

Public *participation* in decisions affecting the *environment*

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Public participation is a constitutional right, enshrined in the Environmental Charter, which establishes both the right to live in a healthy environment and the duty to ensure its preservation. However, environmental democracy is struggling to gain acceptance.

An ineffective right and increased mistrust

Projects involving the construction of factories, wind farms or motorway infrastructure, as well as plans, diagrams and other planning programmes developed or adopted by the State, local authorities or their associations, may have an impact on the natural environment and landscape. For these projects, the law stipulates that everyone must be informed in such a way as to enable them to submit comments that can be taken into consideration by the competent authority.

The legislative tools therefore exist, but they often constitute a ‘citizen guarantee’ on decisions that have already been taken. The consultation processes are perceived as long, costly and time-consuming, even useless, by project promoters, and as rigid, lacking transparency and accountability for citizens, who then distrust these consultations.

How can environmental democracy be better implemented?

However, numerous experiences prove the contrary, with improvements to projects generating greater acceptance and effective accountability practices.

Several levers can be activated to enable the deployment of participatory democracy in projects with an environmental impact. With its recommendations, the EESC proposes a practical toolkit to support and improve projects at all stages (methodology, education, resources and training for stakeholders), to influence governance and ultimately to better prevent and manage disputes. This virtuous cycle of participation by all will contribute to the preservation of the environment.



58 %

of projects were substantially modified following a public debate.

Source : CNDP

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OPINION

1 CREATING THE CONDITIONS FOR OPEN AND CONFIDENT PARTICIPATION

How?

- Provide stability and legal certainty for participatory mechanisms through organic law
- Provide more training for elected representatives and local authority officials, stakeholders and project leaders to develop a genuine culture of public participation
- Develop strategies for more inclusive public participation, particularly among those who are isolated
- Ensure high-quality information for the public
- Ensure consistency and greater application of the principle of accountability in order to respond to proposals from the public

2 STRENGTHENING PARTICIPATION THROUGH APPROPRIATE SUPPORT

How?

- Hold specific meetings to examine alternative solutions
- Make the debates, minutes of decisions and opinions of regional commissions and advisory committees public
- Allow the CESE to refer general planning or environmental options to the CNDP and initiate a discussion on the merits of giving the CNDP the right to take up cases on its own initiative

3 BETTER PREVENT AND MANAGE LITIGATION BEFORE THE COURTS

How?

- Improve information on mediation for litigants
- Conduct reviews of past disputes and their resolution
- Shorten investigation times by strengthening the resources available to the justice system
- Give suspensive effect to summary proceedings as soon as the case is referred to the summary judge

THE RAPPORTEURS

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