

Final Report

Strengthening Public Participation in Environmental Matters in the Zupanija of Karlovac (Croatia)

Funded by:

Federal Ministry for the Environment, Nature Conservation and Nuclear Safety



Federal Ministry for the
Environment, Nature Conservation
and Nuclear Safety

Federal Environment Agency (Umweltbundesamt)



Project line: Advisory Assistance for Environmental Protection in the Countries of Central and Eastern Europe, the Caucasus and Central Asia

Number of grant: 380 01 213

Project duration: 1.10.2009-28.02.2010

Holder of grant:

Unabhängiges Institut für Umweltfragen -UfU- e .V.

Greifswalder Str. 4

10405 Berlin



UfU
Independent Institute for
Environmental Concerns

Project lead: Franziska Sperfeld

Administration: Verena Gaida

Partner:

Zelena Akcija (Green Action)

Frankopanska 1

10000 Zagreb



Project lead: Zeljka Leljak Gracin

Administration: Daniela Jovanova Ivankovic

1. Introduction

Croatia ratified the Aarhus-Convention in the year 2007 and thus showed its commitment to public participation in environmental projects. The legislative implementation was finalized with the amendment of the Environmental Protection Act and the enactment of the special regulations on permit procedure, Environmental Impact Assessment and Strategic Environmental Assessment. The first National implementation report¹ was published in May 2009. It laid out in detail, which efforts Croatia had made to implement the provisions of the Aarhus Convention into Croatian law and which activities were carried out to support its implementation.

Still, the practical implementation of the regulations varies in different regions of Croatia. Nongovernmental organisations (NGOs) report irregularities with regards to the publication of public participation procedures. There are also reports of procedures, where participation is organised “pro forma”, with only profiled NGOs, i.e. organisations that are highly professionalised or have a high potential to mobilize protest, invited to give a statement on the plan or project.

These irregularities are also reported concerning the region Karlovac for example. The preparation of the waste management plan in 2008 was carried out without public participation and the choice of a site for a planned waste management plant (Babina Gora) was criticized as intransparent by NGOs.

For this project the Zupanija was chosen, because contacts between the NGOs and Zelena Akcija were already established and there was an evident need for the NGOs to be trained on Aarhus related issues. The long lasting controversy surrounding the waste management plant in Babina Gora also offered a concrete opportunity to foster dialogue between regional NGOs and the administrative bodies. In the beginning of March 2010 the public participation procedure in the framework of the Environmental Impact Assessment (EIA) was supposed to be carried out.

The project was implemented by two project leads: on the German side Franziska Sperfeld, from the Independent Institute for Environmental Issues (UfU) and on the Croatian side Zeljka Leljak Gracin for Zelena Akcija (Green Action ZA).

2. Project goals

The aim of the project was to build cooperative structures between civil society organisations and planning authorities with regards to projects that have an environmental impact.

The project focused on the initiation of dialogue processes. The training of NGOs active in the region and their preparation for qualified participation were named as a secondary goal.

3. Project activities

3.1 Desk research

The project started with a research phase on the relevant actors in the community and the region with regards to public participation and to past and future procedures. Zeljka Leljak Gracin intensified her contacts to the local NGOs and made contacts with public environmental authorities. The results were used in the conceptualisation of the program of the seminar and were also helpful for the invitation to the seminar.

3.2 Seminar

The seminar took place on 4th and 5th December 2009 in Karlovac. Two Participants from the environmental administration from the cities of Karlovac and Zupanija as well as nine participants from regional NGOs took part in the seminar. This number might not sound like very much, considering early reports of manifold personal contacts to NGOs and the administration, but it reflects the interest for the implementation of the Aarhus-Convention in the region of Karlovac.

Marijan Galovic, head of the waste management department of Zelena Akcija and an expert of waste issues, was present at the seminar as well as at the final meeting.

¹ http://www.mzopu.hr/doc/AARHUS_Convention_IR.pdf

Michael Zschiesche (UfU), Zeljka Leljak Gracin and Franziska Sperfeld gave presentations at Karlovac. After an introduction to the process of accessing environmental information, the institutional preconditions for successful public participation were presented and good practice examples and the Croatian legislation were presented. Afterwards the situation of public participation in environmental matters in Karlovac was discussed, with the focus centred on the waste management plant in Babina Gora. The representative of the environmental administration used the opportunity to speak openly about the plans for the Babina Gora plant with the participants from the NGOs. He announced, that after the experiences with protests that his administration had made during the phase in which they decided on a location for the site, the procedure now would be changed considerably and much more inclusive. Thus an extensive public participation process is to be carried out in spring 2010, in order to decide on which technology should be implemented in the plant. Furthermore, the waste management plan of the region is to be amended. There are two important factors for this change in attitude towards public participation: a) the mobilisation of local inhabitants by the NGOs was very successful; and b) funding by the European Union for the construction of the plant will only be granted if all procedures are carried out properly.

During the seminar the time frame for the public participation processes and additional measures for raising the public consciousness were discussed. However, the representative of the administration did not approve a closer cooperation with the NGOs, for example with regards to the development of a joint communication campaign, because, he argued, the measures had already been given to engineers. From the perspective of the project lead this is fortunate for the NGOs, because they retain their independence from the plant and a neutral status as representatives of civil society. Nonetheless, it was the first time, that the NGOs had heard such cooperative words from the administration. Thus one of the participants wrote an email to us, thanking us for the interesting seminar and stating, that he had never thought, that his organisation would ever get that close to the environmental administration. And the representative of the Zupanija stated in the final discussion, that he now had a better understanding of the NGOs desire to participate in the process.

This good relationship also continued after the seminar. Representatives of the public authorities took part in the round table on cooperation with the Green Telephone (See 3.3.1) and in the public lecture on the Aarhus Convention (See 3.3.2). Thus, the NGOs now consider the administration to be more cooperative. But, expectations were disappointed with regards to the waste management plant in Babina Gora. Despite the announcement of an open dialogue, no representative was willing to present the ongoing EIA procedure at a round table of the NGO PCAP International. And it was hard for the NGOs to get reliable information on the release date of the Environmental Impact Study.

Impressions of the seminar:





3.3 Projects

The NGOs presented projects concerning the Aarhus Convention at the seminar that they wanted to realize in their Zupanija. These projects were examined by the project with regards to their feasibility and to their concordance with the stated project goals. Since only three projects were proposed, the project competition was not necessary. The proposed projects were carried out as follows.

3.3.1 Access to environmental information – PCAP International

The project of PCAP International (Prevention of Cruelty to Animals and Plants) dealt with the general awareness of the Aarhus Convention and in particular with the right of access to information. In order to raise awareness they created a section on their web page about the convention with a manual for access to environmental information and several templates for correspondence with authorities².

Furthermore, the group carried out a survey of six administrative bodies and private entities that perform public services relevant to the environment and underlie the Croatian Environmental Protection Act. The survey revealed that four of the six institutions were not sufficiently informed about their duties with regards to participatory rights under the Aarhus Convention. 87 requests for information were received by the surveyed organisations, of which approximately half were answered. Compliance to the prescribed time limit for answering requests was unproblematic according to the

² http://www.pcap.hr/index.php?option=com_content&view=article&id=172&Itemid=106

information given – on average it took 27 days for a request to be answered. The results of the survey were presented at an event on the Aarhus Convention with a focus on information access on March 11th. At the end of the project a round table discussion focussed on the waste management plant in Babina Gora was planned in order to foster dialogue with the community and especially with the administration. But the round table was called off on short notice, because the representatives of the environmental administration considered the date, which was right before the Environmental Impact Study (EIS) was to be published, to be untimely and cancelled their participation at the last minute.

Contrary to the atmosphere at the seminar and to the dialogue on information access after the seminar this was a clear setback for the relationship between NGOs and administrative bodies. Nevertheless the attempt to participate in the permission and EIA processes of Babina Gora will be carried on.

3.3.2 Cooperation of NGOs and administrative bodies with regards to requests for environmental information and activities using the „Green Telephone“

The NGO Eko-Pan used their own experiences with administrative bodies concerning the access to environmental information as a starting point for their project. The organisation has been operating the “Green Telephone” for the Karlovačko- und Ličko-senjska Zupanija since the end of the 90ies. They take calls from citizens concerning environmental problems and pursue their requests with the corresponding public or private entity. The aim of this small scale project was to get an overview on the issues raised by the citizens and the responses of the responsible authorities to the request for information. In the last 4 years, 250 calls were received. A survey was conducted with the authorities that were contacted most often. 40 questionnaires were distributed and 22 were filled out and sent back. Furthermore, Eko-Pan carried out a round table on these on 16th February in Karlovac to which 9 participants appeared. The round table was composed of two participants representing the local environmental administration, two being delegated from the regional offices of the environmental ministry, one employee of the local police department, one of the communal waste management company and three from local NGOs.

Further a leaflet on Access to information was written, layouted and distributed by the organisation. It is attached to this project report.

3.3.3 Assessment of Environmental Impact Studies

The third project was carried out by an employee of Zelena Akcija in order to give advice to regional NGOs on how to assess an Environmental Impact Study (EIS). The project was granted access to the fund, because no further regional NGO had applied for funding. The project meets a specific need of many NGOs in the region: The small NGOs need to be able to analyse Environmental Impact Studies and formulate their assessment on the accuracy, validity and correctness of these reports. For this purpose a template was translated which guides NGO-staff or volunteers through the analysis of an EIS and the formulation of their assessment³. This project was designed in such a way that the NGOs in Karlovac can profit from it in regards to the waste management plant in Babina Gora.

The project adapted the method of Lee und Colley „Reviewing the quality of environmental statements and environmental appraisals”³ to the Croatian legislation and translated the template into the Croatian language. Further examples from environmental impact assessments that have already been carried out in Croatia were used to illustrate the assessment of such a study. The guidance material will facilitate NGO’s assessment of an EIS with regards to it’s completeness, correctness of the presumptions and logic of its conclusions. The guidance material also offers templates and tables on which sections of an EIS are especially important and on typical shortcomings of EIS in general. After compiling the guidance material, a workshop was carried out with 6 local NGO participants from Eko-Pan and PCAP International to get them acquainted with the method. In the context of the EIS on the waste management plant in Babina Gora this workshop will be repeated for the concrete example EIS with the expert Tihana Tarandek, an employee in Zelena Akcija, who lead the

³ http://www.sed.manchester.ac.uk/planning/research/publications/wp/eia/eia_op24.htm

compilation of the guidance material. Because the publication of the EIS was postponed until after the project was over, this has to be carried out afterwards.

The results of this small scale project are transferable to other regions in Croatia. The guidance material is freely accessible on the internet site of Zelena Akcija and attached to this report⁴.

3.4 Flyer on Public Participation for administrative bodies

The flyer was written by Zeljka Leljak Gracin and Franziska Sperfeld. It contains basic information on public participation. It lists, for example, the permits, plans and other procedures for which public participation is mandatory and it illustrates an ideal procedure as well as the minimal requirements according to the Aarhus Convention. The leaflet was designed and printed in Zagreb. It was sent to all environmental authorities in Croatia. It is an attachment of this report.

3.5 Closing meeting

The final meeting took place on February 11th in Karlovac with the NGOs, who had implemented a small scale project. The NGOs presented their project activities, which were evaluated with regards to their achievement of the stated objectives. Some of the activities were not finished at this time. The roundtable of Eko-Pan was carried out on 16th February, the round table of PCAP International was planned for the last week of February (and had to be changed to a public event on “Access to environmental information” in the end) and the analysis of the EIS on Babina Gora had not been performed, because the EIS had not been published yet (Please see 3.3). The non-complementation of some of the activities can be explained by the short time period for these small scale projects, which was scheduled unfavourably over Christmas and the turn of the year. Further some of the delays were due to the dependence on administrative bodies.

Overall at the time of the final meeting the projects were on a good path to completion. A clear roadmap for these activities was established. The readiness of the administration to answer the surveys and to discuss on a general level the cooperation between NGOs and the administration can still be improved, according to the NGOs, but it had already gotten much better in the course of the project. The communication with private entities providing public services relevant to the environment was defined as a further critical point to work on.

The NGOs were satisfied with the way the projects were implemented, and voiced hopes with regards to the possibility of obtaining a small grant to continue these activities and would like to cooperate with the UfU and Zelena Akcija in the future. Project ideas, such as public lectures, workshops on environmental issues and an exchange of experiences with regards to the local Agenda 21 were discussed.

4. Results and Conclusions

At the time of reporting, all planned activities have been carried out and have importantly contributed to the achievement of the project objectives.

Contacts to central employees of the environmental administration and in particular to persons in charge of waste management were established. These contacts were made before the seminar, were strengthened during the seminar and by the following small scale projects. Thus the foundation was laid for a relationship built on trust between the NGOs and the environmental authorities. In particular, the environmental administration that oversees the waste management plant in Babina Gora has become more cooperative.

The training of NGOs and the administration on the Aarhus convention was also carried out as planned. The project leaders had hoped for even more participants, but had to rely partly on the local

⁴ <http://www.zelena-akcija.hr/content/view/1028/234/lang,hr/>

and regional NGOs to recruit participants, which was not done satisfactorily. The capacities of the local and regional NGOs were strengthened through the training event on Aarhus rights – but also considerably through the funding of the small scale projects. Through these projects the NGOs were able to work on the issue according to their own needs and to adapt the topic to their objectives. Thus PCAP International had more of a focus on access to information, Eko-Pan had more of a focus on cooperation between NGOs and administrative bodies and Zelena Akcija concentrated more on advising NGOs on how to assess an EIS. The projects contributed to communication and cooperation between NGOs and administrative bodies and strengthened the position of the NGOs. Information on the rights of participation was published and distributed regionally through a leaflet and in a wider area via an internet presentation. In addition, public events took place and relevant contacts between administration and NGOs were strengthened by personal contact.

In the course of the project a central problem became clear: There was too little time for necessary planning and the recruitment of participants for both the public events and the surveys. Therefore, other forms of communication with citizens were discussed and conclusions were drawn for the future. For example it was proposed, that it would be useful to plan projects with the involvement of city district community organisers and use their pin boards for public announcements.

Indirectly this project also strengthened the capacities and resources of Zelena Akcija. The lawyer Zeljka Leljak Gracin receives 2-5 requests for help and advice from regional NGOs on a monthly basis. As Zelena Akcija is also currently coordinating the umbrella organisation “green forum” she is the central focal point for legal questions of Croatian NGOs. The small regional NGOs can not afford to hire lawyers for legal advice, so there is a big need for advice in the NGO-network. Compiling guidance material, as was done in this project (leaflet on public participation for public authorities and guidance on EIS assessment) help her to service with the needs of the NGOs. For example, the organisations SUNCE, Zelena Istra and PCAP International requested advice concerning administrative procedural law, responsibilities of administrative bodies as well as construction and planning law and were answered during the project period.

Zelena Akcija also monitors the decisions and judgements of courts on environmental rights and functions as a consultant for the environmental ministry when new environmental legislation is being prepared. This role is supported and sustained by projects like the ones described in this report.

The leaflet on public participation for the environmental administration is an output of the project which was distributed to all administrative environmental bodies, and can be reprinted by Zelena Akcija or other regional organisations. It is a good supplement to another leaflet Zelena Akcija recently published for citizens.

5. Cooperation with Zelena Akcija

After the final meeting with the NGOs from Karlovac, the project partners evaluated their cooperation during a meeting in Zagreb. This evaluation came to the conclusion that the partners carried out their activities in a routined, experienced and responsible manner. The UfU has found a reliable and capable partner in Zelena Akcija. Both partners are satisfied with the outcomes and results of the project and the general cooperation and want to continue it in the future.

It must be said, though, that the grant, which was approved on a very short notice, was challenging for both organisations. In principle, it is our stated goal to develop longer term cooperation in order to manage capacities better and to coordinate project implementation better with other activities.

6. Perspectives

In a dialogic process, UfU and Zelena Akcija determined the best areas to further strengthen public participation in Croatia. There is still a need to attend to the implementation of the regulations on EIA and SEA. This process needs to be monitored and there is a great demand for cooperation with the administration in concrete cases and for advice both from NGOs and the administration on the procedural standards of public participation under the auspices of the Aarhus Convention.

Attachments:

- Seminar programme
- Guidance material on access to environmental information
- Handout of presentations held by Michael Zschiesche (in German)
- Disc with seminar material (2x)
- Leaflet: “Public Participation Rights under the Aarhus Convention” (by Zelena Akcija & UfU)
- Guidance material „Reviewing the quality of environmental statements and environmental appraisals” (by Zelena Akcija)
- Leaflet „Access to environmental Information“ (by Eko-Pan)
- Project report including poll results (by Eko-Pan)
- Poll results (by PCAP International)
- Participants List Seminar
- Participants List Public Event PCAP International
- Participants List round table “Cooperation of NGOs and Administration” carried out by Eko Pan