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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Extraordinary session

Geneva, 19 April 2010

Item 3 of the provisional agenda

Establishment of a task force on public participation in decision-making, including terms of reference

Draft Decision on Public Participation in Decision-Making¹

The Meeting of the Parties,

Recalling the provisions of articles 6, 7 and 8 of the Convention, which require each Party to ensure, in a differentiated way, opportunities for public participation in decision-making on activities, plans, programmes, policies and executive regulations and other generally applicable legally binding rules relating to the environment, and mindful of the need to strengthen their implementation,

Recalling also its decisions III/8 on the strategic plan for 2009–2014 and III/9 on the work programme for 2009–2011,

Recalling further paragraphs 72 to 74 of the report of the third session of the Meeting of the Parties, as well as paragraphs 4, 13 and 14 of the Riga Declaration, which note, inter alia, that in a significant number of countries major challenges remain with regard to the quality and level of public participation in decision-making, the need for public authorities to provide for appropriate levels of discussion and feedback in the course of public participation in decision-making, and the need to ensure that members of the public, including non-governmental organizations and other relevant stakeholders, are afforded appropriate opportunities to participate effectively in environmental decision-making processes,

Taking note of the national implementation reports and the synthesis reports prepared for the second and third sessions of the Meeting of the Parties, which demonstrate

¹ The present document was prepared by the Working Group of the Parties at its eleventh meeting for adoption by the Meeting of the Parties at its next session (ECE/MP.PP/WG.1/2009/2, para. 33).

that implementation of the public participation provisions of the Convention continues to be problematic and requires significant improvement,

Welcoming the work undertaken by the Ad Hoc Expert Group on Public Participation established by the Meeting of the Parties, inter alia, by coordinating information-sharing on public participation, including by the collection of good practice examples in the implementation of articles 6, 7 and 8 of the Convention,

Recognizing that the work on public participation in decision-making under the Convention is equally important to that on access to information and access to justice, in order to achieve effective implementation of all three pillars of the Convention,

Recognizing also the need to ensure that the public participation provisions of the Convention are consistently implemented in all areas of activity that fall under the Convention's scope, taking into account the fact that different types of activities may be governed by regulatory and institutional frameworks that are specific to that type of activity,

Noting that rules and practices of public participation in decision-making may need to take different forms at the national, provincial and local levels, while basic principles of public participation should be respected,

Welcoming the emergence of Aarhus Centres in several countries as platforms to facilitate public participation by providing environmental information, raising public awareness, promoting participatory debate on environmental policies and projects and providing assistance to citizens in exercising their rights,

1. *Establishes* the Task Force on Public Participation in Decision-making under the authority of the Working Group of the Parties, to continue and further develop the work undertaken by the Expert Group;

2. *Requests* the Task Force, with the assistance of the secretariat, to undertake activities relating to improving implementation of the existing provisions of the Convention in the period up to the fourth session of the Meeting of the Parties. To this effect, the Task Force shall undertake, subject to the availability of resources, the following tasks:

(a) Further document and share expertise, experience and good practices and comparative analyses concerning public participation in environmental decision-making and the impact of other sets of instruments of participatory democracy related to sustainable development, inter alia, through the organization of workshops, the use of the clearing-house mechanism and other types of electronic exchange of information, a compendium of good practices, the commissioning and publication of research work and expert studies, a database of experts and resources and an inventory of public participation procedures, both compulsory and voluntary;

(b) Identify common difficulties in implementation and the main obstacles to effective public participation at regional, subregional and national levels with respect to improving implementation of the Convention's provisions on public participation in decision-making, taking into account, inter alia, the national implementation reports, the findings of the Compliance Committee, other relevant assessments and the experiences of the public;

(c) On the basis of the work undertaken under (b) and taking into account good practices in public participation in environmental decision-making [and the existing implementation guide to the Convention], prepare draft recommendations on improving implementation of the Convention's provisions on public participation in decision-making [, provide examples from the experience of Parties and/or assist in developing draft rules

for public participation in decision-making as a basis for developing national instruments or procedures for public participation, as requested];

(d) Explore ways of achieving implementation of the public participation provisions of the Convention in a manner appropriate to the level of decision-making (national, provincial and local) and in all areas of activity that fall under the scope of the Convention;

(e) Investigate possibilities for focusing in more depth on public participation in decision-making in particular fields of activity that may be governed by a specific regulatory or institutional framework;

(f) Exchange information on innovative forms and tools of public participation beyond traditional consultation procedures, including through the exchange of best practices on modes of participation and on their evaluation, in order to enhance the effectiveness of public participation;

(g) Examine approaches for developing the capacity of non-governmental organizations and strengthening civil society, inter alia through the exchange of good practices in providing appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

(h) Identify, and where possible, contribute to the implementation of other capacity-building measures for public authorities and other stakeholders, including the Aarhus Centres, to enhance public participation, including by developing information materials and training activities in accordance with identified user needs at appropriate regional, subregional [and] [,] national [and local] levels;

(i) Cooperate insofar as practicable with relevant bodies under the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment;

(j) Take into consideration the work being undertaken by Governments, international organizations, non-governmental organizations, research institutes and other stakeholders, in order to benefit from this work and avoid duplication;

3. *Requests* the Task Force, in the intersessional period between the fourth and fifth sessions of the Meeting of the Parties, to:

(a) Continue, as a matter of priority, those activities and tasks referred to in paragraph 2 above;

(b) Taking account of the progress report referred to in paragraph 4, provide expert support and undertake preparatory work in connection with the achievement of the relevant objectives and undertaking of the related indicative activities in focal area III of the Strategic Plan 2009–2014, notably objectives III.3, III.4, III.5 and III.7, provided that this work is included in the work programme 2012–2014 adopted by the fourth session of the Meeting of the Parties;

4. *Further requests* the Task Force to present a progress report on its activities, through the Working Group of the Parties, to the fourth session of the Meeting of the Parties, and to present the overall outcome of its work, through the Working Group of the Parties, to the fifth session of the Meeting of the Parties for consideration and, as appropriate, adoption by the Meeting;

5. *Invites* Parties, Signatories, other interested States, international organizations, non-governmental organizations, research institutes and other stakeholders to participate in the work of the Task Force;

6. *Also invites* Parties, Signatories and other stakeholders in a position to do so to strengthen implementation of the public participation pillar of the Convention at the national level and to make resources available for this purpose;

7. *Welcomes* initiatives taken by Parties, Signatories, international organizations, non-governmental organizations, research institutes and other stakeholders to study good practices, examine practical means of promoting more effective public participation in environmental decision-making and share their findings and experience, and encourages further activities to this end;

8. *Requests* the secretariat to make information on such activities as widely accessible as possible through the Convention's website and clearing-house mechanism.
