From:	Peter Emerson
Reply To:	pemerson@deborda.org
To:	'Fiona Marshall'
Cc:	'Sadaf Shamsie'; 'Phil Kearney'
Subject:	RE: PLEASE REFER THIS VERSION: Invitation to comment on second draft of the Recommendations on Public Participation in Decision-making
Date:	22/10/2012 16:45

Dear Fiona,

The document does not start by saying how decisions shall actually be taken. You could have anything, or so it would seem, from the relevant body having consultations and then taking a decision 'behind closed doors'; or it could be in public; and it could be by a vote or in a purely verbal process; or, to speak of a more ideal world, it could be a binding multi-option Borda referendum for all the participants, or for all members of the public directly to be affected.

But there's little of all this. Surely it should come into para 6,an article (j) perhaps. And, if so, you could spell out the various possibilities and, in those instances where preferential voting is to be used, state that the public authority should reveal its own preferences and show the voters' profile.

What actually happens is not a lot, and the reader is left pretty well in the dark. In the final point of the box under para 9, there is mention of a referendum. Now most people think that this is a two-option instrument, where the outcome (binding or otherwise) is determined by a simple or weighted majority. Thus the document gives the impression that this is the way it is still thinking. There are references to complex decisions and so on, but nothing on multi-option decision-making…

…until, ah, paras 101 and 127. But even here, it is ambiguous. After all, even majority voting can be multi-optional, as in a knock-out tennis tournament. And it really does look as if multi-option decision-making has been put in as an optional extra, and not as it were centre-stage, which is where (I would argue) it should be!

So, as in para 132, things could be pretty meaningless, I fear, if things are not spelt out much more accurately.

Best wishes,

Peter

PS I'm not in China! My prospective tenants pulled out, right at the last minute, so I'm now looking for some others.

From: Public Participation [mailto:Public.Participation@unece.org]
Sent: 21 October 2012 23:26
To: Public Participation
Cc: Fiona Marshall; Sadaf Shamsie
Subject: PLEASE REFER THIS VERSION: Invitation to comment on second draft of the Recommendations on Public Participation in Decision-making

To: National focal points to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

(Aarhus Convention) and stakeholders

Dear Sir/Madam,

Please find attached for your review and comments, the second draft of the Recommendations on Public Participation in Decision-making in Environmental Matters being prepared under the auspices of the Task Force on Public Participation in Decision-making of the Aarhus Convention.

We would like to thank all those who commented on the first draft of the Recommendations circulated at the end of May 2012 for their thoughtful and thorough comments. All comments received were carefully reviewed and have been taken into account in the preparation of the second draft.

As you may recall, the work to prepare the draft Recommendations is in response to the request by the Meeting of the Parties to the Aarhus Convention, at its second extra-ordinary session (Geneva, 19 and 22 April 2010), for the Task Force to prepare draft recommendations on improving the implementation of the provisions of the Convention on public participation in decision-making (decision EMP.II/1, paragraph 2(c)).

Invitation to comment on second draft

The second draft is attached in English in both clean and track changes formats. The track changes format shows all changes that have been made to the first draft in the light of the comments received. The clean format is attached for easier reading and also for inserting any comments you may have on the second draft. The second draft is also being translated into Russian. The Russian version will be circulated and posted later this week.

We would be grateful to receive your written comments, in track changes form in the attached clean Word version of the second draft, by **Friday, 30 November 2012** to public.participation@unece.org

Participants attending the third meeting of the Task Force (Geneva, 29-30 October 2012) which is being held as a joint event with the Protocol on Strategic Environmental Assessment, will also have an opportunity to discuss and develop the attached draft during that meeting. A separate email will be sent to registered participants in this regard.

Among the comments received on the first draft, was a suggestion to incorporate some diagrams or flow charts to visually explain some of the key parts of the recommendations. As well as your written comments, we thus invite you to submit any diagrams or flowcharts that you consider nicely illustrate relevant parts of the Recommendations for consideration in the preparation of the third draft.

We also invite you to submit a list of some examples from your country of plans, programmes and policies relating to the environment. We would be grateful if you would send us an English translation of the official titles of these plans, programmes and policies and if possible, a weblink to where the text of the plan, policy or programme can be accessed online. Examples received may be considered for possible use as practical examples in future drafts.

Several comments noted that the first draft was very technical and not so easy for non-lawyers to read. These comments are very much been taken on board and it is intended that once the comments on the second draft have been incorporated, and before circulating the third draft next February, the document will go through a careful review with the sole aim to make the language and structure as user-friendly as possible. In the attached second draft, however, in order to make sure that all points are explained in a precise and correct manner, the more technical style is still largely maintained.

In keeping with the spirit of the Aarhus Convention, and in response to requests received from civil society, we would propose to post all comments received on the second draft on the Convention's website, together with the drafts themselves. Both the first and second drafts will be made available online at http://www.unece.org/env/pp/ppdm.html

The process going forward

Following the expiry of the commenting period on the second draft, all comments received will be considered in the preparation of the third draft. The third draft will be circulated electronically for comments in late February 2013 and will also be discussed at the fourth meeting of the Task Force on Public Participation in Decision-making to be held in Luxembourg on 12-13 March 2013.

We thank you in advance for your comments and contribution to this valuable initiative.

Kind regards,

Fiona Marshall

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Fiona Marshall
Environmental Affairs Officer
United Nations Economic Commission for Europe
Room 330, Palais des Nations
CH- 1211 Geneva 10, Switzerland
Phone: +41 22 917 4226
Fax: +41 22 917 0634
E-mail: fiona.marshall@unece.org
website: www.unece.org/env/pp/welcome.html