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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

### **Task Force on Public Participation in Decision-Making**

#### **Tenth meeting**

Geneva, hybrid, 10–11 October 2022

### **Key outcomes<sup>1</sup>**

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

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

1. The Task Force took note of the information provided by the Chair and the statement made, and adopted the agenda as set out in the document AC/TF.PP-10/Inf.1.

#### **Item 2. Ensuring effective public participation**

2. The Task Force:

- a) Thanked the presenters and took note of the insights, good practices, experiences and challenges shared by Ms. Chakryan, Mr. de Oliveira, Ms. Umbrasaitė and Ms. Puzinauskienė in relation to the issue of effective public participation in decision-making.
- b) Took note of the subsequent discussion in relation to agenda item 2, i.e. the highlighted achievements, challenges and suggestions for improvements and for the way forward, and of the key messages derived from the presentations and discussion on this item, including the following:
  - Presentations demonstrated that efforts have been made by authorities to improve legislation and practice in order to enhance public participation in decision-making, but many challenges still exist. Also, capacity building is required in order to improve knowledge and experience of public authorities to implement effective public participation in practice.
  - The Maastricht Recommendations on promoting effective public participation in decision-making in environmental matters<sup>2</sup> play an important role in assisting Governments in their efforts to promote effective public participation in decision-making
  - More should be done to engage different target groups of society, in particular, those in vulnerable situations, such as women, elderly, indigenous communities. Education and raising awareness of cultural specificities is important in this context.
  - On the other hand, youth is very well educated in information and communication technologies, but has logistic and administrative barriers (e.g. availability of time, transport and financial support) and lacking concrete tools to be able to respond promptly to the possibility of participation; to remedy this, it will be important to raise their awareness (also through digital tools) and engage in formal and informal consultations (e.g. youth councils at national, regional and other levels).
  - Different modalities for public participation shall be applied and tailored to the needs of specific target groups (face-to-face meetings, opportunities for virtual participation, thematic radio programs

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<sup>1</sup> This document was not formally edited.

<sup>2</sup> Available from <https://unece.org/environment-policy/publications/maastricht-recommendations-public-participation-decision-making>

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with the possibility of remote intervention, telephone recordings and offline recording of meetings, among others).

- Another important issue that shall be addressed by Parties is availability of documents to enable maximum use of the information for public participation purpose.
  - Wars and other military offensives inevitably have impact on public participation in decision-making, and this has been recognised as great challenge. Efforts should be made by Parties in such circumstances to safeguard that public participation in decision-making on matters related to the environment is: (a) adhered and remains a core element of EIA and SEA procedures, and (b) also ensured for post-war recovery and reconstruction plans, likewise in case of natural disasters.
- c) Encouraged Parties, other interested States and stakeholders to share information, experiences, challenges and good practices with regard to public participation in decision-making through the Aarhus Clearinghouse and its good practice database<sup>3</sup>.
- d) Reiterated the call to translate the Maastricht Recommendations on promoting effective public participation in decision-making in environmental matters into national languages and use them widely.
- e) Reiterated the call to carry out capacity building activities, such as trainings for public authorities, NGOs and for other target groups, as to promote and strengthen public participation in decision-making.

### **Item 3. COVID-19 pandemic and public participation: challenges and opportunities**

#### 3. The Task Force:

- a) Thanked presenters and took note of the insights, good practices, experiences and challenges shared by Mr. Zhakenov, Ms. Žagar, Mr. Alabaster and Mr. Oliver.
- b) Took note of the subsequent discussion in relation to agenda item 3, i.e. the highlighted achievements, challenges and suggestions for improvements and for the way forward, and of the key messages derived from the presentations and discussion on this item, including the following:
- COVID-19 pandemic brought many challenges, but at the same time it stimulated several new opportunities for public participation.
  - The lessons learnt included the need to regulate properly digital technologies as otherwise it can lead to an increased surveillance which could undermine democratic governance and human rights; democratisation of access was another phenomenon as more people could connect remotely and each was equal online. However, at the same time, public had to learn new technological skills which revealed gender and age gap due to the pre-existing digital divide (including internet access, technology and online skills).
  - It was observed that concrete steps were taken to address those challenges through improving legislation and applying practical measures. These included amendments of specific legal acts, developing guidance material, strategies, community engagement “apps”, and setting specific mechanisms and platforms. In this regard, advice of the Aarhus Convention Compliance Committee regarding the possibility to conduct public hearings during the pandemic through videoconferencing or other virtual means<sup>4</sup> is an important message that shall be promoted, and Parties shall ensure that effective public participation procedures are adhered to and enabled during such hearings.
- c) Encouraged Parties, other interested States and stakeholders to share information, experiences, challenges and good practices with regard to public participation in the

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<sup>3</sup> See <https://aarhusclearinghouse.unece.org/>

<sup>4</sup> See ECE/MP.PP/C.1/2021/6, available from <https://unece.org/env/pp/cc/requests-parties-advice-or-assistance>

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context of the COVID-19 pandemic through the Aarhus Clearinghouse and its good practice database.

#### **Item 4. Public participation in decision-making on health-related issues linked to air pollution**

##### 4. The Task Force:

- a) Thanked presenters and took note of the experiences shared by Mr. Stoev, Ms. Ancona, Mr. Duishonbiev, Ms. Castell, Ms. Franke and Ms. Ghazaryan.
- b) Took note of the subsequent discussion in relation to agenda item 4, i.e. the highlighted achievements, challenges and suggestions for improvements and for the way forward, and of the key messages derived from the presentations and discussion on this item, including the following:
  - Public participation in decision-making on health-related issues linked to air pollution appeared to be highly important. Several good practices were demonstrated through developing national programmes, toolkits, dedicated projects and examples of citizens science.
  - At the same time, a number of specific challenges and trends were highlighted, such as: lack of meaningful public participation during emission permit decision-making, lack of effective and visible public notification about the start of decision-making and absence of access to main documents submitted by polluters to receive emission permits, which makes the procedure not transparent and leads to worsening of the quality of emission permits.
  - Several suggestions to improve the situation were put forward, including developing targeted recommendations and integrating Citizen Science in research and governance programmes, and develop expert and technical capacity of public authorities and, as needed, other target groups.
- c) Encouraged Parties to use the outcomes of citizen science and crowdsourcing initiatives to promote public participation and inform decision-making on health-related issues linked to air pollution.
- d) Called on Parties to continue improving public participation in decision-making on health-related issues linked to air pollution by ensuring effective and inclusive public involvement, including of vulnerable and marginalized groups exposed to air pollution.
- e) Encouraged Parties, stakeholders and partner organizations to strengthen capacities of the public, in particular vulnerable and marginalized groups to participate in decision-making procedures.

#### **Item 5. Public participation in decision-making on urban development/cities**

##### 5. The Task Force:

- a) Thanked presenters and took note of the experiences shared by Ms. Numić, Mr. Lewis-Lettington, Ms. Ferreira and Ms. Stock.
- b) Took note of the subsequent discussion in relation to agenda item 5, i.e. the highlighted achievements, challenges and suggestions for improvements and for the way forward, and of the key messages derived from the presentations and discussion on this item, including the following:
  - Public participation in decision-making on urban development is impacted by a number of factors, such as competing interests of different governmental, business and civil society actors, and existence of barriers regarding cooperation among them; and diversity of public groups living in urban areas, including those in vulnerable situations. In addition, for countries with federal structures, spatial planning is the responsibility of different territorial entities (e.g., provinces,

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regions) and the laws in force do not always give equal rights to all citizens (in one entity, rights are retained only in the phase of adopting the plan, while in the other entity, citizens can be involved in all phases of planning).

- Other important issues to consider are the applicability of instruments providing for EIA and SEA in decision-making on urban development (e.g., cases emerged, such as many priority investments, where EIA or SEA procedures were skipped), and ensuring that requirements of the Aarhus Convention on public participation in decision-making are adhered to in their context.
  - Several actions, such as to guarantee that environmental safeguards are not undermined in the processes and the need to ensure holistic approach to spatial planning were highlighted. The level of public influence in decision-making is also still not stabilized, in particular regarding negotiation, consensus building and deliberation.
  - At the same time, several good practices demonstrated how such challenges could be addressed. They included adoption and implementation of dedicated mechanisms, guidance material, toolkits, projects, initiatives, laws and international commitments that enabled public participation in urban development. Also, participatory processes for spatial planning stimulated the use of new technologies and alternative tools which helped to explore new avenues for exercising public rights thus helping to mitigate the impact of the reduced freedom of assembly and movement, which were put in place to respond to COVID-19 pandemic.
- c) Called on Parties to continue improving public participation in decision-making on urban development/cities by ensuring effective and inclusive public involvement, including of local communities and vulnerable and marginalized groups.
- d) Encouraged Parties, other interested States and stakeholders to continue sharing information, experiences, challenges and good practices with regard to public participation in decision-making on urban development/cities through the Aarhus Clearinghouse and its good practice database.

#### **Item 6. Other relevant developments**

6. The Task Force:

- a) Took note of the statements made.
- b) Asked the secretariat to conduct a survey to identify good practices, possible challenges and lessons learnt in relation to participation of groups in vulnerable situations in decision-making and encouraged Parties, other interested States and stakeholders to participate in the survey and to submit the related good practices to the Aarhus Clearinghouse and its good practice database.

#### **Item 7. Any other business**

*7. No issues were discussed.*

#### **Item 8. Closing**

8. The Task Force thanked the speakers for their useful presentations and participants for their important contributions and the secretariat for its support, and noted that outcomes summarised by the Chair at the meeting will be circulated via email after the meeting and incorporated in the meeting report along with more detailed account of presentations and of the discussion.

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