

**Framework Convention
for the Protection of the Marine
Environment of the Caspian Sea**

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**NATIONAL PUBLIC PARTICIPATION STRATEGIES
SYNTHESIS REPORT**

Note by the interim Secretariat

1. The Program of Work adopted at the 2nd Meeting of the Conference of the Parties (COP2) to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention), held in November 2008 in Tehran, I.R. of Iran and the GEF/UNDP CaspEco project, launched in April 2009, provided for a revision and aligning of the existing National Caspian Action Plans developed under the Caspian Environment Program (CEP) with the objectives and requirements of the Strategic Convention Action Plan and the Protocols of the Tehran Convention, which would form the National Convention Action Plans (NCAPs). At COP3 in Aktau, Kazakhstan, 12 August 2012, the Ministers and High-level Officials of the Contracting Parties adopted the *Strategy for Civil Society Engagement in the Caspian Sea Marine Environment* or *Public Participation Strategy (PPS)* after a lengthy regional consultative process which began under the auspices of the CEP.

2. An essential part of the PPS pertains to engagement of civil society in the implementation of the NCAPs. Furthermore, the Regional Meeting of Representatives of the Civil Society in May 2009 in St. Petersburg expressed the wish to establish stronger civil society networks at the national level in each of the Caspian countries. For that purpose, the development of national strategies for public participation (NPPSs) including concrete agendas for action was needed to help ensure adequate participation, outreach and information exchange about the state of implementation of the Tehran Convention and facilitate civil society organizations' contributions to the NCAPs.

3. By letter of 10 February 2010 the Ministers/National Focal Points of the Contracting Parties were requested to nominate in consultation with relevant members of civil society a person to coordinate the preparation of the respective country's NPPS and agenda for action.

4. First progress in the preparation as well as the development process of the strategies was reviewed and discussed during the Caspian Regional Stakeholders' Meeting in Almaty, Kazakhstan, 18 September 2010. Because of the close interlinkages of national civil society engagement with the preparation and implementation of the National Convention Action Plans the first meeting to review the outlines of the NCAPs prepared by the designated focal points held on 14 and 15 March 2011 in Ashgabat, Turkmenistan decided to integrate each country's NPPS into the respective NCAP as a separate chapter and that special attention should be paid to public participation in the implementation of the NCAPs.

5. The preparation process of the NCAPs is described in document TC/COP4/INF.4.

6. At COP3 the Ministers and High-level Officials furthermore "noted the importance of public participation" and "confirmed their intention to facilitate stakeholder engagement in the protection of the marine environment of the Caspian Sea through National Strategies for Civil Society Engagement in the Protection of the Marine Environment of the Caspian Sea being part of the NCAPs". The Program of Work for 2011-2012 adopted at COP3 suggested that during the biennium the NPPSs (including lists of stakeholders) would be endorsed and launched.

7. On 23 November 2011 in Ashgabat, Turkmenistan, back to back with the second NCAP development meeting, the Caspian states' representatives reviewed the countries' final NPPS documents. A first outline of a comparative summary of the NPPSs was presented and the meeting tasked the Tehran Convention interim Secretariat to prepare a synthesis paper of the NPPSs for information and consideration at COP4 and for reporting purposes to the EU, which supported the NPPSs processes financially.

8. At different stages in their preparations of the NPPSs, the countries held national stakeholder consultations with the objective to integrate the stakeholders' views and suggestions into the NPPSs as well as to form a network of civil society organizations which would accompany and actively participate in the further development and implementation of the NCAPs and their integrated NPPSs. Furthermore, the Caspian countries used the occasion of Caspian Day - held annually on 12 August - to publically launch the strategies in 2012.

9. The Conference of the Parties may wish to:

- Welcome the launching by each of the Contracting Parties of their NPPS at or in connection with Caspian Day celebrations;
- commit to promote and facilitate stakeholder involvement in the implementation of the Convention and its Protocols; and
- request the interim Secretariat to regularly update the synthesis report (TC/COP4/INF.5) based on the national reports of the Contracting Parties.

**The National Public Participation Strategies of the Caspian Littoral States in the Context
of the Framework Convention for the Protection of the Marine Environment of the
Caspian Sea -
A Synthesis Report**

1. Introduction

This paper is a synthesis report of the National Public Participation Strategies (NPPS) developed by each of the five Caspian littoral states to implement one of the main principles of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention) - public participation. It outlines and compares the countries' current state of play, objectives, legal basis, institutional structure and national priorities and activities for public participation in environmental issues.

Public involvement is an essential part of an effective system for managing the environment in general and water resources more specifically. Decisions related to the use and management of water resources have tremendous impacts on social and economic well-being and the health of ecosystems on which all societies depend. Since the adoption of the Rio Declaration in 1992 and its Principle 10¹, the rights of the public to participate in environmental issues is widely acknowledged by international law and considered as essential to achieve long-term sustainable development. Consequently, the Tehran Convention includes the principle of accessibility of information, Article 5 (c), and requires the Parties to ensure public access to environmental conditions [...] and measures taken to prevent, control and reduce pollution of the Caspian Sea [...] taking into account provisions of existing international agreements concerning public access to environmental information", Article 21 (2). Three of the five Caspian states are also Party to the UNECE Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, namely Azerbaijan, Kazakhstan and Turkmenistan which puts additional compliance burdens on these countries as the Aarhus Convention is generally perceived as the "most ambitious venture in the area of environmental democracy"² under the auspices of the UN.

To implement the provisions of the Tehran Convention and the Strategic Convention Action Plan (SCAP), which was adopted at the 2nd Meeting of the Conference of the Parties in Tehran, I.R. of Iran, 2008 the Caspian states developed National Convention Action Plans (NCAPs). As highlighted above, the public and other stakeholders need to be actively involved in the implementation of the NCAPs in order to achieve lasting results. For that purpose and on the basis of a Caspian Regional Strategy for Civil Society Engagement the countries decided to develop national strategies to foster public participation, the NPPS, which were later decided to

¹ Wording: "*Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.*"

² UN Secretary-General Kofi Annan (1997-2006)

form an integral part of the NCAPs. The detailed procedure of the development of the NPPS is described in TC/COP4/INF.5.

The main purpose of the NPPS is to define the countries' main priorities on how to enhance stakeholder engagement in the implementation of the Tehran Convention and its Protocols. The strategies are based on and take into account existing international and national legislation as well as policies concerning public participation and include concrete agendas for action at the national level. They also outline the already established or necessary national (institutional) mechanisms for enhanced civil society engagement. National stakeholders and civil society organizations were consulted and actively engaged in the preparations of the NPPS which also served the purpose of developing and strengthening their national collaboration networks.

The final strategies of the countries were publically launched at awareness-raising events to celebrate "Caspian Day" on 12 August, the day of the entry into force of the Tehran Convention. The development of the NPPS was financially supported by the European Union.

2. General Structure and Current State of Play

The five Caspian NPPS either form a chapter or are firmly integrated into the NCAPs as in the case of Iran. These are expected to be adopted at the highest political level of their respective countries which also gives the public participation activities significant weight in the implementation of the Tehran Convention. The strategies are generally structured in a similar way. A narrative part describes the context, current state of play and the institutional structure and mechanisms of public participation in the country as well as the objectives and legal basis of the strategy. The other part is a concrete agenda for priority action in the form of a table indicating outcomes to be achieved in a given period of time.

The NPPS of **Azerbaijan** is addressing the current state of public participation in environmental issues not in the narrative part but in the context of other sections of its strategy.

For the preparation of the NPPS in **Iran** a questionnaire to determine the current public participation conditions in the three coastal provinces has identified that there are many active and capable environmental NGOs, strong local municipalities and environmentally interested private businesses in the region. However, the environmental awareness of the general public is low and awareness-raising activities are mostly carried out by government authorities. Furthermore, there's a lack of financial means to ensure coordination of government and non-governmental organizations and there are legal obstacles for the registration and operation of NGOs. The recommendations to tackle these problems are reflected in Iran's proposed public participation activities.

The NPPS of **Kazakhstan** comes to the conclusion that the latest standards for environmental civil society engagement are set due to the countries' ratification of the Aarhus Convention containing the three main elements *access to environmental information*, *participation in decision-making* and *access to justice* in environmental matters. The elements found their way into national legislation and a concept for long-term civil society development was adopted which lead to currently about 500-700 operating environmental NGOs. Although the policy conditions are set, still effective legislation and environmental awareness of the general public is

lacking. The NPPS further states that so far, public involvement is limited to mere participation at policy meetings without an integration of the public in decision-making which is partly due to the NGOs lack in technical capacity and coherence in their work.

The **Russian Federation** grants citizens a constitutional right to a healthy environment which is why, consequently, they are enabled to form environmental NGOs to protect this right. During the development of the NPPS it was identified that there are many active environmental NGOs in the three Caspian littoral oblasts/republics whose tasks range from awareness-raising, scientific expertise, technical training to support in protected area management. The NPPS assesses that the civil society organizations have the required capacity to assist in the implementation of the state environmental policy in the Caspian region, which can be built upon.

In **Turkmenistan** there are a handful of state-driven public associations which bundle environmental expertise and are tasked to involve the public in policy-making on environmental matters. Among the mentioned associations, the Public Association of Nature Protection in Turkmenistan is the most important with about 26,000 members and a branch in the Caspian Balkan province, which works together with coastal authorities and businesses.

3. Objectives and Legal Basis

The objectives set in the five NPPS can be summarized as to 1) improve the conditions and legal frameworks for public participation, 2) enhance environmental awareness-raising among the public, 3) enhance public participation capacity of governmental and civil society organizations and 4) foster stronger cooperation between governmental and civil society organizations and among the public stakeholders themselves. Iran also explicitly mentioned improved participation in environmental decision-making processes as an objective. Kazakhstan reinforces its objectives by ambitious principles for public participation.

All Caspian countries generally mention the provisions of the Tehran Convention, their national legislation, the SCAP and the Regional Public Participation Strategy as reference documents for their NPPS. Except for Iran and Azerbaijan the countries also refer explicitly to the Aarhus Convention and its three main elements. Since Azerbaijan is Party to the Aarhus Convention, this omission is surprising and linkages with the public participation work under the Tehran Convention should be made. Iran does not refer to any existing national public participation legislation or policies which could be interesting to learn about as the weak legal status of NGOs is mentioned as one major obstacle for public participation.

4. Institutional Mechanisms to Ensure Public Participation

One key element to ensure long-term public participation is to establish sustainable institutional mechanisms on the regional, national and local level, which provide stakeholders with the possibility to engage in environmental policy making and implementation on a regular basis.

The NPPS of **Azerbaijan** does not refer to any such existing national mechanisms, but in one of its proposed activities envisages the establishment of a "Civic Forum" on the national and the

local levels in which public stakeholders would have the possibility to be involved and to cooperate with government authorities in environmental policy-making and implementation.

Iran equally does not refer to existing national mechanisms. However, the NPPS envisages concrete activities to create institutional structures for public participation. It suggests the holding of biennial conferences of the mayors of Caspian coastal authorities to create and strengthen a network of coastal municipalities and to enhance their involvement in the implementation of the Tehran Convention and its Protocols. Furthermore, it plans the development of national Stakeholder Dialogue Groups to improve coordination between the stakeholders and eventually to also share experience on the Caspian regional level. The strategy also foresees to train government authorities and to provide them with the financial means to better cooperate with civil society organizations, although it leaves open if and in which form supporting institutional structures would be established for that purpose.

Kazakhstan already established a "Civic Forum" which serves as a national collaboration platform of government and non-government organizations and holds consultations regularly. In addition, the Kazakh NPPS envisages a number of activities to establish and strengthen institutional mechanisms for public participation. Cooperation between governmental and public organizations is planned to be enhanced through the creation of public councils, consultative bodies and committees on all government levels. The national collaboration platform will be strengthened and mechanisms to monitor government policies by civil society organizations will be identified. Furthermore, the strategy envisages a strong enhancement of the existing network of civil society organizations.

The **Russian Federation** established a "Civic Chamber" on the national level. The NPPS does not elaborate on the Chamber's function. It is a state institution with some 126 members which is tasked with analyzing draft legislation and monitoring the activities of the parliament, the government and other government bodies. It is similar to an oversight committee and has consultative powers. In conformity with the identified needs for effective public participation in the Caspian region, the strategy envisages some institutional mechanisms: The strengthening of a network of public stakeholders in the Caspian oblasts/republics with set working priorities for the implementation of the Convention and its Protocols; the fostering of trilateral partnerships between businesses, the public and government authorities and to that effect the establishment of civic councils/chambers on the regional and local level as well as the development of mechanisms to improve public hearing processes for public involvement in decision-making.

In **Turkmenistan** a "State Commission for the Implementation of Obligations Arising from Environmental Conventions and International Programs" was established which involves major ministries and governmental departments. Yet, the strategy acknowledges that especially the implementation of the Aarhus Convention remains challenging and that it is still unclear how these granted rights can be integrated into national environmental policies. The NPPS stays on a generic level when suggesting to identify ways of cooperation between public stakeholders and government authorities and to create strong regional partnerships of public associations in the implementation of the Convention and its Protocols.

5. Priority Actions to Ensure Public Participation

In order to reach the objectives of the NPPS, the Caspian countries developed priority actions presented in table form. The main activity areas to enhance public participation in the implementation of the Tehran Convention identified by the countries other than the institutional mechanisms described above can be summarized as:

- 1) activities to improve access to environmental information, as the preparation of regional state of the environment reports or the establishment of physical and virtual information/education centers;
- 2) capacity-building for governmental and non-governmental organizations as well as private businesses;
- 3) awareness-raising activities, like the celebration of Caspian Day or media training;
- 4) fostering environmental education and science;
- 5) public stakeholder activities on the regional level, as for example participation in Tehran Convention meetings or support to the Caspian Environmental Information Center (CEIC) and
- 6) participation in decision-making, especially in Environmental Impact Assessment procedures.

In the following country analysis, only deviations from the above main areas or other particularities of the individual NPPS will be discussed.

The actions presented by **Azerbaijan** focus primarily on access to information, awareness-raising and environmental education. Although most of the actions are very concrete they often lack the longer-term, sustainable perspective for enhanced public participation. Most importantly the actions do not aim at participation in decision-making which is astonishing since as mentioned earlier Azerbaijan is Party to the Aarhus Convention. Only one generic action envisages the drawing up of new public participation programs if needed. But some of these could have been included already in the present strategy. Furthermore, the NPPS does not envisage actions to strengthen national public stakeholder networks nor to enhance the stakeholders' involvement on the regional Convention level. Timeframes and information on the involved agencies for the actions are provided, but remain generic.

The structure of the NPPS of **Iran** is closely oriented to the obligations under the Tehran Convention and the SCAP. In particular, the actions envisaged are firmly integrated into the implementation of the entire NCAP as the strategy also identifies which of the NCAP implementation activities will benefit directly from enhanced public participation. The NPPS list of actions is comprehensive and concrete. It provides for achievement indicators and names the lead agencies for each of the actions. In addition to the main areas above, Iran also envisages activities in support of eco-tourism and the increased application of environmental management systems (EMS, here ISO 14000) as well as a microgrants program for specific projects of civil society organizations. However, for some reason the strategy by definition excludes a viable public interest in seabed activities, although those can have lasting impacts on the marine environment and livelihoods.

The NPPS of **Kazakhstan** contains detailed and ambitious actions to enhance public participation, including achievement indicators which are clearly also driven by the implementation requirements under the Aarhus Convention. Similar to Iran, adding to the above

main areas, Kazakhstan envisages the establishment of a microgrants fund and the development of programs to encourage eco-tourism and the application of EMS.

The **Russian Federation** undertook a detailed and clear public stakeholder analysis and the concrete actions focus in particular on actors in the three Caspian littoral oblasts/republics. Beyond the above main areas the NPPS also aims at supporting the development of eco-tourism, but does not include actions for improving public stakeholders' access to environmental information.

The actions envisaged in the strategy of **Turkmenistan** address all main areas for improving public participation in the implementation of the Tehran Convention and its Protocols. However, especially in key areas as capacity-building and public participation in decision-making the NPPS stays too general and evasive. Indicators for achievement, sources of funding and timeframes for carrying out the activities are provided, but generally remain too broad to trigger immediate and effective action.

A common feature of all the countries' priority action plans to enhance public participation is that they generally lack crisp monitoring indicators, concrete timeframes for implementation and cost estimations for the activities.

6. Conclusions

A culture of civil society engagement in the Caspian littoral countries in particular on environmental issues is still in its early stages of development. The approach how to achieve stronger public participation naturally differs in each country, depending on the progress the country has already made and on the ratification status of other international agreements concerning public participation like the Aarhus Convention. As the NPPS are integrated into the national Tehran Convention implementation plans, the NCAPS, which will be adopted at the highest possible national level, public participation on environmental matters in the region will receive significant attention by policy- and decision-makers.

Especially relevant for the implementation of the Tehran Convention in the coming years will be 1) strengthening the legal and institutional basis for public participation, 2) enhancing access to environmental information, 3) capacity building for governmental and non-governmental organizations and 4) invigorating national and regional networks of public stakeholders for all of which appropriate funding will have to be allocated. These priorities are covered by most of the countries' strategies. Although not an obligation under the Tehran Convention, public involvement in decision-making in particular under environmental impact assessment procedures as addressed by the NPPS of Iran, Kazakhstan, Russian Federation and Turkmenistan will have a strong effect for creating public ownership on decisions and policies affecting the environment.

Despite some deficiencies as mentioned above, carrying out the activities planned under the NPPS will bring the region an important step closer to applying Principle 10 of the Rio Declaration on public involvement as a prerequisite for lasting sustainable development.