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ÆEnvironment for Europe@  
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**PROGRESS IN THE IMPLEMENTATION OF THE ECE GUIDELINES  
ON PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING**

Report by the ECE secretariat<sup>1</sup>

***Introduction***

The Third Ministerial Conference ÆEnvironment for Europe@ (Sofia, Bulgaria, 1995) endorsed the *ECE Guidelines on Access to Environmental Information and Public Participation in Environmental Decision-making* (ECE/CEP/24/Rev.1) and invited ECE to review their implementation and to report to the next Ministerial Conference. The Ministers furthermore requested the ECE Committee on Environmental Policy to consider drawing up a regional convention on public participation with the involvement of non-governmental organizations (NGOs).

In January 1996, the ECE Committee on Environmental Policy established the Ad Hoc Working Group for the preparation of a draft convention on access to information, public participation in decision-making and access to justice in environmental matters. The draft convention is submitted to the Århus Conference for adoption and signature (ECE/CEP/43).

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<sup>1</sup> prepared in cooperation with the Regional Environmental Center (REC) for Central and Eastern Europe and the European Environmental Bureau.

In May 1997, the Committee agreed that the ECE Guidelines-implementation would be reviewed in cooperation with environmental NGOs and the Regional Environmental Center (REC). The Committee's Bureau subsequently adopted the practical arrangements made by the ECE secretariat for this purpose.

In their preparations for a NGO session during the Århus Ministerial Conference in June 1998, REC, the European Environmental Bureau (EEB) and a group of NGOs from the newly independent States (NIS), led by Ecopravo-Lviv (Ukraine), assessed the overall situation of public participation in environmental decision-making in:

- Eleven west European countries- Austria, Denmark, Germany, Greece, Ireland, Netherlands, Norway, Portugal, Spain, Switzerland and the United Kingdom;
- 15 central and east European countries (CEEC) - Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia, and Yugoslavia;
- 5 NIS - Armenia, Belarus, Republic of Moldova, Russian Federation and Ukraine.

Country rapporteurs were selected by the above-mentioned partners within national NGO communities taking account of the professional expertise of individual authors. For the purpose of contributing to the review of the ECE Guidelines-implementation, specific questions were included in a questionnaire for country rapporteurs. To ensure that the information in country reports, particularly information relating to the national implementation of the Guidelines, was complete and factually correct, the ECE secretariat in April 1998 invited the Heads of Delegation to the Committee to check the draft reports on their countries and to provide rapporteurs with comments and possible additional information.

Sub-regional reports on the Guidelines-implementation in all three subregions were subsequently prepared by REC and EEB following an outline drafted by the ECE secretariat and REC. These reports laid the basis for the present regional review.

The paper does not attempt to present a comprehensive assessment of the national implementation of each provision of the Guidelines. It focuses on key elements grouped as follows:

- National strategies for the implementation of the Guidelines;
- General regulatory and institutional framework;
- Access to environmental information;
- Public participation;
- Administrative and judicial proceedings.

When there are significant divergences, the results are presented by subregion. Furthermore, as only a limited number of western countries and NIS have been covered by the assessment, the results

presented here may not necessarily be representative of other countries in the respective subregions.  
Account should

also be taken of the fact that country information leading to the evaluation results may not be complete.

Notwithstanding the limitations of the present review, it is expected to facilitate the discussion on public participation issues at the Århus Ministerial Conference and to serve as useful baseline when developing actions for the promotion of the convention on access to information, public participation in decision-making and access to justice in environmental matters, once the convention has been adopted and signed at Århus.

### **I. National strategies for the implementation of the Guidelines**

*States were encouraged to develop, through a broad consultative process, strategies to implement the Guidelines, and to promote regular monitoring of their implementation.*

A number of initiatives were taken in ECE countries to implement the Guidelines. Examples include the dissemination of copies of the trilingual (English, French and Russian) ECE publication of the Guidelines among governmental officials and national NGOs, their publication and dissemination in national languages, the adoption of specific action plans, the creation of particular administrative structures, the organization of round tables on the Guidelines, and the preparation of national evaluation reports on the Guidelines.

To give *visibility* to and raise *awareness of the Guidelines*, the Ministry of the Environment and Regional Planning of Slovenia translated and published the Guidelines in its newsletter in 1996. In the same year, the Guidelines were presented in detail in the bulletin of the Czech Ministry of the Environment. EEB published a booklet on the Guidelines in English and French and distributed it among its NGO members. In Albania, Estonia, Lithuania and the Republic of Moldova, NGOs translated and distributed the Guidelines, under a REC project, among national NGO communities, governmental officials and members of Parliament. In many ECE countries, however, the Guidelines seem to remain unknown to governmental officials and the general public.

There are examples of *direct actions* taken in ECE countries to implement the Guidelines as a whole or to apply specific provisions only. The former Yugoslav Republic of Macedonia is the only ECE country where the Government (the Ministry for Urban Planning, Construction and Environment) issued a formal statement on the Guidelines with a brief action plan. In Armenia, the Ministry of Nature and Environmental Protection established a Public Relations Department. In the Russian Federation, the Federal Environmental Information Agency was established and the State Committee on Environmental Protection prepared, in cooperation with NGOs, draft guidelines on public participation in environmental impact assessment (EIA) and in State environmental expertise. In Poland, a national report is under preparation on the ÅEnvironment for Europe® process, which will also assess the Guidelines= implementation.

A number of governmental *actions in line with the Guidelines provisions* were taken in CEEC and NIS. These actions are not necessarily linked to the Guidelines themselves and result from the general processes of democratization and improving environmental legislation and management. In Albania, a government decree on access to information was approved in January 1998 and changes were made to regulations, administrative procedures and practices of providing information. In the Czech Republic and Slovakia acts on the access to environmental information were adopted in 1998. A similar act is under preparation in Latvia. In Poland, a detailed chapter on access to environmental information has been included in a draft general environmental act.

Some initiatives were launched by Governments *in cooperation with NGOs*. In the Republic of Moldova, NGOs participated actively in drafting a law on public associations. The law, which was adopted by Parliament in May 1996, introduced the right for citizens= groups to have court standing on issues affecting the protection of public interests. In Poland, a joint project of the Ministry of Environmental Protection, Natural Resources and Forestry and a group of environmental NGOs, which was carried out with financial support from the Ministry, resulted, in particular, in an implementation plan aimed at facilitating access by NGOs to environmental information on policy and law-making, and their participation in certain decision-making processes. Similar initiatives have been undertaken in Romania and Slovakia. Under a REC project, round tables, with the participation of governmental officials, members of parliament, scientists and the general public, were organized in CEEC and NIS in November 1997 - February 1998 to discuss the ECE draft convention on public participation.

Furthermore, some NGOs used the Guidelines as an important intergovernmental baseline document for lobbying for improving legislation and practice. That was the case of a round table organized in Armenia by the Environmental Public Advocacy Centre, and of several workshops organized in Bulgaria by ABorrowed Nature@NGO to discuss the implementation of the Guidelines. Another Bulgarian NGO, Demetros, took the lead among a group of NGOs to create procedural rules for submitting environmental information and for citizens= requests for such information. NGOs in some countries prepared evaluation reports on the Guidelines= implementation. The most comprehensive NGO evaluation has been prepared in the Czech Republic. The Environmental NGO Coalition (EcoForum) took several actions at the pan-European level to popularize and help to implement the Guidelines. It actively used the Guidelines in the negotiations on the ECE draft convention on public participation.

## **II. General regulatory and institutional framework**

*States should establish a clear regulatory framework providing procedural and institutional guarantees and proper enforcement programmes, set up organizational structures, and*