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## EPIRB Project Activity 2.7

### Public involvement and awareness raising activities

Task 2.7.1: Develop a communication strategy for each basin

# Methodology for developing a Communication Strategy and Plan for the Upper Dnieper Pilot Basin

(In the territories of Belarus and Ukraine)



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## ACRONYMS

Aarhus Convention	Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
CC	Communication Committee
CS&CP	Communication Strategy and Communication Plan
CWME	Country Water Management Expert
DRB	Danube River Basin
DRPC	Convention on Co-operation for the Protection and Sustainable Use of the River Danube
ENPI	European Neighbourhood and Partnership Instrument
EPIRB	Environmental Protection of International River Basins Project
EU	European Union
Helsinki Convention	UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes
HPP	Hydropower Plant
IRBM	Integrated River Basin Management
IWRM	Integrated Water Resources Management
MDGs	Millennium Development Goals
NGO	Non-Governmental Organisation
NCCs	National Coordination Committees
PD	Project Director
PoM	Programme of measures
PSPP	Pumped storage power plant
RB	River Basin
RBMP	River Basin Management Plan
RBM	River Basin Management
RBC	River Basin Council
REC	Regional Environmental Center for Central and Eastern Europe
TL	Team Leader
WFD	Water Framework Directive

## INTRODUCTION

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This background document has been prepared in the context of the project “Environmental Protection of International River Basins Project (EPIRB)” funded by the European Commission – Directorate-General for Development and Cooperation - EuropeAid and implemented between January 2012 and January 2016 by the consortium led by Hulla & Co “Human Dynamics”.

The overall objective of the project is to improve the quality of water in the trans-boundary river basins of the wider Black Sea region and Belarus. The specific objectives of this project are:

- to improve availability and quality of data on the ecological, chemical, and hydro-morphological status of trans-boundary river basins including groundwater, and
- to develop River Basin Management Plans (RBMPs) for selected river basins/sub-river basins according to the requirements of the EU Water Framework Directive (WFD).

The project targets the following countries: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

There are two main overall project results expected:

- increased capacity of the respective national authorities for hydro-biological, chemical and hydro-morphological monitoring of water quality incl. groundwater; quality assurance procedures in place in laboratories, and
- increased technical capacities by means of development and implementation of RBMPs for selected river basins/sub-river basins, according to the requirements of the WFD.

Under the Activity 2 - development of joint RBMPs for selected river basins- of the project, it is foreseen that communication strategies will be developed for each basin (Task 2.7.1), and awareness building activities will be undertaken throughout the project. (Task 2.7.2) The Regional Environmental Center for Central and Eastern Europe (REC) was contracted in April 2013 to carry out/support these tasks in line with the overall Communication and Visibility Plan developed in the inception phase of the project. The Communication and Visibility Plan includes a general communication strategy and specific activities dedicated to communication and the visibility for the overall EPIRB project, with the goals:

- to raise awareness around the project and its communication activities, objectives and impact;
- to develop effective, appropriate messaging of interest to the target groups and initiatives.<sup>1</sup>

The First Progress Report of the project foresees the development of comprehensive Communication Strategies and detailed Communication Plans for each basin following the completion of the River Basin Analysis in the countries and the delineation and classification activities.

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<sup>1</sup> See: Communication and Visibility Plan prepared within the EC-funded project “Environmental Protection of International River Basins”. The overall objectives of the Communication and Visibility Plan are as follows: ensure timely communication to relevant State establishments and/or organisations; ensure effective communication between groups; ensure timely notices for requirements/meetings; ensure optimum results for all communications and project expectations; measure the results of the communication strategy execution and revise accordingly.

The pilot basins were selected and confirmed during the inception phase, as follows:

- Belarus/Ukraine –Upper Dnieper River ;
- Moldova/Ukraine –Prut River;
- Armenia – Akhuryan and Metsamor rivers;
- Azerbaijan – Agstafachay, Tovuzchay, Shamkirchay and Ganjachay rivers; and
- Georgia – Chorokhi-Adjaristskali basin.

In order to ensure consistency among the Communication Strategies and Plans for the above mentioned pilot basins, the following methodology has been undertaken: a general common approach has been developed and is described in this document, “Methodology for Developing a Communication Strategy for the Pilot Basins”. The Communication Strategy and Communication Plan for the Upper Dnieper Pilot Basin is presented in a separate document by adapting the general approach to the given conditions.

## 1. The Legal and Policy Framework

Since the main objective of the project is to develop and implement RBMPs for the selected river basins according to the requirements of the WFD (2000/60/EC), the requirements for access to information and public involvement of WFD are taken into account in the first place when developing and implementing the Communication Strategies and Plans for the Pilot Basins. In addition, the obligations under relevant international agreements, such as the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention) its Protocol on Water and Health, regional conventions, such as the Convention on Co-operation for the Protection and Sustainable Use of the River Danube (Danube River Protection Convention, DRPC), as well as the national legislation in the project countries are also examined and taken into consideration. These requirements are briefly summarized in this chapter.

### 1.1. The Water Framework Directive

The Water Framework Directive (WFD) which is in force since December 2000, provides an integrated, coherent and harmonized framework for river basin management and comprises public involvement as an important and integral part of the planning process. It includes several provisions and articles in order to ensure the information and involvement of the public in the different phases of the development and implementation of the RBMPs.

The Directive establishes three levels of information and involvement:

- regular information provision ensuring proper information for the public of the planned measures and on the progress or their implementation in order to enable the involvement of the public (Preamble, provision 46);
- consultation on the timetable and work programme for the production of RBMP including statements of the consultation measures, the interim overview of significant water management issues identified in the river basin, and on the draft copies of RBMP (which need to be published and made available for commenting by the public including users) (Article 14);
- active involvement of all interested parties, in particular in the production, review and updating of the RBMPs (Article 14).<sup>2</sup>

In addition to the above mentioned active information provision, access to background documents and information used for development of the draft RBMP should be provided on request (Art. 14).

The Directive sets a six month timeframe for the public for the submission of written comments, in order to allow active involvement and consultation on the above documents, and it also defines the time when the above mentioned documents should be made available for consultation. The RBMPs,

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<sup>2</sup> Directive 2000/60 /EC of the European parliament and the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

according to Annex VII, must also summarize the public participation measures and should evaluate their results and impact on the plan. (See more details in Chapter 3 and Annex 1.)

Two project countries, Moldova and Ukraine located in the Danube basin are also parties to the **DRPC** and have already committed along with the Danube countries for the joint and basin wide implementation of the EU WFD as a clear priority (Resolution of the ICPDR Ordinary Meeting, in 2000 in Sofia). In another resolution, all contracting parties agreed – including the Non EU Member States - to make all efforts to arrive at a coordinated international RBMP according to the requirements of the EU WFD. To implement the WFD as a priority in the Danube River Basin (DRB) has also been confirmed in the Danube Declaration that was signed in the frame of an ICPDR Ministerial Meeting on 13 December 2004 (Vienna).<sup>3</sup>

Moldova and Ukraine have actively participated in the activities under the DRPC including the development of a basin-wide Danube River Basin District Management Plan (2009) adopted in February 2010 by all contracting parties in the frame of a Ministerial Meeting. The development of the RBMP included as interim steps the development of Danube Basin Analysis (2004) and reports on the implementation of the Joint Programme of Measures. Currently, the Danube RBMP 2015 is being prepared and the discussion on the Danube Basin Analysis 2013 is in process. Ukraine has also participated in the development of the Tisza River Basin District Management Plan (adopted in 2011). These processes have included the implementation of public participation activities as well, according to the WFD. The contracting parties to the DRPC and the Convention for the Protection of the Black Sea against Pollution have established a strategic partnership and in 2007 they have signed a declaration on the enhancement of cooperation, which includes also a strong commitment to, among others, "promoting new activities for the sustainable development in the context of both Danube and Black Sea Conventions and WFD implementation, starting with the development of the Programme of measures (PoM) in 2007."<sup>4</sup>

## 1.2. Implementation of the WFD

All project countries committed in some form, although in different pace, for harmonising their national legislation with the WFD and other EU directives, and the Integrated Water Resources Management (IWRM) principles, in the framework of their cooperation with the EU, EU Water Partnership, Eastern Partnership, or in national strategies/policies. The EPIRB project also foresees assistance to promote

<sup>3</sup> The Danube River Protection Convention (DRPC) forms the overall legal instrument for cooperation and transboundary water management in the Danube River Basin. The DRPC was signed on 29 June 1994 in Sofia (Bulgaria), by eleven of the Danube Riparian States and the European Union, and came into force in October 1998. Today, the number of contracting parties increased to 14 countries plus the European Union. See: Draft Overview Report, Status of Country Implementation and Proposals for Support, prepared in January 2013 within the EPIRB Project Activity 1.2, Support to Country Implementation UNECE Water and Danube River Protection Conventions, p. 9-13.

<sup>4</sup> Declaration of the Ministers in Charge of Water Management of the Contracting Parties to the Danube River Protection Convention and the Convention for Protection of the Black Sea against Pollution on the Enhancement of Cooperation (Bucharest, 23 February 2007), page 3. In the Declaration the Ministers „Confirm their strong commitment to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the protection of the environment in the Danube and Black Sea Region” by: -among others, - ...”promoting new activities for the sustainable development in the context of both Danube and Black Sea Conventions and WFD implementation, starting with the development of the Programme of Measures in 2007.”

progress in this field. Some of the countries have already harmonized and aligned their national legislation with the EU WFD requirements and other EU directives, such as:

- Armenia (Armenia Water Code is harmonized with the WFD requirements and steps are being taken for the strengthening of six national Water Basin Management Authorities)<sup>5</sup>;
- Moldova (new Water Law No. 272, entering into force in October, 2013, is partly aligned with the EU WFD and other EU Directives)<sup>6</sup>;
- Ukraine (the Law on Environmental Protection and the Water Code, the State Programme on Water Management development by 2020 are aligned to the principles and provisions of the EU WFD as well as the IWRM principles).<sup>7</sup>

In the other project countries the amendment and harmonization of the relevant legislations is planned and/or is already under development, such as:

- Georgia (new Water Act is currently under development, and aims to include IWRM approach and to reflect also the WFD requirements)<sup>8</sup>;
- Azerbaijan (harmonization of the national legislation with EU Directives is an important component of Azerbaijan's cooperation with the EU including the approximation of national legislation with the EU WFD. The National Indicative Programmes for the periods 2007–2010 and 2011–2014 have been identifying respective priority areas for cooperation and related objectives)<sup>9</sup>;
- Belarus (national legislation is not yet aligned with the IWRM and WFD principles but the amendment of the Water Code is planned according to the Water Strategy developed until 2020 and adopted in 2011.)<sup>10</sup>.

In all countries efforts are also made for the implementation of the legal requirements however, only few have made progress in this regard. Country specific summaries of the status of harmonization with the WFD and implementation can be found in Part I of the Communication Strategy and Plan.

### 1.3. The relevant UNECE Conventions

Transparency of decision-making, public access to information and public participation in decision-making in environmental matters including water management are Aarhus Convention<sup>11</sup>, the Helsinki Convention<sup>12</sup>, and its Protocol on Water and Health.<sup>13</sup>

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<sup>5</sup>Draft Overview Report, Status of Country Implementation and Proposals for Support, prepared in January 2013 within the EPIRB Project Activity 1.2, Support to Country Implementation UNECE Water and Danube River Protection Conventions, page 16, 20-22.

<sup>6</sup> As above, see pages 42-43

<sup>7</sup> See 44-45, pages 49-50.

<sup>8</sup> As above, see pages 34-36.

<sup>9</sup> As above, see pages 26-27.

<sup>10</sup> As above, pages 29,32- 32.

<sup>11</sup> The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was adopted on 25 June 1998 in Aarhus, Denmark, and entered into force on 30 October 2001. The Convention currently has 46 parties, including the European Union.

**The Aarhus Convention** grants rights for the public on access to information, public participation and access to justice and at the same time, puts obligations on the public authorities to provide access to environmental information upon request and by active dissemination, as well as to ensure public participation in decision-making on specific activities, programs, plans, policies and drafting legislation, as well as access to justice. The Convention outlines basic terms and conditions, basic principles as well as includes procedures how these obligations should be implemented. The Aarhus Convention's main requirements are summarized briefly in the Annex 2.

All project countries are parties to the Aarhus Convention as indicated below, have brought into compliance their national legislation with the Convention's requirements and have the obligation to implement them in practice.<sup>14</sup>

The **Helsinki Convention** in its Article 6 requires parties to provide for the widest exchange of information, as early as possible, on issues covered by the provisions of the Convention, and under Article 16, (on Public Information) information on the conditions of transboundary waters, measures taken or planned to be taken to prevent, control and reduce transboundary impact, and the effectiveness of those measures, have to be made available to the public. The information should include water-quality objectives, permits issued and the conditions required to be met as well as results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with the water-quality objectives or the permit conditions. The information has to be made available to the public at all reasonable times for inspection free of charge, and on payment of reasonable charges if copies are required. See more details in Annex 2.

The **Water and Health Protocol** was adopted one year after the Aarhus Convention and therefore its provisions are greatly harmonized with the requirements under the latter international instrument. The Protocol sets obligations for the parties on access to information and public participation in water and health related decision-making. Several of its articles deal with different aspects of how to carry out these obligations. See more details in Annex 2.

Azerbaijan, Belarus, Moldova and Ukraine have ratified the Helsinki Convention and the Protocol on Water and Health, and are obliged to implement its provisions. Although, Armenia and Georgia are not signatories or parties to the Helsinki Convention, but are signatories to the Protocol on Water and Health, they participate in several activities under these instruments and may consider ratification in the future. The EPIRB Project also offers assistance to some of the countries in this regard.

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<sup>12</sup> The UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention) was adopted on 17 March 1992 in Helsinki, Finland, and entered into force on 6 October 1996. The Convention has currently 39 parties, including the European Union.

<sup>13</sup> The Protocol on Water and Health was adopted on 17 June 1999, in London, UK, and entered into force on 4 August 2005. The Protocol has currently 26 parties.

<sup>14</sup> Moldova and Ukraine ratified the Aarhus Convention in 1999, Azerbaijan, Belarus and Georgia in 2000, and Armenia in 2001. See: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVII-13&chapter=27&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-13&chapter=27&lang=en)

## 2. The Objectives and goals of the Communication Strategies for Pilot Basins

Following the objectives of the project as well as the project's overall Communication and Visibility Plan<sup>15</sup>, the Communication Strategies for the Pilot Basins should support first of all the project implementation, more concretely, the river basin management (RBM) planning and its implementation in the particular pilot basins.

Therefore the **overall goals** of the Communication Strategies for the Pilot Basins should include the following:

- to ensure proper communication, access to information, stakeholder and public involvement in the development and implementation of the RBMPs in the project countries in the pilot basins;
- to provide assistance to national governments on how to comply with their obligations, including practical support and guidance in addressing communication, access to information, stakeholder involvement and public participation in the development and implementation of RBMPs;
- to facilitate the establishment of effective structures and mechanisms for public participation that will continue operating beyond the project.

The **specific objectives** for the Communication Strategies include the following:

- to provide timely information to key stakeholders and the public in the specific phases of the project on the development and implementation of RBMPs, and particularly on the draft and final documents prepared (active provision of information and access to information including documents);
- to inform stakeholders and the public of the appropriate opportunities for public participation in the development and implementation of the RBMPs (consultation or active involvement), to facilitate/collect the input/comments of stakeholders on the draft documents and give them feedback on how these have been taken into account;
- to support the better communication of the project partners (project team and lead beneficiaries) with the key stakeholders at the pilot basin level;
- to assist in keeping the project partners, the key stakeholders and the public regularly informed of the project activities and results at the pilot basin level.

The **expected outputs and outcomes** of the Communication Strategies are as follows:

For the **overall goal**:

- Improved and more efficient communication, involvement of the stakeholders and the public in the development and implementation of RBMPs in the project countries at the pilot basin level;
- More effective and meaningful structures and mechanisms established for public participation in the development and implementation of RBM Plans in the project countries which will engage, build confidence and cooperation and promote the active participation and communication of

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<sup>15</sup> See page 1 of this document.

diverse stakeholders in the planning and implementation of RBM plans in the project countries in pilot basins, and which will continue beyond the project;

- Informed, improved and more transparent decision-making in the development and implementation of RBM Plans in the project countries at the pilot basin level, through communication, public participation and multi-stakeholder collaboration.

For the **specific objectives**:

- Communication among the project partners and with the key stakeholders at the basin level is improved and maintained;
- National governments comply with their obligations on access to information and stakeholder and public participation in the development and implementation of RBMPs;
- The key stakeholders and the public are informed in a timely manner in the specific phases of the project on the development and implementation of the RBMPs, particularly on the draft and final documents prepared;
- The stakeholders and the public are well informed of the appropriate opportunities for public participation (consultation or active involvement), which enables them to provide input/comments on the draft documents; feedback is given to them on how their input/comments have been taken into account;
- Project partners, the key stakeholders and the public are regularly informed of the project activities and results at the pilot basin level.

## 2.1 The Stakeholders

The Communication Strategies need to reach out through various tools and means to the public and the key stakeholders so that they are properly informed and involved, and also to the key actors to enable them to carry out their role.

The WFD uses different terms for stakeholders (“public including water users”, “public”, “all interested users”) but these terms are not defined in the directive. The Aarhus Convention may give a guidance on who do we mean by the term “the public”<sup>16</sup>. The Convention also includes the term “the public concerned”<sup>17</sup> which is a subset of the general “public”, and could correspond to the term “all interested users” as well as the above used more general term, “stakeholders”.

By “**stakeholders**”, we mean representatives of groups, institutions or individuals who have certain defined interest or “stake” in the decision-making process related to the development and implementation of the RBMPs, or they are or likely to be, directly or indirectly affected by the decisions

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<sup>16</sup> “The public” means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups”. See Aarhus Convention, Definitions (Art. 2.4)

<sup>17</sup> “The public concerned” means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest. See Aarhus Convention, Definitions (Art. 2.5)

related to the development and implementation of the RBMPs. These interests may be environmental, economic, social, cultural, recreational, religious, and geographical or others, legally or otherwise defined. In the broader sense, stakeholders may be also additionally defined as those having some influence on the outcome of the decision-making or some expertise, knowledge, experience, information or activities which may be useful for the decision-making process.

Special attention should be paid to those marginalized or disadvantaged groups who are affected or likely to be affected by the RBM planning and its implementation, but have no voice.

The stakeholder groups generally can be categorized broadly into various different groups. An illustration of stakeholder groups for the RBM planning and implementation is given as an example, in Annex 3.

For the Communication Strategy of the Pilot Basins, the most important stakeholders are ultimately the people living in the pilot basins, the general public and the different stakeholders who will be affected or likely to be affected and benefit from the development and implementation of RBMP.

The **key audience and stakeholders** who need to be addressed by the Communication Strategies in the pilot basins should include three basic target groups:

- The institutions/organizations responsible for water management in the beneficiary countries (including the national and the pilot basin level) called as the main target groups in the project;
- Specific other groups of stakeholders such as basin organizations (including Non-Governmental Organisations, NGOs and all other stakeholders such as water users, business, journalists, etc.) dealing with water management and RBM development in the beneficiary countries and in the pilot basins or being affected or likely to be affected by these;
- The general public who is the end-beneficiary of the project's results living in these basins, and who will benefit from the improvement of the quality and quantity of water resources.

The stakeholders are to be identified specifically for the pilot basin. These key stakeholder groups will be the target groups for the Communication Strategy and should be regularly targeted with certain messages, informed, consulted and involved during the development of the RBMP and its implementation. These target groups are described specifically for the pilot basin in the Communication Strategy and Communication Plan for the Upper Dnieper Pilot Basin and listed in the relevant Annex. Methodological assistance for identification and involvement of the stakeholders are provided by several guidance materials.<sup>18</sup>

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<sup>18</sup> See for example: Guidance document n.8, Public Participation in relation to the Water Framework Directive; Aarhus Convention Recommendations on Public Participation in Decision-making in Environmental Matters; Harmonizing Collaborative Planning (HarmoniCOP) Learning Together to Manage Together

## 2.2 The Elements of the Communication Strategies for the Pilot River Basins

The Communication Strategies for the Pilot Basins taking into account the above goals and objectives should include the following elements:

- What are the obligations?
- Who will take action?
- Who will need to be informed, consulted and involved?
- What should be communicated and to whom?
- What are the channels and tools to deliver the information and messages?

### 2.2.1 What are the obligations?

The minimum obligations or tasks regarding information provision, consultation and active involvement in the different phases of the RBM planning as prescribed by the WFD, the main guiding document for the project, the WFD, are as follows:

- **Information:**
  - Information should be provided regularly, and actively throughout the RBM planning and the project implementation (ensuring proper information for the public and stakeholders of the planned measures and on the progress of their implementation in order to enable their involvement).
  - In addition, access to background documents and information used for development of the draft river basin management plan should be provided on request.
  - All draft documents for information and consultation as soon as they are available, and documents after adoption, should be placed on the web sites.
- **Consultation** should be organized:
  - on the timetable and work programme for the production of RBM plan (including statements of the consultation measures),
  - the interim overview of significant water management issues (identified in the river basin), and
  - on the draft copies of river basin management plan (which need to be published and made available for commenting by the public including users).
- **Active involvement:**
  - of all interested parties, should be encouraged in particular in the production, review and updating of the RBMPs.

“Active involvement” which “shall be encouraged” means a more intensive form of public involvement than a one-time opportunity for consultation and submission of comments. It should be understood as an overarching process, consisting of various opportunities when the stakeholders can be involved in

different phases of the decision-making, are able to discuss the issues/problems, contribute to their solution throughout the entire planning process.<sup>19</sup>

“Active involvement” may be interpreted, for example, according to the requirements and approach of the Aarhus Convention’s second pillar under which opportunities are ensured for the public to participate throughout the decision-making from the early stage when options are still open, and participation can be effective and influence the outcome of the decision-making, until the end of the decision-making. One example which could be brought as illustration is, how NGOs and representatives of other stakeholders participate under the ICPDR as observers in the working groups, where they can make comments on all issues, draft documents, and can participate in discussions and can also contribute to the content of the documents or decisions. It could also include a participatory planning approach where the representatives of the stakeholders/public are engaged in the discussions in the different phases of planning process as partners, cooperate with the authorities, and have opportunities to shape the outcome of the decision-making. Ultimately, it could also include decision-making by consensus or shared decision-making.

Special attention should be given to the timeframe for the public participation activities according to the requirements of Art. 14 of the WFD, as mentioned on page 3 above and in Annex 1:

- A timetable and work programme for the production of the RBMP (including information of the planned consultation measures) should be publicly made available, at least three years before the beginning of the period to which the plan refers;
- An interim overview of significant water management issues identified in the river basin should be made available at least two years before the beginning of the period to which the plan refers
- Draft copies of river basin management plan should be made available, at least one year before the beginning of the period to which the plan refers.
- A six month timeframe for the public for the submission of written comments, in order to allow active involvement and consultation on the above documents.

After the consultation period is over, information and feedback needs to be given on what happened to the comments, how they have been taken into account and the new version of the document or draft document should be made publicly available and preferably, also sent directly to the key stakeholders (by e-mail list).

The RBMPs must also summarize the public participation measures and should evaluate their results and impact on the plan. (WFD, Annex VII). This should cover information on how the public involvement has been provided and include „the summary of public information and consultation measures taken, their results and the changes to the plan made as a consequence.”

During the implementation of the RBM Plans and the next cycle of RBM planning similar access to information and public participation requirements should be observed.

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<sup>19</sup> EU Guidance on Public Participation in relation to the Water Framework Directive, pages 17-18.

### *2.2.2 Who will take action?*

Usually, the competent authorities that are in charge for the RBM planning and implementation in the pilot basin, are also responsible for the communication, provision of information, ensuring consultation and active involvement throughout the planning.

During the implementation of the EPIRB project, the REC will be responsible for the implementation of activities on communication, provision of information, as well as consultations and active involvement for the pilot basins. The REC team will carry out these tasks in cooperation with the Project team and the Lead Beneficiaries, in order to obtain the necessary information and ensure that the country and pilot basin conditions are taken into account.

After the end of project, the competent authorities will need to take over these responsibilities. These competent authorities are those national ministries, agencies and river basin authorities who are responsible for water management and one of them is designated as Lead Beneficiary Institutions, who are the main partners in the project for its implementation and also are the main beneficiaries. These competent authorities (lead beneficiaries) are listed in the Part I, Chapter 4 of the Communication Strategy.

### *2.2.3 Who will need to be informed, consulted and involved?*

- As said above, information should be made accessible and available for all including the general public, all the time actively and upon request by the competent authorities in the pilot basin using the proposed channels below.
- For the consultation and the active involvement, the key stakeholders in the pilot basin should be identified who will need to be consulted and actively involved in the different phases of the project and the RBM planning.

These key stakeholders have been identified in the Communication Strategy for the Upper Dnieper pilot basin and are included in Part I, Chapter 4 and listed in the Annex.

The REC will organize nine consultations to comply with the requirements on the key points of decision-making in RBM planning and implementation when stakeholder involvement/public participation is required in form of consultation. These will include:

- two regional consultations for the key stakeholders of pilot basins (one for the three Caucasus countries and one for the three Eastern European countries) on the significant water management issues during 2014;
- five consultations at the pilot basin levels on the draft RBMPs (2015); and
- two regional consultations for the key stakeholders of pilot basins (one for the three Caucasus countries and one for the three Eastern European countries) on the implementation of the selected measures (from the Programme of Measures) and future of the RBMP (2015).

#### 2.2.4 *What should be communicated, when and to whom?*

During the implementation of the project, the communication should target the identified specific stakeholders and the general public in the pilot basins.

The key stakeholder groups should be targeted in order to:

- be informed of the general and specific issues related to the planning and implementation of the RBMPs;
- make them aware of the current situation in the pilot basin, as well as of the planned activities and their possible impacts;
- mobilize them to get involved in the dialogue through the existing opportunities; and provide their input/comments in order to find solutions for the problems;
- make them understand what will be the impacts and the benefits of the integrated water management, RBMPs and the selected measures and what could be their role;
- how to change their behaviour to achieve a good status of water, etc.

General messages could be formulated to reach out to the whole basin, such as:

- Integrated river basin management approach: “Together getting the waters cleaner” / Integrated river basin management plans are key to achieving good status of waters;
- IRBM benefits all sectors;
- Water is everyone’s interest.

The key messages to the **stakeholder groups** should be formulated specifically for each pilot basin, and should be concentrated around the key milestones to be achieved in the project and in the RBM planning and implementation in the respective pilot basin, such as:

- significant water management issues, basin analysis reports;
- the draft RBMP and PoM;
- the approved RBMP and PoM;
- the implementation of selected measures and their impacts.

The specific messages for the stakeholder groups are identified in the Part I of the Communication Strategy and Plan.

**The general public** should receive communications, general information about the planned activities in the pilot basin, of the project implementation and its activities and results.

#### 2.2.5 *What are the channels and tools?*

For communication and access to information of the planned activities in the pilot basin and of the project implementation, the public and the stakeholders will be targeted through the following tools:

- Up to date information, documents and draft documents will be placed regularly on the web site of the project as soon as they are ready and available, and on the specific micro websites for the pilot basins and on the web site of the competent authority;

- Newsletter “In the Flow” will be published regularly within the project (every 6 months) with information communicating the activities and results of the project overall and specifically in the pilot basins;
- Links will be made with other relevant web sites (e.g. websites of relevant governmental, scientific institutions, NGOs, as well as with relevant project web sites);
- Articles will be published in local and national media, and information given through TV and radio channels;
- Direct e-mail lists will be used to reach key stakeholders;
- Social media such as Facebook, similar national social media will be used to promote the project results;
- Leaflets will be published within the project about its activities and results including in the pilot basins;
- Press releases will be published, related to events when important milestones are achieved in the project at the basin level (such as River Basin Analysis Report published, RBM Plan and Programme of Measures adopted, selected measures implemented and evaluated)
- Different events will be used related to the project or related to other projects, activities or events when information can be disseminated, or which can be used for public awareness raising, such as World Water Day, Danube Day, Black Sea Day, etc.

It should be also considered, which of the communication tools are effective regarding the individual target groups and the public in the pilot basin. For example, to reach out to the farmers or far away communities may not be possible by electronic communication tools, web site, e-mail, social media but by the traditional media channels (TV, radio) and printed information materials (publications, leaflets).

For public participation (consultation and active involvement):

Key stakeholders should be and will be informed of the public participation opportunities related to the development and implementation of the RBMP, and the activities, events planned in the project related to the pilot basins.

The notification of the public participation opportunities should include:

- The short description of the upcoming public participation opportunity (what is the subject of the decision-making about which the public participation is organized, what is the purpose of the public participation (e.g. feedback, comments, proposals, etc. should be provided)
- Who is the competent authority responsible for the decision-making and the public participation (contact person and address including e-mail , or phone, address of office)
- What is the timing of the decision-making and the public participation procedure: when does the public participation procedure start, and what is the timing of various stages (if relevant)
- What are the opportunities for the public to participate (for consultation: submission of comments in writing or online, or in a meeting; in case of active involvement: what are the ways that people can be involved: River Basin Councils (RBCs), working groups, meetings, consensus conferences, submission of written comments, etc.)

- The time and venue of any envisaged public consultations or hearing(s)
- Who is the competent or relevant public authority from which relevant information can be obtained and where this information can be accessed or has been deposited for examination by the public. That is:
  - The authority that can provide more information if asked and can answer questions;
  - Where all of the detailed information and documents can be examined;
- Who is the competent or relevant public authority or any other official body to which comments or questions can be submitted, and the time schedule for submitting comments or questions (meaning, up until when comments can be given and when they will finally be evaluated);
- An indication of what information is available that is relevant to the proposed decision-making (list of documents and other materials available for public review).

The notification about the opportunities for public participation will be made available on the web site of the project, and the specific micro-web site of the pilot basin in a visible, easily accessible place, and on the web site of the competent authority. It also will be sent to the key stakeholders via e-mail lists. According to the good practice, these lists should be open. Stakeholders can indicate their interest for being included and if the competent authority or project team accepts their request, should get automatically such notifications by e-mail.

It is important to know what are the existing bodies, structures, institutions in the pilot basins where these exist and are used currently or could be used for public participation in the future (e.g. RBCs, working groups, committees, etc).

In Part II of the Communication Strategy it is indicated what public participation opportunities are proposed related to the different project activities in the pilot basins, when and who will be responsible for ensuring them.

Since the project timeline is rather short, immediately after the approval of the Communication Strategies and Communication Plans for the Pilot Basins, information and notification should be made available in the pilot basins on the timetable and work programme for the production of RBMP (including statements of the consultation measures), on the interim overview of significant water management issues (identified in the river basin), and on the draft copies of RBMP (which need to be published and made available for commenting by the public including users).

The WFD prescribes a six month timeframe for the public for the submission of written comments, in order to allow active involvement and consultation on the above documents. According to the planned timeline of the project activities, it will not be possible to comply with these requirements. As best, 3 months is proposed for the timeframe of the consultations as a possible timeframe.

### **2.3 Implementation and update of the Communication Strategies and Communication Plans**

In order to coordinate better the implementation of the Communication Strategies and Plans in the pilot basins, a Communication Committee (CC) is suggested to be established consisting of the country water management experts (CWMEs) and the Project Director or Team Leader (PD/TL). The members of the

Committee will be appointed for the period of the Communication Strategy and Plan (2013-2016). A draft Terms of Reference is proposed for discussion and approval concerning the working mode of the CC (Annex 4).

The more concrete Communication Strategy for the Upper Dnieper pilot basin area is presented in a separate document. The Part II of that document includes the Communication Plan for the Upper Dnieper pilot basin area and describes the more precise specific tasks and actions, timetable, responsibilities related to each phases and proposes a system of evaluation of the success to be achieved for the pilot basin. Based on this, during the project the implementation of the Communication Strategies and Plans in the pilot basins will be regularly (on a yearly basis) evaluated and updated by the Communication Committee.

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## **ANNEX 1: The Water Framework Directive (WFD) - Short summary of the provisions on access to information and public participation**

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In its Preamble the WFD states the basic objectives of the public involvement underlining that that “The success of the directive relies on close cooperation and coherent action of Community, Member State and local level as well as information, consultation and involvement of the public, including users.” (Preamble, provision 14) It also emphasizes that in order to ensure the participation of the public in the process of the establishment and updating of the RBM plans, “it is necessary to provide proper information of planned measures and to report on progress with their implementation with a view to the involvement of the general public before final decisions on the necessary measures are adopted.” (Preamble, provision 46)

The main obligations are described in Article 14 of WFD which requires that the Member State “encourage the active involvement of all interested parties, in particular in the production, review and updating of the river basin management plans.”

For each river basin district the states also need to ensure that they publish and make available for comments to the public, including users:

- A timetable and work programme for the production of plan including statements of the consultation measures (at least three years before the beginning of the period to which the plan refers)
- An interim overview of significant water management issues identified in the river basin (at least two years before the beginning of the period to which the plan refers)
- Draft copies of river basin management plan (at least one year before the beginning of the period to which the plan refers).

In addition, on request the access to background documents and information used for development of the draft river basin management plan should be provided.

The directive also sets a six month timeframe for the public for the submission of written comments, in order to allow active involvement and consultation.

Must cover the following elements:

- A summary of public information and consultation measures taken, their results and the changes to the plan made as a consequence
- Contact points and procedures for obtaining the background documentation and information referred to in Art. 14.1

The plan should summarize the public participation measures and should evaluate their results and impact on the plan.

## ANNEX 2: UNECE Conventions

### Summary of the main requirements of the Aarhus Convention

#### *Access to environmental information:*

- Environmental information should be given to anyone upon request, without an obligation to state any interest in the form requested;
- Environmental information has to be disclosed as soon as possible, but not later than one month following the request, in exceptional and justified cases the time limit for disclosure may be extended up to two months;
- Request for information may be refused only in clearly and precisely defined cases, and the public interest in the disclosure should be taken into account. Information relating to emissions into the environment should be always made public. (These conditions are listed in detail in Article 4 of the Aarhus Convention);
- Any charge for the provision of environmental information may not exceed a reasonable amount.
- Active access to information means that the holder of information (most frequently a public authority) actively releases environmental information without being requested to do so;
- Public authorities must possess and update environmental information which is relevant to their functions;
- This information has to be made actively and effectively accessible for the public, in transparent manner, in various forms (e.g. publicly accessible lists, registers or files, electronic databases, in form of publications such as state of the environment reports);
- Pollutant release and transfer registers (PRTRs) should be developed.

#### *Public participation in environmental decision-making*

- Appropriate public participation must be ensured in decision-making on permitting of certain installations and activities having significant environmental impacts, as well as in decision-making on plans, programmes, policies relating to the environment and during the drafting of legislation;
- The public/public concerned must be informed early in a decision-making procedure, and in an adequate, timely and effective manner, about the details of the process;
- Reasonable timeframes must be ensured, allowing sufficient time for the public to participate effectively;
- Opportunities for public participation should be made available early on, when all options are open and when participation can be effective;
- The public may submit any comments, information, analyses or opinions that it considers relevant to the proposed activity;
- In the decision, due account must be taken of the outcome of the public participation.

*Access to justice in environmental matters*

- When access to information rights are infringed, any person should have access to a review procedure in a court of law or another independent and impartial body established by law.
- Members of the concerned public who When rights for public participation are infringed, the members of the concerned public who have sufficient interest or whose rights are impaired have access to a review procedure in a court of law or another independent and impartial body established by law. Any NGO promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest.
- When national law relating to the environment is violated, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities (if where they meet the criteria, if any, laid down in its national law).

**The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention) - Summary of main requirements for access to information and public participation**

*The Convention sets obligations for the parties:*

- to provide for the widest exchange of information, as early as possible, on issues covered by the provisions of the Convention (Article 6, Exchange of Information)
- to establish joint bodies the task of which will be, inter alia( in Article 9.2, Bilateral and multilateral cooperation):
  - to establish warning and alarm procedures;
  - to serve as a forum for the exchange of information on existing and planned uses of water and related installations that are likely to cause transboundary impact;
  - to promote cooperation and exchange of information on the best available
  - technology (in accordance with the provisions of Article 13) as well as to encourage cooperation in scientific research programmes;
  - to participate in the implementation of environmental impact assessments relating to transboundary waters, in accordance with appropriate international regulations.
- to ensure that information on the conditions of transboundary waters, measures taken or planned to be taken to prevent, control and reduce transboundary impact, and the effectiveness of those measures, is made available to the public (Article 16, Public Information. For this purpose the following information should made available to the public:
  - a) Water-quality objectives;
  - b) Permits issued and the conditions required to be met;
  - c) Results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with the water-quality objectives or the permit conditions;

- d) Results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with the water-quality objectives or the permit conditions.
- to ensure that this information shall be available to the public at all reasonable times for inspection free of charge, and that shall provide members of the public with reasonable facilities for obtaining this information from the Riparian Parties, on payment of reasonable charges, copies of such information. (Article 16, Public Information)

### **The Water and Health Protocol - Summary of main requirements for access to information and public participation**

The Protocol sets obligations for the parties:

- to provide for access to information and public participation in decision-making concerning water and health, to build public awareness of issues, to give the public the opportunity to express its concerns and to enable public authorities to take due account of such concerns. (Article 5),
- to supplement access to information and participation by appropriate access to judicial and administrative review of relevant decisions;
- to ensure appropriate practical and/or other provisions for public participation when national and/or local targets are developed or published for the standards and levels of performance that need to be achieved or maintained for a high level of protection against water-related disease, and when these targets are periodically revised, (Article 6);
- to ensure also appropriate practical and/or other provisions for public participation, when water-management plans in transboundary, national and/or local contexts is developed; (Article 6)
- the public participation should be carried out within a transparent and fair framework, and due account should be taken of the outcome of the public participation;
- to take steps for public awareness arising, education and training (Article 9);
- to make available to the public information held by public authorities is reasonably needed to inform public discussion of target setting, establishment, improvement or maintenance of surveillance and early-warning systems and contingency plans, the promotion of public awareness, education, training, research, development (Article 10);
- to make available in response to a request for other information relevant to the implementation of this Protocol within a reasonable time to the public, free of charge or on payment of reasonable charges if copies are required;
- to make information available not falling under the exemptions included in Article 10.4 taking into account the public interest served by disclosure and whether the information relates to emissions and discharges into the environment.

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## ANNEX 3: Categories of stakeholder groups

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The stakeholder groups generally can be categorized broadly into the following groups:

**Directly affected people** are generally both individuals and groups of people at the local level who are affected or likely to be affected by the development and implementation of RBM planning activities both positively and negatively. The affected individuals and groups in the pilot river basins include member of communities near the river, teachers, students, public health care providers, workers, farmers, fishermen, people involved in tourism and recreation etc. , who depend on the river resources for their livelihoods. Minorities, poor people and women are also included in these groups because they tend to be most vulnerable in that they have the least political power to inform and access planning and decision-making processes.

**Indirectly affected people** are people that live nearby and/or use resources from the pilot basin areas. They may also include people who trade occasionally with directly affected peoples.

The **private sector** are generally project developers or investors both from the region and outside the region who are either directly investing in a project or activities or interested in investments that would become feasible or profitable if a project goes ahead. They are generally focused around the sectors of hydropower, agriculture, forestry, mining, tourism and recreation, navigation, construction, and should include representatives of water users (private entities in fields as above, or their associations), among others.

The **Non-governmental organisations (NGOs)** are groups working at local, national, transboundary and regional levels. NGOs can be divided into several different types including: development-oriented, advocacy, research, and non-profit associations. NGOs may carry out research, design and implement projects, advocacy to influence decision-making around water-related issues or issues which are or may be impacted by the development and implementation of RBM Plans. These groups come from a number of sectors such as environment, water, community development, education, awareness raising, social, humanitarian, and others. Some locally-based NGOs may be representatives of directly affected people and those operating on other levels may have *interests* in the development and implementation of the RBM Plans.

The **research, academic and scientific community** which conduct research on a range of environmental and social issues relevant to the development and implementation of the RBM Plans. They can provide a valuable resource of information for the RBM planning and implementation.

**International or regional organizations, donors and ongoing projects funded by them** consisting mainly of UN agencies, EU, OSCE and others, who are also a major stakeholder group that may have projects in the pilot basins. They may be regional stakeholders who can influence or play a significant role in regional and/or national water and different related resources policies and programmes. This may be through technical assistance to line agencies or through other inputs.

**International Conventions** covering in their scope activities which may directly or indirectly affect the pilot basins (if ratified by the country).

**River Basin Organisations or River Basin Committees other similar structures** where exist in a country, they can play an important role in sub-basin planning processes.

**Governmental sectors and their representatives** at different levels, - other than the competent authorities responsible for the RBM planning,- are also stakeholders who may have information, data, knowledge or activities having an effect or influence on the RBM planning. For example: regional government officials especially dealing with water and environment and their district or local units, covering water management/environmental issues, including impact areas, such as agriculture, industry, navigation, tourism, soil, climate change, nature protection, biodiversity, health, etc. including district water management officials, nature and biodiversity protection offices, nature parks, protected areas, emergency authorities, municipal government officials, municipal waste managers, health officials, etc.

**Upstream or downstream countries**, in case of the transboundary pilot basins, such as in the case of the Upper Dnieper River Belarus/Ukraine and in the case of the Prut River Moldova/Ukraine, should be also considered as stakeholders, and their representatives of government, NGO, and other stakeholders at national and pilot basin level should be informed and involved in the dialogue on RBM planning and implementation. They can provide important information or data for scientific studies as well as to enhance decision-making and may be affected directly or indirectly.

## **ANNEX 4: Terms of Reference Communication Committee**

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### **BACKGROUND:**

Pursuant to the Terms of Reference for Implementation of Public Awareness Strategy a Communication Committee (CC) will be established for the Implementation of the Communication Strategies and Plans of the Pilot Basins. The Committee will work towards better communication and encouraging public involvement in the development and implementation of the RBMPs at the pilot basin level.

### **OBJECTIVE/MISSION:**

Objective of the CC is to help maximize the effectiveness in reaching the targets of the Communication Strategies and Plans at the pilot basin level. The CC will review communications before they are issued in order to ensure consistency in the messages as well as their relevance for the people in the respective basin. Furthermore the CC will lead the yearly evaluation and update process of the Communication Strategies and Plans.

### **COMPOSITION:**

The CC shall consist of the CWMEs and the PD/TL. The members of the Committee will be appointed for the period of the Communication Strategy and Plan (2013-2016). The REC will support the work of the CC by providing Secretariat Services.

### **METHOD OF WORK:**

The CC consultations will be conducted mainly through e-mail, telephone/Skype interactions and through meeting once per year during the Project Steering Committee Meeting.