



## PUBLIC PARTICIPATION

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## INTRODUCTION

- The importance of public participation in policy and decision making has been recognized globally.
- Major intergovernmental organizations have produced numerous documents which aim to strengthen citizen participation as well as created models to support such participation, and are increasingly involving the public and CSOs in their own decision making processes.
- Although some of these documents are not legally binding, they lay out standards, principles and best practices which should be considering in initiatives on national level.



## PP- INTERNATIONAL FRAMEWORK

- The first and most notable document internationally is the **Aarhus Convention** which requires that the parties of the Convention guarantee *rights of access to information, public participation in decision-making and access to justice in environmental matters*. The Convention sets out minimum requirements for public participation in various categories of environmental decision-making, and also envisions the development of compliance mechanism to ensure that the parties implement its provisions.
- The United Nations have several mechanisms to include CSOs in their work and consult them on the development of policies. For example, the **UN Non-Governmental Liaison Service (NGLS)** facilitates information sharing and inclusion of CSOs in deliberations concerning the development of UN policies.

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## PP- INTERNATIONAL FRAMEWORK

- The **World Bank and OECD** have also undertaken initiatives and produced **guidelines** to increase participation in decision-making processes.
- In 2001 European Commission developed the **White Paper on European Governance** aimed to reinforce the culture of consultation and dialogue on EU level and thus increase the legitimacy of the decisions. It stresses the role of Member States in enforcing participatory approach in relation to EU policies development:

*"The quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation. Improved participation is likely to create more confidence in the end result and in the Institutions which deliver policies. Participation crucially depends on central governments following an inclusive approach when developing and implementing EU policies."*

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## PP- INTERNATIONAL FRAMEWORK

- In 2002 the EC adopted **General principles and minimum standards for consultation of interested parties**. They emphasize the importance of providing clear consultation documents, consulting all relevant target groups, leaving sufficient time for participation, publishing results and providing feedback.
- In 2009 the European Parliament adopted a resolution on the perspectives of **Developing Civil Dialogue under the Treaty of Lisbon**. It reinforces the significance of consultation and calls on EU institutions to adopt binding guidelines concerning the appointment of civil society representatives, methods of consulting and their funding. The resolution acknowledges that dialogue with citizens at all levels (EU and Member States) requires certain financial resources, and calls on the stakeholders and responsible bodies to ensure that such dialogue is adequately funded.

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## PP- INTERNATIONAL FRAMEWORK

- Article 10 of the **Lisbon Treaty** prescribes that: "Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.", and article 11 provides that:
  - "The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.
  - The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.
  - The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.
  - Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.

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## PP- INTERNATIONAL FRAMEWORK

- Recently, the Council of Europe adopted **Code of Good Practice for Civil Participation in the Decision-Making Process**, which defines the general principles, guidelines, tools and mechanisms for active participation of CSOs in the decision-making processes. Although it is a nonbinding mechanism the Code is drafted with the aim to support the development of participatory decision-making processes on national level. Towards this end, the CoE Committee of Ministers adopted a Declaration which calls on national authorities to consider the Code when developing undertaking initiatives to foster participation in the decision-making processes.

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## LEGAL REQUIREMENTS AT EU LEVEL

- European Community (EC) rules require the consultation of civil society groups at an early stage of environmental decision-making both at the EC and national levels.
- The eligibility criteria to be met by interest groups intending to participate in consultations prescribed by EC measures differ significantly in regard to the level of environmental decision-making.
- The EC rules requiring and guiding consultations of civic groups in the process of national environmental decision-making dissent from the standards regulating European level public consultations on environmental matters.
- European law does not adopt a coherent and holistic approach in prescribing the requirements for conducting European and national level consultations on environmental issues with interest groups.

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## AARHUS CONVENTION

- UN Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (Aarhus Convention), 1998
- Grants the public rights regarding access to information and public participation and access to justice in environmental matters:
  - Links environmental rights and human rights,
  - Acknowledges that we owe an obligation to future generations,
  - Establishes that sustainable development can be achieved only through the involvement of all stakeholders,
  - Links government accountability and environmental protection,
  - Focuses on interactions between the public and public authorities in a democratic context.

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## AARHUS CONVENTION

### Public participation in specific activities (Art. 6); main principles:

- Involvement in early stages when it is possible to influence the decision
- Reasonable timeframes of PP is set for different stages
- People are effectively informed about the possibilities to participate – timely notification
- Background info is given – minimum requirements
- All information used for decision-making is available for examination free of charge
- Possible to submit the comments
- Due account is taken about the comments
- Information about the final decision is given promptly including the text and the reasons and considerations

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## AARHUS CONVENTION

### Public participation on Plans, Programs and Policies (Art.7); main principles:

- Appropriate practical or other measures for PP
- Transparent and fair framework
- Reasonable timeframes
- Early participation and notification
- Necessary information provided
- Due account is taken about the comments
- The public which may participate identified by the authority
- Endeavour to provide opportunities for policies

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## AARHUS CONVENTION

### Public participation during preparation of laws (Art.8); main principles:

- ☐ Shall strive to promote effective PP
- ☐ Appropriate stage while options are open
- ☐ Sufficient timeframes
- ☐ Draft rules to be published
- ☐ Opportunity to comment directly or through representative consultative bodies
- ☐ Take account of comments as far as possible

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## ESPOO CONVENTION

### Convention on Environmental Impact Assessment in a Trans-boundary Context (Espoo Convention), 1997

- ☐ Notification and consultation with adjacent countries where projects are likely to result in environmental impacts across boundaries and promotion of public information in relevant decision-making processes.
- ☐ Recognize that sustainable development can only be achieved if there is broad public participation in decision making.
- ☐ Valid for all nuclear applications – now even for extension of life time (as agreed in last meeting of members).
- ☐ Members: 45 countries, all EU member states

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## EIA / SEA

### European Union Directive (85/337/EEC) on Environmental Impact Assessments from 1985, amended in 1997 and in 2003, following EU signature of the 1998 Aarhus Convention.

- ☐ Enlarged to the assessment of plans and programmes by Strategic Environmental Assessment (SEA)(2001/42/EC),
- ☐ Seven key areas that are required in EIA/EIR:
  - ☐ Description of the project
  - ☐ Alternatives that have been considered
  - ☐ Description of the environment
  - ☐ Description of the significant effects on the environment
  - ☐ Mitigation
  - ☐ Non-technical summary (EIS)
  - ☐ Lack of know-how/technical difficulties

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## BENEFITS AND CHALLENGES OF PARTICIPATION

<b>DAD</b> Decide – Announce – Defend	<b>MUM / ADD</b> Meet – Understand – Make decisions – MUM Announce – Discuss – Decide – ADD
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## BENEFITS AND CHALLENGES OF PARTICIPATION

Participation in decision-making processes means a possibility for the citizens, civil society organizations (CSOs) and other interested parties to influence the development of policies and laws which affect them.

The importance of engaging the public in these processes is increasingly recognized by EU institutions, CoE and national governments. They have identified several benefits of participatory processes.

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## BENEFITS AND CHALLENGES OF PARTICIPATION

Specifically, participation can help towards:

- ☐ Creating fair policies/laws reflective of real needs enriched with additional experience and expertise;
- ☐ Facilitating cross-sector dialogue and reaching consensus;
- ☐ Adopting more forward and outward looking solutions;
- ☐ Ensuring legitimacy of proposed regulation and compliance;
- ☐ Decreases costs, as parties can contribute with own resources;
- ☐ Increasing partnership, ownership and responsibility in implementation;
- ☐ Strengthening democracy - preventing conflict among different groups and between the public and the government and increasing confidence in public institutions.

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## VALUES AND PRINCIPLES

In regulating the procedure for consultation institutions and organizations in Europe have highlighted several **principles** which guide the process:

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| <ul style="list-style-type: none"> <li>• Commitment</li> <li>• Recognition of rights and responsibilities</li> <li>• Access and clarity of information</li> <li>• Continuity (ongoing)</li> <li>• Proper structure (coordination)</li> <li>• Publicity</li> <li>• Transparency</li> </ul> | <ul style="list-style-type: none"> <li>• Openness and consideration</li> <li>• Objectivity and equal treatment</li> <li>• Resources</li> <li>• Sufficient time</li> <li>• Accountability for the process and result</li> <li>• Acknowledgement and feedback</li> <li>• Evaluation</li> </ul> |
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## VALUES AND PRINCIPLES

Core Values for Public Participation (*upon APP*):

- ☐ Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- ☐ Public participation includes the promise that the public's contribution will influence the decision.
- ☐ Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
- ☐ Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- ☐ Public participation seeks input from participants in designing how they participate.
- ☐ Public participation provides participants with the information they need to participate in a meaningful way.
- ☐ Public participation communicates to participants how their input affected the decision.

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## BENEFITS AND CHALLENGES

**Benefits** of public participation:

- ☐ Improved information and public awareness about the challenges
- ☐ More effective and predictable management processes of planning and decision-making,
- ☐ Obtained additional information from the local environment,
- ☐ The needs and concerns of citizens are integrated the early phase, and thus consensus on the objectives and priorities could be reached as well as the likelihood of resistance is reduced,
- ☐ Consequently, the quality of decisions / solutions is better
- ☐ The legitimacy of the decisions taken is increased,
- ☐ The level of social acceptability is higher,
- ☐ Increased public support and participation in the later stages

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## BENEFITS AND CHALLENGES

In addition to flagging the benefits it should be noted that ensuring participatory law making processes has own **challenges** too.

- ☐ Governments may be pressed by deadlines to adopt certain legislation.
- ☐ It may not be clear who to consult or engage; or how to do it.
- ☐ Participatory processes are costly; they require investment in organizing meetings, writing comments, providing feedback.
- ☐ The political context may not be supportive of public involvement.
- ☐ Those who participate may not have enough understanding of the issues at stake.

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## BENEFITS AND CHALLENGES

The standards enshrined in the documents adopted on level of EU and in different countries aim to minimize the effect of mentioned challenges and to pave the way for more effective participatory law making processes.

When developing the appropriate standards for participation in one country it is important to consider not only the opportunities, but also the challenges that surround it so that appropriate mechanisms are adopted to address and circumvent them.

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## PRACTICAL EXPERIENCES WITH PUBLIC PARTICIPATION

**When and how to involve public:**

- ☐ Status analysis and scenario development
- ☐ Vision, goals and actions
- ☐ Final confirmation
- ☐ Monitoring and evaluation
- ☐ Participation in the implementation of accepted decision

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## PRACTICAL EXPERIENCES WITH PUBLIC PARTICIPATION

### Stakeholder engagement plan should define:

- ☐ A key starting point and purpose of stakeholders/ public involvement
- ☐ Objectives of public involvement and the key topics for discussion
- ☐ Analysis and a list of key stakeholders
- ☐ Activities and tools for informing and consultation with stakeholders/ public and the timetable
- ☐ Technics and methods of participation, and taking into account the opinions and suggestions
- ☐ The necessary human and financial resources
- ☐ Monitoring and reporting on the effects of public participation

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## PRACTICAL EXPERIENCES WITH PUBLIC PARTICIPATION

### Main stakeholders groups:

- ☐ stakeholders from the public sector,
- ☐ stakeholders from the private / commercial sector and
- ☐ stakeholders from civil society and interested individuals

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## PRACTICAL EXPERIENCES WITH PUBLIC PARTICIPATION

### Methods and techniques:

- ☐ for informing public/ stakeholders: websites, letters, newsletters, films, publications, leaflets, declarations, info points, stands, events, exhibitions,
- ☐ for obtaining information: surveys, interviews, polls,
- ☐ for consultation: workshops, focus groups, public debates, open days, thematic round tables,
- ☐ for participation: Conference of consent, civil juries, working groups, stakeholder forums

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## PRACTICAL EXPERIENCES WITH PUBLIC PARTICIPATION

CIVITAS ELAN PROJECT – Sustainable mobility in the cities

### Main lessons learned

1. Participatory culture and political support are basic preconditions for effective citizen engagement

*In cities where the citizen involvement is not yet embedded in the city planning and management, the implementation of an efficient participatory processes becomes a demanding and challenging work.*

2. Clear engagement plan comes first

*Citizens are more willing to cooperate when they are acquainted with concrete engagement plan which includes objectives of dialogue and timelines of consultations, and it explains the way how citizens' proposals will be considered)*

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## PRACTICAL EXPERIENCES WITH PUBLIC PARTICIPATION

3. Effective citizen engagement requires provision of information and well-structured consultations

*Good informing encourages citizens to get more involved in public discussions.*

*Citizens and stakeholders are much more ready to respond and get engaged, if they are approached professionally.*

4. Engagement of citizens contributes to the quality and acceptability of sustainable mobility solutions

*Identified problems perceived by citizens and better understanding of citizen needs, valuable knowledge and data provided by citizens, concerns of citizens turned into constructive proposals and actions, positive attitude and acceptance of the measure, support to the measure implementation, established trust, change of habits, activation of seniors and youngsters.*

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## PRACTICAL EXPERIENCES WITH PUBLIC PARTICIPATION

NATREG PROJECT - Guidelines on stakeholder engagement in preparation of integrated management plans for protected areas:

- ☐ Partners: Slovenia, Austria, Italy, Croatia, Serbia
- ☐ 150 presentations, consultations, trainings, Workshops with more than 6000 stakeholders
- ☐ Draft management plans for 6 pilot areas
- ☐ Acceptance by majority of stakeholders



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## PRACTICAL EXPERIENCES WITH PUBLIC PARTICIPATION

Participatory process for preparation the national spatial plan for road infrastructure in the Mežica valley



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## Detail case example

- Repository site selection experience in Slovenia: local partnerships development and implementation following the Aarhus convention – see separate file

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## Conclusions

- Public participation in decision making related to environmental issues is now legally requested.
- The minimum standards are set and transposed in national legislation – the issue is how to increase the minimum standards.
- Good examples exists and are available, the transfer of approaches is very dependent on the local situation.

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