

Public Participation and Consultation: The Experiences of Europe

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Our topic is public participation and consultation, the experiences of Europe. Let me give you first the presentation's outline for the approximately next 20 minutes. I will start with a brief history of public participation within Europe; then continue with the requirements of public participation; then to key questions of public participation, especially when, who, and how. In this context, I will give you some remarks on project level versus strategic level. Then I will focus on the SEA directive of the European Union, illustrating through case studied, and finally concluding with key learning points.

So let me start with a brief history of participation in Europe. First to name is the first Environmental Action Program of the European Union from 1973. Even in this early program, we had a lot of remarks on EIA and public participation. The EU EIA directive, the directive on the EIA of projects, is from 1985. In 1990, we had the first internal proposal for a SEA directive for the European Union. The Espoo Convention dealing with EIA in a transboundary context is from 1991. It's a document of the United Nations Economic Commission for Europe.

In 1996, we had the first official proposal for an SEA directive of the EU. The Aarhus Convention is from 1999, was signed in a small city named Aarhus in Denmark, and became effective in 2001. The convention is called in full text Convention on Access to Information, Public Participation, and Decision-Making and Access to Justice in Environmental Matters.

The EU SEA directive was adopted in 2001, and member states have three years' time, until the mid of 2004, to implement its regulation into the national legislation systems.

Then there was a directive on public participation for certain plans and programs from 2003, and, finally, we have the SEA Protocol to the Espoo Convention, 2003 again, and this was signed in May in Kiev.

Let me continue to requirements of public participation. Public participation firstly has to influence the decision-making by informing and involving interested and affected

public and government bodies. Further on, it has to explicitly address their inputs, comments, and concerns both in documentation and decision-making.

Participation needs, of course, sufficient time and resources, like staff. It has to ensure that the relevant parties are involved or at least represented in the process. Participation has to support the transparency of decision-making at the strategic level. It has clear and easily understood information requirements, and it has to safeguard sufficient access to all relevant information concerning the plan and environmental report.

Let me repeat again the key questions of participation. The following three questions are really crucial: When? Who? And how? I will give examples for all of these questions later on.

First, when? The timing question. We have different models. For example, in the Netherlands, there is a twofold involvement of the public: one is during the scoping stage, and the second at the review stage for the environmental report. But normally and often there is only a single opportunity to involve the public, mostly commenting then on the drafted plan or program and on the environmental report. But there are other possibilities, too. For example, for the SEA of the Waste Management Plan of Vienna, we used a roundtable model with multiple meetings of the public.

Who? The questions of the actors. I will take the example of Austria again. At the national and provincial level, it's not practical to involve the whole population because imagine for a national plan you had to include and to involve eight million people. So it is better to include experts, NGOs, and the staff of various authorities. But at the regional and local level, you can involve the general public, for example, for a small community with some thousand inhabitants, and also, again, experts, NGOs, and authorities.

In Austria, we have a special legal and independent institution, the so-called "Umweltanwalt". It's in English environmental ombudsman or environmental advocate. He is also a member of the public.

Before coming to the how question, please let me give you some short remarks on project versus strategy. At the project level, mostly it's very easy to communicate its environmental effects, things such as a power plant, a waste management facility, or highway construction. But at the strategic level, dealing with plans, programs, and policies, it's often more abstract. For example, there's a regional development plan, and often it's more difficult to describe its environmental effects compared to a local sited project.

And, though, in SEA, participation possibilities might be affected by some factors. Scoping might be more difficult in terms of the area covered, alternatives, time scale, influence on other PPs, i.e. plans and programs, or projects, or the number of potential affected people can be huge. An example, the general transport plan of Austria, eight million inhabitants, it's not practical to involve all citizens of Austria. Here it's central to

use the approach of the so-called qualified public. We have in this qualified public experts and NGOs, delegated people representing the general public.

So how can I do public participation within SEA? Some methods and techniques.

First, let me say there are different qualities. I have thought of them in three groups: first, information matters, like making the drafted plan and/or maps accessible to the public. We are using print media, we are using radio or TV, also the Internet. It's a growing thing to use Internet and websites. Or we have models and exhibitions, also leaflets and newsletters, a site where it's possible in this point, information matters.

Of course, there are pros and cons for every of these measures. Internet is easy for reaching a lot of people, but it's only accessible for a few people, so we have the danger of digital divides. Or newspapers, it's very cheap to have something in the newspapers, but normally there is only very small feedback.

The second group is dealing with consultation measures. Again, you can use the qualified public approach or the possibility to comment for everybody on documents, to hold hearings or meetings. You can have staff telephone lines, for example, with a call-free number, or questionnaires. In the SEA of the regional program of Tennengau in Salzburg, we had the planner's mailbox so people could ask questions in a written form, put it in the mailbox, and the planner replied to it afterwards.

More active forms of participation is, for example, mediation, workshops, roundtables, consensus conferences, or citizen juries. It's too less time in this presentation to give pros and cons on every of these methods, but in your reading material for this presentation, there is a table of three and a half pages summarizing all these techniques, including the advantages and disadvantages.

Some words to disclosing the SEA information, what to have in mind by selecting the right participation methods. First, of course, we have general constraints like time and money. Participation shouldn't delay the process and shouldn't be too expensive. Also, there are obstacles, for example, in the case of defense plans. If stated limitations on confidentiality are given, disclose it in advance.

Another factor to be considered is the plans are often very abstract, and so you have to translate all the contents of the plan into a language which is understandable for everybody. Of course, there is no cooking recipe for participation or consultation in SEA.

Now, coming to the real world, first we see EU directive on SEA, and then with two case studies. What are the requirements of public participation within this SEA directive of the European Union? First, the actors of the SEA process have to be defined. Then information has to be given on the screening decision of the competent authority. The drafted plan and the SEA report have to be made available. There is a possibility to comment on both documents. The competent authority has to take into account those

comments during the decision-making, and after the decision-making, the competent authority has to make available the adopted plan and also to elaborate a statement for the reasons of the decision. Finally, there are also some regulations on potential transboundary environmental effects and so transboundary participation measures.

I will illustrate the actors of the directive with the following sheet. We have four actors in all. One is the authority preparing and/or adopting the plan, the competent authority. The second is the environmental authority or the environment authorities. And these two have to do a consultation process regarding the scope of the SEA. Then we have the public as the third, and possibly affected member states as the fourth actor. And the environmental authorities, the public, and those possibly affected member states, they have the information rights mentioned before and the consultation rights. They can express their opinion on the plan and on the SEA report.

So showing this with a pyramid and with the three classes of participation I mentioned before, providing the public with information, then consultation and more active and mutual forms of participation, the directive covers only consultation and information measures.

Coming to the first case study, it's the SEA of the land use plan of Weiz in Austria. It was the third revision of this land use plan, and to give you a picture, Weiz is a small municipality in Styria and has approximately 9,300 inhabitants and the area is approximately 5 square kilometers.

We had three alternatives for this revision: first, a no-action alternative; then an environmentally friendly planning intention; and the plans of the municipality itself. In all, 25 key areas have been selected for the environmental assessment.

The public participation was conducted according to the SEA directive and the spatial planning act of Styria .

The following provisions were made for the participation. The drafted land use plan and the environmental report both were accessible for the public for eight weeks. There was a possibility to comment on both documents in a written or oral form. There was a public hearing also demonstrating maps of the area. And there was a non-technical summary of four pages of the drafted plan and its alternatives, and also there was an environmental report, and this was free of charge for every inhabitant.

What are the lessons learned in this case study? First, the public hearing was organized separate from the public hearing for the drafted plan. The result was we had two less comments and two less participants, and so in the future, it would be useful to have a comment public hearing for the drafted plan and the SEA. Even the non-technical summary was not understood by everybody, so it's good to elaborate a brief, clear, and simple one in the future focusing on the significant environmental problems.

Lessons learned continued. A good preparation and advertisement and moderation of the public hearing is essential and necessary in order to get many and useful opinions and comments.

Abstract level of plan. Translate the main issues of the plan into a language that can be understood by non-experts.

A short look to the second case study in France, the source is a report of the European Commission, the subject was the master water management plans of Adpur Garonne , and they organized workshops in certain subregions in order to collect stakeholder concerns, and they were often very conflicting. They involved people living beside the rivers, local experts, manufacturers, and farmers, and also various representatives from authorities.

In the end, the final plan design was composed of ideas of all these parties involved, and so participation had a real influence on the final adopted plan.

With the last four sheets, I am trying to summarize up this whole presentation and give you some tips for best practice. So what are the key learning points of public participation in SEA?

First, public involvement should be a fundamental element in the process of any SEA. The methods and techniques of participation depend on the subject of SEA, for example, its contents, its level of detail, its stage in the decision-making process, and so tools, appropriate techniques, and methods.

Appropriate time frames are necessary for public participation, allowing sufficient time for consultation, at least six weeks is the experience.

Start the public participation as early as possible, in any case early enough in order to be able to influence the decision-making. A rear time point may be during plan preparation, in any case before its adoption.

Promote efficient and effective dialogues and resolve conflicts by establishing clear competencies within the participation or consultation process before it starts.

To the actors, if possible, define them so you can avoid struggle afterwards. The communication between all actors and stakeholders should be safeguarded by a special coordinating person. Make the adopted plan or program available and elaborate a statement like in the EU directive whether and how the participation results have been taken into account.

Now I'm coming now to my final sheet. As mentioned before, translate abstract strategies, the contents of plans and programs, into a language that can be understood by everybody. Plans or programs with a lot of affected people like strategies at a national level are a candidate for using the approach of a qualified public representing the general public. Commission pilot projects with scientific evaluation not only for the

participation improvement but also for the whole process and/or review completed SEAs by expert groups in order to improve the quality of participation.

Last, not least, let me say public participation and consultation is a very valuable and additional resource to improve both the quality of plans and programs and of decision-making.