



*Aarhus Convention-based
Needs Assessment Report
for the OSCE Mission to Skopje*

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ABSTRACT

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, known as the Aarhus Convention, is a backbone to environmental and democratic governance. It inspires transparency, freedom of the media, accountability and rule of law as a response to many global environmental challenges linked to climate change, biodiversity, and air and water pollution. As these problems affect nature and populations across borders. Improving governance, sustainable development, green economies and environmental protection are paramount to people's well-being and security, and the OSCE has been a venue for cooperation on these topics since its beginnings. The Republic of North Macedonia is an OSCE participating state and a signatory of the Aarhus Convention, and it can, through the OSCE Mission to Skopje, benefit from the know-how that the OSCE structures can provide. The Aarhus Center, opened in 2019 with EU funds, can become the bridge between inspiration and achievement and foster better implementation of the Aarhus Convention. Therefore, OSCE's assistance in this initial phase may be of value, as structural reforms in environmental governance on the country's EU accession path demand assistance in achieving good governance at both central and local levels.

Prepared by
Ida Manton, PACE Global Strategies

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Introduction

The United Nations Economic Commission for Europe's (UNECE) **Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**, known as the **Aarhus Convention** (later also 'Convention'), was signed on 25 June 1998 in the Danish city of Aarhus, as part of the Environment for Europe (EfE) process. The Convention entered into force on 30 October 2001. The Convention's 47 ratifying states – North Macedonia, 45 other countries and the EU - are in Europe and Central Asia.

Widely recognized as groundbreaking for its integrative approach to human rights and environmental protection, as well as its promotion of the concept of 'environmental citizenship', the Aarhus Convention grants the public rights across three "pillars": i) access to information, ii) public participation; and, iii) access to justice in governmental decision-making processes on matters concerning the local, national and transboundary environment.¹ The Convention recognizes the right of every person 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 current and future generations.² Through its three pillars, the Convention promotes 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. It is not only an environmental agreement, but a tool to promote government accountability, transparency and responsiveness.³



The Aarhus Convention is understood as a tool for achieving environmental democracy, as its language obligates signatories to harness all sectors – media, locally elected representatives, central government, NGOs, community initiatives, youth, women, as well as regional and international organizations - to work and strive to achieve its ends.

Despite clearly depicted instruments, in practice North Macedonia's compliance has been belated and inconsistent, including the Convention's most basic requirement to nominate national focal point, to provide accurate contacts or to submit regularly the National Implementation Reports. The 2014 meeting of the Parties to the Aarhus Convention, held in Maastricht, expressed "deep concern" that "the former Yugoslav Republic of Macedonia had still 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 (The Compliance Committee later observed that the 2011 and 2014 reports had been submitted, and thus remedied the earlier non-compliance.)

¹ "Environmental citizenship" is a concept widely understood as the rights and obligations people have regarding the environment.

² Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

³ https://www.unece.org/fileadmin/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf

⁴ ECE/MP.PP/2014, para. 27, available at:

https://www.unece.org/fileadmin/DAM/env/pp/mpp5/Documents/Post_session_docs/ece_mp.pp_2014_2_eng.pdf

Since 2002, the OSCE's Office of the Co-ordinator of Economic and Environmental Activities (OCEEA), together with OSCE field operations, has been supporting the implementation of the Convention, including through the establishment of Aarhus Centers in several countries of South Eastern Europe (SEE), Eastern Europe, Central Asia and the South Caucasus. Following two prior attempts and with support from European Union funds, the NGO Milieukontakt, officially opened North Macedonia's Aarhus Center on the 24th October 2019 in Skopje – the last SEE country to do so.⁵ Five weeks later, in light of its expressed interest to contribute to improving environmental governance in the country, the OSCE Mission Skopje and the Aarhus Center signed a Memorandum of Cooperation to establish long-term cooperation to promote the Convention, as suggested by PACE Global Strategies. (Thus far and consistent with advice provided by PACE Senior Adviser and this report's lead author, the Mission has supported the newly-created Aarhus Center by attending two Annual meetings of the Aarhus Centers, organized by the OCEEA at the end of every calendar year.) Establishing this connection was also appreciated by the OSCE staff who joined the Aarhus Center at the meeting, a practice we hope will be continued and can be effectively coordinated by the assigned staff in the Mission, now that they have seen the format, topics and expectations from these annual meetings of the Aarhus Centers Network.

In order for North Macedonia to achieve its aspirations, improve the well-being of its citizens, and honor and implement international commitments, the country must improve compliance with the Aarhus Convention and undertake concrete measures to actively pursue the EU accession and the EU's 'green deal'. This Needs Assessment Report - based on thorough research, numerous interviews and questionnaire responses - identifies strategies and opportunities for the OSCE to enhance its cooperation with the new Aarhus Center, supporting it as a fruitful platform to improve North Macedonia's compliance with the Aarhus Convention, and to assist in improving the country's systemic approach to promoting the Convention's three pillars, which are within OSCE's country mandate.

North Macedonia's existing commitments and obligations, the rights and expectations of its citizens, and the ongoing EU accession process demand progress in the field of environmental governance. The OSCE Mission to Skopje is uniquely qualified to share the knowledge, experience and expertise of its OCEEA and provide expertise, guidance, and assistance in support of the Aarhus Center, its CSO initiatives, mechanisms to provide and disseminate information, convenings (e.g., regular national/regional meetings), and training programs.

Short history of the Aarhus Convention

The Convention and its Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) were the first internationally legally binding documents with strong links between human rights and environmental protection. It is an upgrade of the 1972 Stockholm Declaration and Action Plan on the Human Environment⁶ (which gave birth to UNEP¹ - UN Environmental Programme) and the 1992 Rio Declaration on Environment and Development, adopted in Rio de Janeiro by 178 countries at the UN Conference on Environment and Development, referred to as the "Earth Summit". Academics trace Aarhus' roots to the 1966 International Covenant on Civil and Political Rights⁷, through the 1980 Declaration of Salzburg on the Protection of the Right of Information and of Participation, the 1982 World Charter for Nature, 1988 Protocol of San Salvador (Additional Protocol to the American Convention on Human Rights in the Area of Economics, Social and Cultural Rights),

⁵ Our interviewees informed us of two unsuccessful attempts by two smaller NGOs - Florozon and Biosfera.

⁶ <https://www.un.org/en/conferences/environment/stockholm1972>

⁷ https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf

the 1989 European Charter on Environment and Health⁸ and the 1988 CSCE Meeting on the Protection of the Environment in Sofia.⁹

The Aarhus Convention's main governing body – the 'Meeting of the Parties' - is comprised of all Parties to the Convention and convenes every three years. Between these meetings, the Working Group of the Parties oversees implementation of the Convention's work program. Although its composition mirrors the Meeting of the Parties, the Working Group meets more regularly. National implementation reports and compliance reviews performed by the Convention's Compliance Committee are the main tools for monitoring the implementation process used by the Secretariat of the Aarhus Convention.

Methodology

Multiple resources and approaches were used in the preparation of this report. Primary data was collected through a set of qualitative and quantitative research methods. Based on experience, knowledge, and sophisticated understanding of the OSCE - its commitments, organization and field operations, ties and connecting points with local institutions and laws guiding OSCE's work – PACE Global Strategies was able to propose and further define a comprehensive Needs Assessment in consultation with the OSCE Mission to Skopje's staff. The collection of secondary materials was a gradual process that was necessarily combined with direct input from stakeholders with extensive, and longstanding engagement in the Aarhus process. These stakeholders contributed through online interviews carried out via Zoom and WebEx, and via responses to tailor-made questionnaires. As most of the Institutions claimed that they are understaffed and it was not easy for them to provide thorough answers in the planned timeframe, PACE is grateful for the time and additional dedicated work with which respondents have provided their expert, informed, and varied views.

PACE conducted eight semi-structured interviews with stakeholders who were either the most relevant, or where we had difficulty finding more information on their websites or otherwise. The interviews were conducted with: Aarhus Center, Ministry of Environment and Physical Planning, ZELS- Association of Units of Local Self-government, APRFAPI – Agency for protection of the Right to Free Access to Public Information, SCPC – State Commission for Preventing Corruption, ICS – Institute for Communication Studies, BIRN – Balkan Investigative Reporting and a journalist from Telma TV. Interviews were attended (virtually) by twelve people and took place over a three-month period between September and November 2020. Some interviews had a second phase via a follow-up questionnaire. More information on the meetings and the questionnaires can be found in the Appendix.

Future research efforts could benefit from more quantitative data and hopefully this Report will encourage stakeholders to embark on such endeavors sooner rather than later in order to provide more precise responses in North Macedonia's upcoming National Implementation Reports at the Meeting of the Parties, as well as to learn more about the gaps between legislation and practice. This additional research could give clearer indications of inhibitors and barriers in the implementation process and help identify specific remedies to address discrepancies. Scientifically collected and analyzed data will further inform and educate civil society and the media, whose demands to

⁸ Adopted at the First European Ministerial Conference on Environment and Health in Frankfurt, Germany. It recognized public participation to be an important element in the context of environment and health issues.

⁹ For a full list of international documents that paved the road to Aarhus, please see:

http://www.unece.org/fileadmin/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf, p.16

change the practices and behavior of government institutions could also motivate North Macedonia's government to improve services and accountability to its citizens and promote full compliance with the Aarhus Convention as North Macedonia progresses through accession negotiations with the EU.

Overview of OSCE Commitments in relation to the Aarhus Convention

Consistent with these commitments and goals, since 2002, the OSCE has been supporting the establishment of Aarhus Centers and Public Environmental Information Centers (PEICs) in several countries, including Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Montenegro, Serbia and Tajikistan. The OSCE plays a key role in promoting the status of Aarhus Centers as specialized institutions dealing with implementation of the Convention, through memoranda of



The first Aarhus Centers were ENVSEC's public outreach facilities. They were scattered at first as individual projects, but now they are a sizeable network of over 60 Aarhus Centers in 15 OSCE participating States. These Centers address environment and security challenges primarily at community level by disseminating environmental information, raising public awareness, organizing public hearings, monitoring environmental hotspots, providing legal advice and engaging young people and women in environmental matters.

understanding signed by environmental ministries and local governments, as appropriate.¹⁰ The Aarhus Centers are usually based on an agreement between the relevant OSCE Field Operation (FO) and the Ministry for Environment and are managed by a board, consisting of an equal number of representatives from government and civil society.¹¹ Some of these Centers, in their initial phases, were supported through the ENVSEC Initiative.

From the **Helsinki Final Act** onwards, the CSCE (later OSCE) participating States have reiterated that efforts to develop co-operation in various fields - including the environment - contribute to the reinforcement of peace and security in Europe. For 45 years, States have agreed that "the protection and improvement of the environment, as well as the protection of nature and the rational utilization of its resources in the interests of present and future generations, is one of the tasks of major importance to the well-being of peoples and the economic development of all countries and that many environmental problems, particularly in Europe, can be solved effectively only through close international co-operation".¹² OSCE commitments encourage co-operation "to increase the effectiveness of national and international measures for the protection of the environment"¹³, harmonization of methods of gathering and analyzing facts, improving the knowledge of pollution phenomena and rational utilization of natural resources. They stimulate adoption of necessary measures to bring environmental policies closer together, as well as "production and improvement of equipment designed for monitoring, protecting and enhancing the environment".¹⁴

In various documents¹⁵, OSCE references the necessity to use all opportunities for cooperation in the fields of air-, land- and water-pollution, nature conservation, environmental conditions associated

¹⁰ Aarhus Centers Guidelines: <https://www.osce.org/files/f/documents/7/c/40506.pdf>

¹¹ <http://www.unece.org/env/pp/acintro.html>

¹² HFA, Helsinki 1975, <https://www.osce.org/files/f/documents/5/c/39501.pdf>

¹³ HFA, Helsinki 1975, <https://www.osce.org/files/f/documents/5/c/39501.pdf>

¹⁴ HFA, Helsinki 1975, <https://www.osce.org/files/f/documents/5/c/39501.pdf>

¹⁵ More on all of the OSCE Economic and Environmental Commitments can be found in the 2018 Reference Manual:

with transport, housing, working areas, urban development and planning, water supply and sewage disposal systems, collection, treatment and utilization of wastes, including the recovery and recycling of materials, as well as research, monitoring, forecasting and assessment of environmental changes.

Major milestones include:

The **1989 Vienna document** provides another important landmark commitment by participating States (pS), which acknowledged the importance of the contribution of persons and organizations dedicated to the protection and improvement of the environment. Participating States agreed to the promotion of greater public awareness and understanding of environmental issues and to co-operate in the field of environmental education, *inter alia* through exchanges of experience and results of research studies, development of educational programs and ecological training. Public participation was further developed in the **Sofia Document of 1990** and in the **Charter of Paris** the OSCE pS committed themselves to promoting public awareness and education on the environment as well as "public reporting of the environmental impact of policies, projects and programmes".¹⁶

With the **2001 Bucharest Ministerial Council Decision**,¹⁷ the Environmental Sub-Committee to the Permanent Council (PC) was established in order to provide platform for dialogue on economic and environmental issues, to provide advice to the PC and to help prepare the Economic Environmental Forum. The OSCE Co-ordinator on Economic and Environmental Activities (OCEEA) was envisaged to provide working support for the activities of the Sub-Committee, subject to the office's mandate.

The OSCE **11th Economic and Environmental Forum in Prague (May 2003)**¹⁸ launched the **Environment and Security (ENVSEC) Initiative**, a multilateral effort to provide holistic solutions to environmental challenges undertaken by the OSCE, United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), United Nations Economic Commission for Europe (UNECE) and the Regional Environmental Center for Central and Eastern Europe (REC).¹⁹ This important multilateral cooperation grew out of annual discussions at the OSCE Economic and Environmental Forum (EEF). ENVSEC's primary objective was to tackle environmental and security risks via environmental co-operation among and within the countries of four regions: Eastern Europe, South-Eastern Europe, the South Caucasus and Central Asia. The first Aarhus Centers were ENVSEC's public outreach facilities.

At the **2003 Ministerial Council meeting in Maastricht**, participating states 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 - together with relevant partners - is committed to transform such risks into avenues for co-operation.²⁰ In the Maastricht Ministerial Council Decision the OSCE outlines the expectation that the OCEEA in continued co-operation with the UNECE and other partner organizations should develop early-warning mechanisms and indicators for the assessment of implementation of commitments. It also recalled that "programmes and projects are important

OSCE Economic and Environmental Commitments.

¹⁶ Charter of Paris, 1990, <https://www.osce.org/files/f/documents/0/6/39516.pdf>

¹⁷ OSCE, 9th Ministerial Council, Bucharest, 2001: <https://www.osce.org/files/f/documents/c/7/40515.pdf>

¹⁸ simultaneously at the Fifth Environment for Europe (EfE) Ministerial Conference in Kiev

¹⁹ Initially founded by the OSCE, UNDP and UNEP, other organizations later joined the partnership, including UNECE, as well as NATO as an associated partner


²⁰ OSCE Economic and Environmental Dimension, Factsheet: <http://www.osce.org/eea/30348?download=true>

means for the OSCE to assist the participating States to implement their commitments and to prevent and address economic and environmental threats to security. They should be undertaken directly by the OSCE only in areas where it can add value and has the necessary expertise or can acquire it cost effectively".²¹

The **2016 Hamburg Ministerial Council** Decision on good Governance and Connectivity tasked relevant OSCE executive structures, including field operations "to support participating States in exchanging best practices on raising awareness of the relevance of internationally recognized labor, social and environmental standards, and on strengthening good governance and promoting transparency in public procurement processes".²²

Furthermore, the **2017 Austrian Chairmanship** of the OSCE, through the words of Ambassador Florian Raunig, made the connection between the environment and Confidence Building Measures (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".²³

At the **2020 Mediterranean Conference**, organized by the upcoming Swedish Chairmanship in November, a link was made among sustainable development, environmental governance and security in light of the consequences our communities will feel once we have come out of the pandemic. "Our post-COVID-19 recovery strategies should be used as an opportunity to take on important reforms towards fulfilling the sustainable development goals, as well as the goals of the Paris agreement," said Sweden's Minister for Foreign Affairs, Ann Linde. "We need to ensure that the recovery is based on the green transition. Lack of action towards climate neutrality will bring about consequences and costs that by far exceed the transition costs."²⁴



Several **other key documents** explicitly refer to good governance in environmental matters, including the [1992 Helsinki Document](#), the [2003 OSCE Strategy Document for the Economic and Environmental Dimension](#), the [2007 Madrid Declaration on Environment and Security](#), the [2013 Kyiv Ministerial Council Decision on Improving the Environmental Footprint of Energy-Related Activities in the OSCE Region](#), and the [2014 Basel Ministerial Council Decision on Enhancing Disaster Risk Reduction](#).

Sweden, 2021 Chair of the OSCE, proposed a democratic approach towards recovery, which would include good governance, strengthening civil society and the respect for human rights.²⁵

²¹ OSCE, 11th Ministerial Council, Maastricht, 2003, <https://www.osce.org/files/f/documents/a/0/40533.pdf>

²² OSCE, 23rd Ministerial Council, Hamburg, 2016, DECISION No. 4/16 STRENGTHENING GOOD GOVERNANCE AND PROMOTING CONNECTIVITY: <https://www.osce.org/files/f/documents/f/d/307311.pdf>

²³ <http://www.osce.org/chairmanship/323226>

²⁴ <https://www.osce.org/secretariat/469362>

²⁵ More on all of the OSCE Economic and Environmental Commitments can be found in the 2018 Reference Manual: OSCE Economic and Environmental Commitments.

I. Legal framework

o Overview of compatible national legislation

The legal framework for compliance with the Aarhus Convention in North Macedonia is defined by several key elements: national legislation, other international commitments, as well as the Ohrid Framework Agreement (OFA).²⁶ A candidate for EU accession since 2005, the trend is to harmonize North Macedonia's national legislation with the EU (a process assessed every year in the European Commission's Reports towards the EU Parliament and Council in a communication on the enlargement policy).²⁷ The last EU Commission's Report for 2020²⁸ indicated that more work lies ahead; while there has been limited progress in legislating and aligning policies, implementation and enforcement remain rather weak: "*On horizontal issues, administrative capacity at all levels remains weak and financial resources are still insufficient to implement existing legislation. There is a continuous dialogue with civil society, but further efforts are needed to improve access to information, public participation and consultations in decision-making processes*".²⁹ These shortcomings and challenges represent important opportunities for the OSCE Mission to pursue its mandate while also supporting North Macedonia's implementation of the Aarhus Convention.

Article 8 of the Constitution of North Macedonia lists the protection of the environment and nature, as well as respecting the generally accepted international legal norms, as fundamental constitutional values. Furthermore, Article 16 guarantees the "free access to information, freedom of accepting and distributing information". Its Article 43 guarantees the right to each citizen to a healthy environment: "each citizen is obliged to promote and protect the environment and the nature. The Republic provides conditions for exercising the citizens' right to a healthy environment".

Requirements arising from the Aarhus Convention are enshrined in three key laws of North Macedonia. The **Law on Environment** defines provisions for informing the public and relevant institutions about the state of North Macedonia's environment and their involvement in its protection. The conditions, manner and procedure for exercising unfettered access to public information are prescribed in North Macedonia's **Law on Free Access to Public Information**, enshrined as Article 16 of the Constitution of the Republic of North Macedonia.³⁰ In addition to obligating government institutions to respond to requests for access to information of a public character, this law also contains provisions to proactively publish information. The **Law on Local Self-Government**, a cornerstone element of the Ohrid Framework Agreement enshrined in the constitution, outlines the role and obligations of North Macedonia's 80 municipalities (plus the City of Skopje) regarding environmental protection that involves protection and pollution prevention of water, air, land, nature, noise and non-ionizing radiation. The law also stipulates the instruments available for citizens

²⁶ Important for the OSCE Mission to Skopje as its mandate is to support the implementation of the OFA and its essential pillars: anti-discrimination, education, decentralization, equitable representation, smaller communities and the use of languages. It works with authorities to implement reforms in areas such as elections, democratic policing, public administration and local governance reform and judiciary.

²⁷ North Macedonia (then FYROM) was the first non-EU country in the Balkans to sign a Stabilization and Association Agreement with the EU, in April 2001. In March 2004, the country submitted its application for EU Membership. It was granted candidate status in December 2005. In March 2020, the European Council approved opening accession negotiations, which are anticipated to begin formally in the near term.

²⁸ COMMISSION STAFF WORKING DOCUMENT North Macedonia 2020 Report, Brussels, 6/10/2020, SWD (2020) 351 final: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf

²⁹ COMMISSION STAFF WORKING DOCUMENT North Macedonia 2020 Report, Brussels, 6/10/2020, SWD (2020) 351 final: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf

³⁰ The First Law on free access to public information was adopted in 2006. In 2019, Parliament passed a new Law on Free Access to Public Information ("Official Gazette of the Republic of Northern Macedonia" No. 101/2019).

to engage on these matters at the local level, as it is a decentralized competence. The articles 25, 27, 29 and 30 prescribe the instruments at citizens 'disposal in order to exercise their right to public participation and decision making into local level, implicitly referring to all environmental governance related policies and decisions'.

Several other laws similarly obligate institutions to publish information proactively – for example, the Law on Financing of Local Self-Government Units and the Law on Budgets. Voluntarily published information helps the CSOs, researchers and journalists produce and publish information that helps citizens better understand the functioning of the institutions, their rights and liabilities, the way they can affect the decision-making and how to access services offered by the state.³¹

Access to and dissemination of information promotes transparency, accountability, and improves functioning and performance of public institutions, their rights and liabilities. Progressive governments recognize that environmental decisions will be sustainable only if taken in transparent, inclusive and accountable manner. The Convention provides standards to ensure such participatory processes, which are as useful and meaningful as the genuine attempt to have legislation created in inclusive procedures.

o **Gaps between legislation and practice. Areas of improvement**

As outlined above, North Macedonia already has a significant amount of legislation demanding good environmental governance, particularly within the **first pillar– access to information**. Yet, weak implementation and enforcement, poor practice, illegal misuse of natural resources, irresponsible and unaccountable behavior, and endemic pollution of air, water and soil persist. Some of these violations even pose a security threat in the country. While government institutions believe they are doing a decent enough job following laws regulating their work, polluters and violators operate with impunity and citizens suffer the worsening consequences of living in a country that consistently ranks among Europe's most polluted.³² The grim environmental picture spurs emigration and, as the media reports indicate, eroding public trust in governance and accountability.³³

Frustration with the situation is exacerbated by a significant information deficit. Research conducted by civil society organizations found that the executive branch in North Macedonia, prior to the 2019 Law, was the least open of all the governments in South East Europe. In 2017, North Macedonia had "the worst rank in the region in terms of access to information, despite the fact that the adopted freedom of information law is of exceptional quality. Overall completion rate for indicators on access to information is insufficient and stands at 37%".³⁴

³¹ Center for Civil Communications (CCC), 2017 Active Transparency Index:

<https://www.ccc.org.mk/images/stories/ia2017m.pdf>

³² <https://www.bbc.com/future/article/20200701-skopje-north-macedonia-the-most-polluted-city-in-europe>

³³ In October 2020 the media was reporting that the measures so far have not resulted in genuine changes that the citizens' demand and the authorities have no better explanation than saying that air pollution cannot be solved overnight.

"Emigration and demographic change in Southeast Europe", Institute for Democracy "Societas Civilis", Visegrad Fund project, https://idsos.org.mk/wp-content/uploads/2019/12/a5_emigration_demographics.pdf

³⁴ Roadmap on good governance for state institutions in the Republic of Macedonia, Actin SEE, July 2017, https://resource.actionsee.org/app/uploads/2018/07/Action_SEE_MK_08-08-2017-english-version.pdf

The **second pillar – public participation** in decision-making has also been assessed as very weak even though the Open Government Partnership³⁵ prioritized transparency and participatory policy making. The 2021-2025 UNSDCF assesses that North Macedonia's public administration – the Government's main service provider – failed to demonstrate stronger accountability and responsiveness towards its citizens. Recognizing some recent progress on transparency and consultation, the UNSDCF stressed that: *"efforts need to continue to ensure inclusive and gender-responsive decision-making. Slow pace of final resolutions on high-corruption cases maintain the low trust and confidence in institutions and cements the perception of political patronage, nepotism and clientelism with a misplaced sense of loyalty to political leaders rather than the Constitution"*.³⁶

Civil society organizations, during the previous Government have been expressing concern about the difficult environment in which they operate and about the Government's limited commitment to dialogue. Public consultations and coordination with civil society were reported as insufficient, as noted in the 2017 Action SEE publication "Roadmap on good governance for state institutions in the Republic of Macedonia". The situation has not changed much since. The 2019 EC Report found the administrative capacity at central and local level to be weak and insufficient. *"Cooperation with civil society has improved, but further efforts are needed for effective public participation and consultation in decision-making processes. The implementation of Environmental Impact Assessment and public consultations need to improve, especially at the local level. No progress has been made in adopting the Law on Environmental Inspection and the Environmental Liability, INSPIRE and Environmental Crime Directives are still not fully aligned and implemented"*.³⁷


Within their autonomy prescribed by the Law on Local-Self Government, local self-government units practice little to no public participation on environmental related topics. There are exceptions, however, referring to local referenda conducted in some municipalities and involving environment and nature protection issues. Yet, those are not standard practices everywhere.

The **third pillar – access to justice** was referred to by almost all of our interviewees as the least developed pillar in North Macedonia. Violations of environmental laws are usually difficult to prove without clear environmental standards, clear emissions requirements in permits or regular monitoring and reporting of emissions data, all of which have been reported to require further development. Additionally, and as referenced by the United Nations Economic Commission for Europe (UNECE) in their Aarhus Convention Implementation guide,³⁸ countries face other potential barriers. In North Macedonia, key and persistent challenges include financial obstacles, difficulty in obtaining legal counsel, unclear review procedures, lack of awareness within the review bodies of the public's rights under the Convention and of environmental law more generally, lack of information, lack of independence and impartiality by decision makers, weak enforcement of judgements and extremely limited cooperation among stakeholders.

³⁵ The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Republic of North Macedonia and United Nations Sustainable Development Cooperation Framework 2021 - 2025 https://northmacedonia.un.org/sites/default/files/2020-11/UN-SDCF-MK_english_signed.pdf

³⁷ European Commission, SWD(2019) 218 final, North Macedonia 2019 Report, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-north-macedonia-report.pdf>

³⁸ http://www.unece.org/fileadmin/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf



In addition to North Macedonia's distinct and ongoing lack of enforcement mechanisms for those seeking the access to justice and accountability envisaged by the Aarhus Convention, three current and evolving cases making their way through North Macedonia's judicial system illustrate the significant challenges ahead. Of three environmentally-focused cases submitted by the Macedonian Association of Young Lawyers (MYLA), only one has received a response. The case, filed by a citizen joined by MYLA, alleges that from 2007-2018, the failure of government authorities, including the Ministry of Environment and Physical Planning and the Municipality of Skopje, to take effective measures to reduce the concentration of p PM 2.5 and PM 10 air particles, constitutes a violation of fundamental rights. The government, whose lawyers argued that it had done everything in its power¹ to reduce air pollution, were being sued to update and harmonize legislation with EU Directive 2008/50/EC, allocate resources to build, maintain, monitor, and disseminate data from measuring stations, and establish a data exchange system. In rejecting the case on technical grounds, the Court sent a profoundly discouraging message to citizens seeking recourse and accountability on environmental matters via North Macedonia's judicial system.

As of publication, there has not been any movement with either case pending before the Basic Courts in Struga and Bitola, respectively).

Enforcement of the Convention is linked to access to justice, and the access to justice pillar contributes to the enforcement of the other two pillars. The connection between having a clear and consistent framework for implementing the Convention and enforcing it "will deteriorate if it is not constantly renewed through enforcement mechanisms".³⁹

Due to the wide range of government stakeholder authorities, agencies, and entities responsible for implementing the Convention across its multiple pillars, it is critical that legislative, regulatory, and other measures are undertaken in a compatible, consistent, mutually-reinforcing manner. For example, the State Inspectorate for Environment (SEI) recent announcement of increased inspection controls and sanctions for air polluters is promising, but beyond a press conference announcement no further information has been made available and most of the links on their website were inaccessible on the day of the Press Conference (19.11.2020).

In order to bridge the gap between the legislation and its efficient implementation, the actors might consider the establishment of inter-agency coordination mechanisms, such as inter-agency commissions or working groups, in order to increase understanding of public authorities' obligations under the Convention. In keeping with the philosophy of the Convention, such bodies should include multi-stakeholder participation. For example, in October 2006, Armenia established an inter-agency commission comprised of representatives of a number of ministries and departments, and also of voluntary associations. The main objective of the commission was to prepare the ground for compliance with the provisions of the Aarhus Convention.⁴⁰

In these endeavors, it might be reasonable to expect the Aarhus Center to have a prominent role.

³⁹ http://www.unece.org/fileadmin/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf

⁴⁰ Ibid.

o **Compliance with the Aarhus Convention, the EU accession process & Green Deal**

The Aarhus Convention and its Protocol on Pollutant Release and Transfer Registers 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 the Sustainable Development Goals (SDGs).⁴¹

As a recent FES Report argues, it is possible to aspire to a “green growth”, i.e. an economic growth that does not disturb the nature or pollute and affect climate change, but is based on preserving the ecological balance. It primarily covers energy activities related to the so-called ‘just transition’ to renewable energy sources, a circular economy that treats waste as a resource, and other activities aimed at mitigating and adapting to climate change.⁴²

EU Accession. In addition to the obligations and commitments stemming from the 17 SDGs, North Macedonia anticipates that it will soon begin EU accession negotiations. As EU accession requires full alignment of national legislation with the EU acquis, the accumulated legal acts, and court decisions that constitute the body of EU Law, North Macedonia’s timeline and process will be informed by the pace and progress of negotiations on implementing each specific piece of legislation. Taking into account UNFCCC obligations and the process of harmonization with the EU acquis, it is critical that North Macedonia has a coordinated approach on environmental governance policies at three levels:

- National/in-country – inter-institutional, but donor-coordination as well;
- Regional - within the Western Balkans (as this is the group North Macedonia belongs to in EU terminology); and
- International – namely, in the multilateral political, legal, economic, and social fora where North Macedonia attends, signs and otherwise participates in policy and decision-making, and is otherwise a stakeholder.

As reflected in the EU’s enhanced enlargement methodology, partners that progress in reform priorities shall benefit from increased funding and investments.⁴³

The opening of negotiations on Chapter 27 of the EU acquis: Environment & Climate Change will require aligning policies and legislations with the acquis comprising over 200 major legal acts addressing water and air quality, waste management, nature protection, industrial pollution control and risk management, chemicals and genetically modified organisms (GMOs), noise and forestry. The European Commission’s 2019 Report noted that North Macedonia’s compliance, which requires significant investments in implementation and enforcement, is “lagging behind”. A strong and well-equipped administration at national and local level is imperative for the application and enforcement of the environment acquis.”⁴⁴

⁴¹ Additionally, the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) provide a legal framework and clear procedures for the comprehensive integration of environmental and health concerns into a wide range of development activities, plans, programs, policies and legislation in all economic sectors.

⁴² Friedrich Ebert Stiftung publication, “The Big Picture: Macedonian Economy in Medium and Long Term”, October 2020

⁴³ https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1811

⁴⁴ https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership/chapters-of-the-acquis_en and <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-north-macedonia-report.pdf>

Access to an effective remedy and a fair trial is a fundamental right of the EU's legal order.⁴⁵ Effective judicial systems play a crucial role in safeguarding the rule of law enshrined in Article 2 of the Treaty on European Union (TEU)⁴⁶, and in ensuring effective application of EU law and improving public trust in public administrations, in addition to the third pillar (access to justice) of the Aarhus Convention. The EU Commission notes: "To improve the EU's system of access to justice in environmental matters, in line with the [Aarhus] Convention, to which Member States are parties in their own right, the Commission calls on Member States to step up implementation of applicable EU laws. It is equally important that Member States' rules applicable to the judiciary and judicial practice fully implement CJEU case law on access to justice in environmental matters."⁴⁷

Across the EU, individuals and NGOs play a crucial role in identifying potential breaches of EU law by submitting complaints to administrations or taking cases to court and activists regularly demand accountability for the failure of countries to abide by their obligations.⁴⁸ For example, Bankwatch Network, a Prague-based network of environmental and human rights groups, reported on air pollution in North Macedonia. However, PACE interviews indicated that these advocacy practices are rather new and still not a regular occurrence within North Macedonia's national system of governance, where the public also does not (yet) utilize established mechanisms for access to information or preventing corruption.

EU's Green Deal. The European Green Deal is a set of policies aiming to make the EU climate neutral by 2050. The president of the European Commission, Ursula von der Leyden, stated that the European Green Deal would be Europe's "Man on the Moon moment", as the plan would make Europe the first climate-neutral continent. Frans Timmermans⁴⁹, was appointed Executive Vice President of the European Commission for the European Green Deal.

The Guidelines for the Implementation of the Green Agenda for the Western Balkans⁵⁰ details the five pillars of the EU's Green Agenda:

- (1) climate action, including decarbonization, energy and mobility,
- (2) circular economy, addressing waste, recycling and efficient use of resources,
- (3) biodiversity, aiming to protect and restore the natural wealth of the region,
- (4) fighting pollution of air, water and soil
- (5) sustainable food systems and rural areas.

The objectives of these pillars should be pursued through concrete actions and supported by mechanisms and financial instruments set out in the Deal. The underlying enabler for these five pillars is expected to be the process of digitalization. However, stakeholder interviews reveal that digitalization is a gradual and fitful process. Although the Ministries have been advised of a forthcoming integrated ICT system, there is still no concrete deadline for it to become operational. Currently, most government institutions utilize a hybrid approach of paper and computer-based archives, causing great difficulty in even assessing what is available, what is missing and what needs to be uploaded where. The prospect of tracking cases still rests in the earliest conceptual stage – the notion of implementing a digital tool to increase transparency remains a very long way off.

⁴⁵ Charter of Fundamental Rights of the European Union OJ C 326, 26.10.2012, p. 391–407, Article 47

⁴⁶ Communication from the Commission to the European Parliament, the European Council and the Council on Further strengthening the Rule of Law within the Union: State of play and possible next steps (COM/2019/163).

⁴⁷ https://ec.europa.eu/environment/aarhus/pdf/communication_improving_access_to_justice_environmental_matters.pdf

⁴⁸ When individuals or NGOs seek justice before a non-judicial/administrative body, the review is administrative. If they seek redress in court, it is called a judicial review. According to the terminology used in the Convention, Article 9(3).

⁴⁹ A former Director of the OSCE's High Commissioner on National Minorities (HCNM) in the time of Max van der Stoep

⁵⁰ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/green_agenda_for_the_western_balkans_en.pdf

II. Institutional Framework

This chapter outlines the main stakeholders and those whose input could impact the implementation of the Aarhus Convention in North Macedonia. As noted below, the work of most actors is regulated by a Law, but the legislation does not create a clear chain of command for implementation. For instance, inter-Ministerial cooperation is neither guided by a clear division of labor nor is it informed by an understanding of what kind of cooperation is needed for a “green” approach and to provide more complex environmental services to the citizens. These legislative challenges stem from the fact that key issues regulated in certain laws are under the purview of different institutions with poor coordination and problem-solving capacity. Further, it was noted by interviewees that if some aspects of the Aarhus Convention are violated (e.g., failing to respond to a request for access to public information) there is limited accountability for high-level public servants (e.g., Heads of Sections or Institutions), which is not conducive to comprehensive, multi-level approaches. With this in mind, listed below are most of the actors who are in some way connected to the implementation of the Aarhus Convention and are, or should become, better linked to each other. Importantly, they should be in regular communication with the Aarhus Center in its endeavors to assist the Ministry of Environment and Physical Planning in implementing the Convention.

a. Aarhus Center of North Macedonia

Aarhus Centers were envisaged as tools and resources to promote the fundamental principles of the Convention, carrying out activities and providing services to address the needs of citizens and NGOs.⁵¹ Within OSCE's scope of work, Aarhus Centers are seen as a platform and venue to promote education, dialogue, consultation, and knowledge transfer on environmental and security challenges between and within countries and a diverse range of stakeholders.⁵²

In December 2019, Milieukontakt Macedonia established North Macedonia's first Aarhus Center to increase local engagement, understanding, and capacity on all three pillars, raise public awareness on environmental issues, and monitor the implementation of the Aarhus Convention by relevant local and national authorities.⁵³ The Center, which is actually a network of 26 environmental CSOs,⁵⁴ is also intended to serve as a network ‘secretariat’ and a mechanism to promote civic dialogue, cooperation and capacity in policy-making and environmental decision-making at the central and local level of government.

⁵¹ Aarhus Centers Guidelines, 2009: <https://www.osce.org/files/f/documents/7/c/40506.pdf>

⁵² The first Aarhus Centers were envisaged to provide “platforms to engage citizens, governments and the private sector in a dialogue on environmental challenges”. <https://aarhus.osce.org/>

⁵³ Established as part of “Capacity Building of Environmental CSOs to Increase Democratic Processes in Macedonia” project, financed by the EU until January 2021.

⁵⁴ The 26 NGOs are: Center for Energy Efficiency of Macedonia (MACEF), Balkan Water, Sanitation and Hygiene Network (BVN), Union of Scouts of Macedonia (SIM), Journalists for Human Rights (JHR), Regional Center for Forestry and Rural Development (REFORD), Association of Ecological Education for Modernization of the Educational Process (ZEOOOP), Association Center for Promotion of Sustainable Agricultural Practices and Rural Development (CeProSARD), Macedonian Green Center (MGC), Association Institute for Training-Square, Association for Environmental Development-Go Green, Association for Social, Ecological and Agro-Cultural Development Libertas et Responsibility (LED) from Prilep, Association for Environmental Protection-Eco Guerilla Prespa-from Resen, Association for Environmental Protection and Promotion Eco Gaia and Association for Environment and Environmental Protection from Bitola, Organization for Rural Tourism, Ecology and Tradition (ORTET) from Ohrid, Association Center for Democratic Development and Integration VISION-EU from the village Dolno Kosovrastii, Debar, Union of Ecologists “Natura”, Porecanski scout squad “Krstie Jon” from Struga, Healthy Valley from Strumica, Association for Development, Education and Environmental Ethics-POLIMAT 13, Bogdanci, Association Eco Justice, Valandovo, Association CELOR - Center for Local Development, Radovish, Ecological Association EKO DO, BIVIUM, Stip, Association for medicinal herbs forest fruits Ambrosia, Pehchevo, Association of women farmers “Agro-Vinka”, Vinica.

The Center's nationwide coverage addresses a broad and deep cross section of interests, including biodiversity, journalism/media, democratic governance, rule of law, justice reform, female farmers and rural tourism. In addition to disseminating information and monitoring the implementation of the Convention by central and local authorities, the Center is also meant to serve as a convening platform for meetings among environmental stakeholders, CSOs, public, citizens, local and international experts, think tanks, and governmental institutions. As of December 2020, however, progress remains elusive: many of the Center's planned responsibilities, tasks and activities for 2020 have not happened yet.

The Center's lack of progress is partially – but not wholly - due to the pandemic. As the Center's Strategic plan noted upon the creation of its 26-member network, its range and diversity of membership is a strength and a weakness. Very few organizations share previous collaborative experience, most have never worked within a networked structure, many lack project management experience, and most suffer from a dearth of stable or sustainable financial resources. While 26 organizations successfully coalesced around the formal establishment of the Center, they did not establish or articulate a common vision for their work or establish mechanisms to promote concrete collaboration. These missing elements remain a missed – and ripe - opportunity to strengthen the Center and its mission, helping it grow into a credible partner of the government in the process of introduction and implementation of European environmental regulations.

In order for the OSCE to be able to do a follow-up on the activities covered by the EU project without overlapping and assuring a constructive next phase of support, together with other international partners, it would perhaps be advisable to allow for a few months after the completion of the project in which the delayed activities will be implemented. However, before defining the specific cooperation, it would be very useful if the Aarhus Center calls the first "Friends of Aarhus" meeting, where they can report on what has been achieved until that point and what they want to achieve in order to become the Network they envisaged at their inception. The OSCE signed a Memorandum for Cooperation with the Aarhus Center and that is the basis for a future cooperation, including the preparation of this Needs-Assessment Report.

b. Ministries: Ministry of Environment and Physical Planning (MOEPP), Ministry of Foreign Affairs (MFA), Ministry of Local-Self Government (MLS) and Ministry of Justice (MoJ)

Executive branch ministries of the Government of the Republic of North Macedonia create and implement policies, laws and programming in their respective fields -- some have more responsibilities in the areas covered by the Aarhus Conventions, and other have less.

As the central government's line ministry for environmental issues, the **Ministry of Environment and Physical Planning (MoEPP)** is the lead institution on the Aarhus Convention⁵⁵ and responsible for preparing the National Implementation Reports on the implementation of the Convention – specifically, the Section for Public Communication. This office was first financed and opened by the EU as an Aarhus Convention Section, but over time it has transformed and been integrated into Ministry structures. Now, in addition to serving as the Government focal point for the implementation

⁵⁵ MOEPP is charged with monitoring the state of the environment, protection of water, soil, flora, fauna, air and the ozone layer from pollution, protection from noise, radiation, protection of biodiversity, geodiversity, national parks and protected areas, as well as restoration of polluted parts of the environment. MOEPP proposes measures for treatment of solid waste and manages the spatial planning including its information system. The Ministry' work is determined by laws, primarily the Law on Environment.

of the Convention, the office handles MOEPP press and public information tasks. Recently, an Aarhus Convention Coordinator was appointed, though she still has no clear mandate, terms of reference or staff.

While it is useful to have media and public relations trained staff in the Aarhus Convention coordinating cell, building the capacities of those working on reporting the compliance and implementation of the Convention is of paramount importance. It is critical that the current and former staff members are consulted about constructive restructuring, especially in the process of scaled digitalization, as demanded by both EU and the UN with regards to environmental governance.

Research interviews also highlighted issues related to MoEPP's inadequate work to coordinate and digitize – through the use of tracking software – key environmental licenses. Currently, the Ministry is in charge of issuing “A” integrated licenses (for big industrial complexes and potential polluters), while the “B” integrated licenses are a local competence issued at the municipal level. Ideally, all information regarding the application and issuing of “A” and “B” licenses would be digitized and searchable online via an integrated information system - something the Government has apparently promised but has yet to deliver. In addition, uploading the system onto digital platforms is likely to be a lengthy process and the system will be continuously evolving. With this in mind, it will be crucial to link the central and local level institutions, alongside the Agencies, NGOs and all of the actors in this effort so as to ensure consistency, access, accuracy, and efficiency.

The digital system of uploading and commenting legislation (ENER)⁵⁶ has been a functional way for public participation. However, more needs to be done in order for individuals and CSOs to receive timely information in order to use this platform actively in an effort to engage in the process of drafting and improving legislation, within the envisaged timeframe allowed for commenting.

In other words, the areas of needed improvement that have been noted in most of the National Implementation Reports must still be addressed in order for the Ministry to have a better structured team and a clearer vision for how to approach implementation. The Ministry must also address these to become the national focal point institution and knowledge hub with regards to the content and mechanisms the country is obliged to provide as part of the Aarhus Convention. Among the things that would improve the performance and would increase the implementation rates of the provisions within the Convention, as shared with us during the interview are: national strategy and action plan for all the Government bodies with clear mandates and cooperation mechanisms (involving the inputs from active CSOs and the Center in particular, other actors relevant to the Convention), developing an integrated ICT system to track, monitor, and share information between and among Government stakeholder agencies and actors, separate MOEPP's public relations duties from those delegated to MOEPP's Aarhus Coordinator, who should also be assigned a larger team of capable and experienced experts to provide advice, counsel, and support in carrying out Aarhus Convention-related taskings, including improved coordination and joint workshops with the Agency for Protection of the Right of Free Access to Public Information (APRFAP), State Commission for Preventing Corruption (SCPC), State Inspectorate for Environment (SEI), etc.

⁵⁶ ener.gov.mk is the national register of legal regulations where draft legislation and other working documents are uploaded and offered for public comments.

The decentralization of powers from central to local level of government stemming from the Ohrid Framework Agreement and the Law on Local Self-Government assign and empower local self-government units and the **Ministry of Local Self Government** to prevent pollution and protect North Macedonia's water, air, land, and nature on a municipal level.⁵⁷ Under Article 22 of the Law on Local Self-Government in North Macedonia, environmental protection is a decentralized competence falling under responsibility of the 80 municipalities and the City of Skopje. These legal provisions give the OSCE Mission to Skopje a mandate and open possibilities for support in environmental governance and to foster implementation of the Aarhus Convention, particularly its second pillar, public participation. The decentralization process coordination lies within the competences of the Ministry of Local Self-Government.

The **Ministry of Justice** plays an important role in ensuring that national legislation aligns with and promotes the Convention's third pillar - access to justice in environmental matters, including protection to members of the public exercising their rights under the Convention.⁵⁸ When good governance fails to deliver results for efficient protection of the environment, the Ministry and national judicial system should be the venue of last resort. Yet, nearly every research interview noted that while the Government may have achieved some modest progress on the Convention's first two pillars, negligible progress on the third remains a critical obstacle to progress in North Macedonia. The few environmental cases that have made it to the Courts were used in political bargaining and the practice of regular inspections, filing charges and prosecuting cases has not become a *modus operandi*. Echoing points made by CSOs and the media, interviews noted that justice and accountability vis-à-vis the Convention's environmental issues is backsliding – illegal wood cutting, water, air and soil pollution (with shocking values when measured and monitored), stubble burning all occur, with no judgments to set precedent and change behavior.

In addition to Aarhus' status as a United Nations treaty mechanism, the **Ministry of Foreign Affairs** role in advancing North Macedonia's international agenda – including through bi- and multi-lateral cooperation – positions the MFA to play an important strategic role vis-à-vis environmental policy and practice. As discussions, collaboration with the OSCE, NATO, UN, and EU seek to address good governance - including environmental governance and security – MFA can elevate and influence discourse on environmental issues.

In order for the Government to deliver improved results, **all** Ministries must commit to and increase efforts to proactively inform the public, provide substantial and scientifically-based information, coordinate and cooperate.⁵⁹

The Government of the Republic of North Macedonia, as a Party to the Convention, should recognize and act upon the understanding that in order “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”. In this regard they are invited to acknowledge that citizens may need assistance in order to understand and fully exercise their rights.

⁵⁷ Ohrid Framework Agreement, 2001, <https://www.osce.org/skopje/100622>

⁵⁸ The Convention's Article 3, Paragraph 9, provides protection to so-called “whistle-blowers” by ensuring that “persons exercising their rights in conformity with the provisions of the Convention shall not be penalized, persecuted or harassed in any way for their involvement.” Aarhus Centers Guidelines, 2009: <https://www.osce.org/files/f/documents/7/c/40506.pdf>

⁵⁹ Several other ministries are also affected by obligations stemming from Aarhus and should be developing national strategies, action plans and other documents and legislation in line with the country's obligations. These ministries include: Agriculture, Forestry and Water Economy, Health, Transport and Communications, Information Society and Administration, and Education and Science.

c. Parliament

On 1 July 1999, the Assembly of the Republic of North Macedonia adopted the Law on Ratification of the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Issues Related to the Environment, which entered into force a week later. In 2010, RNM ratified the Registry Protocol for Discharge and Transfer of Pollutants.

Consistent with the functions, authority and responsibilities vested in the national Constitution, the Assembly of North Macedonia adopts decisions, declarations, resolutions, recommendations and conclusions.⁶⁰ Environmental issues fall under the jurisdiction of the Parliament's Commission on Transport, Communication and Environment, composed of a Chairperson, Deputy, and 20 MPs, The Commission's jurisdiction aligns with the Law on the Environment and includes oversight of the MOEPP.

Research interview with the Deputy President of the Parliament's Commission on Transport, Communication and Environment highlighted that very often, the quality of environmental legislation is less of a problem, compared to the insufficient enforcement, implementation and accountability on the part of the executive government at central and local level. The inter-sectoral and inter-institutional coordination among legislative and executive branches is also identified of a poor quality. Future improvement in the engagement of the Parliament would involve enhanced oversight over the work of the MOEPP.

While the trends of openness to public information and awareness of the need for citizens' participation into decision making have been on the rise (including the reported increased number of Parliament debates on these topics), the wider public and stakeholders are not familiar with the work and the functions of the Aarhus Centre, hence, its role as an environmental governance facilitator and corrector has not been recognized yet.

d. Agency for Protection of the Right of Free Access to Public Information (APRFAPI)

APRFAPI ensures publicity and openness in the work of Information Holders – public institutions and bodies⁶¹ obliged to provide information to the public, consistent with the query and national laws (the Law on Free Access to Public Information) and norms (including the Holders of information in the field of environment) and enables every natural or legal person to exercise his/her right to free access to public information.⁶² The Agency also provides access to legal protection (i.e. an administrative procedure to review the manner and form of acting upon requests for free access to public information by Information Holders, in cases when those seeking public information fail to obtain it or are not satisfied with the reply within the legally stipulated deadline) and Information Seekers enjoy legal protection from misdemeanors via an ex officio commission.

Currently the Agency is unable to indicate how many requests for access to environmental information they have received. However, as part of an IPA II Project already underway, the Agency will acquire a digital managing system that will introduce categorization and improve the agency's ability to analyze cases on a thematic basis and improve capacity to generate such data.⁶³

⁶⁰ According to Article 68 paragraph 2 of the Constitution of the Republic of Macedonia

⁶¹ As stipulated in the Law on Free Access to Public Information, Article 1, these are: state bodies, the bodies of the municipalities, the city of Skopje and the municipalities in the City of Skopje, public institutions, public enterprises, legal entities and natural persons exercising public powers determined by law and activities of public interest and political parties for part of the revenues and expenditures.

⁶² Law on Free Access to Public Information, Articles 9 and 10.

⁶³ As an illustration of not exercising the right to access to public information is probably the numbers of decision in the field of environment that have been issued by the Agency.

So far, the Misdemeanor Commission, within the Agency, has issued one (1) Decision for misdemeanor by an official person for handling public information of the Ministry of Environment and Physical Planning, for irregular maintenance and updating of the list of information and one (1) Decision for termination of procedure against an official for handling public information of the Ohrid Municipality and failing to provide response within 15 days from the receipt of the request for access to public information. In the forthcoming period the Agency should invest in more trainings for designated officials for free access to public information in order to improve active transparency.

e. State Commission for Preventing Corruption – SCPC

While the State Commission for Preventing Corruption does not have direct competence in the implementation of the Aarhus Convention, provisions of the Law on Prevention of Corruption and Conflict of Interests set out obligations of the Parties in areas within SCPC's competencies vis-à-vis preventing corruption, conflicts of interest and strengthening integrity.⁶⁴ The SCPC, which is a lead national anti-corruption body is obliged to produce and coordinate implementation of the National Strategy for the Prevention of Corruption and Conflict of Interest, the Action Plan for its implementation, and has established an electronic database of case records that is constantly updated. This could help improve the Convention's implementation through support of public participation in decision-making, improving access to justice, and verifying cases of misconduct by involved actors.⁶⁵ Increased cooperation with other environmental governance actors is very likely to result in expanding SCPC's preliminary efforts to become more involved in preventing corruption in environmental matters, particularly through the efforts in strengthening integrity at central and local level. Newly produced Integrity Policy for the Local Self-Government Units is comprised of elements and processes in support of the integrity system, where transparency and accountability of work is of primary importance. For the first time, SCPC's National Strategy 2021-2025 contains measures for prevention from corruption in the area of environment; developing this portfolio and working with other stakeholders is likely to open new areas for involvement of the SCPC. Starting from 2020 and continuing in 2021, the SCPC will have a closer focus on the corruption in the area of environment, stakeholders involved, and ways to improve the current situation based on the findings of analysis and reports.

The areas in which the SCPC could be involved more directly in the future, include:

- Monitoring and analyzing cases related to the environment, where risks of corruption/conflict of interest have been detected or reported in order to propose adequate measures to overcome such challenges in the future;
- Education for institutions on topics within its competences; This can be further specified with the OSCE Mission, but more specific ideas will be developed at the future coordination meetings.
- Training on strengthening integrity at personal and institutional level;
- Informing the public about SCPC actions related to the field of environment;

⁶⁴ The competencies of the State Commission are defined in the Law on Prevention of Corruption and Conflict of Interests ("Official Gazette of RM" no. 12/2019). They include, among the others, conducting anti-corruption review of laws, bylaws and other general acts, initiating a procedure for determining the responsibility of officials, education and awareness raising of corruption and conflict of interests. SCPC has competencies for action provided by the Law on Whistleblower Protection ("Official Gazette of the Republic of Macedonia" No. 196/2015 and 35/2018), and the Electoral Code ("Official Gazette of the Republic of Macedonia" No. 40/2006 ...98/2019). Last year, a "Manual for the protection of whistle-blowers" was prepared, and a software developed to encrypt the data received by the State Commission for Prevention of Corruption.

⁶⁵ At the time of the interview, SCPC had 99 cases related to urbanism, construction and environment, with four categorized as environmental. 95 were in urbanism and spatial planning, but in this group many cases have a very strong environmental component.

- Promoting cooperation with CSOs operating in the field of environment and inviting them to public hearings when adopting legal, strategic and planning documents;
- Utilizing its mandate to conduct anti-corruption review of laws, bylaws and other general acts, focus on environmental legislation by assessing corruption risks, areas for improvement;
- Assisting in implementation of the Law on Whistleblower Protection for reporting illegal or impermissible conduct, which violates or endangers the environment, nature and human health;
- Actively participating at regular coordination meetings convened/facilitated by the Aarhus Center, Ministry of Environment and Physical Planning, media, judiciary and CSOs and the public;
- Media monitoring, focused on environmental issues;
- Enabling and updating the SCPC website for reporting new cases.

f. State Environmental Inspectorate (SEI)

With only 24 employees – 19 of whom are Inspectors - the State Environmental Inspectorate (or State Inspectorate for Environment-SIE, both names are being used interchangeably on their website and documents) is in charge of the regulation of riverbeds, hydroelectric power plants, industrial capacities, import of waste - areas for which there are continuous public protests and reactions in social media.

Inspectors carry out on-site inspections and may at any time request necessary documentation from the legal entity. As part of a 2015-2016 Twinning Project, SEI prepared guidelines for inspection procedures, lists of check-ups, a proposal for an inter-operable SEI-MOEPP data systems, and the integration of risk identification methodology used by all EU member states. As part of the same project, SEI prepared self-evaluation and analysis on the implementation of legal aspects of its work and initiated quarterly reports, which SEI anticipated would produce sufficient data for analysis by 2018 (at least three years). Most - if not all - elements remain unimplemented or un-reported (on the SEI website.)⁶⁶ It is likely that events in September 2020 further hampered progress. That month, a fire in SEI's offices prompted the inspectorate – via its website - to urge the public not to trust media reports of serious damage, including to SEI's archive, computers, and inspectors' offices.⁶⁷

Our research team was unable to contact SEI using the official number on the web site. The operator said the line is under construction. We were later informed by environmental activists that there are other lists with numbers, but even for them it was not easy to find and share. If this is to be the first-response instance, it will be very hard for SEI to remain available at all times and ready to deploy its inspectors as soon as a citizen or CSO reports an environmental case that needs to be inspected, when its mandate and capacity is unknown, limited, weak and the citizens need to call many other numbers before they can reach the office where they can report a violation or environmental crime. In time of smart phones and digital technologies, there are many simple solutions if the State is serious about providing public participation in environmental crimes.

⁶⁶ 2019 Annual Report on the work of the SEI. Regarding quarterly inputs from 2016, onward: The Inspectorate assessed such analysis remains impossible due to several factors, including: unfinished legislation, lack of finances until 2019, unfinished process of issuing integrated permits, lack of staff and promotion opportunities (most likely lack thereof, but not clear in the Macedonian version). The 2019 Annual Report also states that in the course of the year, staff attended one training (organized by USAID on legislation and ICT), that there were no promotions and no rewards for successfully completed work or any other work-related reason.

⁶⁷ <https://360stepeni.mk/pozharot-ja-progolta-tselata-dokumentatsija-na-inspektoratot-za-zhivotna-sredina/>

g. Journalists, Associations and Media Institutes

Dramatic shifts in North Macedonia's media landscape have a direct bearing on whether and how environmental issues are covered by the press. Interviewees cited challenges familiar to journalists all over the world, including: diminished professionalism, digital competition, decreased human and financial capital, and a business model that prioritizes click-bait and breaking news while eschewing longer-term, labor intensive investigative pieces. Interviewees also noted that efforts to report on environmental matters are further complicated by a lack of specialized training, a dearth of time and opportunities to be regularly and further informed and educated, and 'incentives' proffered by political and business interests allegedly responsible for violating environmental legislation and corruption. In this challenging media environment, it remains difficult for journalists and advocates to leverage and apply the Aarhus Convention to improve access to information, or to analyze its quality, timeliness and relevance. It would also be wrong to assume that haphazard provision of disorganized, irregular, or incomplete information fulfils the Government's information-sharing obligations per national legal mandates, the Aarhus Convention, and other mechanisms. Despite all of these challenges, several recent groundbreaking news features illustrate how information can promote accountability, transparency and - hopefully - improved environmental stewardship in North Macedonia. Funded by international donors, IGOs, aid agencies, and Embassies, these feature lengthy print stories and video-investigated grave environmental crimes and government inaction.

Impactful media reporting is enabled by the principles and provisions of the Aarhus Convention and promoted by the Center, which has the potential to play a central role in providing relevant information to journalists. The creation of an Aarhus journalist group could increase production of investigative stories and improve public awareness of opportunities to participate in decision-making on environmental matters. The Institute for Communication Studies (ICS) stands ready to cooperate on such issues with the Aarhus Center and help with providing media content, as well as training for the Aarhus journalists/editors and CSOs that are members of the Aarhus network.⁶⁸

h. Municipal officers, Mayors and The Association of Units of Local Self-government (ZELS)

As local units of governance, municipalities are the governing layer closest to the citizens, where services are delivered and legislation adopted by the central level is put into practice. Municipalities have the authority, ability, and responsibility - and are encouraged by the Convention - to undertake a significant amount of the work required to promote and achieve good environmental governance. When provisions cannot be implemented, it is this level where concerns can be raised. Municipal authorities are well-positioned to hear and respond to constituent feedback, improving practices to redress issues. Whether and how municipalities structure themselves to respond to environmental challenges depends largely on the availability of financial and human resources, as well as how local leaders prioritize the issue. While some municipalities have designated environmental focal points, others perform duties alongside work on other portfolios. In order to have a stronger environmental programme, mayors must prioritize the issue and develop capacity to ensure that measures are implemented as envisaged.

Established in 1972, ZELS is the only national association convening voluntary members from all 80 municipalities and the City of Skopje (as a separate unit of local government) which, under Article 22 of the Law on Local Self-Government, each have a designated environmental focal point. While ZELS forms special committees on all aspects of decentralization and has previously organized some

⁶⁸ Interview with Zaneta Trajkoska, ICS Director

environmental trainings and round tables, our research indicated that municipal focal points are rarely informed about the provisions or the content of the Aarhus Convention. Interlocutors could not identify any training or continued education that was offered to them on the obligations stemming from this Convention.

i. Environmental CSOs

It is commendable that the Aarhus Center in North Macedonia was formed as a network of 26 CSOs, that they are geographically spread across the country and that they cover various topics, from biodiversity, to journalism, democratic governance, rule of law and justice reform.

The decision to choose a CSO to host an Aarhus Center (AC) can, however, create tensions among local CSOs.⁶⁹ In order to prevent this and to cater to the needs of the other CSOs as well as to be an effective bridge between the demos and the authorities, the AC may want to consider cooperation and joint events with all of the CSOs working on environmental matters and invite them to all of their events and trainings. It goes without saying that they are free to join the Aarhus network, but even if that is not the direction where they want to go, there should be plenty of venues for joint action and cooperation.

Considering most of the CSOs who are working on environmental or good governance issues are unaware of the creation of an Aarhus Center (as we were informed during the interviews) the initial phase should definitely include outreach and coordination steps by the AC with an aim to present their plans, work and approach, as well as to identify possibilities for cooperation and future joint actions. The Aarhus network of CSOs, if open to other active organizations can very soon turn into a civic platform to others who share the same passion to protect the environment and improve the governance aspect of it.

j. IGOs working in areas covered by the Aarhus Convention

In the preliminary stages of this project, PACE Global Strategies advised the newly created Aarhus Center to create a "Friends of Aarhus" network – a circle of IGOs, bilateral Embassies and private businesses with services and products supplementary to public information, participatory governance or democratization. In early 2020, the process of acquiring new 'friends' began with outreach to potential members. Foreseen as a platform for ongoing dialogue, information exchange, and knowledge-transfer – as well as a tool to help avoid potential overlap of programs or donations - founding friends include the OSCE Mission to Skopje, the Embassy of Montenegro, Embassy of Spain, Friedrich Ebert Stiftung (FES) Skopje Office and Inform/Awakening Creative – USA/North Macedonia Company. As the lead IGO related to implementation of the UNECE Aarhus Convention, and as the Governments' October 2020 adoption of the United Nations Sustainable Development Cooperation Framework (UNSDCF) 2021-2025 further illustrates, it remains important to have the UN Country Office on board, informed, and engaged.⁷⁰ With the new UNSDCF⁷¹, North Macedonia has an obligation and a firm commitment to improve the lives and outcomes of all citizens where "by 2025, all people in North Macedonia [will] benefit from ambitious climate action, sustainably managed natural resources and well-preserved

⁷⁰ PACE's discussion with the UN country representative was among the few tête-à-tête encounters still possible prior to the pandemic and lockdown.

⁷¹ The UNSDCF, developed in partnership with the Government and in coordination with many other international and domestic partners, was adopted by the Government on 26 October 2020.

biodiversity through good environmental governance and disaster resilient communities". The UN, whose country team and agencies (mainly UNDP), work on environmental matters, have a role in helping information-sharing and coordination of actions and programs related to the Convention. Overall, the coordination meetings, as well as those of the "Friends of Aarhus", suggested further down in this Report, can be a very useful tool for enhanced and well-coordinated international support for the general improvement of the environmental governance, including a more substantial implementation of the Aarhus Convention.

III. Areas in which the OSCE Mission to Skopje could potentially provide assistance and advice in the future

Recommendations for the Mission

In the process of mapping and analyzing current efforts and context, PACE noted opportunities for the OSCE Mission to Skopje to realize substantial and valuable impact in support of the work of North Macedonia's newly opened Aarhus Center. The recommendations that follow are based on and derive from the foundational, legal, and principled commitments made by OSCE pS in the environmental and human dimension, in addition to the comprehensive research conducted by PACE Global Strategies, both through resource review and reaching out to stakeholders on the ground.

The OSCE Secretariat developed "The Road Map for Aarhus Centers", which identifies activities by the Aarhus Centers to support the Aarhus Convention Strategic Plan (2009-2014).⁷² Both the Strategic Plan and the Roadmap are very helpful tools in order to achieve a better implementation and provide clear guidelines that must be implemented. According to the OSCE Aarhus Centers Guidelines⁷³, OSCE support should particularly target the following:

- assistance with defining the overall strategies and operational plans of the Aarhus Centers;
- facilitating exchange of experience and best practices through regional and subregional networking among Aarhus Centers;
- capacity building of existing Aarhus Centers through trainings on the implementation of the three pillars of the Convention, general organizational development and strategic planning.

The OSCE Mission in Skopje is uniquely positioned to advance the principles and practices of the Aarhus Convention, whose three 'pillars' resonate across all OSCE dimensions. In addition to expertise in the areas of Rule of Law (RoL) and good governance, the Mission's longstanding engagement with the spectrum of North Macedonia's stakeholders and its role in facilitating belated, but modest progress on Aarhus implementation, illustrates the Mission's potential to help North Macedonia realize more ambitious Aarhus goals. In order to capitalize on hard-won, incremental progress and expedite efforts to achieve impact, OSCE could support or designate an **Environmental Governance Focal Point**.

This focal point (be it a person or a team) would liaise with OCEEA, coordinate activities, events, inputs, information and publications between and among the Government's line Ministries, Local

⁷² Aarhus Centers Guidelines, 2009: <https://www.osce.org/files/f/documents/7/c/40506.pdf>. In addition to the thematic issues the document defines the actions to strengthen the performance and efficiency of the Aarhus Centers

⁷³ Aarhus Centers Guidelines, 2009: <https://www.osce.org/files/f/documents/7/c/40506.pdf>

Self-Government Units, the Aarhus Center, civil society, the media, and other relevant stakeholders – including the public. The Focal Point can monitor and evaluate annually if/how the OSCE has impacted environmental governance in North Macedonia, as well as track and analyze aligned efforts with other partners, including the EU and UN. Further, the Focal Point could facilitate cooperation with the OCEEA and help apply lessons from other pS and implement projects with a proven track-record. Noting the ease of coordination and information-sharing, the Mission – with assistance from the Focal Point - could identify and apply lessons from SEE and Aarhus implementation ‘champions’ singled out by Vienna for progress, impact, and achievement (e.g., at convenings of the OSCE Economic and Environmental Forum, Annual Aarhus Centers meetings, Yearly Implementation Meetings, Permanent Council Sessions and Ministerial Councils).

As a follow-up to this Report, during the implementation of joint programs and projects with national stakeholders, different sections of the Mission are likely to be inspired by situations and challenges encountered along the way. Additional proposals for Mission assistance will be generated to help North Macedonia promote good governance and improve its approach on local, national, and regional environmental policy. Below is what we identified at the moment - the areas, themes and activities that can be considered in the follow-up phase. Should cooperation continue, Pace Global Strategies can elaborate further and support implementation of various proposed items.

Pillar 1: Access to information

In Helsinki our leaders have agreed to “exchange and circulation of books, periodicals and other scientific and technological publications and papers among interested organizations, scientific and technological institutions”. As a lot of this work is done by OCEEA, **the Mission can take upon itself the role of a capable liaison**, who will know which information, meeting or publication has to be shared with whom and with what purpose. To further promote Helsinki’s idea of “holding of international and national conferences, symposia, seminars, courses and other meetings of a scientific and technological character, which would include the participation of foreign scientists” the Mission can stimulate, suggest and organize such events that include experts, regional organizations, SEE OSCE FOs, UN agencies and bodies with their expertise etc.

The challenges of 2020 also illustrate that it is possible to plan for such seminars under budget constraints as interaction and knowledge-transfer can happen digitally.

The Mission can raise internal (to the Mission, and OSCE more widely) awareness and **promote environmental governance by creating an information-sharing platform** among the different sections or departments focused on media, governance, monitoring, rule of law and capacity- (or institution) building. This thematic coordination would give the Mission’s Senior Management a sharper view on possible programmatic interventions to promote good environmental governance.

Further, the OSCE has a role in **educating and providing information to the public about democratic rights and responsibilities vis-à-vis the environment and encouraging that they demand more from their central and local governments**. Existing efforts to inform the public in a transparent, accurate and timely manner must be radically improved. Websites are in dire need of maintenance and updates. Key institutions – e.g. Aarhus Center, Parliament, MOEPP, MFA, SEI, Local Self-Government Units, etc. – should dramatically improve their collection, digitalization and long-term storing of information. The coordination between central government institutions, line ministries and municipalities is crucial in this regard. But, without legislation or standard operating procedures in place, there is significant risk of uploading and sharing incomplete or inaccurate information.

The media is also facing challenges in archiving their reports as there is a certain limit in the quantity of information that can be kept on their websites and the question of archiving is not addressed and solved, so many of the media reports are simply gone after a certain time. The OSCE can help **educate** various groups about democratic rights and responsibilities vis-à-vis the environment, encouraging publics to demand more from their governments.

The OSCE can also assist by **monitoring cases** where potential conflicts with environmental component are being reported.

Incentives for civic participation increase when citizens see their activism yield results. At the moment, citizens in North Macedonia seeking change are disheartened by the devolving and increasingly dire state of their environment, non-existent enforcement and accountability for violations or environmental crimes. Ultimately, it will be the institutions and responsible civil servants in cooperation with the private sector, but the OSCE can help share lessons and experiences from other OSCE regions, offer systemic approaches, and design and conduct trainings.

While the OSCE Mission's current capacity for media monitoring is limited, it can provide **strategic media monitoring**, which could be included in the Mission's daily press clippings. This can be done by identifying a few indicators or key words and make sure the programme officers are alerted and informed when a relevant story is published. Additionally, it can also **design and convene briefings** for editors, roundtables for journalists and other media workers. The Mission can do more on-topic, targeted, **substance-intense events** to promote focus on and coverage of environmental governance issues. The Mission is also capable of conducting more **subtle interventions**, including environmentally-themed competitions to stimulate journalists, musicians, artists and photographers to create works to inspire greener and healthier lifestyles, encourage nature preservation, highlight issues, and promote environmental education and valuing nature. Effectively comprising a public awareness strategy, these activities could be best implemented in cooperation with the Aarhus network NGOs and the Aarhus-informed journalists and editors.

The OSCE Mission to Skopje in its future project planning will be wise to clearly distinguish between Mission support to the Aarhus Center and the Mission support to the Aarhus Convention in the country in general, as work with other stakeholders might be assessed as beneficial or necessary in the follow-up phases.

Pillar 2: Public participation in decision-making

The public and NGOs, which played a crucial role in the negotiation of the Convention, have a central role to play in Aarhus' implementation. The OSCE's mandate and structure allow for assistance in this area. The OSCE has an important role in promoting and ensuring inclusiveness when it comes to women and youth in the decision-making on environmental issues and opening the public debates in order to make sure the voices of these groups are included in the public debates and drafting of legislation or problem-solving civic initiatives.

When the pandemic allows, it might be an opportune time to **organize a number of joint events in order to inform the citizens and environmental CSOs about the vision, mission and strategic plan of the Aarhus network**. And as noted above, in order to prevent tensions among CSOs and to be an effective bridge between the demos and authorities, the AC may wish to consider cooperation and

joint events and trainings with relevant CSOs. They are, of course free to join the Aarhus network, but even if they choose not to, there should be several options available for joint action.

As public participation takes place generally at local level of government, educating and training municipal officials and administration on the core principles of the Aarhus Convention is of paramount importance for the successful implementation of it. Municipalities are the units that need to properly articulate the Aarhus Convention principles with their citizens and CSOs in order for them to be able to understand the mandate of the Aarhus Center and to participate in the overall environmental governance processes in North Macedonia.

As the 2009 Guidelines for Aarhus Centers recommends, **facilities must be easily accessible for visits by CSOs and other members of the public** within official working hours. Free, regulated, access to computers and internet services should be provided, where possible.⁷⁴ After the Covid-19 pandemic and in the process of digitalization, providing a computer for public use might not be necessary, but updated, modern, interactive and rich website is a must. In addition, the Aarhus Center can provide Applications and software-driven solutions to public participation.

Research interviews also highlighted a concept-in-progress and opportunity for the OSCE to **promote citizens engagement and accountability**: an app to report and document cases of pollution, burning garbage, stubble burning, transport polluters, and other environmental violations. Not only would such a tool motivate citizens to engage, it could also provide modalities for citizens to track their 'report status' with relevant government authorities, generate awareness and useful analytics, and mobilize public and the media awareness. Cases and tracking details (agencies, contacts) could be made available on relevant websites, e.g., the Aarhus Center, the Ministry of Environment, the SCPC, and NGOs. Additional information on where/how citizens can demand accountability on issues related to environmental governance could also be provided.

Pillar 3: Access to Justice

Expertise residing in the Mission's Rule of Law Section enables it to develop a strategy to understand, improve, and increase access to environmental justice. Together with colleagues working on governance and those monitoring violation of laws and commitments in the field, the Mission can help North Macedonia build its capacities to pursue and enforce legal actions against environmental offenders who continue to operate with impunity. The Mission's capable team of lawyers can support efforts to integrate relevant aspects of environmental governance and accountability into its work and develop networks of legal professionals (judges, prosecutors, lawyers, Ombudsman, NGOs, academics and activists), develop training modules, and convene regular meetings, conferences and/or symposia. Additionally, it would be useful to have thorough legal analyses on topics (e.g., air, water, soil, chemical waste, waste management, lack of recycling, violations and corruption, lack of renewable energy sources, and gaps in legislation) that some of the identified actors can cover with OSCE's assistance, if requested.

Convention obligations, increased EU scrutiny, and the degrading environmental situation demand improved monitoring programs, data and information management systems, assessment and reporting routines and methods. These elements can no longer be incomplete, late, or outdated, but - with

⁷⁴ Aarhus Centers Guidelines, 2009

international assistance, hopefully owned by the local line Ministries, these elements can quickly be improved. Also, at the Seventh Environment for Europe Ministerial Conference (Astana, 2011) it was decided to develop a Shared Environmental Information Systems (SEIS) across the pan-European region. The UNECE Environmental Monitoring and Assessment Programme assists member States in working with environmental data and information to ensure their timely flow and adequate assessment, which helps enable informed decision-making processes, both nationally and internationally, in the environmental sector.⁷⁵

The theme of the 28th OSCE Economic and Environmental Forum (EEF) was: “Promoting security, stability and economic growth in the OSCE area by preventing and combating corruption through innovation, increased transparency and digitalization”. In line with the discussions and the Draft document that was discussed at the Ministerial Council in Tirana, the OSCE Mission to Skopje decided to support the initiative of the State Commission for Preventing Corruption (SCPC) in assessing the corruption in the area of environment in North Macedonia. The main focus of the research activity would be the corruption connected to the problem of illegal lodging, air pollution, exploitation of mineral resources, etc. Findings and conclusions would be used by the SCPC to raise awareness among the national stakeholders about the situation in the country and call upon action for prevention and sanctioning the corruptive activities in this area, which represent a direct threat to the safety and security. Then local NGOs and media will have to monitor and report on cases they will learn about. For these initiatives to actually have effect there has to be regular and efficient coordination among the stakeholders, all of those who want to see the change in behavior as a result of following and implementing the Aarhus instruments and national legislation. **This is where the role of the Aarhus Center and its network of NGOs will be crucial, and the OSCE can help by providing expert analyses, review legislation, assist their coordinating efforts through networking, raising awareness and organize knowledge-sharing experiences.**

As part of ongoing cross-cutting activities, the Mission can also **work with partners** (the Aarhus Center, ZELS and municipal administrations) on programs to increase capacity of local-level institutions and employees. OSCE's unique network of field-focused monitoring staff immersed in local communities can have a role in informing, tracking, engaging, and helping to mitigate potential environmental flash-points. OSCE could **provide expertise, promote open, inclusive dialogue, support the creation of stronger local networks and links, and collect data** from the field for better-informed responses and policies on HQ level.

ACTIVITIES. In terms of activities, here is a list from which the Mission can choose if/when the OSCE would be involved, depending on budget constraints, programming priorities and internal capacity.

1. Training/Education for

- a. The involved Institutions/parties - Ministries, Aarhus Center, OSCE Mission staff, Commissions, Inspectorates, Academy for prosecutors, journalists, editors etc.
- b. Local government - municipalities, ZELS, environmental focal points
- c. Youth and women organizations
- d. High schools and Universities

2. Coordination meetings ⁷⁶

- a. *Friends of Aarhus*

⁷⁵ <https://www.unece.org/environmental-policy/environmental-monitoring-and-assessment/envema.html>

⁷⁶ The names of these networks – in italic below - are merely a suggestion

- b. *We are all Aarhus* - all of the Institutions, bodies, CSOs, individuals and media that work on the Convention
- c. Aarhus network meetings
- d. *Aarhus journalists*

3. Monitoring and reporting

The Aarhus Center should establish a system for monitoring the information published by the competent institutions. Once that is functional, upon the completion of the EU project (January 2021), The OSCE Mission to Skopje can help with publicizing their monitoring - environmental impact reports annually, maybe together with the comparative analysis of published reports by institutions.

- a. Aarhus Center's web-site update and upload (after its initial final version is promoted)
- b. Monitor published information by competent institutions and media
- c. Assist in coordinating and compiling inputs in the preparation process of the annual compliance report

4. Promoting and presenting

- a. Publications
- b. Topical events for various audiences
- c. Annual award presenting event – investigative story, painting, photo contest, classical music concert in a form of artists for environment
- d. Conferences and roundtables
- e. Media campaign and awareness raising activities

5. Formation of a Parliamentary Lobby Group

Creation of such a group would, inter alia, facilitate and convene meetings and briefings with parliament members, improving their knowledge on the importance of the Aarhus Convention and protection of environment. It would also generate a stakeholder network of MPs engaged, aware, and prepared to act upon environmental governance, including mainstreaming the cross-cutting issues into other work of the Parliament.

IV. Conclusions

The Aarhus Convention is forward looking. It does not simply address the human rights and environmental protections of today, but also makes clear that we have an obligation to protect and improve the environment for the benefit of future generations. A healthy environment plays a key role in meeting many of the 17 Sustainable Development Goals. With a little over 10 years left to meet the target date of 2030, the world will need to pick up the pace and invest greater effort in addressing pollution, climate change and biodiversity loss in order to truly transform societies and economies.

Despite global goals, international commitments and well-written legislation, North Macedonia is failing to protect its environment sufficiently.

On its road to European Union accession, the Republic of North Macedonia requires an enhanced and better coordinated approach to environmental governance. The OSCE, through its Skopje Mission, is uniquely capable of supporting the key aspects of governance, especially where environmental challenges and threats erode trust in hard-won progress on democratic governance, generate security concerns, and are the cause of long-term environmental damage that threatens the health, livelihood, and future for North Macedonia's citizens and communities.

In failing to respond to such essential issues at the local or central levels, North Macedonia and its partners risk a profound loss of trust in the government's institutional capacity to deal with the basic organization of environmental protection and the State's respect for the rights of its citizens to live in an environment adequate to their health and well-being.⁷⁷

This Needs Assessment Report has explored opportunities for the OSCE Mission to Skopje to support the work and mission of the Aarhus Center, opened by the NGO MillieuKontakt Macedonia with support from the EU project "Building capacities of Environmental CSOs to Increase Democratic Processes in Republic of North Macedonia" and to assist North Macedonia in implementing the Aarhus Convention.

A consistent message to emerge from interviews was that the Convention - and the overall improvement in the creation of a functional mechanism and participatory model - depends on the political will of Government and local level authorities - especially mayors - to prioritize environmental issues as a matter of governance.

Implementation of the Aarhus Convention at the level of local self-government units will contribute to the reform of public administration, the quality of its work, and usefulness to citizens in the three areas regulated by this Convention: access to information, participatory decision-making and justice. Progress will, in turn, contribute to the development and capacity of institutions to ensure the rule of law, protection of human rights, and trust in public administration and democratic processes, in general.

The Aarhus Convention is a living document for which there should be no excuses to do less than what was aspired to in 1998. Twenty years on, implementation should reflect the experiences shared by Parties with decades of implementation experience, the benefit and challenge of technological advances, significant political changes, and new environmental challenges. For Convention signatories, Aarhus Centers are an important tool that raise awareness, access, and accountability while aiming to increase the capacity of central and local level actors. On the road to fulfilling its commitments to citizens and legal instruments, and acceding to the EU, North Macedonia is under pressure to deliver and meet tight deadlines. The OSCE can assist that path and can share much of the accumulated knowledge in environmental governance and public administration reform. By supporting the Center's goals and activities, the OSCE Mission in Skopje is uniquely capable of promoting the governance envisaged by the Convention's pillars, which fully align with OSCE's mandate and experience, and also serve to mutually-reinforce North Macedonia's EU accession process.

If the Aarhus Convention is the floor and North Macedonia is headed to join the EU Member States building the ceiling, much must happen quickly - the strategic documents of both EU and the UN have tight deadlines. The OSCE can assist North Macedonia on this path by sharing critically useful accumulated knowledge in environmental governance and public administration reform.

⁷⁷ Aarhus Convention, Article 1.

V. Appendixes

1. Conducted Interviews

➤ **President of DOM political party and a deputy member of the Parliament Commission on Transport, Communications and Ecology, d-r Maja Morachanin**

Attended by: d-r Maja Morachanin, Parliament Commission on Transport, Communications and Ecology, Kristina Jovanova, OSCE Mission to Skopje, Maja Lazarova, OSCE Mission to Skopje, Rezart Mehmed, OSCE Mission to Skopje, Deniza Bundalevska, OSCE Mission to Skopje.

The meeting was held online, via the Zoom platform on 17 March, 2021. The purpose was closely related to the implementation of the Aarhus Convention in North Macedonia and the involvement of the Parliament as a legislative body into translation of the convention into the national legislation

Specifically, the following aspects were discussed at the meeting;

1. Activities of the Parliament related to the implementation of the Aarhus Convention in North Macedonia;
2. Activities of the Commission for Transport, Communications and Ecology related to the oversight over the work of the Ministry of Environment and Physical Planning;
3. The inclusion of the three EU environmental governance related directives into the national legislation in North Macedonia;
4. The awareness among MPs on the existence of the Aarhus Convention and the practices of translation of those principles into the national legislation;
5. Methods on how can the role of the Parliament increase in near future in effect of implementing the Aarhus Convention principles and assisting the work of the Aarhus Centre.

Ms Morachanin made it clear from the very beginning that the awareness among the public in general and among MPs in the Parliament on the existence of the Aarhus Centre in Skopje is almost non-existent (mostly due to the heavy obstacles posed by the pandemics last year and the lack of human, financial and overall resources of the Aarhus Centre for their proper dimensioning among the wider public and the stakeholders they are supposed to serve). As to the Aarhus Convention, MPs are not all of them aware of it, but since the principles of this convention are rooted into the EU legislation in the field of environment, it can be freely stated that those principles of openness, fairness, free access to information and particularly inclusion of citizens into decision making processes are already translated into many environment related laws. The problem, according to Ms Moachanin might not be the quality of the legislation existent as such, but rather the enforcement and the implementation by the executive government institutions at central and local level.

Ms Morachanin proposed a proper promotion of the Aarhus Centre and its functions and role in the society in order for the institutions to take a proactive role into the implementation of the convention and its principles. She personally expressed an interest to maintain a connection with the Aarhus Centre management both in a capacity as an MP and a political leader the platform of which mainly addresses environmental topics. Ms Morachanin pointed out that in the recent years, the amount and quality of information given to citizens and their subsequent inclusion into the decision-making processes has been on the rise. Parliament alone has performed many public debates including citizens and CSOs. She particularly recalled the oversight hearing she has initiated in 2018 on the implementation of the Law on Management with the Ohrid Region together with the ecological CSO Front 21/42. This hearing represented a targeted oversight over the work of the executive

government with regard to the management of the cultural heritage and environmental and ecological aspect of the Ohrid region.

During the conversation, it was further concluded that the pandemics challenges posed a serious delay on the work of the Parliament. For the future, inter-sectoral coordination, cooperation and information sharing among all institutions and Aarhus Convention stakeholders was concluded to be of paramount importance. Very often, some institutions miss action due to lack of motivation and information and this can be overcome by inter-institutional cooperation.

One of the major concerns of citizens was detected to be the fact that citizens and CSO are informed very late, after a mine or a factory that entail ecological consequences are started to be build. Therefore, timely information sharing is crucial in order to mobilize citizens into decision-making and acting as a corrector to the governments, central or local. Also, the quality and classification of information is important, therefore the need to standardize municipal web sites was mentioned. The importance of the Aarhus Centre in this regard was reiterated, seeing it as a connector and a corrector in the environmental governance processes Ms Morachanin expressed an interest to incite a public debate in the Parliament on the implementation of the Aarhus Convention and in promotion of the work of the Aarhus Centre and this Needs Assessment Report produced with the support of the Mission. Prospects for securing state funds for the work of the Aarhus Centre were also emphasized.

With regard to the third pillar and the third EU directive that addresses the Aarhus Convention, Ms Morachanin highlighted the need of capacity building and trainings for the judiciary, potentially in cooperation with the Academy of Judges and Public Prosecutors. The need is particularly focused on the knowledge of the environment related legislation and the principles of the Aarhus Convention. This would enable adequate access to justice to citizens, as judiciary would be more sensitive to the issues.

Regarding the latter, Rezart Mehmed explained that the Mission has a separate unit that is dedicated to the Rule of Law topics and the functions and activities of the Academy of Judges and Public Prosecutors and the link between the internal Mission portfolios could achieve a comprehensive and thorough approach in the support to the implementation of the Aarhus Convention.

Maja Lazarova spoke about the activities with the State Commission for Prevention of Corruption and the papers in progress regarding the corruption in environment and the analysis of the environment related legislation in North Macedonia.

A link between Ms Morachanin and the Aarhus Centre management will be established by the Mission for their future direct cooperation. This is particularly important as Ms Morachanin expressed an interest to explore opportunities to secure state funds for the functioning of the centre, thus opening space for building their future sustainability.

➤ **State Commission for Preventing Corruption (SCPC)**

Attended by: Vladimir Georgiev, SCPC, Kristina Jovanova, OSCE Mission to Skopje, Maja Lazarova, OSCE Mission to Skopje and Ida Manton, PACE Global strategies

The First interview was conducted on 19th October via Zoom in order to follow the protocols for social distancing. It was informative and Mr. Georgiev was given an overview of the Convention, the reasons behind the interview and he was informed that after the meeting he will receive a

Questionnaire, so he and his colleagues can look in more details and provide a written response regarding the work SCPC is doing on the provisions of the Aarhus Convention. He informed us that the latest National Anti-Corruption Strategy for the period 2021-2025 (which should be adopted by the Parliament soon), which has been developed under the coordination of the SCPC for the first time provides a possibility to treat the field of environment. Furthermore, the Action Plan has two entries regarding environmental matters, which gives the Commission and other relevant institutions pathway for potential work they can do. He informed us that this is a beginning and they hope to develop these entries further if there are more/other areas where they can be involved. He also informed that they have opened several cases until now, as well as the possibility within the Law to act preventively. Until now they have been looking into air pollution, misusing of natural resources and giving concessions for the use of river beds. He said that the main role SCPC can have in the Aarhus implementation is to verify if there are cases of misconduct on the part of the involved actors. We discussed the importance of depicting a whole cycle or framework of who should do what in order for the Convention to be implemented in the good spirit it has been written and in order to achieve an increased level of responsible environmental governance. Mr. Georgiev also said that it is very important to have this Needs Assessment Report and to outline the responsibilities of the network of actors involved in environmental governance, as well as to connect it with the project they discussed with the Mission.

On the 20/10/2020 Mr. Georgiev received the Questionnaire and two weeks later he sent back the responses where SCPC explained their work, challenges, the future expectations and possible cooperation with the OSCE Mission to Skopje on issues that will improve the environmental governance in North Macedonia in the upcoming years.

➤ **ZELS (Association of the Units of Local Self Government)**

Attended by: Ivana Serafimova, ZELS, Kristina Jovanova, OSCE Mission to Skopje, Maja Lazarova, OSCE Mission to Skopje and Ida Manton, PACE Global Strategies

We held a meeting with Ms. Ivana Serafimova from ZELS on the 21.10.2020.

The overall conclusions are that there have been many systemic problems that stem from the badly implemented decentralization process and lack of resources on local level, unclear communication channels between the citizens and the institutions, as well as intra-institutional communication challenges in information-sharing. There are also legislative problems as some issues are regulated in various laws, which are then under the responsibilities of different institutions that have poor coordination and often do not work together towards problem-solving.

ZELS published a Manual for B-integrated licenses and we discussed how it is then implemented, what are the problems with issuing these licenses, the quality, inspections etc.

ZELS has conducted a few environmental governance trainings in the last couple of years and their assessment is that there is a need for further continued education on the topic, especially in order to make the connection for the municipal officials among the international commitments (the Aarhus Convention being one of them), local legislation, the resources management on local level and the overall state responsibilities, of which the units of local self-governance are part of.

➤ **Ministry of Environment and Physical Planning (MOEPP)**

Attended by: Angelina Jovanovik (MOEPP), Sasho Sekulovski (MOEPP), Maja Gramatikova (MIM), Marija Delevska-Chalovska, Dragana Cerepnalkoska, Kristina Jovanova, OSCE Mission to Skopje, Maja Lazarova, OSCE Mission to Skopje and Ida Manton, PACE Global strategies

Venue: Zoom

The meeting took place on 20 October and was attended by 6 people. The questions asked by the expert were answered mainly by the current Coordinator, Ms. Angelina Jovanovik and her predecessor Mr. Saso Sekulovski, (who still features at the website as Head of the Section, so it was a bit confusing to understand who has which role). They explained that most of the obligations of the AC are within the Law on Environment and that for them it is the main document.

The Ministry is in charge of issuing “A” integrated licenses (for big industrial complexes and potential polluters), while the “B” integrated licenses are a local competence, therefore issued by the municipalities. Ideally, all of the information regarding the application and issuing of the licenses would be online and in an integrated information system that apparently the Government has been promising to provide, but has still not been put in place. On top of that it was noted at the interview that uploading the new, integrated system will take some time and the system will be a living project. If that is indeed the case, it will be crucial to link the central and local level institutions, the Agencies, NGOs and all of the actors. We discussed the National Reports and the incident when in 2017 the country was a subject to a special meeting at which the Compliance Committee was supposed to consider the ongoing failure of the country to submit its report for the third cycle. This case showed that there has to be a better inter-ministerial communication regarding the international obligations and the work within the Aarhus process. In the other interviews, as well as in this one, we were informed that there is a lack of intra-institutional coordination on top of the inter-institutional one. Simply said, there is lack of coordination, cooperation and that is reflected in the way how the institutions inform and update the public.

➤ **Agency for Protection of the Right to Free Access to Public Information (APRFAP)**

Attended by: Gorjan Gilevski (APRFAP), Makfirete Morina Sulejmani (APRFAP), Kristina Jovanova, OSCE Mission to Skopje, Maja Lazarova, OSCE Mission and Ida Manton, PACE Global Strategies

Venue: Webex

The main discussion was around the competencies of the Agency, within the Aarhus Convention as they fall into the first pillar - to ensure transparency and openness in the work of the Information Holders (including those in the field of environment) and to enable every natural or legal person to exercise his/her right to free access to public information. This obligation is twofold and is reflected in the Law on Free Access to Public Information.

We were also discussing the access to legal protection, i.e. access to a procedure (administrative procedure) and the misdemeanor protection which the Agency provides through its misdemeanor body, which acts upon a report or ex officio.

The challenges in the implementation of the AC that were mentioned by the Agency's representatives were:

The Information Holders find the 20-day deadline to be short as some requests demand reviewing a lot of documents. Also, the Agency does not have a mandate and a capacity for oversight and they have lack of resources (human and financial) to produce analytical information, which can happen

with some assistance. In order to have better response to the requests, the APRFAPI officers suggest that there should be more inclusive teams of linguists, lawyers, psychologists and even more importantly to have management positions filled with persons with socio-political capital.

We discussed the concerns mentioned in the European Commission's reports regarding the access to information where APRFAPI was expected to conduct criminal proceedings, as well as to consider the political parties as Information Holders. They have started the criminal proceedings through the misdemeanor commission and it will be very important to keep their work at the current speed regardless of management changes, which have been a reason for very different work and performance previously.

APRFAPI so far has been receiving requests for access to information from NGOs mainly and they are hoping to become a go-to place for individuals as well, which might require more public awareness campaigns and outreach, as well as successful track record of their work that would motivate citizens to exercise this right when needed.

➤ **Media representatives and media experts (Telma, BIRN, IKS)**

We have conducted 3 interviews and the discussions were very informative. The two journalists shared the challenges they face when reporting environmental issues. The main difficulty is that the journalists that cover environment, cover many other topics as well and the media situation currently does not allow for long-term research as information is presented in its raw form and with very little analysis. Another problem is that the editors rarely prioritize environmental topics and there are very few platforms where these topics are in the main focus. Those platforms are usually there as they are part of a project and those are difficult to maintain beyond the timeframe when the finances dry out. Otherwise, as part of the regular news producing cycle, the environmental information is short, does not go beyond the daily coverage and sometimes compares data within the month or year (especially regarding air pollution as Skopje is always among the first most polluted cities in Europe).

The journalists shared that with the increased role social media and various media platforms play, it is difficult to compete with the quality of their information because the time of publishing the breaking news is more important, so instead of quality the driving force is urgency. Only those who have secured funding and are not ultimately dependent on ratings and how many viewers they attract, can afford the luxury of reporting on more in-depth issues like good governance and environment.

Additional deterrent for journalists to work on these issues is that their investigations are likely to expose corruption and criminality, which are then rarely taken to the next step by the judiciary, so the journalists are not motivated to report over and over without seeing a change in behavior or a result of their work. If business continues as usual, they wonder, what is the purpose of them sticking their neck out and expose criminality while risking their safety and security.

Zaneta Trajkoska shared that their approach in the Institute for Communication Studies (IKS) has been to prepare material that the media can then take as a final product and air, as they understand that with the low budget of the media productions it is difficult to produce investigative pieces, which require a long-term research and capacity to pay the journalists for that kind of work. They have also done some trainings for journalists and editors and have environment as one of their core topics they have been working on strengthening over a longer period of time, currently supported by a project financed by the British Embassy in Skopje. Their mission is to help strengthen democracy in North Macedonia in working with the media, civil society and public institutions, educating a critical public that will seek greater transparency and accountability by involving citizens in public policy-making.

2. Questionnaires

The Questionnaires were prepared and sent in Macedonian language, as were the responses received. Below is an example. Most of the questions were similar, just adapted to the Institution or person, depending which part of the Convention they work on or what information was not publicly available on their websites.

**Aarhus Convention-based
Needs Assessment Report for the OSCE Mission to Skopje**

Прашалник до
Државната Комисија за спречување на корупцијата (ДКСК)

1. Напишете краток опис на надлежности на ДКСК
2. Кои од обврските, кои ги преземала државата со потпишување на Архуската Конвенција, се дел од задачите и надлежностите кои ги има ДКСК? Во прилог е Конвенцијата:
<https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43mac.pdf>
3. Каде мислите дека има можности ДКСК да е активно вклучена во имплементирање на Архуската Конвенција. Наведете ги можностите според 3-те столба на Конвенцијата: пристап до информации, учество на јавноста во одлучувањето и пристап до правда.
4. Дали деловите во кои ДКСК би можела да биде вклучена спаѓаат во:
 - Следење и постапување по случаи (мониторинг).
 - Анализа
 - Едукација и запознавање со обврските и можностите кои произлегуваат од Архус
 - Информирање на јавност (како и кој?) и конкретни целни групи (инспекторати, здруженија на граѓани...кои други?)
 - Законодавство (менување, предлагање...?)
 - Некоја област која не е наведена. Слободно додадете.
 - Што подразбира овој процес? Објаснете во неколку реченици под секоја од горенаведените области.
5. Колку случаи од областа на екологијата (или поконкретно злоупотреба на службена должност во менаџирање на прашања поврзани со животната средина, ако сите случаи влегуваат во оваа категорија) досега стигнале до ДКСК? Како стигнуваат до вас и каква е процедурата откако ќе стигнат? Што понатаму?
6. Од тие случаи кои ги разгледува ДКСК, дали можете да посочите со какви предизвици се соочувате и каква помош Ви е потребна за да дојдат до разрешување и/или менување на однесувањето кога има злоупотреба на службена дејност?
7. Какви активности мислите дека треба да организира ДКСК (или да биде дел од), за подобро да се вклучи во имплементацијата на Архуската Конвенција, за да има постојана и редовна комуникација и координација со Министерствата, Архус Центарот, НВОа и медиуми?
 - Презентации на работата на ДКСК во контекст на АК
 - Едукација/обуки за ДКСК
 - Едукација/обуки од ДКСК до институциите каде сте забележале недоследности, неразбирање на проблематиката или нејасен менаџмент/одговорност и лица за контакт
 - Изготвување посебен годишен извештај за работата во оваа област
 - Доставување барања за транспарентно објавување информации (наведете до кого)
 - Остварување редовни средби со Архус центарот, Министерство за животна средина, медиуми кои следат теми поврзани со ж.с, НВОи...
 - Следење на медиуми
 - Оспособување и update на вебсајтот за пријави на нови случаи
 - ...додадете...

**Aarhus Convention-based
Needs Assessment Report for the OSCE Mission to Skopje**

Прашалник до
Министерство за животна средина и просторно планирање

1. На кратко за обврските кои ги преземала државата со потпишување на Архуската Конвенција. Што од тоа е надлежност на Министерството за животна средина и просторно планирање?
 2. Кој ги координира активностите поврзани со обврските и можностите кои произлегуваат од АК?
 3. Каде можам да најдам повеќе информации за историјатот на потпишувањето, кои луѓе биле во делегацијата, како дошло до тоа...? Има ли Министерството Архива или тоа би било во МНР?
 4. Каква е структурата и опис на работата на службениците кои работат на АК во Министерството? Може ли да добиеме опис на работно место на Координаторот и барем уште еден службеник? Доколку не може, (или како дополнување) објаснете колку лица се задолжени да работат на оваа тема и дали им е ова единствена обврска. Ако имаат и други обврски, како е предвидено да ги покријат оние кон АК (процентуално или по денови?)
 5. Кои други Министерства и институции се дел од регулирањето и управувањето со животната средина според столбовите на АК? Како соработувате и координирате со нив? Дали тие учествуваат во изготвувањето на Извештајот до UNECE? Колку координативни состаноци имате годишно? Кога? Кој ги свикува?
 6. Како ја оценувате вашата работа од Членот 5.9 и ако имате предизвици во исполнувањето, објаснете ги и предложете како може тие да се надминат?
 7. Со кои институции имате најблиска соработка? Опишете подетално што подразбира таа соработка.
 8. Објаснете го процесот на изготвување на Националниот извештај и опишете ја методологијата на подготвување и поднесување. Какви се досегашните искуства? Кој го презентира на Meeting of Parties? Кои биле проблемите и предизвиците до сега? Како би можеле да се надминат? На колку време ги праќате и кога е следниот?
 9. АК вели: „Владите мора да обезбедат транспарентност како и да ги отстранат пречките и да ги надминат предизвиците кон пристапот до правда.“ Како Владата го прави ова и како сте вие дел од тој процес?
 10. Каде гледате расчекор меѓу законските обврски (локално законодавство, но и меѓународни заложби, вклучително и АК) и состојбите на терен. Што може да се смени во краток рок, а за што ќе треба подолго време?
 11. Опишете ја соработката со Архус Центарот. Што од досегашните планови се оствари, а што беше пролонгирано, меѓу другото и заради Ковид-19.
 12. Наведете неколку добри примери кои покажуваат дека методологијата развиена со АК и визијата за good environmental governance се спроведува во државава.
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VI. INDEX of Acronyms

Acronym	
AC	Aarhus Center
CSCE	Conference for Security and Co-operation in Europe
CBMs	Confidence building measures
CSO	Civil Society Organization
EEF	Economic and Environmental Forum
ENVSEC	Environment and Security Initiative
EU	European Union
FO	Field Operation
IGO	International Governmental Organization
INGO	International Non-Governmental Organization
IKS	Institute for Communication Studies
MFA	Ministry of Foreign Affairs
MLS	Ministry of Local Self Government
MoJ	Ministry of justice
MOEPP	Ministry of Environment and Physical Planning
OCEEA	OSCE's Office of the Co-ordinator of Economic and Environmental Affairs
OSCE	Organization for Security and Co-operation in Europe
PRTR	Pollutant Release and Transfer Register
RIO+20	UN Conference on Sustainable Development
RNM	Republic of North Macedonia
UNECE	United Nations Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change

Further reading:

- 1) Aarhus Convention: <https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>
- 2) Aarhus Convention connected pages: <http://www.unece.org/env/pp/introduction.html>
- 3) Aarhus Implementation Guide:
http://www.unece.org/fileadmin/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf
- 4) Aarhus Centers Guidelines November 2009: <https://www.osce.org/files/f/documents/7/c/40506.pdf>
- 5) <https://aarhus.osce.org>

VII. About PACE Global Strategies

Founded by an accomplished team of peacebuilders and conflict prevention specialists, **PACE Global Strategies** is a women-owned small business committed to the advancement of peace and sustainable development. Global in our vision, inclusive in our approach, and agile in our work, PACE delivers field-centered research and analysis to help clients understand and respond to political, social, and economic change. Our global team integrates subject-matter expertise, field-based access, and extensive experience to produce incisive analysis, develop responsive strategies, and build capacity. Visit us at www.paceglobalstrategies.com / info@paceglobalstrategies.com.

The **Lead Author** of this report, **PACE Senior Advisor Ida Manton**, is a scholar and trainer in the field of negotiations, mediation and conflict resolution. She has published articles, presented at international conferences and has written negotiation simulations in the field of international relations, multilateralism and conflict management. She is both American and Macedonian citizen, with permanent residence in the Czech Republic.

Her professional engagement includes mainly work in International Organizations (Peace Corps, NATO, OSCE) in the fields of languages, culture, democratization, minority rights, public relations, local governance and decentralization. In her 20 years of professional experience, she has conducted lectures and presentations on variety of topics. She has worked for IGOs, NGOs and Universities, in HQs and field operations, where she has managed and implemented projects and created programmes and policy guidelines.

She is a member of the Programme of International Negotiation Training– POINT, associated with the Negotiation expert's network PIN (Processes of International Negotiations). She is also Diplomacy Dialogue's (Geneva based think tank) Representative at the OSCE Academic Network, for which she has contributed in projects on protracted conflicts, economic and environmental confidence building measures and mediation. In February 2020 she became a Steering Committee member of the Network.

Mrs. Manton has a Bachelor's degree in Comparative Literature with second major in English Language and Literature from Ss. Cyril and Methodius University in Skopje, as well as a Master degree in Diplomacy and International Relations from Leiden University and Clingendael in The Netherlands.

PACE CEO Jennifer Leonard, who served as **Co-Author** of this report, brings a deep understanding of policy issues, stakeholder interests, and levers of advocacy and influence to her work at PACE Global Strategies. Ms. Leonard co-founded PACE in 2018 after fifteen years with the International Crisis Group, a conflict resolution organization she helped transform into a global policy player. As ICG's Washington Director, and previously as its Deputy, she drove efforts to professionalize and adapt Crisis Group in its mission to understand, prevent and resolve deadly conflict. She designed and implemented strategies to promote the organization's unique brand of field-generated analysis, translating policy into action for top decision makers in the U.S. and internationally. In addition to advising successive executive leadership on policy and management issues, she led field research, authored publications, and devised targeted media strategies to influence global policymakers.

Her expertise in trend and risk analysis contributed to groundbreaking work and engagement on various emergent and cross-cutting issues and her regional expertise further qualified her for a variety of temporary, dual-hatted senior assignments, including as Europe & Central Asia Program Director, Balkans Project Director, Senior Analyst (Macedonia), and lead Asia policy advisor.

As a policy advocate, Ms. Leonard has helped design and promote practical, integrated strategies to prevent and mitigate conflict, translating policy analysis into action for top decision makers in the U.S. and internationally. Her work to address specific risk factors and conflict drivers has achieved impact in a range of countries and contexts (e.g. Afghanistan, Pakistan, Sri Lanka, Colombia, Nepal, Macedonia, Ukraine, Tunisia, Libya, Myanmar, Kyrgyzstan, Uzbekistan), and on a range of issues (violence reduction, peacemaking, inclusion, resourcing, law enforcement, accountability, reconciliation). She worked directly on North Macedonia, authoring and/or managing publication of three reports (2006-07 and 2015). Ms. Leonard has also played a central role in mainstreaming and institutionalizing U.S. government analytical capacities regarding risk factors for violent conflict and atrocities and her strategic advocacy to establish more flexible, longer-term, and inclusive approaches to prevent conflict are reflected in various laws and legislative initiatives.

Before joining Crisis Group, Ms. Leonard served as special advisor at the U.S. Department of Energy and National Nuclear Security Administration on non-proliferation policy. She has been an Associate at Harvard Law School's Program on Negotiation, a regular contributor to the OSCE's election-related activities, and has conducted fieldwork throughout the Balkans, Caucasus, Russia, and south Asia. She is a Life Member at the Council on Foreign Relations and earned an MA from the Fletcher School of Law and Diplomacy and B.A. from Connecticut College.