Involving the public in international forums dealing with matters relating to the environment

A meeting of representatives of international forums
Wednesday and Thursday, 20-21 June 2007, Palais des Nations, Geneva

Provisional annotated agenda

Chairs:  Hanne Inger Bjurstrøm
Chair of the Meeting of the Parties to the Aarhus Convention

Professor Marc Pallemaerts
Former Chair of the Meeting of the Parties to the Aarhus Convention

Wednesday, 20 June 2007

10:00-10:15 Welcome by the Chair, Hanne Inger Bjurstrøm, with introductory remarks by Kaj Bärlund, Director, UNECE/EHLM.

10:15-11:15 Opening session on different conceptual approaches to what “involving the public in international forums” means and the challenges therein.

11:15-11:30 Coffee break

11:30-11:50 Overview of the consultation process on the Almaty Guidelines and the issues they address.

11:50-13:00 Discussions on the state of the art in involving the public in international forums.

13:00-15:00 Lunch

15:00-16:00 Exchange on good practice on overcoming challenges to involving the public in international forums, part I.

16:00-18:00 Discussion in smaller groups on issues identified in the written consultation process, with a particular focus on overcoming challenges, part I.

Thursday, 21 June 2007

09:00-10:00 Exchange on good practice on overcoming challenges to involving the public in international forums, part II.

10:00-12:30 Discussion in smaller groups on issues identified in the written consultation process, with a particular focus on overcoming challenges, part II.

12:30-14:30 Lunch

14:30-16:00 Reports to the plenary by the moderators of the discussion groups followed by a plenary discussion drawing together points of consensus, good practices, challenges, recommendations and innovations.

16:00-16:20 Coffee break

16:20-17:10 Panel discussion on where to from here and how to get there.

17:10-17:30 Closing session, including Chair’s summary.
ANNOTATED TIMETABLE:

Wednesday, 20 June 2007

10:00-10:15 Welcome by the Chair
   Introductory remarks by Kaj Bärlund, Director, Division of Environment, Housing and Land Management, UNECE

10:15-11:15 Opening session
   Different conceptual approaches to what “involving the public in international forums” means and the challenges of the same
   Speakers:
   1. Representative of the United Nations Environment Programme (to be confirmed)
   2. Dr. Minu Hemmati, author of “Multi-Stakeholder Processes for Governance and Sustainability - Beyond Deadlock and Conflict”

11:15-11:30 Coffee break

11:30-11:50 Overview of consultation process on the Almaty Guidelines and the issues they address
   Presentation and discussion of results of consultation process to date
   Speakers:
   Professor Laurent Mermet (France)
   Chair of the Task Force on Public Participation in International Forums

   Fiona Marshall
   Consultant to the Task Force on Public Participation in International Forums

   Background document:
   Synthesis of responses received from international forums to the written questionnaire in the consultation process on the Almaty Guidelines
11:50-12:05  Report on the state of the art on involving the public in international forums

Presentation of report commissioned by France on the state of the art on issues raised by public participation in international forums

Speakers:
Professor Michel Prieur, Professor of International Environmental Law, University of Limoges
Armelle Guignier, University of Limoges

Background document:
Synthesis of report commissioned by France on the state of the art on issues raised by public participation in international forums

12:05-13:00  Discussion in plenary

Invitation for reactions to the presentations by keynote speakers, the outcomes of the consultation process to date and the findings of the report on the state of the art

13:00-15:00  Lunch break

15:00-16:00  Exchanges on good practice (part I):

Sharing lessons learnt by an MEA in involving the public in its processes
Gerardo Gunera-Lazzaroni, Legal officer, United Nations Convention to Combat Desertification

A business perspective on participation in international forums
Jacqueline Coté, Advocacy Officer, World Business Council for Sustainable Development (to be confirmed)

Who are the public? A civil society perspective
Felix Dodds, Executive Director, Stakeholder Forum

Involving the public in the implementation of internationally funded projects
Charles di Leva, Chief Counsel, LEGEN, World Bank
Discussion groups (part I)

Discussion in smaller groups on issues identified in the written consultation process, with a particular focus on overcoming challenges. (Please see annex for the lists of questions to be discussed in each track).

(Coffee break to be taken during session)

<table>
<thead>
<tr>
<th>Track A: Providing and disseminating information</th>
<th>Track B: Involving the public in international forums: Identifying and contacting stakeholders</th>
<th>Track C: Public participation in internationally funded projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moderator: David Swalley, Economic and Environmental Affairs Officer, Organization for Security and Cooperation in Europe</td>
<td>Moderator: Professor Eric Dannenmaier, Director, Tulane Institute for Environmental Law and Policy, Tulane University Law School</td>
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</tbody>
</table>


Thursday, 21 June 2007

9:00-10:00 Exchanges on good practice (Part II)

Effective modalities for public participation: a civil society perspective

John Hontelez, Secretary-General, European Environmental Bureau

Involving the public in promoting compliance

Veit Koester, Chair, Aarhus Convention Compliance Committee, Chair, Compliance Committee of the Cartagena Protocol on Biosafety

Building the capacity of the public to participate in international forum

Achim Halpaap, Principal Programme Coordinator, Chemicals, Waste Management and Environmental Governance, United Nations Institute for Training and Research

10:00-12:30 Discussion groups (Part II)

Discussion in smaller groups on issues identified in the written consultation process, with a particular focus on overcoming challenges. (Please see annex for the lists of questions to be discussed in each track)

(Coffee break to be taken during session)

<table>
<thead>
<tr>
<th>Track B: Involving the public in international forums: Modalities of participation</th>
<th>Track C: Public participation in promoting implementation and compliance</th>
<th>Track D: Capacity building, resources and infrastructure</th>
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</thead>
<tbody>
<tr>
<td>Speakers: María Pérez-Esteve, Counsellor, External Relations Division, World Trade Organization</td>
<td>Speakers: Stephan Michel, Chair, Implementation Committee, Convention on Long-range Transboundary Air Pollution</td>
<td>Speakers: Dr. Yusup Khaidarovich Rysbekov, Assistant Director, Scientific Information Center - Interstate Coordination Water Commission of Central Asia</td>
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<td>Jan-Gustav Strandenaes, Senior Policy Advisor, Northern Alliance for Sustainability</td>
<td>Donata Rugarabamu, Senior Legal Officer, Basel Convention</td>
<td>Christopher Corbin, Caribbean Environment Programme</td>
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<td>Moderator: Magdolna Tothne Nagy, Head of Public Participation Programme</td>
<td>Moderator: Professor Attila Tanzi, Chair of the Legal Board</td>
<td>Moderator: Zaal Lomtadze, Chair of</td>
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<td>12:30-14:30</td>
<td>Lunch break</td>
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<td>14:30-16:00</td>
<td><strong>Reporting from the discussion groups to the plenary and conclusions</strong></td>
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<td>Reports to the plenary by the moderators of the four discussion group tracks followed by discussion of how to best promote the effective involvement of the public in international forums, drawing together:</td>
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<td>• Points of consensus</td>
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<td>• Challenges</td>
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<td>• Recommendations for implementation of specific provisions of the Almaty Guidelines</td>
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<td>• Innovations that should be made, whether or not in the Guidelines</td>
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<td>16:00-16:20</td>
<td>Coffee break</td>
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<td>16:20-17:10</td>
<td><strong>Panel discussion</strong></td>
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<td>Panel discussion on:</td>
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<td>• Where do we go from here?</td>
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<td>• How do we get there?</td>
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<td>1. Richard Bissell, member of Asian Development Bank Compliance Review Panel, former Chair of the World Bank Inspection Panel</td>
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<td>2. Representative of the United Nations Environment Programme <em>(to be confirmed)</em></td>
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<td>3. Jacob Werksman, Program Director, Institutions and Governance, World Resources Institute, Secretariat of Partnership for Principle 10</td>
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17:10-17:30 Chairs’ closing session

1. Closing comments by Professor Laurent Mermet, Chair of the Task Force on Public Participation in International Forums

2. Presentation of the Chairs’ summary regarding outcomes of the workshop by Professor Marc Pallemaerts
Discussion group tracks

Track A: Providing and disseminating information on the environment

- What are some good practices/possible innovations and challenges with dealing with information requests?
- What are some good practices/possible innovations and challenges with respect to passive transparency, including open/closed meetings?
- What are some good practices/possible innovations and challenges with respect to the proactive dissemination of environmental information?
- How to conquer the digital divide, particularly for developing countries and countries in transition?
- How to overcome language barriers as obstacles to access to information and public participation in decision-making?
- When should information be kept confidential? When does the issue of legal ownership of information arise?
- What characteristics might determine whether an international forum should have greater or less access to information?
- Should access to information be promoted through formal rules and procedures or informal practices or either or both?

Track B Identifying, contacting and involving stakeholders

- Who should participate? What makes the participation of various representatives of the public in an international forum legitimate?
- What is the usefulness or legitimacy of targeting a particular group of the public, such as the “affected public” etc?
- What are some good practices/possible innovations and challenges for getting the public interested and engaged, in the context of low civil society interest?
- How can international forums promote effective public participation if there is limited or non-existent civil society at the national level?
- How can the media be used?
- How to promote the effective involvement of the affected public and/or special interest groups?
• How to promote effective participation in the context of high civil society interest, while maintaining an effective process?

• How to promote effective participation in the context of low civil society interest?

• How to balance divergent interests, including public interest vs. private sector interests; environmental, social, economic interests; and local vs. national/regional/global interests?

• How to deal with the possibility of disruptive civil society involvement?

• How may the public participate in decision-making? Should the public ever have voting rights?

• What characteristics might determine whether an international forum should have greater or less public participation in decision-making?

• Should public participation be promoted through formal rules and procedures or informal practices or either or both?

• Does accreditation help or hinder?

Track C
Public participation in projects and in promoting implementation and compliance

• How can the principles of:
  i. access to environmental information;
  ii. public participation in decision-making; and
  iii. access to justice in environmental matters

be incorporated into the projects and policies of international forums that develop and implement projects?

• How can the public be effectively involved in promoting compliance?

• What are the benefits and risks of:
  i. The public being able to trigger a compliance review procedure?
  ii. The public being present as observers during sessions of the compliance review body?
  iii. The public being able to nominate members of the compliance review body?

• How can the public be effectively involved in improving national reporting?
Track D: Capacity-building, resources and infrastructure

• How to provide effective access to information in the face of scarce financial, physical and human resources?

• How to provide effective public participation in the face of scarce financial, physical and human resources?

• What are some good practices/possible innovations for effective and resource-efficient capacity building to promote effective public participation?

• Should international forums or NGOs or both be responsible for capacity building for the public? If both, through what kind of partnerships?

• How can international forums promote the development at the national level of the legislative, administrative and scientific infrastructure necessary to ensure access to information at the international level?

• How can international forums promote the development at the national level of the legislative, administrative and scientific infrastructure necessary to ensure public participation at the international level?