

Draft decision on public participation in decision-making for comments by Parties and stakeholders - v. 11 October 2013
Deadline for comments - 10 November 2013

Draft decision on public participation in decision-making

Prepared by the Bureau

Preliminary EU+MS comments.

EU+MS reserve their right to elaborate further their position on this document in due course

Summary

The present document sets out a draft decision on public participation in decision-making. The document was prepared on the basis of decision EMP.II/1 on the same subject matter, adopted by the Meeting of the Parties at its second extra-ordinary session (Geneva, 19 and 20 April and 30 June 2010) and the outcome of the work undertaken by the Task Force on Public Participation in Decision-making in the current intersessional period. The document takes into consideration the note by the Chair of the Task Force on Public Participation in Decision-making submitted to the sixteenth meeting of the Working Group of the Parties (Geneva, 19-21 June 2013) and also addresses comments by delegations made at the meeting. The Working Group requested the Bureau to prepare a draft decision on promoting effective public participation in decision-making for consideration, revision and approval and subsequent submission to the Meeting of the Parties for consideration at its fifth session (June/July 2014). The draft decision will be circulated to Parties and stakeholders for comments prior to its finalisation for the seventeenth meeting of the Working Group.

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,

Further recalling its decisions EMP.II/1 on public participation in decision-making, decision V/... on the strategic plan for 2015–2020 and V/... on the work programme for 2015–2017,

Mindful that, the 2011 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 ~~many~~ ~~a number of~~ some 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 the implementation of the second pillar played by organizations engaged in capacity-building at the national and sub-regional levels,

Welcoming also 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 and projects and providing assistance to citizens in exercising their rights.

Comment [r1]: We agree on welcoming the work of Aarhus Centres but listing all activities of Aarhus Centres seems too broad and detailed.

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

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

2. *[Adopts][Endorses][Welcomes]* the Recommendations on Public Participation in Decision-making in Environmental Matters (*document symbol*) developed under the auspices of the Task Force and invites Parties, Signatories, other interested States and stakeholders to use them as a practical tool to further implementation of the second pillar of the Convention;

Comment [r2]: Needs further discussions

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 and other stakeholders to strengthen implementation of the public participation pillar of the Convention at the national level and to make resources available for this purpose;

6. Invites organizations engaged in capacity-building to consider developing training programmes at the national and sub-regional 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, [relevant to strengthening the implementation of the public participation provisions of the Convention](#), taking into consideration the relevant work being undertaken by Parties, Signatories and other stakeholders;

10. Welcomes the offer of [...] to [continue to] lead the Task Force on Public Participation in Decision-making;

11. Requests the Task Force, subject to the availability of resources, to undertake the following tasks:

(a) Continue its work to identify the main obstacles to effective public participation in all types of decision-making within the scope of articles 6, 7 and 8 of the Convention at national, provincial and local level, including barriers to participation for non-governmental organizations, the general public and marginalized groups, and taking into account, inter alia, the national implementation reports, the findings of the Compliance Committee, other relevant assessments and the experiences of the public,

(b) Continue its work to exchange good practices to address the main obstacles to the full implementation of the second pillar, including, inter alia, the different types of “decisions” and “decision-making” covered by the Convention and the implications for public participation of different decision-making methods, also through the gathering of experiences from Parties and stakeholders regarding the implementation of the Recommendations on Public Participation in Decision-making in Environmental Matters,

(c) Continue its work to identify innovative practices that facilitate more effective public participation without entailing additional significant financial or human resources on the part of public authorities,

(d) Continue to oversee the collection and dissemination of good practices in public participation in decision-making through the Aarhus Good Practice online database,

(e) While taking care to allow sufficient time to address the implementation of articles 6, 7 and 8 generally, investigate possibilities for focusing in more depth, in collaboration with relevant partner organisations as appropriate, on public participation in decision-making in those fields of activity considered to be of particular high-priority at the current time, for example decision-making for sustainable development; climate-change related decision-making; ~~emerging technologies (e.g. nanotechnology); the nuclear domain; energy related planning and policy making, the extractive sector; decision making on chemicals; food and agriculture; product related decision making.~~

~~(f) Assess the Convention's provisions on public participation in decisions having a significant impact on the environment, encompassing, inter alia, sustainable development and put forward suggestions on how these provisions might be further elaborated.~~

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~~(e)(f) Assess, keep under review and, as appropriate, put forward suggestions on how the following provisions of the Convention might be further elaborated: relating to public participation in the preparation of plans, programmes and policies relating to the environment, as well as executive regulations and other generally applicable legally binding normative instruments that may have a significant effect on the environment, in order to enhance public participation from an early stage in strategic decision making processes.~~

Comment [r3]: There is in the light of EU discussions so far no intention to agree on giving a mandate to the Task Force to further develop the provisions of the convention relating to public participation. New legally binding normative instruments and other executive regulations should not be suggested.
Also we would like to echo the comment the EU had on this topic in the draft decision on work programme fr 2015-2017: "more relevant to the action of Parties not the Task Force. Emphasis should mainly be on implementation of the existing legal obligations rather than developing new ones..."