Flowing Freely

How to Improve Access to Environmental Information and Enhance Public Participation in Water Management
THE DANUBE REGIONAL PROJECT

The DRP was launched in 2001 as a part of a larger GEF Strategic Partnership for Nutrient Reduction in the Danube and Black Sea. 13 Danube countries, NGOs, the EU and the ICPDR are cooperating to improve the environment of the Danube River Basin, protect its waters and sustainably manage its natural resources. The DRP’s main goal is to strengthen the capacity of the ICPDR and Danube countries to cooperate in implementing the Danube River Protection Convention and EU Water Framework Directive. The key project activities focused on: i) Danube River Basin management; ii) agriculture pollution control through the application of best agricultural practices; iii) industrial and municipal activities, in particular advising on reduction of phosphates use in laundry detergents and assistance to water and wastewater utility managers with decision-making tools for pricing and investments; iv) enhancing public participation through supporting the Danube NGO network - DEF, awareness raising campaigns, a small grants program, capacity building for officials to implement the requirements of the EU WFD and supporting the ICPDR communication activities; v) wetlands restoration and management for nutrient reduction.

THE REGIONAL ENVIRONMENTAL CENTER FOR CENTRAL AND EASTERN EUROPE

The REC was established in 1990 to assist in solving environmental problems in Central and Eastern Europe (CEE) by promoting cooperation among non-governmental organisations, governments, businesses, and by supporting free exchange of information and public participation in environmental decision making. The REC has been involved in Danube-related projects since its inception, and has taken an active role in cooperating with key players to enable NGO and public participation in international initiatives related to the entire basin. The REC, as observer, closely cooperates with the International Commission for the Protection of the Danube River (ICPDR) and the relevant stakeholders, ministries of environment and water management, the Danube Environmental Forum and other key NGOs. It also actively contributes to different ICPDR expert groups. The REC participated in developing the Danube River Basin Strategy for Public Participation in River Basin Management Planning 2003-2009, adopted by the ICPDR in June, 2003. In addition to initiating and implementing the Danube Regional Project’s component 3.4, “Enhancing access to Information and public participation in environmental decision-making” in five Danube countries and a similar pilot project in Hungary and Slovenia in partnership with RFF and NYU, the REC has managed projects to support the implementation of the Aarhus Convention, related EU directives and best practices in public participation in CEE.

NYU SCHOOL OF LAW

NYU School of Law (NYU), a nonprofit academic institution located in New York City, is one of the preeminent law schools in the United States. The first “Global Law School,” NYU attracts top faculty and students from around the world to study and contribute to the development of law that meets the needs of a rapidly globalizing world. The NYU Center on Environmental and Land Use Law enlists NYU faculty and students, as well as outside experts, to provide developing countries and countries in transition to market economies with practical assistance in strengthening and enforcing their environmental and land use laws and policies. In addition to co-developing and co-managing Component 3.4 of the Danube Regional Program, other representative legal assistance projects conducted by the Center have included a five-year program to train and assist Chinese law drafters in their efforts to reform and revise a number of China’s key environmental laws, a multi-year research project for the Rockefeller Foundation to assess the impacts of global trade conflicts over genetically modified crops on policymaking in developing countries, as well as numerous, targeted legal assistance projects for environmental NGOs around the world.

RESOURCES FOR THE FUTURE

RFF is a nonprofit, nonpartisan research organization on environmental, energy, and natural resource issues. Although headquartered in Washington, D.C., RFF works in nations around the world. RFF was founded in 1952 at the recommendation of William Paley, then head of the Columbia Broadcasting System, who had chaired a presidential commission that examined whether the United States was becoming overly dependent on foreign sources of important natural resources and commodities. RFF is operated as a tax-exempt organization under U.S. law, with the financial support of individuals and organizations that see the role research plays in formulating sound public policies. IDEA (International Institutional Development and Environmental Assistance), the RFF Program that co-developed and managed this program to enhance environmental public participation in five Danube-basin countries, helps countries build more effective systems of environmental protection. Other representative IDEA efforts have brought together advocates from throughout Asia to share their varied experiences in shaping a public voice on environmental issues and produced a groundbreaking study examining and critiquing the policy process and changes that led to improvements in air quality in Delhi, the most important being the switch of all commercial vehicles from petrol and diesel to CNG.
Flowing Freely

How to Improve Access to Environmental Information and Enhance Public Participation in Water Management

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This booklet distills the challenges identified and the approaches developed to address them during a 28-month effort to increase public access to environmental information and promote the participation of citizens and nongovernmental organizations (NGOs) in protecting the Danube River and its tributaries. The work was part of a larger effort to reduce pollution from nutrients and toxic substances in five Danube River basin countries: Bosnia and Herzegovina, Bulgaria, Croatia, Romania, and Serbia (at the start of the project, Serbia and Montenegro). The Project focused particularly on supporting public involvement in river basin management planning, as required by the European Union’s Water Framework Directive and the Aarhus Convention.

The booklet begins with some background on the Water Framework Directive and the International Commission for the Protection of the Danube River (ICPDR) as well as the Aarhus Convention. The next sections summarize the national-level work of the Project and the demonstration projects undertaken at the local level. Descriptions of those demonstration projects can be found in boxed text throughout the booklet.

The heart of the booklet is the ten recommendations to improve access to information on water quality and management and enhance public participation in environmental and water-related decision making. This section describes the challenges to public involvement and the effective solutions that participants developed and put into action. We believe that these ten recommendations can help government officials and NGOs at all levels work together with industry and citizens to improve water quality in the Danube River basin and elsewhere.

Discussion of the recommendations with specific ideas for their implementation begins on page 16. Contact information and links to details regarding the Project are on the last page.
The Danube links more than a dozen countries and is the most international river in the world. Most of these countries and the European Union are cooperating under the Danube River Protection Convention, via the ICPDR, to ensure the sustainable and equitable use of the waters and freshwater resources of the Danube and its tributaries.

ICPDR’s goals are to safeguard the Danube’s water resources for future generations, to promote healthy and sustainable river systems, and to achieve water flows that are free from excess nutrients, toxic chemicals, and flood damage. Governments, technical experts, scientists, NGOs, and members of civil society cooperate in ICPDR on achieving the goals.

Communicating with stakeholders is important for the success of integrated river basin management. ICPDR therefore encourages all stakeholder groups with a basin-wide interest to become engaged in its work, including participating as observers at high-level meetings, expert group meetings, or other stakeholder activities. Active cooperation has proven successful in ensuring that different aspects and approaches can shape water management.

Involving the public in decision making on water management plans, in fact, is a requirement of the European Union’s Water Framework Directive (Article 14). Two reasons for an extension of public participation lie behind this requirement. First, EU countries share the belief that measures to achieve environmental objectives will be most effective if the interests of different stakeholders are balanced. Second, public participation promotes enforceability. The more transparent the objectives, measures, and data for environmental quality, the greater the care that countries will take to implement the legislation and the greater the power of their citizens to influence the direction of environmental protection.

Also calling for public access to information and participation in environmental decision making is the Aarhus Convention, which was adopted in 1998 and took effect in 2001. This convention, which has been ratified by the European Union and 39 countries, including most Danube nations, focuses on the relationship between citizens and public authorities as they deal with environmental protection in a democracy. The convention grants rights to citizens and imposes obligations on governments regarding access to environmental information. It takes a rights-based approach, makes a presumption in favor of disclosure of information, and encourages the active release of information by governments as well as responsiveness to citizens’ requests. It also sets out minimum requirements for public involvement in various kinds of environmental decision making.

Government agencies in some Danube River basin countries, however, do not regularly disseminate the information that citizens may need to know, and they lack clear rules or procedures for receiving, processing, and responding to information requests. And although citizens and NGOs express interest in exercising their rights to see water-related environmental information, they often don’t know how to submit their requests appropriately, where to direct their requests, what information they are entitled to, or what to do if their requests are ignored or denied.

NGOs also face a learning curve in communicating effectively with the broader public. For instance, NGOs that are “expert” groups may be unable to present technical issues in lay language and thereby engage fellow citizens. Integrated river basin management presents an opportunity for NGOs to broaden their public outreach, improve their relationships with government agencies, make more productive efforts to get involved in the decision-making process, and make suggestions for the drafting or implementation of legislation.

Better basin management means protecting riparian flora that serves as a natural filter of water pollution.
In 2004, the Regional Environmental Center for Central and Eastern Europe, Resources for the Future (a Washington, D.C., think tank), and New York University School of Law began a project called “Enhancing Access to Information and Public Participation in Environmental Decision-making.” The Project was supported by the Global Environment Facility and the United Nations Development Programme as part of the Danube Regional Project, a 13-country initiative to clean up and protect the Danube River. The partnership worked with public officials and NGOs at the national, regional, and local levels in Bosnia and Herzegovina, Bulgaria, Croatia, Romania, and Serbia. At the national level, it identified the main barriers to public access to information and involvement in environmental decision making, and it helped government officials and NGOs develop tools and strategies for overcoming them.

Major barriers were found:

- Officials had little guidance on how to carry out their responsibilities to provide water-related environmental information or consult with the public on water management issues.
- The lack of centralized databases made it difficult to know where environmental information was located within the government.
- NGOs and citizens did not know their rights to obtain environmental information and participate in water-related decision making, or they did not understand how to exercise these rights.
- Officials were uncertain about what information should be regarded as “confidential” and withheld from disclosure.
- Procedures to involve stakeholders in river basin management planning and consult with the public were inadequate.

To overcome those barriers, project participants studied “good practices”—techniques that have been effective elsewhere—and used them to develop tools and strategies adapted to their own needs and circumstances. Most chose to develop very practical written aids and tools. For government officials, these included manuals and guidelines for ensuring access to information and carrying out public involvement responsibilities: how to provide better access to environmental information, what to do when confidential information is involved, and how to promote the broader involvement of the public. For NGOs and the public, these included brochures and other written guides on how and where to obtain environmental information, how to become engaged in water-related environmental decision making, and what to do when access to information or participation is denied.

Also at the national level, the Project inspired recommendations (including draft language) for changes in legislation, guidelines for handling confidential information, recommendations on stakeholder representation and consultation in river basin committees (the national, regional, or local entities that conduct management planning in some Danube countries), meta-information systems that help environmental officials and the public know which authority holds what information and how to obtain it, and improved websites for better communication with the public. Many of these activities were accompanied by training for officials and NGOs to advance their knowledge and ensure that the written aids would be understood and used.
Five demonstration projects, each lasting 10 to 12 months, were conducted at Danube River “hot spots”—areas identified by ICPDR as having exceptionally high levels of pollution. Supported with very modest funding, these projects proved to be significant learning tools for transferring information and testing ideas, and they yielded substantial results in a short time. Each was developed and conducted by a local NGO, in most cases in partnership with local or regional environmental government offices. Each tested new approaches for access to information or citizen involvement to support the cleanup of the hot spot, on the premise that individuals will become more engaged in problem solving if they have greater awareness about local conditions and possible solutions. The projects were also intended to provide models for other Danube hot-spot communities and to inform parallel initiatives at the national level.

New ideas and ways of approaching problems sometimes seem abstract and hard to pin down. The demonstration projects tested and refined some new ideas in practice, and also tested reform measures to determine whether they might be useful at the national level. Because these local-level projects were closely tied to country-level priority issues and took an iterative approach, each activity reinforced the others.

Often, stakeholders lacked experience in working together and were unsure how to proceed constructively, or they had tried and failed to communicate in the past. The process of collaborating during the demonstration projects—combined with technical assistance and targeted, capacity-building local workshops or trainings—helped them learn how to build bridges and jointly develop effective strategies.
In Bosnia and Herzegovina’s Tuzla Canton, heavy industry has significant impacts on air and water quality and the health of Tuzla residents. The municipalities and other authorities do not have adequate information about the pollutants or know what additional data are needed.

Eko-Zeleni Lukavac, an NGO, sought to ensure that local residents could get the information to which they are entitled under Bosnian law. First came a survey of residents and interviews with government authorities. Citizens said they wanted to receive regular reports and be able to request information, but information storage was not centralized, and the layers of authority in Bosnia and Herzegovina created uncertainty about where to find it. Information that was released was often in technical language or difficult-to-use formats.

The survey and interviews were followed by roundtable discussions and capacity-building meetings to examine the problems and possible solutions. The latter included training authorities on how to deal with citizens’ requests and how to keep them informed regularly.

Project participants created a “plain-language” leaflet to raise general awareness about local water pollution and indicate where citizens could find information and how to ask for it. The leaflet included contact information for authorities at the local, cantonal, and ministry levels, as well as for industrial firms. A sample letter of request was included.

Eko-Zeleni Lukavac then held a workshop to improve authorities’ and firms’ capacity to organize and deliver information. Participants discussed concerns and proposed solutions. Examples of good practice were cited, with emphasis on improving the process of handling information requests and exchanging information among local authorities.

A result of the demonstration project—in a community whose residents had great difficulty sharing information and evaluating options—was to bring in fresh points of view on constructive solutions. This helped prepare the way for a more open management planning process. One measure of success was that the local cement industry offered to host the workshop and, with the municipality, co-sponsor future leaflets to keep the community informed.

**Citizen involvement is the key to reducing pollution problems.**
Local-level demonstration projects

LEGEND

- Danube River Basin
- Danube
- Major Tributaries
- Major Lakes
- National borders

1. Lukavac City, Bosnia and Herzegovina
2. Lovech and Troyan counties, Bulgaria
3. Osijek, Croatia
4. Mures River basin, Romania
5. Bor, Serbia (formerly Serbia and Montenegro)
FLOWING FREELY

LOCAL-LEVEL DEMONSTRATION PROJECTS
BULGARIA
Location: Lovech and Troyan counties
Goal: Test information access, help improve it
NGO: Ecomission 21st Century
Project leader: Nelly Miteva

The Osam River is said to be the most polluted in Bulgaria. Nevertheless, the people of Lovech and Troyan counties know little about how the watershed is managed. Although industry is not the only cause of pollution, one plant that may be a major contributor has operated with an outdated pollution control permit, and the details of a permit for another important plant were not publicly available.

Ecomission 21st Century, an NGO, addressed the problem by testing information access and building awareness to mobilize the local community. Questionnaires and information requests were sent to regional and local institutions in Lovech and Troyan counties. Requests were made for data on water quality and human health, pollution sources, and risks; a copy of an industrial permit of the major polluter; and information on the monitoring and enforcement of the permit requirements. The responses were analyzed, and barriers to accessing water-related information were identified.

The NGO then held a workshop with the major stakeholders to discuss proposals for better information access and participation. More information requests were made to test whether government authorities, whose representatives had been invited to participate in the project, had voluntarily changed their practices. In a second workshop, participants refined proposals for making information more accessible and encouraging other counties in Bulgaria to adopt similar best practices.

The activities were accompanied by a public outreach campaign to get media coverage on water quality and human health issues and the difficulties of accessing information. The outreach was supported with municipal websites, Internet networks, and a brochure for NGOs and citizens that explains how to obtain information (http://www.rec.org/REC/Programs/PublicParticipation/DanubeRiverBasin/project_products/bulg). The proposed changes and best practices for public access to information procedures were sent on CDs to local authorities and other municipalities.

One unexpected result of the project was an order by the Lovech regional governor requiring mayors to define and mark zones where bathing would be allowed, following a request for information about safe swimming.
CROATIA

Location: Osijek

Goal: Enhance public involvement in wastewater management

NGO: Green Osijek Ecological Association

Project leader: Jasmin Sadikovic

In Osijek, Croatia, 500,000 liters of untreated wastewater are pumped into the River Drava every day. In nearby Cepin, the Cepin Oil Factory pumped its wastewater into drainage canals, affecting residents’ agricultural production and drinking water, until the NGO Green Osijek alerted the local and national media and the practice stopped. But current information regarding these issues is locked behind plant doors. Indeed, the region lacks wastewater management, civic transparency, and public participation in environmental decision making.

In its demonstration project, Green Osijek undertook several activities to combat the inaccessibility of environmental information. Stakeholders in Osijek (including institutions, NGOs, factories, and government agencies) were identified and invited to join a “water forum” for the online and in-person exchange of environmental information. Participants wanted an open, informal approach, so the NGO set up Osijek Water Forum as a communication platform to coordinate the flow of information, encourage participatory processes, and support activities that address priority problems. Through the Forum, participants identified priorities: wastewater management, improvement of laws and their implementation, and better internal and external communication on water-related issues. Workshops were then held to help stakeholders learn how to communicate on water issues, organize a public participation process, and become involved in planning Osijek’s new wastewater treatment plant.

A public outreach campaign has raised awareness about pollution problems and possible solutions. A poster, to be developed in cooperation with the town and local water authorities, will be distributed to public institutions, schools, and NGOs. The forum will take advantage of International Water Day to introduce materials on how to conserve water and access water-related information. The news media covered the activities, with the help of a Green Osijek member who is also a journalist. Many stakeholders support continuation of the Water Forum for discussing and developing solutions to local water management issues. Green Osijek has volunteered to continue the coordination of the Forum.
ROMANIA
Location: Mures River basin
Goal: Improve the process for NGO involvement in water management planning
NGO: Focus Eco Center
Project leader: Zoltan Hajdu

The Mures River basin, specifically around the city of Tirgu Mures, is severely polluted from local wastewater, upstream wastewater, hog farms, industrial plants, and agricultural and urban runoff. Because of the pollution, the cost of drinking water in Tirgu Mures, Iernut, and surrounding rural areas is the highest in the country.

Planning at the river basin level is central to Romanian efforts to implement water management planning, in accordance with the EU Water Framework Directive. However, national-level NGOs believe that the process by which representatives of civil society are elected to river basin committees (which play an advisory role in water management planning) needs improvement. Another concern is the lack of communication and interaction between the river basin committees and local communities. The demonstration project considered how to improve public involvement in the water management planning process of the Mures River Basin Committee and worked with local authorities, NGOs, and the public on the challenges of complying with the directive.

Focus Eco Center headed an effort to promote access to information and public participation by building a network of local stakeholders, particularly from the NGO sector, with an interest in water basin management. It developed a list of interested parties and encouraged them to participate in the decision-making processes of the committee.

Recommendations for improvements in the representation of NGOs and citizens on the Mures committee, including a new approach for selecting NGO delegates and examples of good practices used elsewhere, were shared with Romania’s ten other river basin committees. The now-published “Guide on Good Practices for Implementing the EU Water Framework Directive” could provide useful information for similar stakeholder groups involved in water management planning.
SERBIA
Location: Bor, Serbia
Goal: Create a useful and accessible database for information managers and the public
NGO: Association of Young Researchers Bor
Project leader: Toplica Marjanovic

Bor is a mining and industrial center in Eastern Serbia. Industrial discharges and domestic sewage pollute the water and banks of the Bor and Krivelj rivers. The pollution endangers Bor County as well as other river-based communities in Serbia and neighboring Bulgaria, significantly affecting the quality of water in the West Balkans and the Danube basin.

Local stakeholders have shown interest in environmental issues—a local environmental action plan and a district environmental action plan were adopted in recent years—but authorities in Bor lack money, equipment, and data.

The demonstration project in Bor tackled the problems related to the management of environmental and water-related data. Information was stored in different institutions and not shared among them, for example, and there was no standardized system for its storage and management. Officials had insufficient knowledge of the legal procedures to follow when responding to public information requests and were unfamiliar with information technologies.

To improve access to information, raise awareness of wastewater problems, and increase public participation in the resolution of problems, a local NGO, the Association of Young Researchers Bor, invited stakeholders to discuss the current situation and potential solutions at a roundtable meeting, and then published the results.

The NGO next developed a database for information on wastewater and drinking water and provided training in its use. Accessible to all managers of water-related information and to the public, this tool includes information about the Water Framework Directive, the Aarhus Convention, and national environmental legislation, along with mailing lists and discussion forums to increase the flow of water-related information between interested parties.

The NGO also created collection points for gathering, processing, and distributing information (tasks that will be taken over by municipal authorities); conducted a public outreach campaign on water-related issues; and developed an information resource network.

Information and communications technology can help store, process, and deliver the data that citizens need to make intelligent decisions about water management.
Learn from others’ experience

Why reinvent the wheel? Adapting other countries’ tools for increasing access to environmental information and public participation can be a smart strategy.

Research can uncover good practices employed in other countries. Even more effective is direct experience with successful foreign systems. By engaging in study tours, workshops, and other personal encounters with their counterparts in other countries, officials and NGOs can examine the potential applicability of the tools used effectively elsewhere to circumstances at home.

Exchanges are a valuable way to jump-start improvements in access to information and public participation, particularly in countries that have little history of such programs. All countries benefit from these exchanges, which can result in increased public involvement and thus enlarge the constituency for Danube River basin protection in the region generally.

Be careful, however, not to let outsiders determine solutions for local circumstances with which they may be unfamiliar. Legal, cultural, practical, and institutional contexts differ among countries, and foreign good practices likely need to be adapted for the home country.

How to tap the experience of other countries

- Promote and expand direct exchanges of knowledge and experience through workshops, study tours to other countries, meetings of stakeholder forums, and other face-to-face encounters.
- Identify countries that have relevant and effective public involvement programs and requirements and a good record of implementing them in practice.
- Invite foreign counterparts to participate in training

EXAMPLES

Study tours inspire new ideas

Bulgarian officials and NGO experts traveled to the United States (US tour pictured) and the Netherlands on study tours to see effective programs in action. Exposure to good practices, procedures, and criteria for handling confidential information helped them prepare practical guidance and draft recommendations for improving methods of handling confidential information for the Bulgarian Ministry of Environment and Water.

Research on good practices leads to proposed improvements

Assisted by knowledge of how public involvement works in water management in the United States and countries of the European Union, Romanian NGOs identified and recommended constructive options for selecting citizen and NGO representatives for membership on river basin committees. They also found ideas for increasing public input to the committees’ decision making. A report that helped them do this is available at http://www.rec.org/ REC/Programs/PublicParticipation/DanubeRiver-Basin/project_products/rom_selected_prac tices_rbc.pdf.
workshops and share experiences in practical methods for increasing public access to information and public involvement in water-related decision making. These workshops should be conducted in appropriate national languages for officials at national, regional, and local levels.

• In some cases, it may be appropriate to seek outside help and ask foreign colleagues to review and give advice on drafts of government manuals and brochures for citizens and NGOs, in writing by-laws, constructing databases, developing website content, and creating other products

• Study other countries’ official guidelines for handling claims of confidential business information.

• Consider the costs of establishing and maintaining a particular practice, and know what training and human resources will be needed to implement it successfully.

• Assess the viability of options used elsewhere. Adapt good practices used in other countries to the particular circumstances of the home country.

2 Build bridges between information seekers and information providers

NGOs, citizens, and government officials may not always be comfortable working together, but they are necessary partners in solving water quality problems.

Building bridges between those who have the information and those who want it can help increase public involvement in water-related decision making and generate support for protection of valuable water resources. Both sides need to understand the value of this collaboration and recognize that it serves their own interests and goals.

One way to strengthen communication between officials, NGOs, and the public is to engage all stakeholders in collaborative capacity building. This can include a broad range of joint activities: workshops, training sessions, discussion forums, joint efforts to develop databases, and study tours. NGOs can play a vital and constructive role here.

Short-term joint activities can build a foundation for

EXAMPLES

Stakeholders set aside differences and focus on solutions

In Bosnia and Herzegovina, citizens, NGOs, and industrial firms in Lukavac, Tuzla Canton, met to consider the impacts of pollution on their shared interests and look for joint solutions. Previous efforts had been unproductive and confrontational. A local NGO, Eko-Zeleni Lukavac, brought together relevant authorities and stakeholders. Because of the collaborative approach, a local company decided to participate and offered its factory as a meeting site, setting a new, civil tone for discussions.

A “water forum” hosts discussions

Local communication about water quality in Osijek, Croatia, now has an Internet-based platform, the Water Forum. The forum is a virtual place for governmental authorities, NGOs, citizens, and other stakeholders to discuss water issues, including the planned construction of a wastewater treatment plant. Coordinated by an NGO, Green Osijek, this low-cost approach hosts information exchanges through the Internet; participants may hold actual meetings as appropriate. More information is available at www.zeleni-osijek.hr.

Project work in Croatia involved outreach to industrial stakeholders.
future efforts. But to sustain cooperation over the long term, ongoing processes to facilitate communication and collaboration among stakeholders and government officials are essential. Such efforts require steady but modest funding, as the results of the demonstration projects show.

One idea tested by a demonstration project was creating a virtual forum where people could “meet” regularly to discuss water management and planning, pollution control, and other common interests. Collaborative efforts to develop basic water databases also proved to be unifying experiences.

Both short- and longer-term collaborative activities, including forums for dialogue and capacity-building workshops, are needed to increase public involvement in water-related decision making throughout the Danube River basin and should be implemented at the regional, national, and local levels.

How to promote collaboration among stakeholders

• Identify what information the public needs.
• Establish partnerships between NGOs and governmental authorities to set up effective databases and information access systems.
• Test the system by making requests for information and giving feedback to officials about how it is working and where improvements need to be made.
• Inform the public about how and where to obtain environmental information.
• Raise public and youth awareness by disseminating nontechnical information on national and local water pollution problems and their potential solutions.
• Develop rules and procedures that help water authorities consult with the public.
• Hold forums for dialogue between the public, governmental authorities, and other stakeholders on water management issues.
• Encourage consistent participation over time to promote continuity and allow trust to develop.

3 Prepare manuals for government officials

Government officials have many responsibilities and work under severe time constraints. Provide them with written guides that have the answers they need.

Whether called manuals, guides, deskbooks, handbooks, or guidelines, written aids can help relevant government officials at all levels—national, regional, and local—provide public information and engage citizens in water management planning. Such manuals have two functions: informing officials of their responsibilities and informing officials of citizens’ rights.

The manual must be designed and written so that it is actually used, not put on a shelf. A collaborative, open drafting process will let the end users help determine the best, most useful way to present information. It will also engage the stakeholders and build trust and mutual respect.

Simply writing a manual and giving it to government officials will not be effective if the ministry has not used such written guides before. It is necessary to first tap the expertise, experience, and viewpoints of the end users and encourage “buy-in” to the concept of a manual. The manual will have to be introduced into daily practice, and that means providing training in its use.

One common problem is personnel turnover in government offices. An effective manual is one that is well-embedded in the practices of the institution even as officials come and go. New personnel must therefore be trained in its use.

Manuals should be updated based on feedback from users. Feedback can be informal, but actively seeking feedback from manual users is preferable. For example, after the manual has been in use for 6 to 12 months, a questionnaire can be sent to users, asking them what works and what needs to be improved.

Another challenge is keeping the manual current and accommodating changes in law, policy, and evolving good practice. Flexible formats (like three-ring binders) make it simple to substitute or add pages to a manual. Electronic formats, of course, are very easy to update, but whether a web-based manual is appropriate depends on users’ actual level of access to the Internet and familiarity with its use.
How to write a manual for government officials

• Know the target audience: what do the future users want and need?
• Use a collaborative, open drafting process to engage stakeholders and build trust and mutual respect. Start the discussion with an outline. Share first and interim drafts. Call meetings to discuss the manual and include stakeholders in communications between meetings. Hire a professional to facilitate the meetings, whenever feasible, to help create a positive atmosphere and ensure a productive outcome.

• Engage the government officials who will be responsible for handling information requests and ask them to contribute to and comment on the drafts.
• Consult within the agency and among agencies to get official support for the manual. Obtain high-level commitment, such as official letters of endorsement that can be used when the manual is completed.
• Ensure that the manual correctly states the rights of citizens to obtain environmental information and participate in environmental decision making, as well as the legal responsibilities of government officials; the manual should provide unbiased guidance on interpreting legal requirements.
• Make the manual concise, practical, and easy to follow. Use the local language.
• Illustrate the manual with concrete examples of both good practices to follow and bad practices to avoid. Use country experience (where it exists) or create realistic hypothetical examples (where it does not). If the best practices of other countries are cited, convey the context in which they are used and assess how transferable they are.
• Include flowcharts, lists, boxes, schemes, and other graphic design elements if they aid comprehension.
• Prepare a dissemination plan to ensure distribution to all officials who need it.
• Coordinate the issuance of the manual with the timetables and legal requirements of the Water Framework Directive and other relevant international agreements and national laws.
• Hold workshops to introduce the manual and train government personnel in using it.
• Make the manual available on the ministry’s website so that it is publicly available and the procedures are transparent.
• Make sure the manual is transferred to new employees. Provide copies and training as part of new employee orientation.
• Reserve copies for the library of the ministry or agency.

EXAMPLE

Government ministers endorse manuals

In Serbia, the Manual for Authorities on Access to Information on Environmental and Water Issues was recommended for use by the Director of the Water Directorate, Ministry of Agriculture, Forestry and Water Management, and was presented and distributed through the directorate’s website. The manual and the endorsement are available at http://www.minpolj.sr.gov.yu/images/materiali/Priручник за представнике javne vlasti.pdf.

In Romania, the Manual for Authorities on Environmental and Water-related Access to Information and Public Participation in Decision-making with Focus on EU WFD has been published with the logo of the ministry and disseminated to water and environmental authorities by the State Secretary of the Ministry of Environment and Sustainable Development with a recommendation that it be used.
Explain the procedures to the public

Asking government authorities for environmental information is not a familiar practice for most members of the public; they welcome practical tools that show them how to exercise their rights.

These aids will be most helpful if they are tailored to the targeted users: the general public or NGOs, but sometimes both. NGOs tend to be more organized and educated on the issues than the general public, so these different audiences may have different needs.

Some individuals and NGOs know they have a right to obtain information but need more specific assistance. Whether it is a simple brochure or a more extensive citizens’ “toolkit” or NGO website, the goal is to provide a clear, easy-to-follow roadmap to information dispersed among various authorities at various levels of government. The brochure should tell NGOs and citizens what information can be found at which agency, help them formulate requests for information, provide contact information, and say what to do if the request is denied or ignored. It should also indicate how they can participate in water management planning.

Traditions of informal access to information—for example, asking someone you know who works in the government—might work for some people but in practice undermine official regimes for public access to information. Brochures, toolkits, and other written information can encourage use of the new, legitimate system and help citizens and NGOs become informed consumers and users of information. Two important goals are served: good brochures make it easier for government to serve the needs of the public, and they help citizens understand better how they can participate in future decision making.

Because the tools facilitate use of the information and participation system and test how it is functioning, they pave the way for more and better public access in the future. The tools can also make the authorities’ jobs easier by helping citizens prepare requests that are clear, specific, and sent to the appropriate place.

NGOs that want to prepare citizen tools should consider what language is most useful for the public and most productive in dealing with the government. Tone is important. Even when NGOs and governments have good relationships, there are still sensitivities to consider, especially when drafting brochures that encourage citizens’ requests and participation.

A major challenge in preparing and disseminating brochures is cost. Even with a generous budget, the number of brochures printed may be insufficient to meet the demand, and the inexpensive alternative, a web-based tool, may not be appropriate if ordinary citizens lack regular or affordable access to the Internet.

How to prepare a brochure for citizens or NGOs

- Test the current system by making specific requests to governmental authorities, then use the results to help stakeholders and others identify potential improvements.
- Make sure the brochure will be appropriate for the targeted users. Collaborate with them in a series of meetings—not just one—and identify barriers to information access and public participation and the content of the brochure. Use a professional facilitator to keep meetings positive and productive.
- Between meetings, communicate with future users and ask for feedback in an open process that builds trust and mutual respect.
- Include all the necessary information in the brochure: citizens’ rights to information, where to send a request, what language is best to use, how to appeal denials, when and how to participate in future decision making. Provide model requests.
- Use respectful language and a neutral tone, even when identifying problems in the system. The brochure should build the public’s trust in government authorities and the government’s comfort in working with NGOs and citizens. At the same time, whatever problems exist, do not dissuade the public from seeking information or participating.
- Give drafts to officials and ask them to comment on content and tone.
- Don’t attempt to make the brochure serve every need. No brochure can answer every question; highly specific guidance on appeals procedures, for example, may not be appropriate.
Use the contact lists of NGOs and NGO networks as well as other lists of interested persons, and where feasible and appropriate provide both hard and electronic copies to all relevant government agencies and public information services to ensure the widest possible public dissemination. Keep the brochure up-to-date so that it reflects changes in law, policy, good practice, frequently asked questions, and feedback from users. A web-based brochure is ideal but only if most citizens have access to the Internet and are comfortable using online material.

If resources are available, supplement the brochure with information centers and “green phones” to help answer citizens’ questions and resolve problems. Such centers are in the government’s best interest if they promote clear, specific, well-directed requests for information and appropriate participation in decision making.

5 Centralize information storage

Governments benefit from basic inventories of water-related data in their possession, and the public needs to know where this information can be found within the agencies.

Environmental information relating to water is generally dispersed among many ministries and government offices at the federal, state, entity, regional, and local levels. As a result, citizens have great difficulty determining where to direct a request and what information is available.

A critical first step in resolving this problem is to develop a system that identifies where the information can be found. As important end users of the information, NGOs, in collaboration with government authorities, can help develop a system that gathers and organizes the

EXAMPLES

A “green” phone and brochure help Croatians

Association Franjo Kostec, an NGO, prepared a brochure that tells Croatians how to get water-related information at environmental and water agencies, with addresses and websites. The brochure offers tips for gaining access to information and becoming involved. It also directs citizens to a “green” phone operated by the NGO Green Action. They can call this number if they need assistance in getting information or finding ways to participate. The brochure is available at ww.rec.org/REC/Programs/PublicParticipation/DanubeRiverBasin/project_products/croatia_brochure_for_ngos.pdf.

Bulgarians test the system

Efforts by the NGO Ecomission 21st Century to engage Bulgarian citizens and NGOs in submitting information requests to local, regional, and national authorities not only improved the skills of local communities in seeking and obtaining information, but also tested what kind of water management information was being withheld as confidential. The results helped the NGO propose improvements in national legislation and practice. More information is available at http://www.bluelink.net/water/public/.

Romanian NGOs produce a toolkit

information, particularly by identifying what information the public needs.

Some countries have legal requirements for the creation of integrated environmental databases. When implemented, these can help ensure that information is shared among the agencies that hold it—and that if an agency receives a misdirected request, staff can easily forward it to the appropriate agency.

How to develop a centralized data system

• Identify the key offices and people with water-related information. This may require considerable effort.

• If possible, construct an electronic system that coordinates, links, or integrates multiple sources of data and information.

• To encourage agencies to participate, emphasize the value of sharing data. Even officials who might have reservations about releasing their data can see that having access to additional information can enhance the value of their own data and help avoid overlaps.

• Bring the different information holders together to discuss how best to share and integrate their data, and include future users who can help the officials understand how the data system will be used in practice by members of the public and NGOs seeking water-related environmental information.

Develop clear procedures for protecting confidential information

Industry must be confident that governments will not endanger their competitive position by disclosing legitimate business secrets.

Lack of clarity about what information should be regarded as confidential is one reason why data are often withheld from disclosure. Governments should establish clear rules on what is confidential—and what is not—so that officials do not mistakenly deny requests for information or provide only partial responses.

Inevitably, some business information will fall in a “gray” area and be neither clearly confidential nor clearly public. It is critical to provide some means to resolve such ambiguity. One method is ombudsman offices, which are established by parliaments to represent the interests of the public by investigating citizens’ complaints of improper government actions and clarifying legal ambiguities. Although their decisions are usually not legally binding, ombudsmen are respected for their neutrality, expertise, and reasoned opinions, which are always made publicly available. Their judgments are generally accepted, and courts can also review especially difficult issues.

Setting up procedures to review and grant or deny requests for potentially confidential information requires thought about both content and process. Depending on the complexity of the issues, high-level administrators may need to become involved.
How to manage confidentiality claims

- Consult with both the public and business when setting criteria for confidentiality but be clear that the government agency holding the information has the authority—and the responsibility—to make the final decision (subject, where applicable, to court review).
- Use a public interest test to balance the need for confidentiality against the value of providing public access. This approach is used successfully in the United States and within the European Union.
- Clearly articulate criteria for confidentiality and make them public.
- Require authorities to notify business when potentially confidential information is requested.
- Require business to substantiate claims of confidentiality for specific documents within a set time.
- Require authorities to release requested information if business fails to substantiate claims of confidentiality.
- Ensure that legal assistance and advice will be available when needed to government officials tasked with responding to requests.
- Require authorities to provide adequate explanation when refusing information requests on the grounds of confidentiality.
- Provide mechanisms for challenging and reviewing decisions.

EXAMPLE

Bulgaria considers a “public interest test” approach

In the Lovech-Troyan area, Ecomission 21st Century, an NGO, built on a previous effort to identify gaps in legislation and practice and conducted several rounds of test requests for information. Analysis of the results helped form the basis for recommended procedures for handling business confidentiality. Recommendations include implementing a public interest test and supplementing the current rulebook of the Ministry of Environment and Water.

7 Use and maintain electronic tools where appropriate

Electronic access can simplify information access for the public and make easier the job of government officials responsible for providing information.

Some countries have already constructed electronic systems that coordinate multiple sources of data and information; others have not. No electronic approach can be established until the government has identified what information is available where. But ultimately, it will be convenient for all stakeholders if information requests can be submitted and answered online.

Developers of these systems should anticipate and resolve multiple practical impediments. Websites and computer databases require constant maintenance and updating, which in turn require skills and expertise. However, municipal offices are often staffed by people who lack the necessary skills—or don’t even have computers. Because resources are limited, in some cases business may subsidize the cost of establishing and maintaining a...

EXAMPLE

River basin authorities coordinate websites

Authorities in Bulgaria conducted a needs assessment with representatives of the Danube River Basin Directorate and other organizations and developed a common approach for their websites. The goal was to make the sites more functional and offer comparable information in similar formats. The revised websites now explain procedures for requesting information, provide hyperlinks to other websites with environmental data, offer environmental information, and include a form for requesting information plus frequently asked questions (FAQs). A manual was prepared for webpage managers. See two of these websites at http://www.dunavbd.org/index.php?x=46 (Danube River Basin Directorate) and http://www.lovech.bg/Read.php?id=537 (Lovech County).
website in return for a hyperlink, but government websites under these arrangements must maintain their independence and neutrality.

**How to set up electronic systems for providing information**

- Start by identifying the offices and people with information.
- Assess the needs of target users and define the content of the information system or website with their help.
- Develop an easy-to-navigate design that either provides the information or links to the site where it is stored. Hyperlinks to other sites will maximize the information flow.
- Offer contact information for the government staffers who handle specific issues, as well as the website addresses of their ministries.
- Write text that is brief and easy to use and understand.
- Promote the website to potential users.
- Ask users for feedback and facilitate comment. Periodic improvements to the website will be necessary.
- Provide ongoing training to website managers.
- Be realistic about what can be accomplished and recognize that some of the information the public wants might not yet be collected by the government. By the same token, identifying gaps in the system can be an important first step toward ensuring that they are filled in the future.

**Involve the broad public at all stages**

*Effective public participation involves engaging the extended public, not just NGOs and groups already organized around environmental and water issues.*

Participatory processes are essential for carrying out national activities and demonstration projects and critical to developing the sense of ownership, accomplishment, and satisfaction necessary to build a foundation for future efforts to clean up and protect water resources.

No one sector can solve environmental problems alone. Although it is sometimes difficult to get people with diverse backgrounds and points of view to communicate and cooperate, working together helps break down the obstacles to providing access to information and encouraging public participation. More effective approaches can then be devised. Initiating dialogue takes hard work because of resistance from all sides, including reluctant authorities and hesitant stakeholders.

Authorities do not always take seriously comments coming from stakeholders who lack technical knowledge or are not experts. The public has considerable knowledge and power, and can be a galvanizing force. Subtle, tactful, and careful work is necessary to help authorities recognize the value of public input and participation to their work, as well as to shape ideas from NGOs and citizens into viable contributions.

**How to make public participation efficient and effective**

- Make the additional effort to engage the citizenry because it will provide long-term benefits.
- Recognize that citizens may have important local knowledge to contribute to environmental problem solving but may need encouragement and advice on how to communicate it so that it is timely and relevant to the decision-making process.
- Find ways to communicate with children and youth. Not only will they be the caretakers of the future, they help extend the reach of current environmental information by relaying the messages to their families, schools, and communities. Studies show that high school students have much higher environmental awareness if they were involved in environmental education activities in primary school.
- When designing activities for youth and children, involve them in the planning.
- Engage youth in technical activities such as biological monitoring. Funds for training and supervising them will be necessary.
- Take advantage even of unfortunate events: oil spills or accidental exposures to hazardous materials can become opportunities for learning, awareness raising, dialogue, and problem solving.
EXAMPLES

Ministry introduces schoolchildren to water pollution issues

In Romania, the Ministry of Environment and Sustainable Development developed appealing materials on the Danube and water pollution geared specifically to primary school children. With lively illustrations (some by children), they introduce the issues in ways that relate to children’s own experience. More information is available at http://www.mmediu.ro/ape/coltul_copilor.htm.

[ a child’s illustration from the Directi Managementul Resurselor de Apa booklet of June 2005 entitled “APA: O Poveste Fara Sfarsit.” ]

Publications spark radio and TV coverage

The Association of Young Researchers, an NGO in Bor, Serbia, produced a leaflet and a special edition of its bulletin, Ekabor, that examined the causes of local water pollution, described monitoring needs, and explored ways to control the pollution. The publications were distributed to participants of the local roundtable, the media, and citizens in hard copies and through the organization’s website. In addition, the NGO produced or participated in local radio and television programs about local water pollution problems. Details are available at www.etos.co.yu.

Radio program emphasizes collaboration

A radio program in Bulgaria about access to environmental information demonstrated constructive collaboration by including an NGO representative, the head of the Information Center of the municipality of Lovech (whose office provides environmental and water-related information), and the legal adviser of the Danube River Basin Directorate. The program included a roundtable discussion that highlighted the problems and best practices of providing access to information about water issues.

Kindling their interest now will help secure their involvement in the future.
• To broaden the circle of citizens engaged in environmental protection activities, frame the issues in ways that are relevant to the community. How does water quality affect the lives of local residents and their children? What can they realistically do about it?

• Find common ground and common interest and show the benefits of cooperation.

• Establish good relations with the news media and build partnerships for publicizing the right to information and its uses in controlling local water pollution. Campaigns to raise awareness about local water pollution, access to environmental information, and public participation can be conveyed in news articles and spots in local or national broadcast media.

• Stage events to engage the broader public, such as:
  - celebration of Danube Day (29 June, www.icpdr.org/icpdr-pages/danube_day.htm),
  - Danube Box (an education toolkit),
  - Generation Blue (Austria’s youth water program, www.aqa.at/projekte/generationblue),
  - the Austrian water prize “Neptun,” a “children’s corner” on websites,
  - World Water Monitoring Day (18 October, www.worldwatermonitoringday.org),
  - green schools and workshops,
  - national and international school networks, and
  - educational materials produced by ministries.

• Time local events to coincide with larger-scale efforts to magnify the audience and impact.

9 Make the most of opportunities to participate

Cooperation between government and NGOs in river basin committees requires willing parties and some funding; transboundary efforts face special challenges.

River basin committees are one way to increase public participation opportunities for the public and NGOs. Developing a successful process in one river basin may have spillover benefits if the effort becomes a model for others.
Government support can enhance the deliberations and outcomes of river basin committees. It will be impossible to involve everybody, but the more inclusive and representative these groups and the more expertise and knowledge they acquire, the more influence they can have on decision making. For maximum impact, NGO stakeholders should take the initiative, organize themselves, delegate representatives to serve on advisory or consultative committees, and prepare proposals.

Transboundary water management presents special challenges for public participation. Because many rivers and river basins are international, productive efforts to solve environmental problems require careful attention to commonalities and differences on both sides of the border. Cultural differences between countries can affect the work of committees dealing with transboundary river issues. Parallel public participation processes must be harmonized and run in several countries simultaneously.

How to take full advantage of committee efforts

- **To finance public participation in river basin management and planning, seek provincial or state funding (e.g., German Länder provide resources from the state budget) or contributions from local authorities.**
- **Involve people early in the process. The upfront investment of time and resources will be most efficient for governmental authorities.**
- **Consider using existing associations of stakeholders, including NGOs, rather than trying to create a wholly new public participation process.**
- **Reinforce good decision making and democratic values with transparent processes.**
- **Ensure broad representation on the committee by using a fair election or selection process that is transparent and sensitive to stakeholders’ interests.**
- **Determine the roles and responsibilities of committees that serve an advisory function: offering comments, providing access to information, giving feedback, disseminating links to and from the public, and incorporating informal input into decision making.**
- **Maximize the results from public participation by**
preparing agendas and minutes, water management data and maps, and copies of plans and proposals pending before the committee. Make these documents publicly available in a timely fashion.

- Increase the expertise and knowledge of committee members through workshops that prepare participants to understand both technical issues and methods of constructive engagement (as has been done by the Green League in Berlin).

- In transboundary management, take into account differences in communication, timing, and process dynamics that emerge from different national traditions, languages, legal systems, and styles.

- Harmonize international approaches and standards by using tools such as memoranda of understanding to clarify expectations between the various parties.

Even though communities have a natural interest in water quality, the public’s hard-won right to be involved in decisions involving the river can easily be eroded.

Experience around the world shows that advances in information access and public participation can be eroded. Keeping these rights requires diligence.

Ongoing local, regional, and international efforts are necessary to maintain the gains in providing access to information and expanding public involvement in water quality management.

How to keep the process alive and growing

- Engage a widening circle of citizens and sustain dialogue with other stakeholders.

10 Safeguard public participation rights to prevent their erosion.
• Use tools such as websites, listservs, and other electronic forums to exchange experience, discuss issues, and develop joint actions.

• Build constituencies for sustained efforts by appealing to the self-interest of each of the stakeholders.

• Maintain contacts with people who participated productively in joint activities to keep them involved.

• Connect with motivated constituencies, such as farmers and “water communities.”

• Leverage good project products into additional funding; search for opportunities.

• Publish project results and emerging ideas so that they are shared more broadly.

• Hold forums to exchange ideas and ask questions.

• Arrange exchanges so that stakeholders can share their experience and learn from one another.

• Continue international exchanges and study tours with colleagues and counterparts from other countries.

• Harmonize efforts with the activities of the Public Participation Expert Group of ICPDR and participate and contribute to Danube-wide or sub-basin initiatives, including the ICPDR expert groups, stakeholder meetings, and planning processes.

• Explore opportunities to act together on an ongoing basis (“twinning”) with communities facing similar challenges, either in the same country or elsewhere.

EXAMPLE

**Hard work is rewarded with funds for more activities**

After a pilot project to increase public access to environmental information, participants in Slovenia applied for and received a grant from the British Embassy in Ljubljana in 2001 to continue their activities. With this support, they established an interactive, electronic public participation forum, conducted three workshops to develop a handbook on implementing the Aarhus Convention, and held five training sessions on how to participate. More information is available at [http://www.rec.org/REC/Databases/Funders/Default.html](http://www.rec.org/REC/Databases/Funders/Default.html).
Significant results were achieved in the Danube River basin countries in which the Project was carried out. Government officials at the national, regional, and local levels improved their capacity to provide better public access to water-related information and to facilitate greater public involvement in management planning. NGOs and citizens became more skillful in obtaining the information they need to participate and understand better how management decisions directly affect them. The demonstration projects gave participants opportunities to test methods to improve information access and public participation.

Equally important, the Project built new bridges between government officials, NGOs, and other stakeholders and demonstrated—in some cases for the first time—the effectiveness and importance of working together to solve water pollution problems. Finally, through the demonstration projects, the Project showed how even with modest resources and limited time, innovative collaborations among stakeholders can help overcome substantial barriers to information access and more fully engage the public in efforts to address pollution hot spots in the community.

There is good reason to believe that these results will help ensure the long-term sustainability of gains to reduce nutrient and toxic pollution of the Danube River. The health of the river and those who rely on it will depend on the efforts that all stakeholders undertake to maintain and increase public involvement into the future.
PUBLIC INVOLVEMENT INFORMATION
For more about public involvement in environmental protection and water management planning, see these websites:


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PROJECT PRODUCTS
All the products of the Project, including detailed reports on the demonstration projects, are at:
http://www.rec.org/REC/Programs/PublicParticipation/DanubeRiverBasin/project_products/default.html.

In addition, country-specific documentation can be found on the websites of the REC country offices:

Bosnia and Herzegovina: www.rec.org.ba

Bulgaria: www.rec.bg

Croatia: www.rec-croatia.hr

Romania: www.recromania.ro

Serbia: www.recyu.org

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NATIONAL MINISTRIES
For more information on domestic implementation of the Water Framework Directive, water management and related public participation issues, see these websites:

Bosnia and Herzegovina
Ministry of Foreign Affairs and Economic Relations: www.mvteo.gov.ba

Bulgaria
Ministry of Environment and Waters. Water Directorate: www.moew.gov.ba

Croatia
Ministry of Agriculture, Forestry and Water Management, Department of Water Management: www.mps.hr

Romania
Ministry of Environment and Sustainable Development, Water Department: www.mmediu.ro/ape/ape.htm

Republic of Serbia
Ministry of Agriculture, Forestry and Water Management, Water Department: www.minpolj.sr.gov.yu