

7. The secretariat of the Convention of Biological Diversity (CBD) reports that its Rules of Procedure provide for the representation of “any body or agency, whether governmental or non-governmental” at meetings of the Conference of the Parties and its subsidiary bodies as observers, unless at least one third of the Parties at the meeting object.
8. The UNCCD Rules of Procedure state that “any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Permanent secretariat of its wish to be represented at a session of the Conference of the Parties as an observer may be so admitted unless at least one third of the Parties present at the session object”.
9. The CMS secretariat indicates that public participation under the Convention is formalized through partnership agreements with interested inter-governmental and non-governmental organizations, however no formal structure has been set up.
10. The ITTO secretariat remarks that it is relatively easy to register as an observer to attend its meetings, and only one public observer organization has ever been denied access. It adds, however, that the cost of attending meetings is a significant barrier to broad participation from developing country organizations and individuals. ITTO also has well-established Trade and Civil Society Advisory Groups whose members provide inputs to the International Tropical Timber Council on relevant areas of its work programme.
11. The secretariat of the International Civil Aviation Organization (ICAO) indicates that the ICAO has a technical committee, the Committee on Aviation Environmental Protection, which undertakes most of ICAO’s work in that area. An umbrella organization representing environmental NGOs, the International Coalition for Sustainable Aviation, participates in this Committee.
12. The secretariat of the United Nations Commission on Science and Technology for Development (UNCSTD) reports that participation in the work of the Commission is subject to ECOSOC rules of procedures and NGOs accredited by ECOSOC may participate in the work of the Commission as observers.
13. The UNESCO World Heritage Centre indicates that its Operational Guidelines provide that “partners in the protection and conservation of World Heritage can be those individuals and other stakeholders, especially local communities, governmental, non-governmental and private organizations and owners who have an interest and involvement in the conservation and management of a World Heritage property”. The Rules of Procedure of the UNESCO World Heritage Committee provide that, upon written request, international governmental and non-governmental organizations and non profit-making institutions having activities in the fields covered by the World Heritage Convention, may be authorized by the Committee to participate in the sessions of the Committee as observers.
14. The secretariat of the UNESCO Man and the Biosphere Programme indicates that the World Network of Biosphere Reserves is ruled by the World Network Statutory Framework (http://www.unesco.org/mab/BRs/pdf/statfram_E.pdf) and the 1996 Seville Strategy (<http://www.unesco.org/mab/BRs/pdf/Strategy.pdf>), which provide recommendations at the site,

national and international levels for the functioning of biosphere reserves. The objectives of the Seville Strategy include, inter alia, to secure the support and involvement of local people and to establish a local consultative framework in which the reserve's economic and social stakeholders are represented, including the full range of interests (e.g. agriculture, forestry, hunting and extracting, water and energy supply, fisheries, tourism, recreation, research).

15. The SAICM secretariat reports that the International Conference on Chemicals Management, which adopted SAICM in February 2006 as an international policy framework to further the sound management of chemicals, has not yet developed its own rules of procedure, but at its first session used those of the Preparatory Committee for the Development of SAICM. Under those rules, which are available in the report of "PrepCom1" at <http://www.chem.unep.ch/saicm/prepcom1/Default.htm>, any international NGO having expertise and responsibilities in the field of international chemicals management that has informed the secretariat in writing of its wish to be represented at sessions of the Preparatory Committee and whose request has not been objected to by one-third or more of the governmental participants present when the Committee considers the request may participate in sessions.

16. NAFO's website welcomes all NGOs that support the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO to attend NAFO Meetings as observers. NAFO's General Council and Fisheries Commission admit observers to all plenary sessions except meetings held in executive session or meetings of Heads of Delegations.

17. The Bureau of the LRTAP reports that the participation of NGOs at meetings of its Executive Body and main subsidiary bodies is currently governed by the United Nations rules of accreditation (but see "Current and Future Work Plans" below for changes planned). It notes that participation in Task Forces and Expert Groups is at the discretion of the Chairs, but Chairs are keen to include all those with an interest in the topic concerned and no NGO or individual expert has been excluded to date.

18. The Rules of Procedure of the Industrial Accidents Convention require the secretariat to notify international NGOs that have special qualifications with regard to matters relating to the Convention and have informed the secretariat of their wish to participate, of any meeting held in public, so that they may be represented as observers. In respect of meetings held in private, the COP may approve the admission of representatives of international NGOs that have special qualifications with regard to matters relating to the Convention as observers. It may similarly terminate its approval.

19. The Rules of Procedure of the Water Convention allow the participation of observers in its meetings, including NGOs qualified or having an interest in the fields to which the Convention relates, provided there is no objection from one third of the Parties present at the meeting.

20. The Rules of Procedure of the Espoo Convention allow the participation of observers at its meetings, including NGOs qualified in fields relating to EIA, provided there is no objection from at least one third of the Parties present at the meeting. At their third meeting (June 2004), the Parties requested the secretariat to grant, subject to the availability of funds, financial assistance

to participate in meetings under the Convention to a maximum of five NGO experts identified by the Bureau. The Bureau subsequently selected four NGOs to receive financial support.

21. The Bureau of the Committee on Housing and Land Management reports that the Committee's 2006 terms of reference state that "the Committee cooperates with the private sector, with non-governmental organizations and with local authorities, supported in particular by its Housing and Urban Management Advisory Network". The Advisory Network consists of experts from the private sector, financial institutions, NGOs, professional institutions, research institutions and local authorities dealing with housing, spatial planning and land administration. According to its 2006 Terms of Reference, the Committee's Working Party on Land Administration shall "coordinate its activities in close contact with other international governmental and nongovernmental organizations active in related fields".

22. The CEP Bureau indicates that the UNECE's 2006 revised terms of reference and Rules of Procedure require the UNECE to make arrangements to consult with NGOs granted consultative status by the United Nations Economic and Social Council (ECOSOC). Under the revised terms of reference, UNECE subsidiary bodies shall adopt their own rules of procedure unless otherwise decided by the Commission. The CEP, as a subsidiary body, has not adopted rules of procedure as such, however public participation is formalized under the CEP's own terms of reference. Under its 1994 terms of reference, the CEP shall "facilitate the coordination of environment-related programmes in the region, and cooperate closely with the European Union and sub-regional governmental and non-governmental organizations in order to extend their achievements and agreed practices to the region as a whole" and "promote legal, regulatory and administrative mechanisms of environmental management, and encourage public participation in environmental decision-making". The CEP is in the process of revising its terms of reference, but these principles will be retained.

23. The Committee on Sustainable Energy reports that it is similarly subject to the UNECE's 2006 revised terms of reference and Rules of Procedure. Like the CEP, the Committee on Sustainable Energy has not adopted rules of procedure as such, however public participation is formalized under its terms of reference. In the Committee on Sustainable Energy's revised terms of reference, approved by the UNECE Executive Committee in December 2006, the Committee's mandate is to, inter alia, "enhance cooperation with the business and private sectors, comprising both the energy industries and the financial community."

24. The secretariat of the "Environment for Europe" process indicates that the formal rules of procedure concerning public participation in decision-making within the "Environment for Europe" process are approved by the Ad Hoc Preparatory Working Group of Senior Officials (WGSO) prior to each of the Ministerial Conferences "Environment for Europe". The WGSO is an intergovernmental group created for the express purpose of preparing for the upcoming Ministerial Conferences "Environment for Europe" and for coordinating the follow-up response. Each WGSO is established by the CEP (discussed at paragraph 22 above) upon the recommendations of the Ministerial Conference. Representatives of NGOs, regional environmental centres (RECs) and other major groups are invited as observers to the WGSO and a senior representative of the European ECOForum, an NGO coalition, is invited to participate as observer in the Executive Committee of the WGSO.

25. The EEHC secretariat says that the Committee has three NGO members, representing trade unions, health and the environment respectively. The latter two were elected from pan-European networks. There are also two Youth Delegates, elected by participants at a youth workshop in Norway in March 2006. Other relevant NGOs are invited to attend meetings as observers as appropriate.

26. Under the Bern Convention, any international or approved national non-governmental body or agency technically qualified in the protection, conservation or management of wild fauna and flora and their habitats may inform the Secretary General of the Council of Europe, at least three months before the meeting of the Committee, of its wish to be represented at that meeting by observers and shall be admitted unless, at least one month before the meeting, one third of the Contracting Parties have informed the Secretary General of their objection.

27. The secretariat of the Helsinki Commission reports that international NGOs may apply for observer status to the Helsinki Commission upon demonstrating that they can contribute to matters dealt with by the Helsinki Commission, that they have a membership in a wide number of the Baltic Coastal States and an organized internal structure. The Commission's meeting in 2001 adopted guidelines for the granting of observer status to the Helsinki Commission for intergovernmental and non-governmental organizations (<http://www.helcom.fi/stc/files/observers/annex8.pdf>). The secretariat notes that at present the Commission has 19 non-governmental observers.

28. The draft Rules of Procedure of the Framework Convention for the Protection and Sustainable Development of the Carpathian (the Carpathian Convention) allow any national, intergovernmental or non-governmental organization with activities related to the Convention to participate as an observer at the ordinary and extraordinary sessions of the Conference of the Parties. The draft Rules of Procedure were to be adopted at the First Conference of the Parties, scheduled for December 2006.

29. The ICPR secretariat indicates that its Rules of Procedure set out the terms for observer status. The Rules require that NGOs seeking to participate as observers accept the targets and basic principles of the Convention, have specific technical or scientific knowledge or other knowledge pertaining to the targets of the Convention, have a well-structured administration, and have the power to speak in the name of the members of the organization as an accredited representative. (http://www.iksr.org/fileadmin/user_upload/documents/Gesch_fts-Finanzordnung-e.pdf)

30. Under the Sava Commission's Rules of Procedures, the Sava Commission may grant observer status to States and to international, regional and national governmental and non-governmental organizations. The observer status granted may be permanent or ad hoc. The Rules also require the Commission to adopt detailed criteria and procedures for granting observer status.

31. The secretariat of the International Commission for Protection of the Danube River (ICPDR) has guidelines for observer status, which can be downloaded from its website. To qualify for observer status, NGOs must acknowledge the goals and basic principles of the ICPDR; possess specialized technical or scientific competence or other competences relating to the goals of the ICPDR; have a structured permanent administration; be granted the mandate to speak as accredited representatives; and have a regional or basin-wide perspective. The ICPDR

website has a special section on “How to participate”, where all information regarding public participation, including the guidelines for observer status, can be downloaded (http://www.icpdr.org/icpdr-pages/public_participation.htm).

32. The Baltic 21 secretariat indicates that according to the Baltic 21’s founding document (An Agenda 21 for the Baltic Sea Region, Nyborg, 1998), all relevant actors are invited to participate in and contribute to the implementation of Baltic 21 and governments should encourage and promote such participation, and make efforts to fully involve all actors. The Senior Official Group of Baltic 21 should ensure that the Baltic 21 process is open, transparent, democratic and participatory.

33. UNESCAP’s Environment and Sustainable Development Division reports that the public’s participation in decision-making is governed by the ECOSOC rules.

How the public may participate

34. UNEP’s Division of Early Warning and Assessment states that, in the process leading up to sessions of the UNEP Governing Council/Global Ministerial Environment Forum, accredited civil society organizations have the possibility to receive unedited working documents at the same time as the Committee of the Permanent Representatives and to submit written comments on these to the UNEP secretariat for distribution to the governments.

35. The IWC secretariat indicates that observers from non-member governments, other intergovernmental organisations and international NGOs are allowed to attend meetings as observers (with the exception of meetings of the Finance and Administration Committee and its sub-groups), but they do not take part directly in decision-making. While the Commission’s Rules of Debate allow the Chair to invite observers to address a meeting, current practice is that NGOs are not called on to speak. All observers are allowed, however, to submit written opening statements to meetings of the Commission (which form part of the Commission’s official documentation), and can make ‘for information’ documents available via tables designated for this purpose. Documents and reports written/published by NGOs may be treated as official documents, but must be submitted by a member government. The secretariat reports that because of the nature of the work of the Commission and the differing views over whaling, the Commission’s meetings receive significant media attention. Accredited media representatives are admitted to meetings of the Commission in plenary but not to meetings of any of the Commission’s sub-groups. Media admission is not governed by formal rules of procedure, but they must abide by a code of conduct. Attendance by general members of the public is not allowed.

36. The IMO secretariat states that, subject to the relevant rules of procedure and security and to limitation of space, attendance by the public is allowed at IMO meetings. However, the public can ‘merely’ observe the meetings, without taking the floor or submitting documents and cannot participate directly in the decision-making. Accredited media representatives are admitted to observe IMO meetings.

37. The secretariat of the United Nations Commission on Sustainable Development (CSD) indicates that, at the Earth Summit+5, the United Nations General Assembly agreed that the CSD should “strengthen its interaction with representatives of major groups, including through greater and better use of focused dialogue sessions, and round tables.” The 2002 World Summit on Sustainable Development outcome and subsequent CSD-11 decisions have provided additional mandates for enhanced participation of major groups in the work of the CSD. In the post-WSSD phase, major groups are integrated in the various activities throughout the official CSD sessions, including thematic discussions, expert panels, and interactive discussions with Ministers during the High-level Segment. Major groups contribute their expertise to technical discussions on thematic issue areas and offer solutions for furthering implementation of sustainable development. The Chair’s Summary of CSD Review Sessions integrates major groups’ input, and allocates a separate section to the summary of the multi-stakeholders dialogues. In 1997, the organizing partners’ mechanism was initiated to reach out to greater and broader major groups’ networks worldwide. Under the mechanism, a steering group of organizing partners from each major group (credible networks who are invited by the Bureau to facilitate the engagement of their major group sector and are trusted by their sector in this role) engage in consultations with their sector’s networks to draft a “discussion paper” or a “priorities for action” paper (depending on the year of the implementation cycle), which represent a common platform for each sector. The major groups’ papers are released as part of the official documentation in all official UN languages, without editing the content. The CSD secretariat comments that the organizing partner’s mechanism allows the secretariat and the Bureau to consult in a timely fashion with major groups during the preparatory phase of the CSD and to organize major groups’ participation in a more harmonious, targeted and coordinated fashion during the session itself.

38. The texts of the UNFCCC and the Kyoto Protocol recognize the value of inputs from civil society, authorize Parties to draw upon any relevant information from non-governmental bodies and provide for the attendance of observers. The participation of observers is governed by the draft Rules of Procedure, FCCC/CP/1996/2, and decision 8/CP.4. A code of conduct has also been developed to assist observer organizations in their participation. Observers have the opportunity to make general statements at the COP and the COP serving as the Meeting of the Parties to the Protocol (CMP) joint plenary. Observers may request to make interventions on agenda items of the subsidiary bodies, the COP and the CMP, which are normally granted, although they are dependent on the decision of the Chairs of these bodies. Other inputs by observers into the negotiating process are provided through participation in workshops and submissions on issues on which Parties have been requested for views. These submissions are made publicly available on the website www.unfccc.int/parties_and_observers/ngo/items/3689.php. The Clean Development Mechanism and the Joint Implementation Supervisory Committee also request public input into aspects of their work through their respective areas of the website.

39. The CBD secretariat indicates that admitted observers may, upon the invitation of the presiding officer, participate without the right to vote in the proceedings of any meeting unless at least one third of the Parties present at the meeting object. The secretariat reports that to date civil society organizations have been admitted to meetings on an ad hoc basis upon request. Observers are entitled to receive copies of all official documentation to facilitate effective participation.

40. The UNCCD secretariat remarks that the UNCCD was perhaps the first international instrument to stress “the special role of NGOs” and to give them an important role in ensuring implementation. At COP meetings two open dialogue sessions are scheduled pertaining to the activities of NGOs within the official programme of work of the COP. More than 800 NGOs are accredited to the COP and more than 200 of their representatives participated at the seventh COP held in 2005 in Nairobi, Kenya.

41. The ITTO secretariat reports that ITTO has a policy of allowing anyone admitted to its open meetings to contribute under any agenda item. There is also a regular Council agenda item on inputs from observers.

42. Pursuant to its statute, the IAEA is authorized to adopt “standards of safety for protection of health and minimization of danger to life and property”. Several of these safety standards address public participation, particularly regarding radiation and nuclear safety practices and in respect of the siting of facilities using or involving radioactivity that can impact the environment. During the drafting of a safety standard, the draft is made public on the IAEA website for comments. Formal comments are also sought from member States. The final decision on the draft is made by the safety standard committees composed of official member States representatives. Once published the standards are public documents that can be downloaded from the IAEA web site, www.iaea.org.

43. The UNESCO World Heritage Centre indicates that the Rules of Procedure of the World Heritage Committee, available at www.whc.unesco.org, govern access to meetings and decision-making documents. Meetings shall be held in public unless decided otherwise by the Committee. This rule cannot be suspended by the Bureau. Observers may address the meeting with the prior consent of the Chairperson. Only member States may vote.

44. The secretariat of the UNESCO Man and the Biosphere Programme indicates that public participation is a basis in both the establishment and the management of biosphere reserves. Recommended actions in the 1996 Seville Strategy include, inter alia, to prepare guidance on key aspects of biosphere reserve management, including the involvement of stakeholders in decision-making and responsibility for management, and to survey the interests of the various stakeholders and fully involve them in planning and decision-making regarding the management and use of the reserve. As concerns building capacity, the secretariat regularly organizes training workshops on dialogue and concertation for the prevention and management of conflicts in biosphere reserves as well as comparative research activities.¹ Two regional training workshops were organized by the secretariat for biosphere reserve managers and coordinators, State representatives and NGOs working in biosphere reserves within the EuroMAB Network. A co-construction methodology has been tested and is now used in several biosphere reserves in Europe and in other regions such as Africa, Latin America, involving local communities and decision makers (see MAB Technical Note N. 1, 2006, <http://unesdoc.unesco.org/images/0014/001465/146566e.pdf>.)

¹ The term “concertation” is used to describe a process of active dialogue between different stakeholders, working together in concert, to develop a unified proposal or common focus (in terms of visions, objectives, points of view, concerted action etc).

45. The Rules of Procedure currently applied by SAICM allow NGO participants to speak, put forward proposals and raise points of order in the same manner as governmental and intergovernmental participants.² However, only governmental participants have voting rights.

46. The MAP secretariat indicates that the Barcelona Convention obliges Contracting Parties to ensure that the opportunity is given to the public to participate in decision-making processes relevant to the field of application of the Convention and the Protocols, as appropriate. The MAP secretariat reports that the Contracting Parties have decided to establish a partnership policy with civil society, on the basis of clear criteria. Currently 82 NGOs and other actors are partners of the MAP. They participate as observers at the meetings of the Contracting Parties and its subsidiary bodies, and other meetings, carry out activities that fall under the MAP profile and contribute to the achievement of its objectives. They have also made an important contribution to the development of regional legal protocols and other legal tools of the Barcelona Convention, such as the compliance mechanism and the guidelines on liability and compensation. Affected parties (such as affected industries in the case of liability and compensation or the offshore protocol) may access documents, take the floor and make proposals in line with rules and procedures agreed by the meetings of the Contracting Parties. The Contracting Parties have also established the Mediterranean Commission for Sustainable Development (MCSD), a forum for dialogue on sustainable development issues and an advisory body to the Contracting Parties. NGOs, socio-economic actors, academic and research institutions and other stakeholders may participate in MCSD meetings and its activities on an equal footing with members of the Commission (i.e. with the same status as Contracting Parties).

47. The interim secretariat of the Tehran Convention indicates that, at their first meeting, the Signatory States agreed that the participation of observers should be governed along the lines of the Rules of Procedure of the Steering Committee of the Caspian Environment Programme. Under the Convention's draft Rules of Procedure, the COP may invite States not Parties to the Convention as well as intergovernmental and NGOs to be present at its meetings as observers. The observers may participate, without the right to vote, in deliberations of the COP and its subsidiary bodies, upon the invitation of the Chairperson, on questions within their competence or scope of activities. Observers may, upon the invitation of the Chairperson, submit written statements that shall be circulated by the secretariat. The secretariat is expected to compile and regularly update the list of observers. An Explanatory Note to the draft Rules of Procedures proposes that, taking into account that contemporary international practice calls for the more active involvement of competent NGOs in COP deliberations and for improved transparency of COP meetings, the Chairperson should seek to allocate more time for NGO interventions and encourage the COP and its subsidiary bodies to limit the number of closed meetings to the minimum. The final wording of the Rules is still under negotiation.

48. The Rules of Procedure of the Industrial Accidents Convention provides that meetings shall ordinarily be held in public although the COP may decide that a meeting or parts of it shall be held in private. Observers may participate in meetings without the right to make decisions or to vote.

² Pending the development of its own rules of procedure, the International Conference on Chemicals Management is using those of the Preparatory Committee for the Development of SAICM.

49. The Bureau of the Water Convention reports that the Convention's Rules of Procedure allow the participation of observers in its meetings, without the right to vote. The Parties have recently amended the Rules of Procedure to establish that meetings shall be held in public unless the Meeting of the Parties decides otherwise.

50. The Rules of Procedure of the Espoo Convention state that the meetings of the Parties and the meetings of subsidiary bodies established by the Meeting shall be held in public unless the Meeting decides otherwise. Observers may participate in meetings, without the right to vote, at the invitation of the Chair of the meeting and if there is no objection from the Parties present. The Meeting of the Parties has also adopted guidance on public participation in transboundary EIA.

51. The Bern Convention's secretariat indicates that the Rules of Procedure of its Standing Committee establish that Contracting Parties and observers will receive meeting documents within the same timeframe, at least one month before the opening of the meeting concerned. Observers do not have the right to vote but, with the Chairman's permission, they may make oral or written statements on the subject under discussion. Observers can also make proposals to be put to vote, so long as these are sponsored by a delegation. However, the secretariat notes that Standing Committee decisions are customarily reached by consensus and voting is rare.

52. The NAFO secretariat indicates that observers are eligible to participate in all plenary sessions except meetings held in executive session or meetings of Heads of Delegations. Observers may make oral statements during the meeting, distribute documents at the meeting, and engage in other activities as appropriate. They are not eligible to vote. All observers admitted to a meeting will receive the same documentation as Contracting Parties, except those documents deemed confidential by a Contracting Party or the Executive Secretary. NAFO has a media policy in place that allows journalists to attend the opening and closing sessions of meetings. NAFO publishes press releases directly after its Annual Meeting.

53. The Alpine Convention secretariat indicates that the text of the Convention itself, the internal rules of the Alpine Conference and the internal rules of the Permanent Committee together provide interested NGOs with significant means of influencing decisions. It notes that accredited NGOs, very often umbrella organizations such as CIPRA International, participate in the meetings of the Alpine Conference, the Permanent Committee and the Working Groups at all stages of decision-making processes. Their participation may only be excluded according to the above-mentioned internal rules. NGOs with observer status are entitled to have access to all documents relevant to the decision-making, to circulate written statements and to speak at meetings.

54. The ICPDR secretariat indicates that the Commission follows the rule that observer organizations can participate in all meetings and workshops other than those dealing with internal regulation, such as staffing issues. The right to participate includes the right to submit papers, to speak and to influence the decision making process, although observers have no right to vote in the decision-making process.

55. According to the Helsinki Commission's Rules of Procedure, the meetings of the Commission are to be private, unless the Commission decides otherwise. The Executive

Secretary issues invitations to all Contracting Parties and to any Government, any intergovernmental organization and any international NGO with observer status. Meetings of Heads of Delegation are open to any organization with observer status to be represented by maximum one person, although Heads of Delegations may decide to deal with particular issues such as financial and institutional/organizational aspects of the Commission in an internal part of the meeting.

56. The interim secretariat of the Carpathian Convention indicates that the Convention's draft Rules of Procedure allow observers to participate in the proceedings of any meeting on questions within their competence or scope of activities and to present any information or report relevant to the Convention.

57. NEFCO reports that in May 2006, NEFCO, the Nordic Investment Bank, EBRD, the Council of Europe Development Bank and the European Investment Bank signed the European Principles for the Environment (EPE). One of the EPE's aims is to promote best European Union practice in the fields of environmental management, transparency, public consultation and reporting. The Aarhus Convention is one of the treaties cited as supporting material under the EPE.

58. AfDB's Sustainable Development Division states that the Bank, like its sister multilateral financial institutions, has recognized the importance of access to information, public participation in decision making, and access to justice in environmental matters. For instance, the Bank's Vision, adopted in 1999, states its commitment to engage with civil society organizations in order to facilitate the participation of potential beneficiaries in the development process. In addition, the Bank has put in place policies and procedures relating to public participation and consultation which include environmental and social impact assessment requirements for Bank operations at all stages of the project cycle. The Bank has also prepared a policy for cooperation with civil society organizations. This policy was accompanied by the development of a handbook on stakeholder consultations and participation in Bank operations. The implementation of the recommendations in the handbook has strengthened the Bank's effort to mainstream the participation of stakeholders, NGOs and civil society organizations in its operations. The Bank has recently carried out a number of Strategic Environmental Assessment (SEA) studies for selected Bank projects and programmes in line with its Strategic Impact Assessment (SIA) guidelines. The SEA/SIA processes include public participation as a crucial element.

59. The IADB's Environment Division indicates that the foundation for public participation and transparency in the Bank's activities is the IADB Strategy to Promote Citizen Participation in Bank Activities (GN-2232-5). This lays out the Bank's commitment and approach to public participation in general, including matters relating to the environment and sustainable development. The Bank is committed to ensuring public participation and transparency in the programming phase of its work. The Bank's Country Paper Guidelines (GN-2020-6) set forth the principle of involvement of stakeholders in the early stages of the country paper preparation, and specify that the country paper be disclosed to the public, with government authorization, after Board approval. The Bank's recently approved Environment and Safeguards Compliance Policy (GN2208-20) and Indigenous Peoples' Policy (GN2386-8) include standards for consultation, public participation, and transparency in decision-making to ensure that the projects are sustainable and that unintended adverse effects are prevented. The Environment and Safeguards

Compliance Policy also encourages the participation of civil society in the development of country environmental analysis and strategic environmental assessments. Both policies are supported by operational guidelines that lay out procedures for the consistent application of these policies. It is the Bank's stated policy to be transparent about its activities and open to receiving comments and feedback. The Operational Guidelines for the Development and Consultation of IADB Sectoral Policies and Strategies (CP-2916-1) set out guidance to improve and enhance the Bank's procedures for seeking input and comments in the development of Bank policies and strategies. All policies are available on the Bank's website www.iadb.org.

60. The Department of Sustainable Development of the Organization of American States (OAS) refers to the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development (Inter-American Strategy). This was formulated in fulfilment of a mandate of the 1996 Santa Cruz Summit, which set out the basic principles (proactivity, inclusiveness, shared responsibility, openness throughout the process, access, transparency, and respect for public input), goals, and policy recommendations for greater involvement of all sectors of society in decision-making on sustainable development.

61. The OAS also has a Manual for Civil Society Participation in the Organization of American States and in the Summits of the Americas Process, which explains in a straightforward manner, the means by which civil society organizations can participate in and be connected to OAS activities and policy-making. The Manual is available at: <http://www.civil-society.oas.org/>.

62. The Manual states that the OAS' initiatives to promote participation include regional forums/discussions organized by civil society organizations, with technical support from the OAS; presentation of proposals and recommendations resulting from national and regional consultations held by civil society organizations; establishment of strategic networks of civil society organizations, governments, and inter-American and international organizations to exchange information and provide feedback on implementation and follow-up; institutionalization of discussions between civil society organizations and high-ranking national officials from ministries of foreign affairs to exchange views on policy design and fulfillment of mandates; holding of special meetings with civil society during meetings of the Summit Implementation Review Group to exchange information on the Summit process. The OAS Manual for Civil Participation states that the OAS has three mechanisms to facilitate the participation of civil society organizations in its activities. The principal one is registration, the other two are special invitations and cooperation agreements. Registration allows civil society organizations to be part of a hemispheric network of organizations and to have access to information on political, economic, and social processes under way in the OAS. In respect of high-level OAS meetings, civil society organizations must apply for a special invitation to attend as an observer. The OAS concludes cooperation agreements with civil society organizations on the development and implementation of activities in all its areas of work.

63. The OAS also reports that, in accordance with the recommendations for action of the Inter-American Strategy, it is taking advantage of modern communication mechanisms (e.g. internet) to reach out to civil society and to promote civil society initiatives. A recent partnership with Development Gateway (www.developmentgateway.org) has resulted in the launching of a virtual consultation forum to obtain comments and recommendations from civil society in the

framework of the upcoming First Inter-American Meeting of Ministers and High Level Authorities on Sustainable Development. Other public participation initiatives include Informative Bulletins on civil society initiatives (via email and regular post), and a Quarterly Newsletter with updates on the Department of Sustainable Development's activities. Further information on the Department of Sustainable Development's initiatives regarding public participation is available at:

http://www.oas.org/dsd/MinisterialMeeting/ReunionInterAm_eng_Publicpar.htm.

64. The OAS comments that from its experience in Integrated Water Resources Management (IWRM) projects in the Latin American and Caribbean region it has concluded that technical dialogues over specific issues, training and skills development, continued workshops and seminars, public audiences, hands-on pilot demonstration projects, and use of electronic means are all tools that can help communities and stakeholder groups understand, relate to, join, and support IWRM efforts. It notes that such initiatives could be replicated and/or adjusted for other type of projects. (Further information on public participation on the Department of Sustainable Development's IWRM projects are available at:

<http://www.oas.org/dsd/publications/publications-water-series.htm>).

65. ADB staff instructions state that the active guidance of key stakeholders, both internal and external, as appropriate, should be sought during the processing of a policy or strategy paper. In respect of safeguard papers, notably the Environment Policy, staff instructions indicate that external consultation is essential.

Non-formalized practices regarding public participation

66. Twenty-three forums comment on their non-formalized practices concerning how the public may participate in decision-making.

How the public may participate

67. UNEP's Division of Early Warning and Assessment reports that non-governmental and civil society organisations may organise side events and exhibits in the wings of the main sessions and special sessions of UNEP's Governing Council/Global Ministerial Environment Forum. It also states that many NGOs (global, regional and national) are involved in the delivery of UNEP's programme of work, which strengthens their participation in programmatic activities at the operational level. UNEP's Global Environment Outlook global reporting process involves NGOs as collaborating centres in the writing and reviewing of various environmental reports. NGOs are also engaged in the provision of information and data to the global set of country environmental profiles (<http://countryprofiles.unep.org>).

68. The UNFF secretariat comments that it tries very hard to increase and enhance the participation of non-governmental actors in the work of the Forum, including through the financing of travel of representatives of major groups to its meetings.

69. The World Bank refers to its involvement in civic engagement work and community driven development (see www.worldbank.org/socialdevelopment), and its work on strategic

environmental assessment (SEA) and country environmental analysis (CEA) (see www.worldbank.org/environment).

70. The International Monetary Fund indicates that, in so far as environmental concerns are touched on in the Fund's work, this will usually be in the context of wider country consultations, which commonly become public documents. It states that environmental concerns very rarely arise in its technical assistance work; these reports are strictly confidential, and may be released only by national authorities. Its research-related work is ultimately public. It has occasional meetings with civil society organizations on environmental issues.

71. The UNFCCC secretariat indicates that it provides observers with various informal opportunities to gain information on the process, to provide their views directly and to exchange information with decision-makers and other participants. These include meetings between the constituencies and the Executive Secretary and with officials of key bodies in the process; press briefings by civil society at sessions of the COP, which provide a sounding board for civil society views on the negotiations, serve to convert the technical/diplomatic language of the negotiating process into useful information and assist in making the process more transparent; and the side event programme which provides a platform for information sharing events encompassing a broad range of climate change issues. More than half of side events are organized by civil society. Webcasts of selected side events and presentations at side events may be viewed through the website. In addition to side events, exhibits allow organizations to promote their climate change activities, viewpoints or publications. Lastly, the secretariat notes that researchers carrying out research projects on the influence of civil society on the climate change process have enjoyed active participation by the secretariat and open access to UNFCCC's archives. These projects help explain the intergovernmental process and also its interaction with civil society.

72. The UNCCD secretariat indicates that the UNCCD website proposes forums of discussion and debate at various levels, such as the DESELAC Forum on best practices and traditional knowledge in Latin America and the Caribbean.

73. The UNESCO World Heritage Centre reports that the current practice is to allow NGOs to attend the sessions of the World Heritage Committee and if time permits, to speak. According to its Operational Guidelines, information on environmental issues can come to the World Heritage Centre through civil society, NGOs or individuals.

74. The secretariat of the UNESCO Man and the Biosphere Programme indicates that each biosphere reserve is unique and has its own formalized and non-formalized practices, but that sites designated after the 1996 Seville Strategy are more based on a participatory process. Dialogue and concertation among stakeholders is the basis for the establishment and management of these sites. The range of practices observed in selected biosphere reserves include communication, information, consultation, dialogue, concertation and negotiation, on a specific resource, a specific area or zone in the biosphere reserve, or the entire biosphere reserve and at different times (during the reserve's creation, its periodic review or because of an event, a conflict, a new election, activity, change of coordination authority etc). (Some examples are provided in the MAB Technical Note N1, 2006, including emergence of the concepts of 'public

concertation spaces' and 'local hybrid forums',
(<http://unesdoc.unesco.org/images/0014/001465/146566e.pdf>.)

75. The SAICM secretariat reports that it strives to ensure maximum stakeholder participation in meetings in keeping with SAICM's Overarching Policy Strategy.

76. The interim secretariat of the Tehran Convention observes that, throughout the negotiations over the Convention and its Protocols, the aim has been to allow, to the maximum extent possible, the participation of relevant NGOs and public representatives in the regional negotiation meetings. Due to the absence of clear, transparent and regionally agreed rules regarding the participation and status of observers, decisions on the participation of observers have often been taken on an ad hoc basis in consultation with the Caspian governments. Despite the lack of rules to facilitate the involvement of the public in the Convention process, efforts have been made to establish a constructive dialogue with the public and relevant NGOs in particular. Requests for information were dealt with without delays and information about forthcoming meetings was shared automatically well in advance. During the first phase of the Caspian Environment Programme, technical assistance was provided to the Caspian countries in the form of small short-term projects at the national level. Three out of the five Caspian littoral states prepared projects relevant to the principles of the Aarhus Convention. Azerbaijan and Turkmenistan developed and disseminated a set of guidelines aimed at raising the public's awareness of the Aarhus Convention and relevant national legislation, and the Islamic Republic of Iran provided a training course to public officials on the implementation and importance of the Aarhus, CITES and Espoo Conventions.

77. The Bureau of the Water Convention reports that active participation of NGOs in the work under the Convention is a long-standing practice. Representatives of NGOs, the academic community, the private sector and interest groups participate as observers in all meetings under the Convention and have even take the lead in some of its activities. This is considered crucial to optimize the process of public participation in transboundary water resource management in the region. Subject to the availability of funds and the approval of the Bureau or the chairperson of the meeting, financial assistance for the participation of designated experts from NGOs in meetings under the Convention is also a common practice. A workshop on information management and public participation in transboundary water cooperation in the countries of Eastern Europe, the Caucasus and Central Asia (EECCA) was held in St. Petersburg, on 8-10 June 2005. During the workshop, public participation in transboundary water management in EECCA was analyzed, including recent progress and remaining problems. The workshop documentation illustrates main principles, instruments and mechanisms for public participation in water management and draws conclusions and recommendations (see <http://www.unece.org/env/water/cwc/info-pp.htm>).

78. The secretariat of the Espoo Convention indicates that NGOs have contributed to the development of the Convention's Protocol on Strategic Environmental Assessment and the current workplan. An NGO took the lead role in developing the Convention's guidance on public participation in transboundary EIA. Workshops and other activities under the Convention often include NGO participation.

79. The Bureau of the Committee on Housing and Land Management also reports that the active participation of civil society in the Committee's work is a long-standing practice. Accredited representatives of NGOs, the academic community, the private sector and interest groups participate as observers in the annual sessions of the Committee on Housing and Land Management and in the biannual sessions of the Committee's Working Party on Land Administration. The representatives of civil society do not have a decision-making power but have an important consultative role to play in the decisions of the Committee.
80. The CEP Bureau similarly indicates that the active participation of civil society in the Committee's work is a long-standing practice. The "Environment for Europe" process, which is one of the main strategic pillars of the Committee's work, is a unique partnership of UNECE member States and a cooperative process that brings together all major players in the field of the environment, including regional environment centres, NGOs and other major groups represented in the region. Accredited representatives of NGOs, the academic community and interest groups have been taking part as observers in the annual sessions of the Committee and contributed to the "Environment for Europe" process and to its Ministerial Conferences. The CEP Bureau reports that the representatives of civil society do not have a decision-making power but have an important consultative role to play in the decisions of the CEP.
81. The Committee on Sustainable Energy likewise reports that the active participation of civil society in the Committee's work is a long-standing practice. The Committee's work involves a cooperative partnership with the UNECE member States, which seeks also to engage all major players in the field of energy in the region, including international organizations, NGOs and other major groups represented in the region. Accredited representatives of NGOs, the academic community, interest groups and representatives of the media take part as observers in the annual sessions of the Committee. These representatives come from both the energy and environmental communities. As with the Committee on Housing and Land Management and the CEP, representatives of civil society do not have decision-making powers, but have an important consultative role to play in the decisions of the Committee.
82. The EBRD response indicates that EBRD has non-formalized procedures and guidance notes on scoping and on developing public consultation and disclosure plans. Public comments are sought on most draft Bank policies and strategies.
83. The interim secretariat of the Carpathian Convention notes that the Convention implies a principle of public participation and stakeholder involvement. In accordance with this principle, observer organizations from the region actively cooperate and develop partnerships by organizing stakeholder consultations, workshops, round tables, and festivals to exchange information, share experiences and provide their priority points and recommendations on the implementation of the Carpathian Convention.
84. NEFCO states that its active participation in international and Nordic national events, for example in the work of the Helsinki Commission, enables public access to its work.
85. AfDB's Sustainable Development Division indicates that the Bank has established a joint Bank-NGO Committee as a formal and permanent forum to promote dialogue with NGOs. Such

consultations include informal discussions and consultations on environmental and sustainable development issues.

86. The IADB's Environment Division reports that the Bank has a number of ongoing public advisory groups advising various representations in the region. These have enabled the Bank to receive ongoing feedback from local civil society organizations. As well, the Bank organizes a region-wide meeting each year where members of civil society are invited to meet with the President of the Bank and Bank officials to discuss important areas of concern. The results of these meetings are recorded and disseminated within the Bank and the NGO community.

87. The OAS' Department of Sustainable Development states that although the Inter-American Strategy and the Manual for Civil Society Participation provide formal guidelines for public participation, OAS tries not to constrain the process and is open to different approaches. It notes that public participation practices vary depending on the type of meeting or event. For instance, civil society organizations must apply for a special invitation to participate in General Assemblies and Summit Meetings, but this is not the case for less formal meetings (e.g. local, sub-regional and/or regional consultations) that are part of the preparatory process for high-level meetings.

88. UNESCAP's Environment and Sustainable Development Division reports that public (stakeholder) participation is recognized as a key element of project and programme design. According to the UNESCAP Programme and Project Management Guide, "[p]articipatory approaches are key to the success of any project. Participation refers to the involvement of stakeholders at all stages of the project cycle, including identification of problems and situation analyses to identify and prioritize the areas or issues to be addressed by a project. The stakeholders of a project are those people who affect or who are affected by the outcome of a project, positively or negatively." Every project concept is reviewed by a Quality Assurance Team, which assesses the concept based on whether participatory approaches to project design have been employed and whether appropriate project partners are clearly identified.

89. ADB reports that, in addition to its formal requirements and mechanisms, it holds regular dialogues with stakeholders on the environmental aspects of the projects that it finances. It has recently published a "Staff Guide to Consultation and Participation" (2006) to assist staff in their engagement of stakeholders in ADB-assisted operations. In addition to highlighting specific requirements where they exist, the Guide offers advice on good practice.