

Draft report 13.03.2006

Gulnara Roll, Ederi Ojasoo, Eds.

Legal frameworks and practices of public participation in managing transboundary waters in the Baltic Sea region

Background report prepared in the framework of the

‘EU INTERREG 3B project “TRABANT - Transnational River Basin Districts on the Eastern Side of the Baltic Sea Network”

Introduction and the report objectives

The report on the public participation legal framework and practices in the Baltic Sea Basin was prepared within the EU INTERREG 3B project TRABANT - *Transnational River Basin Districts on the Eastern Side of the Baltic Sea Network*. TRABANT’s focus is on practices of transboundary water management in the Baltic Sea countries. Through assessments of the water management, including public participation, practices, the project aims to improve premises for the integration of significant ecological and management aspects, including spatial development, in the Eastern Baltic Sea Region transboundary water river basins.

Public participation in water management takes places within given legal frameworks no matter on which level – transnational, national or local. Therefore, the participation practices shall be discussed as a part of implementation process of legal arrangements for management of transboundary waters.

This report provides information on the legal framework and practices for public participation in management of transboundary waters in the Baltic Sea Basin with a special focus on the Eastern side of the Baltic Sea Basin (the Baltic states and Northwest Russia). It also formulates recommendations for possible activities that would promote effective public participation in managing transboundary waters in the Baltic Sea basin.

Chapter 1. Public participation legal frameworks and practices in management of transboundary waters on transnational level in the Baltic Sea Basin

The Baltic Sea Basin regional cooperative framework for management of transboundary waters is based on three major multilateral agreements - Convention on the Protection of the Marine Environment of the Baltic Sea Area (1992), Convention of the Protection and Use of Transboundary Watercourses and International Lakes

(1992), and the EU Water Framework Directive that entered into force in December 2000. This multilateral cooperation framework is complimented in the Baltic Sea region by bi-lateral and trilateral arrangements for management of transboundary rivers and international lakes that are part of the Baltic Sea basin.

HELCOM

All the Baltic Sea states signed Convention on the Protection of the Marine Environment of the Baltic Sea Area (1992) – see the text at http://www.helcom.fi/Convention/en_GB/convention/. This Convention applies to protection of the marine environment of the Baltic Sea Area, including its internal waters. Contracting Parties implement the provisions of this Convention within their territorial sea and internal waters through their national authorities. The Contracting Parties have established Helsinki Commission (HELCOM) that coordinated national implementation of Convention. HELCOM is an only Baltic Sea Region-wide institution that deals with water protection; and protection and sustainable use of transboundary waters in the basin are included in the fields of its activities. It is a strong institution for protection of the marine environment with developed rules and procedures and an extensive international network of experts.

The Helsinki Convention contains Article 17 Information to the public that promotes *availability of information to the public on the condition of the Baltic Sea and the waters in its catchment area, measures taken or planned to be taken to prevent and eliminate pollution and the effectiveness of those measures*. The Convention does not contain provisions for public consultation and public participation. However, involvement of stakeholders in the work of the Helsinki Commission is well organised through an institute of observers to the Convention Commission. The Baltic Marine Environment Protection Commission (Helsinki Commission) has 31 governmental, intergovernmental and non-governmental observers. The observer status has been granted to 17 non-governmental organizations which have full rights to participate in all meetings and which are provided with all meeting documents. Helsinki Commission also established its Programme Implementation Task Force (PITF) with the aim to initiate, facilitate and monitor coordination of the implementation of the Baltic Sea Joint Comprehensive Baltic Sea Environmental Action Programme (JCP). Seven non-governmental organizations participate in the PITF, in addition to the 14 countries of the Baltic Sea catchment area, the European Community, regional intergovernmental organizations and international financial institutions. One of those NGOs, the World Wide Fund of Nature (WWF) coordinates the implementation of the programme element "Management Programmes for Coastal Lagoons and Wetlands".

UN ECE Water Convention

The Baltic Sea states are signatories to the Convention of the Protection and Use of Transboundary Watercourses and International Lakes (1992) – the text is at <http://www.unece.org/env/water/text/text.htm> - that is intended to strengthen national measures for the protection and ecologically sound management of transboundary surface waters and ground waters. The UN ECE region is large - it includes most of Europe, Russia, and all the New Independent States. The Convention obliges Parties to prevent, control, and reduce water pollution from point and non-point sources. It also includes provisions for monitoring, research and development, consultations, warning and alarm systems, mutual assistance, institutional arrangements, and the exchange and protection of information, as well as public access to information.

The UN ECE Water Convention also has provisions for public information only (Article 16). The Convention provisions are not binding for the Parties. However, this does not prevent the Convention implementation in the part of public participation as the Convention Secretariat has put lots of efforts to promote the “soft” implementation of the public information provisions as well as to encourage the Parties to promote public consultation and participation in their transboundary water basins. In 2000, Guidance on public participation has been prepared in an effort to promote the full and effective implementation of the Convention (see Guidance at <http://www.unece.org/env/water/publications/documents/guidance.pdf>). The situation with public participation in management of transboundary waters were extensively discussed at a workshop on information management and public participation in transboundary water cooperation organised in June 2006 in St. Petersburg, Russia. The workshop materials are available at <http://www.unece.org/env/water/cwc/info-pp.htm>.

The UN ECE legal environmental framework that is applied to the management of transboundary waters in the Baltic Sea Basin includes three more treaties addressing different issues, including licensing procedures for polluting activities with transboundary effects (Convention on Environmental Impact Assessment in a Transboundary Context-the EIA Convention), transboundary effects of industrial accidents (Convention on Transboundary Effects of Industrial Accidents-the Accident Convention) and access to information and justice and public participation in decision-making (Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters – the Aarhus Convention). Implementation of the UN ECE Transboundary Water Convention is well coordinated with implementation of the other three UN ECE conventions. There is one UN ECE conventions’ regime for management of transboundary waters in Europe including four different conventions where the leading role in these arrangements belongs to the UN ECE Water Convention. The Aarhus Convention is an important legal instrument to promote public participation at all levels of governance – from local to transnational.

The Aarhus Convention

The Convention was signed on 25 June 1998 in the Danish city of Aarhus at the Fourth Ministerial Conference in the 'Environment for Europe' process - text of the Convention is at <http://www.unece.org/env/pp/treatytext.htm>. The Aarhus Convention is a new kind of environmental agreement. It links environmental rights and human rights. It focuses on interactions between the public and public authorities in a democratic context and it is forging a new process for public participation in the negotiation and implementation of international agreements.

The Aarhus Convention comprises three pillars of PP:

- Access to environmental information, including the collection and dissemination of this information (art. 4 and 5)
- Public participation in decisions on specific activities, in particular plans, programs and policies relating to the environment as well as executive regulations and other generally applicable legally binding normative instruments (art. 6-8)

- Access to justice in the form of a court of law or another independent and impartial body established by law (art. 9)

The Convention requires the establishment of structures that enable the public to exert the outlined rights with respect to public authorities and other institutions. Special emphasis is put on non-governmental organizations. The rights granted by the Convention apply to the public uniformly, independent from nationality or residency.

The EU Water Directive

The *Directive of the European Parliament and of the Council 2000/60/EC Establishing a Framework for Community Action in the Field of Water Policy*, generally referred to as the *EU Water Framework Directive* and abbreviated as *WFD*, entered into force on 22 December 2000. The Directive text and other relevant information are available at http://europa.eu.int/comm/environment/water/water-framework/index_en.html.

The WFD represents a fundamental reform of EU water legislation in both environmental and administrative terms, making **integrated river basin planning and management** compulsory for Member States, as well as for EU-Candidate countries **from the date of their Accession**. Set against the overarching theme of sustainable water resource use, the WFD's principal **environmental objectives** (set out in Article 4) are:

- to prevent deterioration in status of **all** Community waters (i.e. both ground and surface waters, including coastal waters, throughout the EU);
- to ensure achievement and maintenance of **'good status'**¹ for all Community waters by 2015.

The Directive establishes a 'Framework', providing for a common approach, and common objectives, principles, definitions and basic measures. However, the specific actions required to achieve 'good status' are the responsibility of the competent authorities in the Member States (whether national, regional, local, or at the river basin level).

The Directive's provisions are complex and far-reaching, and it has been widely recognised that implementation will be greatly assisted by the preparation of guidelines on a range of technical issues. This challenge has been taken up in the framework of the *Common Implementation Strategy* developed jointly by the Member States and the European Commission and adopted in May 2001.

WFD and transboundary water cooperation

The Directive especially addresses the issue of transboundary water cooperation. It obliges the Member states to establish competent authorities for the river basin management to ensure that the application of the rules of the directive is coordinated and overseen within each river basin district (Article 3). When international river basin district (river basin covers the territory of more than one Member State) is

¹ The different 'status' categories used in the Directive (high, good, moderate etc.) are simply measures of the degree of deviation of a given water body from its original, natural condition, i.e. without human impacts. A Working Group on 'reference conditions for inland surface waters' has been set up under the Common Implementation Strategy (see Chapter 3) to develop technical guidance on classification of inland water status and identification of reference conditions.

established the Member States shall jointly ensure that appropriate administrative arrangements, including the designation of appropriate competent authorities, are established. Member States may designate existing national or international bodies as competent authorities for the purposes of this Directive. In such cases, they shall ensure that the resulting competent authorities have the powers and authority needed to meet the obligations imposed by this Directive. On transboundary waters according to the WFD, the EU member states “should endeavor” to develop cooperation with neighboring non-EU member states to prepare joint river basin management plans.

In the Baltic Sea basin currently there are three “old” EU member states - Denmark, Sweden and Finland; five “new” EU member states, including Estonia, Latvia, Lithuania, Poland, Czech Republic; and there are three non-EU states that are Norway, Russia and Belarus where in overall contribution from Belarus and Norway to pollution load to the Baltic Sea is very small. Norway made a firm commitment to implement the EU WFD and is actively involved in the process of implementation of the Directive that takes place within the EU and EU accession states area. Through implementation of EU TACIS projects, some elements of the EU Water Policy are implemented also in transboundary water basins in Russia, for example, in the Narva River, including Lake Peipsi/Chudskoe, Basin as well as in Belarus – in the Nemanus River basin. Differences in administrative structures, environmental standards, procedures and practices between EU member states and non-member states; as well as poor financial basis of water management in the non-member states (Russia, Belarus), present a challenge of implementing of the EU Water Policy on those transboundary waters situation on the EU external borders.

WFD and public participation

In the WFD public participation is regulated by Preamble 14 and 46, article 14 and annex VII A (points 9 and 11). Preambles 14 and 46 stress the need and the importance of sound information policy and active involvement of the public. Preamble 14 underlines that the success of the WFD depends directly on a successful involvement of the public. Preamble 46 highlights the importance of timely information to ensure public participation. The core PP provision of the WFD is Article 14, “Public Information and Consultation”. Three levels of participation are mentioned in this article – information, consultation and active involvement – which are modelled after the first two pillars of the Aarhus Convention. In three rounds (December 2006, 2007 and 2008), the Member States have to publish the necessary documents in the river basin management planning process. In each round the public is invited to comment in writing within six months. Upon request Member States have to provide additional background information. For this purpose contact points and procedures have to be included in the river basin management plan (Annex VII A.11). Annex VII A.9 of the WFD moreover requires that the management plan documents the measures taken to inform and consult the public, the results of the consultations, and the respective changes made. This gives the European Commission the means to monitor compliance and initiate infringement proceedings if a Member State does not fulfil the PP requirements of Article 14 WFD. The third level of participation mentioned by Article 14 is active involvement. Active involvement is a higher level of participation than consultation and “shall be encouraged” by the Member States. Active involvement implies that interested parties are invited to actively contribute to the planning process, discuss the issues and contribute to their solution. There are

three levels of active involvement: 1) participation in the development and implementation of plans, 2) shared decision-making and 3) self-determination. (Drafting Group 2002, p. 20). The Member States themselves can decide on the level of active involvement. Encouraging the first level is the minimum requirement for active involvement, while the other two levels can be considered as best practice in specific cases. In the end the appointed competent authorities are responsible for the outcome of the successful implementation and they finally decide to what extent they are going to share their power with other stakeholders.

Under the Common Implementation Strategy for the WFD a Drafting Group on Public Participation has been established, which drafted the “Guidance on Public Participation in Relation to the Water Framework Directive – Active Involvement, Consultation, and Public Access to Information”. (Drafting Group 2002; section 1.2). It is a comprehensive document with recommendations for use of specific public participation methods on different stages of river basin management plans planning and implementation.

Baltic Sea – other regional institutional arrangements

In the Baltic Sea Basin the water quality and quantity issues are addressed also in other cooperative frameworks: on the intergovernmental level - within the intergovernmental Council of Baltic Sea States (CBSS) and the Vision and Strategies Around the Baltic (VASAB 2010), which support sustainable development and planning at the regional level.

In the Baltic Sea Region, a growing role in the transboundary cooperation plays the cooperation on the subregional level – within the Baltic Sea Subregional Cooperation Council (BSSCC) as well as within multiple Baltic Sea-wide networks of research, educational, NGO organizations and businesses. Among international projects, the Baltic Sea Global Environmental Facility (GEF) project and the BERNET project are worth to be mentioned – the project have the focus on the whole of the Baltic Sea Basin and also promote involvement of regional and local authorities and stakeholders into the implementation of global and European water policies.

Bilateral and multilateral agreements on transboundary waters

On transboundary rivers and international lakes in the Baltic Sea basins (Annex 1), majority of the states sharing these transboundary waters signed bilateral and multilateral arrangements for managing their transboundary waters in accord to the UN ECE Transboundary Water Convention. These arrangements vary from one transboundary region to another.

The Russian-Finnish Transboundary Waters Commission and the Russian – Estonian Transboundary Water Commission are other good examples of the cooperation on the external EU border in the Baltic Sea Basin. In the Baltic Sea Basin one of the important issues in managing transboundary waters is working on the existing and future EU border, where are good practices available of developing cooperation on the issues of monitoring and assessment as well as on public involvement. For instance, four working groups were formed under the Estonian-Russian transboundary

water commission where one group is responsible to promote involvement of stakeholders in the transboundary water cooperation. After in 2003, a public participation plan for the transboundary Lake Peipsi/Chudskoe basin was developed within a UNDP/GEF funded project, the Commission working group took responsibility to coordinate implementation of the participation plan and to promote involvement of the stakeholders and public into preparation and future implementation of a transboundary water management program.

Chapter 2. Public participation practices on the national level in the Baltic Sea Basin

2.1. Public participation experiences in the Western part of the Baltic Sea region

Sweden

Sweden has a strong policy towards sustainable management of the environment. In water management the eutrophication of the Baltic Sea is considered a major environmental problem in Sweden. To address the mentioned environmental issue, the Swedish government has established an Environmental Quality Objective; *no eutrophication*, towards which the nation should strive for (Blomqvist, 2003). Translated into nutrient transport figures, this means that Swedish N loads to surface water and seas should be reduced with 40 per cent in 40 years. In order to achieve the *no eutrophication*-objective efficient legal, economic and informative incentives should be developed and synchronised with existing legislative framework of the Swedish environmental law complex, and the EU Directive.

The traditional way of tackling pollution through the authorities that regulate work in these sectors has not always proven to be the most efficient one - as regards both the costs as well as the ways and means of combatting pollution deriving from diffuse sources. Today there is an ever-increasing interest in combining regulations from the authorities and promoting specific locally adapted measures. This opens up for, and encourages, new forms of cooperation between stakeholders and the participation of the public.

One recently initiated project is Örsbaken, involving stakeholders in 13 local communities, in the area of Nyköping, south of Stockholm. Project Örsbaken aims to mobilize both the public and the authorities in the environmental work. This broad cooperation is expected to give additional positive effects apart from a cleaner environment. The approach is to actively inform all stakeholders, not least the public. The idea behind the project is that all stakeholders are willing and interested in sharing the responsibility for their local environment. To succeed with this, there has to be an openness and willingness to share ideas and discuss different options. Free and open access to information as well as a broad participation in decision-making processes is prerequisites. The difficulties encountered so far may be summarized as follows: The administrative system is too complex and not adapted to the management of catchment areas; the present legislation is somehow contradictory; there are many stakeholders with conflicting interests; among the persons involved,

there is a fear of change. The project group furthermore concluded that society should seek new forms of cooperation in catchment areas. Promoting local initiatives is highly recommended to achieve quicker and more efficient results in the environment (Water management: Guidance on public participation and compliance with agreements, 1999).

In Sweden, several forms of cooperation between stakeholders in catchment areas have been tested. The most common form of formalized cooperation is the water protection association. At present, almost 60 associations exist. The main task of a water protection association is environmental monitoring, complementing the monitoring conducted by the authorities. Some associations have shown an interest in a more profound involvement in the management of the catchment area, but the lack of formalized procedures to involve these associations seems to hinder this development. Today, major attention is given to the proposal for a EC Directive establishing a framework for Community action in the field of water policy. Its forthcoming adoption and entry into force will drastically affect the management of catchment areas and also the involvement of stakeholders. Several projects have been initiated to study the administrative implications of this directive.

Finland (Source: WWF Water and Wetland Index – Critical issues in water policy across Europe, November 2003 Results overview for Finland)

Every year about 3% of the Finland's renewable freshwater resources are used, which means that normally there are no water quantity problems. Water scarcity problems occur very locally or during exceptionally dry years only. These problems are caused mostly by agriculture, scattered settlements, the pulp and paper industry, fish farming, forestry and acid sulphate soils. The most significant factor reducing water quality is eutrophication. Authorities are aware of the problems, and there are strategies to tackle them (Water protection targets to 2005 and Baltic Sea Protection Programme).

In the industrial and agricultural sectors, the legal framework to fight against water pollution is complete and satisfactory, while there are very few financial instruments providing an incentive for pollution reduction.

Water quality problems (household). For domestic use, the approach is quite satisfactory, except for point pollution due to scattered settlements, which needs to be tackled with stronger actions. A new decree for the sewage treatment of scattered settlements has been given in June 2003, and it will come into force at the beginning of year 2004. However, old buildings will have a ten year period of transition.

River fragmentation due to infrastructure. In Finland there are 56 dams higher than 10 meters. Measures to mitigate the negative impact of these infrastructures on rivers are mainly voluntary. During the last ten years there haven't been any big constructions. Also the legislation has been improved during that time. Before, flood defence and dams destroyed many rivers' natural state.

One authority (Finnish environmental administration) is responsible for the protection of groundwaters, surface waters and wetlands. However, sometimes the information exchange between environmental authorities and other acting authorities (e.g. forest sector) isn't adequate. Finland has signed collaboration agreements with all its neighbouring countries, covering all the transboundary rivers and also smaller water

bodies. Generally agreements are working satisfactorily, except for the management of problems related to salmon cultivation in Norway, which is causing damage to indigenous salmon in the Teno River.

Public participation provisions are well developed in Finland. However there is room for improvement at the local community level. Private citizens must be very active themselves if they want to be involved in decision-making processes. The active participation of non-governmental organisations can be difficult because of their limited human and financial resources.

2.2. Public participation practices in the Eastern part of the Baltic Sea region

A comprehensive study on the legal framework and practices of public participation in the Eastern Baltics area was conducted within a project “Addressing eutrophication in the Baltic Sea Basin through regional NGO cooperation on sustainable river basin management and public participation” that was implemented by Center for Environmental Policy in Lithuania, WWF Latvia, Peipsi Center for Transboundary Cooperation and Estonian Fund for Nature in Estonia, Baltic Fund for Nature and Chudskoe Project in Russia. The project was supported by US Environmental Protection Agency and Regional Environmental Center for Central and Eastern Europe. Information about the project and full reports are available at <http://www.riverdialogue.org/NGO>. The full reports include also the analysis of national water acts in the light of public participation and case-study river basin descriptions.

This chapter includes four summaries of national reports in Estonia, Latvia, Lithuania and Russia on current status of public participation in water management. Secondly, national action plans for stakeholder involvement in water management, which were compiled following the recommendations of the comprehensive public participation reports, problems arisen during the national NGO workshops and ideas heard at the meetings with various interest groups.

Public participation in water management in Lithuania

The objective of the survey was to gather and analyse information about existing practices of public and stakeholder participation in the water management on national level and in the pilot river basin. Minija River basin was selected as a pilot river basin because of large variety of human activities in water sector (fishing, sailing, water recreation, etc.).

Respondents

In total 21 persons were interviewed, of which 7 represented the state level organizations and the rest 14 representing the organizations dealing with water management issues in the Minija River basin. The list of the organizations is presented in table below:

	Government authorities	Business interests	NGO and educational institutions
--	-------------------------------	---------------------------	---

National level	Ministry of Environment, Lithuanian Environmental Protection Agency	Association of water suppliers	Lithuanian Fund for Nature, Lithuanian Green Movement, 'Water Club', Lithuanian Agricultural University
Local level (Minija River basin)	Local governments (Klaipeda City, Klaipeda Region, Silute Region, Rietavas town, Priekule town, Kretinga Region), Administration of Žemaitija National Park, Klaipeda Regional Environmental Protection Department	Plunge water company, JSC "Žemaitijos linai" (flux production company)	Anglers' association "Lampetra", Sailors club "Kintai", Rusne Nature Fund, EUCC (European Union for Coastal Conservation) Baltic Bureau

Results

The survey revealed the situation in the water sector; the attitudes towards the new Water Framework Directive's requirements; vision of Directive's implementation; aspects of public participation in the water resource management and other important issues.

Water management issues. State level experts believe that the main problem is a lack of co-operation among institutions that have responsibilities in environmental protection sector. Local experts think that the most important "water" issues in the Minija River basin is the collection of waste water, pollution of the surface water and illegal fishing.

Stakeholders and co-operation. All respondents at both, national and local levels fully agreed that co-operation between "water" stakeholders is an important condition for sustainable water resource management and for implementation of the related EU requirements.

Interviews at the local level revealed that quite few NGOs deal with the water use and protection issues in the region - environmental club "Žvejone", environmental NGO "Rusnes Gamtos Fondas" and the sailing club "Kintai". Mentioned organisations have developed good relations with local environmental authorities, what shows that social environment in the region is favourable for establishment of strong co-operation among NGOs and governmental organisations.

Public participation. At the state level public participation is recognized as very important tool in the river basin management. In the first place public participation is a tool for information supply to public, and for formation of positive attitudes towards use of natural resources and new water management approaches. State level experts think that public information is the first and most important way of public participation in water management.

Positive attitudes towards public participation were observed at the local level as well. About half of respondents (mainly representing non-governmental organisations) think that it is important to involve concerned public into the decision making

process, since the rest respondents (mainly representing local authorities) thinks that it's sufficient just to inform people in a proper way.

According to majority of respondents at both levels, currently public involvement in the water issues management is very low because of following reasons:

- disbelieve that simple people can change the situation;
- disbelieve that remarks and proposals made by citizens will be taken into account;
- mistrust to official institutions and governmental politics;
- insufficient information about existing possibilities to participate in environmental management;
- complicated economic situation (environmental problems has very low priority at local level);
- lack of experience (democratic traditions) to be involved in the process of decision-making.

Water Framework Directive. Representatives of the state level see the Directive as an unique piece of legislation, which will integrate all parts of the existing water management system. Nonetheless they note that the implementation of the Directive's objectives will be very complicated due to the lack of time and financial resources.

Few respondents at the local level could say their opinions about the Directive. Out of 14 respondents ten have heard about the Directive. Half of them think that it will bring one more 'reform' that usually negatively influence water resource management. Another half believes that the implementation of the directive will bring more co-ordination and transparency into this field.

It is possible to conclude that situation is not very much favourable for the implementation of the Water Framework Directive due to weak understanding of this document. There is a strong reason to believe that similar situation exists in the rest Lithuanian regions, as not many efforts were placed to inform local authorities about peculiarities of the Directive.

Final conclusions and recommendations

Final conclusions and recommendations are based on the results of analysis of current public participation activities in water management in Lithuania; results of expert interviews; and results of discussions during the NGO workshop organised in Vilnius in May 2003.

Public information. Dissemination of environmental information for public in Lithuania is satisfactory. Information is spread through various information sources, mainly through press, TV, Internet and environmental education activities. It can be stated however that level of awareness about principles of Water Framework Directive in Lithuania is not sufficient. Recommendations:

1. Enhance dissemination of WFD related information using best available practices.(for example, by involving of the environmental NGOs in distribution of WFD related information).

Approach of public participation. Nevertheless that public participation in environmental decision-making has a well-developed legal background in Lithuania and a certain number of public participation practices was used, public participation in the river basin management is a very new approach for Lithuania. The concept “public participation” is broad and is interpreted in various ways by different stakeholders. Recommendations:

1. *Development of the framework strategy to the public and stakeholder involvement in the river basin management by the river basin management authority (RBMA) - the strategy should encompass needs, goals and description of the best practices of public participation in the river basin management.*
2. *Environmental Lithuanian NGOs should prepare their strategy on WFD implementation, where they should present their unified approach to public participation in the river basin management.*

Co-operation between environmental authorities and NGOs currently is not efficient. Recommendations:

1. *To improve exchange of information between the NGOs and river basin management authority by establishment of centralised information and data exchange system, this would be maintained by the RBMA.*
2. *To improve collaboration between the river basin management authority and environmental NGOs.*

Public involvement. Efficiency of existing public involvement in the water management is very low. General public is very passive and public awareness of environmental issues almost does not exist. Recommendations:

1. *To increase public participation in the river basin management through community or interest based organisations.*

Several recommendations for implementation of the public participation approach in the river basin management were presented. It should be noted that recommendations target different interest groups and not all of them may be adjusted to the current situation. Some of the recommendations are designed for the later stages of the implementation of the WFD and may lose sense if certain conditions will not be fulfilled.

Action plan for public participation in water management in Lithuania

Background

Public participation in water resource management has been fragmented in Lithuania so far - quite few attempts were made in order to involve public into decision-making. Different types of public participation tools have been used in different projects and the efficiency of them was not sufficient. None of the activities have been led to trigger the active process of public participation. Such situation partly was determined by the fact that there was no proper support from the state institutions for the development of public and stakeholder involvement. From the other hand, public it is

very passive in information demand. Hence the actual concept paper aims on building of the platform for active public involvement in the management of water resources, which is a vital component of successful implementation of EU water policy goals in Lithuania.

Objectives

The plan was developed to establish effective, regular public involvement and assure public supervision on WFD implementation and Development of river basin management plans. Activities of the plan are drafted to cover all levels of governance – national, regional and local; they ought to improve future stewardship of river basin districts through information and education of public and maintenance of cooperation between non-governmental organisations. The specific goals of this action plan are to:

1. facilitate public involvement in river basin management;
2. increase education and outreach regarding issues in water sector;
3. increase volunteer involvement into the water monitoring activities;
4. assure effective communication among different groups of stakeholders

Target groups

The main part of activities will be done by Lithuanian NGO – members of Baltic Rivers Network. Cooperation with local environmental institutions and professional water organizations is expected. Activities will be coordinated by the Center for Environmental Policy.

Scope

Current document is short term action plan that foresees activities to be held until year 2006 when a timetable and work program for the production of the basin management plans has to be presented for the comments of public.

Action Plan

Key elements requiring concrete action:

- Institutional capacity-building of local authorities;
- Awareness, participation and education of stakeholders and general public;
- Information exchange and data management.
- Collaboration among institutions, stakeholders and public

Proposed activities on national level

- To identify possible sources of support (financial and administrative), needed for implementation of Action plan.
- To carry out the stakeholder analysis for 4 Lithuanian RBD. To identify main players, their motivation and capacity.
- To form the Lithuanian NGO partnership with Latvian and Estonian NGO in the framework of newly established Baltic Rivers Network and to contribute to the similar activities in the Eastern Baltic region.
- To elaborate Lithuanian NGOs joint strategy on supervision and participation in WFD implementation process in Lithuania. The strategy will reflect unified

approach of non governmental organizations to public participation in the river basin management.

- To start a dialog between environmental authorities and NGOs. Discussion on NGO strategy for WFD implementation should serve as an initial step of the collaboration among stakeholders
- To establish a centralized information and data exchange system in order to improve exchange of information between the NGOs and river basin management authorities. In cooperation with Lithuanian EPA develop and maintain the Internet page dedicated to the water related problems in Lithuania, with popular information on WFD implementation, legislation, water quality, support opportunities etc
- To maintain the regular meetings of members of Lithuanian NGO partnership. These meetings will facilitate actual NGO involvement in the implementation of the action plan.

Proposed activities on regional and local level

- To establish specialized information centers, designated to facilitate the information flow from national level to the regional and local levels and to distribute information among local communities. Creation of such centers should be a joint responsibility of both regional authorities and environmental NGOs. Important steps in creation of information centers are:
 - Planning of financial resources for the creation and maintenance of centers
 - Identification of scale. Centers may be established in each River basin district, at the county or local levels.
- To raise capacity of local authorities for decision-making in river basin management. Organization of specialized workshops and training for representatives of local authorities on the aspects of the WFD implementation. Each session should be devoted for a single topic e.g. “General aspects of WFD” “River basin districts, RBMA and RBMP”, “Responsibilities of local authorities in the process of WFD implementation” depending on knowledge and needs in different regions.
- To maintain and promote NGO network in Lithuania. NGOs representing all River basin Districts should be involved in the activities of River basin network. Steps:
 - Dissemination of relevant information on WFD requirements; NGO strategy, etc.
 - Organization of seminars and trainings in regions for NGOs of smaller scale
- To prepare a number of publication on EU water policy. Special attention should be given for WFD and river basin approach. The publication will be targeted to stakeholders of water sector at the local level who are not professional water community therefore it should explore water policy principles in a popular way.

- To promote and expand Marijampole (Šešupe River Basin) and Šiauliai (Lielupe River Basin) volunteer stream monitoring network to the other regions of Lithuania:
 - Planning of financial resources for expansion of the network
 - Assignment or creation of volunteer monitoring centers
 - Trainings for staff of new monitoring centers
- To establish the cooperation among NGOs and professional water community. Tentative steps:
 - Distribution of NGO strategy for WFD implementation
 - Meetings with professional organizations (e.g. water supply companies, etc) separately. Analysis of possible spheres of cooperation.
 - Organization of conference or seminar, preparation of common position
- To organize pilot implementation of selected tools recommended in Annex I „Public Participation Techniques” of CIS guiding document “Guidance on Public Participation In Relation To the Water Framework Directive”.
- To cooperate with community based organizations. This work should be based on organization of small scale seminars or meetings with local communities. Meetings should have two main tasks: dissemination of information and discussions on ways and possibilities for communities to participate in the hearings of a timetable and work program for the production of the basin management plans.

Study on public participation in water management in Latvia

The goal of the research was to gain the information about existing public and stakeholders’ participation practices in the implementation of EU WFD and local water management policy. In order to acquire the necessary information, was carried out a qualitative study on water management practices in Salaca River Basin area - Salacgriva City and three communities around the Burtnieku Lake (conditionally in the area of Salaca River and Burtnieku Lake) as well as acquired executive estimation on Latvia's readiness to implement EU WFD from specialists of regional and national level environment authorities.

	Government authorities	Business interests	NGOs and local associations
National level	Regional Environmental Board, Environmental Protection Department under Ministry of the Environment		
Local level	Local governments	Rural tourism entrepreneurs, fishery, farmers	Community Development Program, anglers club

Interviews revealed different local problems that in one way or another may affect the implementation of EU WFD. Studying both regional and local problems, and analyzing attitude towards different issues related to water management and protection, it's noticeable that different stakeholders consider different problems as more urgent. For example, municipalities' representatives are more concerned about the need to improve sewerage and purification systems, while fishermen are concerned about illegal fishing and decrease of fish stocks, but rural tourism activists about the need to tidy the river and the lake.

It is worth to say that, discussing these clashes of interests, involved stakeholders very emotionally maintained their opinion during the interviews and in most of cases they do not see constructive solution for the existing situation. *"This is like in the big politics – only here the big games are carried out in the small pond"*.

Discussing problems related to directive implementation, research participants mention following problems:

Financing issues related to implementation or common visions;

The mess that might arise when introducing a principally new approach in water management, for which there is neither a system nor experience;

Research participants' answers to the question about the need to involve public in policy - making let us speak about two different attitudes on this issue.

On the one hand, public contribution and participation is estimated as invaluable and most effective way of solving problems - *"only thus we may solve something, involving people and different groups of interest"*. This is a way, how to understand what people need and get "diversity of opinions, suggestions and new ideas how to solve problems". Mutual cooperation would help to increase people's knowledge and responsibility in environmental protection.

On the other hand, we may conditionally speak about bureaucratic attitude that public participation is right and formally necessary but everything stops at "informing" and authorities do not expect active and constructive feedback.

At the same time both; research participants who have made efforts in public involvement and those who just admits the formal need of that, agreed that people are passive in general and their interests or care about the environmental problems exists only in broad statements not in reality - *"if we were now asking people on the streets every second would say that he cares about the environment he lives in, but when we would talk about the actions for the natures' sake, everything will stop at this"; "people are kind of coming and listening, but when we ask to do something; then we should almost beg."*

Such attitude from the public's side respondents explain with:

The low standard of living and scarce income, that brings all everyday problems to the forefront;

The attitude shaped through the Soviet times, that private welfare and interests brings to the forefront.

Conclusions

1. Lack of common vision, where each stakeholder can identify their role for involvement in freshwater management is a major problem for Latvia. Without this vision, it is not possible to consolidate common efforts of different stakeholders related to sustainable freshwater management. Having no sustainable development vision, it is not also possible to develop framework for public support (no clear messages, call for action, no measurable indicators etc.)

2. That requires pragmatic approach to solutions without decreasing emotional involvement, including clear indicators measurable in time and space (more fish in rivers, more eco-tourists and more financial support, more respect for private and/or municipal initiatives).
3. The model for public information and participation must consider the various individual goals in developing a general approach, so government has to work out clear communication strategy.
4. The information material must be easy to understand, but it must depict clear benefits for each stakeholder. This material must be distributed free of charge.
5. Special attentions must be given to educational institutions (schools, libraries etc.) and if possible involve them in information exchange process.
6. Reaching this goal should help make individuals in the Salaca River Basin overcome the constraints of existing bureaucratic borders.

Latvian national action plan for stakeholder participation in water management

Three aspects were defined as the key elements of informing and involving the public in the management of the Salaca River Basin. These elements are taken into consideration while preparing Latvian National NGO Action Plan.

1. Observation of the public's interest in questions on the environment and solutions to problems of projects related to the environment.
2. The relationship of the state, government agencies and NGO's with the public relative to the environment.
3. The experience gained during the formulation of the Latvian National Report.

Without doubt, the public's interest in questions, problems and projects dealing with the environment is reflected by the fact that none of Latvia's post soviet governments have considered the environment as a priority. Also, the countless transgressions of environmental protection and the lack of controls have created an attitude of public indifference toward environmental problems, solutions and projects. Lack of common vision, where each stakeholder can identify his or her role for involvement is a major problem for Latvia.

The environment could well have been the sphere in which the government as whole and appropriate state institutions might have strengthened their ties with the people (in some cases this does exist), even if this were done on the level of the nation's traditional attitude and more toward nature.

More relating to nature have a special place in the history of the Latvian nation. They have retained their spiritual place through the centuries outside politics and the economy. As proof of this are the more than 200 000 Latvian folk songs – unique among the world's literary riches.

Unfortunately, this attitude toward the spiritual riches of the nation has largely been lost, primarily thanks to the soviet occupation and to the inability of recognizing the nationwide significance of this value as shown by the governments since the Third Latvian Awakening, after 1991.

The governments looked at, and continue to look at, the environment as existing of itself and inexhaustible. It was deemed as an assurance of well being that could be used without limit. Consequently, the resources of nature have been abused in many ways – some even more so than during the soviet occupation.

A further negative effect came about because people who had regained their ancestors' properties, especially in the countryside, started to use up the resources of nature – primarily forests. This created the short-term impression of individual well being and tended to reinforce and increase the attitude of 'taking', although this cannot be applied to the society as a whole. Social stratification and a mutual alienation of individuals occurred within the society and it further distanced society from its ancestral standards and their context with respect to nature.

Consequently, the public, with a few exceptions, became indifferent toward the environment and the questions, problems, solutions and projects dealing with it. It can be concluded, sadly, that Latvia with its newly acquired independence was following the same path as other countries with a similar fate – it began increasingly to exploit its natural resources, repeating the some mistakes. The public's interest in the environment and projects related to it is largely defined by the degree to which they impinge on the individual's own interests. This may be viewed as a psychological as well as an emotional problem.

Certain state institutions issued enormous quantities of regulations, but this only served to transform these into meaningless slogans. The public's reaction was rather negative. Many of the regulations simply did not work – what was on paper had no relationship to reality.

At the same time the public noticed that various businesses exploited natural resources based on results of strong political lobbying both at the state and local municipal levels, often without regard to the damage done to the environment by specific business activity. An illustrative example is the construction of small hydroelectric stations in Latvia. A total of 146 such stations were built on 109 rivers. This can have a significant effect on the implementation of the EU WFD and of the "Law on Water Management" of Latvia.

Against this background of inertness the NGO's and their activities began to attract notice. Their approach to solving individual environmental problems significantly influenced parliament as well as the government. This in turn gave rise to the public's trust in the NGO's, which is a significant factor in involving the public in the successful implementation of the EU WFD and, the "Law on Water Management" in Latvia.

Experience gained during the preparation of the Latvian National Report showed that there was a noticeable lack of any collective attitude toward the management of river basins and toward the concept of "Good Quality Water". This can be explained by the total lack of appropriate information.

The basis of such information must include factors that will cause an individual's sphere of interests to become an integral part of the attitude of the whole, not only of

the whole nation but of the entire eastern region of the Baltic Sea (Estonia, Latvia, Lithuania).

Preparation of the National Action Plan took into consideration two primary factors:

Specific tasks to be undertaken by NGO's in Latvia in accordance with local conditions and needs.

The carrying out of specific tasks in concert with the basic principles and strategic aims of the Regional Action Plan so that the National Action Plan would be coordinated and harmonized with the Regional Action Plan.

The primary strategic aims of the Latvian NGO National Action Plan:

1. One of the most important strategic tasks of Latvian NGO's deals with the fact that Latvian environmental protection policies are very general and merely descriptive in nature, and the proposed solutions for serious problems often are equally vague and general. Therefore:

The NGO's must pressure appropriate government institutions to immediately prepare a concrete and precisely defined overview for the protection of Latvian river basins as comprehensive ecosystems and of the waters within them.

2. Implementation of environmental regulations in Latvia shows that the main problem is control of how the regulations are applied.

The EU WFD law enforcement and the Latvian "Law on Water Management" do not specify control functions for the water basin agencies. Therefore, it can be expected that the state environmental inspection and regional environmental agencies will be overworked. This will directly influence the quality of the work because the inspection staffs are woefully undermined.

Therefore, the next most important main strategic aim of the Latvian NGO National Action Plan must be:

Oversight of the EU WFD and Latvian "Law on Water Management" implementation.

3. The regulations of the Latvian Cabinet of Ministers "On river basin agencies and consulting boards" call for equal representation of the NGO's, state agencies and municipal governments on the river basin consulting boards. This offers the opportunity for direct regular contacts with other organizations represented on consulting boards. In this manner NGO's are in an ideal position to assume an informal leadership role of the river basin consulting boards. This is the next strategic aim of the National Action Plan:

Create a public attitude of trust toward the river basin consulting boards and avoid bureaucratic formality by providing ongoing creative tasks for the boards between regularly scheduled meetings

4. The following strategic aim of the NGO National Action Plan is based on two factors – the public rates NGO's higher than it rates government institutions, and – the psychologically and emotionally isolated situation of individuals due to objective and subjective social conditions.

This interrelationship of factors determines an appropriate collective aim: Successful public participation in river basin management must assign a key role to the individual, including each participating individual's psychological and emotional motivation, defined as follows –emotion of participation = confidence = responsibility.

5. The target date of 2015 for completing implementation of the EU WFD and Latvian "Law on Water Management" is fairly far off. And considering that educating children and youths in environmental concerns in the Latvian school system does not correspond to the needs of reality, the next aim of the NGO's must be:

Develop a comprehensive plan for assuring succession in environmental protection, with special attention to the education of young generation of decision-makers in the environment and ecology.

6. Environmental protection efforts of Latvian government institutions exhibit a particular tendency to deal primarily with the elimination or reduction of existing problems rather than with the study of their causes in order to prevent the recurrence of such problems in the future. This is a failing of professional analysis, which is essentially the reason why many regulations turn out to be lifeless documents. Therefore Latvian NGO's must:

Ensure that informing the public is not done on an individual campaign basis, rather it must be an on-going program that would assure the regular flow of easily understood, emotionally appealing, professionally prepared information appropriate to the problem or situation.

7. Looking at environmental problem solving in Europe and the world beyond confirms the observation that national boundaries are becoming less significant and regional solutions more important for environmental concerns.

This calls into question the relationships among states and emphasizes their dependence on regional solutions to assure the well being of the individual states and their sustainable use of resources. This calls for the development of the concept of Regional Patriotism in Environmental Protection, which the NGO's are in excellent position to develop and expand gradually. It would also encourage the understanding that the concept of a Regional Environmental Identity in the Baltic Eastern Region (Estonia, Latvia and Lithuania) is equivalent to the concept of environmental protection within Latvia.

To implement this concept in the eastern region of the Baltic Sea Basin (Estonia, Latvia, Lithuania), the Latvian NGO task is as follows:

Maintain regular firm contacts with Estonian and Lithuanian NGO's. This would permit flexible and creative adjustment of the Latvian National Action Plan so that it would become an integral part of the Regional Action Plan, in turn developing and

strengthening the concept of Regional Patriotism in Environmental Protection in the Baltic region (Estonia, Latvia, Lithuania).

Study on public participation in water management in Estonia

In Estonia the interviews were conducted in the Emajõgi River basin and shores of Lake Peipsi.

The objective of the conducted expert interviews was the obtaining of information that would enable us to understand and forecast the problems related to the implementation of the EU Water Framework Directive both at the national and local level. The study mainly focused on the issues connected with the information dissemination and the involvement of the public, making an attempt to find out how water management experts render significance to the public participation. The analysis reveals what has been done in this field so far, what kind of methods and approaches have been most resultant and what are the further plans in the involvement of the public.

The interviews took place in February 2003; altogether, 16 interviews were carried out on national and local level. The interviewees belonged to the following interest groups.

	Public authorities	Enterprises, business circles	NGO-s, citizens' associations
National level	Ministry of the Environment, Ministry of Social Affairs, Ministry of Agriculture	energetics	Estonian Green Movement, Estonian Fund for Nature
Local level	municipal governments, regional environmental departments	fisheries	environmental protection society, local development organisation

Observations on the basis of the conducted interviews show that the problems concerning the implementation of the European Union Water Framework Directive are significantly different at the two studied levels: local and national. We have to admit that at the local level, it is too early to name concrete problems related to the implementation of the Directive as its existence has not yet reached the awareness level. Outside ministries (e.g. Ministry of the Environment, Ministry of Agriculture, Ministry of Social Affairs) and the state agencies within their administration, the wider public is generally not well informed about the EU Water Framework Directive nor have they heard about water management plans. Proceeding from this, the wider public is unaware of their rights to participate in the compilation of water

management plans. At the same time, the opinions of the local level are quite positive, regarding the water management-related valid legislation (which already reflects the principles of the Water Framework Directive): people think that the requirements are strict but necessary; and what is more important, the legislation is being followed. It is still worthy of mentioning that at the local level, the conflict between the groups who represent different interests is one of the more serious obstacles in the implementation of environmentally-friendly projects. Concrete examples comprise property-related arguments, between enterprises and local governments, regarding the ownership of water treatment facilities and pipelines. Such disputes evoke different visions about investment liabilities and also the population's opposition to the projects that increase the cost of living (raising the price of water).

At least **three concrete problems related to the implementation of the Water Framework Directive** become evident at the national level.

Firstly, although the legislation may leave an impression of being in compliance with the requirements of the Water Framework Directive, no efficient control mechanisms have been worked out so far, in order to check the **actual implementation of valid standards**. Despite the fact that the Water Framework Directive stipulates relatively long periods for the carrying out of different phases, it is still possible to forecast that the discrepancy between the reality and legislative principles will rather deepen than decrease in connection with the need to implement the new standards.

Secondly, the above conclusion is also supported by another repeatedly underlined problem that indicates to the **shortage of financial resources**. A number of problems in water management derive from the need for large investments so as to bring the water management into accordance with the requirements of the European Union (e.g. drinking water has to be brought into compliance with the EU standards; the construction of waste water treatment plants). Substantial investments and the increase in the quality of services, however, bring about the growth in the price of services. Enterprises and citizens are facing a dilemma whether to pay more taxes or continue with the pollution of the environment.

Shortage of money is also a problem in the compilation and implementation of water management plans. All the current success achieved, for example, in the compilation of the water management plan for the Pärnu sub-basin is largely based on foreign support, according to several comments. It is conspicuous that local means have been used to a relatively small extent in current phases. All around the country, the lack of human capacity as a resource is considered to be the prime reason why during the current phases of drawing the plans, the public has not been given sufficient knowledge regarding the idea, consequences and impacts of compiling a water management plan.

Thirdly, the examples given in the interviews refer to a hazard that under current circumstances, the **conflict of interests** at most various levels – from abstract ideological principles up to the local farmer's vision of land cultivation – can be fatal for the compiled plans. The common feature in these conflicts is the totally different level of awareness and informedness, being oblique not in the favour of the local level. The supplementation of new provisions of law and the requirement to bring the various fields, touched upon in the plans, into compliance with at least the current

standards, may generate an emotional revolt – largely due to the shortage of resources. The implementation of the Water Framework Directive has to be placed in the general socio-economic and regional policy context: dissatisfaction and protest is intensified by the feeling that “the state does not give us anything, only demands from us”.

The public participation as a priority in the organisation of water protection and water management has generally become a common awareness. At the same time, the understandings of officials and experts, regarding the application of relevant provisions of law, are not very concrete: lack of experience to rely upon; in addition, there is no certainty as to what methods and strategies of inclusion could function in the reality (local context), and what does not work. Problems related to the public participation may be divided into three mutually connected areas: **lack of know-how and experience; shortage of both financial and human resources; low awareness level of the population and weak interest towards environmental issues.** Partially, the lack of interest reflects the socio-economic reality: until subsistence is the main problem for a large share of the population, it is not possible to expect them to actively interfere in environmental issues. The absence of democratic tradition is also decisive: people lack the ability to stand for their interests and rights or even to “recognise” them.

Undeveloped civic society is also revealed by the small level of the organisation of interests: only a fractional share of the population has gathered in non-profit organisation or other organisations; the majority remain passive in environmental issues until “somebody steps on their toes”. The concentration and organisation of interests, more substantial than until now, is a pre-condition for the “public” to have a say in the planning of water management, as one of the parties.

On the basis of the above, the following **recommendations** can be highlighted:

1. It becomes obvious from the examples that the devising of water management plans in sub-basins has commenced at very different times (the compilation of some has already been finished whereas some have not yet been started) and takes place at a very uneven pace. For this reason, it would be expedient to create a (Internet-based) system for the exchange of information and experience, enabling to flexibly use human resources and supporting the finding of co-finances for the compilation of concrete sub-basin plans. Similarly, such a system would facilitate the screening and distribution of the best strategies and models for the involvement of the public.
2. **Communication strategies and practical action plans** for the involvement of the public should be devised at the ministerial and agency levels. Presently, there is a danger that the goals declared in legislation will only be a jingle of words and that “public participation” may simply become a sequence of formal informative events, without actual resonance and impact. “Reaching the people” – a prerequisite for involvement – is a complicated task; in order to find suitable solutions, it would be expedient to utilise a number of different methods (brainstorming, work groups, inclusion of experts, analysis of the experience in other countries, systematisation of the Estonian experience, drawing the conclusions, etc.).

3. Communication strategy, targeted towards the public, has two goals: dissemination of information and the **creation of interest**. Simplicity and the connection of the presented information with the current situation (water management plans are not just things in themselves, instead, they are in close contact with the existing legislation) are the relevant keywords in changing the information more user-friendly. Different media has to be combined both at the national and at the local levels (newspapers, information booklets, Internet, immediate personal contacts, events targeted to the public, etc.). The influence and reliability of various information channels depends on local circumstances and may vary by regions. In order to increase interest, the communication strategy should also involve campaigning elements (relating information with entertainment, organisation of informative meetings, etc. within the framework of other local events, etc.).
4. Although the Water Framework Directive does not directly pre-necessitate this, it is the time to start with the **preparation for the public disclosure of water management plans**. These preparatory activities should comprise the initial mapping of the interest groups' and parties' standpoints. The conflicts of interest that have not been settled may totally nullify the expected advantages of public disputes. For this reason, it is of great importance that the strategy for the participation of the public and the interest groups would be devised and applied **from the earliest stages** of the compilation of water management plans.
5. Local governments seem not to be very much aware of their role in the compilation of water management plans, according to the Water Framework Directive. Therefore, it is relevant to enhance the **exchange of information and co-operation between the ministries and local governments**. Systematic dissemination of information and training should guarantee the informedness of local governments. If possible, additional allocations should be given to local governments, enabling them to participate in the devising of water management plans.
6. **Consolidation and organisation of interests**, more intensive than so far, is the precondition for public participation both at the national and local levels. Prior to the inclusion of the parties, it is sometimes necessary to "create the parties" or to reinforce the existing interest groups. This is also of relevance for generating better balance between private and public interests. Since private enterprises have their concrete economic interests involved, their participation is better organised and they have a more powerful strategy. Public interests, on the contrary, are often diffusive; joint activities are also hindered as there is no clarity in the issue regarding distribution of benefits. In order to better represent the interests of the public, it would be good if environmental institutions actively involved the capable environment-related organisations of the third sector in the dissemination and inclusion of the public and in the compilation of water management plans. There are many non-profit organisations and foundations in Estonia that could be successful in organising events targeted for the public. The transmission of information, regarding the compilation of water management plans, to local organisations may prolong the process of devising the plans, but at the same time, it is a wonderful opportunity to reach wider target groups and to contribute to the creation of various parties. High level of environmental awareness is a precondition for the acceptance of water management plans, achieved by persistent informing and convincing of local interest groups.

Estonian National Action Plan for Stakeholder Involvement in Preparation and Implementation of Water Management Plans

Although named national action plan, Peipsi CTC will start its activities in Lake Peipsi sub-basin as pilot area. Lessons learnt in Peipsi sub-basin could later be used elsewhere in Estonia.

The idea of the action plan is to involve more people in the dialogue about water issues, to make them concern and bother, to receive more feedback and raise the awareness level concerning water issues. All this in respect of the European Union Water Framework Directive and water management plans.

In other words - make information on water issues and water management plans meaningful for the people. Make people aware of the existence and importance of water management plans. Increase and stimulate people's demand for information on water issues. Support tightening links between the sub-basin management plan coordinator and different stakeholders.

Action plan

When setting the primary target group for our action plan we quickly came to a conclusion that everybody = nobody. Thus we made a list of stakeholders, who have to be interested in the water management plans as they will either be directly involved in the implementation or their business is dependant on water. This means:

local municipalities,
water supply and waste-water treatment companies,
but also local health inspection bureaus.

In addition to these actors we defined local NGO activists as an important target group, as they could push local municipalities into action, fishermen unions, fisheries, and farmers' unions, who have stress on surface and groundwater.

Activities on national level

Organize a joint seminar with presence of all 9 Estonian sub-basin coordinators for mutual experience exchange and knowledge transfer.

Involve NGOs who are working with water issues in Estonia into the implementation of the action plan and activities of Baltic Rivers Network.

Activities on regional and local level

Build the capacity of local authorities: organize a series of local decision-makers trainings on watershed management, public involvement techniques, GIS tools and water management plans in cooperation with foreign experts, Estonian scientists, sub-basin coordinators and Estonian Ministry of the Environment.

Encourage local municipalities to consult with the local population on water related problems to receive a complete picture of the status of water management inside their

municipalities. This would help local municipalities and people recognize their interdependence.

Information dissemination activities, which in ideal case would follow the model: information dissemination > consultation > active participation/involvement. During information dissemination the next two points have to be taken into account: The knowledge level of general public. Information material must make sense, it has to be clear and meaningful for non-specialists.

In cooperation with NGO support centres (9 information centres all over Estonia, 3 in Lake Peipsi sub-basin) give presentations on water management plans at the regular NGO support centre information days.

In cooperation with “Kodukant” – movement of small towns and villages (10 000 members all over Estonia with 15 regional centres, 5 in Lake Peipsi region) use their information channels for disseminating information.

In cooperation with scientists and sub-basin coordinator write articles into local and regional newspapers. The information given in these articles should be really “touching” and give an idea, why is water and water management important from local but also broader perspective.

Publish a brochure or special newsletter answering the basic water and water management questions for widespread dissemination all over the sub-basin.

Intensify cooperation with Estonian Water Companies Union on information dissemination.

Continue studies and analysis on typically articulated interests and problems concerning water, which helps to adjust the information flow according to public interests.

The latest study of the kind was carried out by Peipsi CTC in spring-summer 2003 in 10 municipalities bordering Lake Peipsi.

Youth targeted action plan

Continue organizing the youth contest “World of Water”, where school students can send their art and research works.

In cooperation with Tartu Environmental Board spread the idea of voluntary monitoring and enlarge the existing network of groups doing voluntary macroinvertebrate monitoring.

Test the new macroinvertebrate monitoring guide adjusted for Estonian conditions.

Disseminate an educational table game “From Lake Võrtsjärv to Lake Peipsi along the Emajõgi River” among secondary schools with high environmental interest and youth nature houses. Print more copies if needed.

Study on public participation in water management in the Russian Federation

In Russia the interviews were conducted in the Velikaya River basin which is the biggest watercourse of the Pskov Region. It starts from the Maly Viaz Lake on the slope of the Viaz Mountain Ridge and flows into the southern part of the Pskovskoye Lake. The Pskovskoye Lake is joined by a watercourse to the Chudskoye Lake and further to the Finnish Gulf of the Baltic Sea.

The study was mainly focused on the issues connected with the existing system of water management, problems in its implementation, information dissemination and the involvement of public into management planning and implementation. The interviews were conducted in February – March 2003. Altogether 12 interviews including officials of representatives of ministries and environmental authorities, local municipalities, polluters and NGOs were performed.

Analysis of experts' interviews allows to state that the **main problems in water management** at present are as follows:

- Legislative regulation of ecological activities and level of legislative basis development, mainly, state administrative structures;
- Absence of clear responsibility on the part of administration, business, and public, and the tendency for violations to be punished only by small fines;
- Financial limitations. Almost all experts mentioned that the transition period since 1991 has had a profound effect on the environment of the Velikaya River basin. On the one hand, the collapse of the economy of Pskov Region – agriculture – positively influenced on ecology of water basins of the Velikaya River and Chudskoye Lake. An absence of substantial production in the region such as wood processing, chemicals and fertilizers factories, absence of dye industry, etc. is the factor which, without any doubt, positively influenced on water resources state. They summarized the environmental situation as moderate. On the other hand, the economic crisis caused more serious problems. In modern economic context, absence of production and non-profitability of agriculture is equal to absence of tax-payer that influences on budget and following budget deductions. The last are spent on equipment modernization and on properly support of infrastructure (sewerage and water supply system, etc.), on timely stocking of research material and technical basis of organizations. It is connected with scientific societies, whose professional competitiveness and activity is located in research field (different biochemical monitoring).
- Lack of considerable attention to environmental problems caused by a quite stable ecological situation (that was noticed by almost all of the interviewed experts), and corporate interests of acting authorities.
- Misunderstanding of the role of public organizations. With some exceptions, authorities see their role mostly in the field of ecological education, whereas the fundamental role - participation in the ecological decision-making process, is considered as unnecessary. This also shows the weakness of NGOs' position in the field of environmental activity and the huge volume of work that can be done on public involvement into ecological decision-making process.

- Both state organizations and the representatives of public sector are in rather hard situation in the strategic view at the present moment as there is no effective policy of public involvement into the sphere of environmental problems. Public is not involved into the process of public discussion and ecological problems solving. On behalf of state organizations that fight for existing power's interests, public plays the role of "unnecessary link" which only prevents from fulfilling the functions stipulated on the top concerning the environmental activities.
- The problem of cross-sectional cooperation.

The roundtable on public involvement in the Velikaya river water management that was held in Pskov on 26 March 2003 and the seminar "Water Management in the Russian Federation: Municipalities and stakeholders groups participation in development and implementation of water management plans" held in Khilovo, Porkhov district, on May 29-30, 2003, as well as interviewed materials, examination of existing examples of public participation in the Russian Federation, the following conclusions on **existing problems of public participation in water management** can be formulated:

- Public participation is neither a common nor routine practice in water management in the Russian Federation. Consequently, the necessary elements for organizational infrastructure of public participation are absent. Specialists, channels for the distribution and collection of information, as well as local legislation, are all absent.
- Public participation in water management carries a situational character. Participation in natural resource management – this is an additional burden for any person if it is not part of their salaried work. Therefore it is critical to have a very high motivation in order that the participation acquires a genuinely mass character. As a rule, this takes place only in the case of protest campaigns, when a proposed construction project draws the interest of large numbers of local residents. That form of public participation organized by investors as a formality does not create traditions, nor does that form of public participation initiated by NGOs usually draw the interest of local residents.
- Russian legislation attaches the conducting of public participation to the cycle of project development and investment, but does not contain the requirements of obligatory public participation of a lasting nature as concern water resources management.² That is, if there is no project (either an investment project or a normative document for a project), there is no public participation. On the other hand, assignment of those steps of the management decisions, which require ecological expertise, and then the arrangement of public participation, is a quite complicated task as a result of the many contradictions and absence of clarity in Russian legislation. The question of who serves as the initiator of such activity, and consequently, who should organize the public participation is even less clear.
- Given the absence of positive experience among local residents, the absence of skills and necessary infrastructure for public participation, the absence of associations and groups that are clearly expressing their interests, it is clear that the level of interest among local residents as concerns strategic questions such as water basin management will be very low. A background for public participation

² As an example, for this purpose in France so-called "basin councils" are organized.

can begin to be built only on the basis of daily decision-making that affect the daily interests of local residents. As a result of the seminar, we can point to the allocation of land plots and the observance of the rules of land use and river bank and lake shore zones as such a question that affects the daily interests of local residents.

As the result of the discussion about public involvement in water management, the participants of the above mentioned events formulated the following recommendations.

- All stakeholders groups including environmental NGOs should clearly understand the roles and possibilities of public involvement, they should also understand the aims. It is obvious that wider information distribution should be organized both through «passive» (special training, courses) and through “active” methods (brainstorming, working groups, etc.)
- A strategy to involve public to solve existing water problems is needed. All stakeholders of the region presenting different interests should formulate joint interest in attracting public attention that later will be detailed in the action plans.
- Purposeful work is needed that will improve the cooperation between bodies that contain true information about environmental situation in the region and organizations that form public opinion (NGO, mass media, libraries);
- Public participation can be reached only through informing the population, also through mass media involvement. Communication strategy should be developed which will allow not only to inform the public on “hot issues” but also to create an interest to the existing problems in the region.
- Exchange of information between environmental authorities and local governments and attraction of attention of the latter ones to the existing problems will allow not only to inform local governments on the situation but also to involve them into the planning process. At the moment environmental problems in the region are not of high priority for the local governments.
- It is necessary to pay special attention to organizing the public and its interest, especially to involvement of young generation that is ready to be involved.
- It is necessary to hold regular and effective public monitoring.

For the achievement of a sustainable effect– **the creation of a continuously working system of public participation**, three tasks must be solved:

- To introduce public participation into the official decision-making system, in order to guarantee legal consequences of the general will of the citizens;
- To teach organizers and actors in the realm of public participation, help them to work out practical technical solutions for informing the local residents with the goal of creating an organizational infrastructure;
- To create a positive example of public participation among the local residents with the goal of overcoming any psychological barriers and of increasing their motivation.

A solution to these tasks should take place in both a simultaneous and also step-by-step way.

Action Plan for Successful Public Participation

Specialists from ECOM ("Environmental Assessment and Management"), St. Petersburg Society of Naturalists working in the field of public involvement into decision making process considers the necessity of maintenance of consecution of several stages for the **creation of a system of public participation** that would work. At each stage a series of tasks have to be completed simultaneously, in order not to leave "gaps" in the mechanism. The three "pillars" of the system are: studying the situation, preparing official legal documents, and training. It is reasonable to proceed to the next stage only after results to be achieved are fulfilled for each "pillar." The recommended time periods for completing each stage are approximate and depend on such external risks as coincidence with political campaigns, electoral cycles, changes in federal law, natural disasters in the region, etc.

1. Analytical stage –An additional analysis of the legislation and the overall situation, including the interests of the different stakeholders and also the organizational and informational infrastructure is undertaken. At this stage groups of interested people are organized and motivated for further training. Also information about the preparation of rules for public hearings is produced and begins to be distributed.

2. Designing of a procedure for public hearings– At this stage local government and activists among local residents develop proposals for local normative documents regulating the process of informing public procedures for meetings (skhod), etc. At this stage, the training of future leaders (including leading NGOs, town and city officials) plays an important role, as this allows additional information to be collected for the purpose of optimizing the process.

3. Creation of a system of public information dissemination and consultations – This stage includes: a legal review and approval of local rules in the form of acts by the local government; an information campaign aimed at clarifying the possibilities for public participation; conducting of hearings, observation and evaluation of those hearings; training, in part through attendance at events. At this stage it is possible to receive information about how public discussions are taking place, what questions are being raised the most often, and to give recommendation to the leaders of public participation.

4. Perfecting the system of public participation– On the basis of observation of the hearings, the leaders of public participation prepare proposals for the arrangements for joint planning (with public participation fully recognized), for social monitoring, and also for an improvement of information sharing. It is most likely that during this stage the public will (at last!) require and appreciate high-quality information about the environmental situation in the region and on the ways to improve it.

Conclusions

This report is a background document for preparation of comprehensive guidance for public participation in management of transboundary waters in the Baltic Sea Basin. By now, implementation on national level of river basin management plans in the Baltic Sea countries that are members of the EU have started; also transboundary river basin management plans such as Lake Peipsi/Chudskoe river basin management programmed were initiated. In Russia water management plans are prepared in accord to the Russian Water Code but on the transboundary waters with for instance Finland and Estonia cooperation with those countries is developing that is using principles as outlined in the EU Water Framework Directive. Financial support from EU TACIS programme and Global Environmental Facility play an important role in supporting this process of implementation of the EU WFD requirements on the external EU borders.

There are quite a number of guides for public participation have been prepared in Europe, including the Baltic Sea Basin. They are to be placed in one place and summarised within the TRABANT Guide to be developed the way that they would be usable and easily accessible by water managers and stakeholders in the Baltic Sea region. Also to ensure the Guide is implemented, a training programme as a pilot project under TRABANT, will be implemented – a curricular will be developed and trainings to water managers, planners, NGOs, local authorities and other stakeholders will be organised.

Preparation and partial implementation of such a training programme will support the process of a more active involvement of public and stakeholders in the ongoing implementation of national and transnational river basin management plans in the Baltic Sea Basin. Within TRABANT a number of workshops will be organised where water managers and experts will exchange their experiences in involving public in water planning. This will provide to the project participants and stakeholders in the region the comparative experiences and will facilitate the process of “learning-by-doing”.

References

E. Mostert. 2005. PUBLIC PARTICIPATION AND THE EUROPEAN WATER FRAMEWORK DIRECTIVE. A framework for Analysis. Inception report of the HarmoniCOP project – Harmonising Collaborative Planning

WWF Implementing the EU Water Framework Directive – a Practical Resource. Information, lessons learned and practical examples from the WWF/EC ‘Water Seminar Series’ 2000/2001. Brussels, 2002.

..... to be added