

# **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

Item 6 (b): Public participation in decision-making

Tuesday, 12 September, 11.20 a.m.–12.10 p.m

### **Report by the Chair of the Task Force on Public Participation in Decision-making**

Honourable Ministers, distinguished Chair of the Convention, delegation members and host country representatives, UNECE Secretariat, representatives of the stakeholders groups and of the civil society and all other participants to the Meeting of the Parties,

I am honoured and especially delighted to be here today in front of the Meeting of the Parties, in the beautiful city of Budva, in Montenegro, to report on the intersessional work of the Task Force on Public Participation in decision-making. During the intersessional period between MOP5 and MOP6 3 meetings of the Task Force took place in Geneva.<sup>1</sup> The 2017 cycle of national implementation reports, the findings of the Compliance Committee and the work carried out under the auspices of the Task Force to date, have each shown that many challenges continue to remain until the full implementation of the second pillar of the Convention across the region. The Convention's Strategic Plan 2015-2020 adopted through decision V/5<sup>1</sup> in 2014 also outlines a number of actions dedicated to the promotion of public participation in decision-making, in particular the objectives I.11, III.4, III.5 and III.6<sup>2</sup>.

2. The Task Force played a vital role in bringing together experts from governments, civil society and other stakeholders to exchange experiences regarding these challenges and to explore possible good practices to address them. Since the establishment of the Task Force in 2010, its meetings are now providing an important platform for dialogue on how to most practically address the challenges faced with implementing the second pillar. For this, I would have to thank the Convention Secretariat for designing interactive and well balanced sessions with presentations by government officials, NGOs representatives, and practitioners from different parts of the UNECE region.

3. Relevant sections of the national implementation reports and of the findings of the Compliance Committee have been used as background materials for the work of the Task Force.

4. Pursuant to decision V/2 adopted by the Convention's Meeting of the Parties, the Task Force addressed in great details the following issues related to challenges in different types of decision-making (including at national, provincial and local level) within the scope of articles 6, 7 and 8 of the Convention:

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<sup>1</sup> Available from [http://www.unece.org/env/pp/aarhus/mop5\\_docs.html#/](http://www.unece.org/env/pp/aarhus/mop5_docs.html#/)

<sup>2</sup> Available from [http://www.unece.org/env/pp/aarhus/mop5\\_docs.html#/](http://www.unece.org/env/pp/aarhus/mop5_docs.html#/)

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- Identification and notification of the public concerned, including marginalized groups (at its fifth and sixth meetings).
  - Early public participation, when all options are open, including with regard to private contracts and multiple decision-making processes oriented decision-making (at its fifth and sixth meetings).
  - Due account of comments and outcomes of public participation (at its fifth meeting).
  - Innovative practices that facilitate more effective public participation without entailing additional significant financial or human resources on the part of public authorities (at its fifth meeting).
  - Role of private actors and project developers in carrying out public participation procedures (at its fifth meeting).
  - Public participation in decisions on proposed activities not listed in annex 1 of the Convention (i.e. those type of decisions mentioned in article 6 paragraph 1 (b) of the Convention) (at its sixth meeting).
  - Public participation in decision-making related to changes to or extensions of existing activities and public participation in a transboundary context (at its seventh meeting)

5. In addition, each meeting of the Task Force had a special thematic session focused on a particular type of decision-making or sector. Since 2015, registered the adoption by the UN of the SDGs and the agreement in Paris for a new global instrument to fight climate change, and following indications of by Decision V/5, the fifth meeting of the Task Force considered different aspects and stages of public participation in climate change-related decision-making, the sixth meeting has debated public participation in energy-related planning and the seventh meeting focused on decision-making for sustainable development. From the experience I gathered, the discussions on the thematic focus attract very much the attention of the participants and bring to the TF expertise on public participation implementation in specific fields and in specific decision –making types.

6. At MOP5 in 2014 we adopted the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters, after a long and difficult work to define them. A simple survey was carried out under the auspices of the Task Force to assess the use by the Parties of the Maastricht Recommendations. The survey and of the subsequent discussion at the Task Force have showed that several countries made use of the Recommendations, but their full potential is still to be explored. Challenges mainly included the translation and dissemination of the Recommendations and the provision of relevant training on their use to public authorities (at the national and subnational levels), NGOs, marginalized and vulnerable groups and the private sector.

7. In addition to the useful and very lively discussions, great deal of valuable material has been produced by the Task Force, including reports of its meetings and presentations by different participants, which highlight challenges, as well as showing best practices and offering solutions on how to address those challenges in order to advance effective public participation.

## **The way forward**

### **So, to conclude and make some evaluation on the work conducted in the intersessional period:**

8. A number of issues of a systemic nature that constrain the full implementation of the second pillar of the Convention have been identified and debated by the TF. These include:

ensuring meaningful and early public participation when all options are still open; the availability of all relevant documents to the public; effective means of notification and sufficient time frames during the decision-making to enable the public to participate effectively; that marginalized groups are able to participate effectively; that greater account be taken of the comments from the public in the final decision; that the final decision and the reasoning on which it is based is communicated to the public, including how the public's comments have been taken into account in the decision; that whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention are protected.

I am glad to see that the decision on public participation in para 11 and the programme of work to be adopted by the MOP include requests to the TF for further work on these and these aspects and will provide a solid basis for continuing deliberations.

9. The Task Force indeed demonstrated its potential to provide a forum for Parties, non-governmental organizations and other stakeholders to share good practices and practical means of promoting more effective public participation in environmental decision-making. It is expected that in the next intersessional period the Task Force will continue to be a vehicle through which experts can come together to exchange good practices for addressing the main obstacles to effective public participation in decision-making. During the discussions we have registered a number of requests to experts for advice or assistance by Parties on various aspects, which is showing the full commitment for improving public participation procedures within countries.

10. Thematic sessions on particular types of decision-making or sectors have also proved to be very beneficial for Parties and stakeholders. The future work will focus on those subjects that were not tackled by the Task Force in the current intersessional period: e.g. decision-making on the extractive sector; chemicals; emerging technologies (e.g., nanotechnology); product-related decision-making; and energy-related issues, while continuing keeping an eye on public participation in climate change related decision-making due to the raising importance of this topic for the public and as requested by the TF participants. The Task Force will also continue to monitor the use of the Maastricht Recommendations in interested countries.

11. In addition to expert discussions of practical measures at meetings of the Task Force, the Working Group will debate those issues that deserve particular attention of national focal points. I am very much looking forward to this new format of addressing the public participation issues.

12. I would like to use this opportunity and call upon international organizations, regional environmental centres, Aarhus Centers, NGOs and other partners to continue supporting capacity-building activities to further the implementation of the second pillar of the Convention at national and sub-regional levels. Trainings 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 should receive priority. Bearing in mind the specificity of each country's national framework (e.g. legislation, institutional arrangements, civil society capacity, languages), national-level trainings are particularly encouraged.

13. I also encourage Parties and stakeholders to provide more inputs to the Aarhus Good Practice database  
Finally, I thank you all for your trust and attention.

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