

Outline of the presentation
“Activities regarding Public Participation – Promotion Strategies”

International Symposium

**Towards an Effective Guarantee of the Green Access: Japan’s
Achievements and Critical Points from a Global Perspective**

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1. Who we are and what we are doing (introducing the network)

European Environmental Bureau/EEB Established in 1974 to represent ENGOs’ interests towards the EU Institutions it brings together over 140 civil society organisations representing the views of an estimated 15 million EU citizens and operates at the heart of the EU decision-making process with a firm foundation at grass root level

Our mission statement:

EEB is the environmental voice of European citizens, standing for environmental justice, sustainable development and participatory democracy. We want the EU to ensure all people a healthy environment and rich biodiversity.

EEB aims:

- to protect and improve the environment of Europe and to enable the citizens of Europe to play their role in achieving this goal
- Integrate environmental concerns into other policy areas
- Provide a focal point for its members to monitor and respond to EU policies
- Provide services to its members in form of information, representation vis-à-vis EU institutions and coordination of campaigns

Main areas of activities :

- Agriculture; Air Pollution Biodiversity and Nature
- Chemicals
- Ecolabel; Ecological Product Policy; Energy Efficiency; Environmental Fiscal reform;
- Industry

- Nanotechnology; Natural Resources; Noise
- Soil
- Waste; Water;
- Zero mercury campaign
- Legal issues (Law group) and more

Horizontal issues:

Implementation of the 6th Environmental Action Programme (6EAP) & preparation of 7th EAP; Sustainable Development ; The Aarhus Convention (UNECE and EU level); Environmental Policy Integration ; Good Governance –democratisation and public participation; Enforcement (= implementation and application of the EU legislation); Enlargement and South East Europe; EU Treaties ; Europe in the Wider World (Environment for Europe, MEDA etc.)

Networking-work with our members

- relevance EU policy making for local/national environmental organisations
- ways to use EU policies - insist on application
- issues on the agenda now and near future: risks and opportunities
- decision making processes and how to get involved
- role of the EEB
- what can the EEB do for you?
- what can you do/for EEB?
- if desired: focus on specific issues

HELPS CAPACITY BUILDING OF THE ORGANISATIONS !!!

Example: Capacity building

Working with the EU presidencies – every 6 months

- Work with both Governments and NGOs
- Preparing 10 Tests for each upcoming presidency
- Meetings with Ministry of Environment
- Memorandum to the Presidency
- Evaluation of what was achieved

Cooperation with others – coalitions, networking...

- EEB is part of the Spring Alliance (Social Platform, Human Rights and Development NGOs and European Trade Unions Confederation (ETUC) aimed to revitalise the Lisbon process = EU 2020 Strategy)

- EEB is part of Green 10
- Green Budget Europe
- ECOS
- Justice and Environment network
- EEB is part of the European ECO Forum (created in 1993) in UNECE « Environment for Europe » process(es) which also includes the Aarhus Convention

EEB and European ECO Forum

Environmental organisations throughout the pan-European region working together in Public Participation Campaign (PPC) of the European ECO Forum to follow implementation, development and use of the Aarhus Convention – the EEB is leading this work.

European ECO Forum activities :

- Meaningful participation at and input for official meetings (eight to ten per year)
- General co-ordination of campaign
- Issue specific work: SEA Protocol, PRTR Protocol, GMOs, Access to Justice, Electronic Information Tools (until recently)
- support national activities, encourage information exchange and fundraising
- Capacity building mainly for NGOs but not only. Local language and linking to the issues which are important to the local organisations
- Use of the Compliance mechanism (NGO focal points, training, publication of the Case Law etc.) – mixed participants, not only for lawyers. Four trainings until now in parallel to the ACCC meetings Evaluation of the Compliance mechanism (2012)
- Promotion of the Aarhus principles globally (UNEP guidelines) etc.

Tools: newsletter and website « Participate », list servers, publications, networking, training on compliance mechanism etc.

The Aarhus Convention and role of NGOs there

- 1993: involved in drafting “Sofia Guidelines”
- 1995: Environmental NGOs key role in decision to draft the Convention, and intensively involved
- From 1998 successful pressure for : * Protocols on PRTRs, Strategic Environmental Decision-making; * GMO clarification/amendment ; * Open Compliance process; * Almaty Guidelines (international forums)(Instrumental in establishing process to clarify the obligation of Parties to promote Aarhus principles in international forums)

- Process to clarify and improve public participation requirements for plans, programmes, policies and legislation achieved in Riga 2008 –Task Force on Public Participation
- Task Force on Information in Chisinau (2011)

2. What tools do we have as legal basis for Public Participation (under the Aarhus Convention and at the EU level)

Aarhus Convention with its Articles 6, 7 and 8

Directive on Public participation in drawing up certain programmes and plans (2003/35/EC)

Regulation N° 1367/2006 on application of the provisions of the Aarhus Convention on Access to Information, Public Participation in decision-making and Access to Justice in environmental matters to Community institutions and bodies

Issue specific legislation (the EU Environmental *acquis*) (e.g. Water Framework Directive, Industrial Emissions Directive, EIA etc.)

National legislation

The Aarhus Convention (1998)

Most unconventional Convention:

- Unique among MEAs in the extent to which it seeks to guarantee procedural rights of the public
- A treaty less about Party-to-Party relations, more about the relations between governments and civil society
- Unprecedented involvement of NGOs both in the negotiations and implementation of the Convention
- Big political impact in countries with less democratic traditions

General features among others:

- Recognition of citizens' rights – procedural rights to information, participation, justice. Substantive rights – to live in an environment adequate to health and wellbeing
- Broad definition of « the public » - any natural or legal person, plus informal groups
- Non-discriminatory
- Compliance review mechanism and
- Open to non-ECE countries

The Aarhus Convention & Public Participation

Specific Projects or Activities (art.6)

- List of types of activities covered (Annex I)
- Timely and effective notification
- Reasonable timeframes for comments
- Free inspection of relevant information by public concerned
- Due account to be taken of outcome of public participation

Programmes and Plans (art.7)

- The public may participate during preparation of plans and programmes
- Early participation and reasonable timeframes

Policies (art.7)

-provide opportunities in the preparation of policies relating to environment...

Rules and regulations (art.8)

- Obligation to strive to promote effective public participation in rules/regulations and other legally binding instruments

3. What do we as NGOs think about Public Participation

Who are the Public?

- a collection of numerous continually shifting interests and alliances, which may be in conflict with each other
- a catch-all to describe those with an interest in a decision, other than a proponent, operator, or responsible authority. The individuals making up a public may be involved as individuals or as members of organisations. They may become involved due to their proximity, economics, social or environmental issues, values, etc.
- A person doesn't have to be a citizen to be a member of the public

What is Participation?

- Public participation, means different things to different people.
- The level at which the public is involved varies with the relevant legislation, and the attitudes of the other stakeholders.
- Simply stated, to participate is to take part, to share and act together.

- Participation is an essential part of developing a sustainable future
- What is environmental decision-making?
- any process of decision-making where consequent significant environmental impacts are a possibility.
- includes law making, policy making, spatial planning, strategic planning, resource management planning, licensing of industry, environmental assessment (EIA), budgetary decisions etc

Public Participation Practice

- Wealth of expertise
- Wide range of methods
- Great lack of capacity
- Lack of understanding
- Cynicism
- Clash between representative and participatory democracy

Guiding Principles for Participation

- Plan early for public participation - resources needed to support the process, and identify the limitations of finances
- Identify stakeholders and their legitimacy and/or representativeness.
- Make it clear at the outset just how much influence the public can have
- Identify the appropriate techniques to be used for each stage of the process
- Provide information in a form that the recipients can understand
- Hold events at a time and venue to suit all participants.
- Allow sufficient time for assimilation and response to information.
- Ensure inputs of stakeholders are integrated into any decisions made as well as feedback on all issues raised.

Pan-European survey on implementation of the Aarhus Convention

- Done for two last Meetings of Parties (2008 and 2011)
- Public Participation pillar is overall rather weak: people are not been taken serious!
- Also “national interests” used too often as excuse. Local implementation very poor.

Few conclusions regarding Public Participation

- the requirement 'to be informed early' has been breached many times
- the outcome of the public participation procedures and consultations have not got any or rather weak impact on the final decision
- In many cases the main difficulty is the restricted use of the concept of "public concerned" to identify who can participate in environmental proceedings, for example by excluding informal groups
- High costs, insufficient time, hardly any promotion of the opportunities for public participation
- Tendency to reduce public participation (Germany and the Netherlands but not only)
- Sometimes, consideration of comments received through public participation process is considered not more than formality
- Too limited right of standing to when public participation rights are violated in several countries

Some general recommendations

- Support and capacity building should become a common task for both public authorities and NGOs which also needs resources;
- Trainings and capacity building for officials and citizens
- Awareness-raising and trainings in effective use of public participation rights
- Establish safeguard mechanism to ensure public authorities take public comments into account substantively when making decision
- Require information to be made available within reasonable time frames to allow public sufficient time to become informed and to prepare and participate effectively
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- Require more proactive measures to inform public, e.g. by electronic means, of opportunity to participate
- Make notice procedures more citizen-friendly
- Assert right of ad hoc groups to participation

