

# Current trends and practices in public participation in environmental decision-making in Estonia

## (Legal framework and practices of public participation in Estonia)

### 1) Progress after the Sofia Ministerial Conference, October 1995:

Several environmental laws have been amended by adding provisions on access to information, e.g. into the Water act and Waste act and completely new Laws on ambient air and Law on environmental supervision have been adopted. Procedures of access to information are described in the Law of databases belonging to the state and local governments and in the draft Law on environmental monitoring. New provisions on public participation can be found in the Law on ambient air, Waste act and Law on EIA and Auditing. Legislation concerning access to justice has not changed during these three years, except that the National Environmental Strategy, adopted in 1997 calling for foundation of special units for solving environmental cases at the Administrative court.

In 1996-1997 the Estonian Environmental NGOs participated very actively in the drafting processes of National Environmental Strategy, National Environmental Action Plan and Forest Policy. The NEAP lists 33 actions in the field of environmental awareness rising and promotion of access to information and public participation. In November 1996 Estonian Green Movement together with the GLOBE group of the Parliament organised a public hearing on Estonian Energy Strategy involving both NGOs and parliamentarians in a common discussion, which led to the inclusion of chapters on renewable energy resources into that document.

### 2) Problems:

In the field of access to environmental information one of the obstacles is the fact, that the Law on databases states that data collected in the framework of state statistics (e.g. data on pollution release from the industrial enterprises) is not available for the general public. Active public participation in environmental decisionmaking (except the cases described above) is missing because the public itself is passive and neither can we call active administrative standing by public and environmental NGOs in court. The latter could be improved by introducing non-governmental legal advisory centres supporting environmental court cases. While on the local and governmental level there are possibilities for the interested specialists to participate in the working groups which draft the legislation, then the work of the Parliament Environmental Commission is still not transparent for the wider public.

### 3) Future needs:

- Inclusion of the right to environmental Information and healthy environment into the Constitution of the Republic of Estonia
- Continuing of the elaboration of the legislation on access to information, decision-making and justice
- Better usage of the possibilities of the internet homepages for dissemination of environmental information

- Reorganising of the databases and hiring of special staff dealing with information requests from the public
- Organising open Parliament Environmental Commission meetings outside Tallinn
- Establishing the Advisory Board from NGO representatives and officials at the Ministry of Environment to discuss draft legislation and other decisions
- Promoting in-kind support to environmental activities of the NGOs from business enterprises
- Introducing non-governmental legal advisory centers, which support environmental court cases
- Establishing the institution of Environmental Ombudsman.

Estonian Green Movement  
1998