

The fifth meeting of the Aarhus Convention Task Force on Public Participation in Decision-making will take place from 23 to 24 February 2015 in Geneva (Palais des Nations, Salle XII).

Main obstacles and ways to effective public participation in Russian Federation.

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In the main text of the Convention refers to how should the system public participation work in the case of some decision-making processes and policy formulation. The basic meaning of the declarations of the Convention is that the participation should be timely, effective, adequate and official, and that it should be based on the availability of information, notification, dialogue, consideration and response. At the national level should develop clear, open and fair system of public participation in decision making. Such a system must contain a regulation not only to timely information and public participation in decision-making, but also the ability to contest, if necessary, procedures and decisions.

In recent years in the Russian Federation continue to develop tools for public participation in decisions on various issues. And some of them can be used to implement the Aarhus Convention.

Public discussions of the impact assessment on the environment (EIA/OVOS) of the planned economic and other activities.

The impact assessment on the environment is existing in Russia since the year 2000 when the Regulations on the Assessment of the Impact of Planned Economic and Other Activity on the Environment in the Russian Federation were adopted.

According to existing legislation "assessment of effects on the environment" is the activity of discovering, analysing and recording direct, indirect and other consequences for the environment caused by planned economic and other activities, for the purposes of making a decision as to the possibility/impossibility of their pursuance. The goal pursued in making an assessment of the impact on the environment is to prevent or to alleviate the impact of this activity on the environment, as well as the social, economic and other consequences in connection with it.

In is important that for the most complete identification and consideration of significant effects and the development of adequate compensatory measures it is necessary to conduct

within the assessment process persistent consultations with the various stakeholders, and to discuss the EIA/OVOS publicly.

As Russia is intended to become a party of the Espoo Convention was decided to develop appropriate legislation prior to ratification. Thus the draft Federal law "On amending the Federal law of January 10, 2002 № 7-FZ "On environmental protection" and other legislative acts of the Russian Federation" is developer and currently undergoing the approval procedure in the Executive authorities and the public consultations.

In addition, currently there is a tendency for development and approval at the regional and municipal levels of normative legal acts, regulating the process of public discussions of the EIA/OVOS. In some regions and municipalities such documents already exist.

Public Ecological Expert Examination.

An Ecological Expert Examination means the establishment of compliance of the documents and (or) documentation substantiating the economic and other activities scheduled in connection with realisation of the object of the ecological expert examination with the ecological requirements established by technical regulations and legislation on the environmental protection for the purpose of preventing a negative impact of such activities upon the environment.

A public ecological expert examination shall be organised and conducted on the initiative of citizens and public organisations (associations), as well as on the initiative of bodies of local self-government by public organisations (associations), which according to their charters have environmental protection as their main activity, including the organisation and performance of ecological expert examinations and which have been registered in compliance to legislation of the Russian Federation.

A public ecological expert examination may be conducted in regard to objects that are deemed as objects state ecological expert examination of federal or regional level (draft normative technical documents and instructive-and-methodological documents in respect of the environmental protection, drafts of special purpose federal programmes providing for construction and operation of economic activity units influencing the environment, draft products sharing agreements, materials substantiating licences for exercising individual kinds of activities which can negatively influence the environment, drafts of technical documentation for new equipment or technology whose use can influence the environment, objects, located on the continental shelf of the Russian Federation or on the land of specially protected natural territories), except objects of an ecological expert examination, the data on which constitute state, commercial and (or) any other legally protected secrets.

A public ecological expert examination shall be conducted prior to the conducting of the state ecological expert examination or concurrently with it, or it may be conducted irrespective of whether a state ecological expert examination of the same objects has been conducted. Public organisations (associations) that hold public ecological expert examination must inform the population about its beginning and the results.

The Conclusion of public ecological expert examination shall be sent to federal executive body in the field of the ecological expert examination or to a state power body of a subject of the Russian Federation that conducts the state ecological expert examination, to the customer ordering the documentation subject to the state ecological expert examination, to the bodies that decide whether to commence implementing objects of the state ecological expert examination, bodies of local self-government and may be forwarded to other persons concerned.

The Conclusion of public ecological expert examination shall acquire legal force after it is approved by federal executive body in the field of the ecological expert examination or by the state power body of a subject of the Russian Federation.

Public hearings to discuss the draft municipal legal acts on issues of local importance.

According to existing legal framework for a discussion of municipal legal acts on issues of local importance may be held public hearings. The order of organizing and holding public hearings determined by the municipal Charter and (or) normative legal acts of the representative body of the municipality. Also today for the implementation of public initiatives people can guide legal acts on possibility for citizens to appeal in local authorities, which provides the right of citizens to individual and collective appeals to the local authorities.

It is needed to draw attention to the fact that, despite direct the right people to take the initiative in conducting public hearings, the application with the initiative of conducting public hearings is not fixed in legislation at the federal level and there are even references to the need to define such a procedure at the regional or local levels. Thus, presently there are no clear regulations on how people should formalize their initiative. According to the declarations of the law, people need some way to convey their initiative to the representative body of municipality and to require the holding of a public hearing. Apparently, this gap in the legal regulation will exist for some time, until there is a sufficient practical experience, which demonstrates the need for such regulation.

Public hearings on the proposed construction.

In the early 2000s, public hearings on the proposed construction was carried out in almost all the intended objects, whether they are small shop, a large shopping center, a gas station, some production workshop and so on, This was due to the fact that many municipal master plans, land use and development town planning regulations were already obsolete, invalid, so any planned construction of required public hearings. In recent years municipalities have already developed and approved these town-planning documents, they also went through the procedure of discussions at the public hearings in accordance with the Town-planning code of the Russian Federation.

If the municipality has approved the General plan and land use and development, established town planning regulations, public hearings on the proposed construction will be conducted in a number of cases determined by the law. The order of organization and conducting of such public hearing shall be regulated by articles of the town planning code of the Russian Federation, charters of municipal entities and other municipal legal acts.

Public discussion of the draft Federal constitutional laws and Federal laws using the Internet.

Used in everyday life, the Internet has allowed in the last few years to expand the procedure for conducting public discussions on the draft Federal constitutional laws and Federal laws. All interested participants of the public discussions have the unique opportunity without any bureaucratic and time barriers, just using the Internet to take part in the discussion of legislative projects. Usually, these online portals have a special section with explanations, recommendations, and rules of public discussion of draft laws.

The approximate scheme of discussion of the draft Federal constitutional laws and Federal laws using the Internet as follows. Federal authority (the developer) places on the official web-site (www.regulation.gov.ru) notice of preparation of draft normative legal act and announces public discussion. Also developer sends a notice to the Civic Chamber of the Russian Federation and other legal bodies and organizations that should be involved in discussion. Federal authority is receiving comments, suggestions and comments to the draft law being discussed in electronic or written form. As a rule, to leave your opinion, you need to be registered on the website. The developer posts on the official website of the summary submitted proposals and comments with indicating the position of the developer. According to the results of consideration of the proposals, the developer accepts the decision to develop a project of legal act or refusal in its development.

If it was decided to develop a legal act of the federal authority shall inform on the beginning of discussion of the draft act and this is provided for public access via Internet for public interested. Afterwards the federal authority analyzes comments, remarks and suggestions, received during the public discussions and posts on the official website of the summary sentences indicating the position of the developing of the developer. Federal authority finalizes the draft legal act with regard to received proposals and sends it in the prescribed procedure for approval. Federal authority places on the official website information the results of the consideration draft legal act by the President of the Russian Federation or by the Government of the Russian Federation.

It should also be noted that a similar procedure of public discussion of legal acts exist at the regional level. In this case, the draft regulations are posted for public comment on the official websites of the authority that developed the project.

Thus the legislation of the Russian Federation contains only individual elements of the system of public participation, which are scattered in different legislative acts. But it should be noted that recent efforts by the Government of the Russian Federation aimed at the inclusion in the regulations of the state services of certain requirements as involving the public in decision making on various issues, not only in the field of environmental protection. Many public authorities created public councils or public environmental councils. For instance, The Public Environmental Council of the Federal Forestry Agency is an advisory collegial permanent body and operates on a voluntary basis. The Council includes representatives of the Federal Forestry Agency, environmental and community organizations, is known for its active work in the field of environmental protection, ecological safety and rational nature management. The main purpose of the Council is the collective elaboration of recommendations for making optimal decisions on realization of state policy in the field of forest relations. The main tasks of the Council are the involvement of civil society in the development and implementation of forest policy, strengthening of cooperation of state bodies and public associations, the use of the existing capacity of community organizations to address challenges facing the Federal Forestry Agency.

Defined in the regulatory documents of the Russian Federation minimum measures for public participation procedures in the preparation and decision making is not always sufficient and effective. Normative documents of the Russian Federation does not contain clear principles and regulations of the organization public participation procedures, guidelines regarding the required steps and how to take into account public opinion. In most cases, only announcement the need for public awareness and timing procedures. Based on comparison of the Russian and foreign experience and practice on the development of procedures public participation, it can be

stated that for successful implementation of the Aarhus Convention in terms of public participation, in addition to the development of national, regional and municipal legislation in this field, we must explain to all stakeholders how to apply these rules of law, who and what action should be taken.

WWF-Russia: what we do in the area of public involvement in the adoption of important environmentally significant decisions.

Earth hour is a symbolic action of switching off lights for one hour in a sign of concern for the future of the planet - has gained incredible power. Last year we were joined by 2 billion people from over 150 countries around the world. And this support each year turns into a real business. For example, in Russia, in 2012 during the campaign "Earth Hour" has collected more than 120 thousand signatures for the law on protection of the seas from oil pollution. At the end of 2012 the law was signed by the President. In 2013 in the framework of the "Earth Hour" was able to collect 130 thousand signatures for a ban on industrial logging in protective forests.

WWF Russia was one of the NGOs that insisted on the necessity of ratifying the Espoo and Aarhus Conventions and work constantly in this direction. Not least to the efforts of WWF Russia on June 21, 2011 the President of the Russian Federation (RF) signed an Order aimed at Russia's ratification of the Espoo convention and accession to the Aarhus Convention. Implementing agency for this order is the Ministry of Natural Resources and the Ecology of RF (Minprirody) which has longstanding business and working relations with WWF.

Knowing WWF's expert capacity and deep involvement into the issues of Aarhus Convention ratification, implementation and cooperation with other NGOs Minprirody asked WWF Russia to provide assistance in preparation of the necessary documents. The WWF Environmental Law Program Officer and WWF Experts are included into a working group on execution the Presidential Order. The official work in the Ministry on **preparation of the necessary documents for ratification on the Espoo Convention** is now going on and WWF is deeply involved into this work, WWF Environmental Law Officer is a member of the working group on the development of Russian legislation and regulations on Environmental Impact Assessment (EIA) issues. the draft Federal law "On amending the Federal law of January 10, 2002 № 7-FZ "On environmental protection" and other legislative acts of the Russian Federation" is developer and currently undergoing the approval procedure in the Executive authorities and the public consultations.

In the years 2011-2013 WWF-Russia has conducted a **project on promotion of ratification of the Espoo and Aarhus Conventions and their implementation in Russia**. Among other activities the workshop for Governmental officials, environmental NGOs, local communities and citizens providing knowledge and skills on public participation and implementation of the Conventions was held on 14-15 of May 2013 in Moscow, Russia. Two Guidebooks for environmental NGOs, local communities and citizens on public participation in implementation of the Espoo and Aarhus Conventions were prepared, published and disseminated. The Guidebooks are also available on official WWF Russia web-site (<http://www.wwf.ru/resources/publ/book/856> , <http://www.wwf.ru/resources/publ/book/854>).

The early 2014 consultations between the Zabaikalsky Region (ZR) government and the WWF Russia led to an agreement on holding ZR SEA as required for drafting a new ZR social and economic development program. The ZR SEA will be **the pioneering pilot project on SEA** roll-out within an individual region. The outcomes will secure a comprehensive and reasonable approach to identify the objectives and priorities of the ZR social and economic development program as well as draft SEA guidelines for future plans and programs.

For the joint environmental, social and economic assessment to succeed, the ZR government and the WWF Russia conduct joint public consultations to facilitate all stakeholders' sizable inputs, including local, regional and international environmental and other NGO (also indigenous peoples), as well as other communities that may be vulnerable potentially. The TOR for SEA and all its phases should be available for all stakeholders.

Public involvement, transparency and high quality data are key principles for the SEA. Thus, the SEA is more than just reporting, but a mechanism for improving management. Where appropriate, the SEA may also embrace economic and social aspects. While the EIA is to improve individual projects, the SEA upgrades planning. Public involvement in SEA outcome discussion will decrease conflict probability and offer possible adoption of a regional economic development strategy as agreed with the public. The plan/program progress monitoring, as defined by the Protocol on SEA, will allow early adverse footprint detection and corrective action.

Currently, as a permanent member of the Public Environmental Council of the Federal Forestry Agency WWF Russia is actively promoting the idea of **public participation in the discussion document forest planning** and priority investment projects in the field of forestry, which in the vast majority of regions are not published or not published in full, not to mention their public discussion. WWF Russia proposes to legislate mandatory the forest planning documents to subject the procedure of public hearings, mandatory publication of these documents and forestry declarations on the websites of the regional forest administrations. Of the

various forms of public hearings discussing via the Internet seems to us the most optimal. One could also envisage the possibility of submitting comments in writing (by mail). At present time we have developed the drafts regulations, which will stipulate the procedure for public access and discussion of these documents, placement procedures for the developers of the documents to post on the official website in the Internet drafts of these documents and the results of their public discussion. The drafts will be submitted to the Federal Forestry Agency on the next session the Public Environmental Council.

For more information please follow http://wwf.ru/about/what_we_do