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

Working Group of the Parties to the Convention
(Fourth meeting, Geneva, 1-4 February 2004)
(Item 11 of the provisional agenda)

**REPORT OF THE SECOND MEETING OF THE EXPERT GROUP
ON PUBLIC PARTICIPATION IN INTERNATIONAL FORUMS**

Prepared by the Chairman with the assistance of the secretariat

1. The second meeting of the Ad Hoc Expert Group on Public Participation in International Forums took place in Geneva from 8 to 10 November 2004 pursuant to a decision of the Bureau of the Meeting of the Parties at its session in July 2004. The Bureau had requested the Expert Group to prepare a draft of possible guidelines so that these could be submitted to the Working Group of the Parties for discussion at its fourth meeting.
2. The meeting was attended by experts designated by governments and by intergovernmental, international, regional and non-governmental organizations (NGOs), as well as by independent academics. All participated in their personal capacity. The list of participants is available at www.unece.org/env/pp/ppif.htm.
3. Mr. Attila Tanzi (Italy), Chairman, informed delegates about the discussion of the topic at the third meeting of the Working Group of the Parties (1-3 November 2004). The Working Group had appreciated the significant progress made to develop possible guidelines and had asked that their provisions should be flexible and that their non-binding status duly reflected in the text.

4. Mr. Tanzi presented the revised guidelines that he had prepared in consultation with the small drafting group established by the Expert Group at its first meeting (MP.PP/WG.1/2004/13, para. 53) and with the assistance of the secretariat. The drafting group had met on 28-29 September 2004 and had subsequently communicated by e-mail to develop the draft text.

5. The experts provided a number of comments on the text. With regard to the scope, they agreed that the guidelines should be strictly determined by the wording of article 3, paragraph 7, of the Convention and primarily be addressed to Parties and Signatories. Other possible actors could be invited or encouraged to apply them, but the guidelines should not be directly addressed to them. The experts confirmed that the guidelines should reflect the three pillars of Convention and apply to both formal and informal bodies and processes covering all phases of the decision-making process. Among the key issues of the discussion were: (a) the definition of 'public' and 'public concerned' in different contexts; (b) the determination of the actors that should be involved in international forums and the balanced representation of public-interest organizations vis-à-vis other actors; (c) the involvement of the public in dispute settlements, compliance and review mechanisms in the international context and the application of the third pillar of the Convention; and (d) the determination of the extent to which meetings should be open to the public. The Expert Group amended the draft text on the basis of the comments.

6. The Expert Group considered that it might make sense to include the preamble and operative paragraphs in a draft decision, to which the remaining the text ('the Guidelines') would be annexed. It decided that it would not be feasible to append examples of good practices to the draft guidelines in time for adoption at the second meeting of the Parties, as had previously been discussed (MP.PP/WG.1/2004/13, para. 50). However, it agreed to include a new paragraph specifically asking the secretariat to prepare a compendium of good practices in public participation in international forums, before the third meeting of the Parties.

7. Some paragraphs of the draft text could not be fully discussed due to a shortage of time. The Expert Group agreed that this should be indicated in the draft guidelines and the paragraphs in question included in the text under the authority of the Chairman.