

“Aarhus Centres’ engagement in implementing the Espoo Convention and Protocol on Strategic Environmental Assessment” (Wednesday 16 October, 16.30-18.00)

At the very beginning, allow me to thank the organizers for the invitation and opportunity for being a part of this event.

The concept of the right to a healthy environment is gaining the importance by the development of environmental law.

Citizens are aware of ecological problems. They express their concern about the state of the environment on a daily basis. Environmental problems may be solved only if citizens are interested and willing to cooperate with relevant institutions.

Public participation is a complex process that involves different stakeholders, and participants.

Essentially, it is the right of every individual to ask and receive an environmental information, to express their opinions, to consider a decision, and access to justice.

Old-fashioned model represents an approach in a manner that a public involvement complicates and slows down procedures.

Public involvement as we have today represents a modern approach of environmental policy.

Understanding this process takes into account its long-term positive effects.

This issue is gaining importance at the end of the past and the beginning of this century.

In order to establish a balanced attitude, and starting from the principles founded in General instruments of the international community by the **Charter of the United Nations, the Stockholm Declaration on the Human Environment** (Declaration of the United Nations Conference on the Human Environment, 1972) **and the Rio Declaration on the Environment and development** (Rio Declaration of the United Nations Conference on Environment and Development, 1992), a number of multilateral agreements have been concluded, which are the subject of the

development of an individual, the most important issues of environmental protection.

In addition to this, the most recognizable tool is The CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS done at Aarhus, Denmark, on 25 June 1998.

It is one of the mechanisms of international law that expresses the right to a healthy environment.

Convention serves as a platform for public consultation process, where the public may ask questions and express their views, comments, suggestions or arguments to decision makers, as well as the obligation of public authorities to inform the public of all decisions made.

In the process of EU accession, it is of great importance that the legislation of the European Union, commonly referred, as Acquis Communautaire is to be in a place.

A Public participation is an instrument of "good governance", with the aim of applying legal solutions that take into account the roles and rights of the public in environmental decision-making procedures.

In this context, transposition of the provisions of relevant EU directives into national legal system is necessary.

I will recall you on some of them: The objective of **Directive on public access to environmental information** is to guarantee the right of access to environmental information held by public authorities and defines basic conditions and practical solutions for the exercise of that right.

Furthermore, **Directive on public participation in decision-making on environmental matters** aimed to contribute the fulfilment of obligations arising from the Aarhus Convention, in particular (a) ensuring public participation in the drawing up of environmental plans and programs; and (b) improving conditions for public participation and defining provisions for the exercise of the right to legal protection in line with EIA, SEA and IPPC (IED)directive.

INSPIRE Directive establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) defines a mechanism to support the environmental policy in the EU and establishing an appropriate spatial information infrastructure.

From domestic perspective it can be seen through legal framework encompasses from Law on Free Access to Information, Law on Local Self-Government, Law on Environment, Law on SEA, Law on EIA, IPPC, Law on Nature, Law on Air Protection, etc.

Since the adoption of the Declaration on Proclamation of Montenegro as an Ecological State (September 20, 1991) up to today, a long development path has been gone through in the field of promoting and building this concept.

In this regard, Montenegro ratified the Aarhus, Espoo Convention and SEA Protocol in 2009. Since then international treaties became a part of domestic Law.

Montenegro pays special attention to the implementation of the multilateral agreements and its development is based on the principles of sustainable development and environmental protection.

In order to enhance the implementation of the Aarhus Convention in a real life, as a great mechanism for a public involvement is an establishment and functioning Aarhus Centres, as an institutional support in the implementation of the Aarhus Convention.

Aarhus Centres provide platforms for involving citizens, the public and the private sector in a dialogue in environmental challenges.

The opening of three Aarhus centres, with the support of the OSCE, is of particular significance for the Country.

In May 2014, the ecological association “Breznica“ self-initiatively opened the Regional Aarhus Center in Pljevlja, serves as a transboundary Aarhus Centre.

In Montenegro, three Aarhus Centers were opened:

- On 15 April 2011 - Aarhus Center of Podgorica (organizational unit of NEPA)
- 11 November 2011 - Aarhus Center Niksic (part of the NGO "Ozone")
- 21 September 2012 - Aarhus center Berane (organizational unit of NEPA)

In May 2014, “Breznica” environmental organisation opened the regional Aarhus Centre in Pljevlja, which is used by the citizens of Pljevlja, Mojkovac, Bijelo Polje, Prijepolje, Čajniče and Goražde (three countries).

The objective of establishing Aarhus centres in Montenegro is to provide citizens with information related to the environment, raise public awareness of environmental protection issues and encourage public participation in decision-making, contributing to cooperation with local self-governments in the field of environment.

Aarhus Centres have been established with the aim to promote democratic values and procedures in the field of environmental protection, to promote transparency, contribute to the protection of rights of all people, ensuring that present and future generations live in an environment that does not jeopardize their health and their well-being.

Establishment of Aarhus Centers is one of the preconditions for legal and institutional implementation of the multilateral agreements, and a capacity building at the administrative and institutional level.

It also develops a system that will be available to citizens, NGO sector, undertakings and all other interested parties.

In Montenegro there is no difference between domestic and transboundary public. Once the documentation is received from the Party of origin, procedure is applied as for a domestic public.

Engagement of Aarhus centres in transboundary procedure represent a support to the implementation of the multilateral agreements in the manner that information has been distributed faster than in an official, a diplomatic channel.

The public, or concerned public has the opportunity to participate in a transboundary decision-making procedure submitting their opinions and concerns to the competent authority.

Activities of Aarhus Centers:

- promoting relevant legislation and practice in terms of access to information, public participation and access to justice in the field of environment;
- raising awareness and knowledge of the public concerned about environmental protection;
- providing access to information concerning the environment;

- encouraging public participation, through active participation of citizens, citizens' associations and interested public in planning and decision-making in the field of environmental protection;
- organizing public hearings, round tables and panel discussions on topics in the field of environmental protection;
- organizing training and seminars for representatives of public administration, civil society, media, environmental and other organizations on the implementation of the Aarhus Convention;
- organizing media campaigns to improve public awareness of environmental protection and resolution of environmental issues;
- providing free legal consultations for citizens and NGOs in the field of environment;
- establishing cooperation and networking of local governments - environmental protection services, as well as individuals involved in the protection of the environment;
- public participation in the preparation of legally binding normative instruments.

Aarhus centres represent a unique model for public involvement. Does it work in practise always?

The lack of administrative capacities is a severe challenge. In the forthcoming period, it is necessary to strengthen the role of Aarhus centres.

They need to become a place where citizens will be able to get information on environmental protection issues in a timely manner and to get involved in the decision-making process from the respective field.

Efforts should also be made to ensure their financial sustainability and strengthen the capacity of Aarhus centres with the aim to respond to the challenges of implementing the Aarhus Convention in the more effective manner.

Does public always mean a domestic and transboundary public?

Do we get the right feedback from public?

Does public really want an environmental information?

Is the public friendly oriented in decision-making process?

What are good and bad sides of public involvement?

What can we do?