

**Name of Exercise:** Preparation of National Environment and Health Action Plan (NEHAP)

**Location:** Kharkiv, Artemivsk, Lviv, Odessa and Kiev, Ukraine

**Participation Exercise under which Article?** Article 7

**Purpose of Participation Exercise:**

*To provide public consultation in preparation of the NEHAP for Ukraine.*

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**Background:**

In an unprecedented event in Ukraine in December 1998, the public participated in a National Governmental Action Plan before adoption by the Government. Due to the action by a group of NGOs (led by MAMA-86), the NEHAP is the first plan of its kind in Ukraine to be subject to public consultation at the drafting stage. The NEHAP National Co-ordinator requested MAMA-86 to draft a paper on Public Participation in NEHAP. MAMA-86 was a well-known NGO working on health and environment issues (the name is based on "Chernobyl mothers"), and was selected after direct discussions about the scope of the plan.

**Participation Techniques Used:**

Based on the request to participate, MAMA-86 raised funds with the assistance of UNED-UK, its long-term international NGO partner, to conduct a wider public consultation throughout Ukraine. Collection of opinions from environment and health NGOs, scientists, interested citizens, business representatives and officials was used as a method for public consultation. UNED-UK prepared questionnaires relating to each chapter of the draft plan in order to facilitate the collection of comments.

Secondly, MAMA-86 set-up a Co-ordination Council with the task of organising seminars and discussions of the draft NEHAP in the different regions of Ukraine. The Council consisted of five NGOs (Ecopravo network (Kharkiv, Lviv and Kyiv), Eco-Cultural Centre Bahmat, and MAMA-86-Odessa) selected by MAMA-86 on the basis of their long-term experience in access to information, public advocacy and their "positive attitude to the partnership." Council Consultations were announced in the national and regional newspapers acknowledging that anyone could participate. Further, MAMA-86 invited Ukrainian experts to facilitate discussions during consultation seminars and to process the comments received from participants.

**Who participated?**

About 600 organisations and individuals representing different sectors in society, including environmental groups, women's groups, NGOs promoting health and social protection, researchers, business people and government representatives. Five seminars were held in January and February 1999 with 340 of those who expressed an interest to participate. The seminars covered different regions of the country and took place in the towns of Kharkiv and Artemivsk in Eastern Ukraine, Lviv in Western Ukraine, Odessa in the South and the capital Kyiv. It can be concluded that a wide range of people affected by the decision took part in the process of drafting the document.

**Stage(s) at which public participated in the process:**

MAMA-86 first got involved in the NEHAP preparation in 1998. The initiative for public participation came from MAMA-86, which means that the participation process was initiated by an NGO. This ensured that the public was involved at a very early stage, which at the time was unprecedented for Ukraine.

**What information was made available?**

The topics chosen for consultation consisted of the information relating to food safety, radiation safety, energy, air pollution, provision of information to the population, environmental health education, water pollution and health and waste issues, contained in the national draft plan (140 pages), copies of which were distributed to all the interested parties free of charge.

**What was the outcome of the public participation exercise?**

As a result of these joint efforts, more than 700 comments and proposals were collected over 3 months. The leading experts who facilitated discussions prepared new drafts of their chapters summarising and

incorporating the comments collected from the consultations. These new draft chapters were submitted to the National Co-ordinator of the NEHAP.

The consultation inspired most of the people who were involved in it, and has helped to spread the view that public participation is not just an additional burden to policy-makers, but is an essential and effective tool for development.

The most exciting result of this project has been the response of local groups in a number of cities and towns in the regions where public consultations took place. Activists from Eastern, Western, and Southern Ukraine reported that they have started a dialogue with their local authorities on the preparation of Regional and Local Action Plans on Environmental Health (LEHAPs). In a country where Local Agenda 21 and other initiatives for public involvement in decision-making for local sustainability have not so far caught the public's imagination, LEHAPs promise to be an effective tool for encouraging local partnerships, dialogue and co-operation on these important issues.

The NEHAP has not been adopted yet. It has been submitted twice to the Cabinet of Ministers of Ukraine, and a fifth draft was rejected due to an administrative reform in the Ukrainian government. According to MAMA-86, the NEHAP has suffered from being very innovative, following European guidelines, and therefore has not been well defended by the National Coordinator in higher level approval processes. On the request of MAMA-86 the National Coordinator has produced a letter explaining the status of the NEHAP, which has been distributed to the participants of the consultations, together with the report on the public consultations and a request from MAMA-86 to support the lobbying campaign for adoption of the NEHAP. At the time of writing, MAMA-86 was preparing an intensive lobbying campaign and had reportedly received the support of the Ministry for the Environment and Natural Resources Protection, and the Verkhovna Rada Committee for Environmental Policy, in addition to NGOs.

#### **Comments of participants in the process:**

There were 708 comments and additions made during the entire consultation process. Most comments were directly linked to specific chapters in the official draft NEHAP. 119 were submitted to "Information, education and Public participation" division, 89 were submitted to "Energy", 115 to "Nuclear safety", 120 to "Food products", 101 to "Air", 39 to "Wastes" and 125 to "Water".

Some of them were posted by mail or e-mail, but 95% of the proposals were received during the five consultation seminars. Many comments reflecting general recommendations for the NEHAP were also made.

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**REC view on participation exercise:**

The NEHAP public consultation project is a good example of many things, including partnership and cooperation among NGOs on the domestic and international level and the potential success of public initiatives. Moreover, it raises the possibility that NGOs may be as capable as authorities in carrying out public responsibilities. Considering that the exercise involved planning rather than specific decision-making (where a more precise analysis of the potentially affected public based on legal and administrative considerations would have to be employed), the scope of the consultations and the system of developing partnerships appears to have been generally good.

However, the question must be asked whether the public authorities may have distanced themselves too much from the NEHAP development process. This may be indicated by the observation of MAMA-86 that the National Coordinator did not adequately defend the NEHAP in further procedures. This case study is remarkable in that an NGO has actually been “contracted” by the competent authorities to undertake the public participation. While this solution is convenient, and appears to have worked fairly well in this case, overuse of such a mechanism might prove to insulate the actual decision- and policy-makers from responsibility. Furthermore, not all NGOs would be able or equipped to conduct consultations in every region of a subject country. While this is a “showcase” example, it would be interesting to know to what extent such practices permeate decision making and policy-making, or whether they are extraordinary events.

**Significant omissions from requirements of Article 7:**

Most of the requirements of Article 7 appear to have been met in this case. However, the ad hoc nature of the procedures indicates that the public participation may not have occurred “within a transparent and fair framework,” that is, according to established and regular rules and procedures. This is not the fault of the NGO, which appears to have made extraordinary efforts and to have applied international standards, but there should be a framework of rules to ensure high standards in every case. The MAMA-86 plan for consultations should be examined by the Ukrainian government for possible use in designing its own permanent consultation procedures.