

WCC-2012-Rec-181-EN

Citizen participation in legislative procedures regarding the environment

RECALLING that Principle 1 of the *Stockholm Declaration* (Declaration of the United Nations Conference on the Human Environment, 1972) recognizes that “Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being”; and that Principle 1 of the *Rio Declaration on Environment and Development* (Rio de Janeiro, 1992) proclaims that human beings “are entitled to a healthy and productive life in harmony with nature”;

ALSO RECOGNIZING that people, in addition to the right to life in an environment that guarantees their health and well-being, also have the duty to protect and improve the environment;

CONSIDERING that in order to be able to fulfil this duty and assert this right, citizens must have access to information as well as regulated procedures, which allow them to participate in making decisions concerning the environment;

INDICATING that greater public participation in the making of decisions regarding the environment and greater access to environmental information helps raise public awareness about the environment, gives rise to a free exchange of opinions and, ultimately, improves the environment;

OBSERVING that Article 8 of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention, 1998) states that “each Party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment”;

OBSERVING that the European Union ratified this Convention through the Council’s Decision of 17 February 2005;

CONCERNED because in many countries, including some of those that have already ratified the Aarhus Convention, there are no suitable mechanisms that allow for real and effective public participation in the processes of creating regulatory provisions or other legally binding generally applied rules, which may have a major impact on the environment;

ALSO CONCERNED in particular by governments’ approval of regulations having a possible major impact on the environment through procedures that due to their urgent nature prevent any kind of public participation;

INDICATING that the Directive created by the European Union to establish measures for public participation in the drawing up of certain plans and programmes related to the environment does not establish mechanisms or the obligation to guarantee public participation in the drawing up of environmental legislation; and

CONSIDERING that, although parliaments are chambers that represent the public, they should not replace mechanisms for public participation, either individually or collectively, for example through associations;

The World Conservation Congress, at its session in Jeju, Republic of Korea, 6–15 September 2012:

1. URGES all governments to establish mechanisms that allow for effective public participation preferably at an early phase, and when the options are still open, during the stage when regulatory provisions or other general, legally binding regulations that could make a great impact on the environment are being drawn up;
2. CALLS ON the European Union and its Member States in particular to include in their regulations the provisions of Article 8 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention, 1998); and
3. URGES the governments of the European Union to avoid unnecessary urgent procedures in the drawing up of legislation having a major impact on the environment, and if necessary, to establish mechanisms – also urgent – allowing for citizen participation.

State and agency Members of the United States abstained during the vote on this Motion for reasons given in the US General Statement on the IUCN Resolutions Process.