

**Economic and Social Council**Distr.: General
7 September 2010

Original: English

Economic Commission for Europe**World Health Organization
Regional Office for Europe****Meeting of the Parties to the Protocol on Water
and Health to the Convention on the Protection
and Use of Transboundary Watercourses and
International Lakes****Second session**

Bucharest, 23–25 November 2010

Item 7 (a) of the provisional agenda

**Capacity-building and sharing of experience: public
awareness, education, training, research and development
and information****Concept note on access to information and public
participation under the Protocol on Water and Health****Submitted by Women in Europe for a Common Future, in cooperation
with the Ministry of Environment and Forests of Romania***Summary*

The present concept note was prepared pursuant to the decision of the first session of the Meeting of the Parties to provide assistance to the Parties in the implementation of articles 9 and 10 of the Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (ECE/MP.WH/2/Add.5-EUR/06/5069385/1/Add.5). The concept note provides explanations on legal obligations with regard to public participation and access to information under the Protocol and other international frameworks. It aims to facilitate the process of public participation in the implementation of the Protocol. In addition the document highlights common challenges and needs with regard to public participation and access to information, and offers practical examples and recommendations on the way forward.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Background and proposed action by the Meeting of the Parties	1–2	3
II. Scope and objectives	3–6	3
III. Legal basis.....	7–14	4
A. Added value of public participation.....	7–8	4
B. Access to information and public participation under the Protocol: obligations and opportunities.....	9–14	4
IV. Principles and tools to promote access to information and public participation	15–19	6
A. Key principles.....	15	6
B. Tools.....	16–19	6
V. Challenges and best practices to improve access to information and to increase public participation.....	20–37	8
A. Access to information.....	21–23	8
B. Quality and form of information.....	24–25	9
C. Identification and organization of stakeholders.....	26–31	10
D. Capacity-building and financing.....	32–34	13
E. Design of the process.....	35–37	14
VI. Perspectives for access to information and public participation under the Protocol	38–50	17
A. Access to information.....	39–41	17
B. Public participation.....	42–50	18

I. Background and proposed action by the Meeting of the Parties

1. This concept note builds on the discussions and conclusions of the Workshop on Information and Public Participation in Water and Health-related Issues held on 15 and 16 June 2010 in Bucharest, Romania. The workshop was jointly organized by the Ministry of Environment and Forests and the Ministry of Health of Romania and the United Nations Economic Commission for Europe (UNECE), in cooperation with the Regional Office for Europe of the World Health Organization (WHO/EURO) and Women in Europe for a Common Future (WECF). The Global Water Partnership Romania assisted with the practical arrangements. The workshop was co-funded by the United Nations Development Account, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety of Germany and the German Environment Agency, via its Advisory Assistance Programme for Environmental Protection in the Countries of Central and Eastern Europe, the Caucasus and Central Asia. In particular the workshop provided case studies and practical examples of public participation which can be duplicated under the Protocol and recommended priority actions in this area to be taken up by non-governmental organizations (NGOs) active in the areas of water and health and Parties to the Protocol, as well as activities to be included in the programme of work for 2011–2013 under the Protocol.

2. The Meeting of the Parties may wish to:

(a) Thank the Government of Romania and WECF for the work done in this area;

(b) Urge Parties to step up their efforts in ensuring access to information and public participation when implementing the Protocol, inter alia, by involving the general public in the process of decision-making, in particular in setting targets and target dates under the Protocol;

(c) Invite NGOs active in the areas of water and health to be instrumental in the implementation of the Protocol by taking advantage of the opportunities that the Protocol offers and at the same time by contributing to the protection of water and human health;

(d) To adopt and support the activities on public awareness, access to information and public participation scheduled under programme area 7 of the programme of work for 2011–2013.

II. Scope and objectives

3. The Protocol on Water and Health puts great emphasis on access to information and public participation, recognizing public involvement as a vital prerequisite for successful implementation of its provisions. According to the Protocol, access to information and public participation in decision-making concerning water and health are needed, inter alia, in order to enhance the quality and the implementation of the decisions, to build public awareness of issues, to give the public the opportunity to express its concerns and to enable public authorities to take due account of such concerns” (art. 5 (i)). The Protocol also underlines that, as a counterpart to their rights and entitlements, natural and legal persons and institutions, whether of the public sector or the private sector — thus including NGOs and the public — should contribute to the protection of the water environment and the conservation of water resources (art. 5 (m)).

4. The aim of this concept note is to facilitate access to information and public participation in the implementation of the Protocol. The document offers an overview of obligations on access to information and public participation stipulated under the Protocol and presents different entry points for public involvement when implementing the Protocol.

5. In addition, the document demonstrates the main challenges, discusses future needs and provides some recommendations for access to information and public participation within the framework of the Protocol.

6. Finally, the document offers some practical examples based on countries' experiences, and illustrates a variety of possible existing tools to promote access to information and public participation, including those used in other areas that can be adapted to the Protocol.

III. Legal basis

A. Added value of public participation

7. The Rio Declaration of 1992 stated in Principle 10 that “environmental issues are best handled with participation of all concerned citizens, at the relevant level.” Thus, access to information and public participation are underlying conditions for the enjoyment of the right to a healthy environment. The principle of public participation holds that those who are or feel affected by a decision have a right to be involved in the decision-making process. Since then the principle has developed and found its base in the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)¹ of 1998 which, inter alia, provided operational criteria for public participation.

8. Public participation helps create a climate of trust and builds bridges between the State and its citizens, fosters lively democracy and decisions that are citizen-oriented and need-based. That means that the decision-making process itself is more transparent and its results are backed by the population; thus implementation becomes easier and greater accountability can be achieved (see also art. 5 (i) of the Protocol).

B. Access to information and public participation under the Protocol: obligations and opportunities

General

9. Different obligations and opportunities derive from the Protocol for different levels and phases of decision-making for the Parties and other stakeholders, such as the private and voluntary sector. The scope of requirements for access to information and public participation provided for by the Protocol encompasses different degrees of intensity. It goes from creating a “legal, administrative and economic framework... [for] contribution” (art. 4, para. 5) to making available to the public information relevant to the implementation of the Protocol (art. 10) to making “appropriate practical and/or other provisions for public participation, within a transparent and fair framework, and ... [ensuring] that due account is taken of the outcome of the public participation” (art. 6, para. 2).

¹ See <http://www.unece.org/env/pp/welcome.html>.

For the public, including non-governmental organizations

10. The public, e.g., represented by NGOs, has the right to participate in the target-setting process and its revision (see art. 6). Furthermore, the Protocol reminds the public of the corresponding obligations that go hand in hand with its rights and entitlements to water: “their moral obligations to contribute to the protection of the water environment and the conservation of water resources” (art. 9, paragraph 1 (b)).

11. Another opportunity for members of the public to influence the implementation of the Protocol is through their right to make communications to the Compliance Committee. A “communication” is a documented assertion by a member of the public that a Party is not in compliance with the Protocol by failing to effectively transpose, implement or enforce its obligations under the Protocol. The Compliance Committee aims to facilitate and assist Parties in resolving problems through a non-adversarial, non-confrontational and non-judicial and consultative procedure.

12. A communication may address any combination of the following situations:

- General failure by a Party to take the necessary legislative, regulatory, institutional, administrative, operational, budgetary/financial, technical, infrastructural, management, enforcement or other measures necessary to implement the Protocol;
- Failure of such measures adopted to meet the requirements of the Protocol’s provisions;
- Specific events, acts, omissions or situations which demonstrate a failure and non-compliance with the Protocol;
- Specific instances of violation of rights of individuals under the Protocol.

For Parties

13. Parties committed themselves under the Protocol to the setting of targets and target dates and their regular revision. When doing so they “shall make appropriate practical and/or other provisions for public participation, within a transparent and fair framework, and shall ensure that due account is taken of the outcome of the public participation” (art. 6, para. 2). According to article 6, paragraph 5 (a), Parties shall also establish national or local arrangements for coordination between their competent authorities in order to set targets.

14. Parties also agreed to publish the results of evaluations on progress made (art. 7) and to make other information needed for the implementation of the Protocol available to the public (art. 8, para. 1 (a) (iii), and art. 10). Apart from the obligation to publish specific information, article 10 foresees that Parties “shall take steps ... to make available to the public such information as is held by public authorities and is reasonably needed to inform public discussion of: (a) the establishment of targets and of target dates ... and the development of water-management plans ...; (b) the establishment, improvement or maintenance of surveillance and early-warning systems and contingency plans ...; (c) the promotion of public awareness, education, training, research, development and information”.

IV. Principles and tools to promote access to information and public participation

A. Key principles

15. Article 10 of the Protocol refers mainly to the standards for access to information and Article 6 to the standards for public participation. Article 6 requires a “transparent and fair framework” for public participation and Article 10 requires that access to information shall be provided “at all reasonable times for inspection free of charge, and ... [within] reasonable facilities” and that “on payment of reasonable charges, copies of such information” may be obtained.” This reflects a set of key principles relating to public participation and access to information. Some of these principles apply to both approaches; others specifically refer to one or the other. Common key principles are:

- *Equity*: offering stakeholders equal opportunities/access and equal scope for influence; applying principles of gender, regional, ethnic and other balance;
- *Accountability and transparency*: employing transparent and democratic mechanisms, publishing results in a manner understandable to non-stakeholders and in a traceable way;
- *Flexibility*: keeping the approach flexible by taking into account different issues, participants, linkages into decision-making and time frames;
- *Effectiveness*: being flexible does not exclude being effective; this means organizing the process so that competences, roles and time frames are defined such that they are clear to all stakeholders;
- *Speed*: informing all stakeholders in a timely fashion; setting realistic time frames and providing for necessary expert input to allow for adequate proceedings within the process.

B. Tools

16. Decisions are taken at different levels (international, national, federal, provincial and local) and therefore require different tools. Even within one level, different designs of the process are possible, as there is not one method that fits all processes.

17. Furthermore, there are different phases for public participation within each decision-making process: the information phase, the consultation phase and the cooperation phase. A common problem is that some processes lack the cooperation phase and are thus less participatory in the real sense.

18. In order to find the best tools for each individual decision-making process it is important to be clear about different aspects of the issues that need to be decided upon. The issue needs to be clearly defined, the timing is essential and the impact of the issue, in particular of a specific project, needs to be evaluated. Not every method fits all purposes. Thus a proper analysis and a management plan (including a budget), as well as a time schedule, have to be prepared in advance.

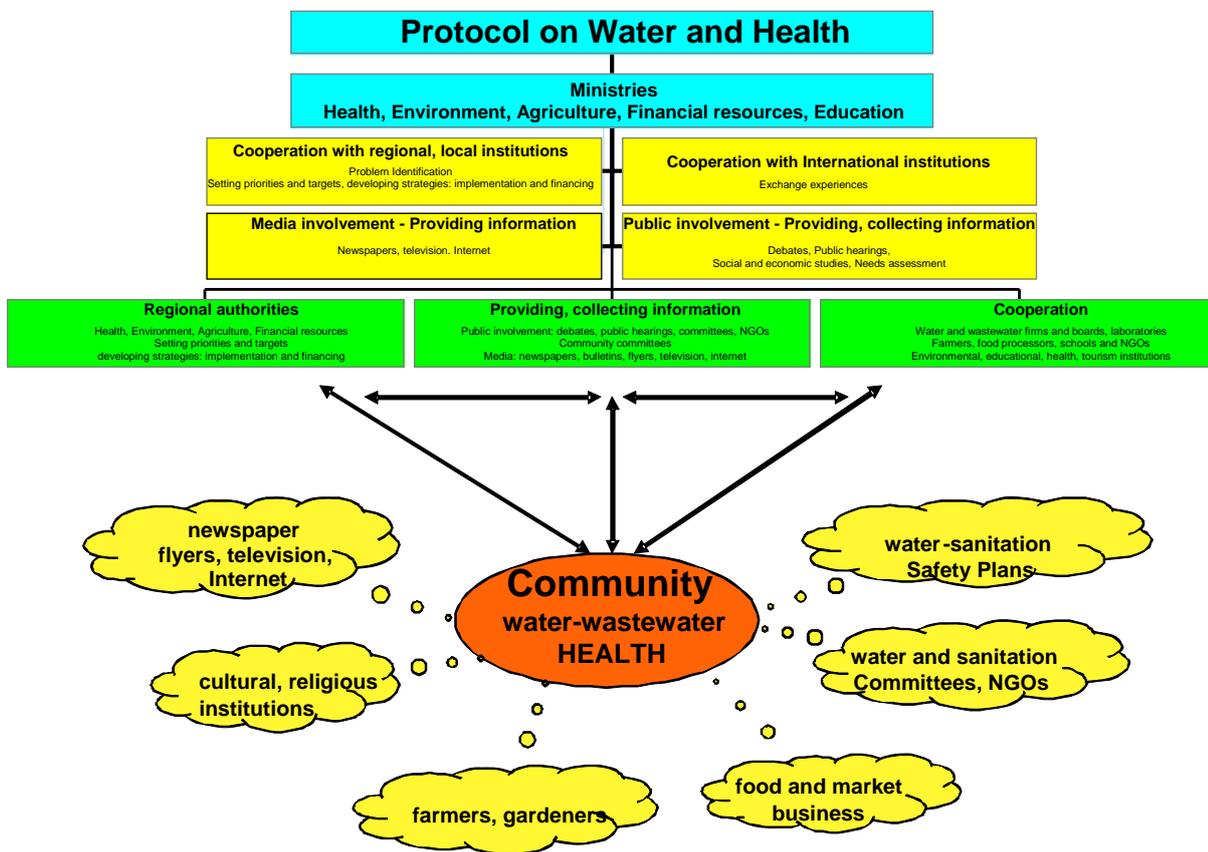
19. Some relevant tools are:

- Referendums;
- Public hearings/inquiries;
- Public opinion surveys;

- Citizens' juries;
- Focus groups;
- Expert panels;
- Stakeholder bodies (e.g., expert panels);
- River basin steering committee meetings;
- Interviews;
- Group model building;
- Workshops;
- List servers and e-mails;
- Media.

Figure
Structural scheme of public participation

1



V. Challenges and best practices to improve access to information and to increase public participation

20. This section looks at access to and provision of information. It reflects challenges and best practices from different kind of processes, but the focus lies on water-related processes.

A. Access to information

21. A general legal framework regarding access to information is in place in most countries in Eastern Europe, the Caucasus and Central Asia. Parties developed different ways to provide information to the public, e.g., via the publishing of reports and via specific websites (see examples in box 1). However, not everybody is able to access this information. Illiteracy, language issues (i.e., owing to different languages or dialects within a country that are not used in national reports and/or websites, or that the language which is used is too technical) or lack of access to the Internet hamper vulnerable groups or people living in rural areas in the subregion from accessing this information.

Box 1

Examples of using websites to provide information

The Romanian Ministry of Environment and Forests developed a “Kids’ Page” (http://www.mmediu.ro/pagina_copiilor.htm) which serves as a permanent educational online tool for children. It contains an online brochure with information about the importance of water ecosystems and the environment in order to create awareness among children and students on these issues. The information is illustrated, can be downloaded easily and is understandable for children.

The Italian Ministry of Health established a website on water “Portale Acque” (www.portaleacque.it) which in the long term aims at informing the public about thermal water, mineral water, drinking water and bathing water.² In August 2010 the section on the quality of bathing water was finalized. Information about each beach in Italy is easily accessible via a click-on map in real time and can be found in Italian and English.

22. Furthermore, the media is an important transmitter of information. Most citizens in European rural and urban regions have access to television and/or newspapers. Hence these media are very useful providing and sharing information to a broader public.

23. Another possible outlet for publishing information widely are environmental information centres, such as the Aarhus Centres (see box 2). The Organization for Security and Cooperation in Europe (OSCE) supported the establishment of Aarhus Centres and Public Environmental Information Centres (PEICs) in several countries, including Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan and Tajikistan.

² Implementing Directive 2006/7/EC of 15 February 2006 concerning the management of bathing water

Box 2

Aarhus Centres in Armenia

Since 2002, Aarhus Centres have been established in the Republic of Armenia by the OSCE office in Yerevan in cooperation with the Armenian Ministry of Nature Protection. There are 14 Aarhus Centres in different regions of Armenia in operation. They make environmental information publicly available, promote public participation in environmental decision-making processes and provide a variety of environmental education activities.

B. Quality and form of information

24. Some NGOs from the countries of Eastern Europe, the Caucasus and Central Asia allege that the quality of data that are provided by their Governments is biased or inaccurate and thus not always satisfactory. The same is argued by Governments. Thus both sides sometimes judge data collected and disseminated by the other as not credible. To overcome these challenges, common systems for the collecting of credible data need to be established.

25. Reliable data on the quality of water and on other water- and wastewater-related issues should be made accessible to the consumer/stakeholders in an understandable manner. This can be done via Internet and/or via announcements by the local media or town hall. Where the water does not meet the standard requirements, notices on how to handle the situation should be provided to water users.

Box 3

Data collection and dissemination

The Greens Movement of Georgia monitors water quality in different villages by using the water safety plan (WSP) approach. The WSP approach, developed by the World Health Organization (WHO), is a concept for developing a process-orientated observation of the water supply and its goal is to identify and eliminate all possible risks in the entire water supply system. WECF together with its partners refined the approach for the use of schools focusing on small-scale water suppliers. One element of this approach is the constant monitoring of water by using quick tests and by analysing other parameters, such as organoleptic parameters, relevant for the quality of water. A broader overview can be gained by the active involvement of many students. The publishing of this data to all stakeholders is a valuable source of information.

Another way to publish data on the quality of water widely is the ToNI (Toilet Nitrate Finder) Map (<http://www.wecf.eu/toni/index.html>). This interactive map collects and publishes results from nitrate monitoring in different villages across the Eastern European, Caucasian and Central Asian region gathered by WECF and its partner organizations. The map is easily accessible and provides data related to the quality of water in a specific location, as well as an overview of the quality of water in the region

C. Identification and organization of stakeholders

26. According to article 2, paragraph 11, of the Protocol, the public means “one or more natural or legal persons”. However, when identifying stakeholders Parties often look out for affected, interested or expert groups. In order to avoid underrepresentation, one possibility is to use the sample of “major groups” of Agenda 21³ accordingly. To use the major groups as intermediaries proved to be a practicable option, but for the water- and health-related issues of the Protocol a more specific approach is needed. Within the respective major groups particular groups have to be identified and approached. Furthermore, it is also important to reach out to the most vulnerable groups, such as the poor, and women and children. Regardless of the approach, special attention has to be paid to those groups which are most difficult to address due to different reasons, such as groups living in remote areas, and which are complicated to involve since they sometimes are illiterate or their cultural backgrounds do not allow them to attend meetings and/or to speak up. The most relevant sectors, public and non-State actors are given in the table below.

<i>Sectors</i>	<i>Public institutions</i>	<i>Non-State actors</i>
Health	Ministries	NGOs
Agriculture and Forestry	Regional authorities	Schools
Environment	Environmental agencies	Universities
Finances	Laboratories	Sector-related business
Water supply	Local administration	Religious leaders
Wastewater management		Business
Education (including water supply and sanitation in schools)		Media Consumers
Tourism		
Food production		

27. The process of identification of stakeholders includes the organization of local, provincial, federal and national authorities and the cooperation between different sectors, as this is the case for the Protocol.

³ Agenda 21: Programme of Action for Sustainable Development was negotiated by Governments at the United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, held from 3 to 14 June, 1992. The nine major groups defined by Agenda 21 are: (i) business and industry, (ii) children and youth, (iii) farmers, (iv) indigenous people, (v) local authorities, (vi) NGOs, (vii) the scientific and technological community, (viii) women, and (ix) workers and trade unions.

Box 4

Ministerial coordination

On the national level in Hungary a Special Committee on Water and Health (SCWH) was established to coordinate the activities related to the Protocol between the different ministries. Members are representatives of the Ministry of Health, the Ministry of the Environment and Water, the Ministry for Local Government and Regional Development, the Ministry of Economy and Transport, the Ministry of Agriculture and Rural Development and several other agencies and organizations working on the issues of water and health.

28. When starting to involve stakeholders it is most efficient to make use of existing networks. Groups of stakeholders that have been established for other processes, such as for the implementation of the EU Water Framework Directive⁴ (WFD), or the process of Integrated Water Resources Management, can be approached easily and should be extended according to the scope of the issues of the new decision-making process (for the Protocol this is mainly the expansion to stakeholders working on health aspects). In transboundary basins, a common group of stakeholders are joint bodies such as river basin commissions. These joint bodies often have rules of procedures for the involvement of other actors, such as the public. An advanced example is the International Commission for the Protection of the Danube River (ICPDR).

29. If no network is in place yet, all stakeholders have to be identified, which is more challenging. Depending on the level of decision-making and the issue, stakeholders can be identified via, e.g., detailed problem assessment, socio-economic study, groups work, cooperation and communication with target groups, experts, responsible authorities and/or institutions.

Box 5

Stakeholder engagement plans

The European Bank for Reconstruction and Development (EBRD) asks their clients when developing and implementing a project to develop a Stakeholder Engagement Plan (SEP). This is part of the bank's Environment and Social Policy, their Public Information Policy and their Information Disclosure and Stakeholder Engagement. A well structured and implemented SEP can help to identify the public that might be affected and impacted by a specific project. However, often clients of the bank, e.g., big companies, lack capacity with regard to stakeholder engagement. Thus further training is recommended in this area.

30. For the implementation of the Protocol, guidance to identify the main stakeholder groups can be found in the Guidelines on the Setting of Targets, Evaluation of Progress and Reporting (ECE/MP.WH/5–EUDHP1003944/4.2/2/1). These include: (a) ministries;

⁴ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for community action in the field of water policy.

(b) national, federal, provincial and local (both urban and rural) authorities; (c) existing working groups/committees concerned with water and health issues; (d) associations and organizations of public or private service providers (e.g., water and sanitation suppliers, wastewater removers); (e) research institutes; (f) academia, professional associations in the areas of health, environment and water; and (g) representatives of finance, tourism, agriculture, the economy or development, as well as representatives of the public (e.g., through consumer associations or NGOs). Some stakeholder groups may not be easily involved as their organizational structures are unknown or non-existent (e.g., small drinking water suppliers or private well owners). Thus, additional efforts should be made to engage these groups.

Box 6

Community engagement

An approach to get groups of people involved that are not yet organized or do not have the capacity to get organized is the PHAST approach. PHAST stands for Participatory Hygiene and Sanitation Transformation.⁵ It is an innovative approach designed to promote hygiene behaviours, sanitation improvements and community management of water and sanitation facilities using specifically developed participatory techniques. PHAST uses methods and materials that stimulate participation in the development process. It relies heavily both on training and on the development of graphic materials (sets of which are called “tool kits”) that are modified and adapted to reflect the actual cultural and physical characteristics of communities in a particular area. The PHAST initiative uses an integrated participatory methodology and communities are requested to determine their own priorities for disease prevention. The objective of PHAST is not only to teach hygiene and sanitation concepts (where needed) but, more importantly, to enable people to overcome constraints to change. It aims to do this by involving all members of society — young and old, female and male, higher and lower social status — in a participatory process. This includes assessing their own knowledge base; investigating their own environmental situation; visualizing a future scenario; analysing constraints to change; planning for change; and, finally, implementing change.

31. The degree of organization of civil society is also very relevant for the results of the involvement of stakeholders: questions of self-organization as well as the motivation and the commitment of NGOs need to be addressed; advocacy NGOs and community-based organizations (CBOs) need to be distinguished according to their field of work and expertise and the positive effects of networks have to be taken into account. The structure of local and national authorities and existing hierarchies, unclear definitions of roles and responsibilities, as well as different understandings of democracy and traditional gender roles, play an important role within the process and have to be taken into consideration as well.

⁵ See: http://www.who.int/water_sanitation_health/hygiene/envsan/phastep/en/.

D. Capacity-building and financing

32. An infrastructure for capacity-building needs to be established and knowledge needs to be transferred to the public, the media, NGOs and Governments (national, federal, provincial and local authorities), as well as to educational institutions. Political leaders and regional and local stakeholders need to identify the capacity gaps and set priorities on implementation and related financial issues.

33. Education and awareness-raising are the first steps in building capacity.

Box 7

Educational approaches

The NGOs Central Asian Alliance for Water (CAAW) and Agency for the Support of Development Processes Nau (ASDP Nau) from Tajikistan use the WSP and the PHAST approaches in order to reach out to local communities, including youth, to educate and train them about hygiene, water and health. Education and awareness-raising about these issues are the first steps in mobilizing civil society and in creating a sense of ownership which leads to the capacity of civil society to become active. These activities proved to be very effective as locals who are educated wish to be more involved in defining their needs and shaping their solutions resulting in finding responsible and sustainable long-term solutions.

In 2003, the NGO MAMA-86 from Ukraine started the WASH campaign (“Water, sanitation and hygiene for all in Ukraine”). Until 2008 they organized WASH seminars at the national level between different stakeholders to raise awareness on the issues of water, sanitation and hygiene. This educational campaign led to an increase in awareness among different stakeholders in Ukraine (governmental and non-governmental) and to the capacity of these stakeholders to get organized and involved in these issues.

The “Kids’ Page” of the Romanian Ministry of Environment and Forests serving as a permanent educational online tool for children is another good example of a capacity-building initiative (see box 1). Romania also carried out an awareness campaign called “Danube Caravan” in order to inform children and youth about water quality and biodiversity issues.

Good examples of awareness-raising are the events organized by the neighbouring countries of the Danube and the Black Sea to celebrate Danube Day on 29 June and Black Sea Day on 31 October. These events help to raise awareness of the environmental problems facing the Danube and the Black Sea and to develop the population’s knowledge of and sensitivity to environmental issues, as well as to encourage active public participation in the field of aquatic ecosystems’ protection.

The Uzbek NGOs Union of the Aral Sea and Amu Darya brought a case against the State agencies that closed the drainage collector in the nature reserve Baday-Tugay in Uzbekistan. The case caused a public outcry that contributed to an increase in public awareness.

34. As capacity-building, including training and exchange of experiences, often has a low priority on the political agenda, NGOs and governmental authorities often lack funding for those areas. The financial aspects of capacity-building should consider not only the direct costs of capacity-building, but also the long-term financial benefits of a well-informed and educated public having access to a safe environment. Experiences and research have shown that interventions addressing hygiene, access to safe water and sanitation and better environmental conditions lead to an increase in the gross domestic product (GDP). When budgeting for environmental issues costs for public participation and capacity-building have to be taken into consideration.

Box 8

Financial support

The EBRD recommends providing guidelines to its clients, mainly private companies, on how to identify stakeholders and how to initiate and implement public participation processes. Once this advice has been provided, private companies might want to provide financial resources to support public participation processes in cooperation with civil society.

E. Design of the process

35. The process of public participation will only deliver the desired results if its modalities are tailored to fit its purpose. Power structures within the Government and between federal, provincial and local authorities, as well as the public, need to be analysed. Furthermore, questions as to whether the process should be expert-oriented or popular-oriented have to be clarified in advance. Real, meaningful participation means that communication should not be adversarial; it should rather be deliberative, in a collaborative atmosphere. Common constraints include time, funding and complex logistics; however, they can be overcome by good planning and a timely start to the process.

36. Websites are a first point of providing and receiving information for those who have access to the Internet. Furthermore, they can also serve as a participation tool. Often official websites are used to request information and/or to send in comments about specific projects or planned activities and policies. Thus, websites as such are a tool within the public participation process.

37. At the same time, website consultation cannot completely replace tools like public hearings, personal exchange of experiences and consultation with stakeholders, involvement of committees or providing information via the media like television, local newspaper or announcements. The following examples in boxes 9 through 12 show complete consultation processes including different steps and tools.

Box 9
Ukraine

The Ukrainian NGO MAMA-86 started a bottom-up approach to involve the public in the target-setting process of the Protocol. The NGO initiated a public consultation on the draft State programme “Drinking Water of Ukraine” in 2004. Information was disseminated among NGOs and experts for comments. MAMA-86 collected these comments and organized public hearings in order to discuss the issues further. Not all comments and ideas from stakeholders were taken into consideration, but at least some of the ideas were reflected in the final State programme. Also, on a more provincial and local level, MAMA-86 took part in the consultation process regarding the target setting for the Protocol

Box 10
Romania

In 2009, in Romania the National Administration “Apele Romane” conducted a public consultation on the drafts of its River Basin Management Plans. On 22 December 2008, the drafts of the plans were published on the websites of “Apele Romane” and on those of the water basin administrations of all 11 basins.

The public involvement in the decision-making process was developed around two pillars:

- (a) Information about the drafts of the River Basin Management Plans and, in general, about significant water management issues;
- (b) Consultation regarding the drafts of the River Basin Management Plans.

The public consultation process was conducted between 1 January and 15 November 2009 with the main stakeholders. Twenty-two consultation meetings were organized within all water basin administrations.

In these meetings there was active participation of different stakeholders, such as county councils, water users, hydropower authorities, public health authorities, water supply and sewage authorities, NGOs, consumer protection county offices, agriculture sector authorities, forestry sector authorities, local and regional environmental protection agencies.

In addition, questionnaires regarding the drafts of the River Basin Management Plans and programmes of measures were sent to all interested water users.

They were invited to make observations and comments on the content of the drafts of the River Basin Management Plans, in order for these documents to be improved with proposals from the main stakeholders, including NGOs. The decision to include (or not) the comments received was well argued, both from a technical and a legal point of view.

Finally, all 11 River Basin Management Plans were agreed with the stakeholders, which are members of the Basin Committees.

Box 11
Sweden

Another example from Sweden shows how the process can be made successful. The Södertälje Municipality included the public from the beginning in their planning for sustainable systems for water and wastewater management. Different stakeholders from the agriculture, planning, environment and health sectors were invited to a dialogue. The public was constantly informed and invited to information meetings; the municipality also presented good examples and explained solutions in detail so trust between the stakeholders increased. The process focused on functional and quality aspects rather than on technical aspects, which made it easier for laypersons to get involved and to feel able to take part in the decision-making process.

Box 12
Experiences with cooperation within a groundwater protection programme — example from the water supplier Oldenburgisch-Ostfriesischer Wasserverband (OOVW), Germany

OOVW is a public water and wastewater association responsible for the water supply and wastewater management of German communities serving 1.1 million customers living in an area of 7.554 km² (www.oovv.de).

Intensive agricultural land use has caused increasing nitrate loads in the groundwater. In order to be able to supply drinking water of high quality in the long term, OOVV developed, in cooperation with the district administration, a comprehensive programme for groundwater protection to ensure sustainable water management. Tools that were applied included:

- A water abstraction charge to finance selective measures for groundwater protection. In this way the combined programme of OOVV and the district administration could be accomplished in cooperation with local partners, especially agriculture and forestry;

- Farmers received personal and group consultancy on organic farming for free. The products produced according to the guidelines for organic farming and/or under water-protecting conditions were bought by local food processors and supermarkets;
- Through cooperation with farmers, local food processors, grocers, public and media, 99 per cent of the products were sold with an extra charge to the consumers. The extra charge covered the costs of the farmers' consultancy.

The results were the following:

- A reforestation on 1,000 hectares and farmers converted on a voluntary basis 3,000 hectares into an organic farmed area.
- The nitrate level in groundwater was decreased from 110 mg/l to below 50 mg/l in 12 years.

VI. Perspectives for access to information and public participation under the Protocol

38. Current experience with the implementation of the Protocol has revealed that further work is needed on the national level to improve cooperation between governmental authorities, but also between different sectors of civil society to improve access to information and public participation (arts. 5, 6, 7, 8 and 10 of the Protocol) and awareness-raising, education, training and research (art. 9 of the Protocol). All obligations of the Protocol related to access to information and public participation should be fulfilled to improve the implementation of the Protocol's provisions on the ground. The lack of resources, in terms of capacity, finances, time and democratic will, has to be overcome in order to guarantee real public participation. The sharing of experiences and knowledge showed that some structures are already in place and some best practices can be showcased for the implementation of the Protocol.

A. Access to information

39. Several examples of websites, such as the Italian "Portale Acque" or the Romanian "Kids' Page", demonstrate that a website is, in general, a good tool to provide access to information to a broader public. On the local and regional level several European water suppliers, for example, make the results of drinking water analyses accessible to the broader public via the Internet or local newspapers. However, limitations on access to the Internet exist. Furthermore, the quality of the data can be questionable. The right to access to information implies that data are correct and reliable. Systems for collecting and disseminating these data have to be agreed upon (see box 3) and, ideally, nationally and internationally coordinated.

Box 13

Atlas of Water and Health

The website “Atlas of Water and Health” (www.waterandhealth.eu), by the WHO Collaborating Centre for Health Promoting Water Management and Risk Communication, is a useful tool to disseminate and exchange information at the international level.

40. The media also plays an important role in providing information. In relation to the purposes of the Protocol, its function has not been exploited enough and ideas for making further use of the media should be explored. In particular, the abundant use of television in the Eastern European, Caucasian and Central Asian region should be more exploited.

41. Environmental information centres are also a good way to provide information. It is recommended to use Aarhus Centres for providing information about the issues of water and health.

B. Public participation

42. Existing structures should be used when defining stakeholders and looking for partners with which to start dialogue. Existing networks of national, federal, provincial or local authorities, or relevant parts of civil society, are a valuable source. Internationally, structures created by ICPDR, under the Water Framework Directive (WFD) or other EU related water and/or health processes have to be preserved and to be made use of.

Box 14

Stakeholder facilitation

Another opportunity to facilitate cooperation are the Aarhus Focal Points at national level established by Decision I/9 of October 2002 by the Meeting of the Parties to the Aarhus Convention. They could also be used in order to start identifying or facilitating cooperation between key stakeholders under the Protocol.

43. Networks of NGOs as well as an inventory of NGOs working on the issues of water and health should be created in order to get a better overview of these NGOs.

44. In addition, structures and approaches on information transfer and public participation from the bottom to the top have to be established.

Box 15

Examples of bottom-up and top-down approaches

NGOs in Ukraine initiated a bottom-up approach from civil society to governmental authorities to start public participation on the issue of the Protocol resulting in the target setting process.

In Cantabria, Spain, the Government Department launched the Office of Hydrologic Participation Cantabria (OPHIC), which started water planning “on the streets” with the aim of drafting new water plans. As a first step each basin was analysed. Then OPHIC organized information days to inform all stakeholders about the results of the analysis and to start the participation process. In the active phase round tables, regional round tables and a water forum took place in order to engage everyone in the discussion and to come to an agreement about future activities. The results of this phase were collected and translated into concrete action sheets that were forwarded to the Hydrographic Confederation of Cantabrico for inclusion in the new management plans that are being drafted for 2011-2015. In total, about 2,819 people participated in this process between 2006 and 2010, submitting 2,280 concrete proposals for action related to the improvement of basins in the region. Issues included: water supply, sanitation, water conservation, water management, floods and restoration.

45. Questions related to how and by whom the priorities on target setting at the national, federal, provincial and local levels are to be defined and on how to transfer the Protocol from the theoretical level into the implementing level are essential.

Box 16

Target setting

Examples from different countries show that methodologies exist that are, on the one hand, suitable to raise awareness on water and health related issues and, on the other hand, to establish knowledge and capacity and thus motivate people to get involved in needs assessments and the development of their own ideas on finding solutions. The PHAST and WASH approaches mainly used to raise awareness bring possible stakeholders together, which is a first step in the process of public participation on water-related issues. WSP used in schools and in small communities help people to understand the need to monitor water and to search for solutions to keep it clean. Therefore the WSP approach is also a stakeholder dialogue that even goes further in defining activities which can be part of the target-setting process under the Protocol. The implementation of demonstration projects leads to a better understanding of proposed activities and can also help to define which needs have to be met and where there is room for modifications.

46. On the international level synergies between the WFD and the Protocol should be used. The networks are similar, stakeholders are often the same and tools used to provide access to information and public participation are related.⁶

47. Further cooperation seems obvious with the Aarhus Convention. In 2010, an Extraordinary Meeting of the Parties to the Aarhus Convention established a new Task Force on Public Participation in Decision-making. The new Task Force will work on improving the implementation of the Convention's provisions on public participation in environmental decision-making, including through sharing expertise and good practices, developing recommendations, strengthening civil society and building capacity for public authorities and other stakeholders. Problems related to the implementation of the public participation pillar of the Convention will also be analysed. This should be linked to problems on public participation under the Protocol. To join forces on the issue of public participation seems useful and effective to elaborate further guidance for all possible stakeholders.

48. Within the framework of the Protocol it is recommended to develop guidelines on access to information and public participation for all stakeholders when implementing the Protocol.

49. Allocation of more money to public participation is a crucial element if its implementation is to be successful. This requires setting new priorities and might also require a small increase in the fees for water supply and wastewater management. Capacity-building on both sides (governmental and non-governmental) is also important. It must become common understanding that good public participation saves money in the long run. Looking for funding is also helpful. Therefore, the idea to approach national and international funding organizations for financing projects and workshops, etc.. on public participation has to be followed up.

50. However, most important is the development of a common understanding of the crucial role access to information and public participation in decision-making processes has under the Protocol. The political will of Governments and the commitment of civil society to engage in the process have to be fostered.

⁶ In this connection, see the Harmoni COP Handbook (<http://www.harmonicop.uos.de/>).