

**ICPDR INFORMATION ACCESS:
REPORT AND SUGGESTIONS**

Prepared for the ICPDR Secretariat by

Resources for the Future

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Introduction: Purpose, goals and structure of this report

This memorandum responds to the need to improve public access to information in ICPDR records and files stemming from the requirements of the EU Water Framework Directive, the Aarhus Convention and other international legal acts. The ICPDR Secretariat is in the unique position to support the Danube countries in implementing these requirements and has therefore requested technical assistance from the UNDP/GEF Component 3.4: Enhancing Access to Information and Public Participation in Environmental Decision Making.

The ICPDR accumulates information in the course of serving two important purposes. First, it is a platform through which Danubian States that are “Contracting Parties” to the Danube River Protection Convention carry out their joint agreement to coordinate water management in the Danube River Basin. Second, the ICPDR has been nominated as the platform to coordinate all issues of basin-wide importance as required by the EU Water Framework Directive (WFD) as well as coordinate the reporting of the Contracting Parties (which include European Union Member States, Applicant Countries for EU membership and others).

This memo summarizes the Consortium’s understanding of the kinds of information ICPDR currently holds in its records and how it handles dissemination of that information.¹ Information management includes “active” outreach to assure that the information is known to relevant populations and so-called “passive” information sharing in which individuals, NGOs and other organizations take the initiative to request information.

The memo presents recommendations to increase active and passive forms of release and dissemination of information, in response to the stated intent of the ICPDR Executive Secretary to be as transparent as is possible. Some of the suggestions respond to specific problems identified in the first part of the memo. But the memo goes on to make other recommendations as well that are suggested by research and by the experience of similar commissions and relevant public bodies.

An important consideration throughout is the reality of ICPDR’s function as a coordinating body and a platform for its Contracting Parties. The Secretariat can only collect information with the approval and cooperation of Contracting Parties (i.e., information is provided from or provided with the approval of the Contracting Parties)² and it has no functions beyond those approved by the Contracting Parties. It is not an independent regulatory body. On the other hand, while state level data should be directly available from each of the Contracting Parties, the ICPDR Secretariat uniquely is able to

¹ This memo does not footnote the source for each fact discussed. It is based on interviews with ICPDR Permanent Secretariat staff, review of the Convention on Cooperation for the Protection and Sustainable Use of the Danube, other documents posted on the ICPDR web site and other relevant documents.

² ICPDR can propose that certain kinds of information be collected, as can expert groups (expert groups are not independent entities but consist of experts from the Contracting Parties). However, any recommendations made in this regard, or any conclusions reached, are submitted to the level of the Contracting Parties for decision.

provide aggregated, basin-wide data based on the data and information it receives from each of the Contracting Parties. This puts ICPDR in the unusual position of being able to provide an overview of the entire Danube River Basin. The fact that such information is available creates efficiencies for those who seek information who would otherwise have to do so country by country.

In preparation for writing this memo, we did not survey or review what individuals, NGOs or business organizations in the various Danube Basin countries find problematic when accessing or trying to access ICPDR related information, or indeed if they are even aware of the kinds of information that ICPDR retains. We hope to learn more about this subject in the needs assessments and in plenary and country-level meetings in the course of implementation of Component 3.4.

This memo starts by providing background on the current status of ICPDR information collection and dissemination and draws on this information to provide some options for the future. Ultimately, the decisions on how to proceed will be made by the Ordinary Meeting of the ICPDR.

Summary of recommendations

It is clear that the ICPDR works under considerable limitations in its collection and dissemination of information about the Danube River Basin. As a platform for its Contracting Parties rather than an independent body, and lacking independent regulatory powers, it must act by persuasion and consensus.

Nevertheless, we believe there is room to improve both the “active” and “passive” provision of information. In particular, as elaborated below, there are additional ways in which ICPDR can let the public know what information it has (i.e. to “market” information about the Danube River Basin). ICPDR can also use its own skills and vast network to disseminate pertinent information more broadly in ways that reach out well beyond the normal recipients of this information, which have been to date mainly the community of experts. As we examine below, arguably, ICPDR might also be a beneficiary as the information provisions of the Water Framework Directive ripen. ICPDR could translate the inventories and other information about the Danube River Basin that emerge from the countries responsibilities under the WFD into understandable terms, and connect this information to specific activities that can be undertaken by the broad range of Danube basin stakeholders and citizens.

What kind of information is on file with ICPDR?

ICPDR files contain two general types of documents. The first category includes the draft and final official documents of the Commission and its subsidiary bodies, as well as documents regarding internal organization. Most final Commission documents are intended for public disclosure when they have been agreed and approved by the members of the Commission itself, i.e. the Contracting Parties. Drafts are generally not made available to the public but can be accessed by stakeholder representatives, which have

been granted Observer Status with the ICPDR. The documents on internal organization include contracts, personnel records and certain audit reports. These documents are not intended for public disclosure and therefore will not be part of the examination below of active or passive access.

The second general category includes various types of technical data in databases. The five major types are (1) the Trans National Monitoring Network (TNMN) water quality information; (2) EMIS emission data from point sources; (3) the Joint Danube Survey; (4) accident prevention information including hot spot data; and (5) the Danube/Black Sea (DABLAS) data base.

(1) TNMN: Each Contracting Party is responsible for collecting TNMN monitoring data. One of the purposes of the data is to establish trends.³ This data is not intended to, nor could it, represent real time pollution monitoring, and represents only a few monitoring points. The amount of information is also limited although it is expected to grow. TNMN currently analyzes for 7 substances. However, revisions to conform to WFD are expected which will enlarge the number of substances analyzed, change priority substances and otherwise adjust to the WFD requirements for monitoring.

(2) EMIS Inventory: In the Convention on Cooperation for the Protection and Sustainable Use of the Danube, the Contracting Parties have each committed themselves to undertake periodic inventories of relevant point and non-point sources of Danube River Basin pollution. This information is provided to the ICPDR to make up the EMIS Inventory. The requirements and standards for collecting this information vary widely country by country.⁴ For example, some Contracting Parties require self-monitoring by the pollution sources themselves (whether municipal or industrial) and in others, monitoring is conducted by the authorities. There are also differences in frequency (number of times per year) of required monitoring. Similarly, all countries monitor municipal discharges for the parameters wastewater volume, suspended solids, COD, BOD, nitrogen and total P, but the rules for monitoring for heavy metals and toxicity testing are different country by country.

The important point is that basic data is generated by the Contracting Parties, and is subject to their own standards for data collection, although there are currently efforts at the ICPDR level to harmonize data submissions. Data from the national level is provided to the ICPDR in agreed reporting formats, and forms the basis for the ICPDR's point source discharge summaries, which assist ICPDR and the countries themselves to comply with Article 5 of the WFD, i.e. to list and assess for the entire river basin the

³ According to the Programme Work Plan of The Environmental Programme for the Danube River Basin, the data is collected to support (1) "reliable and consistent *trend analysis* of the concentrations and loads for priority pollutants," (2) assessment of water quality for water use; (3) identification of major pollution sources; and (4) sediment monitoring and bio-indicators (emphasis added).

⁴ The ICPDR Guidelines for Monitoring of Waste Water Discharges (February 2000) recognize these differences. For example, the Guidelines call for monitoring "according to the relevant permit issued by the authorities," and require monitoring by authorities in the a range of "at least 1-12 times/per year," which recognizes the range already existing among the Danube Basin countries (i.e. some countries monitor once a year, some as many as 12 times per year).

type and scale of significant anthropogenic pressures. Based on the emission data, pollution hot spots are identified for each Danube country. These are priority locations of concern based on criteria that identify significant impact areas and adverse impact.

(3) The Joint Danube Survey (JDS) is a periodic attempt to characterize water quality and the ecological status of the Danube. The JDS was authorized by the Contracting Parties and is managed by the ICPDR and carried out by its Monitoring, Laboratory and Information Management (MLIM) expert group, but conducted in close conjunction with local authorities in the countries contributing to the Survey. It provides comparable data about the entire course of the river on over 140 different parameters: biological parameters and chemical pollutants, aquatic flora and fauna and bacteriological indicators. The chemical and biological samples taken partly overlap with TNMN information collection, and in fact, its purpose is to improve the validity and comparability of water quality data received through ICPDR's regular TNMN monitoring programme.⁵ The first survey was done in 2001 and surveys will be repeated every 5-10 years (depending on available funding), with the next survey planned for 2007. ICPDR is working to connect this data with maps and to find other ways to improve its presentation.

(4) Accident Prevention and Control System (APC) includes the inventory of accident risk spots, popularly known as "hot spots," (but not to be confused with the hot spots selected from the larger EMIS emissions inventory) which includes an inventory of contaminated sites, chemical production and storage facilities in flood risk areas. The inventory of contaminated sites in flood risk areas is a refinement that was instituted following experience with flooding that demonstrated the problems of unanticipated releases from contaminated releases. ICPDR recognizes the values that risk assessment can add to understanding of both inventories and is currently developing methodologies for risk estimation, including for the evaluation of flood risk at the sites.

It is the responsibility of the Contracting Parties to designate specific flood-sensitive hot spots on each of their own territories. As a result, there may be some inconsistencies among the countries in terms of what is considered to be a hot spot. In addition, controls over hot spots vary among the Contract Parties, which may account for some differences in evaluating any harm that can arise from the presence of such hot spots.

Information for the accident prevention program is largely collected by the countries and occasionally by independent experts.⁶ It cannot be released without a consensus agreement. The quality of the information can differ dramatically country-to-country. ICPDR is trying to address the issues of inconsistency, for example by preparing check-list assessment methodologies.

⁵ The JDS final survey recommended that the Danube Trans-National Monitoring network needs to be improved by including the relevant priority pollutants into the set of monitored parameters and by revising the biological monitoring system.

⁶ However, the information collected by independent experts must also be approved by the Heads of Delegation.

Similarly, the countries themselves collect accident data and manage spills. Notifications are activated through the Accident Emergency Warning System, a system of Principal International Alert Centers (PIACs), when criteria accidents occur. Initially, reporting was based on a principle of “transboundary impact,” but country sensitivity about spills led to threshold values to limit what falls under the definition of transboundary.

(5) Dablas (Danube Black Sea) I and II consist of information compiled as a tool to help prioritize projects around hot spots. ICPDR assembles this information largely to assist donor organizations to prioritize water sector investment projects. The first phase, Dablas I, catalogued existing, planned and proposed projects, mainly wastewater treatment plants. Dablas II catalogues water-related investments in vulnerable or significant impact areas related to agriculture, land use, industry or wetlands. Both have quantitative aspects in the sense that they include plans and financial needs, estimated costs and estimated removal capacity.

How is this information made available to the public?

This section examines how the information listed above is made available. Much of the information listed above is actively made available to the public, either on the ICPDR website, through the Yearbook or otherwise. Other information is in the files of the ICPDR and could be made available, if requested. However, some information is filtered, for a variety of reasons, or might be available, but not promptly, due to internal processing issues and the need to reach consensus of the Contracting Parties before release. A key issue is how quickly can information practically be made available from the time of its collection and verification. The text below first reviews what are the vehicles for release of information, and then examines each type of data in turn, categorizing the discussion between “active sharing of information,” in which ICPDR takes the initiative to make sure the information is in the public domain, and “passive sharing of information” that is in the records of the ICPDR but must be requested.

(a) Active sharing of information and obstacles to active sharing of information

(i) Available ICPDR vehicles for information dissemination

Currently, ICPDR’s main efforts to reach out actively to disseminate information about its activities and the Danube River Basin are its web site, two publications -- *Danube Watch, the magazine of the ICPDR* and the TNMN Yearbook -- and more recently, the innovation of Danube Day.

The *website* has a public and a password-protected section. Data from October 2003 through September 2004 show “page views”⁷ at the rate of about 23,500, very roughly split between internal (access by logged in users) and public (access by users without a password).⁸ The Commission decides what is put on the public web. Thus, any expert

⁷ Alex Hoebart indicated that a page view is defined as an attempt to obtain real content. This means that the figures do not include visits to the site that only go to the introduction pages and images.

⁸ ICPDR records cannot show for what purpose individuals or organizations access the site.

group can make recommendations that specific documents be put on the web site, but it is the Commission that makes the final decision on this.

Information that has not yet been finalized, especially documents of the various expert groups, is password protected. The Secretariat provides passwords to members of delegations, members of expert groups, observers⁹ and others authorized by the Executive Secretary. However, not everyone with a password has the same level of access. A password can allow an individual to see everything at the site or only to see particular segments, as is the case for some observers. Also, among the people with password access to the ICPDR site, there are two kinds of access: “read-only” access and “write” access. For the data bases, only the ICPDR manager for information, has "write" access. To assure the information integrity of the databases, data and information is sent to the ICPDR manager, which he alone records.

Danube Watch is a general circulation publication issued four times per year, with approximately 6,000 copies per publication printed and distributed. It generally contains non-technical information on different aspects of water management in the Danube River Basin, that the authors believe will be of interest to a broad audience. ICPDR tries to increase outreach by targeting networks and other places where the circulation effect will multiply. An html electronic version is also contained on the ICPDR web site.

The TNMN *Yearbook* contains a variety of information including TNMN data that has been approved for dissemination to the public. The Yearbook is issued in print in limited numbers, and electronic versions. Because it is so cumbersome to issue, the Secretariat itself has raised concerns about the long-term viability of publishing an annual printed version of the TNMN Yearbook, particularly since the data it contains is at best, trend data, in view of limited collections at only a few monitoring points. The Yearbook has other limitations as a communication tool. It is only published in English, not the variety of native languages of the Danube Basin countries. We understood from interviews with Secretariat staff that when the Yearbook is issued, it is not currently accompanied by any particular public relations or communication plan or specific effort to alert the public or the press of its existence. Thus, there is no formal event, such as a press conference, that marks issuance of the TNMN Yearbook.

The celebration of an annual *Danube Day* is a recent innovation and listed here because it is a vehicle for providing information about the Danube River Basin and the ICPDR to the public, as well as a celebration of the Danube rivers. Its current purpose is to increase awareness of the Danube River Basin, a day set aside to celebrate the importance of rivers and the related environment, with local events such as bicycle races, art contests, folk music and boat rides. Its potential for increasing active and passive information flow will be discussed below.

(ii) *How particular kinds of information are reported*

⁹ Observers are always organizations, never individuals.

TNMN data is currently reported in the TNMN Yearbook, but a considerable amount of time elapses before the data finds its way into print, generally about two years. The basic problem is the complexity of the national collection systems and procedural issues in compiling information obtained from the countries. Countries send the data following the end of the calendar year; thus, e.g., ICPDR receives 2004 data in about May 2005. Thereafter, for about an additional year, the ICPDR and the countries engage in a protracted process of checking for consistency and other pre-publication activities, reflecting the requirement that Contracting Parties must approve publication of the information. ICPDR Secretariat is not free to make the information available until agreement has been achieved. Thus, 2004 data would be published in 2006.

EMIS Inventory data is made available by ICPDR on the public website both by country and by sub-river basin, and also through click-on maps. There is also a significant time-lag in making this information publicly accessible. The basin-wide EMIS Inventory of pollutants discharged to water from municipal, industrial and agricultural sources for reference year 2002 (i.e. up to date as of 2002) was made public in 2003. This reflects the collection process.

Whether the basic information that makes up the EMIS Inventory is, or should be, available by direct request to the Contracting Parties that collect it is presumably governed by the Aarhus Convention and/or the EU Directives that implement the Aarhus Convention. This in turn depends on the status in each state of Aarhus ratification and implementation and/or EU accession. This issue will be examined in the country-specific needs assessments in the five Danube countries involved in Component 3.4.

The results of the *Joint Danube Survey (JDS)* are found on the ICPDR website. The length, lead time and five-year cycle nature of this information gathering does not make it easy to make this information available in a quick time frame. Nor is it clear that this is time-sensitive information. ICPDR Secretariat is aware of the need to make this information easily accessible and understandable to the public and is working to find ways to present it, for example in maps that will improve understanding.

Accident prevention and control hot spots inventory information is internally available in ICPDR's database, but not currently open to the public. This information is available to people with ICPDR passwords. Instead, information is planned to be provided through general maps that do not specify exact locations of risk sites, which materials are present and what their attendant risks are, but do show where incidents such as spills have happened.

DABLAS I and II information are not currently open to the public. According to ICPDR staff, DABLAS I should be available to the public through the website, and the staff is currently examining how to assure public access. Staff have also indicated that DABLAS II will be made available once the information is fully compiled and approved.

(b) Passive availability of information and obstacles to passive availability of information

ICPDR has information and data on site in its physical and electronic files and physical library that must be requested or for which there are special rules of access that exclude most members of the public. As noted above, there are limitations on what the public can obtain from the web site; some information in electronic format can only be obtained easily by approved persons who have received passwords to access all or part of the ICPDR web site. ICPDR has no records of individuals or groups without passwords who have requested website information that is only available by means of password.

The physical library contains information that can be accessed without restriction. The contents of the library mainly include approved documents and other items such as the technical report from the Joint Danube Survey, books on the implementation of the WFD, and the like. However, the documents held in the library are not unique and are basically identical to documents found in the files of each Contracting Party.

Physical access to the library is complicated by the fact that it is located within the heavily guarded UN facility, where entry is normally restricted to people with passes and people who have been pre-approved. It is ICPDR's policy is to authorize visitors to enter the gate in order to come to the library. But it is not known how much of the public knows about the library and its holdings and/or understands ICPDR's public access policy. It is also unknown whether any individuals have attempted to access the library on the premises and been discouraged by the security situation.

In fact, it appears that very few non-ICPDR personnel have requested any of the information in the library. ICPDR staff reported only a "handful" (perhaps 10 in five years) of requests to enter the library or otherwise obtain information not already available electronically or in print. Although records are not kept, Secretariat staff reports that these requests have mainly been from academics, not industry or NGOs. Secretariat staff surmised that some of the academics might be consultants to industry. The explanation for the small number of experts seeking information may be related to the fact that the documents held in the library can be obtained at a national level. Thus, consulting companies that might be interested in the data may be working directly with the Contracting Parties and obtain the information they need more directly. For the general public or NGOs, limited requests may reflect the fact that few people know about the ICPDR library or know that it is possible for the public to gain access to it.

Summary of problems and obstacles ICPDR faces in creating active and passive availability of information on file

The discussion above suggests the challenges ICPDR faces if it is to increase its role as an active provider of information about Danube River Basin water quality, management and threats and to make itself more open to requests for information in its possession.

1. ICPDR does not have independent regulatory or information collection authority, but functions as a platform for its Contracting Parties. This does not mean that ICPDR will not be able to undertake moderate changes. However, these must be achieved through persuasion and consensus, parallel perhaps to the process which is underway to achieve better harmonization of data submissions, agreed reporting formats and the development of risk assessment tools to develop an in-depth understanding of the significance of the hot spots and potential for accidents.
2. Most of the ICPDR's information and data is obtained from the Contracting Parties, who collect according to their own rules and requirements, although for some databases efforts are underway to harmonize those distinct approaches. This affects ICPDR's active and passive information provision.
3. Contracting Parties consider that some of the information they provide to ICPDR is sensitive for political and other reasons. For that reason, they are not willing to allow either active or passive dissemination of this particular information. This is for example the case with information for the accident prevention program, such as collection of accident data and information on management of spills.
4. Since ICPDR is largely dependent on information the countries provide, it has little control over the timeliness of the information it can provide to the public.

Suggestions for increasing information dissemination and accessibility and possible models

The discussion above shows the constraints faced by the ICPDR in developing and sharing data, but also suggests opportunities. This section of the memo suggests various ways that ICPDR can increase both its active and passive information flow, and make better use of the information it currently has. It further suggests ways the Secretariat might work with the Contracting Parties to develop new forms of outreach and to increase the ICPDR's role as a provider of information to people and organizations in the Danube River Basin.

Some of the suggestions below respond to problems identified in the earlier part of the memo. Others are ideas about increasing information flow suggested by the experience of other commissions and organizations working in shared water bodies and river basins, not necessarily tied specifically to the identified problems. There are some problems for which we do not have recommendations, for example the issue of timeliness of receipt of data. Stylistically, we have not made an active effort to tie these suggestions to the background sections in the early part of the memo.

The principal opportunity, in our view, is the possibility, based on ICPDR's unique status as a provider of aggregate information, of finding creative ways to reach out beyond what has been the typical (although not exclusive) audience for the ICPDR – the expert and organized NGO communities. The purpose would be to increase wider public understanding of the challenges facing the Danube and what individuals can do to help

achieve change. This is fully consistent with the strong emphasis in Phase II of the Danube Regional Project on public outreach and bringing more people to the table to participate both in the debates about the Danube and the solutions devised thereby, and with recent decisions to engage the public through events like Danube Day. Thus, many of the ideas below suggest ways to package or repackage existing information to reach that broader, and necessary, audience.¹⁰

1. Act aggressively to increase public knowledge of what information the ICPDR currently has, how it can be obtained and its relevance to on-going efforts to improve Danube River Basin water quality.

ICPDR's basic data and information may not be much of a revelation for experts whose professional responsibilities expose them to data concerning the Danube River Basin. Professionals probably know how to obtain the basic data directly from the Contracting Parties, although the ICPDR remains the most important source for aggregated data.

But the same data can be useful to a wider audience of citizens and non-expert NGOs whose support and understanding is critical if progress is to be made on these issues. The ICPDR is already seeking ways to make Danube River Basin information more understandable. Examples of this include the effort to connect the Joint Danube Survey data with maps, to improve the ICPDR web site and make it more nimble and accessible, and the effort to reach out to wider communities (including children and families) through the celebration of Danube Day.

The ICPDR could make significant changes and improvements in the way TNMN data is presented and provided to the public. The data is sometimes criticized because it is limited to trend analysis of the concentrations and loads for priority pollutants.¹¹ But the restriction to trend data need not be a limiting condition. Trend data could be better packaged and disseminated to increase awareness among wider audiences that often don't have the resources or skills understand or follow the details of the Danube process, but can appreciate what trend analysis means for their interests and future. The issue for ICPDR is how best to communicate trend data to the wide range of stakeholders and interest groups in the Danube Basin.

TNMN data is currently reported in the Yearbook. In its current form, the trend data in the Yearbook is not easy for the layman to understand. There is a considerable amount of text in the Yearbook before the reader even gets to the trend data, and in any case, the way the trend data is presented is relatively technical and seemingly written as if for a technical audience.

Certainly, there are some acknowledged difficulties in collecting comprehensive data and publishing it in a timely manner. The Yearbook itself presents some evidence of these

¹⁰ In preparing this part of the memorandum, we have looked at some analogous commissions and programs that, like ICPDR, act as platforms for their respective countries or states

¹¹ The Environmental Programme for the Danube River Basin – Programme Work Plan articulates the purpose of TNMN, See footnote 1

problems. It acknowledges the lack of any data from Bosnia and Herzegovina or year 2000 data from Ukraine; it also notes that only a few countries provided data on dissolved phosphorus, and that since the stations with available data on dissolved phosphorus were not evenly distributed on the Danube, the data could not be presented.

Despite data gaps and other defects, the effort to disseminate TNMN data could be enhanced in the following ways:

- Rename and revise the Yearbook to make it more easily accessible to the public. As noted, the current Yearbook may be understandable to a specialized audience, but it has distinct weakness in communicating information to a broader audience including non-specialists. Instead, use models such as *Chesapeake Bay Program: The State of the Chesapeake Bay, A Report to the Citizens of the Bay Region* that include technical data but aim to present it for an intelligent general audience.¹² Indeed the stated intent of the Chesapeake Bay publication is to report to “citizens.” Thus the result would be a “plain language” version of the Yearbook. A document of this nature would use simpler language, special graphics that highlight trend data (see bullet below) and other techniques to make trend data and their implications broadly understandable, coupled with suggestions about what the readers can do to advance the cause of Danube cleanup.
- If it is not possible to re-design the Yearbook, create a parallel, short version of the revised Yearbook directed at non-specialized audiences, that achieves the purposes set out in the bullet above.
- Develop distinctive visual representations for expressing the state of the river. State Danube trends in ways that enhance comprehension and invite comparisons, and overall help to mobilize the public.¹³ Some possibilities (that could be conceptualized as comments on the entire river or on segments) include
 - a thermometer (a way of visualizing goals and how close or far the ICPDR and its member countries are from reaching them); or
 - the equivalent of the Concerned Scientists clock (arms on the clock are moved farther or closer to “midnight” depending on the strength of the nuclear threat). In this case, the visual would suggest levels of progress toward (or farther from) a cleaner Danube; or
 - ratings from gold to black (this is somewhat like Indonesia’s PROPER program). ICPDR already does this to some extent by expressing water quality on a scale from blue to black in the Yearbook. This is probably the most difficult to achieve, if the ICPDR is constrained from commenting on progress or lack of progress in specific Contracting Parties, but the rating could also be an overall rating of the water quality of the river.
- In general, use the Yearbook or a Report to the Citizens/State of the Danube-style report to educate the public about what particular Contracting Parties are doing or

¹² Some examples include reports of the Chesapeake Bay and the Great Lakes, found at <http://www.glc.org/> and http://www.chesapeakebay.net/pubs/sob/sob02/sotb_2002_final.pdf

¹³ Some examples of good Chesapeake Bay graphics are found at the following sites: <http://www.chesapeakebay.net/pubs/snabc2k.pdf>; <http://www.epa.gov/r3chespk/> and <http://www.chesapeakebay.net/overview.htm>

have done to improve the state of the river – what is getting better, what is not—as well as activities going on in each country. Examples of subject matter that could be covered include

- legislation passed and/or implemented and other major policy initiatives;¹⁴
- information about grants obtained and other funding that is supporting Danube cleanup;
- a short report from each delegate to the ICPDR about activities within his/her own Contracting Party;¹⁵
- narrative explanations of current activities and successes;
- links to the environment and water ministries of participating states; and¹⁶
- links to community efforts such as watershed organizations.¹⁷

2. Amplify outreach

Enhance the effort to tell people what information ICPDR has and how to obtain it, and use that to increase the public’s understanding of ICPDR as a resource.

- Create a bigger public splash when ICPDR issues important documents, particularly yearly assessments and the TNMN Yearbook, by using press conferences and other media outreach, notices in linked web sites, and other active dissemination tools;
- Time the release of significant documents for days when the Danube has high visibility; for example, issue the above-discussed “Report to the Citizens,” or “State of the Danube” annual assessment on Danube Day;
- Increase the distribution list for Danube Watch through an active outreach effort and research to find additional groups/individuals to engage (for example, component 3.4 might locate new “customers” for this information);
- Publicize what information is available, separate and apart from what is provided in the Yearbook. It is not clear that people other than experts who have some existing contact with the ICPDR know about what information ICPDR has. How many people know, for example, that ICPDR maintains an on-site library or what it contains? What about other ICPDR resources? Use notices in Danube Watch and on the web site to inform the public. Be specific about what information is available and how to obtain it (mention electronic access and the library)
 - Related to this, develop and announce policies so that the public understands how it can access the ICPDR library including how to get into the building, and what are the rules and costs of copying materials from the library.
 - If demand for information increases enough to warrant this, create procedures (and related forms) to facilitate information requests, and a manual or

¹⁴ See descriptive listing of the federal legislative and appropriations priorities of the Great Lakes

Commission: <http://www.glc.org/restore/>

¹⁵ An example from the Great Lake Commission is a publication in which delegates from all ten member jurisdictions shared their views on current and emerging priorities: <http://www.glc.org/about/priorities/>

¹⁶ An example of easy links to other organizations is found at:

http://www.chesapeakebay.net/index_watershedorgs.cfm

¹⁷ Survey of opinions of community watershed organizations:

<http://www.chesapeakebay.net/pubs/subcommittee/cwi/surveyre.pdf>

handbook that can help future Secretariat personnel to understand how, and when, to process requests in an expeditious fashion.

- Seek the assistance of observer groups to promote more active outreach of materials that are publicly available but may not be known to be available to the public. For example, disseminate more information through World Water Forum (although the audience here is principally experts, they in turn link into research institutes, universities and possibly NGOs);
- Consider how to expand interest and awareness by teaming with education departments and universities to create curriculums to promote environmental awareness, local communities involvement, education programs in schools;
- Obtain grants for translation of Danube Watch, the revised and simplified Annual Report suggested above (Report to Citizens/State of the Danube), and other key documents into native language to extend the audience.

3. Use the various resources listed above to increase public awareness of the kinds and amounts of information that can be obtained at the level of the Contracting Parties.

4. Find ways to work with the Contracting Parties to help them understand what benefits they gain from making information publicly available and in a timely manner, and thereby encourage them and help move them towards greater openness and receptiveness to improving public access to information. Work with the Contracting Parties to determine whether it is possible to reduce the amount of information that can only be accessed by means of a password.

5. Negotiate an enhanced role for the ICPDR, in view of the potentially increasing amount and detail of information that could come available pursuant to the WFD.

- Convene a meeting of Contracting Parties specifically to discuss how the WFD will change information flow and how, in view of that, to increase and improve outreach and dissemination.
- Consider whether it is possible to negotiate agreements with the Contracting Parties about information release. Granted, countries have indicated they don't want ICPDR making press announcements about spills, but are there subjects that can be agreed in advance on which the ICPDR might provide region-wide or even location-specific information? The Consortium's development of obstacles and priorities for Component 3.4 will also address the issues of increasing the Contracting Parties commitment to providing information, and we will look for opportunities that might facilitate Secretariat's further actions in this regard.

Other issues and problems to address to facilitate information access

This section mentions several issues that have come up in our interviews and research that should be considered part of any effort to improve ICPDR's service function as an information provider.

(a) Ease of access:

There have been some complaints from password holders about the difficulty of searching the ICPDR site. We have not examined this issue more closely in view of the fact that the entire site is being revamped.

(b) Clear rules about copying and other costs, should requests increase

As noted above, ICPDR currently has no policies on who bears the cost of copying documents, when requests are made for physical rather than electronic materials. If the Secretariat decides that such rules are necessary, the Consortium can provide guidance from the experience of other governments and commissions.

(c) Clear rules about treatment of potentially sensitive information

Article 13 of the Convention governs the treatment of confidential business information (CBI). From our review, it did not appear that ICPDR collects information that is classically considered to be business confidential, or that it is likely that ICPDR will collect such information in the future. However, it has been pointed out to us that at the level of the Contracting Parties, information on pollution, hotspots and spills is sometimes considered to be sensitive in the respect that such knowledge could negatively influence investment plans. To some extent, the Contracting Parties may be trying to protect information that would not qualify for protection under the provisions of the Aarhus Convention, should the same information be requested at a state level. Thus it would be helpful to generate a discussion among the Contracting Parties about what information legitimately fits into CBI and how best to maximize the availability of other information when Contracting Parties are concerned about its disclosure.

(d) Cautions and warnings: credibility

Obviously, any organization that issues reports on the state of the Danube River Basin must be vigilant that its reports are credible, as well as understandable. Most scientific data is open to some question and interpretation. Therefore, a body that seeks to achieve the status of an independent observer must take care to set out its findings fairly. An example of this problem came up in August 2004 with respect to the Chesapeake Bay. Despite reports from the Chesapeake Bay Program -- the joint multi-state and federal government body that steers the bay clean up process -- of "indications of an improving trend since 1985" in dissolved oxygen concentrations in the main part of the bay, at least one independent scientific report has questioned this conclusion.¹⁸ The analysis of both sets of experts depended on models of pollution flows and definitions such as of hypoxic conditions, but the critical question is how a reporting body displays matters of interpretation and uncertainty in order to best inform the public and avoid attacks on its own credibility.

Future opportunities: the impact of WFD on ICPDR dissemination practices

¹⁸ Volume 46, Number 8, *Environment Magazine* (October 2004).

The ICPDR is managing the coordinated reporting of the Danube Countries as required by the WFD. A separate question is: as information is generated pursuant to the requirements of the WFD, what impact, if any, will that have on the ICPDR and ICPDR information practices? Will the independent requirement to make WFD information public, and the supervision of the European Union, ease the ICPDR's role as a disseminator of information and will the ICPDR Secretariat be able to avail itself of the information generated under the WFD in its function of aggregator and disseminator of regional information?

Provisions of the WFD require that certain information¹⁹ and the processes for achieving river basin planning be made available to the public.²⁰ Also, pursuant to the WFD, the countries must provide information to the EU itself. It seems highly unlikely that the documents provided to the EU can be kept secret, particularly as proposed EU regulations, if finalized, would require the Commission to make these documents available to the public, unless they fall into narrow exceptions.²¹ Thus, information about

¹⁹ Reports characterizing each river basin district or portion of an international river basin district falling within its territory are due four years after entry into force of the WFD (i.e. 22 December 2004)¹⁹. The next update can be as long as 13 years after the entry in force, and then every six years thereafter. Member states are also required by 2006 to have operational programs for monitoring of water status. The second reporting requirement for Member States is to submit summary reports of their analyses of characteristics of river basins and the impacts of human activity on the status of surface waters, and of their monitoring programs. The first report (on management plans) is due no later than March 2005 (i.e. 3 months after December 2004); and the second report is due no later than March 2006.

²⁰ The language contained in "whereas" # 46 of the WFD is general: "To ensure the participation of the general public including users of water in the establishment and updating of river basin management plans, it is necessary to provide proper information of planned measures and to report on progress with their implementation with a view to the involvement of the general public before final decisions on the necessary measures are adopted." Article 14 (public information and consultation) obliges the member states to publish and collect comments on their programme for the production of plans, the interim overview of significant water management issues and draft copies of the river basin management plan, and on request, to provide access to background documents.

²¹ Member states must send copies of their river basin management plans (including mapping and the analysis of significant pressures and impact of human activity on the water body and summary information on controls adopted for point source discharges) and all updates to the Commission and to "any other Member State concerned" within three months of publication. A November 24, 2003 proposed (but apparently not yet final) regulation of the European Parliament and Council on application of the provisions of the Aarhus Convention on access to information (and other aspects of the Convention) to EC institutions and bodies will govern whether information provided to the Commission is publicly accessible. Its objective is to "guarantee the right of public access to environmental information held by or for Community institutions" and this information includes "plans and programmes relating to the environment" which are "subject to preparation and/or adoption by a Community institution or body," "required by legislative, regulatory or administrative provisions," and "which contribute to, or are likely to have significant effects on, the achievement of the objectives of Community environmental policy," excluding financial or budget plans and programmes or internal work-programmes of a Community institution or body.

Article 4 of the proposal indicates that the databases or registers to be made available shall include not only the documents listed in EC Regulation No 1049/2001 Articles 12(2), (3) and Article 13(1) and (2), but also "progress reports on the implementation of international treaties, conventions or agreements and of Community, national, regional or local legislation, on the environment or relating to it;" policies, plans and programs relating to the environment; "reports on the state of the environment as indicated in paragraph 4,"

water and water quality will become more easily available from the Danube basin states that are members of the EU and from other non-member Danube countries that have committed themselves to the WFD.

We see three possible outcomes:

- The WFD requirements might improve the quality of information collected and shared at the national level. Several experts expressed the opinion that requirements to implement the WFD will force countries to put into place stronger quality control, simply because they know that inventories must be made publicly available.
- The increased requirements for monitoring will increase the actual information available to ICPDR. WFD will broaden what is collected under TNMN, for example, adding priority substances and biological assessments over the next 10 years and other adjustments to fit the WFD monitoring requirements.
- Arguably, the information provided under the WFD might be an independent source of information to ICPDR, not dependent on country approval, except to the extent that countries don't live up to their requirements under WFD by delay or by providing inaccurate information. If so, ICPDR could use that information to inform and mobilize the public in an expanded outreach program.

On the other hand, even the availability of WFD data will not change the status of the ICPDR as a platform, lacking independent status not ceded to it by its Contracting Parties. The ICPDR Secretariat could explore the receptivity of the Contracting Parties to these ideas, which do not change the basic structure of how information is largely generated and provided to the ICPDR from the level of the Contracting Parties.

Conclusions

Despite the limitations under which the ICPDR works in its collection and dissemination of information about the Danube, some of its information is uniquely valuable to the broad group of Danube River Basin stakeholders, particularly the aggregated data that provides useful information about water quality trends. ICPDR could be more aggressive in its dissemination of this information, by using such tools as a plain-language publication aimed at a broad public audience. It could adopt new forms of communication such as visual representations to explain trends in the state of the Danube and in efforts to clean it, and could easily find other ways to educate the public and raise awareness not only of the Danube, but also of the various organizations and countries that are working to improve it. This memo outlines a number of ideas toward that goal.

and data or summaries of data derived from the monitoring of activities affecting or likely to affect, the environment."