

## **Report of the Chair of the Task Force on Public Participation in Decision-making (PPDM) to MoP-5, Maastricht, June 30<sup>th</sup>, 2014.**

I am pleased to report on the work and achievements of the Task Force on Public-Participation in Decision-making, or PPDM, over the past three years.

The Workplan for the Task Force agreed at MoP-4 envisaged nine activities to be undertaken in this intersessional period. The Task Force has been implementing these nine activities in three ways:

- Meetings of the Task Force (three in this intersessional period each focused on a key sector and organized as joint events in accordance with the Task Force's mandate to explore synergies and possibilities for cooperation)
- The drafting of recommendations on PPDM.
- The collection of case studies on PPDM.

### **I. Task Force meetings**

The **second meeting of the Task Force** (the first in this intersessional period) took place in June 2012. The meeting was organized as a joint workshop with the Meeting of the Parties to the Protocol on Water and Health. As well as specific issues related to PPDM on water and health, the meeting considered how to facilitate effective PPDM more generally. The meeting looked at various innovative tools to achieve this, including a proposal to develop guidelines for private companies undertaking public services, practical tools for outreach to marginalised people and how multi-optional decision-making could be applied in the Aarhus context.

The **third meeting of the Task Force** was held in October 2012. It focused on challenges and good practices regarding public participation in strategic decision-making and in particular, the implementation of articles 7 and 8 of the Convention. It was a joint event organized with the Bureau to the Protocol on Strategic Environmental Assessment to the Espoo Convention.

The **fourth meeting of the Task Force** was held in Luxembourg in March 2013. It focused on decision-making on nuclear-related issues and was organized as a joint event together with ANCCLI and the Directorate General Energy of the European Commission. Detailed reports on these three meetings are available online.

### **2. Recommendations on public participation in decision-making**

In accordance with Activity III of its workplan, the Task Force prepared recommendations on PPDM.

The Recommendations were prepared at the request of the Meeting of the Parties following calls over several years from officials and members of the public for more practical guidance on how to improve the implementation of the Convention's provisions on PPDM. They were prepared through an open and participatory process. Three drafts were made available for comment to focal points to the Convention and stakeholders - in May 2012, October 2012 and March 2013. Participants at the three meetings of the Task Force also had an opportunity to provide their oral comments on the various drafts. Each draft and all written comments received were made available on the Task Force's webpage.

The Recommendations greatly benefited from the strong engagement of the Parties to the Convention and other stakeholders. In total approximately 1,700 in-line comments in track changes were received as well as a number of more general comments. Each comment was individually carefully considered – and I would like to thank the consultant, Jurek Jendroska, supported by the secretariat, for undertaking this mammoth task. Careful consideration was also given to meeting the different needs of

Parties' in terms of comprehensiveness and degree of details of guidance, bearing in mind the various levels of and approaches to implementation of the Convention's provisions on public participation.

The Recommendations provide helpful guidance on implementing articles 6, 7 and 8 of the Convention and especially on how to address a number of key challenges identified by the Aarhus Convention Compliance Committee and others. They are based on existing good practice and are intended as a practical tool to improve the implementation of the Convention's provisions on PPDM in two key ways:

- (i) To assist Parties when designing their legal framework on PPDM
- (ii) To assist public officials on a day-to-day basis when designing and carrying out PPDM procedures.

In addition, the Recommendations may also be of value to members of the public, including NGOs and the private sector.

It is recommended that these Recommendations be translated into relevant national languages and, subject to resources, that training be offered to officials in their use.

### **3. Collection of case studies into a Good Practice database**

In March 2012, the secretariat launched a call for case studies of real-life examples of PPDM in order to generate ideas and contribute to policy development in this area. Parties, NGOs and other agencies have submitted a range of informative and diverse case studies. These are now being uploaded into a Good Practice database. The structure of the database has been completed and [will shortly go live with the case studies collected so far.][is now online with the first case studies uploaded with more of those collected so far to be online shortly. This database will constitute an important and evolving resource. It is evident from the participants at Task Force meetings and other sources that there is a substantial demand from both civil society and public officials for examples of good practice and guidance on methodology.

I would like to remind both Parties and stakeholders that the call for case studies remains open and will be ongoing.

### **4. Concluding remarks**

In summary, the Task Force has addressed all of the activities mandated in its workplan.

In relation to the sectoral meetings it is noteworthy how the role of the public has been emerging as a more critical factor in the various areas addressed by the Task Force. It might be said that the choice of areas for the Task Force to examine was prescient.

For example, in relation to water and health there has been a growing concern for the significant impacts on water resources of escalating climate change as catalogued extensively in the reports of the IPCC. Community engagement is vital to the conservation and sustainable management of these resources.

In the nuclear domain the Fukushima disaster has had very major consequences for energy policy world wide and has called into sharp focus how populations in proximity to nuclear power plants are to be involved in the many critical decisions which arise in relation to emergency preparedness, planning and construction of new plants, disposal of radioactive waste, etc.

Both of these sectors have potential transboundary environmental impacts and this highlights the need for greater awareness of and further implementation of Strategic Environmental Assessment.

The focus on specific sectors has enabled the Task Force to deal with each of these issues more deeply and to provide more useful outcomes as a result. The need for enhanced public participation practices in these various domains could not be more relevant and is in some cases urgent. The voice of civil society must be heard and due account taken of their views in transparent and substantive ways if decisions in these critical areas are to be supported by the populace at large. I am pleased that the draft decision incorporates a similar approach focusing on PPDM in those fields of activity considered to be of particularly high priority.

There are some other themes that emerged in the course of the Task Force's work over the past three years that deserve mention:

#### **Lack of awareness of the Convention**

The awareness of the public at large of their environmental rights varies considerably from country to country and in some contexts is minimal. Similarly, the awareness of public authorities, concerning their Aarhus obligations continues to present clear challenges to the implementation. The publication of the new quick guide to the Convention and the second edition of the Aarhus Convention Implementation Guide are major steps in the direction of correcting these lacunae and I commend them to you for wide circulation in your home countries and online. The Aarhus Centres also play a very valuable role here.

#### **Taking due account**

To build and maintain confidence in PPDM procedures it is critical to ensure that due account is taken of the outcomes of public participation, i.e. that the outcome of the public participation becomes the basis of the decision itself – rather than simply being “considered” but not acted upon. This is ultimately the core of what public participation in decision-making is about.

#### **Emerging activities/technologies**

Further attention should be given to how the Convention might effectively address PPDM on emerging activities and technologies with potentially significant environmental effects not currently listed in annex I, e.g. hydraulic fracking for shale gas, intensive dairy farming, nanotechnology, etc.

In the course of the Task Force's life thus far a communications revolution has taken place throughout the world via the spread of mobile technologies, particularly smartphones. These devices offer huge potential for citizen involvement in environmental monitoring and other forms of participation. It is most important that the Task Force seeks to keep pace with this transformation in technological capacity.

#### **Appreciation**

I am most grateful for the opportunity to serve as chair for the past four years. I wish to thank all the participants at the Task Force meetings, those who contributed to the compilation and refinement of the Recommendations and those who submitted case studies. My thanks go also to the Aarhus secretariat (most particularly Fiona Marshall) for the highest standards of professional support and expertise and to Ireland for enabling me to be in this role.

I wish the incoming lead country and chair well and offer to provide whatever assistance and support is appropriate.

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Maastricht, June 2014.