

Report of the Chair of the Task Force on Public Participation in Decision-making to the Working Group of the Parties at its sixteenth meeting

(Geneva, 19-21 June 2013)

I. Report on the implementation of the Task Force's 2011-2014 workplan

The Workplan for the Task Force on Public-Participation in Decision-making 2011-2014 adopted through decision IV/6 of the Meeting of the Parties at its fourth session envisaged nine activities to be undertaken in this intersessional period. The Task Force has been implementing these nine activities in three ways:

- The collection of case studies on public participation in environmental decision-making;
- 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 public participation in environmental decision-making.

1. Collection of case studies

In March 2012, the secretariat launched a call for case studies of real-life examples of public participation in environmental decision-making in order to generate ideas and contribute to policy development in this area. There was a good response from stakeholders to the call (though not many case studies received so far from Parties). The selected case studies will be published in an online compendium on the Convention website to come online in late 2013/early 2014. All case studies were considered for inclusion, and indeed some were included, in the agendas of the last three Task Force meetings, as well in the preparation of the draft recommendations on public participation. I would like to remind both Parties and stakeholders that the call for case studies remains open and will be ongoing. Thus you are very welcome to send any further case studies you have to the secretariat after this meeting. The template for case studies is on the webpage of the Task Force.

2. Task Force meetings

There have been two meetings of the Task Force since the fifteenth session of the Working Group of the Parties – the third and fourth meetings.

The **third meeting of the Task Force** was held in the Palais on 29-30 October 2012. It focused on participation in strategic decision-making and in particular, the implementation of articles 7 and 8 of the Convention. In keeping with the Task Force's mandate to explore synergies, it was a joint event organized by the Task Force and the Bureau to the Protocol on Strategic Environmental Assessment to the Espoo Convention. As well as discussing challenges and good practices regarding public participation in strategic decision-making, participants had the opportunity to provide their input on the second draft of the Aarhus Convention's draft Recommendations on Public Participation and the first draft of Good Practice Recommendations on Public Participation in Strategic Environmental Assessment being developed under the Protocol on Strategic Environmental Assessment.

The **fourth meeting of the Task Force** (the last in this intersessional period) was held in Luxembourg on 12-13 March 2013. It focused on decision-making on nuclear-related issues and was organized as a joint event together with ANCCLI (Association Nationale des Comités et Commissions Locales d'Information) and the Directorate General Energy of the European Commission. As well as discussing key challenges for public participation in decision-making on nuclear-related issues, participants had the opportunity to provide their input on the third draft of the Aarhus Convention's draft recommendations on public participation in decision-making.

Further information about the outcomes of the discussions at the third and fourth meetings can be found in the reports of those meetings, which are documents for this meeting.

3. Recommendations on public participation in decision-making

In accordance with Activity III of its workplan, over the past 13 months the Task Force has been preparing recommendations on public participation in decision-making. The Task Force has been assisted in this task by a consultant, Mr. Jerzy Jendroska. I very much appreciate the active and engaged role played by both Parties and stakeholders in the development of the Recommendations to date. I believe the efforts put into the drafts by all concerned will ensure that the final Recommendations will be a very useful tool

As you may be aware, there have been three drafts of the Recommendations circulated to date – in May 2012, October 2012 and March 2013, each of which was subject to a wide commenting process. As well as Aarhus focal points and stakeholders, the drafts were circulated to focal points and stakeholders to the Espoo and Water Conventions for their written comments. Participants at the second, third and fourth meetings of the Task Force also had an opportunity to provide their oral comments on the various drafts. Each draft was also made available on the Task Force's webpage.

The deadline for comments on the third draft was 15 April 2013. Approximately 760 in-line comments in track changes were received as well as a number of more general comments on the draft. All comments received on the third draft will shortly be available on the Convention's website. It was originally anticipated that the fourth draft would be available in advance of this session of the Working Group of the Parties. However, given the very high number of comments received, and the rather conflicting nature of many of those comments, I considered it important to take a little longer to prepare the draft in order to enable all comments to be carefully considered and duly taken into account. I anticipate that the fourth and final draft will be circulated to Parties and stakeholders soon. At this stage, it is not envisaged to have any more commenting rounds on the Recommendations.

II. My suggested activities for Taskforce's work 2015-2017, outlined in my note made available to this meeting

Turning now to the Task Force's possible future work, I would suggest that in the next intersessional period the Task Force focus on those activities most essential to the better implementation of the Convention's second pillar. As you will have seen from my note on future directions, I suggest that the Task Force may wish to focus on the following activities:

- I. **Identification of key challenges to the implementation of the second pillar**
- II. **Exchange of good practices to address key challenges to implementation of the second pillar**
- III. **Follow-up on the Recommendations on Public Participation in Decision-making**
- IV. **Public participation in decision-making in key sectors**
- V. **Capacity-building and training**
- VI. **Research on public participation**
- VII. **Development of Article 6**
- VIII. **Development of Articles 7 and 8**

I believe it is important that the Task Force continue to work to identify the **main challenges** to effective public participation in all types of decision-making within the scope of articles 6, 7 and 8 of the Convention, and to exchange upon **good practices** to address those challenges. Such exchanges help to build the capacity of both public authorities and other stakeholders to enhance public participation. I am particularly interested in identifying innovative practices that facilitate more effective public participation without entailing additional significant financial or human resources on the part of public authorities.

To enable the wider dissemination of the good practices collected, the Task Force should continue to gather case studies to expand the **online compendium of case studies** in public participation in decision-making.

I believe it is important that the momentum produced by the hard work of Parties and stakeholders to prepare the Recommendations is not lost, and that they are indeed used by officials at the national level to improve the implementation of the Convention's second pillar. I would suggest that a **short written survey on experiences with the recommendations** be circulated to Parties and stakeholders before meetings of the Task Force and there be a brief agenda item in each Task Force meeting reviewing the survey results. I understand a similar approach was used in the past with respect to monitoring the implementation of the Convention's Recommendations on Electronic Information Tools and worked well.

As you may know, three of the four meetings of the Task Force held to date were organized as **joint events focusing on particular sectors or topics**. This joint approach has proven to be most successful, enabling closer examination of sectors identified as high-priority, while at the same time promoting awareness of the Convention beyond its usual audience. For these reasons, while taking care to allow sufficient time to address the implementation of articles 6, 7 and 8 generally, I would propose to continue such joint events in the next intersessional period.

Partner organizations engaged in **capacity-building at the national and sub-regional level** play an important role in strengthening implementation of the Convention. The Task Force may wish to invite partner organizations to develop and support training programmes for public officials involved in the day-to-day task of carrying out public participation procedures covered by the Convention.

Likewise, researchers may be invited to use the wealth of resources gathered under the auspices of the Task Force in their **research**, and also to share the results of their research with the Task Force.

Lastly, activities 7 and 8 of the Task Force's 2011-2014 workplan included to **assess the Convention's provisions on public participation and develop possible recommendations** on how these provisions might be further elaborated. The workload of the Task Force in this intersessional period has meant that it has been possible to have only limited discussion on these items in meetings of the Task Force to date. I would thus propose to carry over both these item unchanged into the Task Force's workplan for the next intersessional period.

To end, I would like to thank Parties and stakeholders for their very active engagement in the work of the Task Force to date. I believe that through our joint efforts we are helping to achieve a deeper implementation of the second pillar of the Convention across our region. I look forward to continuing to work with you over the next year.
