

CURRENT TRENDS OF PUBLIC PARTICIPATION IN THE ENVIRONMENTAL DECISION MAKING PROCESS IN GEORGIA

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Abstract. Georgia announced its independence after the collapse of the Soviet Union. At present Georgia is an Independent Republic that follows democratic principles for development. It means that, the governmental, business and non-governmental sectors are involved in decision making process. Georgia, as a part of the Soviet Union, does not practice the tradition for public participation in the country. The intensification of the environmental situation in Georgia needs an active and direct public participation. Public participation promotes the finding of a sustainable solution to the problem, but it is still associated with a certain level of risk and cost for the authorities. Public participation in the decision making process can be defined as a main tool for developing the democracy in Georgia. The public participation in the decision-making process, especially in the field of the environment, is not the traditional approach for the newly independent Georgian society. The article spots current trends of the public participation in the environmental decision making process on the different levels, stages and defines obstacles that slow down development of an effective public participation in the environmental decision making in Georgia.

Keywords: *Public participation, environment, decision making process, democracy.*

Introduction. Public participation in the decision making process is one of the main tools for the democratic development of the developing countries like Georgia. The long period of Soviet regime resulted in an absence of tradition for public participation in the country. Public participation in the decision making process, especially in the field of the environment, was an

absolutely new approach for Georgian society. In 1990-1999, the increasing aggravation of the environmental situation in Georgia required an active and direct public intervention. Georgia did not have a long history concerning environmental traditions. The first non-governmental organization in this field “The Green Movement” was launched after collapse of the Soviet regime. The new emphasis on democracy in the country’s development was the main reason for rapid growth of the NGO sector in Georgia. At that time the number of NGOs in Georgia was high and large numbers of them were ones connected with environmental issues. The majority of environmental NGOs faced numerous problems, one of which was an often ineffective participation in the decision making process. The increasing number of problems in the field of environment in Georgia required urgent involvement of the NGO sector. For this reason, finding new ways to activate the involvement of the non-government sector in this procedure were both useful and important. 90’s new environmental legislation in Georgia envisaged and encouraged public participation in the environmental decision-making process, but substantial gaps remained. The laws did not provide for the possibility of detailed procedure for public participation and the results of public participation were not binding. The future development of the country was directly connected with the implementation of several international projects that would require Environmental Impact Assessment (EIA) procedure. At that period, the legislation contained some provisions on public participation in EIA, but it was necessary to adopt a separate law on EIA with particular emphasis on the procedure of public participation.

New millennium brought a low level of transparency in the parliamentary and executive phases, the lack of democracy in the country together with a public non-willingness to cooperate with decision makers (government, authorities, etc.) and with one another in solving environmental problems resulted in only a few examples of successful participation to date. The economic, social, and other conditions in Georgia did not assist the development of public participation, although the tax system favored NGOs to some extent. Most environmental NGOs were surviving on foreign donations and there were a need for obtaining NGO self-sustainability. A number of environmental NGOs were trying to control the environmental conditions in Georgia and to provide public involvement in decision-making. Remarkable cases of effective public participation in Georgia at different stages existed, when the public /NGOs affected the decision-making process and prevented damage to the environment. The development of public participation directly promoted environmental protection, as well as the development of democracy in Georgia.

Last years the decision-making process is partially institutionalized; however, in most cases the participation happens “ad hoc”. On the national and local level CSOs and other

individuals have an access to important tools for participation such as: right to petition, submitting comments to draft laws, participation in budgetary process, etc (CSO METER 2021).

Many cases prove that involvement of the public in the decision-making process on environmental issues has a real influence on proposed or planned activities and the final decisions are acceptable for all main stakeholders: government, the public, and developer of activity (Gokhelashvili 2015).

However, numerous laws and strategic documents are adopted without consultations. Besides that, citizens and CSOs are not interested in participating in already established mechanisms. During the reporting period, there were cases observed when parliament enacted several regulations without consideration of participation of CSOs and activists in the process. The adoption of new Forest Code of Georgia without creating possibilities of participation in the process was criticized (CSO Meter 2021).

According to the Open Budget Survey (2021), Georgia has a public participation score 44 (sufficient score is 61) out of 100 .

Hence the global community acknowledged the central role of the public participation in decision making and gradually all countries attempted to integrate some measures for the PP in their national legislation. However, all the multilateral financing agencies, such as World Bank and IFC, set mandatory requirements for guaranteeing involvement of public in decision making process. These efforts lead the countries to stronger democracy and better environment. The review of the literature reveals that in most cases, especially in developing countries, such measure is the EIA legislation, though it is obvious that countries experience the different level of public participation that raise a lot of questions regarding the reliability and credibility of the decisions. While countries with higher level of democracies are much advanced in this sense, most newly emerged democracies still have many problems due to the nonexistence of the history of the public engagement in the decisions and number of legislative deficiencies (Antidze 2013).

Adoption of the Environmental Assessment Code (2019) envisaged the requirements of the convention “on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters” (hereafter, Aarhus Convention) in the environmental protection issues and ensured public participation in the decision-making process in relation with effects on the environment.

In 1995, the representatives of non-governmental organizations, called Coalition of NGOs drafted the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (hereinafter - the Convention). Fourth

Pan-European Environmental Ministerial Conference, which was held in the town of Aarhus, Denmark, from 23 to 25 June 1998, submitted the Convention. The convention came to force in 2001. The same year the Parliament of Georgia ratified the convention (Aarhus Convention 1998).

Due to the adoption of the Environmental Assessment Code of Georgia in 2017, existing laws were annulled, because none of them guarantees the public participation in the environmental decision-making process. In addition, the licensing authorities are not obliging to inform the public about the decision-making process or to ensure their participation in the decision-making process, and responsibilities are mainly delegated to the operator. It should be also underlined that the list of activities subject to Environmental Impact Assessment (EIA) did not correspond to the activities defined by the Aarhus Convention.

The participation rights in decision making are specified in general environmental protection acts or more specific environmental laws, as well as in administrative laws or codes. General environmental protection laws usually only include general provisions for participation; due to the lack of further implementing regulations these laws only provide partial possibilities for participation (Public Defender of Georgia 2021).

Evaluation of the Current Trends of the Public Participation in the Environmental Decision Making Process. The current articles based on the studying of 12 environmental non-governmental organizations in Georgia several obstacles were found. All necessary information was collected through interviews and questionnaire. Four hypotheses were developed to find answers to these obstacles.

Hypothesis 1. Self-financing helps the environmental NGOs in Georgia to improve their financial status and increase their flexibility in the environmental decision-making process

Part of this hypothesis is true, although it is not easy to assess the impact of self-financing activities themselves on the financial status of each organization. Many other issues can also determine an organization's financial status, for example, the staff, management and the political and economic situation of the country.

Most NGOs in Georgia survived on foreign donations and were not sustainable. Existed legislation gave NGOs the possibility to become "self-sustainable". NGOs needed sufficient funds to solve the current environmental problems through public participation in the environmental decision making process.

Hypothesis 2: NGOs successful participation in the decision-making process in Georgia was directly connected to the development of an environmental legal system

This hypothesis is based on the results of the interviews. Twenty four out of the twenty eight interviewees cited the inadequate legal system as the main obstacle to developing

successful public and NGO participation in the environmental decision-making process in Georgia. According to the interviewees, the public cannot succeed in this field because of substantial gaps in Georgian legislation. This also causes many problems for the NGOs.

Georgia has created environmental laws that envisage some provisions for public participation. Thanks to these rights, NGOs have participated in the decision making process. But having good environmental laws is not enough. It is essential to adopt decrees and orders for better law regulation, because without them laws only provide general guidelines rather than precise regulations.

Hypothesis 3: Effective cooperation with one another is a better way for NGOs to participate in the environmental decision-making process

According to results of the interview, nineteen out of twenty two interviewees answered that cooperation between NGOs is disjointed. There is only one example of environmental NGOs' effective cooperation in Georgia.

Disjointed cooperation among NGOs has weakened participation in the decision making process, especially at the legislative level. There are also cases when NGOs have information, but choose not to cooperate.

Hypothesis 4: Transparency in the decision-making process promotes successful public participation

This hypothesis seems true, based on results of a literary review and interviews. In the current survey, the low level of transparency was cited by fifteen interviewees as the main obstacle to successful public participation. To achieve a high level of transparency, the government should follow the laws it has already made.

Low level transparency in the decision making process could be avoided by improving the relationship between the government and the NGO sector. This improvement would open relationships and promote effective public participation in the decision-making process. Many governmental officials, particularly in the provinces, are still suspicious about the NGO role in decision-making. The government should learn how to treat NGOs seriously.

Recommendations. The environmental NGOs in Georgia face immense problems, one of which is their lack of involvement in the decision making process. There is a need to strengthen the environmental movement in Georgia through expanding public participation in the process of environmental decision-making.

Many environmental NGOs face financial problems. Many NGOs in Georgia need to become more financially independent and stable in order to achieve their main goals and successfully participate in the decision making process.

However, self-financing alone is not enough to achieve this goal. NGOs also need to develop staff-management, high diversity of financial activities (membership fees, small business, etc.).

Generally all NGOs interviewed faced problems during participation in the decision-making process due to the inadequate environmental legal system in Georgia. The quantity and quality of NGO participation will rapidly increase if this system improves.

Effective cooperation among NGOs refines the quality and quantity of NGO participation in the environmental decision making process. Despite the fact that there is only one successful example of an environmental NGO cooperating in Georgia, even this one example can encourage other NGOs to cooperate as often as possible.

The provision of transparency in decision-making by government agencies is of great importance for successful public participation in Georgia. A high level of transparency can be achieved by creating an adequate legal system, and by the state recognizing and encouraging the NGO role in the decision making process.

NGOs need to: cooperate with each other as well as with state institutions, to develop an environmental legal system and within this system to act more effectively in the environmental decision-making process. All this partly recognized by Georgian society and is an area which requires future development.

References:

1. SCO Meter, Assessing the civil society environment in the Eastern Partnership countries, Georgia Country Update, <https://csometer.info/sites/default/files/2020-12/CSO%20Meter%20Country%20Update%20Georgia%202020.pdf>, 2020.
2. Gokhelashvili, N., The Role of the Public in Environmental Decision-Making, American Journal of Environmental Protection, <https://www.sciencepublishinggroup.com/journal/paperinfo?journalid=163&doi=10.11648/j.ajep.s.2015040301.11>, 2015.
3. Open Budget Survey, <https://internationalbudget.org/open-budget-survey/country-results/2021/georgia>, 2021.
4. Antidze, T., Public Participation in Environmental Decision –Making in Georgia: Current Practice and Recommendations for Improvement, Central European University, http://www.etd.ceu.edu/2013/antidze_tamar.htm, 2013.
5. ENVIRONMENTAL IMPACT ASSESSMENT. https://www.investingeorgia.org/en/ajax/downloadFile/1054/Environmental_Impact_Assessment.pdf, 2019.

6. Aarhus Convention on access to information, public participation in decision making and access to justice in environmental matters, The United Nations Economic Commission for Europe (n.d.). <https://unece.org/DAM/env/pp/documents/cep43e.pdf>, 1998.
7. Public Defender (Ombudsmen) of Georgia, Alternative report of the Public Defender (Ombudsman) of Georgia on the Status of Implementation of the Aarhus Convention 2017-2020, <https://www.ombudsman.ge/res/docs/2021060811461796515.pdf>, 2021.

გარემოსდაცვითი გადაწყვეტილების მიღების პროცესში
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მარინა ჩიჩუა

ცხუმ-აფხაზეთის მეცნიერებათა აკადემიის
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წარმოადგინა ცხუმ-აფხაზეთის მეცნიერებათა აკადემიის სოციალურ მეცნიერებათა და მართვის ინსტიტუტმა

აბსტრაქტი. საბჭოთა კავშირის დაშლის შემდეგ საქართველომ დამოუკიდებლობა გამოაცხადა. ამჟამად საქართველო არის დამოუკიდებელი რესპუბლიკა, რომელიც მისდევს განვითარების დემოკრატიულ პრინციპებს. ეს ნიშნავს, რომ გადაწყვეტილების მიღების პროცესში ჩართულია სამთავრობო, ბიზნეს და არასამთავრობო სექტორი. საქართველოს, როგორც საბჭოთა კავშირის ნაწილს, არ გააჩნდა ქვეყანაში საზოგადოების მონაწილეობის ტრადიცია. საქართველოში გარემოსდაცვითი სიტუაციის გამწვავებას საზოგადოების აქტიური და პირდაპირი მონაწილეობა სჭირდება. საზოგადოების მონაწილეობა ხელს უწყობს პრობლემის მდგრადი გადაწყვეტის პოვნას, მაგრამ ის მაინც დაკავშირებულია ხელისუფლების გარკვეულ რისკებთან და ხარჯებთან. საზოგადოების მონაწილეობა გადაწყვეტილების მიღების პროცესში შეიძლება განისაზღვროს, როგორც საქართველოში დემოკრატიის განვითარების მთავარი ინსტრუმენტი. საზოგადოების მონაწილეობა გადაწყვეტილების მიღების პროცესში, განსაკუთრებით გარემოს დაცვის სფეროში, არ არის ტრადიციული

მიდგომა ახლად დამოუკიდებელი ქართული საზოგადოებისთვის. სტატიაში მოცემულია საზოგადოების მონაწილეობის მიმდინარე ტენდენციები გარემოსდაცვითი გადაწყვეტილების მიღების პროცესში სხვადასხვა დონეზე, ეტაპებზე და განსაზღვრავს დაბრკოლებებს, რომლებიც ანელებს საქართველოში ეკოლოგიური გადაწყვეტილების მიღების პროცესში საზოგადოების ეფექტური მონაწილეობას.

საკვანძო სიტყვები: საზოგადოების მონაწილეობა, გარემო, გადაწყვეტილების მიღების პროცესი, დემოკრატია.