

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

Task Force on Public Participation in Decision-Making

Ninth meeting

Geneva, 1–2 March 2021

Key outcomes¹

as agreed by the Task Force on Public Participation in Decision-making at its ninth meeting

Item 1. Opening of the meeting and adoption of the agenda

1. The Task Force:

- a) Took note of the information provided by the Chair and adopted the agenda as set out in the document AC/TF.PP-9/Inf.1.
- b) Took note of the opening statement by Ms. Magdolna Toth Nagy, the European ECO-Forum.
- c) Noted the need for ensuring effective public participation in decision-making during COVID-19 pandemic and in similar challenging circumstances.
- d) Encouraged Parties and stakeholders to promote widely, including through translation into national languages, the Statement by the Compliance Committee regarding the application of the Aarhus Convention during the COVID-19 pandemic and the economic recovery phase² and advice to Kazakhstan by the Compliance Committee on the holding of public hearings during the COVID-19 pandemic³ as useful guidance for promoting public participation during COVID-19 pandemic and in similar challenging circumstances.
- e) Noted the shared concerns linked to safety of environmental defenders and took note of a call on Parties to establish a Rapid Response Mechanism to protect them effectively at the next session of the Meeting of the Parties.

Item 2. Participation of vulnerable and marginalized groups in decision-making

2. The Task Force:

- a) Thanked the panellists, Mr. Collander, Mr. Cole, Ms. Ahmed, Ms. Stock and Ms. Bacheva-McGrath, for their presentations and took note of the insights and examples shared by them.
- b) Encouraged Parties to assess procedures and tools related to public participation in decision-making with the view to increasing their accessibility to vulnerable and marginalized groups, including children, older persons, women, migrants, displaced and refugees, persons with disabilities, indigenous peoples, persons with low literacy skills or facing language barriers, ethnic or religious minorities, economically disadvantaged groups and persons.
- c) Highlighted the important role of NGOs, Aarhus Centres, libraries and other community information centres in promoting environmental awareness and facilitating participation of vulnerable and marginalized groups in decision-making.

¹ This document was not formally edited.

² https://unece.org/DAM/env/pp/compliance/CC-67/ece.mp.pp.c.1.2020.5.add.1_advance_unedited.pdf

³ https://unece.org/sites/default/files/2021-02/ece_mp_pp_c.1_2021_6_e.pdf

- d) Took note of the interventions by participants and of the key messages derived from the presentations and discussion on this item, including the following:
- i. The COVID-19 pandemic cannot justify any restriction of the public's rights to information, participation and justice in environmental matters; the pandemic has an impact, in particular on vulnerable and marginalized groups, and it exacerbates existing inequalities and disparities.
 - ii. There is a great need for further engagement with future generations and with vulnerable and marginalized groups through a coordinated long-term approach aimed at removing barriers that prevent their participation.
 - iii. All affected people need to participate in the decision-making process, especially vulnerable and marginalized groups.
 - iv. Project promoters need to seek to build consensus in communities and to support peace-building efforts rather than use "divide and rule" tactics that can cause or deepen community conflicts.
 - v. It is important to take gender aspects into account when planning public participation procedures.
 - vi. Challenges related to access to online technology and tools (e.g. in rural areas) and aspects such as language, literacy and disability shall be seriously considered in public participation processes.
 - vii. New engagement techniques through electronic information tools and traditional methods of communication are both important for effective public participation.
 - viii. Non-discrimination as to citizenship, nationality or domicile is critical for public participation processes.
 - ix. Considering the importance of effective participation of vulnerable and marginalized groups, there is a need to continue addressing this subject under the auspices of the Task Force during the next intersessional period.

Item 3. Effective public participation without significant resources

3. The Task Force:

- a) Thanked the panellists, Ms. Dersha, Ms. Osleja, Ms. Nohr and Ms. Malkova, for presentations and took note of the insights and examples shared by them.
- b) Called on Parties to promote broad accessibility to electronic information tools to all members of the public.
- c) Encouraged Parties to promote the use of electronic information tools to facilitate public participation in decision-making in an effective way and with assuring at the same time that needs of different target groups are met.
- d) Called on Parties, partner organizations and stakeholders to continue awareness raising and building capacities of public officials and member of the public, especially of vulnerable and marginalized groups, in the use of above-mentioned tools.
- e) Took note of the interventions by participants and of the key messages derived from the discussion on this item, including the following:
 - i. It is important to have an appropriate legislative framework for public participation in environmental matters in place at all levels (e.g. State and local) because, if designed properly, such framework supports both the efficiency and effectiveness of decision-making processes.
 - ii. Strengthening inter-institutional cooperation is critical for delivering one coordinated output thereby saving time and resources.
 - iii. Increasing level of digital literacy and using virtual platforms and tools can assist in engaging the public in decision-making in an efficient and effective way.

- iv. There is a need to combine online and in-person formats for events/activities aimed at public participation, in particular during the COVID-19 pandemic and in similar challenging circumstances.
- v. When organizing events/activities aimed at public participation, the format and approach shall take into consideration the purpose of these events/activities (e.g. decision-making, gathering comments, information sessions etc.).
- vi. Rules and procedures for online events/activities shall be transparent and communicated to the public in advance, and appropriate methods to engage the public should equally consider the use of off-line tools, such as free phone service or radio to notify and/or involve the public in decision-making.

Item 4. Emerging technologies- related decision-making

4. The Task Force:

- a) Thanked the panellist, Ms. Schneider, and took note of the challenges and experiences shared by her.
- b) Took note of the interventions by participants and of the key messages derived from the discussion on this item, including:
 - i. The issue of emerging technologies is rather unknown to the general public and, therefore, an awareness raising to facilitate the public's involvement in decision-making will be required; the role of science is important in this regard in order to provide a reliable science-based information.
 - ii. As impacts of emerging technologies are not fully known, it is important to apply a precautionary principle when considering decision-making on such technologies, and also to take into account at the same time, the need for allowing scientific progress.
 - iii. Depending on the subject of decision-making (e.g. emerging technologies- related legislation, policies or projects), the corresponding relevant decision-making procedures would apply.
 - iv. As there is very limited experience in public participation in decision-making regarding this topic, there is a need to continue its consideration under the auspices of the Task Force during the next intersessional period.

Item 5. Decision-making in extractive industries sector, on energy and climate

5. The Task Force:

- a) Thanked the panellists, Ms. Loboda, Ms. Dauletyarova, Ms. Pinguli, Ms. Mauro, Ms. Kochladze and Mr. Benedetti, for their presentations and took note of the insights and examples shared by them.
- b) Highlighted that ensuring effective public participation in decision-making in matters related to extractive industries sector, energy and climate is critical not only for fulfilment of national legislation and commitments, but also for implementation of a number of international commitments, notably the Paris Agreement and 2030 Agenda for Sustainable Development;
- c) Called on Parties to ensure effective public participation in decision-making on above matters in accordance with the Convention at all levels, e.g. national, subnational and transboundary;
- d) Took note of the interventions by participants and of the key messages derived from the discussion on this item, including:
 - i. Ensuring effective public participation in decision-making in extractive industries sector, on energy and climate remains challenging.

- ii. There is great importance and value in using different channels and types of communication to engagement the public in such decision-making.
- iii. Ensuring public participation at the stage of development and approval of policies is critical.
- iv. Effective and inclusive public participation in such complex and far-reaching activities improves quality of the final decisions and transparency and accountability of public authorities and businesses.
- v. Considering the complexity of the subjects, public participation in decision-making will require extensive multifaceted consultations, both at general public and experts' level.
- vi. There should be equal and meaningful opportunities for different types of social groups and stakeholders (e.g. inhabitants, NGOs, academia etc) to participate.
- vii. Inhabitants of land where extractive industries have projects should be informed of such and be part of the decision-making process as it may also have an impact on the land access and use rights.
- viii. The role of the young generation in decision-making on climate and energy policies is particularly important as they are the most affected.
- ix. The public shall also play a significant role in: national debates on decarbonization; defining the national determined contributions (NDCs); the adaptation strategies and security issues; recovery measures and how to integrate climate change-related actions and evaluations (whether the measures taken have positive or negative or neutral effect on climate change); reshaping the society as a whole (just transition); and in choosing the energy mix and promotion of renewables.

Item 6. Any other business

No issues were discussed.

Item 7. Closing

The Task Force thanked the speakers for their useful presentations and participants for their important contributions and agreed on the outcomes presented by the Chair at the meeting, which will be incorporated in the meeting report.
