

Public Participation in Caspian Sea Countries

1. Introduction

1.1 This summary report describes the current state of the provision of environmental information and public participation in Caspian Sea countries. It is part of a survey undertaken at the start of Phase II of the Caspian Environment Programme and the information will form one of the inputs into the Public Participation Strategy that is in the process of development. Other inputs into this strategy will include a revised Stakeholder Analysis.

1.2 This report is based on information provided by the Public Participation Advisers (PPA) in each of the Caspian countries, except for Kazakhstan for which no report was submitted. Most of the information was collected during July and August 2004 and the individual country reports can be downloaded from the CEP web site. The information was collected through a variety of mechanisms that in Turkmenistan and Russia included workshops with the Caspian Concern Groups.

1.3 In summary, the message is simple. Since Phase I of the CEP, public access to information and public participation is increasing in the region. However, there are some mixed messages; the work of NGOs is evaluated as being successful, and yet the national reports stress there is still a relatively low public awareness; environmental information and participation legislation is largely in place, but not consistently applied by administrations or exploited by NGOs; there are an increasing number of information and awareness activities, but still a low environmental literacy.

1.4 In addition, although there are some common trends, there are also significant differences between the countries, with different strengths and weaknesses in each. So, although there is still a long way to go before the general public have a significant impact on environmental policy and practise in the region the positive green shoots of better information, more information and more active participation are there - and growing.

2. What is public participation?

2.1 These are two general issues that it is useful to consider briefly before progressing with the report. Conflicts often arise in public participation in environmental decision making because different stakeholders attach different meaning to the word participation.

2.1 From the national reports it is obvious that different stakeholders think of participation at different stages on the simple but useful approach to participation of "tell, ask, discuss, and decide".

- Tell - the public are told about the environment, environmental problems and told what to do about them.
- Ask - the public are asked about the problems and asked about solutions - but decisions are usually made by local administration and other stakeholders after

"taking views into account".

- Discuss - a meaningful process of discussion takes place between the stakeholders and the public have a real input into any final decision
- Decide - a process whereby decision making is shared between stakeholders a

Hardly any stakeholder group in region would say "we don't think public participation is important", but that should not be a cause for celebration until the question is asked "what do you mean by public participation?" According to the feedback from the country reports, most local administrations understand participation to mean "telling" the general public about environmental problems - and then "telling" them what they need to do about them! It appears that in Russia some local administrations have progressed to "asking" the general public. At the asking stage, decisions are still made by local administrations but the public have been consulted. NGOs on the other hand all consider that effective participation should engage people in "discussing" and taking part in the decision making process in a more meaningful way.

2.2 The "tell, ask, discuss, decide" model is about public participation in the planning and development process and in most countries there is legislation determining peoples' participation rights. These rights usually include: to be consulted when plans are developed; to be provided with information about a new development; to be consulted about the development given the right to oppose the development and object to a proposed planning decision. These rights are embodied in environmental impact assessment requirements for particular kinds of large scale development and should also apply to all development decisions.

2.3 A second meaning of public participation is the level to which communities to are involved their own community development. At a project level this will commonly involve participatory rural appraisal and working intensively with a community to ensure that development meets their needs.

2.4 A third meaning attached to public participation, and one which is often the meaning given to it by local administrations, is the public "taking part" in some activity such as a clean up or a March for the Environment or an Environmental event. These are all happening with increasing frequency in the region. Whilst this is one form of public participation, it is participation at a relatively low level.

3. Environmental Legislation on Information and Participation

3.1 All countries have made a philosophical commitment to the provision of information and public participation. All have signed the Caspian Convention and are signatories to the Strategic Action Programme (SAP) for the Caspian Sea. The Convention and the SAP both contain important statements supporting and requiring public participation in environmental decision making. The same is true for the National Caspian Action Plans and other national strategic documents adopted by all countries such as national Environmental Action Plans and Biodiversity Action Plans. Having said that, the underlying tone of some of the plans, such as Turkmenistan for

example, is more one of "telling" than "discussing and doing", but the documents exist and for the basis for information provision and participation.

3.2 A generally sound legislative basis for access to information, public participation and environmental justice now exists in all four countries although the strength and clarity of the legislation varies from country to country. Turkmenistan and Azerbaijan have recently signed the Aarhus convention and Kazakhstan has recently ratified it. Whilst Russia has not signed the Aarhus Convention, the 2002 legislation "On the protection of the Natural Environment" includes the large majority of the Aarhus requirements. Azerbaijan has also ensured that the requirements of the Aarhus convention are embodied in national legislation, setting for example, time limits on the provision information and appeals procedures. Only in Iran is the legislation described by the PPA as "not clearly defined". All countries also have EIA requirements for different groups of developments.

3.2 The legal basis for the work of NGOs is also established in each country though the Law on Public Associations has recently changed the situation in Turkmenistan and made the work of NGOs difficult. The law requires NGOs to be registered and to date only a few NGOs have managed to pass through this process. Whilst waiting for registration NGOs have not been allowed to continue their activities and hence some NGO members have become commercial consultants and other activists have returned to other employment - but have still remained active! In Azerbaijan there are also restrictions on the activities of NGOs and financial reporting requirements could be seen as a potential control mechanism. In Iran on the other hand the legal status and opportunities for NGOs has been clarified over the last two years. It is also true to say that the legislation governing NGOs is not stable in any of the countries and is subject to change, with the result that NGOs have to be flexible and adaptable as circumstances alter. More information is provided about the role of NGOs below.

4. The Communication Culture

4.1 Each of the country reports strongly state that at a national level television, and in rural areas television and radio, are considered the main sources of environmental information. Newspapers are considered a second source of information whilst the activities of NGOs in various forms such as newsletters and public events provide an important informal flow of information. At a local Caspian Coast level newspapers are possibly more important than television. The reports raise a number of issues - some common to all countries.

4.2 In Turkmenistan the media is completely state controlled whilst in the other countries there are also an independent media. In Iran this is just newspapers and magazines whereas in Russia and Azerbaijan there are independent television channels as well. There are differences between state and independent reporting. The official media usually report issues in a descriptive, factual way and uninteresting way. Although the independent media often takes much the same approach, it also more often engages in analysis and opinion. Lobbying and campaigning however is something that is rarely seen or read in either the official or independent media. For the official media the reasons for this are obviously political, and for the independent media the reasons are sometimes economic and social. Two of the national reports mention that the

reliability of environmental information in the media and the quality of reporting is both frequently low and often inconsistent.

4.3 The country reports also highlight the growing importance of other sources of information about the environment, and especially the internet and satellite television. Satellite television is popular with the emerging and growing middle classes; in Azerbaijan for example, many people watch Russian or Turkish channels. On the one hand this gives people access to a wider base of information, which is possibly less biased, more reliable, and usually presented in a more exciting way. On the other hand detailed information about the Caspian environment is rarely presented making this group of people more difficult to reach through television.

4.4. Web based information is also increasing and is most used by younger people, NGOs, and the academic community. Two of the national reports also point out the increasing importance of web sites such as Caspinfo and Caspwatch in providing information and networking potential for the region, especially for professional groups and NGOs.

5. Strengths, Weaknesses, Opportunities and Threats.

5.1 The tables below summarise the strengths, weaknesses, opportunities and threats in each country as perceived by the PPAs and Caspian Concern Groups. Because each country report completed the tables in a different way, it should be noted that the absence of a score does not always mean that something is NOT relevant to that country! Hence patterns are difficult to identify. A detailed table was not completed for Azerbaijan and information presented in a different format. Issues that were mentioned have been indicated by an X rather than a score. The scores range from 1 (not significant) through to 5 (very significant).

A - Azerbaijan; I - Iran; R - Russia; T - Turkmenistan

5.2 Strengths

	A	I	R	T
Increasing environmental awareness and action by the public is responding to environmental problems		2		4
Growing positive dialogue between government and NGOs	X	3		
Increasing number of NGOs	X	2	4	
Principles of participation laid down in law	X		5	
Ministry of Natural Resources improving public access to information.			5	
Inclusion of "environmental protection" in school programmes			5	
Increased financial support by local administrations to public awareness			4	
Increased attention paid by businesses to relations with NGOs			4	
Increased regulatory support of regional administrations			4	
Integrated approach of the CEP				4
Positive response by local authorities to ecological threats to the population				4
Interest of the local authorities in the solution of ecological problems in rural areas				5
International companies that follow EIA and consultation processes	X			

5.3 Weaknesses

	A	I	R	T
Passivity of people through a lack of confidence				5
Lack of information				4
Lack of awareness about HOW to participate			4	4
Lack of funding			5	4
Lack of coordination between NGO activities - including competition		4	5	
Lack of awareness by NGOs of methods to make their activities more effective		4	4	
Increased environmental carelessness		4		
Insufficient development of democratic Institutions	X			
Lack of transparent and consistent involvement of NGOs in EIAs and little feedback from State EIA Department	X			

5.4 Opportunities

	A	I	R	T
Training for NGOs on how to increase their effectiveness			5	
Promotion of public support for accession to the Aarhus Convention			4	
Development of Local Agenda 21's			4	
Elaboration of Environmental Performance Reviews			4	
Involvement of the rural population				5
Encouragement of local initiatives				5
Development of dialogue between the population and local authorities				5
Publicising the environmental information using various technologies	X			5
Networking of NGOs nationally and internationally		4		
Increasing government understanding of the importance of NGOs	X			

5.5 Threats

	A	I	R	T
Poor NGO management continues to be a problem		4		
The changing political situation causes greater tension with the government		4		
Fading level of support at government level for participation			2	
Decrease in NGOs activities because of a lack of funding				
Worsening environmental situation as a result of passivity				5
Blocking the implementation of opportunities because of low participation				5

6. Changes in Public Participation

6.1 The PPAs were asked to evaluate what had improved and what had got worse since the first Ground Truthing Report. The reports are very country specific and as with the SWOT analysis above, it is difficult to generalise

6.2 The situation is reviewed very positively in Russia. The report states that nothing has got worse and there have several significant improvements.

- Public Reception Rooms have been opened in each MNR
- Questions can be placed on the MNR web site
- Consultative Public Councils have been established by MNR
- There is more activity by NGOs focusing on days of protection and campaigns, especially related to biodiversity
- Communication between NGOs has increased with the opening of an Ecological Internet Centre in Astrakhan.

The Russia report also described a large number of NGOs activities.

6.3 In Turkmenistan there has been a decrease in activities as a result of the NGO legislation and also a decrease in the overall awareness of people, partly because of the migration of people from other regions less aware of Caspian issues. On the positive side some significant improvements have included specific clean up action in Turkmenbashi, an increased cooperation with local communities by local authorities, and a "stirring up" of community initiatives. Work has also started on a response system to pollution threats.

6.4 In Azerbaijan the Ministry of Ecology and Natural Resources has opened an Aarhus Information Centre for the general public and also established a web site which regularly posts environment information. The press office is also very active and is developing a concept for a weekly environmental newspaper. Other positive changes have been the activities related to greening and increased drinking water quality. There appear to have been no significant issue that have got worse.

6.5 In Iran longer lists were produced that largely relate to the NGO situation in the country. On the positive side, the numbers of NGOs have increased, as recognition of their importance by the media and their participation in different events including being consulted by local administrations. The NGO registration legislation has improved. NGO networking has also improved significantly with a successful national environmental NGO meeting in 2003, and increased local networking. NGO capacity has also been enhanced. This is an encouraging positive picture.

On the negative side the PPA also lists the disorganised nature of some NGOs - some of which don't have specific and clear goals; a competitive climate between NGOs; a lack of familiarity with effective systems of communication and a lack of experience in communicating with different stakeholder groups such as local administration, this being related to a lack of understanding of the "rules of the game" in terms of working together. Financial weakness was also listed.

7. Stakeholder Groups

7.1 The major public participation stakeholder groups listed in the national reports were; Governmental Institutions (national, regional and municipal), Business Groups, NGOs and CBOs and Protection and Monitoring Organisations, Education Institutions and in Iran, the Clergy.

7.2 NGO activities were ranked as being the most effective in Russia and Azerbaijan (with scores of 4 and 5 out of 5) and not so effective in Turkmenistan and Iran (with scores of 1 to 3 out of 5). Activities of NGOs mainly focused on practical activities such as cleaning (Azerbaijan and Turkmenistan); public awareness raising (Russia); capacity building (Iran); environmental education (Iran and Russia). Enhanced capacity building for NGOs and consolidation to encourage NGOs to use the opportunities provided by legislation for participation. The Russian report contains a detailed list of major NGOs in each of the three regions and a useful assessment of the effectiveness of each.

7.3 Government Institutions were not mentioned as a stakeholder for Iran, but in Azerbaijan and Turkmenistan they were considered quite effective (with a score of 4) and fairly effective in Russia (with a score of 3). The activities of Government Institutions varied from the planting of trees and environmental improvements and raising awareness (Turkmenistan) and the provision of information and the initiation of public hearing and consultation (Russia). Specific suggestions for improvement were made in the Russian report and included the need for local government consistency and transparency in the implementation of participation.

7.4 Business Groups were listed in the Russian reports and where their effectiveness considered fairly effective (with a score of 3) and suggestions for improvement were to involve the public earlier in the planning process and for greater transparency.

7.5 Monitoring and Protection organisations were mentioned in the Turkmen report where their activities were given a score of 3 and suggestions for improvement included greater work with local communities and enhanced awareness campaigns.

8. Public Participation Activities

8.1 Each of the reports listed a different number of activities. In Iran the public participation activities listed focus on the capacity building workshops that have been held in the country. In Azerbaijan the main emphasis has been on greening activities and awareness raising. Greening activities were also listed in Turkmenistan together with capacity building to support the Aarhus Convention through UNEP project. In all countries publications have been produced.

8.2 In Russia activities listed also included general awareness raising through the celebration of environmental days, education activities with children and community activities through the Mark for Parks. The All Russia Nature Protection Society also organised two public hearings, one on the expansion of the Astrakhan gas processing plant, and the other on the expansion of the oil-waste processing enterprise "Yug Tanker". The outcomes of both hearings were taken into consideration by the state ecological expertise.

9. Barriers to Public Awareness, Participation and Access to Justice

9.1 The major barriers to more effective public participation in the region have been listed as:

- The legislation is largely in place but it lacks consistent application and enforcement by local administrations. There are no procedural barriers.
- When legislation is applied, there is a lack of effective systems and procedures for ensuring the access to information and the involvement of the general public. There is also some confusion about what it means. Participation in the planning decision making process does not necessarily mean a local democracy over on every decision!

- Whilst public awareness of the environmental situation of the Caspian growing there is still a relatively low public awareness of their rights to information and participation
- There is also not a tradition for the public to utilise rights associated with challenging government or business. This is linked to the common feeling that "they will do what they want to anyway!" no matter how much they ask!
- There is a lack of developed NGOs with the capacity to support the implementation of the public participation process
- And linked with this a lack of mechanisms for cooperation between the stakeholders.
- There is often a lack of cooperation with the stakeholders by government officials. At best this is because of low capacity or motivation, at worst it is purposeful obstruction to engage in public participation.
- The legal profession are relatively unwilling to take up environmental cases and do not always have the competence to do so.
- Coupled with this, there is also some ambiguity about the meaning of some of the participation legislation making its application uncertain.

9.2 In Azerbaijan there appear to be several specific barriers, which might also be in place in other countries of the region. One of these is that information is not provided and participation is not permitted in a number of activities including environmental permitting and the granting of licences. Another barrier relates to NGO finances. NGOs that receive more than 70% of their funds from international sources are precluded from environmental monitoring. This covers most NGOs. It is an inconsistent law in that the organisations that provide the funds to the NGOs, can themselves engage in monitoring.

9.3 The presence of legislation but the lack of NGOs and the general public being tough about the enforcement of legislation through the courts, was seen by one national report as a danger for the future. Participation legislation, like a footpath, needs to be frequently used otherwise it will get overgrown.

10. Gender issues.

10.1 In all countries there is a legal equality between men and women and gender equality is not perceived as a major issue. The report for Iran stressed women play a full and equal part in society, economy and the environment, despite the possible perception otherwise. However, despite this, one consistent issue does emerge in the region. There is a barrier to the participation of women - especially in rural areas. Part of this is cultural, but of more importance is the fact that women generally both have paid employment and are expected to manage the home. Hence many don't have the time to participate. Having said that in Iran the "Women Against Environmental Pollution" NGO is one of the most active in the region.

11. Visions for the Enhancement of Public Awareness.

11.1 The vision statements developed by the PPAs and the CCGs are reproduced below as written. These will be used in the development of the Public Participation Strategy

11.2 Azerbaijan

- | | |
|---|--|
| 1 | To promote partnership at school and university level |
| 2 | To encourage the media to actively participate in the dissemination of information |
| 3 | To promote NGO/government/private sector environmental partnership |
| 4 | To increase coastal community involvement in managing the Caspian Environment |
| 5 | To increase micro grant projects addressing coastal community and local environmental problems |

11.3 Iran

- | | |
|---|--|
| 1 | Capacitated and institutionally well arranged local and regional NGOs and CBOs with wisely selected goals and objectives and plans of action |
| 2 | Acceptable level of environmental awareness and knowledge reached among both public and authorities |
| 3 | Constructive and meaningful dialogue and mutual trust established between public and government |
| 4 | Legal statute developed and put into force to protect citizens environmental rights |
| 5 | Participatory decision making, planning and implementation of environmental activities set to practise. |

11.4 Russia

- | | |
|---|---|
| 1 | Institution and legal basis for public participation are reinforced I line with Aarhus principles |
| 2 | Capacity building of NGOs is encouraged and promoted by international NGOs (ISAR, Crude Accountability) and national NGO network (Ecoline) |
| 3 | Regional NGO coordination centre is established on the basis of existing regional public organisations |
| 4 | Consolidated action plans for public participation throughout the region are developed and pursued |
| 5 | Awareness of CEP activities in the region increased through targeted dissemination of information on environmental problems of the Caspian Sea and the role of CEP in tackling them. Greater sharing and dialogue with CEP ensured. |

11.5 Turkmenistan

- | | |
|---|--|
| 1 | Conducting joint actions to clean the coastal zone of the Caspian Sea, conducting joint actions (state bodies, local authorities, population and donors), improved conditions in - and greening of towns, clean sea, and the committee of public participation at the level of governor to solve environmental problems. |
| 2 | Wide network of informative publications; network of environmental information distribution is in place; delivery of information through the media to every house; |
| 3 | To enhance the small grant programme |
| 4 | Ecological monitoring with public participation on the basis of small local communities |
| 5 | Introduction of environmental subjects at schools |

12. Future Activities

12.1 The tables below summarise the priorities given by the PPAs in each country to the public information and participation activities in the CEP Project Document and the SAP, compared with those in the documents themselves. Three points stand out from the tables. Firstly, that there is a fair amount of agreement with the established priorities; secondly, that there are variations between countries and thirdly, that where there are differences, the priorities tend to be higher than the established priorities.

Summary Report on Public Participation in Caspian Sea Countries

Outcome in CEP PD	Activity	Priority in PD	A.	I	R	T
A5	Create and train Caspian Watch Groups for Biodiversity Monitoring	L	H	M	L	H
B1	Establish and Eco Net and Run public biodiversity awareness campaigns	L	H	M	L	H
E3	Public awareness campaign against the use of banned pesticides	L	H	H	L	L
G1	Develop a CEP media kit	H	H	H	H	M
G2	Strengthen Caspian NGO community	M	H	H	H	H
G3	Establish Caspian Concern Groups	H	M	M	H	H
G4	Establish an Environmental Awareness training programme for policy makers	L	H	H	M	H
G5	Strengthened private sector participation in CEP	M	H	M	M	H
G6	Create a public participation plan	H	H	H	H	H

SAP EQO Indicator	Activity	Priority In PD	A	I	R	T
II 1.5	Biodiversity Awareness Raising	M	H	H	H	H
V 1.1	Create a Caspian Environment Centre (but after year 5)	L	H	M	L	M
V 1.2	Create a CEP Press Bureau	H	H	M	H	H
V 1.3	Promote broader access to environmental information	H	H	H	H	H
V 1.4	Develop an Academic Curriculum for school and university	M	H	H	H	H
V 1.5	Set up a micro funds grant	H	H	H	H	H
V 2.1	Establish issues awareness training programmes for local administrations	M	M	H	M	H
V 2.2	Implement EIA procedures	M	H	H	L	H
V 2.3	Host mayors conferences	L	H	M	L	H
V 2.4	Promote Eco Tourism	L	H	M	L	H
V 3.1	Promote NGO/government/private sector partnerships	H	H	H	H	H

Acknowledgements

The International Public Participation Consultant wishes to thank the Public Participation Advisers in the four countries represented by this Report. The country reports provided were excellent and made the work of the IPPA relatively easy! The support and administration of the CEP in ensuring the timely submission of reports was also much appreciated.