



ClimLaw Perspectives

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Public participation in environmental decision making

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JustDecarb Project:

The JUSTDECARB project seeks to bring together leading social science and humanities researchers from four disciplines (philosophy, political science, economics, and law) across four countries (Austria, Czech Republic, Norway, and UK) in pursuit of two overarching project objectives: To fill critical gaps in the knowledge base relating to socially just and politically robust decarbonisation, with a particular focus on inclusive processes and redistributive measures (the scientific objective); To develop a 'toolkit' to help European policymakers steer transition processes in a socially just and politically robust direction (the policy objective).

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Key Messages:

1. Public participation is a necessary step for legitimising legislation and policies as well as for garnering support from the public for policy implementation
2. Within international environmental level, public participation has been protected within Principle 10 of the Rio Declaration on Environment and Development and the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters
3. The public consists of any and all interested or concerned parties that may be affected by an environmental decision
4. There are various tools that can be used interchangeably or simultaneously to promote public participation

1. What is Public Participation?

Public Participation can be better understood as the direct or indirect involvement of stakeholders in decision-making about policies, plans or programmes in which they have an interest.

2. What are the benefits of Public Participation?

It promotes democracy by allowing citizens to actively participate in decision-making processes, thereby ensuring that their voices are heard and their interests are represented. Additionally, it enhances sustainable development initiatives by fostering collaboration between government institutions, NGOs, and local communities, leading to more effective and inclusive solutions. Moreover, public engagement in governance processes helps to increase knowledge and skills, empowering individuals to contribute meaningfully to their communities and society as a whole. Furthermore, it expands knowledge pools amongst local communities, as diverse perspectives and experiences are shared and valued, contributing to a more inclusive and

comprehensive understanding of social issues. In addition, the use of citizen participation mechanisms legitimizes state actors and improves transparency and accountability amongst government institutions, as decisions are made in a more open and participatory manner. Lastly, citizen engagement improves the state's decision-making capabilities by incorporating a wider range of perspectives and expertise, resulting in more informed and effective policies and programs. However, public participation and its positive and negative outcomes are often dependent on how the public wishes to participate in decision making.

3. Are citizens willing to participate?

As an example, according to 2022 Eurostat data, in certain countries across the EU, a certain percentage of individuals take part in e-voting or use online consultations.

To compare Austria with the EU, 13.88% of the Austrian population participate in online voting or consultations whereas only 8.41% of the EU population, as a whole participate in online voting. These figures are increasing

gradually from year to year indicating a willingness of individuals to participate in online voting.

4. How is public participation protected under international environmental law?

Principle 10 of the Rio Declaration on Environment and Development: seeks to ensure that every person has access to information, can participate in the decision-making process and has access to justice in environmental matters with the aim of safeguarding the right to a healthy and sustainable environment for present and future generations

Articles 4, 6-8 and 9 of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters contains provisions relating to: the right of everyone to receive environmental information that is held by public authorities ("access to environmental information"), the right to participate in environmental decision-making ("public participation"), and the right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general ("access to justice").

5. Who are the public?

According to Article 2, sub-section 4 of the Aarhus Convention, "'The public' means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organisations or groups". The Aarhus Convention goes further by stipulating in Article 2, sub-section 5, "'The public concerned' means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest".

6. What is participation?

Article 6 of the Aarhus Convention identifies a number of methods used to facilitate public participation in environmental matters, namely a public hearing where the public may submit comments, information, analyses or opinions prior to the hearing; an authority directing any questions and comments at, and holding discussions with, the public; and public authorities accessing and examining information.

7. What are some tools for public participation?

1. **Public hearings:** Public meetings to collect oral or written submissions on particular environmental issues.
2. **Citizen advisory panels or citizen assemblies:** Groups of citizens evaluate evidence, give opinions and make recommendations on focused issue.
3. **Public consultations:** Meetings where the public raise concerns, ask questions and provide feedback on a particular issue.
4. **Referendums:** The public is asked to make a direct decision or vote on a particular issue.
5. **Surveys:** Questionnaires gathering information from members of the public.
6. **Focus groups:** Moderated discussions amongst selected individuals who represent a particular demographic or interest group.
7. **Online engagement:** Online platforms such as social media, websites and email are used to collect feedback from and engage with members of the public.
8. **NGO engagement:** NGOs can advocate for climate action, provide expertise and resources to policymakers, and represent the interests of marginalised communities.
9. **Green tribunals:** Specialised courts that hear environmental cases and ensure that environmental laws are enforced and environmental rights are protected.

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