

MANUAL ON PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISIONMAKING

*CURRENT PRACTICE
AND FUTURE POSSIBILITIES IN CENTRAL
AND EASTERN EUROPE*



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THE REGIONAL ENVIRONMENTAL CENTER
for Central and Eastern Europe

Manual on Public Participation in Environmental Decisionmaking

**Current Practice and Future Possibilities in
Central and Eastern Europe**

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Preface

The second half of this century has brought two major changes in the legal orders of almost every country as well as in international law. First, human rights, and later, the environment were universally recognized as fundamental social values. In both cases, law and State structures had to respond to the need to safeguard them.

Almost inevitably, there has been a convergence between human rights and environmental protection. Humans cannot be separated from their milieu of life, the deterioration of which necessarily has an impact on them and on their rights. It is not surprising that the 1972 Stockholm Conference linked human rights and the environment in the first principle of its Declaration. The "right of environment" was thus formulated for the first time.

Since 1972, this new right was frequently proclaimed by national Constitutions or laws as well as by international declarations and treaties. However, its legal nature was contested because of the difficulty to determine its content. Nowadays, there is a growing consensus that this new right has essentially a procedural character, like many other fundamental human rights. It is not the right to an abstract environment, but the right of everybody to the protection of his or her environment. It includes the right of all individuals to be informed of plans and projects which may deteriorate their environment, to participate in the procedure leading to a decision and, when necessary, to dispose of adequate means of redress for the damage suffered or for the lack of respect of legal guarantees.

The heart of this system is public participation, which necessarily includes prior information. For this reason, recent developments in international law stress the importance of public participation. Participation is not only