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**PUBLIC PARTICIPATION
ENVIRONMENTAL INFORMATION & AWARENESS
IN THE MEDITERRANEAN**

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INTRODUCTION

The central role of the public in achieving sustainable development has been widely recognised in the Rio UNCED (1992) and Agenda 21, in the Agenda MED 21, in the European Union's 5th and 6th Environmental Action Programmes, etc. Information is often seen as one of the keys to successful *Public Participation*. It is promoted as being, at least, a complementary approach to Environmental Education and more recently - as formulated in Thessaloniki (1997) - to *Education for Environment and Sustainability* (EfES) (Scoullou, 1998) and both are significant mechanisms which assist the growth of *Awareness on Environment and Sustainable Development*, empower the public in participating in environmental decision making and provide the basis of rational and appropriate choices by the public. The present publication attempts to summarise the most important aspects of the related issues as they have evolved in the Mediterranean region. It is largely based on the report prepared for the 5th MCSD Meeting in Rome, 1999 (Scoullou, Hunt, Roniotes, 1999).

Attention has been primarily directed towards the provision of information and appropriate education (including training) followed by safeguarding the right of access to environmental information and participation, although problems have been acknowledged in relation to the institutionalization of those rights. Implementation, in various modes and degrees, is underway in many Mediterranean countries.

A common distinction is often made in this area between the «passive» provision of information, where authorities (national, regional or local) respond to requests from the public and the «active» provision of information, where authorities or public institutions are responsible for the collection and regular dissemination of appropriate information to the public. In participatory actions we often distinguish between horizontal and vertical forms, although many of the existing examples are combinations (see box on next page).

Internationally, and also in the Mediterranean region, we are now moving into a second stage in how we understand the role of information in sustainable development, which requires a deeper understanding of the connections between information and action. The potential and implications of the revolution in information technologies are neither fully operationalised nor properly understood. New questions are emerging around the recognised problems of information overload, the complexity of information and

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appropriate levels of presentation, the plurality of (sometimes conflicting) information sources and the appropriateness of traditional categorisations of environmental problems. This has led to the provision of information becoming more closely scrutinised and more attention being directed towards issues of effectiveness and efficiency. Targeting information for particular uses is increasingly recognised as central for information providers and at the same time raises questions about information control, labelling of information, etc. Little is known about the ways in which information is understood by users, including the public and how this understanding motivates –or constrains– environmentally beneficial action, yet understanding this relationship is fundamental to the effective provision of information.

A further tension may be emerging between information produced and disseminated at the European level, requiring inevitable standardisation and consideration of local uptake, usefulness and cultural resonance of such information. The non-EU Mediterranean countries will be inevitably and automatically influenced by such a standardisation of information products and by a common European information policy. In parallel, this raises questions about the appropriate level, provenance, location of treatment and formulation of information, particularly in relation to the various policies affecting the environment and sustainability of the Mediterranean region. It is noteworthy that virtually all Working Parties of the MCSD have identified as a very important element for the success of the various different policies on which they work, the "information, awareness, education and public participation" component. Therefore, the authority of the information provider and the trust (or lack of confidence) which the public has in such institutions, becomes critical to the ways in which the information is received, evaluated and acted upon. These observations point to the need for better understanding of the role of information in empowerment of people and of the relationship between information and action.

Participatory actions

In the present report «participatory actions» are considered those where at least one of the partners is a non-governmental group, local authority, private sector or even an *ad hoc* group of concerned individuals. Participatory actions are inseparably linked with information and could be either «vertical» involving individuals, grass root organisations, various levels of interaction with administration and authorities up to the level of National Governments and International bodies (such as the UNEP/MAP or the EU) or «horizontal» among partners of the same level or acting on «equal footing». Irrespectively of the aforementioned characteristics all participatory actions in the Mediterranean could be further classified, based on concepts, in two very broad general categories, which in most

cases cannot be viewed as totally separate:

a. Actions related to specific problems usually local, subregional or national

In the majority of the cases known in the Mediterranean, these actions are connected to proposed or implemented programmes, projects or policies. In this category one could classify a very large number of «reactions» (starting from provision of simple information to very «aggressive» demonstrations or political action such as a «boycott») against what are frequently considered by the public (local inhabitants, environmental or professional groups, etc.) as inappropriate development projects threatening the environment or the viability and sustainability of local ecological or socio-economic systems (e.g. construction of a road, factory, dam, introduction of new species etc, agricultural subsidies, etc.). In the same category one could also classify a large number of initiatives aiming at the «restoration» (cleanups, etc.) of sites or promotion of education-awareness based on experiences to be avoided.

b. Actions related to the introduction of new ideas, principles and issues of global, or at least international/ transboundary, character.

In this category a variety of actions could be included, most of which are of a rather «proactive» and informative character (such as «capacity building») or of institutional nature elaborating on concepts. This category may include campaigns, conferences, public hearings, etc. and, in general, efforts to organise public participation at international, national, regional or local level with principal goals the formulation of an «informed» opinion by the wider public and the influencing of political priorities and decisions at regional-Mediterranean level (e.g. global warming-energy taxes, sustainability plans, «green» accounting, etc.). By their nature most of these actions are the direct or indirect result of the better organised -through NGOs- parts of the Mediterranean society who have already formed various types of communication

The policy contexts of the provision of both EfES and information are also changing. Over the last few years there has been a gradual move away from the ideology of fixed «didactic» and of command and control policies in EU environmental policy making towards a more participatory process and broadening of the range of instruments, including an increasing reliance on economic/fiscal instruments and individual decision making. This raises new implications for the role of information and education in policy development and implementation. The increasing attribution of responsibilities to the individual is an integral part of the education but also of the information culture and an important feature of the context in which information is provided and used. Information and EfES are increasingly used both as policy measures in themselves and as complementary parts of other measures.

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As a consequence, there are changing institutional requirements for information about the public, both in monitoring changing behaviours and attitudes and for understanding the reasons for any eventual resistance to change. Similarly for EfES it is acknowledged that perceptions and attitudes are formulated in a more «open» system where environment, society, economy and scientific innovation interact. Therefore, for both information and EfES the public itself is an important source of education and information about the environment and sustainability.

It is very important also to recognise potential shortcomings of the emerging new culture of information. Information is itself never neutral, in many cases irrespectively from the intentions of those who produce it. Even so called objective, scientific information is produced within particular contexts and from particular viewpoints or for particular uses or users. The "facts" themselves are often subject to criticism because there is no fact without interpretation of data. The data and the extrapolations produced are frequently contested, especially in cases of environmental conflict. Information itself can become a tool for reconciliation or disputation. There is a sense in which the provision of information comes to mean that institutions may have discharged their social responsibilities and any further action is the responsibility of the public, local authorities, NGOs or other social actors. Conversely, the requirement for the provision of information can influence institutions to alter their activities in order to encompass more widely accepted norms or by directing institutional attention toward previously overlooked dimensions of their activities or through increasing their accountability and, in some cases, their visibility.

Understanding of the role of information in relation to public awareness, EfES, participation and action is thus in a process of evolution, moving from questions regarding freedom of access to information to questions of information management, relevance and timelines of information, the meaning attributed to the information provided and its roles and implications with respect to public responses.

In the present publication in Part A we first analyse the terms, modalities and framework of public awareness, information and participation, what is considered as «public» and what are the present levels of public concern, action, potential, trust in information sources, the willingness and ability of the public to seek and understand information, as well as what we consider as an evolutionary curve of the participatory process.

In Part B, the Mediterranean specificities are analysed and an attempt is made to follow the development of the relevant issues in the region. An assessment of the achievements and problems and a brief analysis of the root causes are made. Finally, the main issues on which public interest and information focus are presented.

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Part C refers to the current legal framework including the Aarhus Convention, the EU provisions and a non-specific overview of national frameworks in some Mediterranean countries.

Part D is devoted to both general and more specific recommendations for strengthening public participation in the Mediterranean region. Some points on relevant funding issues are also given.

In part E a few tips on methodologies and indicators for participatory processes are provided. Also, a preliminary approach is made on the economic costs and benefits of the participatory processes.





Part **A**

Information, Awareness and Public Participation

□ INFORMATION, AWARENESS and PUBLIC PARTICIPATION

Public awareness of environmental issues and peoples' attitudes and behaviour towards the environment has been widely studied, both through quantitative (questionnaire type) studies, such as those employed by the Eurobarometer and qualitative, observation based approaches (interviews, focus groups, etc.).

The ultimate goal of public awareness, sharing of information and education for environment and sustainability is to develop the knowledge, understanding, skills and abilities of individuals and groups to behave and act for the protection of the natural and cultural environment. The best way to obtain this is by respecting institutionalised and voluntarily agreed rules generated through understanding, dialogue, participation and partnership - the latter being the most advanced form of participation.

The close interdependence and the inseparable development of information, awareness, EfEs and participation can be expressed as being four facets of the same cluster and can be schematically depicted as a pyramid, the four sides of which are information, awareness, EfES and participation (Fig. A.1.). Each one can be the basis for the other three. This furthermore explains how the pyramid can be «built» on different foundations depending on the given different approaches that are followed. In most cases the approach followed is the one that is based on raising awareness.

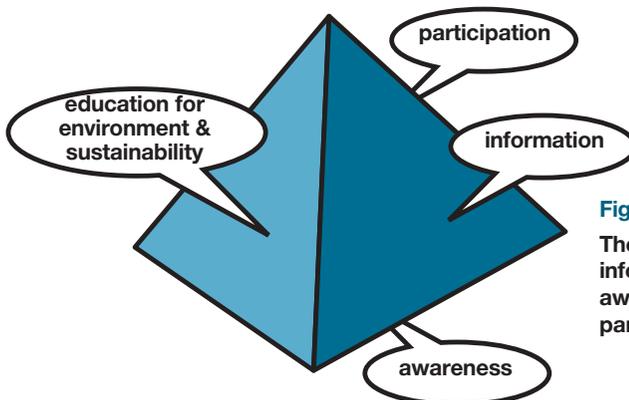


Fig. A.1
The pyramid of information, awareness, participation & EfES

Furthermore, the development of specific policies for each of these aspects automatically overlap and merge. For example, the policies for promoting education for the environment and sustainability require the flow of passive and active information about pressures, new developments, institutions and solutions, the wider awareness of society, formal, non-formal and informal education of students inside and outside the class and active participation of the school in society.

1.1 The Public - The parties concerned

A number of constituents are identified as public. Usually, as public are considered the population in general; the elected forms of popular representation such as local, district or town councils, neighbourhood committees and People's Assemblies (existing in some countries); the NGOs and other forms of popular associations and in some cases public figures such as prestigious individuals.

Table A.1
The public

The Population	<p>As individuals the public is a primary resource for implementing sustainable development through their daily decisions and consumption choices (e.g. in energy and transport use), through direct participation in actions (usually local) such as clean-ups and tree planting and through voting, especially in referenda.</p> <p>To effectively participate in a dialogue on a given issue the population must begin by determining and articulating its position, interest and priorities. Often these will be expressed by its representatives. The latter could be traditional leaders such as tribal chiefs, spontaneous leaders or personalities acceptable by the population and other parties, an NGO, such as a community development or environment association maintaining effective relations with the population, or a formally elected body (such as an <i>ad hoc</i> committee or a local council). However, when genuine representation scenarios are lacking or when without internal organisation, the population may eventually be «reduced» to a passive recipient of information.</p>
Elected Popular Fora	<p>These include local, district, town, prefectural and other popular councils, which are elected and frequently manage, to a certain extent, local affairs and exist in many countries. In most cases these councils are empowered to approve, reject or even amend projects and actions submitted by the Central Government or the Regional Executive Authority.</p>
NGOs	<p>In the Mediterranean these include many types of public interest groups, in their majority aiming at the protection of the environment, and to a lesser extent, for the assistance of local communities in establishing development schemes, or in defending the interest of consumers, or major groups of the population, such as women, youth, etc.</p> <p style="text-align: right;">→ → →</p>

←←←	<p>NGOs play several important roles, often more than one role even in the same project. Such roles may range from mobilisation of the wide public, raising public awareness and consciousness in favour or against a policy or project at national or local level, to proposing solutions or amendments and mediating between a part of the population and the Government or offering direct support to the authorities by organising jointly campaigns on issues of mutual interest (e.g. water). NGOs in many cases also provide support in securing private or international funds, managing projects or offering organisational backing and advice through working parties and expert committees.</p> <p>At the Mediterranean level International NGOs and networks and MIO-ECSDE in particular have played a major lobbying, educational and political role participating actively in the formulation of policies and by diffusing the messages and policies to a large number of national and local NGO members (in most cases in a much more rapid and efficient process than Central Authorities informing the subregional or local ones).</p> <p>This enhances the ability of local groups to participate in an increasingly efficient way although some times creates also frustration to the uninformed authorities at local level.</p>
Other Popular Associations	Such associations include trade-unions and co-operatives which might play some important role in local or regional issues. However until now their involvement in environmental or sustainable development issues is rather limited.
Public Figures	Public figures are personalities with ability to influence public opinion or other parties due to the prominent place they occupy in the society. Such figures play usually an important role in a number of issues related to the land-based activities because their standing qualifies them to express the public interest with some authority. In most cases these figures act in close co-operation or on behalf of NGOs.

Table A.2

Other partners for public dialogue, participation and partnerships

The State	including: Central Government, Regional or Prefectural Administration, District Authorities.
The city or town (local) authorities	
The private sector	including: <ol style="list-style-type: none"> 1. The chambers of commerce and/or industry. 2. The private investment sector, important for project financing, though rarely participates in public dialogues in the Mediterranean countries. 3. «Producers», such as farmers, fishermen, etc. usually represented through their local unions or co-operatives.



Syndicates	such as the Labour Unions, etc., rarely active until now on these issues in the Mediterranean countries.
The private consultative sector	which in many cases has shown ability to bring together other parties in order to obtain consensus for the success of the project to which its work is related.
Financing Organisations (particularly International)	since projects which are not self-financed by beneficiaries are only implemented if they have acceptable environmental and economic prospects, these organisations play an increasingly important role in stimulating public dialogue.
Universities and Research Institutes	these institutions have high ability to influence other parties due to their usually good reputation and the high respect the public and the authorities show to their politically «neutral» work that often covers analytical work and/or recommendations in natural, social and economic issues.
Intergovernmental and other International Institutions	several such institutions and agencies, particularly of the UN and the EU «families», play an effective role in stimulating and participating in dialogue and partnerships or providing finance and technical assistance to projects which involve the public.
Political Parties	in most Mediterranean countries political parties play, in a non-systematic way, a rather limited role in stimulating public debate on environment and development issues or in effective promotion of multisectorial participation in public dialogues. In some countries the role of the ruling party is often confused with that of the State.
Religious Groups and Churches	traditionally they participated rarely in public dialogues on issues related to environmental problems (land based sources, etc.) although many of them are becoming increasingly active recently and are keen to participate in a dialogue on sustainable development issues, related to moral and ethical values.

The participation of the largest possible number of parties involved in the dialogue process is usually considered as a guarantee for the «democratic spirit» and «openness» of the process and for the stability and viability of whatever eventual agreements might be reached. Although a dialogue is usually a lengthy procedure and does not necessarily lead to «equal» participation and partnership agreements, it is the best available backbone of a continuum, which may ultimately lead to partnership and even the institutionalisation of agreements. Such institutionalised agreements may lead to rules, introduction of legislation, management plans, etc., and they may vary from case to case depending on the culture, the governing system and the specific needs and opportunities provided in each case.

1.2 Concern about the environment

The public is indeed concerned for the environment perhaps more than most authorities believe it to be, although this concern may not reflect institutional categorisations of environmental problems. Although public concern in the Mediterranean as such has not been measured systematically, it has been measured, in parts of it, particularly in the Northern coast. A survey in the Arab countries (see the relevant part further on in the present publication) indicates similar overall attitudes.

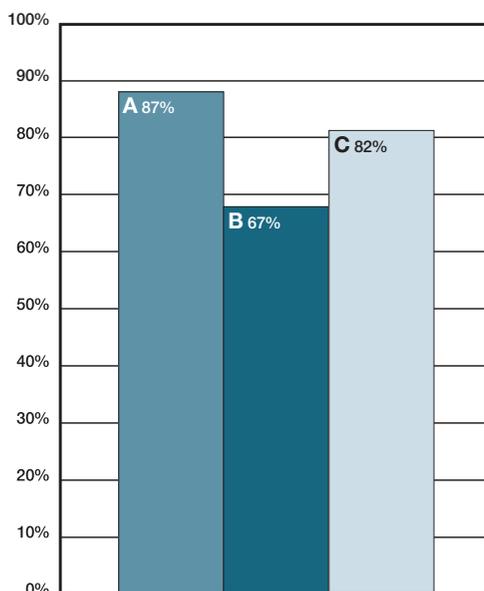


Fig. A.1.a

Public concern about the environment

- A.** Very worried/quite worried about a range of global environmental threats
- B.** Very worried/quite worried about threats to national environment
- C.** Urgency/immediacy of need for environmental protection

EUROBAROMETER 43.1, 1995

The Eurobarometer surveys for 1995 and 1999 (specifically for environmental issues) indicate a clear and strong concern about environmental threats in all the EU, including Mediterranean, countries in which it was conducted. There are relatively small decreases overall in the level of expressed concern between the 1995 survey and the 1999 one. The 82% of the respondents in the Eurobarometer 1995 survey expressed urgency/immediacy of need for environmental protection, though this percentage decreased to 72% in the Eurobarometer 1999 survey. One should however take into consideration the fact that the concern for the environment is receding in primary importance in relation to health care provision, crime and unemployment, simply because these are becoming issues of immediate significance rather than because concern for the environment is diminishing. Furthermore, the «environment» is becoming integrated with other concerns and thus may be less commonly identified as a primary concern in its own right. Additionally, the willingness to

express concern for the environment has a complicated relationship with the willingness to take action or the acceptability of environmental policy. It is noteworthy that the feeling of urgency grows proportionally to the educational level of the respondents.

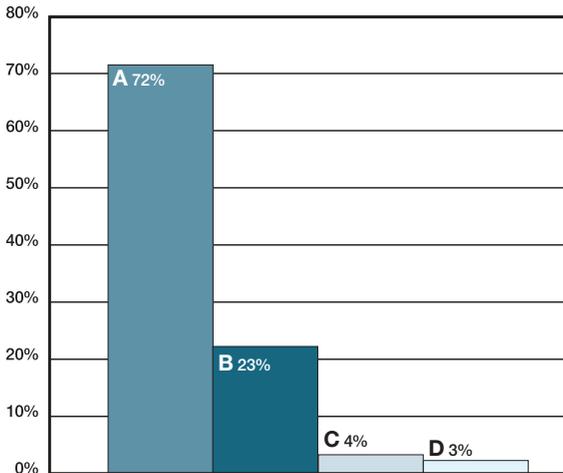


Fig. A.1.b
Public concern about the environment

In your opinion, environmental protection and the fight against the pollution is...

- A.** an immediate & urgent problem
- B.** more a problem for the future
- C.** not a really problem
- D.** don't know

EUROBAROMETER 51.1, 1999

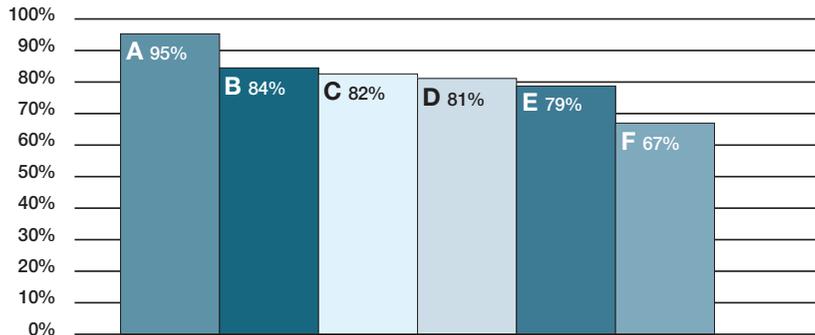
1.3 Action in response to environmental threats

Drawing again from the Eurobarometer surveys 1995 and 1999, this time we may observe a considerable degree of national differentiation in the scores for things that «one has already done» or «would be prepared to do» to protect the environment (the «action potential»). For example, Germany, the Netherlands and Finland have the highest scores (89-96%) for «sorting out certain types of household waste for recycling» whilst Ireland scores 61% and Greece only 37% because in Greece recycling schemes are still limited. Expressed concern about the environment generally correlates positively with national averages of action potential, suggesting the importance of the different national cultures and contexts when considering public information and participation initiatives. But what people say they are «prepared to do» often does not reflect what they «actually do», as these good intentions are often compromised by the specifics of particular local contexts, such as the availability of resources or infrastructure and competing demands on time, money and energy. However, there may well be other reasons for undertaking these actions, for example, to save money.

Fig. A.2.a

Most common actions

These actions were identified as being «already done» and/or that people would «be prepared to do more often/start doing to protect the environment». The six highest scoring actions were:



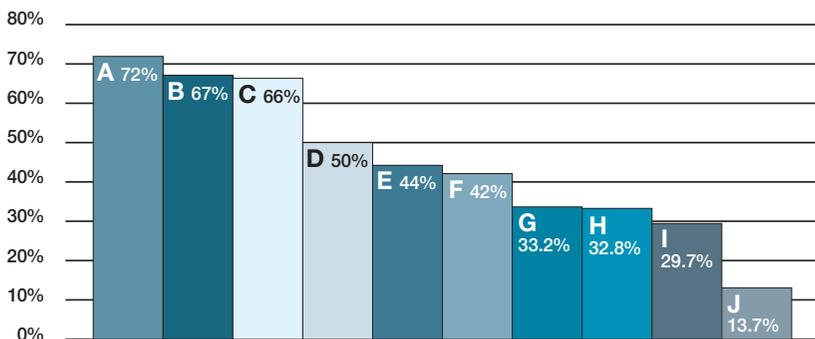
EUROBAROMETER 43.1, 1995

- A. avoid dropping paper or other waste on the ground
- B. sort out types of household waste
- C. save tap water
- D. save energy by using less water, by closing doors and windows to save heat
- E. not make too much noise
- F. buy an environmentally friendlier product, even if it is more expensive

Fig. A.2.b

Most common actions

Do you regularly...



EUROBAROMETER 51.1, 1999

- A. save electricity
- B. save water
- C. sort your domestic refuse
- D. buy products with a packaging which can be recycled
- E. travel by public transport
- F. check the level of gas emissions from your car
- G. drive your car slower
- H. buy organic products
- I. make compost with your garden or household refuse
- J. practice emergency procedures

Notwithstanding the powerful picture that survey data present of an aware and concerned public, levels of participation and action in the Mediterranean are still relatively low, particularly regarding the 1999 outcomes. Therefore, the assumption that provision of information and raising of public awareness, combined with concern, lead automatically to public participation and appropriate environmentally friendly action is a hypothesis which is still under question.

1.4 Trust in information sources

Information, to be useful and effective must be deemed as coming from a source which is trusted. The Eurobarometer 1995 and 1999 surveys show that in the European Mediterranean countries, environmental protection organisations are considered to be the most reliable sources of information about the state of the environment and environmental issues, and that industry is the least trusted source, followed by main political parties (the «green» parties scored higher) with public authorities also gaining spectacularly low scores. The findings are similar to those obtained by the Eurobarometer some ten years earlier showing that public bodies act more effectively at local than global levels but overall are considered by the public rather ineffective, while industry is still felt not to take sufficient account of its environmental impacts. The untrustworthiness of various institutions relates to the ways in which they are commonly perceived to be acting primarily in their own political or economic interests, rather than for the wider public good. This finding, though it does not refer specifically to the Mediterranean, is highly significant for public information providers in the region with responsibility for changing behaviour: the credibility of the source of the information, particularly on an issue related to sustainable development is obviously crucial to the way in which that information is interpreted by the public.

If a comparison is made between the results of the 1995 and 1999 surveys, it is found that people have become even more distrustful about a large number of the information sources currently available.

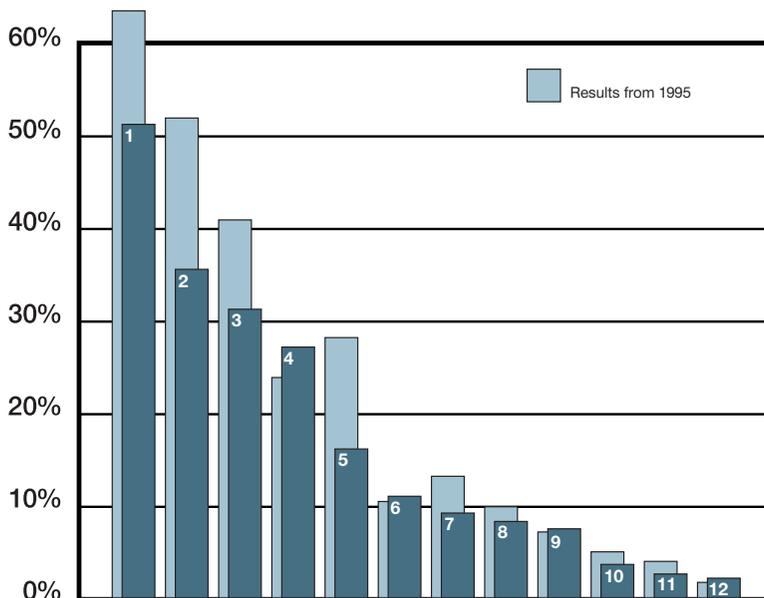
The following graph (Fig. A.3.) shows public perceptions of reliable information sources mainly on the state of the environment across Europe. Respondents were asked which sources of information trust when it comes to environmental issues.



Fig. A.3

Trust in information sources

Among the following sources of information, which would you trust when it comes to environmental issues?



Source: EUROBAROMETER 51.1, 1999

- | | |
|---|----------------------------------|
| 1. environmental protection organisation | 7. national or local government |
| 2. scientists | 8. none |
| 3. consumer associations | 9. don't know |
| 4. the media | 10. trade unions |
| 5. teachers at school or university | 11. political parties in general |
| 6. political parties claiming to be for the environment (Greens, ecologists etc.) | 12. Industry |

Another important point is the recognition of the value of local knowledge and experience, and how this can conflict with official pronouncements of what is at stake, potentially leading to further breakdown of trust. Equally important to acknowledge is the potential for dispute and failure when regional level information does not take account of circumstances and local differences. A lack of resonance with publics of different cultural and socio-economic backgrounds leads to an inability to efficiently involve these publics into environmentally sound actions. «Know your audience» is a common exhortation in the field of communication, but one that has been too often

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overlooked in the policy and scientific framing of environmental information and public awareness initiatives.

A more recent survey in Greece on individuals' attitudes towards the environment («The environmental conscience of Greeks» - November 2001) conducted by Focus for Elliniki Etairia (*Hellenic Society for the Protection of the Environment & Cultural Heritage*) shows some interesting information directly relevant to the abovementioned. The table A.3 includes the most characteristic outcomes.

Survey in the Arab countries

Table A.3

Brief outcome of the survey in Greece (Elliniki Etairia)

Some key-questions:	OUTCOMES			
Are you concerned about the deterioration of the environment?	93.6% very concerned			
How important you consider the environmental issues?	90.2% very important	8% not so important	1.8% not at all important	
Sources of information on environmental issues	television 74.3%, newspaper 43.1%, magazines 33.8%, radio 15.7%, personal experience in nature 9.8%, school/universities 10.7%, environmental organisations 4.8%			
«I trust the Environmental Organisations & I appreciate their actions for the environment»	84.3% I agree	11.8% I disagree	3.9% I don't know	
Responsibility for environmental problems	57.6% the Government	16.2% the private sector	21.6% individuals	4.6% farmers
«The Greeks are interested in the environment & participate in actions for its protection»	64.3% I agree		34.7% I disagree	
«The individuals cannot do anything for the environment unless the Government shows the «good example»	68.1% I agree		31.6% I disagree	
Degree of trust in actions of environmental organisations, local authorities, etc. for the environment:		very/very much	not so much/not at all	
	Environmental organisations	57.9%	11.6%	
	Neighbourhood	29.7%	39.5%	
	Local authority	25%	31.7 %	
	The Government	17.8%	47.7%	
The private sector	12.8%	57.8%		

The «Environmental Public Opinion Survey in Arab Countries» was organized by the «Environment & Development» magazine, in cooperation with UNEP/ROWA and CAMRE (Council of Arab Ministers Responsible for the Environment) and was conducted with respondents from 18 Arab countries in 2000.

Brief Summary of Results

- The majority of respondents (85.6%) feel that the environment where they live has deteriorated in the past 10 years, mainly due to changes introduced by anthropogenic activities (97.8%).
- People are aware of environmental danger that is affecting the health of citizens in the Middle East, North Africa and the Gulf States and they think governments should invest more efforts to protect the environment in every country.
- The great majority of respondents are willing to adopt environmentally friendly and safe actions in their every day life in order to improve and preserve their local environment.
- More than three quarters of the sample (77%) are further willing to pay somewhat higher taxes if they knew that this money would be spent to protect the local environment. The Mediterranean Arabs (Lebanese and North African) saw higher awareness than people from the Gulf States.

Some key-questions of the Survey:

- **Do you feel that environment has become better or worse in the past 10 years?**
85.5% of all respondents and particularly, the 76-80 % of respondents from North Africa countries have indicated that the environment has become worse.
- **Who do you think has a major role in protecting the environment?**
Government, NGOs, ... individuals.
95.2% of all respondents have indicated that the government has the major role in protecting the environment. Averages for all the three regions: Arab States, Levant and North Africa correspond to this figure.



Table A.4

Responses in Arab Countries about the role of Government and other stakeholders in the protection of the environment.

	Major role %	Minor role %	No role %	No answer %
Government	95.2	4	0.1	0.7
Business	69.7	26	2.7	1.6
Farmers	52.3	43.2	3.3	1.2
International organizations	74.9	23	1.1	0.9
NGO's	70	27.2	1.6	1.2
Individuals	82.5	16.1	0.6	0.8

- Do you think that preserving the environment for future generations should be a major priority?**
96.6% of all respondents have rated the preservation of the environment for the future generation as a major priority (all regions and groups agreed to this).
- Do you think that NGOs can play a major role in solving environmental problems?**
89.7% of all respondents have indicated that NGOs can have a major role. The percentages for the regions were:

 - > Levant 91.9%
 - > Gulf 85.4%
 - > N. Africa 90.5%.
- Would you be willing to perform environmentally safe actions in your everyday life?**
93.3% of all respondents have indicated that they are ready to practice all of the 14 environmental measures that are listed in the table A.5.



Table A.5

Willingness to undertake environmentally friendly actions

Environmentally friendly actions in your daily life:	Willing (%)	Not willing (%)	No answer (%)
Using of public transportation	78.1	20.6	1.2
Buying products with returnable packaging.	95.5	3.5	1
Buying organically grown healthy foods rather than conventionally grown or processed products	96.5	2.8	0.7
Buying goods that are not over packaged	89.7	9.5	0.8
Applying the «3R principle» -reduce-reuse-recycle- for solid waste management at domestic level	95.1	3.9	1
Purchasing and using recycled paper products	93.2	5.8	1
Saving electricity	97.8	1.4	0.8
Saving water	97.6	1.7	0.7
Planting trees or growing seedlings every day	84.9	13.9	1.1
Buying environmentally safe home appliances like: CFC-free refrigerators, dish washers which use water efficiently, efficient lamps which last long and consume less electricity	95.5	3.7	0.8
Refraining from dumping toxic material (such as motor oil, acids, medicines) in water systems	97.3	1.7	1
Using rechargeable batteries	93.2	5.9	0.9
Using unleaded gasoline	94.8	3.6	1.6
Refraining from hunting birds	96.8	2.4	0.8

It is noteworthy that the 70.2% of the respondents have indicated that «environmentally unfriendly behaviour is a major problem in our country». The percentages for the regions were:

Part A • Information, Awareness and Public Participation

- Levant 80.1% (Lebanon with 82.7% and Egypt with 81.0% have recorded the highest rates in the region)
- Gulf 57.7%
- N. Africa 59.5%.

Also, the 62.7% of the respondents have indicated that «*the lack of programs on environmental awareness is a major problem in our country*». The percentages for the regions were:

- Levant 69.53% (Syria with 76.7% being the highest rate in the region)
- Gulf 54.7%
- N. Africa 54%.

1.5 Willingness and ability to seek and understand information

There is no research or surveys showing the common sources and the extent to which the public seeks out information in the Mediterranean region. Apparently, TV, newspapers and magazines are still the main sources of environmental information. However, expressed levels of trust in the media are relatively low and in any case people interpret media narratives in different ways, so the effects are uneven and differentiated rather than universal.

Citizens who request information from state agencies more actively represent a small percentage of the Mediterranean. However, this percentage is rapidly increasing as are other forms of more active «search» for information through the Internet and environmental, wildlife, etc. NGOs.

There appears to be an important distinction here between those sources of passive media consumption which are available within the activities of everyday life and those which require some extra deliberate activity -albeit only that of a phone call or letter. However, some studies argue that it is the more active forms of information seeking which are associated with action. There are questions, also, about the extent to which environmental information is understood: confusion between climate change and ozone depletion has been widely noted as has a failure to make links between energy consumption and the environmental consequences of energy generation. This does not, however, necessarily lead to the conclusion that information should be simplified -it can also suggest that information needs to be made more meaningful and relevant to its audience, particularly in relation to the ways in which issues are framed.

1.6 Understanding the evolution of the «participatory» process

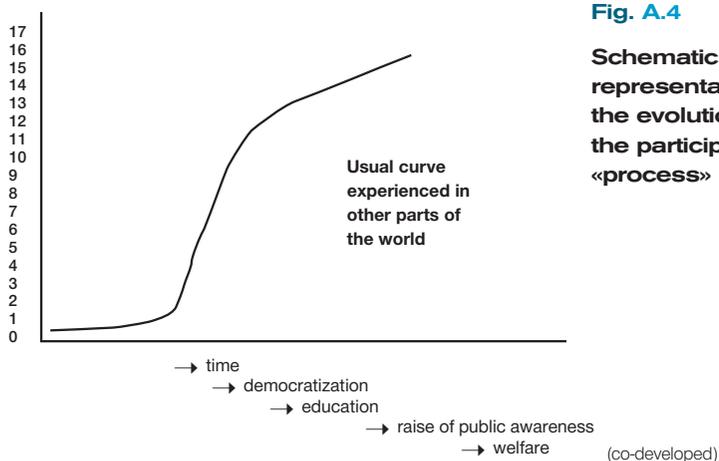
Public participation is not an objective in itself. It is an evolving process through which decisions are made in a democratic and sustainable way. Public

involvement is a central part of sustainable development policies. The main purpose of public participation is to improve decision-making, by ensuring that decisions are soundly based on evidence and they are influenced by the views and experience of those affected by them, that innovative and creative options are considered, new arrangements are workable and acceptable by the public, etc.

The key potential benefits that can result from public participation are the following:

- Increasing public awareness of environmental issues
- Making use of knowledge, experience, initiatives of different stakeholders and thus, improving the quality of plans, measures, policies, etc.
- Public acceptance, commitment and support / consensus building
- More transparent and creative decision-making
- Less misunderstandings, litigation, delays, and more effective implementation and in the long term, safeguarding and reinforcing of democracy.

In general, «participation» could be viewed as an evolving process. This process starts from passive provision of information, followed by exchange of information upon request; raising of public awareness through media and meetings; education on conservation issues gradually developing into education about the root problems and sustainability; access to justice and credit by individual citizens, civil groups and NGOs for environmental purposes and institutionalised full partnership with governments and other socio-economic partners in a new era of shared responsibility and «governance». This is a long and difficult road, already experienced in most countries, including Mediterranean ones, as an «uprising curve», very closely linked with the widening and deepening of democratisation, education and sensitisation of the wider public on issues of environment, development and culture. Very schematically one could represent the evolution of participatory processes in the following way (Fig. A.4):



Significance of the numbering on the vertical axis of figure A.4

0. No participatory practices at all.
1. Passive provision of unsystematic, arbitrarily selected information on environmental issues passed by the authorities to the public. Passive, uncoordinated environmental education projects developed *ad hoc*.
2. Acceptance of need for information flow on environmental issues by the authorities.
3. Participation of NGOs to information campaigns on conservation and restoration issues.
4. «Active» information: responding to requests by the public. Various means for access to selected information held by the authorities on environment and development issues.
5. Financial support to joint information campaigns and selected NGO projects. Introduction of environmental education projects in selected schools or groups. Systematic large-scale awareness campaigns.
6. Consultations and *ad hoc* dialogue between citizens groups, NGOs, local authorities and the State without secured follow-up. Environmental education in curricula and/or coordinated networks and programmes.
7. Facilitation and advocacy by the authorities for access of independent civil groups and NGOs to international funds for projects or their operation, with no strings attached.
8. Facilitation mechanisms for participation of the public in the environmental impact assessment (EIA) processes.
9. Active participation of the public through transparent mechanisms in drafting «sustainability charters»/Local Agenda 21, etc.
10. Full access of the public to the environmental and development information base of the State.
11. Participation of groups in the monitoring of implementation and management of sustainability plans.
12. Institutionalisation of 7.
13. Financing of projects and plans for «independent assessments» (counter-assessments) or counter-EIAs for controversial projects.
14. Institutionalisation of 10.
15. Access of public groups to justice including cases of liability and compensations for environmental damages.
16. Access of public groups to supporting funds and credit for operation and projects by national and international sources with no strings attached.
17. Full partnership in a balanced governance with full support to NGOs, local authorities and the public for a participation on equal footing.

The concept of partnership is different from that of participation, although it can be considered as the zenith of participatory practices and as resulting from increases in participation. While partnership assumes participation, the

contrary is not necessary. For the establishment of partnership substantial mutual trust and respect need to exist. The level of necessary trust and respect may differ in each country, or case, according to the prevailing socio-economic conditions and the political culture and the attributes of the specific issue in question. Some balancing of the power of the various interested parties is also fundamental to successful partnership.

In a more simplified scheme one could speak about four «pillars» or four «axis» of the participatory processes. For a thriving «participation», progress should be made in all four of them.

Access to information base of environmental and relevant developmental issues.

Participation in consultation, decision-making and monitoring of implementation of agreements.

Full access to justice.

Access to support funds and credit.

In this case if four axes are used each one graded, e.g. from 0 to 5, one could propose a graphical representation of the situation e.g. in each country or on specific issues. The larger and more regular the circle, the more advanced the participatory process is. The smaller and more irregular the shape is the more «distorted» participatory conditions prevail (Fig. A.5.a and A.5.b).



Fig. A.5.a

A two dimensional representation of the participatory process: the ideal is a «growing» circle

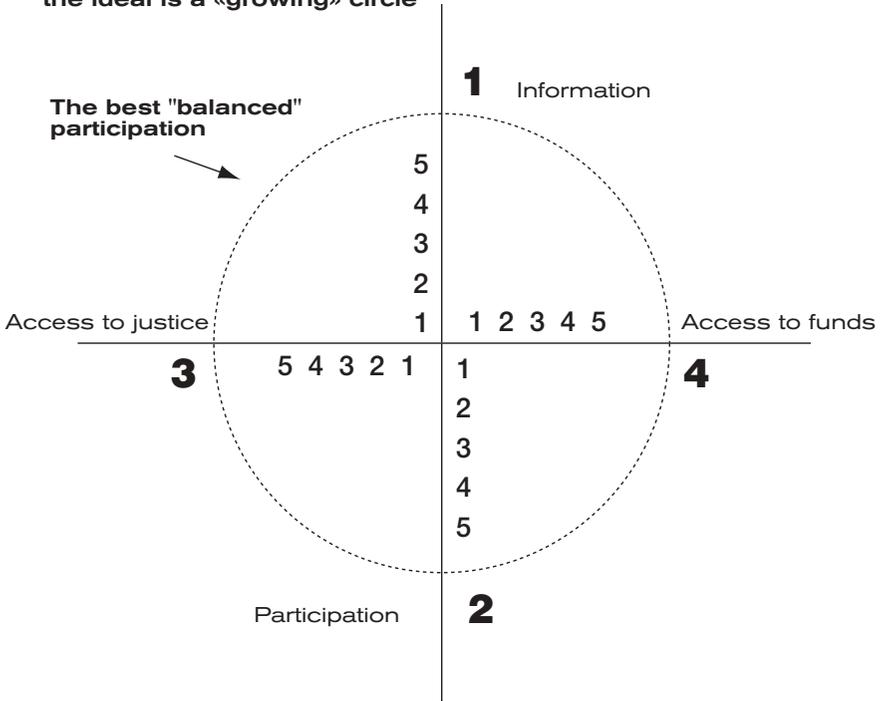
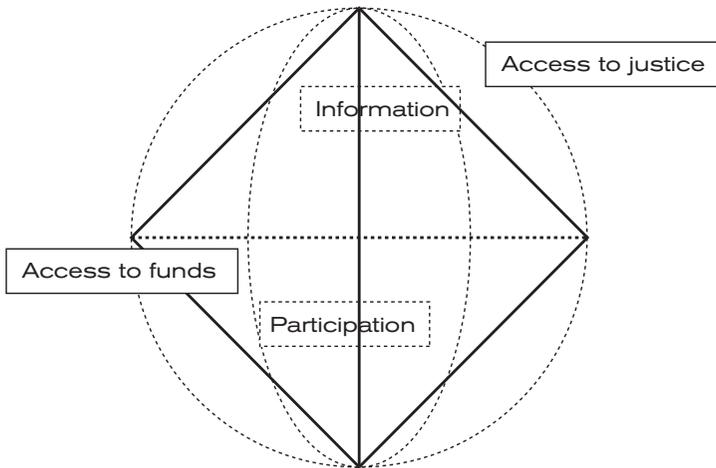


Fig. A.5.b

A three dimensional representation of the participatory process: the ideal is a «growing» sphere



Part B

The Mediterranean Scene

2.1 Foreword

There are no systematic studies or assessments describing the evolution of information, awareness raising and public participation in the Mediterranean area. The existing rare, scattered articles are very general without references to systematic organisation or the institutional provisions, «costs and benefits» and results of experiences gained from information campaigns or public participation schemes in the fields of the protection of the Environment and Sustainable Development in the region.

Most of the references available focus on specific cases of public reaction on selected issues, usually restricted to problems affecting local communities and/or on presentation of positions of organised groups of citizens such as NGOs or other «interest» groups.

Despite the lack of references it needs to be recognised that there were from the early days of environmental activism numerous activities, including information campaigns, meetings, conferences, etc. verbal, written and other reactions and demonstrations by the public, as well as publications, proposals and projects covering a very wide spectrum of issues related to the environment and development. Often the starting points of public participation initiatives have been local or national issues. However, in many cases the debate expanded to transboundary and global issues of economic, social or political nature which were recognised as the «root causes» of the problems or the obstacles inhibiting their efficient and timely solution.

The evaluation of the «participatory» conditions in the Mediterranean is, to a certain extent, deduced by a brief review of the provisions of a large number of countries included in their constitutions and/or relevant legislation. Apart from the information found in literature (see references) information has been derived from person to person discussions and telephone interviews with experts, officials and leaders of NGOs, local authorities and other stakeholders.

The evaluations about the public reactions and priorities given in this publication are based on:

- a. Direct knowledge and accumulated personal experience and information acquired by one of the authors who has been deeply involved continuously

- with the issues of public awareness, participation and NGO activities on environmental matters in the Mediterranean region since the late 60's.
- b.** Review of the official positions adopted by Mediterranean NGOs in International meetings.
 - c.** Review of a large number of publications, conferences and papers produced over the last 25 years by NGOs occurring, usually, in the so called, «grey literature».
 - d.** Assessment of replies to questionnaires circulated widely to NGOs by the Mediterranean Committee of the EEB in the 80's and by the MIO-ECSDE in the early 90's and more recently, by the MCSD Task Force on «Information, Awareness, Environment Education and Participation».
 - e.** Random review of issues covered by the daily press, other mass media and official websites in a number of Mediterranean countries (namely Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Malta, Morocco, Spain, Tunisia and Turkey).
 - f.** Brief review of the themes covered by international documentary films made mainly for TV stations concerning Mediterranean issues.

However, notwithstanding the use of these secondary sources, it could be recognised that the lack of primary data on public perceptions on the environment and participation in environment related actions, needs rectifying at the earliest opportunity.

2.2 The Public and Public Participation in the Mediterranean countries. A historical overview

For the better understanding of the evolution of information, awareness, environmental education and the participatory processes in the area of environment and development in the region one should keep in mind a number of characteristics, specific of the Mediterranean:

- 1.** Its unique geopolitical position, in the crossroads of three continents, closely related with its cultural background as the cradle of some of the most important civilisations and the three major religions of the Book (Christianity, Judaism, Islam) prevailing today. Twenty four countries and many people with different cultures and political systems, with different degree of democratic and participatory traditions, several of which have still unsettled disputes between themselves, surround this ancient sea.
- 2.** Its geomorphology, its landlocked character, its great depth, the relatively slow renewal of its water, the high evaporation which exceeds rainfall and runoff, the high pollution loads it receives from the cities and from the industrial north (through the atmosphere, rivers, industrial outlets and damping) as well as from the heavy shipping lanes used by oil tankers were noticed early enough by the Scientific Community and communicated to both the Authorities and the wider Public at regional level.

In the first quarter of the century Prince Albert of Monaco established the still active CIESM (Commission International pour Exploration Scientific de la Mer Mediterranee) - a scientific forum with some possibilities and role in formulating environmental policies in the early years when no other common forum existed - with an inter-governmental Board open also to non-Mediterranean governments, NGOs, academia and individual scientists.

Many scientists, Institutes and Universities from the region and Europe have carried out studies providing information and mainly through conferences and the mass media in the 1960's and early 1970's, raised public awareness about the accumulation of environmental problems in the Mediterranean area.

3. The combination of the aforementioned factors allowed for the development in the region of an international scientific, politically minded Mediterranean «intelligencia» which was in the root of many of the followed environmental initiatives, conventions etc. at Governmental and NGO level and who had become instrumental in the establishment of the non-partisan public (mostly academic) environmental «movement» in the region and far beyond, already in the early 70's.

This was however relatively weak and has penetrated other strata of the society in uneven depths, and only when the institutional and cultural conditions were favourable. It is noteworthy that a relatively small number of national environmental NGOs dealing mainly with nature conservation or with architectural heritage were already active from the fifties, mainly in Italy, France and Greece and these had an important impact on the policies adopted by governments but relatively restricted influence on the public.

One could mention here some of the pioneer meetings and initiatives organised in the 60's, e.g. by Doxiades and his «Ecistics» group in Delos with the participation of leaders of important NGO groups, such as Aurelio Pechei (founder of the «Club of Rome»), Elizabeth Mann-Borghese (founder of the «Pacem in Maribus» and the «International Ocean Institute»), Jacques Cousteau, Barbara Ward, Lord Richie Calder, etc., and some of the younger leaders of our days. In a series of other pre-Stockholm (1972) Mediterranean conferences, environmental issues were discussed in depth and linked with regional planning, coastal management, disarmament and development issues and inevitably touched upon the question of appreciating environmental education and information as well as on the prerequisites of the effective involvement of citizens in environmental action and decision making. The interconnections between these issues and themes were «rediscovered» and revisited by several groups and individuals in conferences many times later and particularly after the Rio 1992 UNCED Conference.

A number of International initiatives and Conventions such as the Stockholm

Conference on the Environment (1972), the Barcelona Convention (1975), the Tbilisi Conference on Environmental Education (1977) and their follow up and the consecutive Environment Action Programmes of the European Community paralleled by increasing evidence of environmental deterioration in the Mediterranean at local, national and transboundary level stimulated public demand for access to information, participation and active involvement in decision making on issues related not only to the protection of the environment but also to whatever is related to the generation (or avoidance) of the problems and more specifically to the type and character of development.

In the 80s it became clear that the prevailing environmental management systems in the Mediterranean countries, to a large extent, had failed to cope with the increasing pressures resulted by the growth of land based activities and the implementation of development policies incompatible with the protection of the environment.

The State administrations of most Mediterranean countries often lack staff, means and tools to meet the ever-increasing internal demands for generation, monitoring and handling of information and the «external» pressures for provision information to the public and reporting to international organisations, etc.

The prevailing social and political conditions and systems in the region have not provided rapid and efficient solution of the problems. The solutions adopted in other parts of the world were not considered as easily and safely transferable to the Mediterranean without prior testing. This situation has developed in many cases into a crisis expressed by anarchic, unprogrammed development and environmental deterioration, partly due to indifference or lack of understanding by the wider public.

The crisis seen positively has offered an opportunity to revisit the modes of governance and in many Mediterranean countries a start of reorganisation of management schemes involving several, until recently not involved, parties is observed. This is closely linked with a general attempt of furthering democratisation reflected in greater demand for political and civil freedom, greater involvement of women, local communities and youth in participatory processes and a slow, but steady, increase of «openness» in activities of civil institutions covering a wide range of issues.

Despite the socio-economic, political and cultural diversities of the region and the differences in the philosophical background and starting points of participatory processes in the various countries, one could talk about a slow but genuine transformation of the prevailing conditions in the Mediterranean and the expansion of a general spirit which gradually favours popular participation in reaching more creative and innovative solutions, in administratively less rigid and more flexible schemes. Most of these changes started after 1985 and with greater pace in the last years.

In this context the Mediterranean Commission for Sustainable Development (MCSD) was established. This Commission which was established in the framework of the Barcelona Convention, became operational in late 1996. Its scope, functioning and synthesis demonstrate the willingness of the Mediterranean Governments and the European Union to actively engage in a partnership, with other socio-economic actors. The decision to include among its medium term priorities, public information, awareness, environmental education and participation as a major theme and entrust the task management of this topic to the representative of NGOs and local authorities, namely to MIO-ECSDE and CREE, was a further concrete indication about the importance the Committee and its members attached to this issue.

Perhaps this is not only the result of political and historical evolution of the area or the natural reflection of Rio, Med 21 and the revision of the Barcelona Convention but the fact is that until recently in most Mediterranean countries relatively few provisions for the participation of the public existed. It seems that in most of the Mediterranean countries we are experiencing now the «steep» part of the «participation curve» (see Fig.A.4) which was the case in northern Europe and north America several years ago. However this «transformation» is still slow inhibited by several obstacles (see also parts 2.4 and 2.5) among which five are the most important:

1. Lacking or inadequate legal, institutional framework providing for public participation (including access to information, access to decision making and justice)
2. Inadequate administrative infrastructures coupled with limited resources to cope technically with the requests by the public
3. Lack of coordination among the various administrative sectors and public agencies, reducing their ability to be efficient and participatory even with other departments or services
4. Fragmentation of NGO and civil society initiatives and weak structures, particularly at national level, where most of the environmentally critical decisions are made
5. Reluctance by the authorities to provide information to the public even when this is technically and legally feasible due to lack of acceptance by many authorities and the majority of civil servants of the civil groups and NGOs as legitimate «partners». In most Mediterranean countries the representatives of the public do not enjoy yet, in practice, the respect and attention by the authorities which they should, despite the generous statements and intentional declarations of governments.

This last obstacle has a deep cultural root, some times difficult to overcome even if the «institutional» obstacle (No 1) is surpassed. In this case, «information» and «awareness» efforts should be directed primarily to the responsible administrators and politicians.

2.3 The Euro-Mediterranean Civil Forum

Involving Civil Society into the Euro-Mediterranean Partnership*

The Barcelona Declaration (November 1995) in combination with the bilateral Euro-Mediterranean agreements formed a multilateral framework between states in which civil society, in general, is recognized as an «essential contribution» to the development of relations and as an essential factor for greater understanding and closeness between peoples. The Euro-Mediterranean Partnership (EMP) was designed to help create a region that would embrace intergovernmental as well as inter-societal ties around the Mediterranean basin. In fact, SMAP (Short and Medium Term Priority Environmental Action Programme), the environmental component of EMP has involved systematically Environmental NGOs in all its phases of development.

However the overall picture that the implementation of the proposed programs shows is rather different. Programmes are criticised for their limitations and incoherence, and the associations involved in field operations face many obstacles to the implementation of their activities.

In the framework of EMP civil society is involved in different levels and organised under different fora. The Euro-Mediterranean Civil Forum is the best known entity and has been considered as the voice of civil society in the EMP. It was organised for the first time during the Barcelona Conference in November 1995 on the initiative of southern European NGO activists and intellectuals. Since then, civil fora have taken place during or prior to almost every conference of foreign ministers of the Barcelona Process. What began as a gap-filling activity has quickly become a more or less established event and a prominent meeting point for civil society representatives from EMP countries. Due to their informal character, the fora facilitate the exchange of opinions among civil society actors even at times when governments interrupt the official dialogue. Nevertheless, nowadays the EuroMed Civil Forum suffers from two main problems, one being its composition and format and the other the lack of agreement on the question of which role the forum -as an example of organised civil society representation at a Euro-Mediterranean level- is supposed to exert within the EMP structures.

The fora differ strongly in size and format at each annual meeting, although they generally feature a mixture of exhibitions, fairs, workshops and conferences. As the different fora are organised and conceptualised by individual institutions mainly from the host country, their success depends to a considerable extent on the organisers' ability to channel the many divergent opinions and attitudes of civil society into a precise and concrete political recommendation. In addition, because the different organisers of each

* This chapter is based partly on the EuroMesco Paper: «Civil Society Co-operation in the Euro-Mediterranean Partnership: From Declarations to Practice», Reinhardt Ulrike Julia, EuroMesco, 2002.

gathering are also responsible for the selection and invitation of participants, their own specific background and interests have a strong impact on the Forum's composition. This often results in meetings involving an exclusive circle of intellectuals and activists already well acquainted with the EMP, and with each other. It is difficult, if not impossible, to bring together a roughly «representative» sample of civil society. Yet the credibility of this platform as a genuine voice for the diversity of Euro-Mediterranean societies is dependent upon bringing together associations from very distinct fields of concern and forms of action - from environmental matters to human rights - who share an interest in taking an active role in the Barcelona Process. No matter how well organised a civil forum might be, there is always a distance between the political ambition to present civil society as a strong and solid force on the one hand, and the reality of the heterogeneous character of civil society on the other.

As far as the function of the Civil Forum today is concerned the concept of a civil forum largely in line with the EMP has become the model for similar events in the following years. However, this has created the current dilemma: because of it is co-financed by the European Commission and organised in agreement with the government of the country hosting the Ministerial Conference, the Forum is too close to the EMP to fulfil a critical watchdog function. On the other hand, because of the lack of structures connecting it with the official level of the EMP it is also too remote to influence it in a substantial manner. Even now, the EuroMed Civil Forum consists from a series of events linked only by the political recommendations that subsequently emerged. Official interest in it varies considerably from one EU presidency to another.

A certain disappointment on the part of the organisers and participants is hence gaining ground, caused by the impression that they cannot influence critically the outcome of the official declarations.

It is noteworthy that although the Commission is the Forum's main funding resource, the distance between the officials of the EC responsible for the Forum and the civil society activists actually involved has grown ever larger, to the point where the Commission decided, at the Civil Forum in Brussels (19-20 October 2001) not to send any representative to the proposed panel discussion, while in Valencia the Commission was not even invited. The Council's General Secretariat, whose Mediterranean desk is responsible for the briefing of EU presidencies in matters concerning the EMP, did not even express an interest in the Forum's agenda. This way, on the one hand, the Commission misses opportunities to discuss and develop ideas on the Barcelona Process with Forum participants, whilst, on the other, it continued to include civil society actors in the EMP rhetorically. However, the environmental NGOs which are well organised and structured under the so

called Comité de Suivi (CdS) have expressed both in Marseilles and in Valencia their disappointment for the unbalanced representation and the overwhelming dominance of only few political issues pushed by specific groups over the rest.

According to many activists, one way of ensuring that more attention is directed towards the concerns of civil society would be to provide for a more continuous integration of the EuroMed Civil Forum into EMP structures. A permanent body or round-table to represent in a balanced way civil society in the EMP would then be responsible for organising the annual fora but would also serve as an interlocutor for policymakers and a lobby bureau in matters concerning civil society in the Barcelona Process. Yet, many questions would remain. How could a sufficiently representative body of civil society be gathered together? Is the Civil Forum well positioned to give birth to this body? And finally, would the existence of such a panel change the widespread ambivalence of governments toward civil society? The vibrant level of activity within civil society around the Mediterranean has undoubtedly led to important inputs into many aspects of the EMP. Above all, multiple possibilities have been created for people to meet and work together across national borders.

Civil society co-operation allows for a mutual exchange of opinions at a societal level, which will have an influence, at least in the long-run, on governmental actors. Experience has shown that, on non-governmental level where relations are more individualised, expressions of North-South and South-South antagonisms are less frequent. Furthermore, NGOs in particular, are often more effective than governments in acquainting populations with the EMP, something which, both in the partner countries and in Europe, is generally seen as one of the biggest problems of the Barcelona Process until now.

Euro-Mediterranean Civil Forums

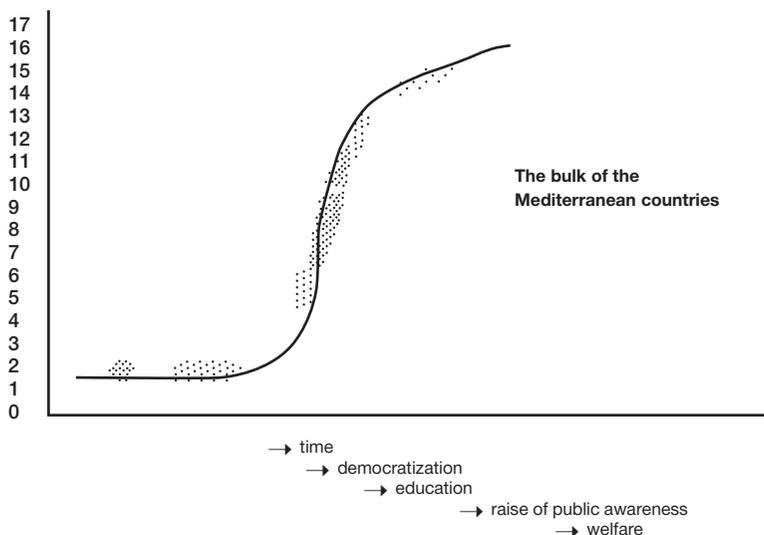
- EuroMed Civil Forum in Barcelona, 29 November - 1 December 1995
- EuroMed Civil Forum in Naples, 12-14 December 1997
- EuroMed Civil Forum in Stuttgart, 12-17, April 1999
- EuroMed Civil Forum in Marseille, 11-13 November 2000
- EuroMed Civil Forum in Brussels, 19-20 October 2001
- EuroMed Civil Forum in Valencia, 12-14 April 2002

2.4 An assessment of the present situation of Public Participation in the Mediterranean

A brief schematic representation of the existing situation of public participation in the Mediterranean is given in figure B.1. It represents in a very general way the mode of progress in the evolution of participatory processes in the Mediterranean and the phase in which most of the Mediterranean countries are. This describes also the impressive «transformation» in some areas and

Fig. B.1

Schematic representation of the situation of public participation in the Mediterranean



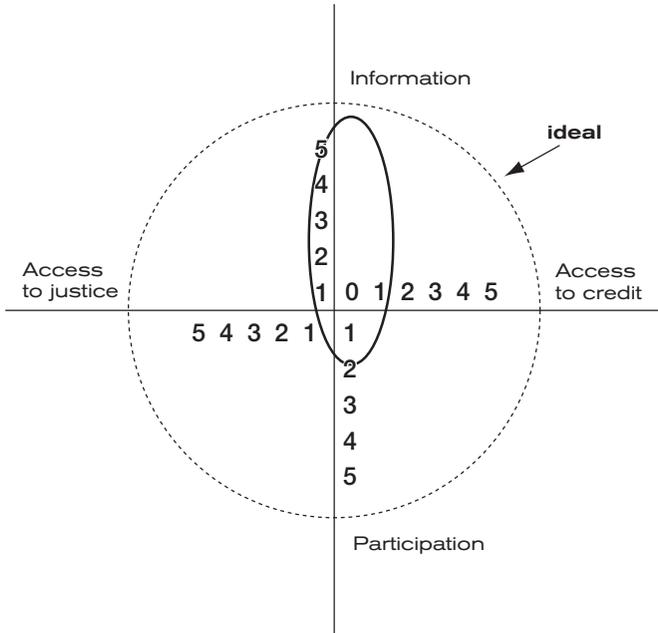
the delays observed both at the start and at the most advanced stages of institutionalisation and concrete support to NGOs.

The compressed egg shape of figure B.2 particularly when compared to the «optimum» situation represented by the cycle, gives an idea of the distortions resulted by lack of institutionalisation of the participatory processes and the thin funding and lack to access to credit. The most basic «root» problems delaying the progress in this area (for further elaboration see 2.5) is the still prevailing extreme centralisation of all authorities and governmental structures, the weak operational process and the lack of understanding and recognition of the deeper concept of «governance» and partnership between «elected» or appointed bodies and other forms of civil representations through local or interest groups and mainly through environmental and developmental NGOs.



Fig. B.2

A two dimensional representation of the situation of public participation in the Mediterranean



2.5 The emergence of integrated policies & the role of NGOs- some common obstacles

It is widely acknowledged that it is imperative to bring environmental concerns within sectoral and development policy priorities in the spirit of sustainable development. Integrated development policies take into account environmental policy objectives in a systematic, balanced and proactive way. Integration is particularly relevant in the context of a fast process of development guided by State and donor investments such as that experienced in many Mediterranean countries. Integration implies the co-ordination and the compatibility of the objectives of different sectoral policies (agriculture, industry, regional development, etc.) with the goals of environmental policy and regulation. Integration is also sought across geographic and administrative levels in the terms of: regional (international), national & sub-regional (within countries) policies; sectoral & regional policies plans and programmes; administrative decisions & project implementation. The participatory approach is a tool of high importance for an integrated policy. The involvement of stakeholders and civil society at the preparation and

implementation of sectoral policies is necessary for the better representation and integration of multiple objectives*.

In this regard, several obstacles need to be overcome including slow rates of attitudes change, low adoption rates for innovative action, sectoral conflicts and vested interests, lack of environmental information (as many societies strive with development prospects where traditional narrow views -fragmented and sectoral-predominate) and absence of processes for social discourse and consensus, general lack of access to resources, etc. In more details, the main problems related to the participation of organised societal groups such as environmental and developmental NGOs in the Mediterranean countries are the following:

1. The still prevailing lack of recognition of the legitimisation and actual role of civil society (organised voluntary NGO groups, social partners, etc.) by national authorities.
2. Distance between verbal declarations or even genuine good intentions and practical commitments on behalf of Governments. This is partly due to: weak infrastructures and the lack of means; ineffective organisation, political manipulations or lack of real political will; and lack of tangible appreciation of these measures by the wider public.
3. In a number of Mediterranean countries the government is relying heavily on the majority or ruling political party. Groups of people which tend to criticise the government, because of lack of measures or its developmental choices, are quite frequently, under the prevailing political culture, automatically considered as «opposition» or siding with opposition parties and therefore they are treated with suspicion, they are not supported and -to the contrary- in many cases they are, even, «marginalised» or «delegitimised».
4. In the majority of the Mediterranean countries there are neither «prior consultation» procedures nor a «consensus» culture (not even with other elected parties or major socio-economic stakeholders). For the planning or execution of major public works and projects, with obvious direct or indirect implications for the environment, a very general «announcement of intention», followed by a more detailed direct commission or appointment, followed again by a more detailed «announcement of the agreement», is the usual «information» practice, which is obviously totally inadequate to enlist and consider different views and opinions.
5. The «dogma» followed by many governments known as «let all flowers grow together» is a general tendency. According to this practice organisations with competence, representativity and democratic internal procedures are treated in the same way and are obliged to «participate» as public groups or NGOs together with «organisations» of single persons,

* Hellenic Republic, Ministry for the Environment Physical Planning & Public Works, Discussion Paper for the Environment -Development Forum, July 2002.

«ephemeral» groupings (groups directly influenced by the government or a party) and in general «irrelevant» structures. In the worst, (rather rare) cases, it is not only ignorance or indifference by administrations which creates this problem, but intentional manipulation in order to «satisfy» personal friends and political sympathisers, «control» NGOs, or «encourage» the development of «new dynamics» more favourable to the political situation of the moment or the persons who are responsible. Obviously, these approaches destroy rather than facilitate participatory processes.

6. Funding NGOs is a big problem in the Mediterranean. Most NGOs do not have adequate financial means and their financial basis is not viable. Membership alone cannot support them and they are dependent on volunteers, projects, etc. Because of the lack of paid, in-house expertise the majority of Mediterranean NGOs cannot have the continuous input expected in policies and strategies and the required «professional» approach. In most North European countries there are regular funding schemes for NGOs supported by the State through lotteries, etc. This however is not the case in the Mediterranean countries. Reasonable, not excessive, transparent funding and without strings is the prerequisite for well functioning NGOs. Funding or expectations for funding, if it is done in a careless, unjust way may easily disturb long established genuine participation schemes instead of stabilising them.

2.6 The main issues on which public interest, information and participation focus in the Mediterranean

2.6.1 THE SELECTION OF THE ISSUES WHICH ATTRACT PUBLIC ATTENTION

The request for information, the access to it, the awareness of the public and the demand or offer for active public participation are not the same for all topics and issues. Quite the opposite, some issues are always in the centre of attention (e.g. water), whereas others attract the public attention only occasionally. In this section we examine briefly the most important issues which were in the centre of public attention and on which more efforts for information and participation have been made.

The selection of the issues by the public opinion is usually the result of a complex and largely unpredictable combination of many independent or interrelated parameters such as:

1. Major, unexpected, frequently dramatic, events such as oil spills or nuclear accidents, natural catastrophes, earthquakes, etc.
2. Announcement of developmental policies, programmes, projects or investments perceived by the public, or part(s) of it either as dangerous,

- environmentally detrimental, aesthetically unacceptable, poorly planned, etc. or as opportunities for activities of the civil society.
3. Conclusion of agreements and/or announcement of major environmental policies (UN Conventions, EU directives, etc.) affecting a site or, mainly, the entire Mediterranean region, directly or indirectly.
 4. Important scientific and research findings creating schools of thought or events stimulating the creation of «critical masses» of committed individuals or groups interested on specific issues or topics.

2.6.2. THE MOST FREQUENTLY APPEARING ISSUES

The following list has been the result of combined treatment of questionnaires, NGO literature and articles appearing in newspapers and documentaries. Again, though, it needs to be stressed that primary research on issues identified by the general public is adequate; the issues listed here are mainly derived from secondary sources. The marine pollution by oil spills is also very high in the agenda of the public but as an issue is rarely related to land-based sources. The six very broad environmental themes identified are mentioned without proper ranking:

1. Water scarcity and water quality; the issue is quite frequently interlinked with erosion and desertification or pollution by uncontrolled agricultural and industrial activity.
2. Pollution from solid wastes (rubbish and toxic wastes).
3. Pollution from liquid wastes.
4. Coastline distraction due to lack of management and anarchic development; reduction of possibilities for healthy swimming and natural recreation activities in general due to less free space.
5. Air pollution from urban centres industries and the traffic and their effect to health and monuments.
6. Destruction of wetlands and pressures on Mediterranean -threatened and/or rare- species and ecosystems.

2.6.3. ISSUES IDENTIFIED BY MAJOR NGO CONFERENCES

Perhaps the most well-thought critical issues of truly common concern for all the Mediterranean NGOs on which they have concentrated a lot of their information, public awareness and participation activities are the ones identified by themselves during their structured Conferences. However, it should be stressed that some of them were not organised explicitly for this purpose but as preparations for major governmental meetings.

The table B.1 on the following page summarises briefly the outcomes of the

most important NGO Conferences organised between the years 1984 and 2002. 18 themes of major importance were identified clustered in four groups: cultural heritage, economic-development issues, environmental issues, social and political issues.

Water, soil erosion, forest fires and waste were at the top of the environmental issues, followed by marine pollution, biodiversity questions and climate change. It is also interesting that the tools identified as the most important are: environmental education & training, integrated -sustainable management & development, strengthening and mainly, enforcement of legislation, and as a strongly linked prerequisite, strengthening of peace, human rights and democracy. These are also the fundamental conditions allowing public participation and involvement in the management of the commons. Financing was also identified as important but it was thought that its beneficial effect cannot be fully obtained in unsafe, unjust and undemocratic political and socio-economic conditions.



Table B.1
KEY ISSUES OF PUBLIC INTEREST (Identified collectively by Mediterranean Environmental NGOs)

		21 Major Conferences organised between 1984 and 2002 where NGOs agreed on common positions																					
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
Issues of Public Interest																							
Cultural Heritage		+		+				+							+								
ECONOMIC & DEVELOPMENT ISSUES																							
Sustainable Development-Integrated Management			+				+					+			+					+		+	
Tourism and its impact to the environment		+			+								+									+	
Agriculture and irrigation systems				+		+								+								+	
ENVIRONMENTAL ISSUES																							
Resource Management			+		+											+						+	
Water: management, pricing, infrastructure, recycling			+		+			+				+			+		+				+		
Soil: erosion, forest fires, desertification					+			+															
Biodiversity-Ecosystems		+						+								+							
Climate Change					+			+								+							
Pollution - Waste and Sewage Disposal					+			+				+											
Financing of environment protection projects.		+					+							+			+			+	+	+	

→
 →
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Part C

Legal Provisions for Public Rights to Information and Participation

From a legal point of view, public participation is understood rather broadly, as an organized opportunity for citizens, non-governmental organizations and the public in general, to actively express their opinion on general policy goals or concrete decisions made about specific programmes or projects and to discuss them with representatives of the government or promoters of projects. The process also includes the possibility of appealing against governmental decisions.

A genuine form of public participation is achieved once one listens and acts based on the public's opinions and actively involves the public in monitoring the implementation of agreements with full access to justice, support funds and credit.

3.1 Existing International Provisions

Public participation processes are developing in a rapidly changing international scene, where issues related to environment and sustainable development, public participation to decision-making, and the closely related to it issues of access to information and justice, are gaining universal support and recognition and are formally and informally high in the political agenda. In this context, one should mention three recent international «landmark» meetings, the outcomes of which have been taken into account in the present publication.

- The International Conference on «Environment and Society: Education and Public Awareness for Sustainability» organized by UNESCO and the Greek Government in Thessaloniki, the Cultural Capital of Europe 1997, in December 1997.
- The 6th Session of UN CSD held in New York (April - May 1998) and particularly its references on «Public Awareness - Education and Participation».
- The 4th Ministerial Conference «Environment for Europe» which took place in Aarhus, Denmark (June 1998) where the «Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters» was signed by 35 countries and the European Community. Among them nine are also signatory parties to the Barcelona Convention. The fact that all of these countries, irrespectively of the level of actual development in their institutional and socioeconomic conditions,

belong to the northern coast of the Mediterranean, implies that a greater effort should be invested in order to secure, for the entire region, comparable conditions for public involvement.

Therefore, it seems that in the Mediterranean, there is still (at least in the mind of many decision-makers) a certain ambiguity about the role, usefulness and methods of public information and participation which require further elaboration on the importance of public participation, the role of NGOs and an overall justification of the recommendations and actions proposed.

Even today, in the dawn of the 21st century there are still relatively very few specific binding International Provisions for access to information and public participation in decision-making concerning plans, projects, programmes and policies related to environment and development.

The EU has taken a number of steps to encourage the collection and dissemination of environmental information, including those instruments listed in the table C.1. Institutional arrangements and the requirement for the gathering and dissemination of certain types of information include the establishment of the EEA as the European Reference Centre for Environmental Information and as a public information service providing an objective, reliable and independent information base which can be used as a resource for governmental and non-governmental organisations as well as members of the general public. EEA's basic tool for exchanging information is EIONET (Environmental Information Observation Network). EIONET is a collaborative network of the European Environment Agency and its member countries, connecting National Focal Points in the EU and accession countries, European Topic Centres, National Reference Centres, and Main Component Elements. These organisations jointly provide the information that is used for making decisions for improving the state of environment in Europe and making EU policies more effective. EIONET is both a network of organisations and an electronic network (e-EIONET).

Also, the United Nations Environment Programme -UNEP has established a Global Environmental Information Exchange Network, called INFOTERRA. INFOTERRA has as main objective the exchange of environmental information and experiences among countries, helping them to establish an integrated environmental information service. Every country that participates to the INFOTERRA network through its national focal point provides a wide range of environmental information products and services, including environmental bibliographies; directories of sources of information; query-response services; environmental awareness leaflets and access to Internet services.

3.1.1. EUROPEAN LEGISLATION AND THE RIGHTS TO INFORMATION

AND PARTICIPATION*

A number of European legislative instruments provide the public with the right to information upon request, as well as the right to participate in environmental decision-making in certain contexts.

The table C.1 lists the EU documents which regulate the obligatory supply of, and rights of access to, information. It demonstrates the general trend towards a greater public right of access to information.

Table C.1

The right to be informed

For the four Mediterranean countries belonging to the EU the directive

- Council Directive 82/501/EEC (OJ L230, 5/8/1982 0001-18) («The Seveso Directive») and Council Directive 88/610/EEC (OJ L336, 7/12/1989 0014-18) on the major-accident hazards of certain industrial activities.
- Council Directive 89/618 EURATOM (OJ L357, 7/12/1989 0031-34) on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency.
- Council Directive 89/395/EEC, amending Directive 79/112/EEC (OJ L186, 30/6/1989 0017-20) on the approximation of the laws of the Member States relating to labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer.
- Council Directive 90/496/EEC (OJ L276, 6/10/1990, 0040-44) on nutrition labelling for foodstuffs.
- Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L043, 14/2/1997 0001-7) concerning novel foods and novel food ingredients.
- Commission Regulation (EC) No 1813/97 (OJ L257, 20/9/1997 0007-8) and Commission Regulation (EC) No 1139/98 (OJ L159, 3/6/98 0004-7) concerning the compulsory indication on the labelling of certain foodstuffs produced from genetically modified organisms of particulars other than those provided for in Directive 79/112/EEC.
- Council Directive 90/313/EEC (OJ L158, 23/6/1993 00056-58) on the freedom of access to information on the environment.
- Council Decision 93/731/EC (OJ L340, 31/12/1993 0043-44) on public access to Council documents.
- Council Directive 96/61/EC (OJ L257, 10/10/1996 0026-0040) concerning integrated pollution prevention and control (enabling the public to have access to information on chemical emissions).
- Council Regulation (EEC) No 1836/93 (OJ L168, 10/7/1993 0001-18) allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme (EMAS) with associated implications for providing the public with information on the environmental performance of participating companies.

Source: JRC, 1998.

* See also part C, paragraph: «European Community»

90/313/EEC for «Freedom on Access to Environmental Information» offers a relatively solid legal framework allowing the public to request general and very specific information from national and local administrations which are obliged to provide it with only few exceptions related to confidentiality.

«Freedom of Access to Information on the Environment»

In the EU part of the Mediterranean the main instrument for providing greater access to information held by public (and quasi-public) authorities is Directive 90/313/EEC on the freedom of access to information on the environment, effective since the 1st January 1993. Experience has shown, however, that the process of opening access to environmental information is a gradual one and implementation of the Directive has encountered a number of problems of four main types:

- need for revision of the definitions of environmental information, public authority, etc. to reflect the improvements made by Aarhus Convention
- timeliness of reply (slow processing of requests and answers)
- questions about refusal to supply information often considered as covered by commercial confidentiality
- differences in information physically held or handled by different public agencies and inability to respond due to lack of infrastructure.

Nonetheless, the Directive signifies an important milestone in the progression towards freedom of information.

The Directive is viewed as one of the most important instruments for an effective environmental policy, and this interest in it is indicated by the high number of complaints received by the European Commission concerning shortcomings in the implementation of the Directive and through suggestions for improvement. Steps to evaluate and improve the usefulness of the Directive have also been taken by a significant number of countries and the Commission. Proposals have been made to improve the Directive the most recent one being the Proposal for a «Directive of the European Parliament and of the Council on Public Access to Environmental Information» (COM (2000) 402), which will not just improve but repeal the 90/313 Directive.

The Directive has unquestionably unleashed a process of change in general attitudes and behaviour on the part of public authorities. Good practice is more evident and the process of transition from a tradition of secrecy to a climate of relatively openness is underway.

The table C.2 lists the EU documents which regulate the public's right to participate, to be consulted, or to be otherwise involved in environmental decision-making and related developments.

Table C.2
The right to be involved

- Commission Recommendation 88/41/EEC (OJ L023, 28/01/1988 0026-26) on the involvement and improvement of consumer participation in standardisation.
- Council Directive 90/219/EEC (OJ L117, 8/5/1990 0001-14) on the contained use of genetically modified organisms (see 4.6b) and Council Directive 90/220/EEC (OJ L117, 8/5/1990 0015-27) on the deliberate release into the environment of genetically modified organisms (these Directives consider that «where a Member State considers it appropriate, it may provide that groups or the public shall be consulted on any aspect of the proposed deliberate release»).
- Council Regulation (EEC) No 880/92 (OJ L09, 11.4.1992 0001-7) on a Community Eco-label award scheme.
- Council Directive 85/337/EEC amended by Directive 97/11/EC (OJ L073, 14/3/1997 0005-15) on the assessment of the effects of certain public and private projects on the environment.
- Council Directive 96/61/EC (OJ L257, 10/10/1996 0026-0040) concerning integrated pollution prevention and control (enabling the public to have access to participation in the permit procedure of new industrial installations).
- Council Directive 96/82/EC (OJ L010, 14/1/1997 0013-33) on the control of major-accident hazards involving dangerous substances (the Seveso Directive- includes provision for «ensuring that the public is able to give its opinion in some cases»).

Source: JRC, 1998

3.1.2. THE AARHUS CONVENTION

The «roots» of the Aarhus Convention go back to the «Environment for Europe» Ministerial Conference in Sofia (1995), where the participants underlined the need for enhanced public participation in environmental policy and so, the Guidelines on access to environmental information and public participation in environmental decision-making were adopted- in line with Principle 10 of the Rio Declaration on Environment and Development* . Negotiations were initiated in the framework of UNECE for transforming these guidelines into a legally binding international instrument. The negotiations began in June 1996 -following the undertaking made in Sofia, where the instrumental role of NGOs was recognised- and ended in March 1998. In June 1998, Environment Ministers from all over Europe and beyond adopted in Aarhus the new international legal instrument aimed at strengthening the environmental rights of citizens and their organisations. It was originally signed by thirty-five countries and the European Union.

The Aarhus Convention is a new kind of environmental agreement linking environmental to human rights and government accountability to environmental

* Principle 10 of Agenda 21: «Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided».

protection. It focuses on the interactions between public and public authorities in a context of transparency and democracy. The Convention also, acknowledges that sustainable development can be achieved through the active and responsible involvement of all stakeholders (UNECE).

In a number of occasions the Mediterranean Ministers have discussed in one or another way the accession of non-European Mediterranean countries to the Aarhus Convention and the promotion of all points of the Aarhus Convention, which aim to strengthen:

- Rights of access to environmental information
- Rights to participate in environmental decision-making
- Rights of access to justice in environmental matters

The above are known as the three «pillars» of the Aarhus Convention: access to information, public participation and access to justice. These three pillars depend on each other for the full and effective achievement of the Convention's objectives.

Table C.3
The three pillars of the Aarhus Convention

ACCESS TO INFORMATION

This pillar is split in two parts. The first part concerns the right of the public to seek information from public authorities and the obligation of public authorities to provide information in response to request - *passive* information provision. The second part concerns the right of the public to receive information and the obligation of authorities to collect and disseminate information of public interest without the need of a specific request - *active* information provision.

Passive aspects of information include:

- A presumption in favour of access (unless information can be shown to fall within a finite list of exempt categories).
- «Any persons» right of access -without the necessity to demonstrate or state an interest.
- A broad definition of «environmental information».
- A time limit of one month for the provision of information -with a possible extension of one month where the volume and complexity of the information justify this.
- A (qualified) requirement to provide the information in the form requested e.g. written, visual, electronic, etc.
- A right to impose charges so long as these do not exceed a «reasonable» amount.
- Exemptions to access where disclosure would adversely affect various interests (e.g. national defence, international relations, commercial confidentiality, personal privacy), but with some restrictions on the application of these exemptions (e.g. the commercial confidentiality exemption may not be invoked to withhold information on emissions which is relevant for the protection of the environment).
- A public interest test: most exemptions are to be interpreted in a restrictive way, and in all cases may only be applied when the public interest served by disclosure has been taken into account.

Active aspects of information provision include:

- General obligations to compile up to date information, to make that available to the public and to inform the public of the type of information held and the means by which it is available.
- A requirement to «progressively» make information available in electronic databases which can easily be accessed through public telecommunications networks, with an emphasis on some specified categories (e.g. state of environment reports, texts of legislation relating to the environment).
- State-of-the-environment reporting requires national reports at least every four years; this could be developed to increase harmonisation of reporting methods.
- A requirement to progressively establish pollutant release and transfer registers (PRTRs), an effective and low-cost means of gathering information from the private sector and putting it into the public domain, thereby exerting a downward pressure on levels of pollution.
- A requirement that in emergency situations, public authorities immediately provide the public with all the information in their possession which could enable the public to take measures to prevent or mitigate harm arising from an imminent threat to health or environment.

PUBLIC PARTICIPATION

The Convention requires public participation in:

- Listed projects and activities with a potentially significant environmental impact: requirements include timely and effective notification; reasonable timeframes for phases of participation; provision for participation at an early stage; a right to access to relevant information; an obligation of the decision making body to take due account of the outcome of public participation; inform the public of the final decision and the reasons for it.
- The development of plans, programmes and policies related to the environment, including: identification of participating public; provision for early participation; provision of necessary information; establishment of reasonable timeframes for public participation; take due account of participation outcome.
- The preparation of executive regulations, rules and other legally binding norms including: promotion of public participation, establishment of sufficient timeframes; publication of drafts; provision of opportunities for the public to make comments; taking due account of the outcome.

ACCESS TO JUSTICE

The Convention aims to provide access to justice in the following contexts:

- access to information: a review procedure must be established for those whose request for information has not been properly dealt in accordance with the Convention's article on access to information.
- participation: the right to seek a review with respect to decision making on project or areas covered under the participation pillar for those demonstrating a «sufficient interest» or maintaining impairment of a right; standing requirements.
- general violations of environmental law: access to administrative or judicial procedures to challenge acts and omissions by private and public bodies which breach environmental laws, subject to the standing of members of the public in national law.
- provision for information on access to administrative and review procedures; establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.

Since the adoption of the Convention (23-25 June 1998), two meetings of the signatories have been held: the First Meeting in Moldova (19-21 April 1999) and the Second Meeting in Croatia (3-5 July 2000). As a result of these, five Task Forces and Working Groups have been established, dealing with the topics of compliance, pollutant release and transfer registers -PRTRs, genetically modified organisms-GMOs, electronic information tools and access to justice. Also, the issue of strategic environmental assessment (SEA) has been explored by the Meeting of Signatories and they have engaged themselves in the drafting of a new protocol on the issue.

The Convention entered into force on 30 October 2001. Up to now (July 2002) forty-four countries and the European Union have signed from which twenty two countries have ratified the Convention.

Also, the first meeting of the Preparatory Working Group for the first meeting of the Parties to the Convention was held in Geneva on 28-30 November 2001. In the meeting representatives of Organisations such as UNEP, World Resources Institute (WRI), the European ECO Forum and the Regional Environmental Centre for Central and Eastern Europe (REC) reported their activities on promoting the ratification of the Convention and its effective application. It was decided that the issues that will be discussed in the first meeting of the Parties (October 2002) will include *inter alia* PTRTs, GMOs, compliance, access to justice, electronic information tools, reporting requirements, rules of procedure and financial arrangements. The Meeting of the Parties will provide for appropriate public involvement and may opt to consider communications from NGOs and members of the public. The UN, non-State Parties and NGOs will be entitled to participate as observers in the meeting.

An international conference on the Aarhus Convention took place on 19-21 January 2002 and organised by the European ECO Forum, which resulted to the «Brussels Declaration». The document demands that the EC should promptly make proposals for a Directive on access to justice and for a specific regulation on access to environmental information. It was also underlined the lack of public information and participation in decision-making on GMOs and the need for ratification of the Convention by the European Union and the accession countries by the 2004 at the latest.

It is noteworthy that the UNECE Regional Ministerial Meeting, (24-25 September 2001) for the World Summit on Sustainable Development European adopted a Statement in which the issue of the Aarhus Convention was addressed on suggestions by NGOs mostly Mediterranean (MIO-ECSDE). The Ministers recommended that the Summit encourage regional initiatives and processes with the participation of major groups on public access to information, public participation and access to justice and promote the implementation of Principle 10 of Rio Declaration. It was acknowledged that

one way to achieve the above is by acceding to the Aarhus Convention.

The issue of ensuring access to information held by the private sector remains unresolved, and the strength of the public interest test in relation to exemptions remains to be seen. In terms of participation, much of the Convention is recommendatory rather than binding and whilst there are difficulties in prescribing public participation opportunities in the making of plans, programmes, policies and legislation, these are areas which will need further attention in the future. The provision for early participation in processes -which potentially enables public input at the point before initial decisions, framing assumptions and agendas are established- could be very significant, but may require strengthening. In terms of access to justice, the Convention is relatively weak. This is a sensitive area not only for the Mediterranean countries but in international negotiations in general and agreement is particularly problematic.

The role of NGOs in the negotiation and drafting of the Convention increased the relevance of the text and ensured that many of the concerns and fears of the public were known, in time, to the officials. The UN Secretary General (in absentia), Executive Secretary and several Environment Ministers all acknowledged the contribution of NGOs, as did the Resolution accompanying the Convention.

Table C.4

The status* of ratification of the Aarhus Convention by Mediterranean countries.

Countries that have ratified the Aarhus Convention	Countries that have signed the Aarhus Convention
Albania	Croatia
France	Cyprus
Italy	Greece
Malta	Monaco
	Slovenia
	Spain (National Parliament has ratified, only pending the order from the executive to deposit the ratification instrument)
	Portugal

* July 2002

3.2 Brief Overview of the National Frameworks in Mediterranean countries and the EU

There is a variety of provisions about public participation and access to information in the various Mediterranean countries, in most cases not specifically for environmental issues.

In some constitutions the protection of the Environment is a duty of the State and at the same time there are strong constitutional provisions that guarantee the right of citizens for access to administrative documents and the right of citizens to obtain information. It is noteworthy that in most cases national legislation on access to information does not oblige local or regional authorities to respond.

In the majority of the non-EU countries one could find a varying spectrum of provisions obliging the Administration to respond to «well justifiable» requests from individuals or public interest groups. However, in most cases, these provisions are neither explicit nor clear enough nor fully observed by the authorities. In other cases, authorities require a very solid and narrow interpretation-justification of the «interest» a group or a person has in requesting this information. An additional problem is that too many documents and even simple «innocent» or irrelevant information is considered as «classified» and secret.

The participatory procedures in several countries are directly or indirectly connected to:

1. The functioning of Regional, Prefectural or local Councils where NGOs are invited to participate on permanent or occasional basis for all or specific issues.
2. The public debates on EIAs (Environmental Impact Assessments) in many of the cases where these assessments are part of the administrative practice and definitely in the EU Mediterranean countries.
3. The Committees supervising or monitoring important projects, particularly those funded by the EU or other International bodies such as the EIB, WB, METAP, etc.

Despite the usefulness of these procedures the actual participation of the public and the influence exerted in the decision-making through them, is quite variable but for serious matters (e.g. related to major investment plans, etc.) is frequently marginal, if any. This is due to the fact that in most cases the communication among partners and groups is poor; the circulation of the full «dossiers» is difficult and happens very rarely, late and with few chances to react in an efficient way; vested interests are too strong; existing structures governmental and non-governmental for the vast majority of the cases are weak; NGOs frequently cannot afford to hire experts to assist them; and the

issues are frequently easily politicised, generating emotional reactions in many «camps».

However, the real «root» problem that reduces drastically the efficiency of participatory procedures is the lack of concrete support, institutional and/or financial, to independent citizens groups which act outside political parties or religious groups and which, in most cases, are by their very nature critical to governments, administrations and other, potentially important, socio-economic partners. In many Mediterranean countries with limited or relatively recent NGO experiences there are still questions about their «legitimacy» whereas in many cases (more often raised as an excuse than as a real question) the issue of «representativity» and «reliability» of the participating NGOs are put forward.

On the other hand, quite frequently and particularly at national level, various civil society groups are antagonistic, especially when the authorities and other stakeholders insist that a single representative of the entire civil society or even the environmental or development NGO community should be nominated.

The common case for the NGOs in the Mediterranean countries is that they are not grouped under strong national umbrellas or federations and therefore at national level there is no single Environmental NGO body for the Authorities to deal with. At European, Arab and Mediterranean level many efforts have been made and fully representative International NGO bodies exist operating already for several years quite successfully, despite whatever difficulties, mainly financial.

The following paragraphs refer to the national frameworks -legislative and institutional, mainly- for access to information and public participation in some Mediterranean countries.

CYPRUS

The Ministry of Agriculture, Natural Resources and Environment has prepared a draft Bill for the Protection of the Environment, aimed to constitute the basic legal text for the adoption of the bulk of the EU's environmental acquis, including that relating to the most important international environmental conventions. The draft law is under consideration by the Parliament. The draft Bill covers, *inter alia*, the institutional and administrative framework for environmental management, the principles under which sectoral legislation should be implemented and interpreted in an integrated way, public access to information, environmental and strategic impact assessment (EIA and SEA), civil liability and a state of the environment report.

Provisions for access of the public to environmental information are included in the already established law on Water Pollution Control.

Some thirty environmental organizations covering a very broad spectrum of activities act effectively as pressure groups to influence decision-making. A

number of NGOs are members of the (National) Council for the Protection of the Environment.

The House of Representatives exhibits an active interest on environmental issues and its Committee on the Environment frequently holds hearings during which NGOs, other representatives of the civil society and individuals, express their opinion on a variety of issues. The same applies with regards to examining proposed legislation.

EGYPT

According to the Law 4/1994 for the Protection of the Environment, the Egyptian Environmental Affairs Agency (EEAA) was restructured with the new mandate to substitute the institution initially established in 1982. At the central level, EEAA represents the executive arm of the Ministry.

The Board of Directors of the Environmental Affairs Agency is chaired by the Minister for Environmental Affairs. The Board includes civil society groups, among others, three environmental non-governmental organizations, three representatives put forward by the public business sector and two representatives from universities and scientific research centres (the above mentioned are nominated with the agreement of the Minister for Environmental Affairs). In general, the Board has the authority to prepare the necessary plans for the protection of the environment and environmental development projects, follow up their implementation and undertake pilot projects. Also, the Board undertakes the tasks of:

- formulating environmental policies
- preparing draft legislation and decrees related to the fulfilment of its objectives
- setting the rates and proportions required for the permissible limits of pollutants
- setting the principles and procedures for mandatory Environmental Impact Assessment (EIA) of projects
- establishing Public Environmental Education Programs and assisting in their implementation, and
- preparing an annual report on the state of the environment to be submitted to the President and the Cabinet of Ministers.

FRANCE

The «Act of 17 July 1978», which was adopted in France, provides for the right of access to documents that have been in the possession of the public service. The Act guarantees the right of citizens, without condition of age or nationality, to access all administrative documents freely and free of charge. The only documents that are excluded are those that contain confidential information such as national defence secrecy or information on personal data.

The «Commission for Access to Administrative Documents» (CADA), was established in 1978. CADA is an independent administrative authority whose members are drawn from the executive, the judiciary and the legislature and its main obligation is the reviewing access to information cases. A person whose

request for information has been denied may refer the matter to CADA. Submission of a case to CADA is required before an appeal to the administrative court is possible. CADA decisions are advisory and can be appealed to a court for a final, binding decision.

In February of 1995 the National Commission on Public Debate (Commission Nationale du Debat Public) was created and charged with organising public hearings and debates on the environmental impact of major infrastructure projects. The Commission includes governmental officials, members of the Parliament and members of environmental NGOs.

GREECE

The Greek Constitution provides for the Protection of the Environment as an obligation of the State and guarantees a general right to citizens to obtain information. The specific Law provides the right to examine administrative documents. The Joint Ministerial Decision of 1995, implementing the Directive 90/313/EEC, defined the terms under which the right to access environmental information can be exercised. However, there isn't any specialized public authority service to provide requested environmental information to the public.

There is not an official, institutionalised way to take account of public comments. Individuals and NGOs have only the right to address members of the parliament and public authorities with petitions and applications. The right of the citizens to make petitions or reports to the authorities is recognised. The authorities are obliged to act in a short time and according to the laws and give a response, properly documented, to any petition or report.

Greece since 2001 has a National Council for Physical Planning and Sustainable Development where many Civil Society Sectors are represented. This Council till recently has met only a few times.

It is noteworthy that processes like public hearings are not constitutionally recognized as an obligation for the parliament and the public administration. Furthermore, referenda can be organised only by decision of the President of the Republic, after a parliamentary decision.

Individuals and/or NGOs are allowed to participate in sessions of parliamentary committees if they are invited to, whether they request it or not.

In general, only individuals directly involved in a case have the real possibility to participate to the procedure from the moment that official notification is not previewed.

The Greek system grants legal standing before civil courts to individuals and NGOs if proof of legal interest is submitted. In criminal courts, only individuals have legal standings.

Very many NGOs are active in Greece and several of them participate at local level in the EIA proceedings, according to the Provisions of the relevant law. However, in many cases their contribution and participation are rather symbolic.

ISRAEL

Local authorities have a key-role in providing environmental information and organising awareness campaigns. The Ministry for the Environment has assisted local municipalities for the past 20 years in establishing municipal environmental units and «Associations of Towns for Environmental Quality». Their responsibility includes, inter alia, increasing public awareness on environmental issues through information campaigns and educational projects; advising local planning authorities on the environmental effects of proposed development plans; acting as coordinators in the resolution of local environmental conditions through legal and administrative measures, and increasing the level of public participation in local environmental decision making.

The «Freedom of Information Coalition», a coalition of NGOs composed of civil rights organisations, drafted and proposed legislation on public access to information. The Coalition's coordinator collaborated with the Parliament for the development of the Freedom of Information Law which was adopted in 1990. The law is in many respects similar to access to information laws in other countries. One interesting feature is the limitation on the exception for trade secrets. Emissions and other releases into the environment are not to be considered as trade secrets protected from disclosure. The new law reverses the pre-existing presumption of secrecy where reasons for a request had to be given and the release of information was not governed by clear rules limiting official discretion.

In 1996 an amendment to the «Prevention on the Environmental Nuisances» Law was made, which enabled certain environmental NGOs to undertake specific initiatives.

The Israeli Parliament through its regularly updated website provides the public for access to information sources, where public is allowed to submit an actual request and a high level Committee has to deal with requests of the citizens and respond to them (on the web site it is also acknowledged the contribution of NGOs to the preparation of the Freedom of Information Law).

ITALY

The implementation of the Directive 90/313/EEC in Italy was finally completed with the adoption of Decreto Legislation in 1997, no.39 (Decree 39/97). This decree is a literal translation of the original text of the Directive 90/313/EEC and includes the basic provisions for access to environmental information held by public authorities. Within 60 days after Decree 39/97 took effect public authorities were required to establish a bureau that would handle access to environmental information. Some local authorities have established public relations offices («Ufficio Rlazioni con il Pubbico») that provide environmental and other information to the public.

If recognized by the government, NGOs receive special rights and play distinct roles in the policy-making process. The government frequently consults with the public *via* NGOs, trade unions and referenda. These groups sit on consultative committees and assist in public information duties. Some also receive government funding to conduct projects mainly for the Ministry for the Environment.

Some environmental NGOs have substantial duties. For example «Legambiente»

publishes a regular report on the Italian state of the environment and WWF-Italy manages more than 40 protected areas.

Workers unions are also involved in environmental policy consultations and they are especially active in areas directly related to the workplace. In 1986, unions were represented on local committees studying environmental crisis zones. They took part in consultations for developing the «Three-Year Environmental Management Plan» and their delegates are involved in risk management programs in individual companies (e.g. issues of chemical risk are handled at factory level).

Referenda have played an important role in environmental policy development in Italy. In 1987 a five-year moratorium on further development of nuclear energy was established by referendum. This may have derailed nuclear development indefinitely. A 1993 referendum removed environmental responsibilities from Local Health Units, contributing to the establishment of the National Environmental Protection Agency.

LEBANON

Environmental groups come principally from the scientific community and continue to interact with it. Since the early seventies, several environmental NGOs have been established by scientists and researchers. In 1992, eight NGOs combined to establish the Lebanese Environmental Forum (in 1999 membership reached 33 NGOs) while other five organisations formed the Green Forum. However, more than fifty organisations do not belong to these forums.

The Ministry for the Environment has been working on a long-term strategy of coordination among environmental NGOs, with a view of having more effective partners. Despite that Lebanese environmental NGOs still consider themselves weak at national and international levels in terms of effectively lobbying for policy changes, due to lack of adequate financial and human resources. Their activities are focused primarily on urgent local issues. In this regard, for the first time, three environmental NGOs undertook the responsibility of managing three protected areas (Horsh Ehdén, Palm Islands and Chouf Cedars) within the framework of a GEF/UNDP project, started in 1996.

The National Code of the Environment (to be promulgated by the Parliament) includes the establishment of an «Environmental Fund», which aims to help NGOs in drawing up long term work plans and implementing their projects. The Code will also provide for standards to EIA requirements and procedures.

There are no national EIA instruments. Only, the projects financed by major international donor agencies appear to be subject to EIA procedures. In spite of this, some institutions are taking a proactive approach toward the environmental protection (for example, the IDAL -Investment Development Authority of Lebanon- requires contractors to submit EIA reports for free trade zones and industrial areas).

According to the decree of November 1997 the inter-ministerial Committee for Sustainable Development was established, which is composed by representatives of public authorities, NGOs, private sector, academia and trade union. The Committee is expected to fill the institutional gap in co-ordinating of environmental

management and to influence national policies towards achieving agreed commitments and targets.

MALTA

In line with the Aarhus Convention a proposed Environment Protection Act (referred to as the proposed Bill) has been drafted. It provides *inter alia* the framework for the adoption of detailed regulations on issues such as access to information by the public and environmental assessments. The proposed Bill has as main objectives; to promote public participation and involvement in environmental matters, to protect the public right to environmental information and to ensure that the Government will compile and publish state of the environment reports regularly.

In the framework of access to environmental information, the Ministry for the Environment has made regulations titled as «Freedom of Access to Information on the Environment». These regulations shall give effect to the provisions of Council Directive 90/313/EEC.

The Planning Authority (PA) and the Environment Protection Department have introduced new procedures, in order to enhance public participation in Environmental Impact Assessments (EIAs) on development projects. The terms of reference for an EIA were being prepared by the PA in consultation with the Environment Protection Department. A public consultation exercise was carried out once the first draft of the EIA had been prepared. According to the new procedures, the public consultation aspect has been extended through the setting up of a new Internet website which is being jointly run by the PA and the Environment Protection Department. Through this website, members of the public will be able to comment at various stages of the EIA process, including on the terms of reference themselves. Once the draft EIA has been finalised, an executive summary will be made available on this website for public comment. The website contains information on the EIA process, outlining the various stages and responsibilities of all stakeholders. It includes a full list of all development applications involving EIAs, complete with the terms of reference, status and date of public hearing. Main objective of the PA and the Environment Protection Department through these procedures is «*to ensure that everyone involved would understand the likely effects of the development being proposed and by this way, the final decision on the development project would be taken in full awareness of the environmental consequences*».

MOROCCO

Environmental policy in Morocco is the responsibility of a great number of actors in the governmental-institutional sector. The central state-level institution is the Ministry for Environment. Beside the Ministry, there are also, special environment departments in all ministries, active in environmentally relevant areas. In addition, the municipalities are important actors in Morocco's national environmental policy, even though there is no direct institutional links between local authorities and the Ministry of Environment (e.g., *via* a commissioner for environmental protection in the municipal administrations).

In the institutional sphere there are no provisions for inclusion of the wide public nor NGOs in the field of environmental policy. The limits of action by the public strongly influence the formation, character, and scope of activities of NGOs in Morocco. On the other hand, the decentralisation policy initiated in the middle of the 1970s has *de facto* facilitated the broadening of the scope of civil society initiatives and local organised activities by NGOs. In their wake more and more civil associations were formed, and became active particularly in the field of environmental protection. Scientific studies, expert seminars, along with educational and public awareness work are presently the most important activities conducted by Moroccan environmental NGOs.

At the national level, the environmental NGOs are not very effective politically while the existing state institutions do not encourage the NGO participation in national environmental policies. Although, for example, the *Conseil National de l'Environnement* sees one of its tasks in advancing the strength of public participation in environmental protection, the NGOs are as yet not even represented in this body. One of the important and active organisations in the field of environmental protection is the *Societe Marocaine pour le Droit de l'Environnement* (SOMADE). It was founded in 1986 and has set itself the task of working out the legislative framework and an effective juridical regularisation of environmental protection. It carries out and publicises studies and contributes to public awareness through conferences, etc. The organisation's members are recruited chiefly among lawyers, journalists, engineers and medical people.

PORTUGAL

There is no specific law concerning access to environmental information in Portugal. Access to environmental information is included in constitutional law, administrative law and environmental law. The fundamental right of access to administrative documents -including environmental information- is regulated by the following legal provisions:

- Law No. 65/93, August 31, 1993 -which transposed the Directive 90 into Portuguese law- regulates the right of any person to access administrative information.
- Code of Administrative Procedure -regulates the right of access to administrative information based on a specific interest relative to the document.

The law was prepared and approved by the Parliament without relevant participation of citizens or the consultation of environmental organizations and was published in August 1993.

Each ministerial department, regional secretary, institute and public association is responsible for designating an entity responsible for the implementation of the provisions of the law. The Commission on Access to Administrative Documents (CADA) was created by law to administer its application. CADA has the competence to give an opinion when it is requested by the individual or by the administration. It cannot rule on complaints or give binding judgements. Therefore -after receiving the opinion of CADA- the administration is free to decide.

Furthermore, the Framework Law on the Environment requires the preparation of an annual report on the state of the environment and land-use, as well as the

presentation, every three years, of a White Paper on the Environment to the Parliament. This law sets forth the establishment of continuing exchanges of information among the competent agents of the administration and the citizens to whom it is directed.

The Portuguese Constitution provides a fundamental right to public for participation in administrative decisions. This right establishes codes of conduct to be followed by the public administration in its relationship with citizens, NGOs and the private sector.

In some environmental projects -e.g. those subjected to an environmental impact assessment, major projects, urban plans- the public has the right to participate in the decision making process. However, as some environmental NGOs claim that «EIA procedures do not rely enough on public hearings and open participatory processes thus, being ineffective without real influence on final decision-making». Generally, the law provides a right to participate when the project is already defined and structured, thus the process is normally ineffective and functions as a form of social legitimization of the political decision, rather than ensuring real participation and integration on the view of the public.

Most environmental NGOs are weak in membership and their financial basis. Nevertheless, despite the fact that environmental NGOs do not have a constitutional right to be heard on national lawmaking, the government consults them often. NGOs are also represented in a policy making body: the CES - Conselho Economico e Social- but they do not have a right to veto the decisions adopted. The CES functions as a forum debating general issues concerning economic and social policies and has no regulatory power.

The legal status of NGOs in administrative courts or tribunals is not recognised in Portugal. However, the legal standing in civil courts is granted to all individuals (only affected have legal standing before criminal). All NGOs are allowed to bring cases both in civil and criminal courts.

SPAIN

Spain transposed the EU Directive 90/313 in 1995 and that was a crucial turning point in improving public access to environmental information. A very positive outcome of the legislation was to help environmental authorities becoming aware of the need to set up regular systems for collecting and treating important environmental data. More resources are being allocated and more measures taken to assure the collection and treatment of these environmental data. New advances in telecommunication technologies -especially Internet- and the possibilities that these advances offer for processing, sorting and transmitting information play a key role in this trend. Many environmental authorities use the new technologies to actively provide information through websites and some of these are updated regularly. Electronic access to information through websites has proven to be a highly successful system and has certainly reduced the number of requests for environmental information, which can be thus satisfied in a more efficient and inexpensive way.

Still, as underlined in the Commission's report on experience gained in the

application of the 90/313/EEC Directive, there are some obstacles that should be overcome. The Ministry for Environment is taking an active part in the work to revise the European Union Directives on the public right for access to information and participation in environmental matters. The Ministry has also, started to revise the relevant national legislation on these subjects.

The legislative framework on public participation was improved during the 1990's, involving public participation not only in environmental impact assessment procedures and the issuing of permits and licences for several activities and installations, but also in the legislative process and other matters, such as the management of protected areas, water planning and permits, waste management, etc.

The right to referendum is established in the constitution and developed by a Law. This is under the exclusive competence of the State and the whole process has a consultative character. Certain matters cannot be subjected to referendum. However, environmental matters are not among those exceptions and therefore referendums on environmental issues can be applicable. The authorities have the obligation to call for a referendum in the event of constitutional reforms and in no other case.

Both individuals and NGOs can participate in some consultative bodies, expressing their opinions and stating their positions regarding environmental programmes, plans, policies and legislation though these are not binding for the executive and legislative authorities. There are agencies such as the Environment Advisory Council and the National Water Council, which expressly recognize the attendance of sessions by representatives of associations and NGOs interested in environmental problems.

In practice, the most common form of public participation is the presentation of comments and claims in the decision making process is the part of the process for the approval of environmental impact studies. This means that the EIAs are accessible by the public and therefore anyone who has an interest in making comments and claims can know at what moment of the procedure these can be presented.

The competent authorities must give the reasons for their decisions and clearly state how they have taken into account the matters raised by individuals exercising the right to public participation. Nevertheless it is common practice of the authorities involved to omit such references.

Legal standing is granted to interested and affected individuals before civil and arbitration courts. Individuals and NGOs can take legal action before criminal courts to prevent possible harm to the environment. When civil servants fail to comply with legal provisions or to implement applicable legal provisions, claims for damages and compensations can be sought before courts. Civil and even criminal charges can be applied.

The above data on national level can be summarised in the tables C.5 and C.6':

→ → →

* MCSD Strategic Review for Sustainable Development in the Mediterranean Region, UNEP/MAP, 2001.

Table C.5
Summarised data on information & public participation in Mediterranean countries

Existing measures to promote environmental information	Croatia, Cyprus, Greece, France, Malta Tunisia
Legislation for access to information	Cyprus, Bosnia-Herzegovina, Greece, Italy, Portugal, Spain
Environmental institutions for promoting information, education and awareness raising activities	Algeria, Greece; in various forms in other countries
Legislation for involvement of the public in the decision-making process	Albania (legislation in pipeline), Bosnia-Herzegovina, Israel, Spain
Involvement of the public in the decision-making process via EIA	Croatia, Malta, Syria, Greece, Italy, Portugal, Spain
Involvement of the public in the decision-making process through the NGOs & local authorities	France, Lebanon
NGOs Backing	Algeria, Croatia; in various forms in most countries
Formal Co-operation of NGOs with national institutions	Lebanon; in various degrees in many countries

Table C.6
Legal frameworks, Institutions and Programmes regarding public initiatives

Mediterranean countries	Legal framework regarding the public initiatives	Institutions responsible for the application of law or the implementation of projects, actions, programs regarding the public initiatives	Implementation of Actions & Programs regarding the public initiatives
Albania	D	N	–
Algeria	–	N	N
Bosnia-Herzegovina	P	L	–
Croatia	P	N	N, R, L
Cyprus	–	N*	N
Egypt	–	–	–
France	–	–	N
Greece	P	N	N, L
Israel	P	–	N
Italy	–	–	–
Lebanon	–	N	N, L
Libya	–	–	–
Malta	–	N	L
Monaco	–	–	–
Morocco	–	–	N
Slovenia	P, D	–	–
Spain	P	N, R	N, R, L
Syria	–	–	–
Tunisia	P	N, L	N
Turkey	–	N	N

(-): not existing • P: law that has been passed • D: law that has been drafted • N: national level • R: regional level • L: local level

* Existing & planning

EUROPEAN COMMUNITY

The European Community and its 15 Member States signed the Aarhus Convention in 1998. The Community will only be able to ratify the Convention once the relevant provisions of Community law have been made consistent with the obligations arising from the Convention. This alignment to the obligations of the Convention has to be carried out at two levels: at the Member State level and at the EC institutions level.

On 29 June 2000 the Commission adopted a proposal for a directive of the European Parliament and of the Council on «public access to environmental information» (COM (2000) 402). This will repeal the Council Directive 90/313/EEC. The Parliament in its second reading has adopted a number of amendments to the Council's version on the draft directive and the Parliament and the Council will proceed to a negotiation process (the conciliation process) for the adoption of the directive.

Furthermore, on 31 May 2001, the European Parliament and the Council adopted the Regulation 1049/2001, regarding public access to documents of the European Parliament, the Council and the Commission. The Regulation stems from Article 255 of the ETC which granted European citizens and residents a right of access to documents of these three institutions. The Regulation entered into force on 3 December 2001.

In January 2001 the Commission adopted a proposal for a directive of the European Parliament and of the Council providing for «public participation in respect of the drawing of certain plans and programmes relating to the environment» and amending Council Directives 85/337 (environmental impact assessment) and 96/61 (integrated prevention and pollution control) (COM (2000) 839). The proposal has been amended by the Parliament and the Commission in order to contribute to the implementation of the obligations arising from the Aarhus Convention. The Council adopted a common position (December 2001) on this draft directive on public participation and will be sent to the Parliament for a second reading, in accordance with the «codecision» procedure.

In addition, on 27 June 2001, the European Parliament and the Council adopted the Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment. The directive includes provisions for public participation in relation to certain plans and programmes relating to the environment.

Other pieces of Community environmental legislation with public participation provisions are the following:

Directive 2000/60 of the European Parliament and the Council of 23 October 2000, establishing a framework for Community action in the field of water policy. The directive provides provisions for public participation in relation to the preparation of river basin management plans.

Directive 2001/18/EC of the European Parliament and the Council OF 12 March

2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.

At the EC institutions level no legislative proposal has been presented by the end of 20010, as far as it concerns on public participation. However, in this framework, reference should be made to the White Paper of Governance.

Ratification of the Aarhus Convention by the European Community is expected to take place at the earliest by 2003.



Part D

Recommendations for Strengthening Public Participation in the Mediterranean

4.1 Recommendations for strengthening Public Participation in the Mediterranean

The information reported in this document demonstrates that there are many ways in which people -as citizens and as consumers- can be informed and consulted and on the other hand take action and express their concerns for the environment. However, the relationships between concern, awareness, information, action and participation, appear to be far from simple. Information and participation are two way processes, involving mutual listening and acting. The supplier dominated way of thinking which has characterised the earlier stages of thinking about information needs to be developed to encompass a finer grained sense of what constitutes demand, and of who the «consumer» actually is. A more sophisticated understanding of the roles of information and participation and their relationship is needed; an important aspect of this will undoubtedly be the development of processes which recognise and enable public participation in how issues are framed as well as how they are managed. To fully embody participation in sustainable development will require the development of practices, which involve, rather than alienate the public and in which shared informational discourses can evolve.

Information providers and policy makers also need to recognise the limitations of information and the limits of knowledge about information. The implications of uncertainty and ignorance need to be recognised and incorporated into decision-making processes.

Participation is not solely dependent on the provision of appropriate and accessible information, but requires the development of processes and mechanisms, which enable and encourage. It also involves recognising the differing capacities of various individuals and organisations to participate and providing support for those less able to act, or lacking the resources to so.

Since the participatory process is part of a development it is necessary for the authorities to monitor and document any progress. This can be done through the introduction and application of some agreed indicators on the basis of which a brief report could be drafted whenever needed.

The ideal situation is that all Mediterranean countries converge to the same high level of participatory standards, which at the moment are reflected in the

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Aarhus Convention. It is therefore recommended that all Mediterranean countries become signatory parties to the Aarhus Convention. After all, this convention, currently covering the European countries, has been signed by many non-EU countries of socioeconomic conditions similar to those of most Mediterranean countries.

There are indeed many urgent needs as listed below and a series of suggestions for appropriate actions are included herewith. However, the existing provisions are clearly inadequate for the introduction and promotion of any large or even medium-scale public participation programmes to cover the entire Mediterranean at regional and national level. It is hoped that through them a number of other international, national and local resources will be mobilized and become available. Therefore the chances for complementarity and their potential for «multiplier effect» have been considered as important components of the actions proposed.

A Consultation Meeting of the Mediterranean Commission on Sustainable Development (MCSD) Thematic Group on Information, Public Awareness, Environmental Education and Participation (TG/PAEED) was organised by MIO-ECSDE with the collaboration of CREE in Athens (May 24-25, 1999) with the support of UNEP/MAP in order to discuss and elaborate further the proposed activities of the Thematic Group (see overleaf). These were presented in the MCSD Meeting in Rome (1-3 July, 1999), along with those relating to Education, not included in this publication.

The Contracting Parties to the Barcelona Convention at their eleventh ordinary meeting (Malta, 27-30 October 1999) have adopted the Recommendations which are highlighted (see text in bold letters) in the following tables.

RECOMMENDATIONS for proposed activities of the MCSD thematic group on INFORMATION, AWARENESS and PARTICIPATION

RECOMMENDATIONS	ACTORS		
	SHORT TERM	MEDIUM TERM	LONG TERM
<p>OVERALL:</p> <p>1. Signing and ratification of the Aarhus Convention (1998) by those Mediterranean countries, including non-European ones, which have not done so to date, in parallel with related awareness campaigns in the various countries about its content and opportunities provided for the civil society.</p>	<p>Governments (signature) for the campaigns: Governments and other partners</p>	<p>Governments (ratification) for the campaigns: Governments and other partners</p>	<p>Full application and enhancement</p>
<p>2. Review, amendment and revision of national frameworks, to allow for better informing the public, increasing public awareness on environmental issues, strengthening environmental education and participatory processes. When action (1) is adopted this follows automatically.</p>	<p>Governments in consultation with civil society</p>	<p>Governments in consultation with civil society</p>	<p>Governments in consultation with civil society</p>
<p>3. Identification, collection, documentation and dissemination, through publications, audio-visual means and internet, of information about success stories; good practices, positive experiences concerning information, awareness, environmental education and participation.</p>	<p>All involved</p>	<p>All involved</p>	<p>All involved</p>
<p>4. Follow the example of Spain in investing 0,7 of the GNP for the support of NGO projects to implement Agenda 21, MED Agenda 21, Local Agendas 21.</p>	<p>Governments and other partners</p>	<p>Governments and other partners</p>	<p>Governments and other partners</p>

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INFORMATION	ACTORS		
	SHORT TERM	MEDIUM TERM	LONG TERM
1. Improve the diversification of information sources, assure quality and expand coverage of coordinated and comparable information on the State of the Environment in the Mediterranean provided by various actors.	Governments and civil society	Governments and civil society	Governments and civil society
2. For the implementation of 1, reliable cost assessment of needed investment, infrastructure, etc. for the achievement of comparable situations throughout the Mediterranean. This recommendation might be at least partly fulfilled by the MEDSTAT project of Blue Plan whereas the EEA should also be advised.	Governments MEDSTAT, EEA	Governments MEDSTAT, EEA	
3. Improve the flow of useful and timely information on the opportunities and programmes, which could promote sustainable development.	Governments, civil society and media		
4. Development of efficient means of communication of information through: a) specific publications, CDs and other audio-visual means on the State of the Environment and also on other related issues such as on information, participation practices and techniques, success stories, consensus-building techniques, presentation of problems-solutions by sector, etc. b) a 2-year state-of-the-art exhibition, held in each Mediterranean country in the national language which will remain in the country. The information will be provided in the most part by UNEP/MAP and EEA and will focus on the state of the Mediterranean environment as well as about the means and mechanisms that are either in place or are needed for its improvement and for the promotion of a truly sustainable development. Part of each exhibition will be dedicated to the respective country in which it is taking place. The exhibitions will be handled by partnership between Governments and NGOs. c) the internet, with specific sites and links to other related sites.			
5. Identification, development and application of procedures, techniques, methods, etc. (e.g. eco-labelling, the media) particularly suitable for informing the public on sustainable development options.	Governments, civil society and media	Governments, civil society and media	
6. Nomination of focal points in each administration to become contact points on information of a Mediterranean network open to all actors of the civil society. Support of the network for its operation.	Governments and civil society	Governments and civil society	Governments and civil society

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AWARENESS	ACTORS		
	SHORT TERM	MEDIUM TERM	LONG TERM
1. Encouragement of establishment and support of the role of regional and national NGOs, as applicable.	Civil society, regional and national intergovernmental organisations and Governments		
2. Develop opinion polls and statistically sound assessments and monitoring of views, perceptions, behaviors and aspirations of the public in the areas of the environment and sustainable development (in a mode compatible with the one employed by Eurobarometer in Europe).	Media, NGOs (possibly in cooperation with Eurobarometer)		
3. Development and implementation of National Strategies for Information and Awareness, e.g. National Awareness Action Plans (NAAPs) as integral components of national, regional and local Sustainability Plans.	Governments in consultation with other actors	Governments in consultation with other actors	Governments in consultation with other actors
4. Develop a manual on how to organise, at local level, successful campaigns on environmental issues based on tested experiences.	NGOs	NGOs	
PARTICIPATION	SHORT TERM	MEDIUM TERM	LONG TERM
1. Promotion of «dialogue fora» particularly at local level.	Governments in consultation with civil society	Governments in consultation with civil society	
2. Dissemination of information on existing participation tools, procedures, methodologies and techniques for information, organisation of related regional training seminars and production of a manual on «good participation practices».	All		
3. Development and implementation of programmes of public participation (at Mediterranean, national, inter-regional, etc. levels) on policy formulation, EIAs, monitoring of internationally supported environmental and sustainable development projects, funding tools, etc., as is the case, already, in some Mediterranean countries.	Various administrative levels	Various administrative levels	Various administrative levels
4. Identification and/or development of a number of pilot participatory projects by the various countries. These projects will be followed, studied and monitored based on the developed indicators in order to strengthen relative strategies.	Governments in consultation with civil society	Governments in consultation with civil society	
5. Establishment and/or strengthening and support to Local Agendas 21 and to the participatory processes therein.	Governments in cooperation with all relevant actors	Governments in cooperation with all relevant actors	
6. Introduction and/or enhancement of participatory schemes and processes and active involvement of NGOs in specific projects such as biotopes management, training schemes, monitoring, etc.	All	All	All

4.2 Some specific suggested activities

1. A critical review on the existing experience in the EU countries from the introduction of the relevant directive on access to Environmental information could greatly facilitate the development of the legal framework in the non-EU Mediterranean countries as well as its amelioration and adaptation in order to secure its proper implementation.
2. Development and implementation of a regional programme of public participation within the framework of a project.
A foreseen budget could be used to support a balanced participation and an active involvement of representatives of the public at regional level consultations for the selection of «priority hot spots». During these consultations the opportunity will be given for the representatives to express their views on priorities about investments, to analyse the sensitive areas, develop criteria and methodologies for priority sensitive areas for investment in environmental protection life. Similar consultation will be needed for the monitoring and assessment of the progress and results of the activities undertaken.
3. To meet, at least partly, the identified need for promotion of the participation processes and participatory culture in the Mediterranean and for the gradual reformation of the legal frameworks a number of initiatives could be taken at regional and national level namely:
 - The preparation and dissemination, in a printed and electronic form, in all Mediterranean languages, of a «manual of good participation practices» including «success stories» of participatory processes and a review and explanation of the existing techniques and methodologies for providing public information and preparing participation plans and consensus building procedures. The expected result is the wide dissemination of the practices used in other countries to encourage governments and other stakeholders to act accordingly adopting suitable practices.
 - Organization of two regional training seminars on participatory methodologies for mixed audiences (or administrators, civil society leaders, potential investors, etc.). In these seminars the manual may be presented for comments.
4. A systematic review of the legal framework existing in the various Mediterranean countries should be carried out and recommendations should be drafted and discussed about the needed adaptations at national level. The expected results are an in depth, accurate recording, analysis and understanding of the legal situation in each country and recommendations for the needed amendments which will be convincing for the national authorities to introduce or amend appropriate legislation.
5. In the process of identifying the potential role of NGOs:
 - The preparation for several of the specific actions proposed within

specific projects could be entrusted, at least partly, to NGOs e.g. the preparation of a SAP for biodiversity, the preparation of proposals for development of economic instruments, etc.

- NGOs could also be the organisers and audiences/beneficiaries of several actions such as those that refer to «capacity building». They can both organize and/or attend regional training programmes on issues of better organization and effective interaction on specific issues.

If the political will exists a session/special meeting perhaps enlarged with representatives of the parties concerned, should take place and examine which are the more suitable activities to be entrusted to NGOs or invite competent NGOs to contribute. This meeting should be organized and the relevant decision should take as soon as possible. No special budget is needed for the meeting as it can be combined with another meeting/event.

6. To facilitate public access to activities for the protection and management of the environment:

- Appropriate activities, such as: participation in management bodies of protected areas, guarding of protected sites, tree plantings, beach clean-ups or activities of non-formal and informal Environmental Education character, etc., are basically carried out at national or local level and therefore, they should be organized in the framework of projects as national public awareness and participation programmes, in combination with the provisions for preparation and implementation of National Action Plans (NAPs).
- It may be requested and agreed by governments to prepare brief national public participation plans, in cooperation with various stakeholders, identifying where and how they wish to see the role of NGOs and what activities are planned for a progressive strengthening of the role of civil society. An annual report on the progress of implementation of the plan is advisable.

7. At regional level a set of guidelines providing examples of appropriate public activities for the protection and management of the environment with reference material, check-lists, ways of preparing, organizing, fund raising, promoting and managing the relevant activities, etc., could be prepared and published in 3 languages (e.g. English, French, Arabic) and widely disseminated. Together with known successful examples from within and beyond the Mediterranean region, this publication can be useful for both administrations (national and local), NGOs and various other groups. The book will increase the effectiveness and impact of public participation processes.

8. The most effective means for the provision of information on the state of the environment to the general public and the measures taken by the various protagonists to improve it is the organization of a very well prepared exhibition which will show in a concise, state-of-the-art way all the important

information we have today about the state of the Mediterranean environment, the pressures exerted, some scenaria and extrapolations, predictions and about the means and mechanisms that are either in place or are needed, in order to successfully address the problems and reverse whatever detrimental trends have developed. The necessary data can be provided by MAP, its programmes and its regional centres, the European Environment Agency (EEA), Universities and national research institutions, etc. All major initiatives and programmes such as METAP, and particularly those included in the Euro-Mediterranean cooperation should be highlighted. The exhibition should be designed in such a way so as to be useful and attractive to different target groups, of different age, educational background, etc. The exhibition should be presented in the national language and accompanied by audiovisual game-type components and take-away material. In order to have the required high impact it should be handled jointly by the relevant ministry of each Mediterranean country and at least one competent NGO of each country, through professional staff hired with funds of the specified funding programme for a period of two years. The exhibition will remain as the property of each country for further use and eventual environmental renewal for an indefinite period of time. The detailed design and calculation of the cost for such an exhibition has been carried out by MIO-ECSDE. The cost is significantly high and it is necessary to secure matching funds from more than one source for its implementation.

4.3 Some points on funding issues

It is necessary to generate the necessary funds and provisions for efficient and extended operations of the MCSDD thematic group working on information, awareness, environmental education and public participation, and further secure the political, legal and financial means for the full implementation of its recommendations.

Participation, public awareness and Education for Environment and Sustainability (EfES) actions need investment of additional funds at national and local level.

NGOs should be supported with adequate «seed» money to function but mainly on the basis of their proven activities over a relatively long period of existence. Although this is a provision, which aims to prevent «mushrooming» of NGOs, it may act against new, dynamic or «promising» groups.

Part of the funds generated from lotteries and other forms of national or local systems, which provide additional income to the State could be redistributed to help NGOs.

Tax exemption of private donations to Environmental NGOs is also a useful

Part D • Recommendations for Strengthening Public Participation in the Mediterranean

and effective tool for financial support. In some countries there is a recent trend, which should be reversed urgently, of withdrawing existing exemptions.

Based on the commitment of governments to implement Agenda 21 (Chapter 21, 33.15) in their countries, already some EU Mediterranean countries seem to have increased their development aid trying to approach the promised target of investing 0.7 of the GNP to this purpose. From these funds a large percentage is given through NGOs and/or for the support of civil society (NGOs and other groups). This practice empowers civil society and enhances the ability of NGOs to handle important projects and act at community level in other countries transferring experiences and undertaking concrete action. Obviously this trend should be encouraged throughout the region.





Part E

Tips on Methodologies, Indicators and Cost Assessments for Public Participation

5.1 Methodologies for Public Participation

The most important techniques for public participation are listed here. As mentioned already, the main steps for public participation are:

- (a) Informing the affected, interested and/or competent groups
- (b) Listening to the opinion of the public and
- (c) Involving the public in decision-making.

It is outside the scope of this document to provide detailed description and examples of application of these methodologies and techniques. This might be the content of a special publication and specific seminars. The following table summarizes the most important ones.

Table E.1

Methodologies and techniques for Public Participation

Techniques particularly suitable for informing the public	<ul style="list-style-type: none">• Printed materials (brochures, displays and exhibits, direct mail)• Using existing media (newspapers, news conferences, newspaper inserts, radio and TV, interactive TV, advertising)• Formal Public Information Sessions (Targeted briefings)• Informal Public Information («open house», site visits, «door to door» at home, «Field» Information Offices)
Techniques particularly suitable for listening to opinions of the public	<ul style="list-style-type: none">• Surveys (interviews with key people, formal surveys, polls and questionnaires, workbooks)• Large meetings (public meetings, public discussions, public hearings, conferences, «Samoan Circle»)
Techniques suitable for direct participation of the public (stakeholders)	<ul style="list-style-type: none">• Small meetings (public seminars, focus groups)• Advisory groups (e.g. task forces, «Blue Ribbon» Committees, Working Parties, citizens' panels)• Problem solving techniques (e.g. brainstorming, simulation games, «Charette», «Planning Cells»)• Consensus building techniques (e.g. «Delphi process», unassisted Negotiation, Mediation, Assisted Negotiation, MIO-ECSDE/SUDEGIR process, arbitration, consensus conferences).

5.2 Indicators on Public Participation

The main purpose of indicators is to provide for yardsticks to measure/indicate progress/improvement or difficulties towards reaching specific goals related to participation in a clear and, as much as possible, objective way understandable by the widest possible range of stakeholders.

Indicators are not intended to be direct mandates for specific actions or policies although they may lead to them indirectly. They may change over time as the Mediterranean region and the individual countries in it move closer toward the specific goals and learn more about the science and policy options underlying them.

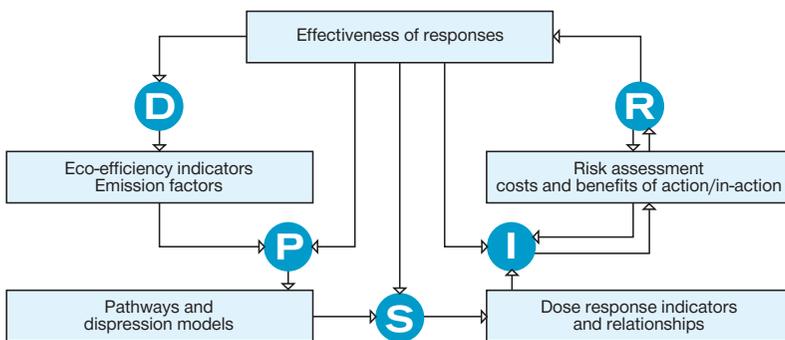
Normally to set up indicators one should state first which are the goals/targets to be achieved and by when. Ideally, milestones and deadlines should be included.

A wider framework used recently and more systematically by the EEA and other institutions, is the DPSIR framework (*Drivers, Pressures, State, Impact and Responses*) which is based on a chain of causal links from Driving Forces to policy Responses, and which covers both the current and future state of environmental quality, and resources, each considered on appropriate spatial and temporal scales* (Fig.E.1).

DPSIR framework describes the relationships between the origins and consequences of environmental problems, focusing on the inter-linkages between DPSIR elements.

Fig. E.1

DPSIR elements (Driving forces-Pressures-State-Impact-Responses)



According to this systems analysis view, social and economic development exerts pressure on the environment and as a consequence the state of the environment changes and has an impact on health, resources availability and biodiversity. These impacts may elicit social responses that feed back on the

* EEA (1999), Environment in the European Union at the turn of the century, Environmental assessments report, No.2.

driving forces or on the state or on the impacts directly through adaptation or curative action. According to this system indicators for social, demographic and economic developments are in the «driving forces».

Emissions, etc. describe the pressures, state indicators describe the quality and quantity of physical phenomena (T, fish stocks, etc.). Impact indicators describe primary e.g. (global warming), secondary (increase of temperature) or tertiary (rise of sea level) effects while responses refer to responses by governments or groups and individuals to compensate, ameliorate or adapt to changes.

In addition to the aforementioned framework a new typology is under development:

- a) The «descriptive indicators» answering the question: «what is happening?», including state, pressures, etc.
- b) The «performance indicators» answering the question: «does it matter?» where comparisons are made against reference values, targets, etc.
- c) The «efficiency indicators» answering the question: «are we improving?», e.g. emission per vehicle per km, and
- d) «Total welfare indicators» answering the question: «are we on the whole better off?» such as the Green GDP, etc.

Indicators on public participation and civil engagement, education, training and sensitisation can be developed either separately (as is the current tendency) or to be clustered, more or less, together.

Indicators for access to information

- Legislation in place for access to information (passive and active).
- Number of communities with infrastructure in place that allow easy access to government information.
- Public (and private) access to results of research.
- Community right to know documents.
Other indicators used in some cases (USA) for information are:
 - Library use, or
 - Percentage of schools and libraries with access to Internet or relevant National Information infrastructures.

Indicators for access to justice

- Legislation in place.
- Institutionalisation of Ombudsmen.
- Number of cases filed in the courts, by (a) individuals and (b) NGOs and other groups, for environmental issues.
- Successful appeals.

Indicators for access to credit

- Legal provisions for financing of the activities of citizens groups and environmental NGOs.
- Existing tax exemptions on donations and sponsorships to NGOs, etc.
- Provision/facilitation of staff requirements (instead of military service i.e. a form of civil service, etc.).

Participation Indicators

- Existing (and applied) legislation for civil society participation in fora responsible for designing and approving policies and programmes (and/or projects) at various levels, such as at Ministerial level (advisory council), regional, prefectural and local.
- Provision for existing forms of local sustainability plans (Local Agenda 21 and other similar schemes), for consensus building procedures (water tribunals, elders, etc.).
- Public hearings in front of the Parliament.
- Provision for access of groups to the media (T.V., radio).
- Access of NGOs and concerned citizens' groups to EIA and SEA (Strategic Environmental Assessment) processes and committees for all major works.
- Provisions (financial and other) for Independent Environmental Impact Assessments.

Indicators for wider social rights to information

- Community programs for lifelong learning.
- Consultations at national, regional or local (prefecture) level for introduction of environmental measures, EIA / as percentage of the legal acts issued.

Participatory processes are frequently linked with «civil engagement» indicators such as:

- Percentage of voting age citizens who cast votes in elections.
- Percentage of citizens belonging to voluntary non-profit groups (environmental or other NGOs, Community based groups, parent-teacher associations, sporting leagues, friends of museums, gardens, etc., associations etc.).

The latter may indicate the evolution of participatory culture in the Mediterranean countries.

5.3 Economic costs and benefits. A preliminary approach.

It is widely believed that participatory processes are expensive. This is based on a combination of the dogma «time is money» and the fact that participatory processes are usually lengthy. However, experience gained in other parts of

the world has demonstrated that in many cases these procedures are some of the most cost-effective tools in securing the smooth development of programmes, policies and projects.

There are several examples that demonstrate this view. There are also numerous cases, in which the lack of information and public participation mechanisms enormously increased the cost of projects, such as the construction of dams or roads and bridges and even cancelled the installation of industries of a wide spectrum (from crude oil terminals and refineries, to shipyards, ports and marinas, chemical industries, etc.) and the development of large investment schemes (from toxic waste incinerators and land disposal of urban wastes down to fishfarms and food processing factories). Many of these investments were stopped at a rather late stage of their development due to public reactions. Proper public participation could have either allowed their full development or stopped them at a much earlier stage. It is of course difficult to assess the actual cost of participatory processes or lack of them but it has become increasingly apparent, during the last few years, that the uninformed public is frequently much more suspicious and conservative and therefore difficult to deal with in whatever development proposal, than the informed public who have had the opportunity to participate on decision-making from an early stage.

On the other hand, in a number of cases the incurred costs for proper functioning of multiperson, multisectoral, regular dialogue schemes have become very expensive. If, however, these schemes are mismanaged (badly prepared irregular meetings and lack of serious issues on the agenda, etc.) they are not useful and their low output could diminish their status and significance as well as the willingness of the most important partners to be involved. Similarly, participatory processes, which are subsequently ignored by decision-makers, raise public expectations only to later negate them and produce further alienation and the potential for divisive (and expensive) dissent.

Recently a growing «voice of society» is demanding that corporations and particularly those which have benefited from privatisations address not only environmental consequences of their operations but also past inequalities and broaden the distribution of business benefits (Warhurst, 2001). Increasing demands for information, accountability and particularly, community participation have encouraged the private sector to adopt various voluntary codes of conduct and get involved in a large number of «tri-partite» or «tri-sector» partnerships (Governments, Industry, NGOs). One of the objectives of these schemes is to obtain at relatively low costs «win-win» solutions for all parties in environmentally optimum conditions.

The Corporate Citizenship as a continuation of the corporate social

Part E • Tips on Methodologies, Indicators and Cost Assessments for Public Participation

responsibility attracts more and more attention, as one may judge also from recent literature and information by Corporations, the World Bank, CSR Europe, etc. (see relevant internet sites). This phenomenon reflects not only the changes in corporate culture of leading International Companies but it may be considered also as an indirect evidence of the medium and long term benefits these enterprises expect from their involvement in participatory decision making.



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