



Commission nationale
du **débat public**

Vous donner la parole
et la faire entendre.

**THE FRENCH NATIONAL COMMISSION
FOR PUBLIC DEBATE
(CNDP)**

**PROPOSAL FOR THE 4th DIALOGUE ON ARTICLE 6 OF
THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE**

Reinforcing the role of citizens in decision-making processes

Tackling climate change is not only an issue that must be addressed by governments, negotiators, NGOs and companies. COP21 taught us that the civil society, and more importantly citizens, must play an active role in order to achieve the goals set in the Paris Agreement.

Convinced that it is essential for citizens to take part in global efforts to mitigate and adapt to climate change, the French National Commission for Public Debate (CNDP) participated in the organization of the largest ever global citizen consultation: the World Wide Views on Climate and Energy, 97 debates in 76 countries mobilizing 10,000 citizens to bring their voice to the Paris Agreement.

Our role as organizers of the World Wide Views on Climate and Energy and our experience at COP21 have given us the motivation to bring our culture of Public Debate to the UNFCCC negotiations.

In this document we shall present the work of the commission, its missions and its values. The legal framework upon which the CNDP was built makes it a unique institution whose work corresponds to the application of the recommendations made on Article 6 of the Convention and responds to the goals of the Doha work programme on Article 6 of the Convention.

Definition

A **Public Debate** is a formal procedure involving both information and deliberation. At the national level, the CNDP is responsible for informing citizens and ensuring that their views are taken into account throughout the decision-making process for major planning projects. The **Public Debate** is addressed to the general public and the different stakeholders concerned by or interested in the project.

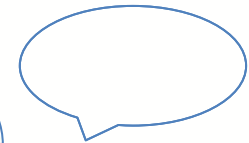
Many countries, such as Italy, South Korea, Morocco, or Thailand, are already in touch with the CNDP to "import" this procedure into their own countries.

PRESENTATION OF THE CNDP

I. THE CNDP'S BACKGROUND

II. OBJECTIVES OF THE PUBLIC DEBATE

III. DECISIONS AND INITIATIVES





PRESENTATION OF THE CNDP

International, European and National Foundations of the CNDP



United Nations Conference on Environment and Development

Rio Earth Summit, 1992

"The best way to treat environmental issues is to assure the participation of all concerned citizens. Each person has to have due access to all available information about the environment that public authorities (...) dispose as well as the possibility to take part in the process of decision-making."

Assuring the Access to Information and Participation

Triple obligation

- ✓ **International Scale:** signature of the Aarhus Convention (1998)
- ✓ **European Scale:** Directive of 2003 on Public Participation
- ✓ **National Scale:** Environmental Convention, of constitutional value (2005)

- ✓ Crisis of citizens' confidence in decision-makers and institutions
- ✓ Radicalisation of scientific and technical controversies (nuclear, GMO, shale gaz...)
- ✓ Complexity of the projects and experts' involvement
- ✓ Engaging long-term decisions
- ✓ Growing awareness on global issues (global warming, water, biodiversity...)
- ✓ Development of the use of the Internet and of social networks

I-
The CNDP's
Background

Creation of the CNDP

How the CNDP has
evolved

Organization and
values of the CNDP

Creation of the CNDP

The Barnier Act

February 2nd, 1995

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- **The principle of citizen participation enters the French legal framework**
- **Creation of the CNDP: the institution in charge of organizing Public Debates**

September 4th, 1997

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**Establishment of
the CNDP**

How the CNDP has evolved

Signature of the Aarhus Convention

June 25th, 1998

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- **Public access to information and to participation in decision-making**
- **Signed by France and the European Union**

The Local Democracy Law

February 27th, 2002

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- **Extension of the principle of participation**
- **The CNDP becomes an Independent Administrative Authority**
- **The number of members increases from 18 to 21**

How the CNDP has evolved

Law n° 2010-788

of July 12th 2010 on
national commitment to
the environment, the so-
called « **Grenelle II Act** »

Modification of the mode of operation

Composition extended to 25 members

**Possibility of appointing guarantors for
recommended citizen consultations**

Organization of the CNDP

Collegial body of 25
members

Appointed for 5
years or for the time
of their mandate,
renewable only once

1 President, 2 Vice-Presidents and 22 Members

- ✓ 1 Parliamentary representative and 1 Senator
- ✓ 6 local elected officials
- ✓ 1 member of the Council of State
- ✓ 1 member of the Final Court of Appeal
- ✓ 1 member elected by the general assembly of the Court of Auditors
- ✓ 1 member of the Administrative Courts of Appeal
- ✓ 2 representatives of a registered environmental protection association
- ✓ 2 consumers and users representatives
- ✓ 2 qualified officials, one of whom was formerly an Investigation Commissioner
- ✓ 2 Trade Union representatives
- ✓ 2 employers representatives

The CNDP's Values

Transparency

The CNDP ensures that all data and studies related to the projects are made available to the public.

Reasoned Argument

The debate is neither a poll nor a referendum. It is the expression of points of view and reasoned arguments.

Independence

The CNDP is entirely independent from the government, parliament, local authorities and contracting authorities (public or private) that refer to it.

Equal Treatment

Ensure that all members of the public, regardless of status or opinion, are able to express themselves freely within an environment of mutual respect.

Neutrality/ Impartiality

The CNDP and its special ad hoc commissions and guarantors do not express an opinion on the debated projects.

II- Objectives of the Public Debate

Projects submitted to the
CNDP

An ultimate tool for
information and
participation

**Democratize and legitimate
decisions**

The public debate
resources and agenda

Projects submitted to the CNDP

Projects concerning the creation of:

1. Roads
2. Railways
3. Waterways
4. Airfield landing infrastructures
5. Port infrastructures
6. Electric power lines
7. Gas pipelines
8. Nuclear power stations
9. Hydroelectric dams
10. River installations
11. Cultural or sport facilities
12. Industrial facilities

Projects over 300M€ >>> compulsory submission by the contracting authority

Projects from 150 to 300M€ >>> compulsory publication and possibility to refer the project to the CNDP (contracting authorities, associations, NGO, elected representatives, etc.)

Debates on general options: for example, the debate on the development and regulation of nanotechnologies Submission by the qualified Ministry.

An Ultimate Tool for Information and Participation

To inform the public

To enable the public to be
heard

To brief the project
management team



ENHANCE

DEMOCRATIZE

LEGITIMATE

THE DECISION

Human and Financial Resources of the Public Debate

- ✓ An ad hoc commission with 5 to 7 members appointed by the CNDP
 - ✓ A chairman, a general secretary
 - ✓ Documents introducing the project and the Public Debate
 - ✓ Meetings and public hearings
 - ✓ Dedicated website: questions and answers system, forum and new functionalities added every year
 - ✓ "Travelling commission" (meeting citizens in shops, markets, festivals, etc.)
 - ✓ Different actors' and stakeholders' written and oral contributions
 - ✓ Citizens' conference
- **Cost:** 600,000 to 1M€, financed by the contracting authority

Submission to the CNDP

- + 6 months: preparation of the debate, the project owner writes the record introducing the project
- + 4 months: time of debate
- + 2 months: publication of the report and of the assessment of the debate
- + 3 months: contracting authority's publication of the follow-up given to the project

III-
The CNDP:
Decisions and
Initiatives

The decisions

The fields of work of
the CNDP

The Decisions made by the CNDP

- ✓ **PUBLIC DEBATES**
- ✓ **RECOMMENDED PUBLIC CONSULTATIONS**
- ✓ **POST PUBLIC DEBATE CONSULTATIONS**

**Around
200* project
submissions**

**76*
public debates
1,000 meetings
250,000 people**

**60*
recommended
public
consultations**

**40*
post public
debate
consultations**

*Since 2002

The Decisions of the Contracting Authorities

RESULTS

At the end of the Public Debate:

- ✓ 1/3 of the projects are abandoned or deeply modified
- ✓ 1/3 are significantly modified
- ✓ 1/3 remain unchanged

- I. To assure the CNDP's independence regarding the contracting authority and to reduce the costs**
- II. To guarantee the neutrality and fairness of the ad hoc commissions of public debate, diversify and train the teams**
- III. To diversify the means of public expression and set up new methods of assessment**
- IV. To develop exchanges and partnerships in order to reinforce the culture of public debate: to become a reference for all the actors**

V. To develop international cooperation and to constitute a resource center on citizen participation

– **To create "*The Spirit of Aarhus*"**, an informal network of international actors concerned by citizen participation conceived in order to exchange best practices at a global scale.

– **To develop deeper cooperation and exchanges** with major institutions and different countries.

In 2015, in order to prepare for COP21, the CNDP participated in the organization of the World Wide Views on Climate and Energy. The aim was not to conduct a survey or a poll, but rather to gather the opinions of informed citizens. In every country, 100 citizens representing their population attended a day-long event on June 6th. With background documents and five informative videos, groups of six to eight citizens worked on five COP21 topics. At the local level, debates were organized by NGOs, universities, local communities, etc. 97 debates took place in 76 different countries, and the voice of 10,000 citizens around the world was heard.

- VI. To develop an awareness campaign for public participation towards the future managers and contracting authorities**

- VII. To reinforce the CNDP's image and visibility**

- VIII. To propose new ways to implement the missions and the areas of action of the CNDP**

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