CEP Public Participation Ground Truthing Report

Russia - 2004

1. Review of the Legislative Framework

According to the Constitution of the Russian Federation each citizen is entitled to a favourable environment, reliable information on the condition thereof and to reimbursement for a harm inflicted to one's health or property by an ecological offence.

The passed 3 years are characterized by a significant progress in recognition in implementation of this constitutional right. The Federal Law "On Protection of Natural Environment" (No. 7-FZ of January 10, 2002) was the first legislation act in which the basic principles of institutional framework for public involvement in decision-making processes have been laid down.

Specifically, the rights and duties of citizens and public associations in the field of environmental protection are set forth in Chapter III of this Federal Law which states, inter alia:

(Article 11) Citizens are entitled to:

- form public associations, funds and other non-commercial organizations carrying on their activities in the field of environmental protection;
- file applications with governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies, other organizations and officials asking for timely, complete and reliable information on environmental conditions in the area where they reside and on the measures taken for the protection thereof;
- take part in meetings, rallies, demonstrations, marches and picketing, collection of signatures for petitions, referendums on environmental protection issues and other actions not conflicting with Russian law;
- put forward proposals for a public ecological expert examination and take part in the conduct thereof in the established manner;
- provide assistance to governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies in the resolution of environmental protection issues;
- file the following with governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies and other organizations: complaints, applications and proposals on issues concerning environmental protection, negative effects on the environment and to obtain timely and well-substantiated replies;
- file complaints with a court claiming reimbursement for a harm inflicted to the environment;
- exercise the other rights envisaged by the legislation.

(Article 12) The public and other non-commercial associations pursuing their activities in the field of environmental protections are entitled to:

- elaborate, disseminate information about and implement environmental protection programs, protect the rights and lawful interests of citizens in environmental protection sphere, recruit citizens on voluntary basis for performing environmental protection activity;
- provide assistance to governmental bodies of the Russian Federation, governmental bodies of subjects of Federation, local government bodies in the resolution of environmental protection issues;
- organize meetings, rallies, demonstrations, marches and picketing, collection of signatures for petitions and take part in them, lay down proposals for referendums on environmental protection issues and for discussions on project designs concerning environmental protection;
- inquire from governmental bodies of the Russian Federation, governmental bodies of subjects of Federation, local government bodies and other organizations and officials for timely, complete and reliable information on environmental conditions, environmental protection measures, the circumstances and facts of economic and other activities that threaten the environment and citizens' life, health and property;
- take part in the making of economic and other decisions which are likely to exert a negative impact on the environment, citizens' life, health and property;
- file with governmental bodies of the Russian Federation, governmental bodies of subjects of Federation, local government bodies and other organizations the complaints, applications and proposals on issues concerning environmental protection, negative effects on the environment and to obtain timely and well-substantiated replies;
- organize and hold hearings on issues concerning design, location of facilities the economic and other activity whereof is capable of inflicting a harm to the environment, threaten citizens' life, health and property;
- organize and conduct a public ecological expertise;
- recommend their representatives for taking part in a state ecological expertise;
- file with governmental bodies of the Russian Federation, governmental bodies of subjects of Federation, local government bodies and a court the petitions for repealing decisions on design, location, construction, modification, operation of facilities the economic and other activities which are likely to exert a negative impact on the environment as well as petitions for suspending and terminating such activities;
- file complaints with a court claiming reimbursement of a harm inflicted to the environment.

Article 13 of the same Chapter III establishes a system of state measures for ensuring the citizens' right to a favourable environment stating that:

- governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies and officials shall provide assistance to citizens, public and other non-commercial associations in the implementation of their rights in the field of environmental protection;
- in case of deployment of facilities the economic and other activities which can harm the environment, the decision whereby their location is determined shall

- be taken with due regard to the opinion of the public or results of a referendum;
- officials obstructing citizens, public and other non-commercial associations in the pursuance of activity in the field of environmental protection, implementation of their lawful rights shall be held accountable in the established order.

Hence, the "green" movement has received a legal basis for its development and strengthening.

Following the adoption of basic principles for public participation, on May 22, 2002 the Ministry of Natural Resources of the RF (MNR) issued the Order #287 according to which in the course of 2002 the Consultative Public Councils have been formed under each regional body of MNR. In addition to that, the MNR and each of its regional bodies have opened Public Reception Rooms. Public queries can be also placed on MNR's web-sites.

In fact, non-governmental organizations (NGOs) are already playing an increasing role in attracting attention to issues of environmental management and protection in Russia. The best indication of growing strength of the "green" movement was public reaction against closure of independent environmental protection agencies and against a decision to import foreign nuclear waste. NGOs collected 2.5 million signatures in support of a national referendum on these two issues. Although the referendum demand was refused on formal grounds, the movement undoubtedly focused government attention on the need to address environmental problems, since the President of RF has since ordered development of an Environmental Doctrine which was prepared with strong involvement of public environmentalists and adopted by the Government on August 31, 2002. The Doctrine, which is a strategy-formulating document rather than a law, emphasises i.a. a necessity of public ecological control, strengthening of the role of public hearings, expertise and referenda as well as governmental support to public ecological movement. It also specifies the key directions for perspective strengthening of effective interaction between the governmental authorities and public organizations.

2. Communication Culture

The major media through which the general public in the Caspian region can get information about the environment are:

Official sources

- Annual regional MNR's publications on Environmental State in Astrakhan oblast, Republic of Dagestan and Republic of Kalmykia
- Web-site of the Ministry of Natural Resources of the RF (www.mnr.gov.ru)
- Environmental news bulletins of regional Environmental Commitees

Public sources

- Information bulletin Caspinfowww.caspinfo.ruru)
- Information bulletin Caspwatchwww.caspwatch.rumu)
- Information bulletin EcoAccordwww.accord.cis.lead.org/g)

Mass media

- Local TV channels
- Local Radio channels
- Local press

Given a rapid spreading of Internet facilities in the region, an increasing access to and use of **public sources** of environmental information is observed. Information bulletins "Caspinfo" and "Caspwatch" have created a network of public ecological control in the Caspian region. Both not only offer a wide information spectrum but also provide for exchange of information and discussions of environmental issues through electronic media.

Quality of reporting varies depending on category of media. Public sources and mass media address cause-effect aspects and very often analyze economic and political background while the environmental information reported though official media is more formal and fact-oriented. This stands as quite obvious observation since official media are politically and economically influenced while mass median and, especially, public media are to high extent independent. Official media is almost never involved in lobbying and campaigning activities – these rests with public media and mass media which have much more opportunities for focusing general public attention on specific environmental issues and associated socio-economic aspects. Impact of public media and mass media on general public motivation is increasingly visible. The role of television in raising of public awareness is definitely growing.

For the time being the environmental groups have limited possibilities to keep their own public media mainly due to lack of funding, and predominantly use existing public networks for dissemination of their information.

The most effective way of communication of environmental messages to general public is a concerted channeling of such messages simultaneously through various media.

3. SWOT and Change

Strengths now	Scale	Weaknesses now	Scale
Basic principles of institutional framework for public involvement in decision-making processes have been laid down in the Russian legislation (Federal Laws "On Protection of Natural Environment" and "On Environmental Expertise")	5	People are not yet fully capable of rendering importance to their right to have a free access to environmental information and to interfere into environmental management	4
Consultative Public Councils have been formed under regional bodies of MNR in Astrakhan Oblast and Dagestan. MNR and each of these regional bodies have opened Public Reception Rooms. Public queries can be also placed on MNR's web-sites.	4	Insufficient consolidation of efforts undertaken by numerous public environmental organizations which operate individually. Deficiency in coordination of current activities and perspective development.	5

Inclusion of "environment protection" to the state school educational programs	5	Lack of financial mean preclude public environmental organizations from successful	5
Increasing number of public organizations devoted to raising of public environmental awareness, particularly among	4	performance Insufficient awareness of environmental NGOs of methods and means for effective performance of their	4
school-children and students Increasing financial support of regional administrations to public awareness activities	4	activities	
Increasing regulatory support of regional administrations to public participation	5		
Increasing attention attached by business groups to relation with environmental NGO	4		
	Scale		Scale
Opportunities in the future		Threats in the future	
Training of environmental NGOs on how to increase the effectiveness of their performance, communication with various target groups (authorities, general public, business groups), fund raising activities etc.	5	Fading of level of government commitment to public participation	2
Reinforcement of cooperation between environmental organizations of the Baltic countries and to devise action plans for public participation	5	Decrease of intensity of NGO's activities due to lack of funding	3
Elaboration of local environmental performance reviews	4		
Development of local agendas 21	4		
Promotion of public support to	4		
Russia's accession to Aarhus Convention			

(1 = Not Significant, 2 = Slightly Significant, 3 = Moderately Significant, 4 = Significant, 5 = Very Significant).

Things that have got better	Ranking OF CHANGES	Things that have got worse	Ranking OF CHANGES
Public Reception Rooms have opened in MNR and each of its regional directorates. Public queries can be placed on MNR's web-sites	S	N/A	
Consultative Public Councils have been formed under each regional body of MNR	M		
"Days for Protection Against Ecological Danger" are being organized annually by the regional branches of All-Russian Nature Protection Society in Astrakhan Region and Dagestan	S		

Number of public campaigns for protection of biodiversity and clean environment in Astrakhan Region, Dagestan and Kalmykia has increased	S	
Number of public ecological expeditions in the region organized by Russian Geographical Society	M	
Number of nature protection associations associated with major oil and gas industrial companies has increased	M	
Ecological Internet Center has been opened in Astrakhan by Association "Green World" for free information exchange among NGOs and concerned individuals	S	

S: Significant - the general public have noticed these changes

M: Moderately Significant – the general public have not noticed but NGOs and professional groups have noticed a change

N: Not Very Significant – only those with an interest in public participation have noticed.

4. Current Information on the Stakeholder Groups

The stakeholder groups identified across the region can be generally divided into three broad categories:

- (a) Government institutions (local governments and municipal administrations);
- (b) Business groups;
- (c) NGOs / CBOs (very often closely related with scientific community).

STAKEHOLDER Government institutions	TARGET GROUP NGOs / CBOs	MAJOR PPACTIVITIES OF STAKEHOLDER Information dissemination and public hearings	EFFECTIVENESS OF ACTIVITIES 3	SUGGESTIONS FOR IMPROVEMENT Sustainability of administrative support to public participation and more transparency should be ensured. Decisions should be adopted in respect of studying public opinion on compliance of planned activities with ecological requirements (similar to the Decision by the Mayor of Astrakhan dated September 13, 2002). Principles of Aarhus Convention should be pursued
Business groups	NGOs / CBOs	Public hearings	3	Public participation at early stages on planned activity and more transparency should be ensured
NGOs / CBOs	General public	Information dissemination and awareness raising, environmental	4	More consolidation is required for full scale realization of lawful right of NGO/CBO to

EFFECTIVENESS OF ACTIVITIES - ON A SCALE OF 1 (VERY POOR) THROUGH TO 5 (VERY EFFECTIVE)

NGO	Target group	Major PP activities of NGO	Effectiveness of activities	Suggestions for Improvement
ASTRAK HAN REGION				
All-Russian Nature Protection Society (Astrakhan branch)	Government institutions; general public	Representation in the Consultative Public Council under regional Committee of natural resources and environmental protection.	5	Well established activities
Astrakhan Department of Russian Geographic Society	Scientific and student community; general public	Organization of public environmental events Organization of public ecological expeditions; conferences; educational programs; promotion of ecological culture	5	Well established activities
Association "Green World"	General public	Facilitation of free information exchange among NGOs and concerned groups and individuals	5	Well established activities
Astrakhan Committee for Rescue of the Caspian Sea	General public	Organization of public events for environmental protection and remediation	4	Closer cooperation may be required with other public organizations in the region involved in environmental awareness raising and mobilization of human resources
Astrakhan Environmental Bureau	Scientific and student community; general public	Promotion of environmental information and public awareness of environmental status and achievements of environmental science	4	Closer cooperation may be required with other public organizations in the region involved in environmental awareness raising and mobilization of human resources
Scientific- educational Fund "Caspian Floating University"	School children and student community	Environmental education ("education through research")	5	Well established activities
Lower Volga Center of Environmental	School children and student	Environmental education	4	Closer cooperation may be required with other public organizations in

Education	community			the region involved in environmental education activities
	ı	DAGESTAN	1	
All-Russian Nature Protection Society (Dagestan branch)	Government institutions; general public	Representation in the Consultative Public Council under regional Committee of natural resources and environmental protection. Organization of public environmental events	5	Well established activities
Dagestan Branch of Russian Ecological Academy	School children and student community	Environmental education	4	Publications on methodology of environmental education and dissemination of environmental knowledge should be more widely advertised and made distributed among concerned organizations
School Children Ecological Fund	School children	School environmental education	4	More methodological support should be sought from concerned public organizations
		KALMYKIA	i i	
Arid Zone Center	Scientific and student community; general public	Public environmental events	4	More proactive dialog with regional government is required
Kalmyk Branch of Russian Ecological Academy	School children and student community	Environmental education	4	More methodological support should be provided to concerned public organizations
Public Fund for Protection Saiga antelope	Government institutions; scientific and student community	Public events for protection of Saiga antelope. Experimental breeding of Saiga	5	Well established activity
Ecological Club of Kalmykia	General public	Promotion of ecologically sound life style	3	Closer cooperation may be required with public organizations involved in environmental education activities in the neighboring regions
All-Russian Nature Protection Society (Kalmyk branch)	Government institutions; general public	Organization of public environmental events	2	So far activity is passive. Support should be sought from the headquarters of the Society and its neighboring branches in Astrakhan and Makhachkala

EFFECT IVENESS OF ACTIVITIES - ON A SCALE OF 1 (VERY POOR) THROUGH TO 5 (VERY EFFECT IVE)

5. Public Participation Activities

Although socio-economic circumstances prevailing currently in the region create in general a favorable climate for functioning of environmental NGOs and public participation, their level and intensity differ from region to region. Compared to Dagestan and, especially, Kalmykia the level of environmental public activities in Astrakhan region is quite impressive. To large extent it is explained by (i) traditionally high environmental science potential, concentrated in Astrakhan; (ii) stronger support to the nature protection initiatives from the regional government and Astrakhan city administration, and (iii) substantial flow of international resources directed to the protection of the Lower Volga ecosystems which have global significance.

Some of the key public environmental activities are listed in the table below.

EVENT OR	Organised by	TARGET GROUP	IMPACT
Days for Protection Against Ecological Danger in Astrakhan and Mackhachkala	All-Russian Nature Protection Society (Astrakhan and Dagestan branches) with support from regional governments	General public	Facilitated consolidation of public environmental concerns and understanding of common responsibility for healthy living environment
School Children Forum "Ecology-Security- Life"	All-Russian Nature Protection Society (Astrakhan branch)	School children	Awareness raising of acute environmental issues
Festival "March of Parks" in Astrakhan and Mackhachkala	All-Russian Nature Protection Society (Astrakhan and Dagestan branches) with support from regional governments	General public	Awareness raising of nature reserves and their importance for biodiversity conservation
Campaign "Restoration of Urban Forests"	Astrakhan Environmental Bureau with support from city administration	School children and student community	Motivation of practical action for restoration of city parks
School of Marine Ecologists	Caspian Floating University (supported by UNESCO)	School children and student community	Training in methods and techniques of marine research ("education through research")
Public hearings on expansion of Astrakhan gas-processing plant	All-Russian Nature Protection Society (Astrakhan branch)	Regional government, business, NGOs	Public opinion was taken into account by the state ecological expertise of the project
Public hearings on expansion of oil-waste processing enterprise "Yug-Tanker"	All-Russian Nature Protection Society (Astrakhan branch)	Regional government, business, NGOs	Public opinion was taken into account by the state ecological expertise of the project
Conference "Rescue Saiga antelope"	Public Fund for Protection Saiga antelope	Regional government, scientific community, NGOs	Facilitated consolidation of public and governmental concerns with depletion of Saiga stocks. Conference developed practical recommendations for restoration of Saiga stocks

6. Definition of Public Participation

The Caspian region of the Russian Federation is characterized by rather extensive scope of conflict of interests, e.g. "economy-environment", "deposits of hydrocarbons-marine bioresources", "transport communications-marine ecosystem", "social progress-traditional life style" etc.

The term of "public participation" (which in fact can be interpreted as "environmental democracy") came from the West together with the beginning of processes of democratization in Russia. Although various groups of civil society acknowledge that public participation is a strong instrument in resolution of conflict of interests and securing sustainable development, perception of different stakeholders on the meaning of public participation is rather heterogeneous.

No	Stakeholder Group	What is the main emphasis T. A or D
1	Government institutions	Telling (T) people are just being given information or taking part in an event
2	Business groups	Asking (A) setting up systems to ask people their view, but then decisions are still made by the decision makers Telling (T) people are just being given information or taking part in an event
3	NGOs / CBOs	Asking (A) setting up systems to ask people their view, but then decisions are still made by the decision makers Discussing (D) setting up systems for community dialogue and decisions being made jointly after discussion

7. Barriers to Public Awareness and Participation & Access to Justice

Although the rights and duties of citizens and public associations in the field of environmental protection have been set forth and defined in the Russian legislation, the means of their practical implementation are still at the stage of formation and lack communication culture.

There are several important factors that create barriers to effective public participation:

- Appropriate legislation is in place but lacks enforcement;
- Insufficient communication culture;
- Low public awareness and no traditions to utilize public right to have a say in environmental management issues;
- Consolidated environmental public movement is just under formation and lacks human and financial resources.

According to the Constitution of the Russian Federation each citizen is entitled reimbursement for a harm inflicted to one's health or property by an ecological offence. According to the acting Russian civil and arbitration procedural legislation

shows that there are no basic procedural barriers for access to justice on the environmental issues, but court cases on ecological offence and environmental or health damage compensations are rather rare due to low public awareness and no traditions to go to courts, financial barriers and lack of professional legal assistance for citizens on environmental issues. Professional lawyers are not interested in such cases, have insufficient competence and there are no economic incentives in legislation for effective obtaining legal help for public on environmental matters. Lack of professional training for judges is also the crucial barrier. Arising difficulties are also connected with interpretation of terms and definitions, types of required information and evidence, and regimes of access to specific types of information governed by the Russian Law (e.g. Degree of the President of 2004 "On Information Security" and Federal Law of 2004 "On Commercial Secrets").

The accessibility to this right in Russia can be, therefore, scored as 3 (in scale of 1 to 5).

8. Gender issues in Public Participation

There no gender issues in public participation in the Russian Federation. On the contrary, share of women working in environmental organizations and participating in public environmental activities prevails.

9. Visions for Enhancement of Public Awareness and Participation

From political point of view, the accession of the Russian Federation to the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters (1998) is seen as an extremely important issue. Question of accession of Russia to the Aarhus Convention is now discussed in the Security Council of the Russian Federation. While most of the Aarhus principles already exist in the Russian legislation, the adoption of the Aarhus Convention may imply adjustments of quite a number of Russian legal acts regarding national information security, protection of commercial secrets, public meetings, court hearings etc.

Another important political aspect for enhancement of public participation will be the hearings on development of PP planned by the State Duma (Parliament) in Autumn 2004.

In general terms, crucial importance should be given to a concerted effort to reinforce the cooperation and coordination between the environmental organizations in the region and to devise consolidated action plans for public participation throughout the entire region. In this respect the continuous capacity building of environmental NGOs in the Caspian region basin should be given priority by the international NGOs such as ISAR (Initiative for Social Action and Renewal) and Crude Accountability. Foreign support (financial and human resources) to specific NGOs' activities should be provided through international funds and programmes.

The following five main visions for public awareness and participation are seen:

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

10. Future Activities

Public Participation activities indicated in Project Document and SAP are proposed to be ranked as follows:

OUTCOME IN CEP	ACTIVITY	PRIO	RITY
PROJECT DOCUMENT		STATED IN PD	PROPOSED
A5	Create and train Caspian Watch Groups for Biodiversity Monitoring	Low	Low
B1	Establish and Eco Net and Run public biodiversity awareness campaigns	Low	Low
E3	Public awareness campaign against the use of banned pesticides	Low	Low
G1	Develop a CEP media kit	High	High
G2	Strengthen Caspian NGO community	Medium	High
G3	Establish Caspian Concern Groups	High	High
G4	Establish an Environmental Awareness training programme for policy makers	Low	Medium
G5	Strengthened private sector participation in CEP	Medium	Medium
G6	Create a public participation plan	High	High

	SAP EQO	ACTIVITY	PRIORITY		ı
	INDICATOR		STATED IN	PROPOSED	ì
	EQO II 1.5	Biodiversity Awareness Raising	PD Medium	High	Ì
	EQO V 1.1	Create a Caspian Environment Centre (but after year 5)	Low	Low	Ì
	EQO V 1.2	Create a CEP Press Bureau	High	High	Ì
	EQO V 1.3	Promote broader access to environmental information	High	High	Ì
٠	EQO V 1.4	Develop an Academic Curriculum for school and university	Medium	High	Ì
	EQO V 1.5 EQO V 2.1	Set up a micro funds grant Establish issues awareness training programmes for local administrations	High Medium	High Medium	

EQO V 2.2	Implement EIA procedures	Medium	Low	
EQO V 2.3	Host mayors conferences	Low	Low	
EQO V 2.4	Promote Eco Tourism	Low	Low	
EQO V 3.1	Promote NGO/government/private sector partnerships	High	High	

To meet visions stated in Section 10, the following is suggested to be added:

(a) Reinforce institution and legal basis for PP in line with principles of Aarhus Convention.

11. Additional Questions

- How many NGOs active in your country's coastal region deal with environmental issues?
 22 registered organizations
 - a. What is the size of membership? Very diverse from 15 to 150 persons
 - b. What is the primary focus of these? (Oil industry, biodiversity, public health, civil society etc.)
 - c. Where does their funding come from? From diverse sources donation from scientific institutions, donations from regional/local administrations, funding of projects under international organizations, grants for specific projects, business sponsoring
 - d. What is the biggest challenge that they face in project implementation, other than lack of funds? Biggest challenge they face is a lack of mobilized human resources for PP work
- 2. How many CBOs exist in coastal areas? About 5 are known (registered locally) which are located in municipal communities. CBOs practically do not exist in rural communities since the rural population is not that much concerned with environmental health
 - a. How are they addressing environmental issues? Typical activities are small-scale campaigns, e.g. "Clean town", "Clean water" etc., which pursue motivation of environmentally friendly citizen's behavior
 - b. What is the size of membership? Rather diverse from 10 to 50 members
- 3. How many media organizations in the coastal region report at least monthly on environmental issues? At least 10
- 4. What is the estimated population of coastal regions in your country? 1,220 thousand
- 5. What is the number of protected areas (either coastal, marine or otherwise) in the coastal regions? 18
- 6. What are the top 5 income earning industries in the coastal region? Fisheries, farming, cattle breeding, transport, industry (food, shipyards, machinery)

For Fisheries Ministry/Fisheries Committee or Ministry in charge of fisheries

- 1. Other than lack of money, what is the biggest obstacle to successful fisheries management? Corruption
- 2. What is being done to protect genetic diversity of fish from hatcheries? Careful selection of breeders (donor fish)
- 3. What is the biggest challenge to enforcing the CITES ban on fisheries? Pouching

For Public Health Care Provider

1. What is the most prevalent illness of your patients? Respiratory diseases, gastric diseases

- 2. Do your patients think there is a relationship between their health and environmental conditions? Relationship with air pollution and poor drinking water quality is recognized
- 3. What is your biggest concern about the health of people who you treat? Deficiency of health centers, chronic illnesses

For Coastal Zone Residents

- 1. Where do you get information about the environment? Newspapers, radio, TV
- 2. What is the main source of income for coastal zone residents? Fisheries, farming, cattle breeding