



Public Participation in Environmental Decision-making – An NGO view

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What I would like to cover

1. Who are the Public?
2. What is Participation?
3. What is Environmental Decision-Making?
4. What NGOs think about Public Participation under the Aarhus Convention?
5. Some conclusions and recommendations



Who are the Public?

- ❑ a collection of numerous continually shifting interests and alliances, which may be in conflict with each other
- ❑ a catch-all to describe those with an interest in a decision, other than a proponent, operator, or responsible authority. The individuals making up a public may be involved as individuals or as members of organisations. They may become involved due to their proximity, economics, social or environmental issues, values, etc.
- ❑ A person doesn't have to be a citizen to be a member of the public

A common understanding of the meaning of Public Participation



Pan-European Coalition of Environmental Citizens Organisations





What is Participation?

Public participation, means different things to different people.

The level at which the public is involved varies with the relevant legislation, and the attitudes of the other stakeholders.

Simply stated, to participate is to take part, to share and act together.

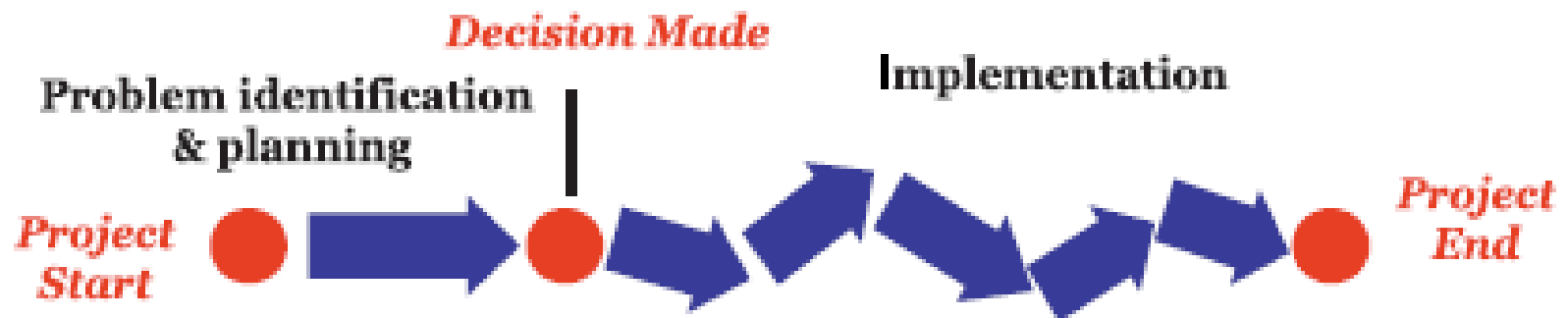
Participation is an essential part of developing a sustainable future



What is environmental decision-making?

- ❑ any process of decision-making where consequent significant environmental impacts are a possibility.
- ❑ includes law making, policy making, spatial planning, strategic planning, resource management planning, licensing of industry, environmental assessment (EIA), budgetary decisions etc

Unilateral Decision-making



Participatory Decision-making



Unilateral versus participatory decision-making



An Assessment of the Implementation of Articles 6,7 & 8 of the Aarhus Convention

- **Law** – Evaluate the national legislative frameworks
- **Effort** – Assess the government's actions to provide public participation, including the implementation of laws
- **Effectiveness** – Assess if laws and government efforts resulted in effective practice



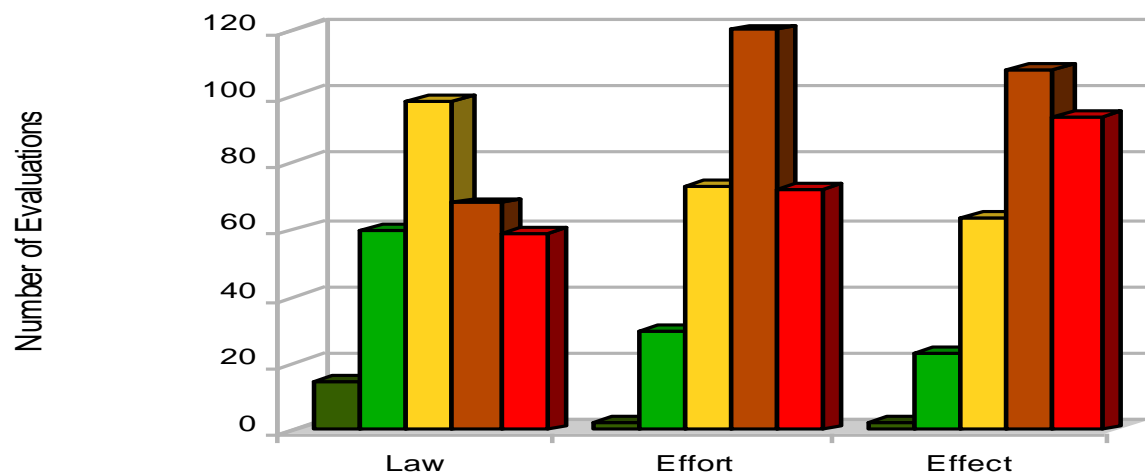
Apply Values

- Very Good
- Good
- Intermediate
- Poor
- Very Bad
- Justify with examples and explanation
- Examples of good and bad practice



Aarhus Compliance Table

Articles 6, 7 & 8





Public Participation Practice

- Wealth of expertise
- Wide range of methods
- Great lack of capacity
- Lack of understanding
- Cynicism
- Clash between representative and participatory democracy



Pan-European survey on implementation

- ❑ Done for two last Meetings of Parties (2008 and 2010)
- ❑ Public Participation pillar is overall rather weak: people are not been taken serious! Also “national interests” used too often as excuse. Local implementation very poor.

Public Participation – few conclusions



- the requirement ‘to be informed early’ has been breached many times
- the outcome of the public participation procedures and consultations have not got any or rather weak impact on the final decision
- In many cases the main difficulty is the restricted use of the concept of “public concerned” to identify who can participate in environmental proceedings, for example by excluding informal groups

Public Participation – few conclusions (1)



- **High costs, insufficient time, hardly any promotion of the opportunities for public participation**
- **Tendency to reduce public participation (Germany and the Netherlands but not only)**
- **Sometimes, consideration of comments received through public participation process is considered not more than formality**
- **Too limited right of standing to when public participation rights are violated in several countries**



Some general recommendations

- Support and capacity building should become a common task for both public authorities and NGOs which also needs resources;
- Trainings and capacity building for officials and citizens
- Awareness-raising and trainings in effective use of public participation rights
- Establish safeguard mechanism to ensure public authorities take public comments into account substantively when making decisions
- Require information to be made available within reasonable time frames to allow public sufficient time to become informed and to prepare and participate effectively



Some general recommendations (1)

- Require information to be made available within reasonable time frames to allow public sufficient time to become informed and to prepare and participate effectively**
- Require more proactive measures to inform public, e.g. by electronic means, of opportunity to participate**
- Make notice procedures more citizen-friendly**
- Assert right of ad hoc groups to participation**



Thank you!

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