Environmental Democracy: 12 Examples of Practical Action
Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine

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Introduction

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention) is a revolutionary document for post-Soviet countries. UN Secretary-General Kofi Annan has called it the most ambitious venture in environmental democracy ever undertaken under the auspices of the United Nations. The implementation of the Aarhus Convention in Eastern Europe, Caucasus and Central Asia (EECCA) plays a key role in changing the attitudes of public officials and the public in general.

The Aarhus Convention has the status of national law in countries that have ratified or acceded to the Convention. It allows every individual to receive required environmental information, to participate in decision making and to protect their rights to these in a court of law. These provisions are guaranteed by the three fundamental principles of the Convention:

Access to environmental information

Every person, regardless of age, race, place of residence or nationality, is entitled to receive environmental information from a public authority without an interest having to be stated. According to these provisions of the Convention, public authorities are obliged to actively disseminate environmental information, to provide it promptly when requested, and to set up mechanisms to collect and update environmental information, to ensure proper information flows and to facilitate efficient public access. The term ‘environmental information’ is interpreted broadly by the Convention and includes information on the state of the elements of the environment; plans, programmes and policies and other factors likely to affect the environment; and public health and security when affected by these factors.

Public participation in environmental decision-making

The Convention gives public authorities a number of responsibilities. Public authorities shall involve all directly concerned people in decision-making processes that may affect the environment. The Convention defines three types of decisions that shall be subject to public participation: 1) Decisions on specific activities which may have an impact on the environment as listed in the Convention, 2) development of plans, programmes and policies relating to the environment, and 3) preparation of executive regulations and legally binding normative instruments that may have a significant effect on the environment.

Access to justice in environmental matters

According to this fundamental principle, the State shall ensure access to an administrative or judicial review procedure by a Court of law, or another independent and impartial body, for people whose rights on access to environmental information and public participation in decision-making on specific activities have been violated, or if national laws relating to the environment are not followed or infringed.
The EECCA countries played an important role in both the signing on the Convention in the Danish city of Aarhus on 25 June 1998, and in it coming into force relatively rapidly on 30 October 2001. A total of 10 of the 12 countries of the region have ratified or acceded to the Convention.

The Aarhus Convention is a unique international legal instrument. It creates the opportunity for the public to be involved in protecting and improving the environment for present as well as future generations. In recognising the rights of access to information, participation and access to justice, it also enhances accountability and openness in environmental matters.

However, the Convention is not only a mechanism for protecting the environment. It is also an instrument to promote democracy which can bring benefits to both officials and to the public. For officials, providing information makes the public more knowledgeable and better able to participate in decision making. Public participation in environmental decision making increases the information available to officials and also the range of possible solutions. This in turn can help save money by avoiding future costly environmental problems. Public participation also increases support for government action and reduces the likelihood of opposition to government and business development activities.

For the public, the Aarhus Convention provides them with the opportunity to know more about potential environmental risks and impacts to which they, their families, and their communities may be exposed. Public participation allows people to influence decisions that are important to them, in particular those people living in the relevant areas and most likely to suffer from any environmental impacts.

The main responsibility for the implementation of the Convention is borne by public authorities. Public authorities are required to develop necessary implementation mechanisms and specific procedures for providing information and public participation in environmentally important decision-making, and to harmonise national legislation with the requirements of the Aarhus Convention.

For these reasons, the aim of this booklet is to provide practical examples of good practices, procedures and methods which facilitate the implementation of the Convention. The Booklet also aims to highlight successes and lessons learned.

This booklet describes 12 practical examples of good practice in the implementation of the Convention in six countries of the EECCA region — Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine. Six examples are about implementation of the Convention at a national level and six are about implementation at a local level. In each case, specific procedures and practical methods for facilitating access to environmental information and public participation in environmental decision-making were developed and then tested or used in real situations.

These examples can be used by public authorities responsible for implementing the Convention in the countries of the EECCA region. They are success stories that show the benefits of the Aarhus Convention, and why it is important to provide access to environmen-
Since 2001 when the Aarhus Convention came into effect, providing timely environmental information to the public has become one of the main obligations of the Georgian Government. Most of this information is held by the Ministry of Environment and Natural Resources Protection. But, because of the amount of information and the lack of organisation in the filing and circulation of documents, the information is not very accessible to citizens or even to the ministry staff. This situation ‘inspired’ a National Pilot Project to create an electronic information system for the Ministry.

“The goal of the national pilot project in Georgia was to ensure public access to information concerning the environment by simplifying the search for it within the Ministry,” said Tsira Mumladze, head of the Administrative Department of the Ministry. “Ministry top officials are now better able to control and co-ordinate the work of their departments, and officials at lower levels have the opportunity to know the Ministry heads, as well as other departments in the Ministry,” Ms Mumladze said.

The User Guide for the database has now been approved by a Ministerial resolution and 37 ministry employees (including representatives of regional departments) have undergone training on the Aarhus Convention. “Information is now more accessible to the employees and their activities are better co-ordinated,” said Tsira Mumladze. This has made for a big step forward in implementing the Convention.

There has been a good response to the initiative from members of the public. “The activity of the Ministry has become more transparent, and public trust is growing,” said journalist Tinatin Mosiashvili. “Now we know that we can just come to the clerical office of the Ministry and look through the database. It is practically an electronic public register in the Ministry,” she added.

The value of the initiative is clear. During the national pilot project there was a change in Minister, a radical restructure of the Ministry, and a long period of uncertainty. However, the initiative survived and has resulted in the creation of a useful tool that ensures better public access to environmental information and makes the work of ministry officials much easier.

“This database creates new opportunities,” said Tinatin Tushishvili, the Head of Administrative Department. “Very soon the Ministry will have its own building and we will have a public room at the entrance to the building with computers open to the public to look through the database. In addition, the Government plans to provide all ministries with a high-speed Internet connection. When this happens, the database will be put on the Ministry server which will make it available to Internet users. All this will essentially change the accessibility of information to our citizens,” she said.
and in Ozurgeti

Co-operation — the key to keeping the public… and officials... informed

The difficulties of access to information in Guria were mainly connected to the low level of co-operation between different state bodies, and, on the part of the public, not knowing where to look for what kind of information and how to obtain this information. As a result, even active people lost the motivation to resolve environmental problems and became passive.

Providing Access to Environmental Information is the good practice developed in a pilot project implemented in the Guria Region of Georgia by the Associated Sakrebulos (elected councils) of the Ozurgeti raion and a local NGO, Guris Mtebi (Guria’s mountains).

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To overcome this problem, the pilot project partners decided to establish a Bureau of Environmental Information in the Ozurgeti raion, which would gather, process and systematize flows of information going ‘up’ and ‘down’. The sources of information are national state bodies such as regional departments of Ministries, regional state laboratories, regional state institutes, the Gamgeoba (Executive Body for the Raion) and the Sakrebulos. The task of the Bureau is to collect and then provide information on request to the representatives of authorities, to the Sakrebulos and to any citizen of the region. In this way, the Bureau ensures access to environmental information for both decision-makers and the public which, in turn, facilitates better public involvement in decision-making on environmental matters.

“It turned out that not too many resources were needed to create a permanent mechanism for providing environmental information,” said Guram Berdzenishvili, the Head of the Environmental Bureau at the Ozurgeti Gamgeoba.

The Information Bureau has been successfully established. The Gamgebeli (head of the Ozurgeti Gamgeoba) has included the Bureau within their regional structures and has approved the provision of staff and an operating budget. An office and equipment also have been provided. The NGO Guris Mtebi has given very good assistance by advertising the Bureau widely, advising Bureau staff, and providing literature and software to the Bureau. Letters of support have been received from almost all relevant Ministries and information is being actively gathered and organised.

Members of the National Team in Georgia are also enthusiastic about the success of the initiative. “The aim of the Bureau is to simplify and facilitate public access to information,” said Nino Kituashvili from the National team. “Authorities can see that the Bureau as a means for receiving information that was previously unavailable to them, and it also provides a means for their greater involvement in making environmental decisions and the supervision of the implementation of these decisions.”

However, there were some difficulties. The greatest of these was the need by regional departments of the ministries to receive permission from their Head offices in Tbilisi before they could provide information both to the local population and to local authorities. This problem was overcome following direct communication with several departments of the Ministry. Trainings held on the Aarhus Convention for officials from regional Ministry departments, local authorities and Sakrebulos also helped by making these officials aware of the rights of the public and their obligations under the Convention.

Training on the Aarhus Convention was provided to 54 representatives of Sakrebulos and the Gmegeba, staff from the regional departments of the Ministry, and 31 members of civil society including NGOs and journalists. In every Sakrebulo there is now a co-ordinator responsible for liaison with the Bureau. These people deliver information on local problems and achievements. Co-ordinators also provide information to their local population.

“In addition to the fact that we now know what the authorities do to protect the environment, we can check on how their decisions are implemented,” stressed a member of the Sakrebulo for the village of Konchakti. “We can also trace how the authorities react to people’s concerns. As a result our influence grows and we have the opportunity to practically influence outcomes.”

“…Authorities can see that the Bureau as a means for receiving information that was previously unavailable to them…”

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Creating democratic precedents

For the first time Azerbaijan citizens are able to receive names, telephone numbers and addresses of officials responsible for specific environmental information.

This has become possible in Azerbaijan due to a National pilot project aimed at implementing the Aarhus Convention and in particular, clarifying who holds environmental information and what environmental information should be accessible as defined in Article 2.3 of the Convention.

"Before that we had to make a lot of effort to find out which state body is responsible for what environmental issues," remembered Gamza Yusubova, head of the NGO, Environmental Monitoring and Education. "Now there is a concrete list of environmental information prepared by the Ministry of Environment and Natural Resources of Azerbaijan."

"In the list we have the names of institutions, the types of information they possess, and also the names and contacts of the relevant individuals at those institutions," said Nadjaf Gousseinov, Head of the Division of Human Resources at the Ministry. "The lists are important not only for public but for officials also," he added. "Officials have gotten rid of a massive flow of requests sent to the wrong departments. In addition, it helps to shatter a stereotype of the official as an opponent and change it to one of the official as a partner. We have already seen this change. After the Minister of Environment, Mr Goussein Bagirov, provided this opportunity for dialogue between authorities and public organisations, accusations by NGOs of a lack of transparency in the work, in particular, of the Ministry of Environment, have practically vanished," Mr Gousseinov said.

One of the most active environmentalists in Azerbaijan, Sakit Gousseinov, Professor at the Azerbaijan National Academy of Sciences, can also see the benefits of the initiative. "The development of this list shows clearly that not all environmental information is held in the Ministry of Environment and Natural Resources," he said. "Now, all institutions responsible for environmental information are named. It is a crucial step in developing and modernising tools for improving access to required information."

To let the public know about the initiative, the lists have been published on the Ministry’s own web site (www.eco.gov.az). This site includes information on the state of environment in the region, in Azeri and in English, and a Russian version is planned soon. Visitors to this site can see data from hydrometeorological, seismological and other monitoring groups and information about all Ministry programmes. There is also a separate section on the Aarhus Convention.

The convention leads to more informed government decision-making by incorporating diverse opinions, values, and ideas.

A booklet for the public also has been published which tells in simple words how, where and what environmental information can be received.

There was a lot of work done before an effective mechanism was developed for keeping the public informed. Firstly, existing procedures were studied, and then there were meetings with officials of different levels, including a round table involving the Minister Mr Goussein Bagirov and members of the public. Discussions, seminars, and trainings were also held. Finally recommendations were developed based on inputs from all stakeholders.

A proposal on changes to legislation regulating access to information has been submitted by the Ministry to the relevant parliamentary working group. Work on a law for Freedom of Information has started and the experience and recommendations gained during the project have provided useful information.

"The Aarhus Convention is a universal mechanism that can lead to one democratic precedent after another," concluded Hamza Yusubova.

"Now, all institutions responsible for environmental information are named. It's a crucial step in developing and modernising information tools …"
... and in Mingachevir

An important start...

This industrial city has a lot of environmental problems including desertification and pollution of its river Kura.

As the result of the Local Pilot Project in Azerbaijan, public participation procedures have been developed and used in the city of Mingachevir where 70% of country’s electricity is produced. The city executive authority will now involve members of the public in its decisions directly and also through a public advisory committee. A secondary result was the development of a plan for the management of the city’s solid waste.

According to Ramiz Geyushov, the first deputy head of the executive authority of Mingachevir, “This is a democratic precedent. The head of the executive authority has made a decision together with public, and this decision was executed. This is how a civil society should be developed.” “We absolutely supported this initiative and developed it together with the Project National Team, the public and invited TV journalists. As the result, we had very good partnership,” he continued.

The citizens of Mingachevir are equally enthusiastic. “Never before in our city have such dynamic and concrete activities been carried out,” said Chingiz Nazarov, head of the NGO, EcoTETS. “We managed to increase opportunities for our public and we also learned about the Aarhus Convention and the experience of people in other countries where similar public participation procedures are used.”

The main aims of the initiative Mingachevir were to not only educate citizens and officials on the Aarhus Convention and the rights it provides to the public, but also to achieve very concrete goals. These include the development of procedures for public participation in decision making and the provision of assistance to the local administration in the development of a detailed environmental programme with public participation as required under Article 7 of the Aarhus Convention.

Mingachevir was selected for the local pilot project because of the interest of the local administration, the fact that the city has a lot of environmental problems including desertification and pollution of its river Kura and because it has an active local population. The city has a well-developed industrial sector and a multi-ethnic population of around 100,000.

The initiative had the support of the Ministry of Environment and Natural Resources because Ministry officials see the solution of environmental problems as a priority. The Ministry provided necessary expert support.

Key achievements include the creation of an active working group by the City Administration, and the development of a good action plan which incorporated all the waste management problems identified by the public and the ways to resolve them. The action plan was developed by a working group which included officials from the local administration and representatives of local communities and NGOs.

An involved public has more knowledge and a better understanding of government development plans and the reasons for some government actions.

Developing solutions to waste management problems in Mingachevir, Azerbaijan

All sectors of society and official structures were involved in the initiative. Active discussions took place between the local administration and civil society at public hearings, and at two-day trainings on the Aarhus Convention for local officials and the public. These included teachers from local institutions, and representatives of communities and district committees.

Discussions were held on waste management with different city institutions, local experts, leaders of organisations, and public representatives. New proposals were gathered and, most importantly, public support was received for the idea of effective waste management. Citizens decided not to limit the focus to waste dumping but also to initiate waste separation and recycling.

The idea attracted Mingachevir landowners especially when they found out about the economic benefits — waste management is considered the third most lucrative business worldwide after the oil industry and weapons production.

The District committee of residents groups was active and supportive. The committee has agreed that the work done will bear fruit, may be only in a year or two, but that at least the first steps have been taken.

Three months after the trainings on the Aarhus Convention the atmosphere in the city has become even livelier. “A co-ordinating committee is being formed which will work on environmental problems of the city. It is made up of an equal number of officials and public representatives,” said Mr Chingiz Nazarov. “We will thoroughly study our legislation, and involve the local communities in this work. People involved in the initiative are looking to the future. Despite definite successes we can’t completely change the situation in one project or to find answers to all problems,” said Mr Nazarov. “But the start is a success.”

Rasul Pashaev, the chief specialist of the city administration of Mingachevir, said that it was very important for the citizens of Mingachevir to know that this first pilot project was carried out in their city: “Everyone should find out about this unique Convention which allows people to not only receive information, but also participate in decision-making. I think the Mingachevir experience will be useful for the whole Azerbaijan. We should not stop half-way,” he said.

Comments from citizens show they feel their opinion is being heard and they are solving their problems not just to please some people, but for the sake of the whole city population. In the words of the Azerbaijan Team Leader, Samir Isayev, “One concrete project with public participation has greater practical value than piles of declarative documents.”

“...this is a democratic precedent. The head of the executive authority has made a decision together with public, and this decision was executed. This is how a civil society should be developed.”

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Environmental information has become more accessible, and the holders and sources of environmental information have been identified, listed and publicised.

Preparation of guidelines for the dissemination of information, the development of lists of available information, and the active creation and distribution of environmental information were some of the key activities conducted during a National pilot project in Armenia to improve the implementation of Article 4 and Article 5 of the Aarhus Convention.

The aim of the pilot project was to put in place the practical procedures and actual tools needed to harmonise national legal requirements and practice with the Aarhus Convention. Working in partnership with the Ministry of Nature Protection, the focus of the project was on how to organise the active dissemination of environmental information as required under Article 5 of the Convention and how to improve access to information upon request as required under Article 4 of the Convention. As well as addressing the requirements of the Convention, the Constitution of the country, legal acts of the Ministry of Nature Protection and other documents were also taken into account.

Raising the awareness of officials on their obligations to disseminate environmental information was another objective.

As a result of the pilot project, environmental information has become more accessible, and the holders and sources of environmental information have been identified, listed and publicised. A key success is the interest and participation of the representatives of non-environmental state bodies and their involvement in trainings and round tables held within the project.

Good practices that were implemented include the development of an Order by the Minister for Nature Protection, Mr Vardan Ayvazyan, giving guidance on access to information and the collection and dissemination of information. Much of the work to develop this order was completed during discussions at trainings for officials in Tashkador city. The order is expected to be adopted in the near future. There are also plans for a draft Governmental decree which will, among other things, list the information which other ministries and institutions need to provide.

Other good practices initiated during the National pilot project include, training for officials and civil society in their obligations and rights under the Aarhus Convention, a survey of officials on their awareness of their obligations, and a round table with the representatives of the Ministries and institutions which are responsible for providing information and for public relations to discuss needs of officials and requirements for the guidelines on the dissemination of information. A public round table was held for members of the public on the access to information guidelines and the draft Government decree. The actual production and dissemination of environmental information also took place in the form of booklets, one on ‘Conventions Related to Environmental Matters, Laws and Programmes’ and another on ‘The Protocol On Pollution and Release Transfer Registers (PRTR)’, which was signed in Kiev at the Pan European Environment Ministers conference held in May 2003.

“A key success is the interest and participation of the representatives of non-environmental state bodies and their involvement in trainings and round tables held within the project. The Aarhus Convention is a real legal instrument now… reference to it is the rule not the exception.”

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The more the public participate, the more experienced they will become, the better they will be able to participate and the more useful will be their contributions.
Better air quality through dialogue

In the past, local citizens concerned about air quality tried without success to receive comments from the plant administration.

In the town of Hrazdan, in the Kotayk region of Armenia, the Town Council, the Regional Executive Committee, four local NGOs, and the Project National Team worked together to develop a procedure for public participation in the development of a local action plan to improve air quality in the town of Hrazdan. The NGOs included Civil Academy, Women With a University Degree, a branch of the Association for Sustainable Human Development, and the Republican Women’s Council. Together, these local partners were able to develop mechanisms for collaboration between members of the public and local authorities to address local environmental problems, in particular a procedure for public participation in environmental decision-making, and then to use these mechanisms to begin to resolve a serious local environmental problem.

The activities took place under a local pilot project designed to develop and use good practice in the implementation of Article 7 of the Aarhus Convention, ‘Public participation concerning plans, programmes, and policies relating to the environment’.

One of the first activities was a round table involving representatives of the city and regional authorities, interested members of the public and businessmen. Lively discussions took place, with teachers and doctors relating how children suffer from emissions from local industry. Participants in the discussion included representatives from a local polluting enterprise, the Hrazdan power plant. A working group was formed comprising active participants from the round table who later worked out an action plan to solve the problem of poor air quality.

However, representatives of one of the key polluters initially did not take part in the discussions. In the opinion of the local authorities and members of the public, emissions from a local cement factory is one of the main sources of local air pollution and a key environmental issue for the city. In the past, local citizens concerned about air quality tried without success to receive comments from the plant administration. Representatives from the cement plant management did not participate in any of the events despite of persistent invitations from the organisers and the Town Council.

To address this issue, a media-tour of local polluting enterprises was arranged for journalists from local and national mass media and this helped to radically change the situation. The journalists, who personally communicated with the plant administration before, managed to arrange the meeting with its director. The Director promised to cooperate with the initiative and also made a commitment to sign a Memorandum of Understanding with the local authorities regarding action to reduce emissions and on the improvement of the quality of the environment in the city.

The plant administration and members of the working group agreed on the following action — the creation of a laboratory to monitor air emissions, the installation of up-dated refinery equipment, planting trees on the plant site and surrounds, and the repair of roads leading to the plant in order to reduce dust levels and losses of cement during transportation.

Following dialogue with representatives from the Hrazdan power plant, there are indications that this enterprise will also take action. According to the senior engineer it is possible that future investments will include environmental initiatives such as the installation of new filters to catch nitrogen emissions, the repair of roads and the planting of trees. Representative from both plants also agreed that their activities will be more open to the public in the future.

The Procedure developed under the Local Pilot Project is called Public participation in environmental decision making. Requirements outlined in the procedure include informing the public at early stage through the media, interviews with key persons, public surveys, inviting the public to participate in working groups, round tables and public hearings, and inviting the public to submit written comments. The procedure was developed by lawyers and the methods were tested during the pilot project. In the procedure there is a special, separate clause dedicated to taking into account public comments when making a final decision.

After public hearings on the procedure, the Hrazdan authorities plan to approve the procedure and disseminate it to other local authorities as existing good practice in environmental decision making processes. Each of these local authorities will be able to use the procedure as a model, making adjustments necessary for local conditions.

Tested public participation methods …include informing the public at early stage through the media, interviews with key persons, public surveys, inviting the public to participate in working groups, round tables, and public hearings, and inviting the public to submit written comments...

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The development of clear procedures for public participation in the development of legal acts as required under Article 8 of the Convention and the testing of these in the development of actual amendments to legal acts, were the good practices developed and implemented in a national pilot project in Moldova.

Under the national pilot project, a methodology was developed on public participation in the development of environmental legal acts and the consideration of the results of this participation. Another major objective of the national pilot project was the development of draft amendments to the law on Environmental Protection to ensure it incorporates the necessary provisions for access to information, public participation in environmental decision making and access to justice in environmental matters. As part of this process, public hearings were held and a public environmental expertise was conducted. Training for officials and public representatives on the main tools of the Aarhus Convention, including the procedure for public participation in the development of legal acts at different levels, was also included.

The draft amendments to the law and the public participation methodology were prepared by three experts. The methodology was tested in the development of the amendments and then modified at the direction of the Minister for Ecology, Mr Konstantin Mihailescu. A public expertise was carried on the draft amendments and the methodologies by environmental NGOs. Both documents were amended following comment by the public.

“The most important result of the project is that it served as a model of good practice for active public participation in the development and promoting a draft law due to the conduct of the public environmental expertise and public hearings, both of which are totally new practices in Moldova,” said Tatiana Sinaeva, an NGO representative and a member of the Project National Team.

The methodology for public participation in the development of normative legal acts is expected to be adopted by a Resolution by the Minister of Ecology, in the near future. When this occurs, the methodology will regulate the whole process of public participation in the future and will be used in drafting further legal acts related to the environment.

The draft law has been presented to the Parliamentary Commission on Environment, and will be submitted to the Parliament by a group of deputies.

Project participants acquired valuable experience in carrying out a wide information campaign on the procedures of public participation in the development of legal acts and members of the public have also learnt some useful lessons.

“The main result of it is, for sure, a demonstration of how draft laws can be developed with real public participation in a legislative process as required under Article 8 of the Convention,” said Pavel Zamfir, the Project National Team Leader.

A major outcome will be the real increase in the implementation of the Aarhus Convention when the methodology for public participation in the development of environmental legal acts and on the consideration of the results of participation is approved and used.

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But it’s not always easy to involve all stakeholders in solving problems. Low public awareness on environmental issues, citizens rights and planned activities and their impact on the environment is one reason. Other reasons include the past experience by local authorities in inviting the public to take part in decision-making, the passiveness of the public itself and insufficient funding.

“An informed public is better aware of its rights and interests and is better able to protect them by being more active. It also helps them give informed comment on the policy of local authorities on sustainable regional development. The public is then better able to assist environmental authorities in protecting the environment,” said Vasile Spinei, another Project National Team Member. “On the other hand, authorities should be interested in involving local community in decision-making on vital environmental issues. It makes decisions more effective and adds to resources allocated by the state in monitoring the implementation of legislation. It also reduces opposition to decisions and helps establish productive partnerships with the general public, NGOs and the media,” he added.

A pilot project, to address this issue was developed by the Primeriya (local council) of the commune of Tudora together with the regional administration of Stefan-Vode and the regional branch of the Environmental Movement of Moldova. The aim of the project was to develop and officially approve a procedure for public participation in decision making and then to test it in real life by involving the public in the process of developing and approving a local action plan on environmental protection for Tudora. The development of Local Action Plans is a governmental requirement for all communes in Moldova. This was the first time the public was so widely, effectively and directly involved in the development of such a plan.

The local action plan includes activities aimed at the improvement of land use, identifying illegal waste dumps and sources of water and air pollution, and planned actions to stop or decrease these activities. It also involves implementing a public information campaign to improve environmental awareness and knowledge of environmental laws. A working group comprising local officials, public representatives and business people worked on the plan and on the procedure for public participation. Group members defined the most urgent environmental problems in the town and identified ways to solve them. And it was all done with the real participation of interested citizens. Community representatives, officials, journalists and NGOs discussed the plan and procedure in depth at a round table held in Tudora.

Good practices established during the pilot project included an information board in the Primeriya building to tell citizens about the Aarhus Convention, the project, the work on the documents and the opportunities to submit comments. Other good practices were the establishment of a Centre of for Environmental Information and Advice at a local school, and a telephone hot line, both of which raised the public interest and helped in encouraging comments and proposals on the documents. A Local Environmental Public Council has been created to facilitate ongoing public participation in decision-making.

The development and approval of documents was accompanied by an information campaign. In total four brochures were prepared. These are, ‘Methodology for public participation in the development and approval of local action plans in the area of environment’, ‘Local Action Plan with comments’, ‘Questions and Answers on the Aarhus Convention’ and ‘The Aarhus Convention for children’. These publications are available from the Local and District authorities.

The Head of the district administration and staff played a very important role in implementing the project. Besides general co-ordination and development of documents, the administration gathered officials from all other communes in the district for two training seminars on methods for public participation in decision-making at local level. These people could also observe the good practice in action in Tudora and use this observation, together with knowledge received at the trainings, in their own communes.

Local Authority representatives, Nicolae Grosu, Vice-President of the Association of Mayors and local communities of Moldova, and Lidia Iascu, from the Chisinau City Administration, are enthusiastic about the results. Both are also members of the Moldova National Team.
“The most important results of the Local project are, on the one hand, the lively interest of local citizens and their participation in all activities and, on the other hand, the interest from other local authorities in encouraging public participation in the development of plans and programmes on environmental protection, and in planning regional development,” said Mr Grosu.

Ms Ilascu added “You can also get excited about the initiative to create an environmental information centre in the district and the formation of a public environmental council by the head of the district. Both of these initiatives are mentioned in a policy declaration signed by the district administration.”

“…The most important results of the Local project are, on the one hand, the lively interest of local citizens and their participation in all activities and, on the other hand, the interest from other local authorities in encouraging public participation in the development of plans and programmes on environmental protection, and in planning regional development…”

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UKRAINE

**Officials and the public — together removing barriers**

Although initially there was some tension between officials and members of the public, and it seemed impossible to reach a common conclusion, officials and the public gradually came to understand each other and the benefits of working together to protect the environment.

Officials, NGOs and journalists in four regions of Ukraine were closely involved in a national pilot project in Ukraine to develop good practice in the form of concrete practical guidelines for officials implementing articles 4 and 5 of the Aarhus Convention.

People from 25 regions of Ukraine took part in round tables held in Crimea, Donetsk, Lviv and Kiev to comment on a Ministerial order for all Media and Public Liaison departments of the Ministry to regulate the active dissemination of information and the provision of information on request. At the Round tables barriers to the effective dissemination of information were identified and recommendations made on ways to overcome these.

In a shining example of good practice, the Minister of Environmental Protection in Ukraine, Mr Sergey Poliakov and his staff incorporated comments made at the round table and went beyond these. These comments have been taken into account during the preparation of Ministerial Order, signed in the middle of August 2004 that included the establishment of Aarhus Training and Informational Centres in the Ministry also local Aarhus Public Information Centres in each region of Ukraine.

With the ratification of the Aarhus Convention in summer 1999, Ukraine became the second country after Moldova to make a legal commitment to meet the requirements of the Convention. Following ratification, Ukraine’s legislation was modified to integrate the requirements of the Convention, but its practical implementation was still a tough task.

Although legal acts have been developed and adopted, one of the most widespread problems is the lack of guidelines for officials to bring their activities into line with the requirements of the Convention. Simply speaking, the task was to provide practical steps for officials at all levels to follow so they could fulfil their new obligations.

In spite of regional differences, the atmosphere at the meetings, the issues raised and the conclusions reached were very similar. Although initially there was some tension between officials and members of the public, and it seemed impossible to reach a common conclusion, officials and the public gradually came around to the idea that co-operation is useful and necessary.

Public participation enables government officials to get direct feedback from the public on their policies so they are better able to meet the public’s needs.
“It is impossible to have effective collaboration with the public if they are not kept informed,” said the Deputy Minister of Environmental Protection, Mr. Svyatoslav Kurylenko. “Communication with the public is a serious business that needs to be done professionally,” he stressed. The public, in turn, agreed that officials have a lot of operational difficulties in their work and often do not provide information, not because they do not wish to, but because they lack the resources to do so.

Participants at the meetings agreed that a separate information division should be created in each regional department of the Ministry in order for these departments to be able to work effectively and to meet their obligations. Participants also identified the need for more personnel in these departments and additional technical support so officials can carry out the new duties associated with the Convention.

There were many lively discussions on the difficulties of disseminating information through the media. Journalists were accused of not reporting the information given to them. However, although officials should not rely only on the media to fulfil their obligations to disseminate information, they do need to learn how to use the media more effectively.

“One reason only a small proportion of the staff in the information departments of state bodies has experience of working with the media,” said Yevgeniy Grishankov, head of the Department for Media and Public Liaison at the Ministry of Environmental Protection.

The national project demonstrates good practice in several ways. Comments from the public were taken into account in the development of an executive regulation as required under Article 8 of the Convention. In addition, detailed guidelines were created to enable Officials to fulfil their obligations to disseminate environmental information as required under Article 5 of the Convention. An additional benefit is that officials and members of the public have come to better understanding of each other’s role and the benefits of collaboration in the interest of protecting the environment.

Employees and managers of the information departments also had the unusual opportunity to be able to have input to the decision making process. Previously such meetings were only between heads of these regional departments.

“…It is impossible to have effective collaboration with the public if they are not kept informed,” said the Deputy Minister of Environmental Protection, Mr Svyatoslav Kurylenko. “Communication with the public is a serious business that needs to be done professionally,” …

Public participation included in a city statute in Ukraine for the first time

Yevpatoria — a resort city with a permanent population of 104,000 that swells to three times this amount in summer…

Introducing and implementing the mechanisms and principles of the Aarhus Convention to the city of Yevpatoria in Ukraine was the objective of a Local Pilot Project conducted in this Crimean resort city with a permanent population of 104,000 that swells to three times this amount in summer.

“In implementing the Aarhus Convention, Yevpatoria has left Kyiv behind,” said Boris Vasilkovskiy, the Project National Team in Ukraine. “For the first time in Ukraine, the right of the public to participate in the development and making of decisions on environmental matters has been incorporated in the statute of a city.”

As no mechanisms of public participation in decision-making existed in the city, the pilot project focused on public participation in decision-making in the production of plans for the development of the city as required in Article 7 of the Convention.

The City Executive Committee was an active partner in the project and has now included the principles of the Aarhus Convention in the City Statute. The Executive Committee has changed the rules for holding public hearings on socio-economic and environmental issues and included a procedure for public participation in decision-making. The City Executive has also recognised that in order to have effective involvement in decision-making, it is essential to provide all required information as early as possible. As a result, during the project there was also a focus on Articles 5 and 6 of the Convention, the active dissemination of environmental information and involving public in decision making and plans.

Although at the beginning of the pilot project the opinions of officials and the public were not always the same, it soon became clear that the differences were not that substantial, and it was possible to reach agreement. Plans for the development of the city, drafted separately by the representatives of both sectors, turned out to be almost the same and each paid special attention to disseminating information. “The Public, whether it’s well informed or not, takes action, therefore it’s better to present public with the information it needs,” said one local official,
Eduard Kugel, the head of the Yevpatoriya department on Investment Policy and Foreign Economic Relations at one of three round tables held in the city.

“The initiative has been useful”, said Mr Kugel. “We received useful knowledge and have now held several public hearings in the city”.

A plan for greening the small residential area of the city has been developed under the project. In fact the city found the exercise so helpful that, as this publication was going to press, Yevpatoriya was getting ready for public hearings on the general plan of city development, and city residents were actively participating in drafting a plan for the reconstruction of the recreation area at the ecologically sensitive Maynaki lake.

The city has made a further commitment to the implementation of the Aarhus Convention. The Head of the City Executive Committee, Mr. Andrey Danilenko has signed a policy statement on public participation in the planning of environmental activities. In this policy statement, the city administration makes a commitment to the establishment of permanent information channels in order to continue the dissemination of environmental information.

The project reached out wider than only to Environmental officials, local officials and civil society in Yevpatoriya. Many people think that the Aarhus Convention places obligations only on the Ministry of Environmental Protection, but this is not the case. The project also involved representatives of non-environmental state bodies who possess environmental information such as bodies working on energy, health and architecture. The Convention was the main topic at a seminar titled Intersectional partnership in resolving environmental problems of the city held in Yevpatoriya.

The success of the initiative has also been presented to interested officials from other Crimean cities.

Of course, such lively activities in Yevpatoriya could not stay unnoticed by the press. Information on the good practice was covered by the Crimean and National media.

The project was a success — the procedures for public participation work. The main winners are, of course, the residents and officials of Yevpatoriya — local officials and ordinary people have found a common language and will not stop the dialogue.

“In implementing the Aarhus Convention, Yevpatoriya as left Kiev behind… For the first time in Ukraine, the right of the public to participate in the development and making of decisions on environmental matters has been incorporated in the statute of a city.”

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Although the adoption of the Aarhus Convention by Presidential decree on 14 December 1999 gave every citizen in Belarus the right to give their opinion and have this considered in environmental decision making that may affect them, this provision was only implemented for the first time when a procedure for public participation was developed and then used in a process to create the Belaya Rus National Park.

The Minister of Natural Resources and Environmental Protection, Mr Leonty Khoruzhik recognised the essential role of the procedure and has stressed the need to develop additional similar procedures for public participation in decision making on all matters related to the environment, one of the key requirements of the Convention.

The adoption of the Aarhus Convention means that in Belarus there is a legal instrument, which every citizen can use to influence not only the creation of a national protected territory near their homes, but also the quality of their drinking water and food. It also entitles them to participate in the development of plans, laws and policies related to the environment.

However, such a valuable instrument is still not used in full to involve the citizens of Belarus in solving environmental problems. The main reason for this is the absence of specific mechanisms for public participation in environmental decision-making.

According to the Convention state planning to create a national park or build a hydro power station should include keeping citizens informed on what will happen and should also take their opinions into consideration when making the decision. But how can people be involved in the process of decision-making? How can contradictory opinions be considered, and in what form and over what time period should people be able to submit their comments? Until the implementation of a National Pilot Project to develop a mechanism to involve the public in the creation of National Parks and other protected areas, there were no clear answers to these questions included in the existing procedures of the relevant authorities.

The aim of the National Pilot Project was to develop and approve a procedure for public participation in decision-making on the creation, determination of status and closure of natural reserves, national parks or national protected areas. For the first time in Belarus a mechanism was developed and used to guide the collection and consideration of the opinions of people living in or near such territories.

The process of developing the procedure was long but very interesting. A draft was developed in consultation with officials from the Ministry of Natural Resources and Environmental Protection and other experts and was sent to all environmental organisations in Belarus. Two round tables were held where officials, members of NGOs, lawyers and project team members discussed the document in detail and introduced changes. This activity was a good example of public involvement in the process of drafting legislation as required under Article 8 of the Convention.

But most remarkable were the educational seminars/trainings on the Aarhus Convention, where officials of different levels from city Executive Committees to Ministerial level, took part. One of the training exercises was a role play where each participant could take the role of a member of the public or of an official involved in some way in the creation of a natural protected area. By holding public hearings on the creation of a natural protected area in the form of a role play, the procedure for public participation was practiced three times. Having officials take the role of local inhabitants and vice versa, clearly demonstrated to them the process of public hearings with all its ‘pluses’ and ‘minuses’. But most importantly, due to these role plays, new supporters were found in 12 ministries and other state bodies, who now understand the importance and effectiveness of the Aarhus Convention.

“The Aarhus Convention is a legal obligation and an effective tool for ensuring environmental democracy in our country,” said Irina Sukhiy, the Project National Team Leader in Belarus. “All our efforts need to be targeted on bringing this important document to life and making it work for the ordinary people of Belarus,” she concluded.

“…The Aarhus Convention is a legal obligation and effective tool for ensuring environmental democracy in our country... All our efforts need to be targeted at bringing this important document to life and making it work for the ordinary people of Belarus.”

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In May 2004 the Mogilyov City Executive Committee adopted a Resolution on public participation in environmental decision-making which included the formation of a Public Council comprising NGO members, scientists, teachers, journalists and local council deputies.

The aim of the Public Council is to provide a means for ongoing public involvement in environmental decision-making at local level. The Resolution was developed by a cross-sectorial team of local experts, specialists from the City Executive Committee and the Regional Inspectorate on Natural Resources and Environment, and members of the project National Team. It stipulates the conditions and rules by which different city authorities should involve citizens in discussions and decision-making on important environmental issues. It also provides guidance for public information campaigns and on the conduct of public hearings. NGOs involved in the process include the Medical Union, ENDO, an environmental information association, and the Circle of Friends.

The Public Council is already active. At the time of this publication going to press, the Council had been consulted on the construction of gas stations and planned tree felling activities in the city. They have... “This is the only way to create a need in every citizen to be concerned about the city and its environment,” he said.

These are not just words, the existence of the Council and the adoption of the public participation procedure were the result of considerable interest by the citizens and officials in the city in improving their environmental conditions.

Mogilyov is a big city with a chemical industry developed in Soviet times, which has presented the city with numerous problems, exacerbated by the Chernobyl catastrophe, and the usual economic difficulties facing most cities in Belarus. The developed procedures have already been put to work in joint efforts to clean the Dubrovynka river.

In the downtown Mogilyov there is a small river called Dubrovynka a tributary of the Dnieper. Historical chronicles testify that in olden times, members of ruling family would cruise down the river on a barge. Nowadays one may walk on the river as it is so polluted. Finding one or more used vehicle tyres is not unusual and of course there is a nasty smell of sewage dumped in the river.

Authorities have paid attention to the disastrous state of the river and have made efforts for a couple of years to clean it, but with little success as rubbish was still being dumped in the river. Following discussion it was decided to try and resolve two issues at the same time. Namely to involve people in environmental decision making and at the same time to raise interest and concern about environmental issues in particular, the state of the river.

Activities included holding public hearings on urgent environmental matters of the city, disseminating information about the Convention and establishing contact with journalists, teachers and officials. The project was successful because every participant could feel its importance and this was helped by a letter of support for the work, signed by the Head of the Executive Committee, Mr Shorikov. A round table was held with about fifty participants from state institutions, the City Executive Committee, schools and environmental services. Discussions on the Aarhus ‘flow’ and possibilities for this continued at two seminars during which members of local NGOs and officials together studied the Aarhus Convention and discussed mechanisms for its implementation at local level.

The river itself has been improved after people from eight public organisations, volunteers from sports clubs and pupils from a local school joined together to clean up the garbage and to plant an avenue of trees.

To attract the interest of people, a youth environmental discotheque was held and a special seminar for school teachers was held focused on environmental education and how to teach complementary subjects. A writing competition on the river and the Mogilyov environment was held. The most active participants and the authors of the best stories were invited to the discotheque to receive awards. This event was supported by the City Executive Committee Department of Education.

Project participants have published a booklet summarising their experience.

They have concluded that the work done was very important, but it is only the beginning of the introduction of the Aarhus Convention into everyday life and to making the Aarhus Convention a usual part of the resolution of environmental problems by civil society and the state in working in partnership.

As a result of all this hard work, using the term Aarhus Convention no longer triggers questions in the corridors of the local authorities The Public Council will further foster the involvement of citizens in environmental decision-making at local level, and the elaborated participation procedure will serve as a basis for this work.

“…Using the term Aarhus Convention no longer triggers questions in the corridors of the local authorities...”
Environmental Information, Education and Public Awareness

Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine

The project ‘Environmental Information, Education and Public Awareness’, Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine, funded by the European Union and implemented by Royal Haskoning (Netherlands) in partnership with the Regional Environmental Centre for Central and Eastern Europe (based in Hungary), operated from June 2002 to December 2004.

The overall aim of the project was to improve the quality of environmental protection and environmental decisions by incorporating public interests. It provided assistance to public officials, NGOs, the media and other sectors of civil society to continue to implement the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention). The project was implemented in each country by a National Team of experts in partnership with a Regional Team and the project partners, the Environment Ministries, the Aarhus Convention Focal Points and leading NGOs. The National Teams included a Team Leader who co-ordinated project activities in each country, a Team Trainer working on the development and improvement of Aarhus Convention training systems, and up to eight Team Members who provided expert input, guidance and advice on project activities. National team members included officials, NGO members, media, academic representatives and other relevant people in each country.

Approach and impact:

Overall, the project has had a real and positive effect on the implementation of the Aarhus Convention in the countries in which the project was implemented. Achievements include excellent training materials and improved systems of training for officials and members of civil society; an increase in the number of practical tools and procedures necessary to implement the convention; environmental improvements and increased implementation of the Convention through the actual use of these tools and procedures in environmental protection activities; an increase in trust and co-operation between civil society and officials so they are better able to collaborate to protect the environment; greater awareness of the Convention among the public and more use of the rights it gives them; increased understanding among journalists of the benefits of Aarhus Convention for the media and for the public; and an increase in media coverage of these issues.

These results were achieved through a variety of strategies and activities. Project offices were located with the Ministries of Environment so there was daily interaction between ministry officials and project staff. Each provided the other with useful advice and assistance.
when needed. The project team consulted widely, and collaborated closely, with officials and NGOs on overall strategy, project activities and the materials produced during the project. Finally particular attention was paid to training and supporting journalists so they could learn about the convention and the opportunities it offered them for their work. This also resulted in greater media coverage of the Convention and which in turn informed and encouraged the public to make greater use of the Convention.

Achievements:
Experts from the Regional Environmental Centre, together with national experts have developed comprehensive and interactive Aarhus Convention User Guides for officials at national and local level and also for civil society. The Guides include information, step-by-step procedures, best practice and case studies. Guides were produced at Regional and National Level. The regional publications, ‘Implementing the Aarhus Convention: A User Guide for Civil Society in the Eastern Europe and Caucasus Region’, and ‘Implementing the Aarhus Convention: A User Guide for Officials in the Eastern Europe and Caucasus Region’ are available in Russian and English and can be used as a resource by officials, individuals and organisations in all EECCA countries.

National User Guides were produced in each country in the local language and in Russian. These publications add to the regional guides the specific legislation, procedures and conditions in each country. Both the regional and national Guides provide an interpretation of the provision of the Convention and explain the obligations officials have under the Convention and what rights the Convention gives to the public. They provide some practical tips and examples of how certain provisions of the Convention can be implemented by officials and used by NGOs, communities and other stakeholders. The Guides also contain comprehensive training materials and detailed instructions for the delivery of training on the Aarhus Convention. Some examples of methodologies for public involvement and collaboration between authorities and the public also have been included. The User Guides are available from the Ministries of Environment in each country or via the web at www.rec.org/AarhusConvention

The Guides were the resource materials for training delivered to the National Team Members on how to give training on the Aarhus Convention to officials, NGOs, the media and the public. The Guides were also used as resource material for the delivery of training by the national team members at six training seminars in each country. A total of 195 local officials, 193 national officials and 210 members of civil society received training during the project training seminars. Knowledge and experience gained during the training process were incorporated into the Guides. The Guides and accompanying training materials have been integrated into existing training programmes for officials and civil society. The training materials are being used by institutes for the professional development of Ministry of Environment staff, other educational institutes for Civil Servants, NGO training centres and international training centres. Team members are regularly invited to deliver lectures and training on the Aarhus Convention at different seminars and educational institutions.

During national and local pilot projects, practical tools and procedures were developed to assist in the implementation of the Convention. In each country, the principles of the Aarhus Convention were followed in the actual development and testing of the tools and procedures. Pilot project activities included the dissemination of information, consultations, round tables, seminars and public hearings. The newly developed practical tools include procedures on public participation, a database for the collection and dissemination of environmental information, and regulations for improving access to information. The good practices developed and implemented during the pilot projects are outlined in this publication which will be circulated in English and Russian for use by the officials and civil society throughout the region and in other countries.

An overview of progress towards the implementation of the Aarhus Convention was produced at the start and at the end of the project to give an indication of how things have changed over the ensuing two and a half years. In conjunction with the follow-up overview, assistance was given to the Aarhus Convention Focal Points to complete Implementation Reports to be presented at the 2nd Meeting of the Parties to the Convention to be held in Kazakhstan in May 2005. Many of the results of the project are being included in these implementation reports.

The project has paid a particular attention to the media coverage of Aarhus Convention issues though the work of journalists included on the National Teams. During the project there have been numerous articles and radio and TV programmes on the benefits of access to environmental information and public participation and the methods to use. The project established good national and international networks of officials, NGO representatives and journalists who have supported each other in the implementation of the Aarhus Convention. During the project, the national team members met regularly to share their experience, to learn from each other and to create new and interesting solutions to common problems.

Information on the project and the actual project outcomes can be found at www.rec.org/AarhusConvention
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