

Building Local Capacity to Promote Freedom of Information on Environmental Matters in Ukraine



Co-financed by the European Commission's
TACIS Institution Building Partnership
Programme

Summary of the project

In 2006 ARTICLE 19 and EcoPravo-Kyiv started a project to improve the Ukrainian public's access to environmental information and participation in environmental policy development, by encouraging implementation of domestic legislation and international instruments, such as the 1998 so-called Aarhus Convention ("Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters").

This innovative project promotes freedom of expression by linking it with issues affecting people's everyday life, in this case by promoting the public's right to access environmental information. The project also integrates development and environment discourses, by advocating that economic and human development are unsustainable without the right to a safe environment, including clean air and water.

Access to environmental information is crucial in Ukraine where 2 million people face premature deaths due to radiation inflicted health problems 20 years after the Chernobyl disaster; and the 30-km exclusion zone remains one of the most radioactive places on earth. Access to information on radiation pollution due to Chernobyl remains one of the key focuses, but the project also covers information about wider environmental concerns related to access to safe water, deforestation, and preservation of biodiversity and health hazards caused by Soviet era power stations and heavy industries which lack effective pollution control mechanisms. The project has a special focus on three regions: Kyiv, Donetsk and Lviv oblasts.

By bringing together the issues of access to information and environmental protection, the project aims to: raise awareness among the Ukrainian population about ongoing environmental hazards; build the capacity of civil society to empower them to exercise the right to access environmental information; and promote the right of the wider population to participate in environmental decision-making. The project also aims to build the capacity of relevant public officials and governmental agencies to meet their obligations in providing access to official environmental, and related health information directly to the public, as well as through civil society organisations and the media.

This project has been designed by ARTICLE 19 and EcoPravo-Kyiv. It is sponsored by the European Commission's TACIS Institution Building Partnership Programme. Its duration is from May 2006 to April 2008.

In January 2008 two new Ukrainian organisations joined the project: Environment - People - Law, EPL (Lviv) and Rosa Vetrov (Donetsk). They will coordinate training events and campaigning in their regions.

The activities implemented so far are:

**Research on access to environmental information in Ukraine
(September 2006 – November 2007)**

31 in-depth interviews were carried out, as well as extensive desk and in-country research in order to analyse the situation with access to environmental information in Ukraine. Through the research, detailed information was gathered and individual cases were studied, providing an insight into existing problems with access to environmental information from the perspective of various different stakeholders.

Researchers in all three regions (Kyiv, Lviv and Donetsk) conducted interviews with selected 1) public officials, 2) media representatives, 3) NGO representatives and 4) citizens affected by the lack of environmental information, based on questionnaires that were developed for the four categories of interview partners.

As well as providing valuable insights into the existing information flows and information deficiencies when it comes to environmental issues, the study will serve as a basis for a public awareness campaign and a series of training workshops designed to build the capacity of civil society and the media to increase the flow of environmental information to safeguard civil rights and improve participation in public policy making processes. This research will also guide capacity building workshops for public officials, as well as provide recommendations for law and policy reform.

The report, entitled *'For Official Use Only'. Is Post-Chornobyl Ukraine Ready for Access to Information?* will be launched in Kyiv on 31 January 2008.

**Telephone hotline on access to environmental information
(since May 2006)**

A free telephone consultancy service was established by EcoPravo. The hotline provides advice on issues related to access to environmental information to the general public, through personalised and detailed answers. Many of the conversations amount to providing callers with legal advice on their rights and how to pursue these rights in the specific situations they are facing. Many calls concern decisions by the authorities at municipal levels (for example, regarding waste management, public parks and recreation areas, construction projects and others) and originate from people who have concerns about the impact of these decisions on their environment and health.

In some instances cases were taken to court and EcoPravo lawyers working on the hotline provided further legal representation to citizens and organisations. Between 2006 and 2007 there were 5 court cases, with 2 positive outcome. The hotline also serves an educational role, in that: 1. it educates the general public through the information provided on environmental rights and on how to use the legislation; 2. it educates public officials who have to deal with a better informed public; and 3. it is used as a training tool for young environmental lawyers who are working as

volunteers for the hotline (there are very few lawyers specialising in this area and the project provides these young lawyers with a rare opportunity of training).
The hotline can be reached on the Kyiv telephone number: **(044) 599 7885**.

Study tour to London and publication of a small practical guide for Ukrainian officials

(March 2007 / October 2007)

In March 2007 EcoPravo representatives travelled to London for one week to study the mechanisms for the provision of environmental information to the public in the UK. During their visit they visited British institutions, including the UK Department for Environment, Food and Rural Affairs (DEFRA), local councils, NGOs working on environmental issues, and leading British journalists covering environmental issues. The study of the British experience is an important capacity-building element of the project. EcoPravo's learnings from this visit will be multiplied by the publication of a short practical guide for Ukrainian public officials based on British experience and good practices in the area of access to environmental information. The manual will be disseminated to Ukrainian public officials, among others, during training seminars in 2008.

Public awareness campaign and advocacy

(May 2006-April 2008)

An important component of the project is its public awareness and advocacy activities to highlight the need for greater public accountability in environmental matters, and promote the implementation of practical measures by public authorities in this respect.

Postcards and posters were printed to publicise the telephone hotline. A number of media interviews were given by the implementers to Ukrainian media and to the BBC Russian Service. Face-to-face meetings were held with officials of the Ministry of Environment as well as regional officials in Donetsk and Lviv to inform them of the project and its aims.

The forthcoming report on access to environmental information in Ukraine will contain a comprehensive set of recommendations directed at different target groups, such as; public bodies, private businesses, media, and civil society actors. Building on key findings and recommendations from the report, EcoPravo and ARTICLE 19 will develop further public awareness and advocacy work. A launch event of the report is planned after the elections, in October 2007. More postcards and posters, as well as social advertisements in the media will be produced. We will seek one-on-one meetings with officials to introduce and discuss the report's recommendations. As part of the advocacy work, we will lobby for the adoption of a comprehensive Freedom of Information Law in Ukraine.

A number of other activities reaching out to the media will be undertaken (press releases, press conferences, interviews, dissemination of findings through email and Internet).

EcoPravo will hold a series of lectures at schools and universities.

Training workshops for public officials, NGO activists and local stakeholder groups **(January 2008 - April 2008)**

Based on the needs and shortcomings identified through the research, 3 training

workshops for public officials (in Kyiv, Donetsk and Lviv) will draw on both ARTICLE 19, EcoPravo, EPL and Rosa Vetrov's extensive experience of training public actors. They will be based on a methodology and resource material developed by EcoPravo to train public officials in the use of freedom of information (FoI) legislation as it relates to environmental issues, complemented by ARTICLE 19's own FoI training manual. The latter will be adapted to suit the needs of public officials working in the environment sector. The training will focus on familiarising officials with their concrete roles and responsibilities under FoI legislation, to ensure that they are properly equipped with the necessary skills to comply with information requests. The Ukrainian partners will ensure that a number of young public officials are invited to these events, as they are normally more receptive to new trends. A special effort will be made to ensure that a sizeable percentage of participants are women.

In addition, two training workshops will be held in Lviv and Donetsk that are specifically targeted at NGO activists and local stakeholders working on or with a particular interest in environmental issues. The seminars will train participants on: a) how to use existing legal provisions to access information; b) international standards that are immediately applicable in Ukraine, such as the Aarhus Convention; and c) how to campaign and advocate for greater access to environmental information. Young people and women will be specifically invited to these training events: in this way, young people will acquire experience in these issues and women, as a group that is often disadvantaged, will be empowered through the acquisition of specific skills. Relevant materials and background information will be disseminated on these occasions.