



# Is everything right with public participation in climate related decisions?

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# Great legal basis back in 1992

- *Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, **and the opportunity to participate in decision-making process. States shall facilitate and encourage public awareness and participation by information widely available.** Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided. □*

**Principle 10 of the Rio Declaration**



# Great legal basis back in 1992

- The importance of public participation in climate change issues is underlined in Art. 4(i) and Art. 6 of [United Nations Framework Convention on Climate Change](#) from 1992. All Parties of the Convention should:
  - (i) *Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process (i)*

Art. 4(i) of the UNFCCC



## Article 6

### Education, training and public awareness

In carrying out their commitments under Article 4, paragraph 1 (i), the Parties shall:

- (a) Promote and facilitate at the national and, as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capacities:
  - (i) The development and implementation of educational and public awareness programmes on climate change and its effects;
  - (ii) Public access to information on climate change and its effects;**
  - (iii) Public participation in addressing climate change and its effects and developing adequate responses; ( )**



- The need of expanding assumptions from the UNFCCC's Art. 6 [New Delhi Work Programme on Article 6 of the Convention](#) was adopted during the UN COP-8 in New Delhi (2002). The scope of the Programme is to encourages Parties to take activities such as:
  - *( ) cooperate in, promote, facilitate, develop and implement education and training programmes focused on climate change ( )*

#### **Decision 11/CP.8, Annex, Art.12**

- *( ) cooperate in, promote, facilitate, develop and implement public awareness programmes on climate change and its effects ( ), facilitate public access to information on climate change and its effects, and to promote public participation in addressing climate change and its effects and in developing adequate responses ( )*

#### **Decision 11/CP.8, Annex, Art.14**



### **Decision 11/CP.8, Annex, Art.15 i**

*() Seek input and public participation, including participation by youth and other groups, in the formulation and implementation of efforts to address climate change and encourage the involvement and participation of representatives of all stakeholders and major groups in the climate change negotiation process ()*

### **Decision 11/CP.8, Annex, Art.16**

*() In developing and implementing article 6 activities , Parties should seek to enhance cooperation and coordination at international and regional levels, including identification of partners and networks with other Parties, intergovernmental and non-governmental organisation, the private sector, state and local governments, and community-based organisations, and to promote and facilitate the exchange of information and material, and the sharing of experience and good practices ()*



# The Aarhus Convention (1998)

## Article 6

Public Participation in decisions on specific activities

## Article 7

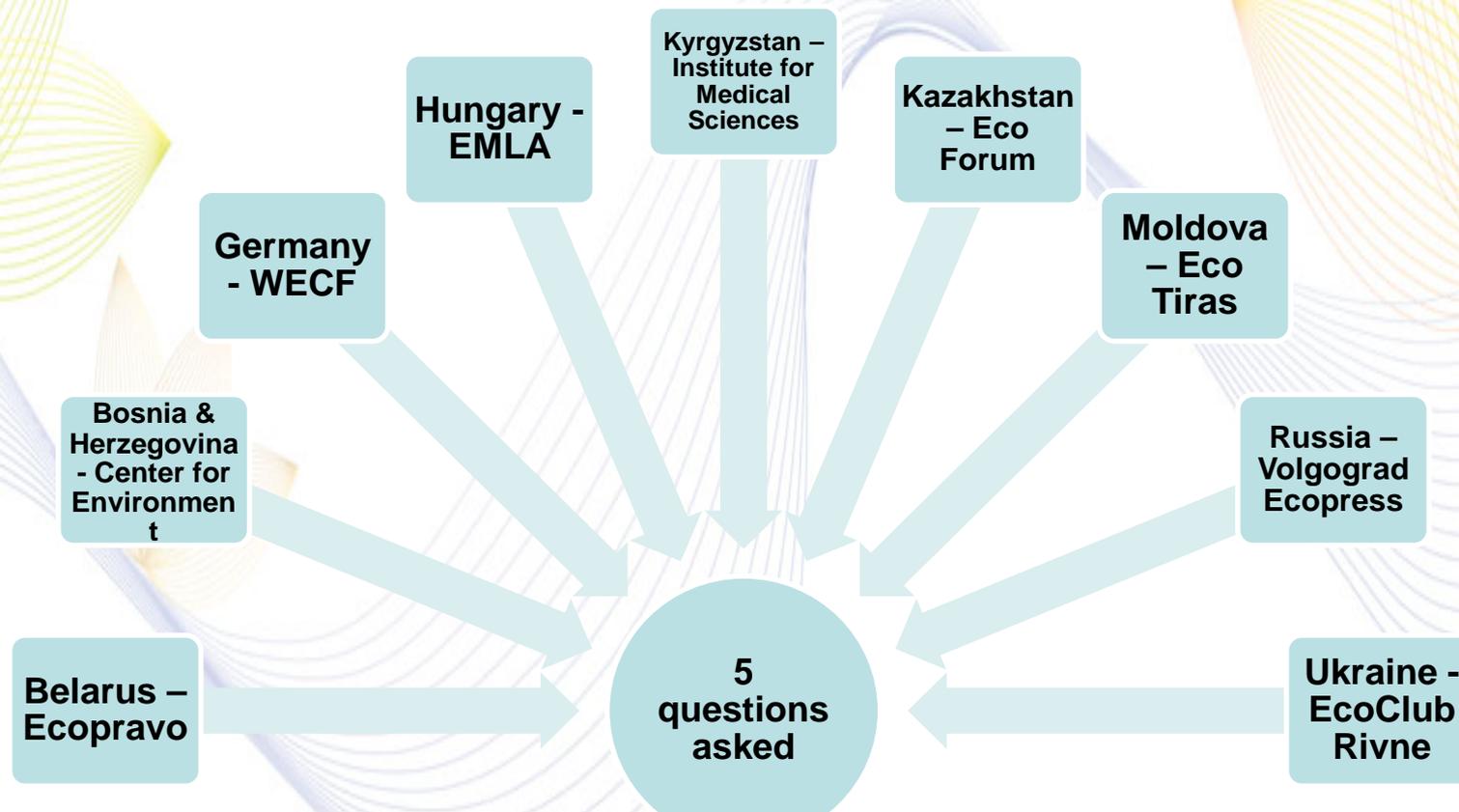
Public Participation concerning plans, programmes and policies relating to the environment

## Article 8

Public Participation during the preparation of executive regulation and/or generally applicable legally binding normative instruments



# What we did?



# Are NGOs in your country are involved in climate change related decision-making and how it is done

## Belarus

- No, not really
- Respondent was involved in development of legislation as an expert

## Bosnia and Herzegovina

- Apart from a limited consultation and comment on the National report under the UNFCCC, NGOs do not participate in creation of national or entity strategy
- Several NGOs are mainly focused on the energy sector and launched the national campaign “STOP dirty energy because the future is renewables” aiming at adoption of a national energy strategy with the public participation in decision-making

## Germany

- NGOs have access to policy makers and exchange, but they are just involved in that sense, that they can share their views with government representatives.
- The final decisions are taken by policy makers. However, successful developments, such as public participation, decentralised renewable energy systems and energy cooperatives) provide policy makers with ideas re possible ways and thus seem to have an influence on the decision-making process.

# Are NGOs in your country are involved in climate change related decision-making and how it is done

## Hungary

- Not in general policy making
- Formal participation in SEA of climate related plans and programmes (offered an opportunity to comment but not actively involving people in the process)
- Yes in EAI of a single projects that affect climate change

## Kyrgyzstan

- Yes, NGOs are involved in climate related decision-making (studies on impact of climate changes and environmental pollution etc.

## Moldova

- Despite of substantial financing for Climate Change related issues, this area in general is bureaucratic and not too efficient. Mostly realised by the Climate Change Projects Center under the MoE. The low efficiency is dealing with tendency do not disturb the government too much, especially on some investments issues on climate change adaptation. So, in general activities of NGOs are separated from those of the government in this field.
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# Are NGOs in your country are involved in climate change related decision-making and how it is done

## Russia

- Russian non-governmental organizations involved in decision-making on climate since the late 90s.
- The majority of non-governmental organizations are taking part in the discussion and preparation of documents for international meetings.
- The government has a programme for the development of energy efficiency (since 2009). As part of this program, a number of Russian NGOs not only take part in the discussions at the round table(s) in the Federation Council and the Ministry of Energy, but also implement its programme for the development of education on energy efficiency at the national level

## Ukraine

- NGOs have the right to take part in climate change related decision-making (CCDM) as provided by law. But this procedure is more formal due to numerous violations of the laws by the authorities.
- That is why the results of public participation in CCDM are almost invisible, though in the past NGOs participated in the Public Council to the State environmental investment Agency (SEIA), sent proposals for amendments to the laws, participated in the legislative groups created by the Cabinet of Ministers of Ukraine, etc.

## Kazakhstan

- There is an NGO coalition on climate change In Central Asia. In Kazakhstan in 2014 several consultations were held, including meetings with representatives of the Department of Energy (then Ministry of the Environment). There were also an invitation to the public to participate in the preparation of the National Communication on Climate Change under the UNDP project.
- These are more information meetings rather than the process of real public participation. Public authorities in Kazakhstan are not very interested in the organization of real participation. Since the transition of environmental issues in the Department of Energy, concerns are that there will be even worse.

# Is there any specific structure used by authorities to involve civil society in making these decisions

## Belarus

- No. Theoretically the Public Council in the Ministry of Natural Resources and Environmental protection can be used.
- Have a lack of legal provisions regarding state bodies obligations to provide possibilities for public participation in climate change decision-making.

## Bosnia and Herzegovina

- Not really. Mostly NGOs are approaching the relevant Ministry on entity level (because the jurisdiction for environmental and energy issues are on entity level).
- Regarding international agreements such as UNFCCC, the state Ministry of Foreign Trade and Economic Relation is responsible and they share information with NGOs but their implementing possibilities are very limited

## Germany

- There are only structures for sharing information and re consultation, but not really for decision-making. The government uses consultations and hearings to receive input (e.g. Grünbuch für neues Strommarktdesign).



# Is there any specific structure used by authorities to involve civil society in making these decisions

Hungary

- Nothing that would be specific for climate change related matters. Authorities apply the regular SEA and EIA involvement requirements and rules and practices.

Kyrgyzstan

- There is no special structure used by the authorities to involve civil society in making these decisions. The main reason is lack of funding.

Moldova

- No

# Is there any specific structure used by the authorities to involve civil society in making these decisions?

## Russia

- There are no concrete structures for public involvement in decision-making on climate. Public participation is usually spontaneous and conducted separately by each office. Usually it is irregular work. The initiative can come from both sides but more often it is the initiative of NGOs.
- Public Chamber of the Russian Federation is used for joint discussions (officials are traditionally invited for contacts with the public)

## Ukraine

- The authorities publish information about discussions on draft decisions on their official websites including specific conditions and timeframes, addresses for sending comments and proposals and texts of decisions.
- The legislation of Ukraine also provides ways of PPDM as public hearings, conferences, forums, meetings, round table discussions, public meetings, Internet conferencing, electronic consultations, TV and radio debates, but they are often ignored or used formally.
- There are public councils to governmental bodies. But central governmental body, responsible for climate change policy development and implementation - SEIA was abolished, thus all the existing procedures weren't being implemented last year.



# Is it done on regular basis or only when NGOs are asking for it?

Belarus

- Only when NGOs are asking for it

Bosnia and Herzegovina

- Not on regular basis

Germany

- Both



# Is it done on regular basis or only when NGOs are asking for it?

Hungary

- Public Participation is regular in SEA and EIA but the big question is how influential it is.

Kyrgyzstan

- Only when we are asking for it

Moldova

- Public hearings on climate change issues are rare and usually dealing with any kind of reports produced or the strategy.
- Possibility to have impact is limited



# Is it done on regular basis or only when NGOs are asking for it?

## Russia

- See previous question

## Ukraine

- Not on a regular basis, but from time to time, depending on the specific composition of public authority, some are more active, others - less.
- During war in Ukraine – climate change issue is far beyond the urgent issues to be solved by the government, although climate change was never the issue of high priority.
- But during economic crisis in Ukraine unresolved issues in climate change even worsen the economic situation in Ukraine, as it is proved that unresolved climate change issues cost much more later as time brings negative climate change consequences in every country.

# If not involved in such decision-making process what are the reasons/obstacles for authorities not to do so?

## Belarus

- Lack of legal mechanisms.
- Lack of NGOs understanding of the importance of climate change problems and NGOs involvement in decision-making process.

## Bosnia and Herzegovina

- There is no special reason apart from NGOs themselves.
- It is also an assumption that authorities don't have relevant knowledge and interest to involve the public in decision making.

## Germany

- Probably the rather diverse opinions of the various stakeholders who could make the decision-making process more complex.

# If not involved in such decision-making process what are the reasons/obstacles for authorities not to do so?

Hungary

- no response

Kyrgyzstan

- No specific obstacles are used but there are some ill-informed leaders and deputies which together with lack of funding create a big problem for publication of science-based recommendations, organizing workshops etc.

Moldova

- Public hearings on practically finalized document. Very little can change.
- The other point is that public usually proposes decisions which need political will for implementation. For example, small rivers need the restoration of meanders. This need change of land of landowners, which initially could not be popular. The government is not ready for such unpopular but necessary political decisions recommended by public.
- NGOs (Eco-TIRAS) and MoE are living in parallel worlds. So, NGOs are producing own recommendations, use mass-media (TV and newspapers) to popularize them and criticize government for reluctance etc.
- But some things are possible to introduce to the decisions collaborating with low level staff of MoE on earlier stages.

# If not involved in such decision-making process what are the reasons/obstacles for authorities not to do so?

## Russia

- The authorities do not involve NGOs in climate change related issues on a permanent basis because Russia does not have a necessary mechanism for public participation in the decision-making process almost on any issues, including those related to international activities.
- And NGOs, in turn, does not have the necessary financial resources to work on climate issues on a regular basis

## Ukraine

- Formally, the public was involved in some decision-making processes. Taking into account that PPDM is more formal, effective PP is missing and authorities are not interested in receiving public opinion and including it in their decisions. Usually in final texts of decisions, proposals are not taken into account without necessary justification of this neglect of public opinion.
- Overall authorities decide what is profitable for certain interested groups and demanded by lobbyists of certain decisions, and the public plays no role in this process.

# If your organisation is working on climate change, how are you channelling your messages, positions etc. and make sure that your views are heard?

## Belarus

- No response from NGO side
- Lawyers try to be involved in the process of legislative development related to climate change

## Bosnia and Herzegovina

- NGOs are channelling their positions and messages to the decision makers through various methods (Press releases, Statements, Street actions, media campaigns, etc).

## Germany

- Direct contacts, official invitations by the German delegation for briefings at the climate change negotiations e.g. or also meetings in Berlin on invitation, publications, engagement in organisations like Klimaallianz, Bündnis Bürgerenergie, etc.

# If your organisation is working on climate change, how are you channelling your messages, positions etc. and make sure that your views are heard?

Hungary

- We are giving legal advice only and do not engage into formulating own opinion on CC or any other matter.

Kyrgyzstan

- We supply to local authorities with recommendations

Moldova

- Organization of special events (international seminar or conference) with producing of recommendations which are delivered to the government and from there to the MoE and popularization of them via mass-media
- About 15 articles per year in national newspapers.
- Producing of scientific books (two on Climate Change adaptation) - a lot info from them is used by government's climate change office.

# If your organisation is working on climate change, how are you channelling your messages, positions etc. and make sure that your views are heard?

## Russia

- All information/recommendation are sent to officials and legally they have to respond within 30 days. However, not always the answer is positive in the sense of taking into account the comments and suggestions.
- Extensive use of the media (press conferences, including joint ventures with government agencies, press releases, special programs and publications).

## Ukraine

- Ways of channelling our messages are: mails, Internet, personal meetings, press releases, litigation. NGOs send proposals in written form and control the process of their consideration. The legislation envisages certain review procedures and timeframes for considering proposals by authorities. Thus, there are examples of NGOs' appealing the failure by authorities to consider and take into account of proposals to higher state authorities and courts, which means that public propositions are not considered in a proper way on a regular basis and even more are very rarely considered in essence.

# What are your recommendations to improve the situation?

## Belarus

- Developing legal mechanisms (obligations for state bodies to involve NGOs and other public concern)
- Sharing information about climate change dangers and importance of public participation in decision-making (for NGOs and state servants).

## Bosnia and Herzegovina

- To support real implementation of Aarhus Convention and enforcement of Environmental Law in planning processes on environmental and climate change issues, as well as to continue with awareness rising and campaigning

## Germany

- Implementing a consultancy board of representatives of the various stakeholders of energy & climate groups;
- regular dialogue with the stakeholders (Energiedialog);
- Implementation of a lobbygroup for "Bürgerenergie", Energiewende and decentralised energy

# What are your recommendations to improve the situation?

Hungary

- Application of the EU guidance documents for SEA and EIA to include climate change issues

Kyrgyzstan

- Climate change should be considered in relation to environmental pollution.
- It is necessary to strengthen the work of NGOs; their cooperation with scientific communities, including neighboring countries.
- To raise awareness of deputies, ecologists and NGOs who deal with climate change and ecological issues as well as raise public awareness on climate change and its impact on human health, microbial variability, biodiversity, including endemic species.

Moldova

- Moldovan situation is closely linked with deep corruption in the government which create a limited space for changes.

# What are your recommendations to improve the situation?

Russia

- It is necessary to do a campaign for the participation of NGOs in the development of a new global agreement and to discuss the rules of action, particularly on monitoring and reporting

Ukraine

- To establish strict responsibility for violation of PPDM procedure .
- To establish a rule, according to which in case of rejection of public opinion – there should be given reasonable position to reject this position; and such position of state authority can be challenged in the court, as well as insufficient PP procedure. The process of public participation should be widely publicized as well as public opinion and PP results.
- There should be a permanent public council to the relevant state authority



# Some conclusions

- **NGOs mainly are involved in information exchange, education and awareness raising projects, preparation of different publications, organisation of events etc.**
- **Sometimes they participate in consultations and/or hearings to prepare National reports and/or other documents for the international meetings, project discussions etc. Impact of such participation is limited.**
- **No real NGO participation in decision-making process!!! Not stimulated and encouraged by administrations**



# Suggestions for improvements

- **Establish functioning and efficient mechanisms for public participation in decision-making on environment, including climate related issues.**
- **Further align the UNFCCC with the Aarhus Convention related to public participation in climate related decision-making (existing acts are a step in the right direction but they are not enough)**
- **Encourage, stimulate, promote and support public participation in climate related decisions at all levels (local, regional, national)**
- **Devote time in future meetings of the Task Force to discuss and find solutions for public participation in climate related decisions (similar to the sessions on nuclear related decisions)**
- **Proposal from ICFER in Georgia – establish European Climate Change *Acquis* Adaptation Consulting Network for countries under the Association Agreements with the EU (Georgia, Moldova, Ukraine) with wide range of expert involvement**



**Thank you!**

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