



# Economic and Social Council

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## Economic Commission for Europe

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

#### Sixth session

Budva, Montenegro, 11–13 September 2017

Item 6 (b) of the provisional agenda

**Substantive issues: public participation in decision-making**

### **Draft decision VI/2 on promoting effective public participation in decision-making\***

**Prepared by the Bureau**

#### *Summary*

The present document sets out a draft decision on promoting effective public participation in decision-making prepared by the Bureau of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

In view of its mandate to “make such proposals and recommendations to the Meeting of the Parties as it considers necessary for the achievement of the purposes of the Convention” (ECE/MP.PP/2/Add.15, para. 2 (d)), at its twentieth meeting (Geneva, 15–17 June 2016), the Working Group of the Parties requested the Bureau to prepare a draft decision on promoting effective public participation in decision-making for consideration by the Meeting of the Parties at its sixth session.

The Bureau prepared an initial draft decision on the basis of the relevant outcomes of the twentieth meeting of the Working Group of the Parties, the note by the Chair of the Task Force on

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\* There have been no major substantive changes made to the most recent version of the text, published as document ECE/MP.PP/WG.1/2017/L.2. The present document is therefore being submitted for publication without formal editing.

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Public Participation in Decision-making (AC/WGP-20/Inf.2) submitted to that meeting, the outcomes of the work undertaken by the Task Force in the current intersessional period and the previous decision of the Meeting of the Parties on the same subject matter (decision V/2).

As agreed, the draft decision was then distributed to Parties and stakeholders on 27 September 2016 for comments by 7 November 2016.

The Bureau considered the comments received and prepared a revised version of the document for further consideration and approval by the Working Group at its twenty-first meeting (Geneva, 4–6 April 2017).

At its twenty-first meeting, the Working Group revised and approved, as amended at the meeting, the present draft decision on promoting effective public participation in decision-making (AC/WGP-21/CRP.2),<sup>1</sup> and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

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<sup>1</sup> Available from <http://www.unece.org/index.php?id=43897#/>.

*The Meeting of the Parties,*

*Recalling* the provisions of articles 6, 7 and 8 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), and the provisions of article 6 bis of the amendment to the Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms,

*Also recalling* its decisions EMP.II/1 and V/2 on public participation in decision-making, V/5 on the strategic plan for 2015–2020 and VI/5 on the work programme for 2018–2021,

*Recognizing* the critical role of effective public participation for successful implementation of the Sustainable Development Goals,

*Mindful* that the 2014 cycle of national implementation reports, the findings of the Compliance Committee and the work carried out under the auspices of the Task Force on Public Participation in Decision-making to date have, collectively, shown that challenges remain to the full implementation of the second pillar of the Convention across the region,

*Recognizing* the vital role played by the Task Force on Public Participation in Decision-making in bringing together experts from governments, civil society and other stakeholders to exchange experiences regarding those challenges and to explore possible good practices to address them,

*Welcoming* the important contribution to furthering implementation of the second pillar played by organizations engaged in capacity-building at the national and subregional levels,

*Also welcoming* the work of Aarhus Centres in several countries, as platforms to facilitate public participation by providing environmental information, raising public awareness, promoting participatory debate on environmental policies, programmes and projects and providing assistance to members of the public in exercising their rights,

*Underlining* the need to further the implementation of the second pillar of the Convention (articles 6, 7, 8 and, prospectively, 6 bis) so as to provide for more effective public participation in decision-making in environmental matters,

*Having reviewed* the reports of the Task Force on Public Participation in Decision-making submitted to the Working Group of the Parties in the period since the fifth session of the Meeting of the Parties (ECE/MP.PP/WG.1/2015/4, ECE/MP.PP/WG.1/2016/4 and ECE/MP.PP/WG.1/2017/5),

1. *Notes* with appreciation the work undertaken by the Task Force on Public Participation in Decision-making and expresses its gratitude to Italy for its leadership of the Task Force;

2. *Recognizes* the valuable role in a number of Parties of the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters (Maastricht Recommendations) (ECE/MP.PP/2014/2/Add.2), developed under the auspices of the Task Force, and invites Parties, signatories, other interested States and stakeholders to use them as a guidance to improve implementation of the second pillar of the Convention, including by translating them into national and, as appropriate, local languages, and distributing them among all relevant target groups dealing with public participation at the national and subnational levels, such as public authorities, non-governmental organizations, operators, the private sector and the general public;

3. *Welcomes* initiatives taken by Parties, signatories, international organizations, non-governmental organizations, research institutes and other stakeholders to study good practices, examine practical means of promoting more effective public participation in environmental decision-making and share their findings and experience, and encourages further activities to this end;

4. *Requests* the secretariat to make information on such activities as widely accessible as possible through the Aarhus Good Practice database and other online tools;

5. *Invites* Parties, signatories, international organizations, non-governmental organizations and other stakeholders to strengthen implementation of the public participation pillar of the Convention at the national level, and where possible to make resources available for this purpose;

6. *Invites* organizations engaged in capacity-building to further the implementation of the second pillar of the Convention and to focus on developing training programmes at the national level, as a priority, and also at the subregional level, for public officials involved in the day-to-day task of carrying out public participation procedures covered by articles 6, 7 and 8 of the Convention;

7. *Invites* researchers focusing on participatory processes and environmental decision-making to use the resources gathered under the auspices of the Task Force in their research, and also to share the results of their research with the Task Force;

8. *Encourages* Parties, signatories, other interested States, international organizations, non-governmental organizations, research institutes and other stakeholders to participate in the activities under the Convention on public participation in decision-making and to allocate sufficient resources for this matter;

9. *Decides* to extend in time the mandate of the Task Force on Public Participation in Decision-making, under the authority of the Working Group of the Parties to the Convention, to carry out further work, taking into consideration the relevant work being undertaken by Parties, signatories and other stakeholders;

10. *Welcomes* the offer of Italy to lead the Task Force on Public Participation in Decision-making;

11. *Requests* the Task Force, subject to the availability of resources and taking into account, inter alia, the national implementation reports, the findings of the Compliance Committee of a systemic nature, other relevant assessments and the experiences of the public, to continue working to strengthen the implementation of the public participation provisions of the Convention, with special attention to:

(a) Gathering information on experiences from Parties and stakeholders regarding the application of the Maastricht Recommendations;

(b) Overseeing the collection and dissemination of good practices in public participation in decision-making through the Aarhus Good Practice online database;

(c) Exchanging good practices and identifying innovative practices that facilitate more effective public participation without entailing additional significant financial or human resources on the part of public authorities;

(d) Identifying 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 such as:

(i) Meaningful and early public participation;

(ii) The availability of all relevant documents to the public;

(iii) Effective notification and time frames for public participation;

(iv) Participation of vulnerable and marginalized groups;

(v) Protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention;

(vi) Ensuring that greater account is taken of the comments from the public in the final decisions, and ensuring the appropriate provision of feedback on how the public's comments have been taken into account in the decisions;

(e) While continuing to consider public participation in climate change-related decision-making, addressing, in collaboration with relevant partner organizations and as appropriate, the following subjects:

- (i) Public participation in decision-making on the extractive sector;
- (ii) Chemicals;
- (iii) Emerging technologies (e.g., nanotechnology);
- (iv) Product-related decision-making;
- (v) Energy-related issues;

12. *Requests* the Working Group of the Parties to hold a thematic session on promoting effective public participation in decision-making during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and stakeholders to exchange experiences on the subject matters that deserve particular attention.

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