

Agenda item 4. Substantive issues (a) Thematic session on public participation in decision-making

Statement by Magdolna Tóthné Nagy, Guta Environmental Law Association, on behalf of the European ECO Forum

Madame Chair, Distinguished delegates,

The need for more clarity on and a definition of “persons and groups in vulnerable situations” has been pointed out by the European ECO Forum representatives, has been raised and addressed several times in the meetings of the Working Group of Aarhus Parties, the Task Force on Public Participation in Decision-making, as well as at the last, seventh Meeting of Parties.

Decision VII/2 on promoting effective public participation in decision-making adopted at the MOP7 held in Geneva, 18–21 October 2021, in paragraph 13, recognized this issue as one of the areas where work needs to be continued “to strengthen the implementation of the public participation provisions of the Convention with special attention to:

- d) Identifying the main obstacles to effective public participation in all types of decision-making within the scope of the Convention at the national, subnational and local levels, in particular with regard to issues of a systemic nature such as: ...

- iv) Paying particular attention to the participation of vulnerable and marginalized groups; among others....”

The issue of participation of “groups in vulnerable situations” had been also prominently addressed at the 10th meeting of the of the Task Force on Public Participation in Decision-making held on 10–11 October 2022, as the Chair noted, “recalling that the issue was covered by decision VII/2 adopted by the MoP at its seventh session and would be considered in greater detail at the next meeting of the Task Force.” (par. 46 of the Report of the Task Force.)

The report of the 10th meeting of Task Force on Public Participation in Decision-making also acknowledged the ECO Forum statement in par. 47 a): “Noting that the notion of “vulnerable and marginalized groups” should be defined in more clarity, including the analysis of the challenges that said category of people faced, as well as indicating how their efficient public participation in decision-making could be better ensured in line with the Convention.” The report, in par. 48 also took on board some of the ECO Forum proposals saying: “The Task Force took note of the statements made and asked the secretariat to conduct a survey to identify good practices, possible challenges and lessons learned 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.” .

ECO Forum appreciates and welcomes the outcome of the 10th meeting of the Task Force on Public Participation in Decision-making, to conduct a survey to identify good practices, possible challenges and lessons learned in relation to the participation of “(persons and) groups in vulnerable situations”, for the next meeting of the Task Force;

- Looks forward to the analysis of the survey results, and proposes to discuss its findings in a special session during the next Public Participation Task Force meeting, in the presence of representatives of different sectors of “persons or groups in vulnerable situations” (as speakers and participants to this meeting);
- Proposes to discuss and agree on a definition of the term “persons or groups in vulnerable situations” and that it will be used consistently in deliberations and documents related to the implementation of the Aarhus Convention, instead of the term “vulnerable and marginalized groups”;

At the High-level Segment, at the seventh meeting of Aarhus Parties, through the Geneva Declaration, Parties already agreed to apply the expression “persons and groups in vulnerable situations” in para 29, which is also used by the UN Human Rights Council, therefore we recommend to follow this practice;

- We also recall the example, that a similar definition is included in the Escazú Agreement (Article 2(e)): “Persons or groups in vulnerable situations” means those persons or groups that face particular difficulties in fully exercising the access rights recognized in the present Agreement, because of {identified} circumstances or conditions (...).” It is necessary to highlight the wording “in vulnerable situations”, as no persons or groups are inherently vulnerable, but rather put in vulnerable situations by certain conditions or circumstances.

We know that the Aarhus Convention guarantees rights to all members of the public, and the definition of the “public” is inclusive. It also covers all types of groups, including those in “vulnerable situations”.

At the same time, we call on Parties:

- to give a special attention and develop a mechanism to ensure effective participation and a safe environment for “persons and groups in vulnerable situations”,
- to adopt a guideline, recommendation or a decision on the definition of “persons and groups in vulnerable situations,” and on the best practices of involving them in decision-making, and
- include a section towards this end, in a possible next update of the Aarhus Convention Implementation Guide.

Thank you for the attention!