

ANPED

Comments on Experiences with the Application of the Almaty Guidelines

1. Please provide any comments on the Guidelines, in view of your forum's own processes, activities and particular characteristics.

Some of our members and colleagues were involved in the drafting of the Almaty guidelines, and they stand as a good benchmark. They have been a useful elaboration for the Aarhus Convention and principles, setting out in more detail what international forums should be working towards. The task is now using the guidelines as a tool to achieve better quality public participation.

In the process of preparing the draft Rules Of Procedure for the Carpathian Convention, the Interim Secretariat of the Carpathian Convention (ISCC) would sometimes refer to 'taking the commonly accepted principles of working into regard' when encouraging the Parties to support the role of Observers and NGOs, in for example, participation in meetings. And the Almaty guidelines stand as part of those 'commonly accepted principles of working'. So they can be a tool to ensure a 'minimum requirement' level for international fora, but it is also important to use them to inspire better practice, as well.

2. Does your forum have any formalized rules or procedures concerning access to information, public participation in decision-making, and access to justice in environmental matters? If yes, please provide an overview.

Yes, the 'Rules of Procedure for the Conference of the Parties to the Framework Convention on the Protection and Sustainable Development of the Carpathians' were agreed at the First Conference of Parties of the Carpathian Convention, 11-13th December 2006, Kiev, Ukraine. I believe you already have a copy of these, submitted with the contribution from ISCC, or then can be obtained directly from ISCC Vienna.

Several NGOs were involved in providing comments during the drafting process of the ROP, and some points were accepted and incorporated, and some not. However, as far as I understand it the ROP apply only in letter for the COP meetings and all other operations of the Convention come under non-formalised practices.

3. Does your forum have any non-formalized practices concerning access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.

There are various non-formalised practices for public participation in the Carpatian Convention as indicated above. To summarise this briefly, Observers and stakeholders are invited to actively cooperate in the Convention process. In theory all official meetings of the Convention are open for Observers. The official language of the Convention is english and there are no official arrangements to provide translation of documents or meetings. Funds are normally made available to invite one or two key Observers to the general working meetings of the Convention. ISCC usually invites the Observers it feels are most appropriate or already actively engaged in the issue concerned for these funded places. The COP1 meeting saw the participation of a sizeable number of Observers and stakeholders, and there was a short segment to present a „Stakeholder message” to the official meeting. The official decisions included recommendations for the national focal points for the Convention, by which public

participation could be strengthened, it is at the Parties' discretion how they seek to work towards fulfilling those recommendations.

4. Are there any current or future work plans of your forum that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.

I am completing this comment because of ANPED's involvement in the Carpathian Convention, namely its project „Strengthening Public Participation in the Implementation of the Carpathian Convention”.

This work included stakeholder consultations in the seven Carpathian countries which identified stakeholder priorities and recommendations for implementation for the Convention. The results were summarised and formulated into position papers which were submitted for consideration in the official Convention process. ANPED supported stakeholders to travel and take part in the COP1 meeting of the Carpathian Convention and present key points there. Some recommendations from the position papers were included in the official decisions of the Parties as recommendations for actions to strengthen public participation. Funding for this work was received from UNEP Regional Office for Europe and DEFRA (Ministry of Environment in the UK).

Work continues on the ANPED project. Since COP1 the focus has been more practical activities for public participation for Carpathian work at the national level, below the official level of the Convention, in certain countries, and as part of the Working Group on Culture and Heritage of the Convention, as an entry point for public participation with local communities. Co-operation with UNEP ISCC continues and there is discussion upon what the next stage of work with them to strengthen public participation for the Convention should focus upon, but this is yet to be finally agreed.

Other NGOs and organisations active in the process of implementation of the Carpathian Convention include WWF Danube Carpathian Programme, CEEWEB, CERI and REC amongst others.

In particular, what kind of challenges, if any, has your forum encountered with regard to access to information, public participation in decision-making and access to justice in environmental matters (for example, low involvement of civil society, or practical difficulties in managing public participation)? If appropriate, please provide a description underlining those experiences you think could be most useful to consider when reviewing the relevance and practicality of the Almaty guidelines.

5.1 Challenges – Access to information and Access to Decision-making

a) Access to information

For the Carpathian Convention I would probably say that a general level of access to information has been achieved – documentation is available via a website in English, and a few key Observers attend most but not all Convention meetings. Improvements could be made particularly to some aspects of information provision. But these are mostly technical issues – reports could come quicker, the mechanism for information provision could be improved and formalised – no Communication strategy, exists for example. However it is not a problem of knowing what needs to be done, it is more a matter of providing the push and motivation for real practical action on these areas. And yes where necessary finding or allocating the funds necessary for their implementation. Public participation has to be seen as a key part of core costs – if it is to be viewed as a key part of core activities of a convention.

However, the key issue rests upon the different perspectives on the purpose, audience and target group for the Carpathian Convention – and the how this affects the real challenge – of participation in decision-making.

b) History of the development of the Carpathian Convention

Perhaps my expectation are high. I know the Carpathian Convention is sometimes regarded by others involved in more bureaucratic MEA as a good example of good relationships between Convention bodies and stakeholders. And I state that relationships are good and we all work to continue and support this useful co-operation. But the perspectives for the Carpathian Convention are linked to the stage of its development before the Convention was formally agreed, when there was a movement to 'have some co-operation agreement to help protect the Carpathian mountains'. NGOs and stakeholders were very active in that process, and felt very much part of that process – and that any future Convention would be a forum for their work. The official bodies and governments were also active. And the Convention was very much promoted as a framework Convention – one that would not restrict the actions or demanding funds from the governments parties – but enable new regional co-operation and support new programmes, thereby bringing resources to the region for actions to protect and work for sustainable development in the Carpathian mountains.

However of course, in the end the Carpathian Convention is a co-operation agreement between government parties, and this affects the nature of the co-operation. And it seems that this inevitably brings a level of bureaucracy, more official styles of working and decision-making, and a longer timetable.

But it must be said that the real driving force for the Convention is UNEP, in its role as the Interim Secretariat for the Carpathian Convention (ISCC). And it has proceeded with implementation by both the development of protocols and programmes. And UNEP does indeed deserve credit for supporting the agreement of the Convention, and establishing stability for its operation. ISCC does act as a 'gatekeeper' for the process. A very approachable one, but a gatekeeper nonetheless.

c) Access to Decision-making

This brings us back to the aspects of perspectives for the purpose, audience and target group for the Convention, and also to matters for public participation. Perhaps the Convention should be viewed solely as a diplomatic co-operation forum between governments and to stimulate one or two projects. But is this all ? Is this what was meant by full implementation of the Convention ? Programmes and actions have been developed for the Convention. But of course it is only 'feasible' to include a few key organisations in certain actions. So only a few key organisations are 'invited' to take part. So gaining access to the development of most proposals is by invitation. And the Convention may be used a forum to develop ideas, but it is admittedly quite a bureaucratic one.

Therefore I don't think NGOs view the Convention as the key forum for their regional co-operation or for the development of actions for the Carpathians anymore, in all the ways they had imagined during its development phase.

There is further work to be done on demonstrating the importance of public participation in decision-making to achieve really effective, relevant and useful results on the ground. In my opinion the real challenge lies in promoting the Almaty guidelines points 28 to 39, in the access to decision-making section, which are harder and require less easily defined and more proactive actions that just public participation in the right to be informed.

5.2 Challenges in involving stakeholders

I think the above paragraphs indicate where difficulties might lay in involving stakeholders. As processes becomes more official it becomes harder to keep stakeholders groups involved – a piece of work may take six months from proposal to approval. As sponsors sometimes support Convention meetings which can mean that Carpathian meetings happen far from the Carpathian region. And most stakeholders groups have limited capacity and sometimes inclination to take part in Convention processes which do not seem relevant to them. Only a few key Observers participate in most meetings. And public participation is not just about access to documents or meetings, but feeling an equal part of a process to stimulate actions.

5.3 Practicalities

There are several issues which are often listed under 'Practicalities' – such as the cost of participation of Observers in meetings and the provision of documentation in national languages. However these are not 'practicalities', they are in fact key issues. Availability of funds often decides whether NGOs can participate in a meeting or not. This means that Convention bodies have a direct role in determining participation. If a Convention body decides upon space and resources for two Observers to attend a meeting for example, then it is very likely that two Observers, and no more, will attend. Yes some of the key larger NGOs can allocate funds to follow the processes of international forums, but this is rare. The same context is true of national languages. If all documentation is in one language that that will have a direct impact of the circle of participation. Even if some of the key documentation is provided, even just in summary form, in a relevant national language, then that will widen considerably the circle of participation.

These are 'practical problems' – who will do it, who will pay for it – only because they need practical solutions. If they are considered key issues for participation then they should be considered in the key planning stages of implementation processes – when and how it maybe relevant and useful to take action. And how can they be incorporated into the normal budget planning process for the resources that will be necessary to support a 'necessary minimum' level of participation for any particular international process.

5.4 Almaty guidelines

So as to a final point on the Almaty Guidelines – yes there are still relevant but there is work to be done on their practical implementation. As has already been stated, there is experience of improvement in the area of access to information, and work to be done in the area of participation in decision-making. This is a challenge to us all.