



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/WG.1/2006/6
10 February 2006

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

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

Working Group of the Parties to the Convention
(Sixth meeting, Geneva, 5–7 April 2006)
(Item 8 of the provisional agenda)

**PROPOSED ACTIONS IN THE FIELD OF PUBLIC PARTICIPATION
IN STRATEGIC DECISION-MAKINGⁱ**

Prepared by the Bureau with the assistance of the secretariat¹

I. Introduction

1. The Meeting of the Parties, at its second session, recognized the need for further work under the Convention to clarify how public participation in decision-making on plans, programmes and, to the extent appropriate, policies was to be organized (Almaty Declaration, ECE/MP.PP/2005/2/Add.1, para. 23). In the report of the meeting (ECE/MP.PP/2005/2, para. 43), the Meeting invited the Working Group of the Parties to reconsider this issue at its next meeting, basing its discussions on an earlier background document prepared by the secretariat (MP.PP/WG.1/2003/5) and on the response received from the relevant bodies of the Espoo Convention and the Protocol on Strategic Environmental Assessment (SEA).
2. At the same meeting, the Parties adopted the Work Programme for 2006–2008, in which the Working Group of the Parties was tasked with leading this process through, among other things, information sharing through the collection of good practice examples in implementation of articles 7 and 8; promoting synergies with the Protocol on SEA; and furthering the application of articles 7 and 8 of the Convention.

¹ This document was submitted on the above date because of processing delays.

3. This paper provides an outline of the preparatory process for a workshop and a compendium of good practices on this topic.

4. The focus of both proposed initiatives would be articles 7 and 8 of the Aarhus Convention, under which Parties to the Convention have had legal obligations for some years. However, taking into account the relevance of the topic to strategic environmental assessment and the fact that at some point in the future some Parties will also have related legal obligations under the SEA Protocol, it is proposed that the officers and secretariats of the relevant bodies under the Espoo Convention be consulted on both initiatives and be invited, as well as experts from those bodies, to participate fully in the process.

II. Workshop

5. The main objective of the workshop would be to develop an understanding of the current state of implementation of articles 7 and 8 from a multi-sectoral perspective, including current legislation and policy regulation as well as projects, proposals, strategic plans and inter-governmental agreements pertinent to this area of activity; to identify particular challenges and problem areas; and to recommend solutions.

6. The workshop would give particular attention to the areas of implementation of articles 7 and 8 not covered by the Protocol on SEA, although activities under the Protocol would be taken into account. The programme of the workshop would be designed to address some of the conclusions on the reporting process and implementation trends prepared by the secretariat on the basis of national implementation reports submitted by the Parties for their second meeting (ECE/MP.PP/2005/20), in which difficulties were reported in enforcing legislative provisions implementing articles 7 and 8.

7. The workshop would focus on the following themes:

(a) Assessing the scope of existing national legislation implementing articles 7 and 8, including issues, challenges and problem areas;

(b) Identifying specific types of decisions on plans and programmes that could be subject to public participation requirements under the Convention (e.g. in the fields of transport, tourism or energy), including those which are not necessarily subject to strategic environmental assessment under the Protocol on SEA;

(c) Analysing the extent to which the various stages of strategic decision-making processes incorporate the key elements of public participation;

(d) Discussing existing practices in establishing frameworks for public participation in plans, programmes and policies relating to the environment, as well as in the preparation of laws and rules with potential environmental impact; and

(e) Identifying existing and emerging organizational structures and institutional arrangements relevant to public participation in strategic decision-making, including roles and mandates of respective agencies.

8. The workshop would culminate in a short report summarizing the main outcomes of the discussions on the above themes. The report would include a brief overview of existing practices in establishing frameworks for public participation in strategic decision-making and conclusions on the types of strategic decisions to which the public participation provisions of the Convention would apply.

9. The preparations for the workshop would start in April 2006, and the workshop itself would take place before September 2007. The final report from the workshop would be presented to the Working Group of the Parties in time for the Working Group to be able to prepare a report on the implementation of this activity of the Convention's work programme to the Meeting of the Parties at its third ordinary meeting. It is proposed that the workshop report also be presented to the Meeting of the Signatories to the Protocol or to the first meeting of the Parties to the Espoo Convention serving as the Meeting of the Parties to the Protocol on SEA.

10. Considering that the target audiences for the workshop would include experts on SEA, it would be important to plan the organization of the workshop in coordination with the Espoo Convention secretariat, *inter alia* in order to avoid possible scheduling conflicts with the meetings organized under the auspices of the latter.

III. Compendium of Good Practices

11. The compendium of good practices would focus on collecting relevant examples of public participation in strategic decision-making in specific sectors (e.g. infrastructure projects, land use, waste management). It would include references to practices in the implementation of articles 7 and 8 such as those reported by Parties in their national implementation reports, as well as good practices in the implementation of relevant EU directives.

12. The first phase would involve developing the methodology to be used in preparing the compendium. This methodology would include collecting information through a questionnaire designed to identify good practices in this area. The collected material could be used as a basis for selecting and developing a number of case studies illustrating good practices in the application of the relevant provisions of articles 7 and 8. This would build upon but also go further than the relevant chapters in the *Implementation Guide*² to the Convention in that it would take into account any relevant developments under the Protocol on SEA and other recent work in the area of strategic environmental decision-making. The collected material could be organized in the form of a centralized database and presented in the Aarhus Clearinghouse for Environmental Democracy.

13. The process of preparing the compendium would be under way by the time of the workshop and would be informed by its outcome. The workshop itself could be used as a stocktaking event in the preparation of the compendium in that relevant practices and specific cases would be identified and discussed.

14. The compendium could be used by government officials responsible for policy formulation, implementation and review; by practitioners implementing plans and programmes in different

² ECE (2000). *The Aarhus Convention: An Implementation Guide*, ECE/CEP/72

sectors at the national and sub-national levels; and by other stakeholders, including planners, investors, experts, consultants, and members of the public wishing to participate in the decision-making process.

15. The compendium would be prepared by the secretariat, which, with the assistance of a consultant, would establish the methodological framework, undertake necessary policy research, and collect and analyse relevant case studies.

ⁱ The term 'strategic decision-making' in this document is intended to refer to the types of decision-making falling within the scope of articles 7 and 8 of the Convention, namely decision-making with respect to plans, programmes, policies, executive regulations and generally applicable legally binding normative instruments.