



Economic and Social Council

Distr.: General
7 April 2015

Original: English

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

Working Group of the Parties

Nineteenth meeting

Geneva, 17–19 June 2015

Item 3 (b) of the provisional agenda

Substantive issues: public participation in decision-making

Report of the Task Force on Public Participation in Decision-making on its fifth meeting

Summary

At its second extraordinary session (Geneva, 19–22 April and 30 June 2010), the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters established the Task Force on Public Participation in Decision-making (ECE/MP.PP/2010/2/Add.1).¹ At its fifth session (Maastricht, the Netherlands, 30 June–1 July 2014), the Meeting of the Parties further extended the Task Force's mandate and placed the Task Force under the authority of the Working Group of the Parties (ECE/MP.PP/2014/2/Add.1, decision V/2, para. 9).² Decision V/2, paragraph 11, sets out the issues to be addressed by the Task Force at its meetings.

In accordance with the above mandates, the report of the Task Force on its fifth meeting (Geneva, 23–24 February 2015) is being submitted to the Working Group of the Parties for its consideration.

¹ Available from <http://www.unece.org/env/pp/emop2010.html#/>.

² Available from http://www.unece.org/env/pp/aarhus/mop5_docs.html#/.

GE.15-07135 (E)



* 1 5 0 7 1 3 5 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



Introduction

1. The fifth meeting of the Task Force on Public Participation in Decision-making under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held in Geneva, Switzerland, on 23 and 24 February 2015.³
2. The meeting was attended by experts designated by the Governments of Albania, Armenia, Azerbaijan, Belgium, Croatia, France, Georgia, Ireland, Italy, Latvia, the Netherlands, the Republic of Moldova, Slovakia, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland. A representative of the European Commission, representing the European Union (EU), also participated.
3. The following United Nations organizations, intergovernmental organizations, international financial institutions, regional environmental centres and Aarhus Centres were represented at the meeting: the Aarhus Centre of Belarus; the Aarhus Centre of Kyrgyzstan; the European Bank for Reconstruction and Development (EBRD); the European Investment Bank; the Organization for Security and Cooperation in Europe (OSCE); the Regional Environmental Centre for Caucasus (REC Caucasus); the Regional Environmental Centre for Central and Eastern Europe (REC CEE); the Regional Environmental Centre for the Republic of Moldova; and the United Nations Framework Convention on Climate Change (UNFCCC) (participating via audio link);
4. The following non-governmental organizations (NGOs), academic institutions and business organizations were represented at the meeting: “Volgograd Ecopress” Information Centre (Russian Federation); Cercle Català de Negocis (Catalan Circle for Business); Consultation Institute (United Kingdom); Earthjustice (Switzerland); Ecohome (Belarus); Environmental Survival (Armenia); EuropaBio; European Environmental Bureau; Friends of the Earth (England, Wales and Northern Ireland); Globe Europe (Republic of Moldova); “Green Dossier” (Ukraine); Green Network (Belarus); Hellenic Society for the Protection of the Environment and the Cultural Heritage (Greece); Huddersfield Centre for Communication and Consultation Research (United Kingdom); Journalists Environmental Agency (the former Yugoslav Republic of Macedonia); NGO Angel (Kazakhstan); Osaka University (Japan); the Quaker United Nations Office (Switzerland); World Wildlife Fund (WWF) Russia; and Young Green Women International (Netherlands).
5. A representative of the Metropolitan Court of Public Administration and Labour (Hungary) and two independent experts from France and Poland were also present.

II. Opening of the meeting and adoption of the agenda

6. The Task Force Chair, Ms. Loredana Dall’Ora (Italy), opened the meeting.
7. The Task Force adopted its agenda as set out in document AC/TF.PP-5/Inf.1.
8. The secretariat introduced the two background documents, on selected relevant resources (AC/TF.PP-5/Inf.2), and on selected considerations, findings and reports of the Aarhus Convention Compliance Committee (AC/TF.PP-5/Inf.3).

³ Documents for the fifth meeting, including a list of participants, statements and presentations are available online from <http://www.unece.org/tfppdm5>.

II. Obstacles, challenges and good practices in relation to public participation in decision-making

9. The Chair introduced the discussion devoted to identifying the main obstacles and challenges to effective public participation in all types of decision-making within the scope of articles 6, 7 and 8 of the Convention at the national, provincial and local levels, including barriers to participation for NGOs, the general public and marginalized groups. It was also hoped to facilitate an exchange of experiences among participants on the main obstacles to the full implementation of the second pillar of the Convention, including the different types of “decisions” and “decision-making” covered by the Convention and the implications for public participation of different decision-making methods. The session also aimed to identify further needs in relation to the subjects.

A. Identification and notification of the public concerned

10. In a discussion on the identification and notification of the public concerned, a representative of EBRD spoke about the issue of the participation of marginalized groups. In some countries women and the elderly were often missing from public meetings on projects. There were some potential obstacles, such as childcare responsibilities and cultural issues, which might prevent women from attending meetings with men, and issues with access to technology and transportation in regard to the elderly. Other groups that might be underrepresented in decision-making included ethnic minority groups for whom there might be language barriers; shift workers, who might not be able to participate in public meetings in the evening; and those of low socioeconomic status, who might not be able to afford newspapers. It was of prime importance to include those marginalized groups in decision-making since, among other things, they might experience different grievances, might be impacted differently, and might have different ideas on how to make a project more successful. It was important to consider questions such as “What language do they speak?”, “Do they have access to the Internet?” and “Can they attend a meeting?”, and refine and adapt the engagement process as necessary since new groups were often identified during the consultation process. Finally, a stakeholder engagement plan should be developed to identify affected and interested stakeholders and to clarify how notification and consultation would be undertaken.

11. The representative of Sweden gave a presentation about public participation in environmental decision-making in Sweden, including how the public concerned were identified and notified. She outlined the Swedish legal framework and the roles of the developer and the permitting authority in notification and participation, and detailed with whom, when and how consultations were carried out. For example, the Swedish Land Registry was used to identify land owners and notify those with rights related to the land, and information about proposed activities had to be published in newspapers and made available via the Internet.

12. The representative of the Journalists Environmental Agency, speaking about the situation in the former Yugoslav Republic of Macedonia, noted that recently public participation had been minimized, and the engagement of the public in environmental decision-making at present was clearly insufficient. Challenges included a lack of sufficient time and resources allocated to facilitate participation, and a lack of knowledge among the public on both the subject matter of the decisions and their rights. It was necessary to find better ways to reach out to the public and include them early on in the decision-making process on matters affecting the environment in the country.

13. Mr. Jerzy Jendroska, a member of the Aarhus Convention Compliance Committee, participating in the meeting as an independent expert, clarified some issues regarding

terminology, including the notion of “stakeholder”, “the public” and “the public concerned”. He noted the importance of using different methods of notification. In that regard, participants were invited to familiarize themselves with the relevant findings of the Compliance Committee, including instances where methods of notification had been found insufficient and the public had not been adequately informed. Also there were some differences between article 6 and article 7 notifications, which should be taken into consideration. Authorities should be able to prove they had taken measures to identify the public concerned and had examined how to ensure that they were notified effectively.

14. In further comments, the representative of the Catalan Circle for Business drew attention to public participation failures in regard to an offshore gas storage facility, which had led to numerous earthquakes in Spain. The representative of REC CEE noted that the biggest problem for NGOs was how to find out about an upcoming decision-making procedure. There should be a dedicated website, as well as internal training in ministries for those in charge of notification and identification in public participation processes. The United Kingdom representative highlighted, among other things, the potential of digital media to assist in notifying the public concerned.

15. Following the discussion, the Task Force:

(a) Took note of the experiences and challenges shared by presenters from EBRD, Sweden and the Journalists Environmental Agency, and noted the subsequent discussions and comments from the floor;

(b) Recognized that identification and notification of the public concerned remained an important issue;

(c) Agreed to further consider how to address the challenges to effective identification and notification of the public concerned, taking into account issues of definition, marginalized and minority groups, the need for training for those with responsibility for identification and notification, and the allocation of adequate resources.

B. Early public participation

16. Turning to the issue of early public participation, the representative of the Republic of Moldova outlined the legal framework of the Republic of Moldova for public participation, and detailed some of the main difficulties, including financial constraints, problems with notification of the public and poor access to documentation, and public authorities’ lack of experience. For example, the public had not been informed about plans to build a plant processing waste in the town of Orhei. Globe Europe had noted that the authorities in the town had not conducted the necessary consultations and had submitted an application to the local court in Orhei requesting that construction be suspended.

17. The representative of the Hellenic Society for the Protection of the Environment and the Cultural Heritage gave an overview of public participation in Greece, and presented an example of early public participation in the country. Since 2009, citizens were able to be informed on legislative initiatives of all ministries and to participate in public consultations via the “OpenGov” website, which had expanded public participation in decision-making. However, there were sometimes practices that undermined the “OpenGov” system, such as violations of the rules for consultation time frames, the deposit of draft laws in the parliament with different content than that consulted upon, lack of documentation regarding integrating or not integrating certain comments, and sometimes ministries published drafts only on their own websites. An example of early public participation was the decision-making on the management plan for water districts in Greece. The presidential decree for the plan had provided an outline of the public participation procedure and the public

participation had included multiple information activities in each water district, with citizens invited to participate in the debate on a number of topics.

18. In the following discussion, Mr. Jendroska noted that the concept of early public participation had to be seen in the context of tiered or multiple decision-making, and include a place for discussion of the “zero” option. In that context, the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters (Maastricht Recommendations) (ECE/MP.PP/2014/2/Add.2)⁴ had a specific chapter where those issues were discussed. The REC Caucasus representative highlighted that presenting a united NGO position on draft amendments to a law or other legislative action could be useful. She also drew attention to the “Smart City of Coris” project, as an example where the public had been involved initially at a very early stage of decision-making for the smart city concept. The representative of Journalists Environmental Agency asked how the media could be involved in early public participation, suggesting that the media might have an important role to play in that regard. The representative of Italy outlined two successful examples of early public participation involving the National Energy Strategy and the National Strategy on Adaptation to Climate Change. Mr. Etienne Ballan, Chair of the thematic session on promoting the Convention’s principles in International Forums, participating as an independent expert, presented recent developments in France with regard to early public participation.

19. Following the discussion, the Task Force:

(a) Took note of the experiences and challenges shared by presenters from the Republic of Moldova and the Hellenic Society for the Protection of the Environment and the Cultural Heritage, and noted the subsequent discussions and comments from participants;

(b) Recognized that early public participation when all options were genuinely open remained an important issue, especially ensuring that participation came early enough when the “zero option” was still available;

(c) Stressed the importance of further considering the issue, taking into account the challenges highlighted during the discussion.

C. Role of private actors and project developers

20. Addressing the issue of the role of private actors and project developers, Mr. Jendroska emphasized that the overall responsibility for public participation rested with the public authorities. He outlined some possibilities for the delegation of certain specific tasks related to public participation, and described difficulties experienced with entrusting project developers with the overall responsibility for providing public participation. He detailed systemic problems in some countries and a number of instances where using developers to manage public participation had proven to be counterproductive and contrary to the Convention. Difficulties in developer-led public participation included manipulating the definition of “the public concerned” (such as filling up a hearing with members of a company and not allowing the local public or NGOs to come), the inaccurate performance of procedural obligations and a biased approach towards public comments (reporting, for instance, only positive comments and not reporting negative comments at all). He outlined several Compliance Committee findings related to implementation of article 6, paragraph 5, of the Convention, that had held that “reliance solely on the developer for providing for public participation is not in line with [the] provisions of the Convention”, and outlined

⁴ Available from http://www.unece.org/env/pp/aarhus/mop5_docs.html#/.

some practical solutions regarding the role of developers, including making the developer pay for the costs of public participation. Finally, he drew participants' attention to the Maastricht Recommendations, particularly paragraphs 27 to 36 and 82 to 84, and the table in the annex which set out which tasks could be delegated and in which situations.

21. The representative of Georgia spoke about the role of project developers in public participation in Georgia. In Georgia, the developer conducted public hearings at the place of activity, published information about the planned activity in central and local newspapers, received public comments before and during the hearing, provided written justification for rejected comments, and submitted all documents to the Ministry of Environment and Natural Resources Protection of Georgia. There were some potential benefits of that system, such as the possibility that the project developer might be more involved with the local population and know about public concerns, though that depended on the project developer. Obstacles to public participation in Georgia included that public interest was mainly focused on large projects and a lack of feedback from the Ministry of Environment. To address the challenges faced, she recommended raising the awareness of decision makers, project developers and the public on their rights and obligations.

22. The NGO Angel representative presented the situation with regard to public participation in decision-making on water programmes in Kazakhstan. At the planning and implementing stage for projects and programmes concerning water supply, public participation organized by the private sector and project managers was rare. Possible causes of that failure included: a lack of awareness of the procedures; not wishing to engage in additional work; not having the necessary staff and experts; no provision within the project's budget for public participation; a lack of necessary oversight; a lack of desire to be accountable before the public; and a tendency to make use of certain loopholes (i.e., corruption).

23. Following the discussion the Task Force:

(a) Took note of the experiences and challenges shared by Mr. Jendroska and presenters from Georgia and NGO Angel, and noted the subsequent discussion and comments from the floor;

(b) Noted that the role of private actors and project developers in public participation procedures was a complex issue;

(c) Welcomed the guidance provided by the Maastricht Recommendations with regard to the role of private actors and project developers in public participation procedures, and encouraged Parties and stakeholders to use the Recommendations in their daily work;

(d) Agreed to further consider the issue, taking into account potential drawbacks, such as conflicts of interest on the part of developers, and potential advantages, such as financial benefits relating to developers paying for public participation processes.

D. Taking due account of comments and the outcomes of public participation

24. Opening the discussion on the obligation to take due account of comments and the outcomes of public participation, the representative of Albania presented the situation in her country. She detailed the legislative framework including time frames for comments, and a new law in the works which foresaw extensions to the time periods for comments. There were a number of examples where public opinion had been able to influence project outcomes in Albania, such as a 2010 plan for a coal plant in Durres and the 2012 project for the Vlora landfill, where the community had been against the project and it had been

abandoned. From a procedural point of view those cases might not be best practices, but they were nevertheless worth mentioning since they were examples where public opinion had been considered, and it boosted public confidence that the public could make a difference. Among challenges, there was a need to develop a “democratic mindset” and a democratic decision-making culture in Albania.

25. The representative of Armenia drew attention to a new 2014 law requiring the videotaping of public hearings. Also in 2014, a Public Environmental Council had been established in Armenia to foster cooperation between the Ministry of Nature Protection and NGOs. The rejection of any suggestion or comment by the public by the State authority had to be substantiated, and in order to analyse suggestions received, the relevant authority was obliged to provide direct feedback on the subject of the suggestion. Among the obstacles faced, were weak feedback between decision makers and the public, and difficulties when a law was being amended or supplemented (as opposed to the enactment of a new law, where participation was stronger), since the time frames for public participation were too short.

26. The representative of Globe Europe described challenges related to taking due account of comments by the public in decision-making, such as: the weak initial collection and analysis of comments (where the organizers were more concerned with demonstrating that public participation procedures had been carried out than actually collecting comments); saying that comments had been considered when they had not; not reflecting the public’s proposals or only partly or inaccurately reflecting them; late notification to the public about public participation opportunities; and not providing the public with the full project documentation and/or the latest version of the documentation. Some positive developments were also noted, such as the creation of “web lists” to share information, draft documents and use for comments and discussion, and the initiation of joint working groups to obtain public comments before the drafting stage for a project.

27. In the ensuing discussion, Mr. Jendroska reminded participants that there was a difference between public consultation and public participation, the term used by the Convention. The problem was that traditional public consultation approaches lacked the obligation to take due account of the comments submitted, which was the reason the term public participation had been chosen for the Convention. However, in many countries that difference was still not widely understood. In many countries there was also still no clear requirement to provide a statement of the reasoning behind the acceptance or rejection of the public’s comments, contrary to the Aarhus Convention. He also noted that environmental ministries were better at following such procedures than other ministries or local authorities.

28. Following the discussion the Task Force:

(a) Took note of the experiences and challenges shared by presenters from Albania, Armenia and Globe Europe, and noted the subsequent discussion and comments from the floor;

(b) Noted the challenges reported, including a lack of experience on how to meaningfully take into account the outcomes of public participation and the lack of legal guarantees in some countries requiring that due account be taken;

(c) Stressed the importance of further considering the issue, taking into account the challenges highlighted during the discussion.

III. Innovative practices of public participation in decision-making

29. The Chair introduced the discussion on innovative practices of public participation in decision-making, asking participants to share in particular examples of innovative practices that facilitated more effective public participation without entailing significant additional financial or human resources from the public authorities, as well as innovative practices more generally.

30. The representative of Ireland spoke about the Irish Local Government Reform Act 2014 and the Working Group on Citizen Engagement with Local Government, set up in September 2013 to make recommendations on more extensive and diverse input by citizens into decision-making at the local government level. The Working Group had recommended, among others, enabling the community, voluntary and environmental sectors to take an active, formal role in the policymaking and oversight activities of local authorities, and the creation of Public Participation Network Structures. The Public Participation Network Structure would be the main link through which the local authority connected with the community, voluntary and environmental sectors, and the main channel through which people would participate in various processes of the county/city councils and their boards/committees. That new framework for public engagement and participation was being developed within the area of each local authority. All registered organizations in the county/city were members of the local Public Participation Network.

31. Mr. Ballan suggested that innovation was not a matter of being fashionable, and that old practices could be made new. There were several possible methods that could be employed to make a public hearing more productive without spending more money, including consideration of the setup of the room (giving preference to a circle or assembly shape), inviting those speaking at the first meeting to speak again at the next meeting to see the evolution of the discussion, and splitting public hearings into small groups. Other areas for innovation included online public participation through the Internet and social networks, which were powerful tools for mobilizing and informing the public and reminding them that meetings were occurring, and could also be useful for designing the public participation procedure and understanding the expectations of the public. However, there might also be drawbacks such as cost (e.g., for video-streaming), difficulties in arguing with someone behind a screen, and in gathering and producing collective intelligence. He noted that the public themselves could also be innovators.

32. The representative of REC CEE provided examples from Estonia of using modern information technology (IT) tools to involve citizens. The Rahvakogu People's Assembly was an online platform for crowdsourcing, exchanging ideas and sharing proposals — a forum where IT tools met traditional face-to-face discussions and produced good results. The Platform had been developed in 2012 and covered five main topics: the openness of the political landscape; public participation in policymaking; financing of the political parties; the electoral system; and political patronage. After ideas were proposed, there was a systemization of ideas and impact analysis and seminars where experts and authors of proposals came together, followed by a deliberation day where everyone came together to develop about 18 priority questions, and finalize the proposals. Two outcomes were the Political Parties Act (January 2014), and the Petition Act (March 2014). Other examples of using IT to involve citizens included an online watchdog platform on government decisions, and an online State budget site to help the public visualize the most important budget decisions in a simple way, showing where the money came from and where it was going.

33. The representative of the Quaker United Nations Office gave a presentation on linking peacebuilding and human rights approaches to public participation in decision-

making on environmental matters. Peacebuilding approaches included giving local communities the ability to facilitate their own understanding of their situation, helping them to absorb information and understand the options available, building confidence and communication skills, trying to draw in vulnerable and marginalized groups and improving capacity to engage in dialogue. Legal empowerment (people getting to know what their rights were) plus participatory peacebuilding approaches could lead to positive change in rural environmental management, as had happened in a number of cases in Myanmar. In peacebuilding forums she had talked about the Aarhus Convention and how useful Aarhus rights were for preventing destructive conflict centred on environmental matters and natural resources. That could also work the other way: peacebuilding approaches could be useful for making participatory rights (rights to information and participation in decision-making) effective. Ways that peacebuilding approaches could support public participation in decision-making in environmental matters included capacity-building for communities, but also giving local authorities the skills to engage in dialogue, and to facilitate participatory processes.

34. In the following discussion the representative of the Aarhus Centre Belarus expressed concerns about using social networks for public participation, noting that it was hard to know who one was talking to, the potential use of indecent language, not being able to know if the comments had reached their target audience, and a danger that genuine participation had been replaced by virtual participation that might not be taking place properly. Mr. Jendroska also warned that innovative techniques should be considered as additional to the public participation requirements under the Aarhus Convention, and did not replace them. Innovative suggestions, such as organizing a “word café”, should not give a false impression that such forums would ensure proper participation; rather those practices could be additional to or used in preparation for as a follow-up to the main event. It was important also not to lose sight of the difficulty of reaching the mainstream public, which was still a problem.

35. The Task Force:

(a) Took note of the experiences shared by Mr. Ballan, the presenters from Ireland, REC CEE, and the Quaker United Nations Office, and noted the subsequent discussions and comments from the floor;

(b) Encouraged the development of innovative practices that facilitated more effective public participation without entailing additional significant financial or human resources from the public authorities;

(c) Encouraged the sharing of innovative practices through the Aarhus Good Practice Online Database (see sect. IV below) and through bilateral cooperation.

IV. Aarhus Good Practice Online Database

36. The secretariat updated participants on the Aarhus Good Practice Online Database, currently under development. Almost 30 cases had been received and were in the process of being edited. The secretariat reiterated its call for participants to share additional good practices on public participation that could be included in the Database.

37. The Task Force:

(a) Took note of the presentation by the secretariat on the Aarhus Good Practice Online Database;

(b) Invited all Parties, NGOs and other interested stakeholders to submit potential case studies to the secretariat by using a template for the database.⁵

V. Thematic session on climate change-related decision-making

38. Introducing the thematic session on climate change-related decision-making, the Chair noted that, in general, the discussion should focus on public participation in climate change-related decision-making at the national level and not in international processes, since the latter fell within the work area on promoting the Convention's principles in international forums to be considered by the Working Group of the Parties. An exception, however, would be the presentation of the representative of France, as France was hosting the twenty-first session of the Conference of the Parties (COP 21) to UNFCCC, to be held in Paris in November 2015, and it would be a good opportunity to hear how preparations for COP 21 were progressing and have an outline of opportunities for the public to participate.

39. The representative of UNFCCC, speaking via audioconference, drew attention to the work that was going on in regard to public participation in decision-making at the national level within the UNFCCC framework. Article 6 of UNFCCC related to education, training and public awareness, and included requirements to promote and facilitate public participation in addressing climate change at the national level. The Doha Work Programme and dialogues on article 6 provided a regular forum for Parties and other stakeholders to share their experiences, exchange ideas, good practices and lessons learned regarding the implementation of article 6. Two dialogues had been held so far, providing reports on good practices of stakeholder participation in implementing article 6, and a third dialogue would be held in June 2015 in Bonn, Germany. The fourth dialogue, planned for 2016, would address public participation as one of its topics. One difficulty was that only a few Parties to UNFCCC reported in their national communications on the implementation of all the elements of article 6, including activities to enhance public participation, and there were also a number of barriers to the implementation of article 6, such as a lack of public awareness and knowledge, the absence of institutional arrangements, inadequate funding, a lack of human resources and insufficient coordination and cooperation between the authorities within the country.

40. The representative of Belgium spoke on public participation in designing low-carbon scenarios for Belgium in the framework of a federal-level project to transition Belgium to a low-carbon society by 2050. The project had the dual objective of contributing to the elaboration of a low-carbon strategy and also promoting the discussion on the low-carbon transition. Efforts had been made to find a model amenable to public participation. First the sources of emissions for the country had been identified by sector. Next, the main levers to reduce greenhouse gas emissions in those sectors had been identified (for instance, in transport a lever would be reduced mobility demand). The next step had been to define four ambition levels, with level 1 as "business as usual" and level 4 as "very ambitious". Across Belgium there had been a discussion of what the levers and ambition levels should be, with broad public participation (meetings with more than 150 people in more than 25 workshops), and they had identified 60 levers. After that exercise they moved to the construction of scenarios, defining five scenarios with participants. Finally, they had built a web tool that made it possible to view the levers, see what the key

⁵ See http://www.unece.org/fileadmin/DAM/env/pp/ppdm/Case_studies_template_PPDM-form_final.doc.

debates would be, and gave the public the possibility to design their own low-carbon scenarios and submit them.

41. A representative of the Aarhus Centre of Belarus gave a presentation on the Belarusian experience of public participation in climate change-related decision-making, including the work of NGOs and the Aarhus Centre. The Aarhus Centre and NGOs were involved in raising awareness and education on climate protection, including through information campaigns, e-mail distribution of climate news, establishing a network of green schools, and organizing seminars and lectures. She gave an overview of public participation in decision-making on specific activities that could have a significant impact on the climate, in the development of plans and programmes related to climate change and in the preparation of normative legal acts related to climate change. Provision for public participation in decision-making on climate change mitigation and adaptation programmes was not so well developed in Belarusian legislation, but a draft bill was being prepared that would require public participation in future. The Aarhus Centre also helped to strengthen cooperation between government agencies and the public on climate issues.

42. The representative of the Netherlands detailed the legislative framework in the Netherlands in which the Aarhus Convention's provisions were anchored, including time frames for comments, and the growth of "new style" participation in the Netherlands, which had been initiated following the realization that participation was happening too little, too late. "New style" participation related to involving the public in the early stages of the planning or decision-making process. Among examples of public participation in areas related to climate change in the Netherlands were participation in relation to the spatial plan for all activities in the country, which had included holding focus groups for citizens, and the Delta Programme (protecting the Netherlands from sea level rise), which had used websites to advise people on what to do if the dykes broke. The newest development in the Netherlands involved bottom-up public participation, such as Energie U, a non-profit organization that sought to develop enough solar energy to supply the city of Utrecht at a cheaper price.

43. The representative of the European Environmental Bureau and European ECO Forum gave an overview of the situation in a number of countries from an NGO perspective. Civil society organizations in Belarus, Bosnia and Herzegovina, Germany, Hungary, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation and Ukraine had been surveyed to ascertain their perspectives on their involvement in climate change-related decision-making. The survey asked questions such as, "are NGOs in your country involved and how it is done?", "is there any specific structure used by authorities to involve civil society in making these decisions?" and "is it done on a regular basis or only when NGOs ask for it?" In general, the NGOs said that they had mostly not been involved in the decision-making process, that there was no specific structure for involving them, and that participation had not been stimulated or encouraged by administrations. Other obstacles included that often legal mechanisms were lacking. There was thus clearly a need to establish functioning and efficient mechanisms for participation in decision-making in the area of climate change, and to further align relevant activities under UNFCCC and the Aarhus Convention.

44. The representative of France spoke about COP 21, to be hosted by France, and the related preparations for the event, which would be held in Paris from 30 November to 11 December 2015. France wanted to ensure effective participation of civil society and transparency in the processes in relation to COP 21. To that end, the National Council for Ecological Transition, which had about 50 different members, including representatives of unions, employers, environmental organizations, public utilities and State authorities, was involved in the preparations. That meant that every facet of society was contributing to national preparations for COP 21. In addition to national consultations, France would also

facilitate meetings with civil society and the co-Chairs of the Durban process.⁶ During the Conference itself, there would be a “civil society village” which would be open and inclusive. There would also be a facilitating mechanism set up to assist interested States upon request to prepare for COP 21.

45. The representative of Earthjustice raised the issue of integrating civil society in the negotiations at COP 21. In Copenhagen at COP 15 in 2009 NGO badges had been arbitrarily deactivated, and it had not been possible to appeal that action. That problem had also unfortunately reoccurred during the latest COP session in Lima in 2014. What was being done to prevent that happening again at COP 21?

46. Also on that issue, Mr. Ballan commented that climate change was a multi-scale issue and that those civil society representatives embarking on public participation at the national and local level should also participate at the international level. It was important to envisage the place of civil society within the negotiations process and within the official agenda. There were already some items on public participation in the draft text of a possible future agreement, and Parties should promote and develop that provision even further.

47. Finally, the Chair said a few words about the national contributions on mitigation of climate change had to be put forward by States before COP 21, and those contributions were determined at the national level on the basis of several parameters; national debate and public involvement were a very important part of that.

48. The representative of “Green Dossier” spoke about the practical experience of Ukrainian NGOs in climate change-related decision-making. There was an NGO working group on climate change, made up of a network of 25 non-governmental and non-profitable environmental organizations all over Ukraine (including Green Dossier). Ukrainian NGOs carried out public awareness-raising campaigns, explained the connection between climate issues and everyday life, and lobbied decision makers at all levels. Legal public participation opportunities in Ukraine included the right to take part in a number of inter-agency commissions on climate change and public councils to government bodies. Social networks and digital media had become the main channel for discussions and the most effective instrument of public participation in Ukraine. There were some relevant court cases, including where an NGO had taken part in the discussions on draft decisions in the sphere of climate change and provided comments for more than 25 drafts, but those comments had not been taken into account by the Ministry of Environment and no explanation had been provided regarding their rejection. The NGO had sent information requests, but had not been satisfied by the information provided by government bodies and had therefore taken them to court and won. In general, NGOs in Ukraine were not satisfied with the level of public participation in decision-making in the climate area because there were issues with taking into account their comments and recommendations and because climate issues were not a priority for the authorities.

49. The representative of Armenia noted how the implementation of UNFCCC in national legislation had played a major role in the development and shaping of public policy and opinion with regard to climate change in Armenia. Civil society organizations had created a civil platform within the framework of the Red Cross “Climate Forum East” project. The purpose was to involve public organizations in combating climate change at the community level, because communities were the most closely connected to natural resources. The activity was geared towards adaptation to climate change in sectors such as agriculture, health, water, and energy efficiency. The civil platform had made a statement on the position of civil society with regard to climate change, which had been submitted to

⁶ I.e., the Ad Hoc Working Group on the Durban Platform for Enhanced Action.

the President. The President's response showed that an agreed position on the main principles of adaptation to climate change and climate change itself has been reached. There had also been very active public participation in developing policy for the management of forests, to preserve forests to prevent climate change.

50. Following the presentations, the representative of Switzerland noted that in preparing climate change regulations in Switzerland public participation was a very important issue; before submitting a draft law before parliament there would always be a wide ranging participation process involving all the affected stakeholders, NGOs, industry and others. The representative of Croatia reported that work on a strategy on adaptation to climate change would start in Croatia in the second part of 2015, but the Ministry of Environment and Nature Protection was already raising public awareness by holding numerous workshops across the country. It was thought that a public that was well informed would be more motivated to participate in the making of the strategy and then later in the strategic environmental assessment procedure that would be conducted. The representative of REC CEE suggested that the focal points of the Aarhus Convention and the focal points of other conventions should cooperate more closely. The Earthjustice representative noted from the different presentations that it was not always obvious that there was a coherent approach, and that the ministries in charge of the different issues were not always the same and did not always have the same culture.

51. The Task Force:

(a) Took note of the experiences, including good practice examples and challenges, shared by presenters from UNFCCC, Belgium, the Aarhus Centre of Belarus, the Netherlands, European ECO Forum, France, Armenia, and Green Dossier, and noted the subsequent discussions and comments from the floor;

(b) Noted that climate change-related decision-making appeared to be a complex issue, as it applied to a number of legal and policy instruments (e.g., climate change legislation, national communications, long-term or thematic national strategies) and it addressed a wide range of sectors and actors;

(c) Also noted that ensuring effective public participation in such decision-making was of the utmost importance;

(d) Further noted the concerns expressed by NGOs that in some countries there were a number of obstacles to effective public participation in climate change-related decision-making, including a lack of legal provisions requiring such public participation, a lack of a specific structure to involve the public, insufficient or non-existent funding, inadequate efforts to involve the public on a regular basis, and a lack of public awareness of the importance of climate change problems and/or the decision-making process;

(e) Encouraged close cooperation between national focal points of UNFCCC and the Aarhus Convention at the national level.

VI. Closing of the meeting

52. The Task Force agreed the key outcomes of the meeting and requested the secretariat, in consultation with the Chair, to finalize the report of the meeting and incorporate those outcomes (AC/TF.PP-5/Inf.4) in the meeting report. The Chair thanked the speakers, those who had provided written statements in advance of the meeting, the participants, the secretariat and the interpreters, and closed the meeting.