

# Aarhus Workshop on Public Participation in Strategic Decision-making (PPSD)

3-4 December 2007,  
Sofia, Bulgaria

Workshop Compendium



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# 1 Introduction and purpose of the workshop

## Introduction

During its Sixth WGP meeting in April 2006, the Working Group of the Parties to the Aarhus Convention (WGP) agreed on the holding of a workshop on **public participation in strategic decision-making (PPSD)**. In the light of this, the programme for such a workshop was developed between Austria, Bulgaria and the Aarhus Convention Bureau and its Secretariat in consultation with the Espoo Convention Bureau.

The Austrian Federal Ministry for Agriculture, Forestry, Environment and Water Management ("Lebensministerium") provided funding for the "**Aarhus Workshop on public participation in strategic decision – making (PPSD)**" hosted by the Bulgarian Ministry of Environment and Water and organized together with the Aarhus UNECE Secretariat and in contact with the bodies and experts from the UNECE Espoo Convention/Protocol on Strategic Environmental Assessment (SEA).

This compendium is mostly based on the input received and on the seven main considerations set by the 6<sup>th</sup> Working Group of the Parties 2006 at its meeting from 5-7 April 2006 (ECE.MP.PP/WG.1.2006/2 page 8). Its aim is not to prejudge any of the specific political discussions of the Aarhus Parties in further meetings such as those on e.g. issues of the Long Term Strategic Plan 2009-2013, the work programme or the financial arrangements. The compendium should rather fulfil the purpose of an open document which may be gradually enriched by other good practices collected e.g. from exchange with SEA bodies or in follow-up activities by other lead countries or bodies<sup>1</sup>. Aarhus and Espoo Focal Points were contacted by the organizers and the UNECE bodies involved and contributed to the process as well as NGOs and other experts.

The basic organizational instrument and methodology used by us was a set of questions leading to a call for abstracts focussing on which decisions had been tackled and which methodology had been applied, how the public had been determined, benefits and problems of selected tools, efficiency of the approach and lessons learned etc<sup>2</sup>.

## Purpose of the workshop

The workshop had its focus on existing practices for public participation in plans, programmes and policies as well as in the preparation of laws and regulations that may have a significant effect on the environment (Articles 7 and 8 of the Aarhus Convention). The objectives and set-up of the workshop borrowed from document ECE/MP.PP/WG.1/2006/6 and from the considerations of the WGP as agreed and set out in the 6<sup>th</sup> WGP report, document ECE/MP.PP/WG.1/2006/2, pages 8 and 9.

The workshop provided a first opportunity for a broad exchange of different views, distinct legal systems, experiences and use in this area. It was initiated with a look for a balanced representation of experts from all different levels, topics and regions. A strong focus on presenting good practice examples of how the public can be effectively involved in certain types of strategic decisions was envisaged and achieved as agreed at the 2<sup>nd</sup> Meeting of the

<sup>1</sup> It is widely known that the topic of this workshop dates back to efforts culminating in the Aarhus Convention 1998 itself but also had been highlighted in previous conferences and UNECE and other documents. The Kiev Ministerial Conference 2003 led to the adoption of the SEA Protocol under the UNECE Espoo Convention. In the Lucca Declaration, para 28 Aarhus Parties and Signatories also referred to the PSD aspects. Some of the earlier Aarhus UNECE documents such as ECE/MP.PP/WG.1/2003/5 or publications such as the 2003 Guide for Environmental Citizens Organizations by Svitlana Kravchenko refer to the positive overlap and some of the differences between the two instruments.

<sup>2</sup> For full text see <http://www.unece.org/env/pp/ppsd.htm>, outline and call for abstracts

Parties to the Aarhus Convention in Almaty, Kazakhstan<sup>3</sup>. As close consultation and involvement with experts in the field of the Espoo Convention and its SEA Protocol is fundamental, the workshop served also as a forum bringing together recent information from such experts. Interested NGOs were a target group as well and participated actively as speakers, panelists and participants.

The Aarhus WGP itself drew attention of the organizers to the challenges of integrating experience from the SEA Protocol ratification process<sup>4</sup>. It may be said that in the EU the SEA Directive 2001/42/EC itself stimulated SEA similar concepts and thereby carried forward directly and indirectly the implementation of Articles 7 and 8 of the Convention. The Austrian organizers therefore felt committed to a holistic view on both instruments.

### **General organizational background and constraints**

Despite of early announcements and a wide distribution we found it somehow hard receiving a wealth of best practices let alone getting an even picture of the situation in the UNECE area. Coping with the main considerations set by the WGP in April 2006 was a real challenge. We also certainly do not claim having identified a good picture of e.g. existing or even emerging<sup>5</sup> organizational structures and institutional arrangements relevant to PPSD. The new wave of national Aarhus implementation reports for the 3<sup>rd</sup> Meeting of the Parties in June 2008 (deadline mid December 2007) might complement the picture but was not available at the time of preparation. Furthermore, Aarhus Parties are not necessarily Parties of the Espoo Convention and its SEA Protocol<sup>6</sup>.

A number of cases was interesting but not sufficiently well documented which had repercussions on the timing and our organization. As a matter of fact, SEA colleagues and experts were invited directly by us to better follow up some of the above mentioned considerations set by the 6<sup>th</sup> WGP.

Due to the heterogeneity of contributions and the overall constraints experienced, the organizers deliberately abstain from drawing general conclusions or recommendations to the WGP other than those described in the annex respectively the observation that very different examples exist. These seem to require some sort of flexible approach towards PPSD and further enhancement of the co-operation between Aarhus und Espoo/SEA bodies and experts.

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<sup>3</sup> ECE/MP.PP/2005/2/Add. 11 p.10, activity X of the work programme 2006-2008

<sup>4</sup> "the possibility of integration of experience from the ratification process of the Protocol on SEA into the workshop through participation of experts of such countries" from ECE/MP.PP/W.G.1/2006/2

<sup>5</sup> ECE/MP:PP/WG.1/2006/6 p.2

<sup>6</sup> It is however assumed here that the SEA instrument with its recognized international methods might considerably help for implementing these articles.

## 2 Articles 7 and 8 of the Aarhus Convention<sup>7</sup>

Articles 7 and 8 of the Aarhus Convention deal with public participation in plans, programmes, policies and regulations.

### Article 7

#### **Public participation concerning plans, programmes and policies relating to the environment**

Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public. Within this framework, article 6, paragraphs 3, 4 and 8, shall be applied. The public which may participate shall be identified by the relevant public authority, taking into account the objectives of this Convention. To the extent appropriate, each Party shall endeavour to provide opportunities for public participation in the preparation of policies relating to the environment.

Article 7 of the Aarhus Convention covers public participation in plans, programmes and policies. The obligations of authorities and the rights of the public are less clearly defined than in article 6 (public participation in decisions on specific activities), although several of the provisions of article 6 are incorporated by reference, at least with respect to plans and programmes. Article 7 allows more flexibility in finding appropriate solutions for public participation in this category of decision-making.

Article 7 distinguishes between plans and programmes on the one hand and policies on the other. Concerning plans and programmes, it incorporates certain provisions of article 6 relating to the time-frames and the effectiveness of opportunities for public participation, as well as the obligation to ensure that public participation is actually taken into account. Concerning policies there is no express incorporation of the provisions of article 6.

The Convention does not define the terms "plans", "programmes" and "policies". These terms do have common-sense and sometimes legal meanings throughout the UNECE region, however. Article 7 covers plans, programmes and policies prepared by authorities and "relating to the environment" and is not limited to ones which have significant effects on the environment or to specific sectors.

### Article 8

#### **Public participation during the preparation of executive regulations and/or generally applicable legally binding normative instruments**

Each Party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment.

To this end, the following steps should be taken:

(a) Time-frames sufficient for effective participation should be fixed;

<sup>7</sup> This chapter's text is taken from the 2 sources indicated.

(b) Draft rules should be published or otherwise made publicly available; and  
 (c) The public should be given the opportunity to comment, directly or through representative consultative bodies.

The result of the public participation shall be taken into account as far as possible.

Article 8 of the Aarhus Convention addresses public participation in a particular area of decision-making: the preparation, by public authorities, of normative acts that may have a significant effect on the environment. The Convention recognizes that, in addition to the rights to take part in basic decisions affecting their lives, members of the public also have a role to play in the development of laws and normative acts. Taking into account that specific requirements for parliaments were considered a prerogative of the legislative branch, this area of activity is covered by a comparatively soft obligation to use best efforts, and uses indicative rather than mandatory wording for the steps to be taken. Nonetheless, article 8 should be interpreted as obliging the Parties to take concrete measures in order to fulfil the objectives of the Convention.

The measurement of the extent to which Parties meet their obligations under article 8 is not based on results, but on efforts. Parties are required to make efforts towards the attainment of public participation goals.

A large part of a public authority's responsibilities is met by making specific decisions based on particular sets of facts and circumstances. Another significant part, however, is carried out by developing and passing rules of general application. The term "rules" is here used in its broadest sense, and may include decrees, regulations, ordinances, instructions, normative orders, norms and rules. It also includes the participation of the public authorities in the legislative process, up until the time that drafts prepared by the executive branch are passed to the legislature. Article 8 establishes public participation in the preparation of such rules as a goal of the Convention, and sets forth certain requirements that Parties should meet in reaching it.

#### **Relevant sources:**

- UNECE – United Nations Economic Commission for Europe (2000): The Aarhus Convention: An implementation guide, New York – Geneva.  
<http://www.unece.org/env/pp/>
- UNECE – United Nations Economic Commission for Europe and United Nations Environment Programme (2006): Your Right to a healthy environment – A simplified guide to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, Geneva.  
<http://www.unece.org/env/pp/>

## **2.1 Public participation provisions of the SEA-Protocol**

The Protocol on Strategic Environmental Assessment (SEA) was adopted at the Kiev Ministerial Conference (21-23 May 2003) and signed by thirty-five States and the European Community. By November 2007, it was ratified by seven States. The SEA-Protocol requires its Parties inter alia to establish procedures for SEA with a view to integrating environmental concerns into measures and instruments designed to further sustainable development,

thereby providing for a high level of environmental protection. SEA is an internationally acknowledged system for assessing the environmental implications of proposed plans, programmes and policies, and in some cases legislation, in which public participation usually plays a central role. The Protocol refers to plans, programmes, policies and legislation. The Protocol tries to create clarity in relation to its field of application by defining plans and programmes. The provision of public participation in SEA is listed as one of the objectives of the Protocol (see art. 1 (d)). In its operative provisions, the Protocol contains a special article on public participation in SEA of plans and programmes (art. 8) as well as various references to elements of public participation in other articles, including that on general provisions (art. 3).

Concerning plans and programmes article 8 and annex V of the Protocol on SEA set out the specific rules for public participation in strategic environmental assessment for plans and programmes covered by the Protocol. In addition, article 5, paragraph 3, contains rules concerning public participation in the screening process and article 6, paragraph 3, includes a provision related to public participation in the process of scoping (see para. 31 below). Article 11 sets out requirements related to the decision on a plan and programme. Finally, article 10 contains specific requirements for involving the public concerned in an affected Party other than the Party where the plan or programme is actually being developed.

Concerning policies and legislation in the Protocol on SEA, there are no explicit requirements for public participation. Parties must endeavour to ensure that environmental concerns are considered and integrated to the extent appropriate in the preparation of their proposals for policies and in this process, the Parties must "consider the appropriate principles and elements" of the Protocol (art. 13, para. 2). In addition, Parties must determine, where appropriate, practical arrangements for integrating environmental concerns taking into account the need for transparency in decision-making (art. 13, para. 3). Finally, the Protocol requires each Party to report to the governing body of the Protocol on its application of the provisions related to legislation and policies (art. 13, para. 4).

The Espoo Working Group elaborated a draft for a Resource Manual to support the application of the SEA Protocol (SEA Manual), which will be adopted by the next Espoo MOP (Bucharest, 20- 21 May 2008). The SEA Manual provides an overview of basic public participation tools.

### **Relevant sources**

- UNECE – United Nations Economic Commission for Europe (2003): Public participation in strategic decision-making, MP.PP/WG.1/2003/5
- [http://www.unece.org/env/eia/sea\\_protocol.htm](http://www.unece.org/env/eia/sea_protocol.htm)
- [http://www.unece.org/env/eia/sea\\_manual/welcome.html](http://www.unece.org/env/eia/sea_manual/welcome.html)

### 3 Workshop Agenda and other documents

The final workshop agenda, the outline and slide copies as well as a list of participants are all available at

<http://www.unece.org/env/pp/ppsd.htm> and

<http://www.umwelt.net.at/article/archive/7247>.

#### Agenda (27 Nov. 2007)

<b>Aarhus Workshop on Public Participation in Strategic Decision-making (PPSD) 3 - 4 December 2007, Sofia, Bulgaria</b>		
<b>Agenda</b>		
<b>1<sup>st</sup> day, Monday, 3 Dec 2007</b>		
9.30 – 10.00		Registration of participants
10.00 – 10.15	15 min	Welcome and introduction (Bulgaria n.n., Elisabeth Freytag, Austria)
Morning session, chair: Elisabeth Freytag, Austria		
10.15 – 10.30	15 min	Overview of public participation in strategic decision-making in the UNECE area (David Aspinwall, UK)
10.30 – 10.45	15 min	General overview of the Aarhus Convention's requirements for public participation in strategic decision-making (Jerzy Jendroska, Poland)
10.45 – 11.00	15 min	Experiences with the SEA Directive (Jonathan Parker, European Commission)
11.00 – 11.25	25 min	<i>Questions and answers</i>
11.25 – 12.00	35 min	Coffee break
<b>PPSD with respect to legislation</b>		
12.00 – 12.25	25 min	Danish experience with assessments of bills (Laila Wieth-Knudsen, Denmark)
12.25 – 12.50	25 min	The new public participation mechanism established by the Parliament of Moldova (Ilya Trombitsky)
12.50 – 13.10	20 min	<i>Questions and answers</i>
13.10 – 14.40	1h30min	Lunch
Afternoon session, chair: Ursula Platzer-Schneider, Austria		
<b>PPSD in specific sectors</b>		
14.40 – 15.05	25 min	Regional plans for development and the national programme for ports development in Bulgaria (Vania Grigороva, Bulgaria)
15.05 – 15.30	25 min	Strategic environmental assessment of the regional land use plan for the development of wind energy in the county of Rogaland (Jorgen Brun, Norway)
15.30 – 15.50	20 min	<i>Questions and answers</i>
15.50 – 16.20	30 min	Coffee break
<b>PPSD regarding policies</b>		
16.20 – 16.45	25 min	The French "public debate" on transportation policy in Southern France (Laure Tourjansky, France)
16.45 – 17.10	25 min	The Electronic Discussions of CARNet (Vladimir V. Grebnev, Kyrgyzstan) tbc
17.10 – 17.30	20 min	<i>Questions and answers</i>
followed by evening reception hosted by Bulgaria		

<b>2<sup>nd</sup> day, Tuesday, 4 Dec 2007</b>		
Morning session, chair: Gerhard Stimmeder-Kienesberger, Austria		
<b>PPSD in specific sectors (continued)</b>		
9.00 – 9.25	25 min	Strategic environmental assessment for the Viennese waste management plan 2007 (Kerstin Arbter, Austria)
9.25 – 9.50	25 min	The Water code and policy in Armenia (Aida Iskoyan, Armenia)
9.50 – 10.10	20 min	<i>Questions and answers</i>
10.10 – 10.40	30 min	Coffee break
<b>PPSD at the local and national level</b>		
10.40 – 11.05	25 min	Aylesham Masterplan (Nick Wates, UK)
11.05 – 11.30	25 min	Participate! Decide! Win! NGO Green Home in Danilovgrad in Montenegro (Natasa Durakovic, NVO Green Home)
11.30 – 11.55	25 min	New Hungary Rural Development Programme (Teodóra Dönsz, National Society of Conservationists, FoE Hungary)
11.55 – 12.15	20 min	<i>Questions and answers</i>
12.15 – 13.45	1h30min	Lunch
Afternoon session, chair: Vania Grigorova, Bulgaria		
13.45 – 14.15	30 min	Personal reflections by David Aspinwall, UK; Magda Toth, REC; Kerstin Arbter, Austria, Aarhus focal point (tbc)
14.15 – 14.30	15 min	Lessons learned and final remarks (Jeremy Wates, UNECE – Aarhus Convention Secretariat)
14.30 – 14.40	10 min	Evaluation "How useful are the examples for your public participation processes?"
14.40		Closure of workshop

## **4 Initial analysis of good practice examples for public participation in strategic decision-making**

As mentioned already, the focus of the workshop in December 2007 in Sofia was one on practical examples of public participation at strategic planning levels (policies, plans, programmes, laws and regulations). Examples of applying articles 7 and 8 of the Aarhus Convention should be presented. To collect such examples, a call for abstracts was announced during the 7<sup>th</sup> Aarhus WGP in May 2007 and finally launched on 24 July 2007 via the Aarhus Secretariat and website. The deadline for sending abstracts was 17 September 2007 and was extended for a further week.

In total 16 examples were submitted for the workshop. The examples were manifold and can be seen as spotlights on public participation practice at strategic planning levels in UNECE countries. From the examples received the organizers would assume that the level of PSD might be quite heterogeneous in the UNECE area. What may be said is that a country-wide general practice cannot be derived from these few practice examples.

Actually, fewer examples than expected were received. Examples were provided by NGOs, some Aarhus National Focal Points and Espoo/SEA Focal Points and other experts. Some contributions mainly boiled down to complaints on the situation of public participation in a specific country, these papers could not be followed up but are listed here nevertheless. A few examples also failed in thematic terms by describing public participation provisions more at project level, e.g. public participation in environmental impact assessment (EIA) procedures.

Examples for the actual presentation at the Aarhus workshop were selected by the Austrian organizers using the following criteria:

- the focus of the example is on public participation at strategic planning levels, covering policies, plans, programmes or regulations
- examples should present different geographical regions of the UNECE countries, e.g. from Northern Europe, Central Europe, South-Eastern Europe, and Eastern Europe, the Caucasus and Central Asia (EECCA) countries
- examples should show national, regional and local public participation practice including transboundary aspects if possible
- examples should provide insight to different planning sectors (e.g. transport, waste, water management, urban planning, energy, regional and rural development, etc.).

The overall intention of the selection was to provide a range of public participation approaches applying articles 7 and 8 of the Aarhus Convention.

The following table shows the examples received for the workshop (those presented at the workshop are in **bold**).

<b>Country</b>	<b>Provided by</b>	<b>Example</b>	<b>Analysis: example of ...</b>
<b>Armenia</b>	Ms. Aida Iskoyan – Aarhus Focal Point Ministry of Nature Protection	The Water code and policy in Armenia	Public participation in regulation, transboundary aspects, national level, water management
<b>Austria</b>	Ms. Kerstin Arbter – Büro Arbter, SEA consulting and research	Strategic environmental assessment for the Viennese waste management plan 2007	Public participation in waste management planning, local level <a href="http://www.wien.gv.at/ma48/">www.wien.gv.at/ma48/</a> (in German only)
Azerbaijan	Ms. Lidiya Guluzada NGO TETA "Xazri"	General information about public participation, no concrete example	
Bosnia and Herzegovina	Mr. Mehmed Cero – sent by the Aarhus Focal Point Federal Ministry for Planning and Environment	General information about legal provisions concerning public participation including environmental impact assessment, no concrete example	
<b>Bulgaria</b>	Ms. Vania Grigorova Ministry of Environment and Water	1. Regional plans for development 2. the national programme for ports development in Bulgaria	1. Public participation in regional development planning 2. transport and water management (ports), national level
<b>Denmark</b>	Ms. Laila Wieth-Knudsen Ministry of the Environment	Danish experience with assessments of bills	Public participation in regulation
<b>France</b>	Ms. Laure Tourjansky Ministry of Ecology and Sustainable Development	The French "public debate" on transportation policy in Southern France	Public participation in transport policy, regional level <a href="http://www.debatpublic.fr/">http://www.debatpublic.fr/</a>
Georgia	Ms. Nino Gokheshvili Aarhus Focal Point Ministry of the Environment Protection and Natural Resources	Information about environmental impact assessment (projects) and some general experience of Aarhus centre, no concrete example	
<b>Hungary</b>	Ms. Teodóra Dönsz National Society of Conservationists, Friends of the Earth Hungary	New Hungary Rural Development Plan	Public participation in EU rural development programme, national level <a href="http://www.mtvsh.hu/skv">www.mtvsh.hu/skv</a> , <a href="http://www.env-in-cent.hu/referenciaink.html">www.env-in-cent.hu/referenciaink.html</a>
<b>Kyrgyzstan</b>	Mr. Vladimir Grebnev "CARNet" Digital Informational Network on Environment	The Electronic Discussions of CARNet	Public participation in policies, e-participation, transboundary cooperation <a href="http://www.caresd.net">http://www.caresd.net</a>
<b>Moldova</b>	Mr. Ilya Trombitsky Eco-TIRAS NGO	The new public participation mechanism established by the Parliament of Moldova	Public participation in legislation <a href="http://www.parlament.md/download/news/civilsociety/Cooperation%20with%20civil%20society.%20Concept%20(english).doc">http://www.parlament.md/download/news/civilsociety/Cooperation%20with%20civil%20society.%20Concept%20(english).doc</a>

<b>Montenegro</b>	Ms. Natasa Durakovic NVO Green Home	Participate! Decide! Win! NGO Green Home in Danilovgrad in Montenegro	Public participation in urban green zone planning, local level <a href="http://www.rec.org/REC/Programs/PublicParticipation/improving_practices/pilot/montenegro_green_home.pdf">www.rec.org/REC/Programs/PublicParticipation/improving_practices/pilot/montenegro_green_home.pdf</a>
<b>Norway</b>	Mr. Jorgen Brun Ministry of Environment	Strategic environmental assessment of the regional land use plan for the development of wind energy in the county of Rogaland	Public participation in energy planning, regional level <a href="http://www.rogfk.no/modules/module_123/proxy.asp?D=2&amp;C=147&amp;I=450&amp;mid=17&amp;sid=138&amp;pid=33">http://www.rogfk.no/modules/module_123/proxy.asp?D=2&amp;C=147&amp;I=450&amp;mid=17&amp;sid=138&amp;pid=33</a> (only in Norwegian)
Russia	Ms. Nadia Konshina Assessment Center ECOM of Saint-Petersburg Society of Naturalists (NGO)	Public expertise of The Law Draft "On Public Green Zones"	Public participation in regulation concerning urban green zone planning, local level <a href="http://www.ecom-info.spb.ru">www.ecom-info.spb.ru</a> (in Russian only)
<b>UK</b>	Mr. Nick Wates Nick Wates Associates	Aylesham Masterplan	Public participation in urban extension planning, local level <a href="http://www.communityplanning.net/casestudies/001/casestudy001.htm">http://www.communityplanning.net/casestudies/001/casestudy001.htm</a>
Usbekistan	Environmental law centre "Armon"	water supply to kishlaks Oykor and Tangatopdi in Bakhmalk region of Dzhizak area	Public participation of local communities <a href="http://www.leap.carec.kz">http://www.leap.carec.kz</a> <a href="http://armon.freenet.uz">http://armon.freenet.uz</a>

The abstracts of the provided examples are compiled in annex 1 (page 14).

## 5 Some further sources of information

### Selection of further sources of practical examples of public participation (only sources in English)

- <http://www.partizipation.at/casehistories.html>  
Case study collection launched by the Austrian Federal Ministry for Agriculture, Forestry, Environment and Water Management
- <http://www.communityplanning.net/casestudyintro.htm>  
Case study collection on the community planning website of the Academy for Sustainable Communities, Department for Communities and Local Government, Royal Town Planning Institute – Community Planning Project, Nick Wates Associates
- <http://ec.europa.eu/yourvoice/>  
Public participation website of the European Commission
- <http://www.eia.nl/ncea/database/index.htm>  
SEA database of the Netherlands Commission for EIA
- <http://www.goodpracticeparticipate.govt.nz/resources/case-studies.html>  
Case study collection of the Office of the Community & Voluntary Sector of New Zealand
- <http://www.health.nsw.gov.au/public-health/crcp/hib/publications/toc.html>  
Case study collection of the Australian New South Wales Health website (Community Consultation and Participation Resource Kit for Area Health Service Managers and Project Leaders)
- <http://www.unep.org/dec/onlinemanual/Enforcement/InstitutionalFrameworks/PublicParticipationProcesses/Resource/tabid/1040/Default.aspx>  
Case study collection of the UN Environmental Programme

### Further relevant websites about public participation

- <http://www.unece.org/env/pp/>  
Aarhus Convention website of the UNECE
- <http://ec.europa.eu/environment/aarhus/index.htm>  
Aarhus Convention website of the European Commission
- <http://ec.europa.eu/environment/eia/home.htm>  
Strategic environmental assessment (SEA) website of the European Commission
- [http://www.unece.org/env/eia/sea\\_protocol.htm](http://www.unece.org/env/eia/sea_protocol.htm)  
SEA-Protocol website of the UNECE

## 6 Annex 1: Abstracts of good practice examples

### 6.1 Armenia

- Information for which **strategic decision** (e.g. plan, programme, policy, preparation of law) the chosen example of public involvement has been carried out, short description of the decision related to and its political, national or other e.g. regional or local context

**Plan, programme, policy**

- Description of the **main content** of the strategic decision

**Plan- General plan of Yerevan city development**

**Programme- Zoning of Yerevan city**

**Policy- Water Code**

The draft Water code was submitted to public hearings which were organized by the Ministry of Nature Protection of RA. Such a requirement issues from the Law on EIA. The Ministry of Nature Protection created a group of experts the main task of which was to reveal the impact of the provisions of the Water code on the environment on the territory of Armenia as well as in the transboundary context. SEA was carried out as the Water Code was aimed at settlement of economic relations. The draft Water Code contained completely new institutions in that sphere. For example, for the first time the principle of basin water management was set down. It also included provisions of National Water Policy. Such provisions, of course, required public awareness and public participation. The draft Water code also set down the provision of use of transboundary water resources. The draft Water code was published and sent to interested NGOs and ministries as well as members of the Parliament. Public hearings were aimed at finding out proposals, approaches as the draft Water code concerned political and economic issues. Different international organizations (USAID, World Bank, etc.) were invited to the public hearings. As the issue was very urgent and NGOs were not in favour of the draft the proposals were passed to the Parliament where parliamentary hearings were held. This process was very transparent and it was suggested to go on with the work at the draft Water Code. The authors of the draft Water Code invited international experts especially from the USA. Today there is a necessity of amendments of the Water Code.

There is a time frame within which the public can submit their proposals.

- Description of the **methodology applied** for public involvement, including if possible **information with regard to the following issues:**

Concise information according to the following items is therefore appreciated:

- a) - Which type of public involvement was chosen (information, consultation, active participation)

**Consultation, active participation**

- b) - Which tools were applied (e.g. workshops, public hearings etc.) and why?

**Public hearings- they gave the public the opportunity of getting prepared and making relevant suggestions and remarks.**

- c) - How was the "public" determined? Who was finally identified as the public?

**Notification was sent to all the public organizations but only 20% of them were present at the public hearings. The “public” was not identified.**

d) - What were the benefits and problems of the selected tools?

**The selected tools made the process more transparent and open but they were not effective as different NGOs have a different level of knowledge, experience.**

e) - Did the chosen type of involvement allow for continuous public participation or was the public only involved in certain stages of the process?

**Such an approach was not efficient, stages were not identified.**

f) - Were the time frames for public involvement sufficient?

**Not so sufficient**

g) - In which aspects of the decision-making was the public involved? Did the selected “public” show its interest and if so, how?

**These were just public discussions; very often those participants, who were not professionals, expressed themselves. There was no selected “public”.**

h) - Did the public involvement influence the decision, if yes how and if not, why not?

**On the whole there wasn't any significant influence as NGOs were not professional in every sphere.**

i) – Were there any major lessons you learned in the public participation process; any highlights in the process you would recommend to others?

**There should be selected “public”(professionals), grouping of the participants according to the spheres, etc.**

- Indicate websites or other sources (media; reports, surveys) demonstrating your specific experience, if appropriate

### **Reports, surveys**

- Indicate a **contact person** fully informed of procedures who could possibly be addressed by the organizers on details

### **Aida Iskoyan**

- Indicate your relationship to the process, e.g. representative of the public authority organising the process, independent academic body, NGO participating in the process, etc.

**Independent academic body, NGO participating in the process**

## 6.2 Austria

### Strategic Environmental Assessment of the Viennese Waste Management Plan 2007

The waste management plan of Vienna (Austria) is a local plan which contains objectives and measures for the avoidance, separation, collection, treatment and transportation of waste in Vienna (~ 1.6 million inhabitants). According to the Viennese waste management act, the plan has to be up-dated every five years and a strategic environmental assessment (SEA) has to be carried out. The Viennese government has to adopt the plan.

The Viennese waste management plan 2007 answered questions about whether further treatment facilities and landfills are needed by 2017/2022, if and how separate collection of organic waste, of metals and of hazardous waste can be optimised, how the capacities of Vienna's treatment facilities can be managed best to ensure safety of disposal and how organic waste and small electrical waste can best be treated.

The planning process and the SEA were completely integrated to **one joint process**. Planning and SEA proceeded hand-in-hand, equally weighting the consideration of environmental, social and economic aspects. The result of the joint process was the Viennese waste management plan 2007 with integrated environmental aspects. The process started in spring 2006 and will be completed by the end of 2007. As the plan should be optimised and accepted by Vienna's waste management community and by the public, public participation was crucial throughout the entire process.

#### a) Which type of public involvement was chosen?

**Information, consultation and cooperation** were chosen for involvement. Each type was used at different process stages and for different "publics".

#### b) Which tools were applied and why?

The authorities and interest groups (2 environmental NGOs and Vienna's environmental ombudsman) most affected by the plan, took part actively in the entire process, from defining the planning objectives to the final planning draft. They made up an SEA-team and cooperated in all planning and SEA steps. External waste management experts were also members of the SEA-team, which consisted of 16 organisations (~ 25 persons) and was responsible for the draft plan and the SEA results. They worked together in 6 SEA workshops and could influence the development of the plan continuously. We call this participative approach **SEA Round Table**.

Other interested authorities and interest groups were consulted on interim results in a **feedback workshop** in order to bring in new ideas and a broader range of opinions. The SEA-team presented the planning objectives, first assessment results and first planning measures. The feedback group commented on these proposals. 51 persons attended the feedback workshop (28 guests, 23 SEA-team members). After the workshop the SEA-team decided on how the comments could be taken into account. Most of the comments were integrated into the plan or the environmental report. All comments and the means of taking them into account were documented in the environmental report.

After the SEA-team had completed the draft of the waste management plan and the environmental report, the **broader public** (everybody) was invited to comment on them. Public consultation was announced in two daily newspapers. The drafts were displayed for 8 weeks at the waste management authority, the environmental authority and Vienna's environmental ombudsman. The documents could also be downloaded on the website of the waste management authority. 15 comments were submitted, 5 of them were identical. In the

final SEA workshop the SEA-team decided on how the comments could be taken into account. Many of them were integrated into the plan or the environmental report and all comments and the means of taking them into account were documented in the environmental report again. This high transparency should build trust.

**c) How was the “public” determined? Who was finally identified as the public?**

To prepare the common planning and SEA process, a **core group** was built, consisting of the waste management authority, the environmental authority and Vienna's environmental ombudsman. They determined the three different "publics" to be involved: (1) the most affected authorities and interest groups (2 environmental NGOs and Vienna's environmental ombudsman) who made up the **SEA-team**, (2) further interested authorities and interest groups, who were consulted on interim results in the feedback workshop (**feedback group**) and (3) the **broader public**, who was consulted on the draft of the plan and the environmental report.

**d) What were the benefits and problems of the selected tools?**

The benefits were that the different "publics" could be reached appropriately according their degree of concern, interest and know-how. However, the SEA workshops for the SEA-team took time and work was intensive for the team members. The success depends on the "right" persons to be involved.

**e) Did the chosen type of involvement allow for continuous public participation or was the public only involved in certain stages of the process?**

The SEA-team was continuously involved, whereas the feedback group was consulted on interim results and the broader public was consulted on the draft of the plan and the environmental report.

**f) Were the time frames for public involvement sufficient?**

Yes, the time frames were sufficient. The SEA team had about one year to draft the plan and to carry out the SEA. The broader public had 8 weeks to comment on the drafts.

**g) In which aspects of the decision-making the public was involved? Did the selected “public” show its interest and if so, how?**

The public could comment on all contents of the waste management plan and the SEA. The SEA-team and the feedback group showed much interest in taking part in the offered workshops. The broader public did not show much interest in the consultation (15 comments see item b). We experience quite often that the broader public is not really interested in strategic planning processes, where it is not clear whether they are personally affected or not. To make public participation effective on strategic planning levels, we involve public representatives like NGOs or the chambers (e.g. worker's chamber, chamber of commerce).

**h) Did the public involvement influence the decision, if yes how and if not, why not?**

The public involvement influenced the final draft of the plan very much. The SEA-team itself found consensus on the final draft. The final decision on the Viennese waste management plan 2007 will be taken in Dec. 2007 by the Viennese government. It currently seems likely that the Viennese government will accept the recommendation of the SEA-team, because the responsible politicians were continuously informed about the planning and SEA progress.

**i) Were there any major lessons you learned in the public participation process; any highlights in the process you would recommend to others?**

- Consulting the public on the drafted plan and the environmental report is often too late and not enough for effective public participation at strategic planning levels.
- Cooperation with the interest groups affected by the plan throughout the entire process is crucial. The SEA Round Table can be recommended as a successful tool, especially for plans which might raise conflicts.
- Offering different possibilities to participate for different "publics" according their degree of concern, interest and know-how is important for effective public participation.
- Hiring a process manager to design and steer the common planning and SEA process and to facilitate the SEA workshops and mediate dissenting opinions can be useful.
- The feedback workshop allowed the integration of further points of view and opinions at a stage where the plan was still flexible and open enough to take new ideas on board effectively.

Sources: [www.wien.gv.at/ma48/](http://www.wien.gv.at/ma48/) (only in German)

Contact person:  
Kerstin Arbter

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Process manager of the SEA



## 6.3 Azerbaijan

### PUBLIC PARTICIPATION IN EIA AND SEA PROCESSES IN AZERBAIJAN

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Azerbaijan is a country – candidate for involvement to European Union and all legislative documents concern EIA (Environment Impact Assessment) and SEA (Strategic Environment Assessment) process should be updated to European standards. Though SEA Protocol was not signed by Azerbaijan Ministry, NGO groups request to follow the process EIA and SEA relative European standards.

One of important and fundamental problems is a lack of modern legislative base. All EIA process now is based on the National Law “About the Protection of the Environment” (1999) and the Handbook on EIA, which does not have its own specific legislative act. Nearly one year ago, officials of the Ministry of Ecology promised that a new law about EIA would be developed. But it was known from unofficial sources, the prepared draft virtually brooches only the subject of ecological expertise, not touching the EIA process and SEA. Actually there is too early to discuss its issues while the new law draft did not come to light.

Not well are going things with an access to information of ecological expertise and EIA. At the web-site of the Ministry of Ecology there is not any data about projects being submitted to the evaluation, approved and declined ones; this situation is remaining though

representatives of NGOs have applied to the Ministry and it was promised that such information will be available. Moreover, the Ministry does not fulfill the important term of mandatory public hearings for every project potentially affecting the environment. Though some foreign companies (mainly in oil sector) arrange those hearings, most others simply avoid the procedure. During recent years there were built and put into exploitation such large productive facilities as “Caspian Fish”, “European Tobacco Company”, Neftchala. Iodine - bromine plant. The new bus terminal in Baku is building now not only without public hearings of the project, but without developing EIA at all.

There is necessary to demand a public participation at all stages of EIA (as known they are 8). But now to do it at practice, for example in Baku with all violations of environmental legislation, there is no approved general plan.

One of great problems is that most public leaders lack ecological literacy. They can not demand right implementation of environmental rules and regulations because do not know a mechanism of the process.

Sometimes public organizations can not find common positions or coordinate their requirements when the environmental problems emerge.

Most successfully public participation showed itself during developing the project and the construction of oil pipeline Baku- Tbilisi- Ceyhan. Alongside the public hearings and consultations on places, a public monitoring at different stages of the process was arranged. In the end of September in Baku a workshop “Public oversight on Extractive Industry Impacts” will be held where will discuss questions public monitoring in the oil industry.

## 6.4 Bosnia and Herzegovina

### Introductory note

This abstract treats the public participation related to decision-making for documents in the field of environmental protection and physical planning.

### Environmental protection

According to the environmental laws and regulations, public\* (civil associations, business sector, NGOs etc.) participates, through public hearings, workshops, round tables, seminars, debates and other similar events, in the processes of development and adoption of the documents important for each administrative level in Bosnia and Herzegovina (local communities, municipalities, cantons, entities).

According to the provisions of the Law on Environmental Protection, **public hearings** are the obligated forms of public participation in decisions on specific activities, like the procedures on environmental impact assessments of the projects and environmental permits issuing for all industrial, energy, infrastructure and similar installations are.

Public hearings are provided and conducted by the competent entities' ministries.

The public concerned (citizens, local authorities, stakeholders from business and private sectors, investors and their collaborators) being informed, by means of media and immediately after the administrative procedure started, about the following:

- the proposed activity and the application on which a decision will be taken;
- the public authority responsible for making the decision;
- the progress of procedure including information on:
  - commencement of procedure,

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\* Law on Environmental protection defines ‘public’ as “one or more natural or legal persons, and, in accordance with entity legislation or practice, their association, organizations or groups.

- the opportunities for the public to participate,
- time and venue of any envisaged public hearing,
- an indication of the public authority from which relevant information can be obtained and where the relevant information are deposited for the examination by the public,
- an indication of the relevant public authority or any other official body to which comments or questions can be submitted and of the deadline for comments or questions,
- an indication of what environmental information are relevant to the proposed activity,
- an indication that the activity is subject to entity or transboundary environmental impact assessment procedure,
- a draft of decision or environmental permit.

**Workshops and public debates** are the activities obligated in procedures of *establishment and proclaiming the protected areas in certain category of protection* accorded to IUCN and Entity Law on Nature Protection. Depending on the fact under whose administrative jurisdiction the proposed protected area is going to be, workshops and public debates are conducted by the entity, or cantonal, or municipal authorities competent for the environmental issues, in collaboration with the authorities of local communities and NGOs. The concerned public participating in such meetings are the experts competent for the environmental protection issues, as well as the representatives of the citizens, civil associations, stakeholders from business and private sectors, who are living and working within the future protected area.

**Public debates** are the forms of public participation related to *development and adoption of the Environmental Action Plans* at different administrative levels (cantons and municipalities). The competent cantonal or municipal authorities and members of the team who draw up the document conduct them, jointly. Participating public are the representatives of local communities, stakeholders from business and private sector, civil associations etc.

### **Physical planning**

Public participation related to decision-making on physical planning document is prescribed by the "Regulation on Unique Methodology for Physical Planning Document Developing".

According to the mentioned Regulation, public participation is obligated in all phases of preparation and development of physical planning document at all federal levels of physical planning.

The body competent for physical planning document preparation and/or Council of the physical planning document are obliged to make the Programme of public participation in the processes of preparation and development of all physical planning documents.

This programme will, precisely, define the ways of public participation (tribunes, round tables, public hearings etc.) Each physical planning document, disregarding the federal levels of physical planning, has its own plan and dynamics of development which includes public participation arrangements and time period(s), as well as taking into consideration the comments and opinions from public.

Appeal system for the public participation process related to physical planning document development and adoption is not necessary.

## 6.5 Bulgaria

### Introduction

Bulgaria ratified the *UNECE Convention on access to environmental information, public participation in environmental decision-making and access to justice* (Aarhus Convention) in October 2003. The definitions of “public” and “public concerned” are included in the Environmental Protection Act (Additional Provisions) fully in accordance with the provisions in Art.7 of the Convention.

Bulgaria has transposed *Council Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment* and since 1<sup>st</sup> July 2004 the relevant national legislation is in force. It extends the preventive approach to environmental protection to the planning and programme level in requiring that before an authority at national, regional or local level adopts certain plans or programmes which are likely to have significant environmental effects, they should be made subject to an assessment of those effects.

### Subject of the case-study in PPSD

- *Regional plans for development*
- *National programme for ports development (2006-2015)*

### Public participation process

- Information to be provided to the public to allow participation of the public concerned, identification of the public concerned, in some cases encouraging its participation, dealing with potentially numerous written comments, holding public hearings or enquiries, making the relevant information available to the public in different stages of the procedure, possible arrangements to allow public participation for plans or programmes with transboundary effects).
- Consultation of other relevant authorities.
  - Authorities involved (on national/regional/local level) and by sector (agriculture, forestry, fisheries, energy, industry, transport, waste, water, telecommunications, tourism, town & country planning, land use, etc)).
  - Co-operation between authorities.
  - Role of other authorities (i.e. environmental, health, at national, regional, local level) in the SEA procedure - their capacity to cope with the additional workload arising from consultation.
- Availability of competent external experts in all relevant subjects (e.g. protection of air, water, soil, human health, nature and bio-diversity, geology, cultural heritage, technical infrastructure, land-use planning, landscape issues, radiation protection, technical expertise with regard to the specific project), availability of experts from other sources (institutions, universities, etc.), if necessary.
- Measures like training courses, workshops, publication of guidelines, vocational education or university courses, etc.

### Decision-making

- Ensuring that the relevant information in accordance with Art. 5 and Annex I of the *Ordinance on the conditions and the way to .....environmental assessment for plans and programmes* is included in the environmental report and that the quality of the environmental report is sufficient.
- Ensuring that the environmental report, and the results of the consultations, including where appropriate transboundary consultations, are taken into account during the preparation of the plan or programme and before its adoption.

- Ensuring that when the plan or programme is adopted, the authorities consulted, the public, and any other Member State consulted are informed and the following are made available: the plan or programme as adopted; a statement of how environmental considerations have been integrated into the plan or programme, how the environmental report and the results of consultation have been taken into account, and the reasons for choosing the plan or programme in the light of other reasonable alternatives; and the monitoring arrangements.

## 6.6 Denmark

### Danish experience with assessment of bills

Laila Wieth-Knudsen  
Danish Ministry of the Environment  
Agency for Spatial and Environmental Planning

#### Preparation of a bill.

- Appointment of a committee for the preparation.
- Administrative preparation with consultation of other authorities, institutions, interest groups, etc. Regular meeting of the government ministers.

**Readings in the parliament.** There are three readings in the parliament.

**Public consultation** is used when a bill is presented to the Parliament. The public have the opportunity to comment on proposals, before a law is adopted. The ministries consider public involvement enhanced assessment. Consultation of interest organizations, public concerned and other authorities have been widely practiced for a long time.

**Internet.** There is a special governmental website for consultations on legislations during the preparation. Main information concerning bills:

- the proposal of the bill
- the specific period for consultation
- the first reading
- the second reading
- the approval of the bill (third reading)
- the list of all official bodies, organization, NGO's , which have been consulted.
- the comments from the consultations (sum up the result of the consultation indicating the main estimates and argumentation arising out of the consultation exercise)

The website is easy to use and one can find a great deal of information on official documents and what could be of importance to know for a citizens.

**Newspapers** and other ways are also used to present new legislation. Public libraries have internet and can help the public to use it. Parliamentary debates are open to the public and are also broadcasted.

**The Public** is in general everybody living in Denmark.

**The public involvement** in the bills is normally not very high. Groups of citizens, who have a special interest, will try to influence the decision.

**The involvement of organizations, interest groups and NGO's** is in general high. They sometimes have an influence on the decision.

**Regular impact assessment** was introduced in Denmark in 1966 to evaluate economic and administrative impacts on the public sector, and the administrative consequences for the citizens and companies in general. This is an important part of preparation of bills.

**The assessment of bills** is based on the rules in the Circular from the Prime Minister's Office No. 31 of February 26 1993. The circular is later replaced by new administrative orders.

**Environmental assessments of bills** are based on the Circular from the Prime Minister's Office and on "Guidance on procedures for environmental assessment of bills and other Government proposals" 1995 by the Ministry of the Environment and on a Ministerial Guidance from 2005. Under the terms of the Circular, an assessment of bills and other governmental proposals is required if they are expected to have significant impact on the environment. An assessment of environmental effects should include all likely significant effects on the environment, should be performed with respect to administrative consideration and availability of data, and should declare if no significant effects are likely to occur in the observation on bill or other government proposals. Environmental effects are defined broadly to include human health and welfare, flora and fauna, soil, air, climate, landscape, material resources and cultural heritage.

**The Danish system for assessment of bills** and other proposals can be said to have been successful. It has proved to be an approach to the integration of environmental consideration in the preparation of bills and the procedure is transparent. But it can still be improved. For instance you almost never see a proposal of a bill where a negative effect on the environment is given a "high weight".

## 6.7 France

### **The French "public debate" on transportation policy in Southern France**

From April to July 2006, France decided to organize a public debate which targeted the Policy of transportation in a very large area located between the towns of Lyon and Perpignan in Southern France.

France decided to organize this public consultation because of huge traffic increase in this area, thus threatening environment and commitments to reduce CO2 emissions. The debate raised interesting questions about the place to give to car traffic in this area, the way to reach sustainable transport policy, etc.

Consultation was the main type of public involvement chosen in the process. Indeed, about forty public debates (meetings where people were given information, could ask questions, and could express their opinions) were held, covering a large territory including 3 French main districts (1/8 of French territory). Public was also involved through active participation: a working group, composed of 10 volunteers citizens, had discussions, made analyse and some proposals.

The National Commission of the Public Debate ("Commission nationale du débat public"), a national independent authority, usually ensures that the public is involved in national projects.

This Commission was in charge of this specific public debate and chose the appropriate tools - currently used for public debates -, i.e. (see above) : forty public debates were held, where people were informed and were given opportunities to express themselves and discuss proposals. A working group, composed of citizens, was also set up. People could also ask questions via an Internet platform (website).

Everybody was invited to the debate. Inhabitants of the concerned districts and tourists (as the debates were held from April to July) were particularly targeted. It turned out in the end that public participation was rather weak during the meetings. People who came were rather experts on specific topics (e.g. : NGO's). Stakeholders representing the private sector were not really represented at the meetings but gave written comments.

The outcomes from these public meetings (or public debates) are that most of them were held across all the territory concerned, so as to allow all the population to come to these meetings. Some of them - targeting local questions - were held in more isolated areas. The website, on which people could ask questions, was also a good tool to complete the discussions which occurred during the meetings and to allow people who couldn't go to the meetings to participate.

Problems were also encountered: as the public debate covered a large area, some people couldn't go to some public meetings which were held far from their homes. Moreover, during the meetings, the discussions on the policy itself were not very good, as people are more used to debate on projects (but discussions on the policy were more interesting on the website). Finally, young people were not very well represented.

The procedure is made to give the public a chance to give its opinion on the opportunity of the project (or here, a policy) and its contents, early on in the process, and before the usual public participation. During this procedure, the participation of the public was continuous as some people came to some meetings only while others went to all the meetings.

The time frames for public involvement was sufficient: public debate lasted 3 months, included forty meetings, and was held during summer so as to involve also the tourists - who are numerous during this period - in this area.

Finally, the public was not directly involved in the decision-making (like all public debates in France). Indeed, usually, at the end of a debate, the National Commission of the Public Debate, which is responsible for the organization of the debate, resumes the content of the debate and gives its report to the ministry concerned, without giving its opinion. Then, this ministry takes his decision based on this report. In this particular case, there were two ministries (Ministry in charge of Environment and Ministry in charge of transportation) and not the Ministry in charge of transportation alone. In this particular debate, people who were involved in the working group asked to be involved in the continuation of the debate, but the French administrative organization is not adapted to this request.

The aim of the process is to take into account the opinions of the public. As there are plenty of different opinions, it is impossible to follow all of them or to be sure to follow the main opinion. But it is clear that some of the final decisions would not have been taken without public participation, in particular:

- the decision to make a national plan dealing with "transportation, town-planning and greenhouse effect";
- the decision not to enlarge the main highway in this area (instead: best exploitation of existing infrastructures).

The major lesson here is to note the difference between a regular public debate, which involves only the ministry in charge of transportation, and this public debate where the ministry in charge of environment was associated.

The organization of a public debate is complex. One thing which could be improved could be the information before the meetings (via the medias) so as to encourage better participation.

Website demonstrating your specific experience:

The website of the National Commission of public debate is <http://www.debatpublic.fr/>

Contact person fully informed of procedures who could possibly be addressed by the organizers on details

Laure Tourjansky, head of the office of infrastructures, transportation and land-settlement at the French Ministry on charge of environment, was fully involved in this public debate.

Tel: +33 1 42 19 18 98

Indicate your relationship to the process, e.g. representative of the public authority organising the process, independent academic body, NGO participating in the process, etc.

Representative of the French Ministry in charge of Environment, involved in the process.

## 6.8 Georgia

In Georgia, one of the examples of public participation in decision-making process is Environmental Impact Assessment (EIA) procedure. This procedure includes: providing consultations to investor; providing access to EIA reports and information; distributing information regarding the EIA public hearings; arranging public hearings; and involving public in the decision-making process. EIA procedure in Georgia is regulated by the national legislation.

According to the existing national legislation, information on the prospective EIA public hearings is to be disseminated through local and central newspapers. In order to ensure more effective dissemination of information about the public hearings, the Aarhus Centre Georgia places this information on its website ([http://www.aarhus.dsl.ge/index.php?lang\\_id=ENG](http://www.aarhus.dsl.ge/index.php?lang_id=ENG)) and disseminates them via environmental mailing list. *Practice shows that if information dissemination tools are well developed under the national legislation requirements, than public participation in decision-making process significantly increases.*

Public is involved in EIA procedure on certain stages: They can review EIA report (before public hearing will take place), participate on EIA public hearings, express their views (before and during the public hearing) and submit comments and give written recommendations to investor on the EIA project.

The experience of the Project "Aarhus Centre Georgia" and observations on public participation process made by its Public Outreach specialists shows the following:

- work should be conducted within local communities in order to raise their awareness on the meaning of public hearings;
- public hearings should have a good facilitator;
- public hearing must be conducted within the frames of national legislation;
- the information regarding the possible public hearings should be distributed sufficiently and on-time in order to increase the quality of public hearings,

- local authorities should actively be involved in dissemination of relevant information on public hearing, providing local residents with EIA reports and short abstracts of the project and encourage public to participate in public-hearing and decision-making process.

## 6.9 Hungary

### Public participation in the strategic environmental assessment of the national programme for EAFRD in Hungary

Teodóra Dönsz, National Society of Conservationists, Friends of the Earth Hungary

**The strategic decision concerned and its main content:** the national Programme (“New Hungary Rural Development Programme”) determining the use of the European Agricultural Fund for Rural Development

#### **Short description of the context:**

The Directive 2001/42/EC and its national transposition (Govt Decree 2/2005 /I.11./) require that for certain plans and programmes strategic environmental assessment be made. According to the above legislation, as well as the Aarhus convention, the process should involve the public, as well.

The stages of the process were:

- 1) Preparation of the Programme, including public debate: responsibility of the Ministry of Agriculture and Rural Development
- 2) Elaboration of the SEA: partly parallel to the Programme, including public debate: carried out by a consortium upon commission by the Ministry
- 3) Integration of public inputs into the SEA: joint responsibility consortium + Ministry
- 4) Integration of the SEA’s findings into the Programme: responsibility of the Ministry
- 5) Adoption of the Programme by the Government
- 6) Submission of the Programme and the summary of the SEA to the European Commission

#### **Methodology applied**

- a) The type of public involvement: active and passive information dissemination, consultation, integration of public inputs
- b) The tools applied:
  - a. *Access to information:* by webpage (internet), paper-based distribution upon request
  - b. *Active information dissemination:* press release, advertisement in a national daily, direct mail to about 100 organizations (expert institutions, NGOs, unions), regular notification of those registering via the web
  - c. *Consultation with the “affected public” and authorities, direct participation:* comments any time to any public document, forum of 20 experts (govt and NGO), public debate via conference and two regional forums, consulting the National Environmental Council (tripartite advisory body to the govt)
  - d. *Integration of public comments:* integration of public comments into the SEA, integration of the SEA’s findings into the Programme (the Ministry’s responsibility)
- c) The identification of “the public”: we identified several levels according to expertise and affectedness, also in line with national legislation, but eventually, the total population of Hungary could have participated.
- d) Benefits and problems of the selected tools:
  - a. *Benefits:*

- i. reaching all potentially interested, wide-spread, active public participation;
    - ii. participation not limited to a phase of the SEA;
    - iii. debate on irrigation concluded by a compromise of all stakeholders.
  - b. *Problems:*
    - i. no official feedback from the Ministry after submission of the SEA report;
    - ii. the assignor (Ministry) did not agree upon the allocation-based assessment of the Program, i.e. a weighted assessment of environmental impacts of the Program based on the allocation of financial resources to the specific measure.
- e) Continuous public participation or in specific stages: continuous during the SEA process
- f) Time frames: sufficient. Officially, we offered 30 days for public comments but adopted some comments later, as well.
- g) Aspects of decision-making, if there was public interest:
  - a. The public was involved in the SEA process. Previously, the Programme itself was published for public debate, as well
  - b. Public interest: 29 people participated in the conference, the forum had 23 members, the public (21 organisations) sent or expressed 68 proposals and 42 comments, and 4 authorities sent 48 comments.
- h) Influence of public involvement: The SEA team took into account most public comments and 95% of the authorities' proposals. During the SEA process, the Ministry showed interest and openness towards the SEA. However, after the consortium submitted the SEA report to the Ministry (following the public debate), they have never heard back from the Ministry as to how much the Ministry accepted the report, what the Ministry changed in it, and how much the Ministry took the SEA's recommendations into account when finalising the Programme.
- i) Lessons learned, highlights worth recommending: The SEA process should start parallel to strategic planning of the programme and SEA experts should be able to consult those drafting the programme.

**Website:** [www.mtvsz.hu/skv](http://www.mtvsz.hu/skv), [www.env-in-cent.hu/referenciaink.html](http://www.env-in-cent.hu/referenciaink.html)

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**Our relationship to the process:** the National Society of Conservationists, Friends of the Earth Hungary was part of the consortium preparing the SEA and as such, was responsible for the public participation process linked to the SEA.

## 6.10 Kyrgyzstan

### **The Electronic Discussions of CARNet: On-line Communication Platform for Effective Public Participation in Addressing of Environmental Problems**

The Informational Network CARNet activity focuses on the priority areas identified at the first session of the Target Group on ICT Electronic Facilities of the Meeting of the Parties to the Aarhus Convention, in particular, it implements the ICT to promote public participation in environmental issues. For the first time in Central Asia CARNet started to popularize and actively use the ICT opportunities in promoting of sustainable development issues. The network, in particular, initiated and held the regional electronic discussions such as:

- “Problems of Irrational Land Management and Soil Degradation in Agriculture of Central Asia” ;
- “Integrated Management of Water Resources as a Basis to Prevent Conflicts in Central Asia”;
- “Gender Aspects of Sustainable Development and Environment”;
- “Water Users Association – a Way Towards Rational Water Resources Management”.

Today exchange of information through Internet has become an everyday practice and such services as on-line discussions, conferences, forums proved themselves to be an effective tool for collection and analysis of information and for presenting a wide spectrum of opinions. The electronic discussions of CARNet bring sustainable development professionals together to build a constructive dialogue and involve the public, experts and specialists of Central Asian region and other countries in discussion of these problems. This initiative clearly fits into the common activity of CA countries on developing of electronic informational tools for support of the Aarhus Convention and has a big number of potential users of the results of the discussion.

During 2004-2006 CARNet has been actively involved in achieving of the following targets:

- Establishing of an effective mechanism for information-analytical support and participation of civil society in CA in sustainable development process;
- Increasing the potential of NGO and governmental organizations’ workers in ICT, as well as in gathering, creating and dissemination of information;
- Improvement of informational and analytical support to the activity in sustainable development and the Millennium Development Goals area of Central Asia.

As the CARNet practice has shown, the Internet-based informational support of all sustainable development processes improves the interaction, provides an operative informational and analytical support and promotes better involvement of CA civil society and private sector in implementing of the Regional Environmental Action Plan (REAP) and other initiatives.

Today the thematic electronic discussions of CARNet have already become an effective long-term and sustainable mechanism of informational and analytical support which allow to conduct public consultations on environmental and sustainable development issues across the Central Asian region.

The public is widely represented among the organizers and participants of the electronic discussions as members of non-governmental environmental organizations and representatives of local communities. Discussions also involve decision-makers, experts and specialists in each thematic area of the discussions.

Besides that, the regional scope of the CARNet’s electronic discussions give a unique opportunity for broad exchange of experiences, opinions, options to make decisions the discussed problems. The statistics show that average number of visits of thematic sections during one discussion reaches 12,000.

A natural factor hindering popularization of electronic discussions as public participation tools we can name the lack of skills of a wide public in Internet discussions. The CARNet activity

helps to overcome this obstacle and makes the electronic discussions in the region a traditional tool of public participation in environment and sustainable development processes.

Non-governmental organizations equally with decision-makers took an active part in discussing the problems raised. The results of these discussions formed the basis of such documents as Transboundary Water Resources Management Project (World Bank), strategic documents of SIC ICWC and were used by the UNDP Offices in Central Asia when developing the national projects.

An important point about these discussions is that CARNet held these discussions in the run-up to important events which had influenced on forming of national and regional policies in some areas of sustainable development. For example, the discussion on theme: *“Problems of Irrational Land Management and Soil Degradation in Agriculture of Central Asia”* was held together with the Science-Research Hydrometeorology Institute under the Uzgidromet on the eve of the 7<sup>th</sup> Conference of Parties to UN Convention on Land Management (17-28.10.05, Nairobi, Kenya) and within the framework of the Central Asian Countries Initiative on Land Management. Another discussion – *“Integrated Management of Water Resources as a Basis to Prevent Conflicts in Central Asia”* was organized in partnership with SIC ICWC <sup>8</sup>, in the run-up to the International Conference on Regional Cooperation in the Basins of Transboundary Rivers <sup>9</sup> (30 May - 1 June 2005., Dushanbe). The results of the discussion were disseminated among participants of the Conference and have become an important element of informational support to this event.

The format of CARNet’s electronic discussions assumes the following stages: reviewing the materials, registration of participants, the discussion itself, summing up the intermediate and final outcomes, preparation of final report and recommendations, publication of the discussion results. Holding of electronic discussions, including the preparatory stage, takes up 1.5-2 months. As the CARNet experience showed, this time frame is sufficient for involving the wide public in a dialogue, if the process is duly organized. The public was involved in all stages of the process – from organization of the discussion to summing up the public discussion.

To have the same results we have to take into account the following factors:

- Current (relevant) theme comprising an important problem for the region,
- Competent participants with abilities to argument their viewpoints, debate constructively and respect the attitude of their opponents,
- Careful technical and organizational preparation.

The reports on results of electronic discussions have been published in print and electronic format and posted at CARNet’s portal on this address: <http://www.caresd.net>

Successful practice of CARNet Network demonstrates that electronic discussions help to join the knowledge, experience, initiatives with possibilities to influence on forming of a sustainable development policy. Besides that, CARNet’s experience proves that the electronic discussions illustrate real effectiveness of the electronic informational tools in providing support to the Aarhus Convention.

For additional information on electronic discussions, please, contact:

Vladimir V. Grebnev,  
Regional Coordinator, CARNet Information Network.

<sup>8</sup> Science-Information Center of the Interstate Commission of Water Coordination in Central Asia

<sup>9</sup> [www.transwaterconference2005.org](http://www.transwaterconference2005.org)

e-mail address: vladimir.grebnev@gmail.com

## 6.11 Moldova

### USE OF NEW PUBLIC PARTICIPATION MECHANISM ESTABLISHED BY THE PARLIAMENT OF MOLDOVA AS A TOOL FOR PPSD

*Ilya TROMBITSKY & Tatiana SINIAEVA, Eco-TIRAS NGO, MOLDOVA*

#### **Strategic decisions proposed for adoption by the government of Moldova:**

Recently government of Moldova initiated several law drafts having the aim to permit economic activities dangerous to nature and water in vulnerable protected zones (natural protected areas and water protected zones). There were:

- 1) the draft of amendment to the Law on Protected Zones of Rivers and Water Bodies (1995), which permitted as exemption construction of Tourist Complex 'Nistru' in the forest on the bank of Dubasari Reservoir of Dnjestr River, where currently any construction is prohibited by the law;
- 2) the draft of amendment to the same law providing simplification of permitting process and minimizing size of protective river zones to permit economic activities;
- 3) the draft of amendment to the Law on Fund of Natural Areas protected by the State (1998), which provided transfer of all most strictly protected areas from the category "scientific reserves" to the category "natural parks" with the official scope of tourism development, but really – for permission of economic activities and construction on these 0.5% most valuable national territories.

Because in present the capacities of the Ministry of Ecology and Natural Resources are seriously weakened but staff is intentionally lowered up to 25 people, the ministry can't resist to unsustainable decisions of the government. In these conditions the role of public and especially environmental NGOs rises.

#### **Methodology applied**

SEA procedures are not still developed in Moldova and despite the stipulation of the Law "On Environmental Expertise and EIA" (1996), that all law drafts related to environment should be a subject of the state and public ecological expertise, many drafts are presented by government to the parliament avoiding environmental evaluation of potential impact.

In these conditions we as NGO used the procedural option recently adopted by the Parliament of Moldova in December 2005 and named "The Concept of Cooperation of Parliament with Civil Society" which provide internet access of public to drafts received by the Parliament, right to send comments by e-mail (at least during 15 days after publication) to the Committee on Environment of the Parliament and right to participate in the Committee sessions for NGO representatives who did comments to the draft. This concept in details describes the procedures of public participation in decision making process of Parliament. Text in English

[http://www.parlament.md/download/news/civilsociety/Cooperation%20with%20civil%20society.%20Concept%20\(english\).doc](http://www.parlament.md/download/news/civilsociety/Cooperation%20with%20civil%20society.%20Concept%20(english).doc). Recently these procedures were included also into Parliamentary Rules.

#### **The methodology of public and stakeholders involvement included:**

- Articles in mass-media describing the governmental initiatives and their consequences to the nature and environment;
- Press-conferences with involvement of other ECOs for better attraction of public interest and formation of better shaped journalists views in mass-media;
- Interviews to newspapers, TV and radio;
- Collection of signatures of public under letters to the Parliament arguing why such drafts should be rejected and returned to the government for reviewing;
- Detailed analysis of drafts in letters with comments to the parliamentary Committee for Environment;
- Participation in the sessions of the Parliamentary Committee;
- Appeal to academics and attraction of the attention of scientific community and especially national Academy of Sciences with invitation to express their views;
- Appeal to international community via web-lists of ESUSG-IUCN, Ramsar, NIS web lists as well as letters to colleagues with the ask to write protesting letters with arguments to the Parliament, collection of reactions and their reflection in newspapers;
- Drafting and presentation of sustainable alternatives.

#### **Results achieved:**

The unsustainable decisions introduced by government to the Parliament until present were either returned to government or still not under discussion. The letters of foreign colleagues and academic community (more than 50), including MEPs and MEAs became especially effective creating the view of a wide international opposition. In some cases (proposal concerning transformation of scientific reserves to national parks) the proposed alternative has now support (individual approach to each case and substantial enlargement of territory of protected area with preservation of the status of nuclear strictly protected zone for current territory of scientific reserve whether it will be transformed to the national park).

#### **Lessons learned:**

- In general, in conditions of no access to the drafts on the stage of their preparation in ministry or government (current drafts were proposed by Forestry Service and Ministry of Economy, but not by MoE) the methods of public involvement on the level of Parliament looks as effective.
- It is useful to use personal relations in public authorities to have access to drafts and supporting documentation on different stages of the process.
- Foreign colleagues' involvement and ECOs colleagues' solidarity in letter campaigns is the important tool to reach success.
- In countries having Plan of Cooperation with the EU provisions of such plan as well as EU environmental legislation can be used as an argument.
- The procedure established by the Parliament looks perfect and can be shared within the region.

#### **Among difficulties and risks we can note:**

- Weak willingness of the majority of ECOs to visit parliamentary website and to participate in commenting of drafts;

- Passiveness of the MoE;
- Too much depends from the MPs personalities.

**For further information please contact:**

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## **6.12 Montenegro**

### **Participate! Decide! Win!**

Green Home - Zeleni Dom, municipality of Danilovgrad, Montenegro

The project aimed at activating the participation of citizens in the process of drafting and adopting the “Regulation on organization, physical planning and the protection of green urban areas” and at empowering the cooperation between citizens and local authorities, to provide a higher quality of protection and physical planning for green urban areas. One of the best examples of the participatory legal drafting on the local level in SEE region.

Progress report

[www.rec.org/REC/Programs/PublicParticipation/improving\\_practices/pilot/montenegro\\_green\\_home.pdf](http://www.rec.org/REC/Programs/PublicParticipation/improving_practices/pilot/montenegro_green_home.pdf)

Final report

[www.rec.org/REC/Programs/PublicParticipation/improving\\_practices/pilot/montenegro\\_green\\_home\\_v2.pdf](http://www.rec.org/REC/Programs/PublicParticipation/improving_practices/pilot/montenegro_green_home_v2.pdf)

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## 6.13 Norway

### **Regional landuse plan for the development of wind energy in the county of Rogaland in Norway**

The case presented is a regional land use plan for the development of wind energy in the county of Rogaland in Norway. The plan was adopted by the political planning authority at regional level, the County council after a planning process pursuant to The Planning and Building Act with participants from the local, regional and national level. The plan designates "yes/no/maybe" zones for localisation of wind farms and lays down planning guidelines for local landuse plans at municipal level, sectoral planning at all levels and developers. Giving guidelines for physical development, the plan required an SEA according to the SEA Directive. The SEA is integrated in the planning document and the planning process

#### **a) - Which type of public involvement was chosen (information, consultation, active participation)**

All three.

#### **b) - Which tools were applied (e.g. workshops, public hearings etc.) and why?**

- Public hearing by letter: Two public hearings to authorities concerned and relevant interest organisations
- Information in local newspapers: public inspection announced in two local newspapers
- To hearing seminars open to all
- Two meetings with a reference group (authorities concerned and relevant interest organisations)
- Internet: the public inspections, information of the planning process and studies undertaken was announced at Internet
- Direct consultation meetings: with municipalities through out the planning process and with NGO's and developers in the final decision making process

#### **c) - How was the "public" determined? Who was finally identified as the public?**

Pursuant to the requirements for county plans in the Planning and Building Act: **Authorities concerned and relevant interest organisations** shall be given the possibility to participate actively in the planning process. Further **the public in general** shall be given information about the planning process and the possibility to give comments to the planning program and the planning proposal.

**Identification of authorities concerned:** environmental authorities, municipalities concerned, regional and national energy authorities, state road authorities, national aviation authorities, The Norwegian Defence.

**Identification of relevant interest organisations:** six developers, three local energy companies, two tourist organisations, two environmental NGOs, farmers association, hunting and fishing organisation, cultural heritage organisation

#### **d) - What were the benefits and problems of the selected tools?**

- Benefits open seminars: gave a broad discussion with a lot of pros and cons regarding wind energy. Many participants (ca 150)

- Benefits Internet: An efficient way of keeping the public continually updated of the development in the planning process and of new studies available.
- Problems reference group: the group was too large to allow for in depth discussions on specific topics and interests, and two meetings were judged as not enough by some of the participants. Available resources did not allow for more meetings with subgroups.

**e) - Did the chosen type of involvement allow for continuous public participation or was the public only involved in certain stages of the process?**

Through the internet it was possible to give comments continuously.

The two hearings at planning program stage and planning proposal stage were limited in time, see f)

**f) - Were the time frames for public involvement sufficient?**

Yes. (8 weeks hearing for both the planning program and planning proposal)

**g) - In which aspects of the decision-making was the public involved? Did the selected "public" show its interest and if so, how?**

In the development and hearing of the planning program and in the development and hearing of the planning proposal. The municipalities, the developers and environmental NGO's had meetings with the county administration and political committees after the hearing of the planning proposal just before the political decision in the county council.

Yes. by active participation in meetings and by written comments.

**h) - Did the public involvement influence the decision, if yes how and if not, why not?**

Yes, the designated "yes/no/maybe" zones for localisation of wind farms in the plan were adjusted due to the public involvement

**i) – Were there any major lessons you learned in the public participation process; any highlights in the process you would recommend to others?**

Lessons learnt: the participation of some of the most central parties (developers and energy companies) could have been encouraged at an earlier stage. This would have needed special meetings that could maybe have given a more positive attitude towards designating "no-zones" in the adopted plan.

• **Indicate websites or other sources (media; reports, surveys) demonstrating your specific experience, if appropriate**

[http://www.rogfk.no/modules/module\\_123/proxy.asp?D=2&C=147&I=450&mid=17&sid=138&pid=33](http://www.rogfk.no/modules/module_123/proxy.asp?D=2&C=147&I=450&mid=17&sid=138&pid=33) (only in Norwegian)

• Indicate a **contact person** fully informed of procedures who could possibly be addressed by the organizers on details.

Jørgen Brun tel + 47 22245933

• Indicate your relationship to the process, e.g. representative of the public authority organising the process, independent academic body, NGO participating in the process, etc.

I work in the ministry of environment being the national planning authority giving the final approval of all county plans.

## 6.14 Russia

### Public expertise of The Law Draft “On Public Green Zones”

(Saint-Petersburg, Russia, May-June 2007)

by

**Assessment Center ECOM of Saint-Petersburg Society of Naturalists (NGO)**

**Relationship to the process:** NGO initiating, managing and participating in the process

The Law “On Public Green Zones” had being developed by the City Services and City Planning Committee of Legislative Assembly of Saint-Petersburg in 2005-2007.

In last 6-8 years city building industry in Saint-Petersburg has been growing rapidly and great decrease (about 20%) of greenery rates was determined as the result of a gap in the city environmental legislation.

The Law “On Public Green Zones” was aimed to meet a lack. This law was initiated to define concretely green areas which are protected by the city law “On Greenery Protection”. It consists of two parts 1) terms and 2) Green Public Zones Register describing location and total area of certain lots.

Experts from ECOM were included in the workgroup as public independent representatives. ECOM was in charge of public expertise of the Green Public Zones Register which protects all (more about 2 500) included areas from building up in rapidly growing city.

#### Public expertise was divided into 2 periods:

- 1) **2005-2007. The Law Draft Development.** ECOM organized and managed a group of volunteers to check initial register which had been developed by the Institute of Applied Geography. Volunteers established a correspondence between real characteristics of areas and documental description. They determined if a plot could be used for recreation or not.
- 2) **May-June 2007. The second and the third readings of the bill.** ECOM initiated and organized public audit of the Register and citizen’s control of amendments.

All types of public involvement (information, consultation, active participation) were used to gain wide support for the law and prevent technical mistakes in the PGZ Register. Public support was crucial in environmental and industrial lobbies’ confrontation.

#### Target groups:

- 1) **Wide Public.** The more people know about the possibility to protect their next door garden or park by checking-up the Register and adding missing green areas to it through an amendment procedure the fewer lots will be lost in future.
- 2) **Citizen’s Groups and NGO.** Today citizen’ movements against destroying green areas are very strong and active in Saint-Petersburg. About 20 groups and unions from almost all districts expressed public concern about the register’s completeness .
- 3) **Decision-Makers.** Deputies and Members of the City Services and City Planning Committee of Legislative Assembly.
- 4) **Mass-Media.** Only well-informed journalists and editors can write useful for public participation campaign and trustworthy articles.

#### Strategy

Informed and instructed public+ wide public discussion in mass-media + negotiations with decision-makers = effective public expertise

## Tools

### **1) Information and Enlightenment Campaign**

- Press-conferences, press-releases and statements.
- Web-site with all information, patterns of documents and recommendations for participants.
- Circulation of instructions “How you can participate ...” through media, Central Library and Web-site of ECOM.

### **2) Consultations**

- Meetings and phone consultations with initiative groups.
- Negotiations with decision-makers on behalf of public unions.

### **3) Active participation**

- Citizen’s proposals were moved forward by deputies as amendments.

## Results

- The City Services and City Planning Committee of Legislative Assembly of Saint-Petersburg received over 200 proposals signed by 2 256 citizens. Deputies received about 100 public proofs.
- All proper (60% from all) proofs were adopted in the 3 reading.
- The Law “On Public Green Zones” is one of the most popular and people’s law in Saint-Petersburg.

## Additional Information

ECOM also held wide public expertise of The City Planning Regulations and The General Plan of Saint-Petersburg.

**Website:** [www.ecom-info.spb.ru](http://www.ecom-info.spb.ru) (in Russian only)

**Contact person:** Alexander Karpov, Director of Assessment Center ECOM  
**Tel.:** +7 911 9876521, **E-mail:** [Alexander.Karpov@ecom-info.spb.ru](mailto:Alexander.Karpov@ecom-info.spb.ru)

## 6.15 UK

### **Community Planning in the UK. Good Practice Example: Aylesham Masterplan**

#### **1 Overview**

A good example of producing a Masterplan for a substantial urban extension with the full and creative involvement of key stakeholders, including local residents.

#### **2 Strategic decision**

This case study is about the strategic decisions involved in deciding how Aylesham should develop. It is not about the strategic decision that Aylesham should be identified as a place suitable for development. The context:

- a. Aylesham is a small town (or large village) in a former coal mining region in Kent, South East England.

- b. It was built in the 1920s and 1930s to a plan prepared by Sir Patrick Abercrombie. This envisaged a town with a population of 15,000. But due to recession in the 1930s, the original vision was not realized; only 1,760 homes were built housing 4,200 residents.
- c. In 1986 the local Snowdown Colliery (1 mile to the south) closed and the village declined as there were few other major local employers.
- d. The Village was identified as a strategic opportunity in the Kent County Council Structure Plan 1996 and Dover District Local Plan 2002.
- e. A partnership was formed by regional and national regeneration agencies, the local authorities and an academic institution to seize the initiative and create something of quality.

### **3 Main content**

The Masterplan sets the framework for development which will mostly be undertaken by the private sector. It contains planning and design principles covering the location and quality of development required.

### **4 Methodology for public involvement**

#### **4a Type of public involvement.**

A combination of information, consultation and active participation.

#### **4b Tools applied and why?**

- a. Development partnership of key stakeholders to coordinate the process.
- b. 'Enquiry by Design' workshops to allow professionals to work creatively together and with key stakeholders, including members of the public.
- c. Workshop with key stakeholders to test initial proposals from the design team.
- d. Presentation to a public meeting to keep the public informed and to secure reactions.
- e. Consultation on a Draft Masterplan to ensure public support for the proposals and obtain suggestions for improvement. This included:
  - Distribution of the draft document to the whole population and statutory consultees with feedback facilities;
  - Open house staffed exhibition with feedback facilities;
  - Face to face interviews with a sample of the public to check whether feedback provided voluntarily was representative.

#### **4c How the "public" was determined**

The entire population of the town was treated as the public. In practice the public were represented by those who made the time to attend the workshops and other activities. This included most town councillors as well as those active in community organisations such as residents associations.

#### **4d Benefits and problems of the selected tools**

The combination of tools used ensured that the public could be involved in a variety of different ways and that the key stakeholders were able to benefit from their input. Controversial issues could be resolved through debate and a transparent democratic mandate. No particular problems with any of the tools can be identified apart from the difficulty of maintaining public interest and involvement in what is inevitably a long and complicated development process.

**4e Timing of public participation**

The public was able to actively participate at certain stages for specific reasons. But channels of communication were established to allow the public to get information and provide feedback at any time.

**4f Time frames for public involvement**

Time frames for public involvement were sufficient.

**4g Aspects of decision-making the public was involved in**

The public was involved in all aspects of decision-making on the Masterplan but the key stakeholders retained ultimate decision-making power.

**4h Public involvement influence**

Public involvement influenced many aspects of the final masterplan, ranging from the quantity and location of public space to the provision of community facilities.

**4i Lessons learnt on public participation process**

Importance of using a range of tools within an overall engagement strategy.

**5 Further information**

The Community Planning Website [www.communityplanning.net](http://www.communityplanning.net) case study No 1

<http://www.communityplanning.net/casestudies/001/casestudy001.htm>

Dover District Council website page [www.dover.gov.uk/aylesham](http://www.dover.gov.uk/aylesham)

<http://www.dover.gov.uk/aylesham/>

Contact: Michael Ebbs, Forward Planning Manager, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ, UK Tel: +44 (0)1304 872472 email: [forwardplanning@dover.gov.uk](mailto:forwardplanning@dover.gov.uk)

**6 Author's relationship to the process**

a. Consultant on public consultation management (later stages only)

b. Editor for case study on [communityplanning.net](http://communityplanning.net)

Nick Wates [www.nickwates.co.uk](http://www.nickwates.co.uk) 18 OCTOBER 2007

## 6.16 Uzbekistan

Environmental law centre "Armon" is emphasizing involvement of local communities in resolving social, economical and environmental problems in the area.

For example, when addressing the problem of water supply to *kishlaks*<sup>10</sup> Oykor and Tangatopdi in Bakhmalk region of Dzhezak area local communities were involved in all the stages of the work. It has been proven that the people are experiencing informational vacuum. This gap was filled with seminars where community leaders were identified and asked for advice on a regular basis. In collaboration with the Aksakal Council an action strategy was developed that also included construction of a water intake structure and excavation works. Throughout the work the people were informed on their constitutional rights including their right to information, access to public justice, participation in taking decisions relevant for their community.

<sup>10</sup> explanation from the organizers: The word *kishlak*, from a Turkic word meaning "winter quarters," according to an internet research refers to settled agricultural villages in Uzbekistan, Tajikistan, and Kyrgyzstan. The *kishlak*, along with its nomadic counterpart, the *aul*, was an important social unit in Central Asia, traditionally inhabited by extended family groups.

Discussion of environmental issues with the people made it possible to develop a joint strategy for potential activities. Following the results of the discussions a local environmental action plan was produced which enabled to involve governmental institutions, international bodies and business resources into addressing environmental issues relevant for kishlaks Oykor and Tangatopdi.

There have been 8 seminars, 2 round tables, 6 working meetings with local authorities, Public Prosecutions Department, Sanitary and Epidemiological Station and Goskompriroda authorities. Public hearings produced favourable results in terms of fundraising and developing partnership with local authorities (Hokimiat) and business parties.

The following issues were considered the main obstacles:

- Uzbekistan did not sign the Aarhus convention;
- Low level of legal awareness among the population and the managing staff in governmental structures;
- Laws are declared but not executed

The mode of community involvement in environmental activities was determined by the following factors:

- relevance of the environmental issue in question,
- people's interest in resolving the problems relevant for the community.

Kishlaks Oykor and Tangatopdi are mountain villages situated on the foothills of Tien Shan and are in desperate need of drinking water. Drawing local action plans on drinking water supply facilitated community cooperation. For example, last year a medical station was built using local community resources.

For a more detailed information please refer to the websites <http://www.leap.carec.kz> or <http://armon.freenet.uz>

Contact persons involved in these activities are Yelena Yerzakovich (LYerzakovich@carec.kz), Gulia Issayeva (Glssaeva@carec.kz), Ulugbek Ruziev (Ulugbek.Ruziev@osce.org)

## 7 Annex 2: Lessons learned

### 7.1 In terms of participation<sup>11</sup>

*To be completed after the workshop*

[x participants took part in the workshop. Y% may be attributed to the Aarhus angle, z % to the SEA and Espoo angle.

a % came from a governmental level, b% from NGOs, c% from another level. In terms of countries of origin we counted a % from EU and EEA countries, b % from SEE countries, c% from EECCA countries and d% from other countries.

X concrete examples illustrated how the public can be effectively involved in certain strategic decisions.]

### 7.2 In terms of benchmarking input received against the 2006 instructions

Comparing with the 7 main considerations set by the 6<sup>th</sup> WGP<sup>12</sup> we have to admit that they represent a challenge that should not be underestimated by any future undertaking :

- a) the need for close consultation with an involvement of representatives of the governing body and secretariat of the Espoo Convention, as well as representatives of the Meeting of Signatories of the Protocol on SEA, in the planning process for the workshop and the compendium

Own assessment: 😞

We have carefully taken the objectives into consideration and incorporated as best as possible. Some of the considerations were easier to achieve than others also due to the fact of given limitations of workshops in general. While we could achieve a certain level of consultation of involvement of SEA experts and the Espoo secretariat into the set-up in Sofia itself, the work on the compendium as well as other issues had to be decided by the Austrian organizers comprising one national SEA expert respectively the Aarhus Bureau. A fully participatory planning process of all details would have taken us significantly more time, efforts and financial resources. Language barriers and distinct legal traditions should not be underestimated here as well with regard to assessing the contents of the abstracts and their background.

- b) the need to concentrate in more detail on the focus, final aims and main target groups for the workshop

Own assessment: 😊

The general focus on practical examples was fulfilled. However, the Sofia workshop could only achieve a spotlight picture as mentioned earlier on. The different target groups were all addressed and invited but participated very differently. Generally, the governmental and EU level was probably not sufficiently represented. Providing support to NGOs seemed indispensable and was borne by the Aarhus Trust Fund and by supporting speakers.

<sup>11</sup> See also general organizational background

<sup>12</sup> Note that any assessment with the initial ECE/MP:PP.WG.1/2006/6 paper would likely have shown even more cloudy results.

- c) the possibility of integration of experience from the ratification process of the Protocol on SEA into the workshop through participation

Own assessment: 🤔

While different pleas and calls from the organizers were made in time, this item would need a specific organizational set-up with such in-depth experience. The opening session provided at least possibilities of discussing partial answers. The workshop programme covers very different examples of public participation, some refer also to the frameworks, others concentrate only on practical experiences. As the programme contains quite a few SEA examples, we assume that to some extent also experience of the ratification of the SEA Protocol is taken into account somehow (but one has to be aware that until now only 7 Parties have ratified).

- d) the fact that it might be premature to draw any conclusion regarding the types of strategic decisions to which the Convention's provisions apply

Own assessment: 🤔

The organizers integrated an opening session into the agenda allowing such an initial discussion while being fully aware that each Aarhus Party is responsible itself for the implementation of both articles. Timing of the workshop came at a difficult moment for the Aarhus Focal points finalizing their 2<sup>nd</sup> wave of implementation reports roughly at the same time. Within the organizational and financial limits assessing the existing implementation reports submitted for MOP-2 in 2005 was not feasible.

- e) discussing existing practices in establishing frameworks for public participation in plans, programmes and policies relating to the environment as well as preparation of laws and rules with potential environmental impact, and in existing organizational structures and institutional arrangements relevant to PSD

Own assessment: 🤔 – 🤔

We could start discussing this consideration while being aware of the large heterogeneity and complexity to understand other national structures and arrangements. From the very different examples presented no general conclusions can be drawn besides the observation that very different examples exist, which seem to require some sort of flexible settings/approach towards public participation in strategic decision-making and that the cooperation between Aarhus und Espoo/SEA experts and WGP could be enhanced.


- f) envisaging a stronger focus on presenting good practice examples in the workshop and thus contributing to the preparation of the compendium of good practices

Own assessment: 🤔

We think we could achieve the focus on practical examples. An initial assessment on the usefulness of the workshop for participants was also carried out.

- g) the need to avoid any potential overlap of activities with existing tools (e.g. the Resource Manual to Support Application of the UNECE Protocol on Strategic

Environmental Assessment) in order to maximize the efficient use of available resources

Own assessment: 

We could achieve this last consideration.