

Contribution paper for the OSCE Academic Network's project:

Confidence-Building Measures in the OSCE Economic and Environmental Dimension

Working title:

The potential of the Aarhus Centers as CBMs, good governance tool and civil society development platforms in the SEE countries

Abstract

This research paper looks into the potential that the Aarhus centers have as CBMs and provides comparative analysis of their effectiveness in Albania, Bosnia and Herzegovina, Montenegro and Serbia. As all of these participating states have an OSCE Mission, the paper looks into why in the former Yugoslav Republic of Macedonia¹ there is no Aarhus center despite the fact that water management, waste management and air pollution have caused public protests and requests for responsible governance and as potential crisis elements (to a large extent with inter-ethnic conflict ingredients) they deserve serious conflict prevention attention. The paper provides accounts of the successes that the Aarhus centers have had in the region and discusses what can be done better across a few sectors: interstate cooperation on these global issues, cross border knowledge-sharing, raising public awareness and engaging youth and women in environmental activities. Considering that the Aarhus Centers are platforms where public institutions, local administrations, civil society organizations and the private sector jointly address environmental challenges in their localities and seek solutions, we will look into the factors on which the formation and functioning of these Centers depends.

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¹ For space efficiency the reference to the name of the country (whose constitutional name is Republic of Macedonia) will be used in a shorter version later on in the text (FYR of Macedonia).

Introduction

The paper makes a linkage between environmental issues, public participation in decision-making and conflict resolution, as these topics are often manipulated for political purposes instead of swiftly addressing the priority agendas within the scope of good and responsible governance. We hope that this paper makes a significant contribution to the overall OSCE Academic Network project in suggesting evidence-based policy when it comes to using environmental confidence-building in an effective and purposeful way. Our goal, aligned with the one of the project, was to bring about systematic insights drawn from shared experiences and practice in order to inform future OSCE policy.

The research includes an analysis of the Aarhus centers in Albania, Bosnia and Herzegovina, Montenegro and Serbia and discussions of the findings of interviews conducted with Aarhus Center representatives, OSCE Missions, CSO activists, government officials from the line Ministries. It, then, proposes ways to improve the work and the role that OSCE could have in assisting governments in implementing the Aarhus Convention and/or citizens to better understand and exercise their rights as specified by the Convention. Individual interviews have been conducted based on a two phase methodology. In the first there was a set of interviews and data analysis resulting with initial draft discussed at a project workshop. The second will involve another set of interviews to elicit validation or disagreements with the preliminary analysis, if the project format allows for that.

Our research goal was to produce evidence of successful interventions by the Centers, lists of completed projects and initiatives and if/where applicable instances where the work of the Aarhus Centers in the four selected countries diffused a potential conflict by offering: access to information, public participation in environmental decision-making or access to justice (rights and responsibilities stemming from the Aarhus Convention). We only selected the activities that have had the effect of CBMs in the chosen countries in South East Europe.

The paper looked into the OSCE's potential within its second dimension for re-building trust and co-operation across borders through their joint activities and their active participation in international meetings and transboundary consultations. An important question is also to find out to what extend the Aarhus centers have changed behaviors within the society they are located in (government, CSOs and public) and established long-term mechanisms within states in regard to environmental decision-making processes. In other words if there has been a leap from project to programme scope, which is often prone to fail when tackling a topic depends on multiparty and voluntary involvement and on top of that there are no serious consequences for those countries that do not work on improving their environmental record despite the international requirements. Considering the expertise in negotiation and mediation the authors bring to this project, the paper will inevitably mainstream the efforts for national dialogue these four states have made through or around the activities of the fourteen Aarhus Centers in SEE² to raise concerns and engage in the joint search for cooperative solutions.

The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) in this article is seen more through the good governance and confidence building lenses and the text will not attempt to offer legal analysis. The Convention, however, and its Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) remain the only legally binding horizontal international instruments established to implement Principle 10 of the Rio Declaration on Environment and Development. Promoting these principles in international forums remains essential. "This is true not only for forums dealing directly with environmental issues, but also for related forums, such as the international financial institutions and trade-related organizations, where

² South East Europe

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transparency in decision-making processes that impact the environment is of the utmost importance".³ And yet, despite the commitment to promoting open information and effective engagement of stakeholders in international forums within the scope of the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums, the effectiveness and efficiency of international governance on environmental matters should still be significantly improved. This paper contributes to understanding of the areas where these improvements are essential.

The study on the topic of this research shows that despite the clearly depicted mechanism in practice there is inconsistent compliance with the Convention, including the most basic requirement to provide regular national reports. As the paper is written, one of the SEE countries has been on the Agenda of the Meeting of the Parties to the Aarhus Convention in Geneva where a deep concern was expressed that "the former Yugoslav Republic of Macedonia had not yet submitted its national implementation report for the third reporting cycle — *the only country that had not done so* — and called upon the Compliance Committee to consider the ongoing failure by the former Yugoslav Republic of Macedonia to submit its report for the third cycle".⁴ This is the only country that has no registered Aarhus Center, which raised the research question whether the existence of such a Center would improve the compliance with the Convention, as well as the overall systemic approach to dealing with the three main aspects of the convention: access to information, public participation and access to justice.

The subject of the Convention is in the core of the relationship between people and governments. The Convention is not only an environmental agreement, but also a document about government accountability, transparency and responsiveness. The Aarhus Convention grants the public rights and imposes (on Parties and public authorities) obligations regarding access to information, public participation and access to justice.

The OSCE participating States committed themselves to co-operate on economic, good governance, sustainable development and environmental protection issues in order to tackle the threats and challenges to their security. At the Ministerial Council meeting in Maastricht in 2003 they adopted the OSCE Strategy Document for the Economic and Environmental Dimension. The same document recognizes that environmental degradation, unsustainable use of natural resources and mismanagement of wastes have a substantial impact on the health, welfare, stability and security of our countries. Bearing these concerns in mind, the OSCE is committed together with relevant partners to transform such risks into avenues for co-operation.⁵

Furthermore, the Austrian Chairmanship of the OSCE, through the words of Ambassador Florian Raunig, made the connection between the environment and CBMs as he said at the preparatory meeting in Astana: " "Common challenges linked to the use of natural resources can bring people to work together towards a common goal. We are convinced that environmental co-operation can be a powerful tool for preventing conflicts and building confidence between communities and societies.""⁶

Implementing the Convention highlights the importance of reducing environmental risks while at the same time strengthening good environmental governance. Environmental risk is usually a result from environmental degradation, pollution or mismanagement of different kinds of waste. Good governance

³ UN Economic and Social Council, Economic Commission for Europe, Maastricht Declaration "Transparency as a driving force for environmental democracy", ECE/MP.PP/2014/27/Add.1–ECE/MP.PRTR/2014/2/Add.1, 16/09/2014

⁴ "Findings and recommendations with regard to request ACCC/M/2014/1 concerning compliance by the former Yugoslav Republic of Macedonia Adopted by the Compliance Committee", 4 May 2017, last accessed on 3/7/2017: https://www.unece.org/fileadmin/DAM/env/pp/compliance/Requests_from_the_MOP/ACCC-M-2014-1/M1_The_former_Yugoslav_Republic_of_Macedonia_adopted_advance_unedited.pdf

⁵ OSCE Economic and Environmental Dimension, Factsheet: <http://www.osce.org/eea/30348?download=true>

⁶ <http://www.osce.org/chairmanship/323226>

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reduces these risks, and furthermore these environmental issues are addressed by responsive governments through inclusive decision-making that they instigate and allow for.

As Hartley and Woods argue, despite the understanding that the public participation increases the accountability and transparency of the decision-making process, the “debate continues about exactly how to undertake public participation and confusion remains about when it should commence, the methods that should be used and which members of the public should be consulted”.⁷ This is among the few reasons why in societies where good governance is a challenge, where local and central governance have broken communication channels and where civil society is marginalized or does not have capacity for continuous and dedicated commitment to be the watchdog of the elected officials, it is unlikely that the Aarhus mechanism can be put in motion and will run smoothly.

O’Faircheallaigh suggests that maybe “because its benefits are assumed to be obvious and substantial, the specific rationale for seeking greater public participation is not always clearly articulated. In many cases multiple purposes are listed without differentiation between them or without discussion of how they relate to each other, or of whether certain potential benefits are omitted because they are not considered significant”.⁸ However, the literature offers broader and more detailed options for public participation in the last decade after it was realized that this uncertainty might be behind the low participation. Also, “In the real world of public policy decisions, the issue of public participation is contested and highly political”.⁹

The motivation for this research lies in the premise that environmental cooperation in vulnerable and unstable situations can act as a bridge to improve mutual understanding, and lay the foundations for agreements on transboundary environmental management. Therefore the OSCE can have a significant contribution and impact on people’s lives if it genuinely and cross-dimensionally addresses the challenges of governance, i.e transparency, public participation and rule of law when it comes to something we all care about – maintaining our planet healthy.

The Aarhus Convention

The Ministers of the Member States of the Committee on Environmental Policy, within the European Economic Commission of the United Nations (UNECE) adopted the regulation that brought together human rights and environmental protection. The Convention through its three pillars calls on active participation of all sectors of society in environmental decision-making, as well as democratic cooperation of public authorities, civil society representatives and interested individuals. In this sense the Aarhus Convention is understood as a tool for achieving environmental democracy, as it expects all democratic layers to be put in function - the media, locally elected representatives, central government, NGOs, community initiatives, youth, women, as well as regional and international organizations.

This Convention is a sketch of environmental citizenship, concept widely understood as the rights and obligations people have with regard to the environment. The Aarhus Convention recognizes that every



⁷ N. Hartley, C. Wood / Environmental Impact Assessment Review 25 (2005) 319–340, p. 320

⁸ C. O’Faircheallaigh, Environmental Impact Assessment Review 30(2010)19–27. Elsevier. Available online: May 2009.

⁹ Ibid.

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person has the right to live in an environment adequate to his or her health and well-being, and the duty, both individually and in association with others, to protect and improve the environment for the benefit of present and future generations.¹⁰

The document focuses on this right and stipulates that to be able to assert this right and observe this duty, citizens must have access to information, be entitled to participate in decision-making and have access to justice in environmental matters. It also acknowledges that citizens may need assistance in order to exercise their rights.

The Convention and its Protocol on PRTRs provide a comprehensive framework for governments to engage their public effectively in sustainable development, in greening the economy and in setting and implementing the 2030 Agenda for Sustainable development as well as achieving Sustainable Development Goals (SDGs).

This is where the line between legal provisions and implementation becomes visible, but in some countries it is a very deep gap, not just a line. Having the rights is one thing, but putting them in practice is where the cracks usually start showing. Non-democratic societies have more difficulties implementing the law or the spirit of it. Authoritarian societies have wide democratic deficit, which impedes on exercising the stipulated rights because these regimes feel no genuine need to inform their public, no responsibilities to educate them in order to have their meaningful input, and fear public participation and tend to penalize anyone (person or organization) who would criticize their non-compliance.

This is the reason why in the follow-up documents the Parties felt the urge to remind governments of the importance of protecting environmental activists and whistleblowers, freedom of speech and the safe participation of citizens in decision-making. "Governments should recognize the important role played, as well as the risks faced, by such activists and whistle-blowers, and ensure that they enjoy adequate protection. On the other hand, to reduce the need for whistle-blowers, Governments must ensure transparency as well as remove barriers and overcome challenges to accessing justice. Nowadays the organized actions of citizens, including those related to the environment, have more of an impact on Governments than ever".¹¹ This sets a constructive platform for Governments to strive to ensure openness and transparency, among other in environmental matters, thus providing citizens with a solid basis for meaningful public participation. "In order to achieve this, the Convention's and Protocol's Parties should adapt their national legislation as far as possible".¹²

One of the underlying premises of the Convention is that the public needs to be aware of the procedures for participation in environmental decision-making, have free access to them and know how to use them. It also recognizes that everyone has a role to play when it comes to protecting the environment, from individual citizens to civil society organizations and private businesses.

When reading this developing body of law, it becomes apparent that a serious network of national and supranational bodies will be required in order to provide information to citizens who do not even know that they have certain rights and also increasing responsibilities to protect, preserve and improve the state of the environment and to ensure sustainable and environmentally sound development. Then this would also involve educating local authorities, central level representatives, as well as international organizations' staff whose focus is not in economic and environmental issues per se. All of these layers

¹⁰ Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), done at Aarhus, 25 June 1998.

¹¹ UN Economic and Social Council, Economic Commission for Europe, Maastricht Declaration "Transparency as a driving force for environmental democracy", ECE/MP.PP/2014/27/Add.1–ECE/MP.PRTR/2014/2/Add.1, 16/09/2014

¹² Ibid.

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need well-versed experts who will have a clear mandate, job descriptions, and clearly defined, coordinated and non-overlapping roles.

At the inception of the Aarhus Convention the expectations were high and closely connected to democracy, as it says, it was: "convinced that the implementation of this Convention will contribute to strengthening democracy in the region of the United Nations Economic Commission for Europe". The Convention is open to accession by non-ECE countries, which is subject to approval of the Meeting of the Parties.¹³

In light of the Western Balkan countries set agendas to join the European Union it is important to mention that The European Union has ratified the Convention (decision 2005/370/EC) and is a Party since 18 May 2005. Therefore, the provisions of the Convention apply to the EU institutions, including inter alia the European Commission, the Council and European Environment Agency. Moreover, the Aarhus mechanism will become part of the accession negotiations and as part of this process the SEE countries should without further delay move from harmonizing legislation to implementing what they have committed to.

The Aarhus Convention is also an innovative new and more demanding process for public participation in the negotiation and implementation of international agreements". The public is needed to actively monitor, take notes, analyze, raise concerns and report if this mechanism is to be functional. That places a lot of responsibility and diligent work on the public and suddenly public becomes "me" as part of the demos, the people. It is no longer "the people", meaning "someone else". When this mechanism does not function it is already a clear indicator of how the civil society is organized, how professional the judicial system is, how committed the local authorities are and how informed the media is on the issues of environmental protection. In order for these mechanisms to be put in motion, serious, permanent and professional structures have to be established.

Since 2002, the OSCE has been supporting the formation, operation and networking of Aarhus Centers. The Aarhus Centers assist the governments in implementing the Convention and assist the citizens in understanding and exercising their rights. Through close co-operation with the UNECE Aarhus Convention Secretariat and with the support of the Environmental and Security (ENVSEC) Initiative¹⁴, the Aarhus Centers Network has reached a total of 60 Centers in 14 countries and 4 regions.

Aarhus centers in SEE

To turn the Aarhus Convention's principles into action on the ground, the OSCE through the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA) and the field Missions, began establishing Aarhus Centers (ACs). The first Aarhus Centre was established in Yerevan, Armenia, 15 years ago. Since then, working closely with host governments among its participating States the OSCE has been supporting the establishment, operation and networking of Aarhus Centers. In South East Europe there are 14 out of which: Albania (3), Bosnia and Herzegovina (3), Montenegro (3) and Serbia (5).

This chapter will discuss what has been done across few sectors: interstate cooperation on these global issues, cross border knowledge-sharing among the non-state actors and the state institutions, raising public awareness and engaging youth and women in environmental activities. At the end, a few recommendations for improving the practice, deriving from the conducted interviews, will be offered.

The OCEEA supports the participating States in implementing their commitments under the Aarhus Convention. It has been working on establishing the Aarhus Centers Network which spreads across all

¹³ In SEE this might be a venue to consider in order to include Kosovo prior to a final status settlement.

¹⁴ <http://www.envsec.org/index.php?lang=en>

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OSCE regions and is a major tool for the OCEEA to facilitate environmental dialogue between countries and within countries among a wide array of stakeholders. In close partnership with the UNECE Aarhus Convention Secretariat and the OSCE field operations, the OCEEA supports the promotion of a well-informed and vigorous civil society, able to take part in environmental decision-making.¹⁵

“Aarhus Centers - which aim to raise people's awareness of environmental issues and encourage their participation in decision-making - are springing up across the OSCE region...these OSCE-supported centers promote dialogue among NGOs, the public and state officials. They are also reaching out to the youngest members of society with environmental education initiatives”.¹⁶

Before moving to the specific countries a few common points relevant for most of the Aarhus Centers will be discussed. The need for having Aarhus Centers in the region stems from the facts on the ground. “The region is affected by heavy industrial pollution in urban areas, pollution from the mining sector, intensive agriculture with as yet uncalculated health impacts, and a lack of technology and infrastructure for wastewater and waste management”.¹⁷ This was largely inherited from the socialist times of heavy industry which was accompanied by a general disregard for the environment. “Furthermore, the environmental legislation and institutional framework remained inadequate and under-resourced in all of the region's countries, leading to inefficient practices and poor implementation”.¹⁸

The creation of the Aarhus Centers is different and so are their format and the scope of their work, which depends on the assessed needs and the capacity each Center has. Some ACs are very active and others are not. Some Aarhus centers have maintained the pace of work they had when they were created until today and others have either overestimated their capabilities or progressed beyond expectations. The first ACs were financially supported by the OSCE, through the Missions in the host countries and in most cases were created as a response to a conflict escalation in some environment-connected dispute. The models of the ACs depend on the negotiations with the government, the actors already on the ground and the available profile of employees. Most of the ACs are managed by a board consisting of representatives from government and civil society. The challenge is to find capable and trained staff. For instance the lawyers trained by the OSCE Missions sometimes choose to work on more commercial cases and different legislation, usually much better paid. The environmental lawyers usually get involved not for the money, but for reputation and for their personal passion to do something good for the environment.¹⁹

Another big challenge is the funding as most of the environmental programmes in SEE are part of the development work of the foreign donors. The Centers in the capitals are usually much easier to operate because of more and better available resources in both financial and human capital. However, for those to have a good overview and to be able to receive information from different parts of the country it is crucial that they have an available network of NGOs and maybe even other Aarhus Centers in the other regions, which is usually not easy to finance and especially not to make it sustainable and not donor-dependent. Also, the funding should have almost entrepreneurial shape in a sense that it cannot just be imported as an already existing recipe from outside. What it needs is to be embedded into the recipient communities, so that they feel responsible for the outcome of their input, as well as to understand that they can benefit more if they invest more of their resources and capacities. Basically, that the shape of

¹⁵ OSCE Economic and Environmental Dimension, Factsheet: <http://www.osce.org/eea/30348?download=true>

¹⁶ Sarah MacGregor, “The Aarhus Center – Model for environmental Co-operation” 2005. OSCE Office in Yerevan: <http://www.osce.org/yerevan/57440>

¹⁷ The EVSEC Initiative. “Opportunities for Regional Cooperation”.

¹⁸ Emma Hakala, “[Cooperation for the Enhancement of Environmental Citizenship in the Context of Securitization: The Case of an OSCE Project in Serbia](#)”, *Journal of Civil Society*. Vol. 8, Issue. 4: Citizenship, Civil Society and Development: Interconnections in a global world. 2012

¹⁹ As explained by one of the interviewees.

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their environment depends on them if there is a functional and well maintained system of respected rights and implemented responsibilities.

The Environment and Security (ENVSEC) Initiative²⁰ realized the creation of new Aarhus Centers in Bosnia and Herzegovina (Sarajevo), Montenegro (Podgorica and Nikšić) and Serbia (Kragujevac, Novi Sad, Subotica), and supported those already in operation in Albania (Tirana, Shkodra and Vlora). This initiative is funded by Austria, Belgium, the Netherlands, Czech Republic, the Canadian International Development Agency (CIDA), Finland, and Sweden through the Swedish Environmental Protection Agency (SEPA). The ENVSEC Initiative addresses the critical links between environmental management, human security, conflict prevention and sustainable development in localities that are vulnerable to conflicts and tension and it is these pillars that were the foundation of creating the Aarhus Centers in this region. Under OSCE's leadership ENVSEC has been supporting 41 ACs in 12 countries. The plan was that these ACs raise public awareness, organize public hearings on strategies and projects with environmental implications, provide legal advice, serve as outreach facilities and monitor environmental hotspots. They were hosted by the Ministries of Environment, local governance units, NGOs and were to be governed by Advisory Boards, made up by government and NGO representatives. They are all connected in an Aarhus Centers Network, financially supported by ENVSEC, OSCE and its Missions, as well as a few bilateral donors.

The cooperation in SEE has been established through this and other initiatives and there are now regular regional meetings. The countries that do not have Aarhus Centers – FYR of Macedonia for instance, do not get invited to participate as equal partner, which excludes them from the latest discussions and proposed actions for the near future. They are missing out on all the regional initiatives, but they are also not on the monitoring radar of the international initiatives as no one reports on their current situation.

There are no Aarhus Centers in Kosovo as well, probably out of concern not to violate UNSCR 1244, but at least attempts can be made to include their NGOs in the debates and get them to participate in the Convention's implementation and ask their authorities to slowly become familiar with what their governance have to shift towards in order to catch up with the region. Despite the different reasons why there are no representatives from Macedonia and Kosovo it would still make a big difference to at least have focal points from their governments and NGO sector to attend the regional meetings and participate in their initiatives.

Whether the environmental issues will make it on the national political priority list depends on whether there are budgetary allocations for the Ministries of Environment and local government units for environmental issues. This means that the prioritization comes from the top and is connected to the budget. This is where the commitment of the country is shown and the international community will eventually, though slowly, have to hand over these national processes to the local political systems that cannot be fed by international donations and project money. The Aarhus process has to be carefully maintained as it can easily lead to destroying what was built until now. However, governments should be reminded that public money should be reinvested in matters and initiatives that matter to the public and also in mechanisms that will defend their democratic right to participation in the decision-making, their access to justice and the right to be timely and efficiently informed when their environment is concerned.

Under this section and interwoven in the text for each of the countries we analyzed, we provide the required national report, comprised of information collected in the interviews with different actors. The shared views and opinions are summarized in order to provide ideas for the role the OSCE might play in the fields of environmental security and cooperation.

²⁰ More about the Initiative, founded in 2003 with the aim of transforming environment and security risks into regional cooperation, of which the OSCE is among its six partners can be found on: www.envsec.org

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Albania

In July 2006 the OSCE Presence in Albania signed a Memorandum of Understanding (MoU) with the Ministry of Environment, Forestry and Water Administration (MEFWA) on "Collaboration in the field of Environmental information and implementation of the Aarhus Convention requirements in Albania". Under this agreement the three Aarhus Information Centers were established. This national network currently consists of one government (Tirana) and two civil society facilities operating under a MoU outlining their common commitment to upholding Aarhus principles. The Centers were opened as a result of an OSCE intervention, following unrests and protests, which initiated wider discussions in connection to a power plant project invested by World Bank for which Albania was found non-compliant. Environment became a security threat. Civil society centers were used in the beginning in order to make sure that the CSOs will have control over the discussions and public hearings. An Aarhus Compliance Committee was created as a result of joint discussions with all stakeholders and with an aim of better information flow. Their meetings were at the Ministry, now with proper agenda and with participation by all interested individuals and groups etc. This, however, created a venue to argue and the gap started becoming even bigger in the beginning because the process was rather distributive and all the actors were defending their turf, rather than seeking for venues for integrative approaches and possible concessions. In the meantime, the OSCE was training a lot of governmental officials, media and judges. Until 2010, the OSCE Presence in Albania had one international and one local staff working on environmental issues. Since then, environment is covered by just one local incumbent.

The OSCE Presence through extra budgetary funds covered two salaries and some very small amount per month for equipment or so, for five years. Now, in an attempt to achieve sustainability without depending only on OSCE funding, the ACs apply for their funds and the OSCE, with its limited human resources support them in that endeavor.

As a result of the creation of the three ACs, out of which one is more of an Information center within the MoE in Tirana, two hydropower cases made it to court. The ACs cannot file a complaint; their role is to be channel of communication and mediation, but they certainly had a vital role in the process that lead to court procedures as part of the right to access to justice.

At this stage, and as part of the pre-accession preparations, in most of the SEE countries, the environmental initiatives and the Aarhus responsibilities resonate much better with the EU programmes, hence there are EU financed projects and those are usually the main and highest financial contributions in the sector. For example, an EU-funded programme on early warning system and flood prevention started recently in Albania. This programme aims at improving the legal and institutional framework on Early Warning, Flood Management, Civil Protection and Emergency Planning; the development of Flood Hazard Maps according to the provisions of EU Floods Directive; awareness raising campaigns; support to Albanian institutions in accessing the European Union Civil Protection Mechanism and the improvement of Flood Early Warning and integration into the European Flood Awareness System. There are many capacity-building activities planned and those include technical and dissemination workshops, advisory and technical missions as well as trainings and exchange of experts. Project activities will be shared through online platforms, media and events in order to inform the public. So, this is a natural development having in mind the limited resources OSCE offers, and usually despite its mandate in the specific countries and without having Economic and Environmental Departments or even Sections. Therefore, if the OSCE still feels that it can contribute to this new stage where the EU Delegations will have the leading role, sometimes supported by the World Bank, USAID, INGOs and other international actors, it would have to think of specific value the organization can bring in the environmental development and provide guidance and support from Vienna.

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Bosnia and Herzegovina

Bosnia and Herzegovina ratified the Convention in 2008. As part of a regional project "Enhancing the implementation of the Aarhus Convention in South East Europe" the OSCE Mission in collaboration with the municipality of Sarajevo opened the first Aarhus Center in 2012 in order to promote understanding and implementation of the Convention, as well as cooperation among the authorities, civil society, judiciary, private sector, media and the general public regarding environmental matters. The OSCE Mission has provided strengthening of its human resources. ²¹ In the first two years of its work the AC in Sarajevo provided legal assistance in ten cases, which as a result made it to the courts.

BiH has 3 Aarhus Centers – Sarajevo, Banja Luka and Tuzla. The Center in Sarajevo has four employees and a network of experts and volunteers engaged when needed for project implementation. They also have a 6-member Advisory board, which includes a member from the municipality of Sarajevo, OSCE Mission in BiH, Ministry of trade and economic relations/environment department, one NGO and two media representatives. The board reports to the Municipality and the OSCE Mission twice a year.

The creation of the Aarhus Centers in BiH was a process that led to the Government requesting that they want to have ACs. The first one was opened in 2012 and was followed by hosting 2 meetings with OSCE missions from the region where their views and experiences were heard. In 2013 Banja Luka (Center for environment) and Tuzla (Center for Ecology and Energy) joined the network because they were capable NGOs who could contribute and expand the work in different parts of the country.

Montenegro

The Aarhus Centres in Montenegro have different institutional affiliations and jurisdictions. The Aarhus Centers in Podgorica and Berane are part of the State Agency of Environmental Protection and the Aarhus Centre in Nikšić is part of the NGO Environmental Movement "Ozon". "The Network of Aarhus Centers in Montenegro performs a significant number of its activities with the aim to support a proactive approach in the work of the institutional system and an active role of the public in the process of decision making concerning environment on every level and all three branches of authority. Aarhus Centers recognize the importance of informing the public on time and adequately, and through joint and individual activities make contribution in that direction".²²

The work and support they offer to the institutions was noticed and commended by the European Commission in the last four progress reports on Montenegro's EU integration.

Serbia

The OSCE in Serbia claims to be working on developing a sustainable partnership between the authorities and civil society on environmental issues. To help the judiciary, police, local administrations, and other institutions implement the environmental legislation, the OSCE Mission organizes training seminars and other capacity-building events. It also assisted the authorities in developing disaster preparedness and response system.

"Serbia only acceded the Convention in 2009, prompting the OSCE to start a new project of its own on the topic in the following year. This may have been partly related to the useful way in which the

²¹ Aarhus Center work Report 2012-2015. Last accessed on 10 July:
<http://aarhus.ba/sarajevo/images/docs/IZVJESTAJ%20O%20RADU%20AC%20SA.pdf>

²² "Aarhus Centres' activities in fostering transparency and public participation in environmental matters in Montenegro", presentation at a joint meeting in Vienna in 2016 by Mr. Aleksandar Perovic, Director, Aarhus Centre Niksic, Environmental Movement "Ozon", Montenegro. <http://www.osce.org/secretariat/285031>

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Convention combines many of the OSCE's focal areas, including democracy, regional stability, capacity building, and, to a lesser degree, the environment".²³ So, the project started by opening the first Aarhus Centers in Kragujevac, then Subotica and Novi Sad followed soon after. In the first wave the guidebook for municipalities on how to implement the Convention was prepared. In 2012 the AC in Niš was opened and in 2015 the one in New Belgrade. In order for the work of these centers to start on the right footing, the Ministry of Agriculture, supported by the OSCE Mission prepared two very important publications in 2013 and 2014 and they explained and listed all of the legal instruments of environmental protection and analyses of national and international legislation regulating damages to the environment

All of these ACs are unlike the others in many ways. For instance the one in Novi Sad is founded with cooperation efforts of 12 municipalities and services their needs by providing certified trainings in variety of topics in the environmental protection, but also CSO matters and human rights.

In 2015 the regional component of the Aarhus centers got even stronger when 13 ACs from SEE signed a statement on cooperation, which was put in practice by applying for a joined regional project under the EU Civil Society and Media Facility Programme. The project involved a partner from FYR of Macedonia, Milieu kontakt. The Aarhus Centers agreed to work on transboundary issues related to water management and analysis of laws, including further work on a joint strategy and communication plan for the region, as well as capacity building to a larger number of NGOs in smaller communities throughout SEE. By the end of 2015, the project received information that it was on a reserve list, but there has been no further communication from the European Commission in Brussels.

Regardless of the outcome, the experience was reported to be valuable and there is hope that in the near future their joint applications might be evaluated positively and granted with the necessary financial support in order to achieve more and longer-term goals.

Areas of improvement would include:

- **Longer term commitment** will bring more effective work and the OSCE usually cannot afford that as its work is based on annual budget (in recent years its approval by the PC has been delayed for more than 4-5 months) and programmes, which in reality provides for a very short project implementation phase. Therefore initiatives like ENVSEC are essential in order to make sure the start-up Aarhus centers can survive and can maintain their workload, initiatives and impact. However, since 2016 the funds for ENVSEC are also limited and a more sustainable solution has to be found.
- Some of the ACs have been included in the reporting process and they are given space to participate in the final drafts of the national report. However, in countries where this is not the case, a useful tool might be to initiate a process to support the Aarhus Centers in preparing **shadow reports** based on the compliance reports required by the Aarhus Secretariat and prepared by the signatories (states). These shadow reports would be prepared by the Aarhus Centers in cooperation with other environmental NGOs and would show the different perceptions of how the country complied with the Convention. As a good governance mechanism this could provide for more realistic national reports and increased constructive input by the NGOs working in this area, as they should be the checks and balances of a political system that should be aware that it is being watched by its constituency. This would then have to be reflected in the EU

²³ Emma Hakala, "[Cooperation for the Enhancement of Environmental Citizenship in the Context of Securitization: The Case of an OSCE Project in Serbia](#)", *Journal of Civil Society*. Vol. 8, Issue. 4: Citizenship, Civil Society and Development: Interconnections in a global world. 2012

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Accession Report, which in the SEE countries is the highest and most relevant mechanism to measure progress or lack thereof.

- Environmental issues, as they are not limited to nation-states borders can and should be negotiated among states. However, as the SEE countries, due to the recent wars, armed conflicts and the collapse of their previous political systems, are still in transition towards functioning democracies there should be no expectations that they can follow through with all of the requirements stemming from a comprehensive and inclusive mechanism, like the Aarhus one. It should be expected that there will be need for both support and monitoring, until a level of sustainability is achieved. The merit of environmental citizenship is very likely to be correlated with the level of democracy in the country. For this reason the state is not likely to be sufficient playfield to fully capture the concept. NGOs, even though influential in some areas, are weak to influence the institutional and legislative frameworks on higher level.²⁴ International organizations and agencies may have a critical role as they tend to have more leverage and capacity to voice demands that would otherwise not be heard and require cooperation to resolve them (Jelin, 2000, p. 57). However, the IGOs should be careful not to assume the role of a local NGO and become their competition as that might have a systemic effect of deterioration on the emerging democracies.
- As the OSCE 2008 Evaluation report suggested (and it is still a serious and not sufficiently developed need) more opportunities should be explored at all levels (government, OSCE, ACs) to **partner with the business community** within the framework of ACs. The Report suggested exploring the UN Global Compact initiative²⁵, among others. In exploring private sector partnerships it is important to pay attention to the issue of "conflict of interest" and it is essential to ensure that compromises over the AC's objectives are not made in pursuit of financial sustainability. It is important to prevent potential collusion of interest or straight forward corruption which more often occurs when governments and the public are not informed of the due diligence process required for PPPs and other forms of financing.
- More and country-specific efforts will have to be put in the justice component. In most of the countries the number of cases that made it to the courts is very low, which defeats the essence of the concept. "Environmental justice cannot be obtained if there are no provisions or financial means for it. In the Western Balkans, the EU accession process has had a considerable effect in facilitating environmental institution-building at the national level, but some work still remains to be done".²⁶

The strengths and needs of the Aarhus Centers

Considering the Aarhus Centers are platforms where public institutions, local administrations, civil society organizations and the private sector jointly address environmental challenges in their localities and seek solutions, we examined the factors on which the formation and functioning of these Centers depends. More specifically, we analyzed whether their staff received capacity building trainings and whether as part of their work in providing information to the public the ACs provide trainings to other groups once trained themselves. The table below specifies if the training programmes were regional or country-based.

²⁴ Emma Hakala, "[Cooperation for the Enhancement of Environmental Citizenship in the Context of Securitization: The Case of an OSCE Project in Serbia](#)", *Journal of Civil Society*. Vol. 8, Issue. 4: Citizenship, Civil Society and Development: Interconnections in a global world. 2012

²⁵ , <http://www.unglobalcompact.org>

²⁶ Ibid.

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Aarhus Center	Initial financial support	Capacity building received/by	Capacity building delivered/to	Number and roles of staff
Albania				
Shkodra	OSCE Presence Albania		Media, civil society activists, youth	director, project assistant, a 7 members board originating from civil society and state institutions, volunteers and project staff
Tirana	OSCE Presence Albania, but as part of the MoE's ICT department		Media, judges, civil society activists	
Vlora	OSCE Presence Albania		Youth, municipal officials	
Bosnia and Herzegovina				
Tuzla				
Sarajevo	OSCE Mission in BiH, Municipality of Sarajevo			
Banja Luka				
Montenegro				
Nikšić	OSCE Mission in Montenegro through ENVSEC Initiative			1 executive director and board. The AC is part of the "Ozon" environmental movement
Podgorica				
Berane				
Serbia				
Kragujevac	Ministry of environment and spatial planning, OSCE Mission in city of Kragujevac			
New Belgrade	OSCE Mission			
Novi Sad	12 municipalities, Ministry of environment, Environmental Fund and the OSCE Mission			3 employees and 5 volunteers
Niš	OSCE Mission			
Subotica	Open University, OSCE Mission		Board members, community leaders, inspectors, experts in environmental protection, urbanism, agriculture, eco organizations, lawyers, journalists and citizens	

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Since 2003, the OSCE has been supporting the creation of Aarhus Centers and Public Environmental Information Centers (PEIC), in close co-operation with the Environment and Security (ENVSEC) Initiative. The Centers provide a meeting place and a link between the government, individuals, businesses, academia, judiciary and civil society. The main objective is to improve the outreach of activities and environmental information to citizens, thereby increasing their awareness and possibility to influence their participation as only well informed and engaged citizens can contribute to creation of effective environmental policy.

These initiatives have helped provide a forum through which State officials from environment related ministries and members of environmental NGOs can meet to discuss and resolve environmental issues. Regional co-operation is important and provides for information sharing and capacity building of those who attend the regional meetings and seminars. In light of the work ENVSEC does in particular as the environmental security threats are often cross-border, requiring a co-operative approach to finding solutions.

The good development in the Aarhus Network is that slowly they are also becoming more and more engaged at the regional and international levels through their joint activities across borders, and their active participation in international meetings, transboundary consultations and decision-making processes.²⁷ This increases the urgency of compliance with the convention, urges countries to join their neighbors in offering similar services in their local communities, as well as to achieve the benchmarks they set jointly. In societies where the pressure is unlikely to come from the base, from those who are mostly affected due to lack of organized venues for joint action and distrust in the impact they can have on the corrupt system, it is necessary to have the transboundary push among peers. It is also a valuable venue for recognition and further motivation, especially for the civil society and even more when they have not very cooperative relationship with the elected officials on both local and national level who are underperforming and dismissive of the NGO inputs.

Needs:

A research project, based on interviews with local OSCE and NGO officials that analyzed the work of the Aarhus Centers in Serbia found that: "the biggest problems lie in the lack of cooperation between different levels of administration and their interaction with the civil society. In addition, the reinforcement of environmental citizenship requires a distinctly cross-sectoral, comprehensive approach. International organizations can work as mediators and ease these processes, but at the same time they should aim to leave the responsibility for the cooperation to the local level".²⁸

This lack of cooperation can be registered not only for the individual in-country dynamics, but also in the attempts to standardize the actors, their roles, the implementation of the Aarhus mechanism, as well as the roles of both local and international actors. There is a very high need of improved national dialogue, but also international guidance on responsibilities and structures that can provide continuous support and avoid overlap.

There is also a need to unify the local OSCE Missions in their involvement and guidance on this matter, at least until a basic structure capable of implementing the core of the Aarhus Convention is established and functional in the countries in the region. Their assistance should be identified in cooperation with the line ministries and the NGOs and they should serve as the focal points for the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA) despite their mandates which sometimes do

²⁷ OSCE. Aarhus Centers brochure. Office of the Co-ordinator of OSCE Economic and Environmental Activities.

<http://www.osce.org/resources/factsheets/aarhus-centres?download=true>

²⁸ Emma Hakala, "Cooperation for the Enhancement of Environmental Citizenship in the Context of Securitization: The Case of an OSCE Project in Serbia", *Journal of Civil Society*. Vol. 8, Issue. 4: Citizenship, Civil Society and Development: Interconnections in a global world. 2012

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not include specifically work in the second dimension. Yet, some Missions do extensive work in this area and others do not even reflect this dimension in their structures as if the OSCE does not recognize the close connection between the environment and security, which defeats the OSCE's aim "to strengthen co-operation on environmental issues as part of a broader effort to prevent conflict, build mutual confidence and promote good neighborly relations", as stated on the OSCE website.²⁹

It is important to understand that the staff working on this should not have portfolios outside of the Aarhus scope. "It is important that the staff assigned for the ACs, particularly the AC Managers, in case of government-hosted ACs, is easily accessible and devote their full time to AC related activities and not give their time and attention to other assignments. It is also recommended that the AC teams, to the extent possible, involve IT experts, lawyers and training experts for effective delivery of the AC functions".³⁰

Initiatives and successes by the existing Aarhus Centers

A lot of the Centers were created from already existing local NGOs that were given the impetus to serve as Aarhus related units. That for them is a great opportunity to become more relevant in their communities, to be consulted by both local and national level authorities, to serve as a link between the elected officials and the public. They are usually best placed to promote partnerships and provide continuous education through carefully crafted training programmes.



Access to information

In most of the countries, ACs play a key role in providing dialog and communication between governmental authorities and the public.³¹ Through many of the projects, the Centers managed to improve their information boards, websites, facebook pages etc. They have taken part in academic compilation of legal provisions, manuals, brochures and various other publications that have been made available to their citizens. Some of it is even available in English. Few of the ACs, like the one in Subotica can be very proud of their library, which serves as a valuable platform for increased and improved access to information, and considering it is situated at the University it targets the young population that can make a significant change in their future endeavors. Since the establishment of the ACs and due to the EU accession negotiations in the region, this component of the Convention has been the reason for many public events, seminars, trainings, regular municipal and communities meetings, as well as international ACs network meetings. One very positive initiative is the "Green Star" annual award that since 2011 was organized by the Aarhus Centers with the support of the OSCE Mission to Montenegro. For five years, the Green Star was awarded in several categories to a total of 30 laureates from different organizations (international institutions, civil society organizations, the media, civic initiatives, businesses, individuals) and has increased the public awareness as well as the inter-sectoral cooperation and better understanding of who does what.



Public participation in environmental decision-making

The concept has long been contested and subject to a range of definitions (Bishop and Davis, 2002). Some analysts insist that use of the term is only justified when the public is actively involved and where decision makers are substantially influenced by that involvement. Others, like O'Faircheallaigh (2009) suggest that any interaction between the government, corporate actors and the public should be

²⁹ <http://www.osce.org/environmental-activities>, last accessed on 2 July 2017.

³⁰ OSCE. Independent Evaluation of the Aarhus Centers. 2008. <http://www.osce.org/eea/33674?download=true>

³¹ OSCE. Independent Evaluation of the Aarhus Centers. 2008. <http://www.osce.org/eea/33674?download=true>

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considered under this term, without taking into account the level of involvement. In that sense the public can be involved as recipients of information, where their input is not expected and seen as of less value.

Public participation can also mean something completely different when designed to ensure that all relevant information, including input from those affected, is available so that the decision-maker can make the most informed and well-considered decision (Hartley and Wood, 2005).

It is essential that the AC defines the type and reasons for the chosen public participation, otherwise the assistance from the International Community will be mismatching the situation and potentially even harm the process if ill-informed. Decision-makers, for instance, who are open to many inputs, are likely to benefit from a mediation framework design. Those who need the public only to inform them about the strategies, actions and talk in front of constituencies in a regular follow-up setting, see themselves as the leader who has to provide solutions and knows the best way in that direction (otherwise someone else should be in their position). Hence, providing trainings in dialogue facilitation, public participation methodology etc., will not be appreciated and will not change the authoritarian practices.

Public participation, as the term insinuates, is not the voice of one, but of many. And the more people the more perspectives and interests. Some of these might be conflicting and in order to insure proper public participation the various actors need to know that the decision-makers will take into consideration their firm positions, beliefs or values and will not allow one worldview to dominate the others entirely. Because if they do, and especially in lack of proper response process where they have to justify their decision (accountability), the public's participation has not lead to inclusiveness, therefore certain groups are unlikely to repeat that unpleasant defeat by the more powerful and are unlikely to play again the participation game in which they are expected to lose.

As Hartley and Wood argue, it is the public or parts of it that is concerned as they experience the environmental and social impact; hence it is unethical and undemocratic to exclude them from the decision-making. This raises the question and need for defining the nature of that involvement. There are proponents for both opposing stands. The first being that no decision should be made without public consent and the other that the extent to which the public is involved can vary and even if it is only informative sessions where the citizens acquire knowledge that still falls under fulfilling the procedural responsibility, i.e. "checking the box". A good point raised by Esteves and Vanclay is that: "the powerless in society are in fact the least likely to participate, both because they lack the resources to do so and often find the processes involved alien and intimidating".³²

These academic considerations were most likely taken into consideration in 2013 when the ACs Network in Bosnia and Herzegovina started organizing public consultations in the preparation phase of the second national report on the implementation of the Convention. The AC in Sarajevo in cooperation with the Ministry of external trade and economic relations and the OSCE Mission organized public debates in Sarajevo and Mostar that are reported to be first of its kind.



Access to justice

As mentioned in the previous chapter thanks to the creation of the Aarhus Centers in BiH already 10 cases made it to the courts and legal assistance was provided. In Albania two cases were taken to court and even have their judgments which were on the side of the environmentalists. The fact that there is legal support, information to the affected populations about their rights and protocols on how they can realize them in their community will increase the faith in the system that is no longer there to protect only

³² Esteves, A.M. & Vanclay, F. "Social Development Needs Analysis as a tool for SIA to guide corporate-community investment: Applications in the minerals industry". *Environmental Impact Assessment Review* 29(2), 137-145. 2009

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the powerful and those who are above the law. This component is a necessary tool in the SEE region's attempts to improve the rule of law and to prevent or punish illegal actions despite their financially lucrative incentives.

The countries with no Aarhus Centers – FYR of Macedonia

Even though in most of the Central Asian countries the work of the Aarhus Centers is based on an agreement between the OSCE and the Ministry of Environment, in some Missions there is no explicit mandate for the second dimension. The Aarhus Centers are usually supported by the Office of the Co-ordinator for OSCE Economic and Environmental Activities and by OSCE field operations. It would be worth finding out whether in spite of its limited mandates some countries managed to activate its potential and to benefit from OSCE's support. The Macedonian case is part of this research in order to shed light on what can be done when this typical birth of Aarhus centers is not provided despite the fact that the country has a substantial Mission that has been hosted by this former Yugoslav Republic since 1992. The original mandate is from that time, i.e, pre-Aarhus and its only amendment is within the Ohrid Framework Agreement, which put an end to the 2001 armed conflict and was meant to guarantee the participation of all ethnic communities in political, social and cultural life. This is its narrow mandate, but more broadly it also covers police and legislative reforms, rule of law and different areas of good governance. If the Skopje Mission decides to get involved in implementing initiatives from this dimension, it would have to be under the good governance or democratization umbrella. As the parties to the Ohrid Framework Agreement envisaged there was to be "assistance needed by the international community in the process of strengthening local self-government" and there was a call made for "enhancing the competencies of the local governance in the areas of public services, urban and rural planning, *environmental protection*, local economic development, culture, local finances, education, social welfare, and health care". These two provisions could be interpreted as invitation to assist the locally elected officials in environmental matters, at least on municipal level. So far, however, they were interpreted, by more than one senior management of the Mission, differently.

In comparison the Mandate of the Mission in Serbia mentions work in the second dimension only when listing the co-operation the Mission will have with the OSCE Institutions and among the others mentions the Co-ordinator of OSCE Economic and Environmental Activities. Yet in the previous chapter we discussed the work of the five active Aarhus Centers there and the work they have been doing, in majority of the cases supported by the Mission.

Another way to circumvent the "lack of mandate" argument could be to use the argument of the 2006 Georgia meeting where it was assessed that support to the 3rd pillar (Access to justice) of the Aarhus Convention could be strengthened. Based on the conclusions of this meeting, the OSCE is supporting additional activities to promote the third pillar in the ongoing work of the Aarhus Centers. The Mission in Skopje could provide assistance under its Rule of Law programmes, train lawyers and offer monitoring of court cases, as well as legal analyses with aim of sharing lessons learnt from the OSCE region. Similar such initiative from 2007 was recorded in Ukraine where the OSCE organized training for Court judges, including Supreme and Constitutional Courts, and Judicial Training Centre staff.

In the meantime there is one local NGO, the heir of the Dutch-based INGO Milieu Kontakt, which has the ambition to become the third Aarhus center (there were two unsuccessful attempts by two smaller NGOs - Florozon from Skopje and Biosfera from Bitola). They have been included in consultations with the Ministry of Environment and special planning and have already a track record of providing training and

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building the capacities of groups and advocates not in the capital, supporting the effective participation of the general public on municipal level, as well as implementing the concept of Green Agenda.³³

As it was assessed on the regional meeting where the ACs from SEE were discussing the ways in which the public participation can be strengthened in transboundary water management in Tirana in 2015, the most promising approach for public participation is by building a network of Aarhus Centers in neighboring countries, i.e. regional network of ACs and application of Information Technologies for better dissemination of information to the public.³⁴ In light of this recommendation and in order to be informed about the best regional approaches and future transboundary initiatives, it would be very useful if the FYR of Macedonia had its representatives on such forums and active Aarhus Center(s).

OSCE's Potential

The paper examines the OSCE's potential within its second dimension for re-building trust and co-operation within the SEE countries, but also across borders through their joint activities and their active participation in international meetings and transboundary consultations. It is hard to evaluate the increase of measures due to raising these topics by providing the Aarhus platform, but an important indicator would be also to analyze the extent to which the Aarhus centers have changed behaviors within the society (government, CSOs and public) and established long-term mechanisms within states in environmental decision-making processes. In other words it is important to assess if there has been a leap from project to programme scope, which is often prone to fail when tackling a topic depends on multiparty and voluntary involvement. The reason for such failure is that there are no serious consequences for those countries that do not work on improving their environmental record despite the international requirements and there is also lack of internal mechanisms for reporting on these failures.

The OSCE is well equipped and can contribute to all of the pillars of the Convention. It can, as it has in some countries of South East Europe, support the creation of the Aarhus centers, support their initiatives, provide expertise and guidance, identify systematic deficiencies, coordinate if requested regular meetings (both national and regional) as the OSCE has a well devised conflict analyses and early warning toolbox. Another valuable role OSCE can play would be to assist the dialogue facilitation when an environmental issue becomes a reason for conflict and threatens the security, which is likely to be fragile and easily manipulated. The OSCE should also volunteer to provide mediation services and increase the confidence among the conflicting parties, as mediation is one of the most efficient ways to avoid unnecessary conflict and to re-establish confidence and is not necessarily a skill that is easy to find among the other agents involved in environmental governance.

The OSCE could insist on inclusiveness when it comes to women and youth in the decision-making on environmental issues. All of these areas can be assisted either through the Secretariat, the OCEEA and their network or where there is a Mission there should be a programmatic and budgetary allocation, as well as, at least a few economic/environmental positions within a Mission. If the programme outline and the unified budget proposal (UBP) do not allow for structural changes, we would recommend that staff from democratization, good governance, monitoring, HoM's Office (or few positions in order to create a

³³ The concept of Green Agenda was first developed in Romania, by Milieukontakt and its local partner Focus Eco Centre. The success of that effort has convinced Milieukontakt that this method is a powerful tool to really bring about positive and lasting change. The idea of the implementation of the Green Agenda originates from the Local Agenda 21, introduced globally at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992. The Green Agenda starts out with local natural and cultural values, and focuses on identifying win-win scenarios for local sustainable development. Economic and social factors are taken into account in these scenarios. <http://milieukontakt.mk/green-agenda/>

³⁴ <http://www.osce.org/secretariat/162836?download=true>

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small team), are additionally tasked to work on the second dimension. However, that oversight should be amended in the next budget cycle.

As OSCE is the eyes and ears of the International community in most of the SEE countries, it is best suited to increase the capacity and work with the Aarhus Centers (or NGOs with equivalent aims and intentions where there are no Aarhus Centers) on providing annual evaluations in order to ensure compliance with the Convention. The Missions can do this by facilitating coordination meetings between the authorities (line Ministries) and the civil society where they will address the gaps and will look for constructive solutions that would improve the situation significantly by the next year's reporting period. Eventually, the final aim should be that the national reports include the 'shadow report' remarks and the ways environmental concerns were addressed and overcome. If this work is considered to be outside of the Mission's mandate, new negotiations with the current governments should allow such initiatives under an additional agreement or MoU, if there is no willingness to reopen the mandate negotiations. Alternatively, OSCE can provide capacity building of the ACs or equally motivated NGOs in Macedonia and Kosovo.

The 2008 Evaluation Report on the ACs suggested that the OSCE Secretariat and Field Operations should provide guidance and assistance to the governments and the ACs in mobilizing resources in support of ACs and help to ensure the financial and technical sustainability of the Aarhus Centers.

Conclusion

The researchers assumed that there would most likely be more increased potential for cooperation on both national and regional level, within the second dimension, compared to the first one (that still remains a big challenge in most of the SEE countries), proved to be very difficult to ascertain. The assumption was that the democratic deficit can be overcome if there is a clear legal mechanism that will in parallel provide access to information, public participation and justice when the other two are violated. It was difficult to assume that despite the mechanism other factors will impede its smooth implementation. Among those the research revealed: overall lack of transparency and accountability in the four examined countries, unclear mandates and roles, dependency of the NGOs on funds from the line Ministries and IGOs, lack of or non-existent coordination among the international representatives within each country, the second dimension always being lower on the agenda by the IC (shown by not even have positions within their offices to cover environment), etc. The cases showed that the existence of an Aarhus center can improve the first pillar significantly, might have a small impact on the second and until financed for the third pillar maybe even have a few (though very random) successes in the courts. However, the same work can be done by other registered environmental NGOs which do not have that status, if in their statute they have committed the organization to do the work which in other countries is done by an Aarhus center.

In order for the Convention to be taken seriously by the governments and in order for all of the public authorities and the concerned public to do as prescribed, the environmental component has to be pushed up on the governmental programmes as it affects the life, health and wellbeing of all of its citizens. The IC has to be better equipped to reiterate the failures of a particular state to comply with the convention and not only because of the disastrous consequences non-compliance has on the environment, but also because it shows disrespect to commitments, bad governance on all societal levels and democratic deficit, as this Convention can be used as a tool for addressing and managing many other segments of the state. The IC should monitor, evaluate, inform the line Ministries and provide assistance and remedies if/when it is assessed that the country has no capacities to comply fully or in part.

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As the creation, composition, capacity and activity of all of the Aarhus Centers is different, future research should include quantitative data collection in each of the participating states, which allows for better informed analyses and assessment. It would be especially useful to use the OSCE's early warning toolbox and network in order to comprehend the upcoming security threats, politicization of environmental issues, and misuse of resources by authoritarian regimes or corrupt governments. Such deep analyses will show the surfacing bottlenecks, reasons for certain behavior and identifying areas for the next steps that will improve the implementation of the Convention and with that will protect the right of every person to live in an environment adequate to his/her health or well-being.

In most of the interviews and briefings on the topic, a weakness was mentioned repeatedly, namely the lack of cooperation and meaningful contribution. The assumption that environmental issues are essential and vitally important to all regardless of political party affiliation, ethnicity, religion, societal status etc., hence every person whose job is to contribute towards cleaner, greener and less polluted environment, will do their best, is wrong. This, like any other societal concern and topic has to have the mechanisms in place, the checks and balances and the monitoring system that will provide information to the higher levels responsible for compliance internationally. Even that bears no fruit if it is not a part of some multilateral interdependence package, and there are plenty of broken communication links in what on paper appears as a well-designed good governance mechanism. The implementation is where the key is and in order to have successful implementation there has to be a regular review process that would be transparent and would involve all interested parties. Only transparency can increase the accountability and meaningful public participation. International organizations have to offer mediation services, especially when residing in the country. That might prevent emerging conflicts, ease the tensions, offer alternatives to the deadlocks and still allow the local level to take the responsibility for cooperation and compliance with the Convention. The success of compliance and following the Aarhus recommendations depends on local legislation and clear terminology and communication otherwise compliance might be jeopardized and, as discussed under the public participation chapter, the Convention can be better defined within the national legislation.

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Annex I

Projects conducted by the Aarhus Centers in SEE³⁵

This list includes only part of the projects that were assessed as relevant.

Aarhus Center	Project name	Goals/objective	timeframe	Supported by
Albania				
Shkodra	No available information and no responses were received when contacted			
Tirana	No projects as this is an Information Agency within the Ministry of Environment			
Vlora	1. Strengthening the Environmental awareness through public participation			
	2. Reducing risks from Natural and Industrial disaster	<ul style="list-style-type: none"> • Creation of WG • Public consultation • Public awareness & education of young people 	March-July 2016	OSCE Presence in Albania
	3. Ecologic island- increasing public awareness of waste management and recycling	<ul style="list-style-type: none"> • Educating young people and citizens about the importance of waste separation; • Increasing cooperation between local government and citizens / youth • Increasing cooperation among local government, civil society and private businesses • Creating an ecological island as model for waste separation and recycling 	July-November 2015	
	4. Youth Eco Clubs	<p>Improve the youth involvement in environmental decision-making through:</p> <ul style="list-style-type: none"> • Creating eco clubs • Networking on municipal level • Concrete actions on international environmental days 	July 2013-February 2014	REC (Regional Environmental Center) Albania
	5. EITI Initiative and public participation for mine and oil project	<ul style="list-style-type: none"> • Increased transparency • Better understanding of legal obligations 		With financial support of the OSCE Presence in Albania and in cooperation with

³⁵ This list includes the conducted projects that we could get relevant information about and does not pretend to be the exhaustive, all-inclusive chart of what has been done so far. The main goal is to illustrate the potential of the ACs.

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	6. Recycling starts with youth	<ul style="list-style-type: none"> Raising public awareness Cooperation between youth, local authorities and private waste management companies Education Recycling mechanisms put in place and follow up strategy planned 	May-November 2014	the Albanian Initiative for Transparency in the Extractive Industry (ALBEITI), municipalities of Patos & Bulqizë, REC (Regional Environmental Center) Albania
Bosnia and Herzegovina				
Sarajevo	<ul style="list-style-type: none"> Increase of public participation in decision-making 	Publishing a brochure		Municipality of Sarajevo Center
	<ul style="list-style-type: none"> School of Mountaineering and Ecology "Dragi Novakovic" 	Hiking tours and practical training	3 months in 2016	OSCE Mission to BiH
	<ul style="list-style-type: none"> Poboljšanje primjene Aarhuske konvencije u jugoistočnoj Europi" Eco-fair 	Creation of website, fb page and youtube channel. Celebration of Planet Day by promoting the work of NGOs, schools, innovators,	2013, 2014	OSCE Mission to BiH and Municipality of Sarajevo
	<ul style="list-style-type: none"> Legal clinic on Aarhus Convention implementation, lectures on environmental law "Environmental law in 21 century" 		2014	OSCE Mission to BiH
	<ul style="list-style-type: none"> "Capacity building of ACs in risk reduction and public awareness in local communities" 	Strengthening of the capacities of BiH ACs Network and their NGO partners. As part of the project a 3-day workshop and visit to the city of Zenica were conducted	2014, 2015 November 2014	OSCE Mission to BiH, City of Sarajevo and municipality of Vogosca More on their projects (including those with funding from EU and USAID) they have just published a comprehensive brochure ³⁶
	Banja Luka	<ul style="list-style-type: none"> No available information 		
Tuzla	<ul style="list-style-type: none"> No available information 			
Montenegro				
Nikšić	<ul style="list-style-type: none"> Humanitarian Ecology School 	<ul style="list-style-type: none"> Teaching children and youth about the relationship humans have with nature 	2017	European Commission

³⁶ http://aarhus.ba/sarajevo/images/docs/brosura_5_godina_rada.pdf

Confidence-Building Measures in the OSCE Economic and Environmental Dimension

	<ul style="list-style-type: none"> • "Rock and Recycle" at the Sea Festival • "Waste and art" Festival and workshop 	<ul style="list-style-type: none"> • Raising awareness by awarding the most creative art made out of waste • Increasing public awareness on waste management in the education system, youth and family • Celebrating European Week for Waste Reduction 	2014-2017	<p>Niksic brewery "Trebjese"</p> <p>OSCE Mission in Montenegro</p>
Podgorica	<ul style="list-style-type: none"> • No available information 			
Serbia				
Kragujevac	<ul style="list-style-type: none"> • Strengthening the capacities of Aarhus Centers in disaster risk reduction (DRR). In this project Serbia, Montenegro and BiH were the chosen countries from SEE. Serbia was represented by AC Kragujevac and AC Novi Sad. 	<ul style="list-style-type: none"> • To contribute to security and stability by strengthening the capacities and roles of civilian population and communities in DRR through the Aarhus Centers. • Establishment of a local "DRR network", which includes 20 representatives of media, ERSTE bank, government institutions and CSOs. Trainings for civil protection staff and school teachers from five vulnerable communities. Street promotions and five DRR-related lectures delivered to elementary schoolchildren. 	2014-2016	ENVESC project supported by the Swiss Confederation, MFA of Finland, Austrian Development Cooperation
New Belgrade	<ul style="list-style-type: none"> • "Don't gamble with the nature" – celebrating World Environment Day 	Interacting with the public and organizing various events around the city	May 2017	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
Novi Sad	<ul style="list-style-type: none"> • As on a postcard – what does the EU membership bring to the Serbian nature" • "VEC – volunteerism, education and communication • "Interested in sustainability of protected areas" 	<ul style="list-style-type: none"> • Trainings on EU Accession negotiations - Chapter 27 • Trainings in evaluating environmental protection • Better understanding of the current situation and challenges in managing protected areas • Understanding the ways in which different actors from agriculture, hunting and fishing communities could get involved in protecting the nature in the protected areas. 		<ul style="list-style-type: none"> • EU integration office within the Government of Serbia • Ministry of Agriculture and env of R. Serbia • SENSE programme – Support to env CSOs, implemented by REC and supported by the Swedish Agency for development & cooperation (SIDA).

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Nis	1. "Sustainable use of biofuels"	Public awareness of the benefits from sustainable use biofuel. The aim is the increase the energy production from renewable sources	October 2015	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.
	2. Participated in OSCE-wide project on decreasing disaster risks in OSCE PSs	Updating documents and SOPs on civil protection, informing and educating the public	2016	OSCE Mission in Serbia and municipality of Bajina Basta. This is the same Disaster Risk Project that Sarajevo and Vlora ACs were involved in – a regional project covering Alb, BiH, Serbia and MNE.
Subotica	<ul style="list-style-type: none"> • CRESSIDA project which includes 18 municipalities where the rivers Drina and Drim pass from Albania, BiH, Montenegro, Serbia and Macedonia 	<ul style="list-style-type: none"> • Support local communities to implement sustainable development strategies 	2017	REC, USA EPA (US Env protection Agency)