HUSZPO HRVATSKA UDRUGA STRUČNJAKA ZAŠTITE PRIRODE I OKOLIŠA

PRVA REGIONALNA KONFERENCIJA O PROCJENI UTJECAJA NA OKOLIŠ

FIRST REGIONAL CONFERENCE ON ENVIRONMENTAL IMPACT ASSESSMENT

ZBORNIK RADOVA

PROCEEDINGS

ZADAR, HRVATSKA / ZADAR, CROATIA

18.- 21. rujna 2013. / September 18th - 21st, 2013

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pod pokroviteljstvom / under the auspices of

Ministarstva zaštite okoliša i prirode Republike Hrvatske / the Ministry of Environmental and Nature Protection of the Republic of Croatia

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SUDJELOVANJE JAVNOSTI / PUBLIC PARTICIPATION

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Iznimna mi je čast i veliko zadovoljstvo što Vas u ime Hrvatske udruge stručnjaka zaštite prirode i okoliša, kao predsjednica njezinog Upravnog odbora, mogu pozdraviti i obratiti vam se s nekoliko prigodnih riječi.

Konferencija je organizirana pod pokroviteljstvom Ministarstva zaštite okoliša i prirode i koristim ovu prigodu da se u ime Udruge zahvalim (resornom) ministarstvu a posebno ministru Zmajloviću što je prepoznao značaj ovog skupa.

Dozvolite mi da vam na samom početku ukratko predstavim Hrvatsku udrugu stručnjaka zaštite prirode i okoliša koja je organizator ovog skupa.

Udruga je osnovana 2004. godine od strane renomiranih tvrtki i stručnjaka koji se u Hrvatskoj profesionalno bave zaštitom prirode i okoliša. U ovom trenutku okuplja više od 60 tvrtki i individualnih članova.

Glavni ciljevi udruge su da u našem svakodnevnom radu:

- unaprjeđujemo stručna znanja i profesionalnost u obavljanju stručnih poslova zaštite prirode i okoliša,
- promičemo strukovnu etiku i
- surađujemo s domaćim i međunarodnim organizacijama i udrugama koje se bave ovim interdisciplinarnim područjem.

Donijeli smo hrabru odluku organizirati konferenciju kako bi na jednom mjestu okupili: profesionalce, znanstvenike, predstavnike upravnih tijela, predstavnike lokalne i područne samouprave, nevladine organizacije, stručnjake za odnose s javnošću, investitore i developere iz Hrvatske, regije ali i šire, koji sudjeluju u postupku procjene utjecaja na okoliš i koji su spremni ovdje podijeliti svoja znanja i iskustva.

Danas možemo reći da je konferencija bila uspješna radi iznimno velikog broja radova i iznenađujuće velikog broja sudionika. To nas kao organizatore posebno raduje te ukazuje da su teme o kojima smo raspravljali aktualne i značajne. Zahvaljujemo se svim sudionicima što su odvojili vrijeme, našli volju i sredstva kako bi sudjelovali na konferenciji, osobito u ovima teškim vremenima u kojima se svi nalazimo.

Vjerujem da smo mi kao organizatori ovog skupa ispunili Vaša očekivanja te da smo u konstruktivnom dijalogu podijelili naša znanja, iskustva i stavove o glavnim temama ove konferencije.

Teme su redom:

- Strateška procjena utjecaja na okoliš
- Procjena utjecaja na okoliš
- Natura 2000 – procjena utjecaja na ekološku mrežu
- Sudjelovanje javnosti u postupku procjene utjecaja na okoliš
- Zaštita okoliša i financiranje projekata

Ove su teme s aspekta zaštite prirode i okoliša ključne, posebice s obzirom na veliki investicijski potencijal u regiji koji je potrebno planirati i realizirati vodeći istovremeno brigu o očuvanju kvalitete prirode i okoliša.

Svjedoci smo da je u praksi vrlo često narušen odnos između dionika u postupku procjene utjecaja na okoliš što dovodi do usporavanja cijelog procesa a time i nesigurnosti u pogledu pripreme i realizacije investicija kao preduvjeta gospodarskog rasta.

Jedan od glavnih ciljeva konferencije je upravo uklanjanje barijera u komunikaciji i povećanju razumijevanja i povjerenja između zainteresiranih strana uz poštivanje stručnih znanja i najbolje prakse.

Brojni stručni radovi, a njih je više od 150, koji su predstavljeni tijekom ove konferencije te tematski okrugli stolovi nose u sebi kritičnu masu znanja i najbolje prakse koji mogu motivirati promjene na bolje.

Svjesni smo da moramo krenuti prvo od sebe i mijenjati postojeće obrasce ponašanja. Upravo zato ova je konferencija bila prva „ugljično neutralna“ konferencija u Hrvatskoj i regiji s kompenziranim emisijama stakleničkih plinova. Ulaganjem u jedinice smanjenja stakleničkih plinova ostvarenih kroz projekte obnovljivih izvora energije i pošumljavanja neutralizirane su emisije dolaska i odlaska sudionika na konferenciju, noćenja, logistike i prostora.

Zahvaljujemo pokrovitelju, sponzorima, članovima Organizacijskog, Znanstvenog i Savjetodavnog odbora, autorima, uvodničarima, panelistima okruglih stolova, moderatorima, sudionicima te svima ostalima koji su pomogli uspješnoj realizaciji prve konferencije ovakvog opsega i teme u regiji!

Dozvolite mi da se posebno zahvalim svim sponzorima bez čije financijske potpore ova konferencija ne bi mogla biti organizirana.

Iako je ovo bila prva konferencija planiramo zadržati štafetu i učiniti ovakve konferencije tradicionalnima.

Marta Brkić,
predsjednica Udruge

It is a great honour and pleasure to welcome you, on behalf of the Croatian Association of Professionals in Nature and Environmental Protection, as its Executive Board President, and to address you with some relevant information.

The Conference was organized under the auspices of the Ministry of Environmental and Nature Protection, and I would like to use this opportunity to thank, on behalf of the Association, the Ministry and especially the Minister, Mr. Zmajlović, for recognizing the importance of the event.

At the beginning, allow me to briefly introduce to you the Croatian Association of Professionals in Nature and Environmental Protection which is the organizer of the event.

The Association was established by well-respected companies and individual experts that work professionally in the field of environmental and nature protection, back in 2004. Currently, it has more than 60 members, companies as well as individual members.

Main aims of the Association that are incorporated in our everyday operations are:

- advancing the expert knowledge and professionalism in performing expert tasks in the field of environmental and nature protection,
- advancing professional ethics,
- cooperating with domestic and international organizations and associations in this interdisciplinary field.

We have made a brave decision to organize a conference so it would bring together: professionals, scientists, authorities' representatives, local and regional government representatives, nongovernmental organizations, public relations experts, investors and developers from Croatia, region and further still, who participate in the environmental impact assessment procedures and who are willing to share their knowledge and experiences.

Today, we can say the Conference was a success because of an exceptionally large number of papers and a surprising number of participants. This makes us, as organizers, especially joyful since it suggests that the topics that were discussed are current and relevant. We thank all of participants for finding time, enthusiasm and financial means to participate at the Conference, especially in these hard times we are all living in.

I believe that we, as the organizers of this gathering, have lived up to your expectations, and that we have shared our knowledge, experiences and opinions on the topics of this conference in a constructive dialogue.

The topics were the following:

- Strategic Environmental Impact Assessment
- Environmental Impact Assessment
- Natura 2000 – Ecologic Network Impact Assessment
- Public participation in the Environmental Impact Assessment procedure
- Environmental protection and project financing

These topics are crucial from the nature and environmental protection perspective, especially given the significant investment potential of the region that has to be planned and realized, while making sure that the quality of nature and environment is protected.

We are witness that in practice there is often a discord between the stakeholders in an environmental impact assessment procedure which delays the entire procedure and introduces uncertainties regarding investment preparation and realization, which is a precondition of economic growth.

One of the main goals of the Conference was to remove communication barriers and increase mutual understanding and trust between the stakeholders, all the while respecting expert knowledge and best practice.

Numerous expert papers, more than 150 of them, which were presented during the Conference as well as theme round tables have brought forth a critical mass of knowledge and best practice that can motivate changes to the better.

We are aware that we must start from ourselves if we wish to change the existing behavioural patterns. This is exactly why this was the first “carbon neutral” conference in Croatia, and the region, which means that all of the greenhouse gas emission from the event were compensated. By investing in greenhouse gas reduction units created through renewable energy resources projects and forestation, emissions of participant transport and lodging, conference logistics and venue were neutralized.

We would like to thank our patron, sponsors, members of the Organizing, Scientific and Advisory Committees, authors, key lecturers, round table panellists, moderators, participants and all others that have contributed to the successful realization of the first conference of such scale and topic in the region!

Allow me to specially thank all sponsors without whose financial support this conference could not be organized.

Even though this was only the first Conference, we plan to keep the positive momentum and make it a traditional event.

Marta Brkić,
Association President

Procjena okoliša danas

Prof.dr.sc. Nenad Mikulć, predsjednik Znanstvenog odbora

U uvodnom izlaganju ću iznijeti pretežno naša iskustva u Republici Hrvatskoj. Držim da nam je mnogo toga zajedničko i da ta iskustva mogu biti od koristi posebno za one naše susjedne i prijateljske države pred kojima je trnovit pristupni put u Europsku uniju.

Procjena utjecaja pojedinačnog zahvata (projekta) - PUO

Prva iskustva bilježimo u SAD, Kanadi , Australiji i Novom Zelandu ranih '70-tih godina prošlog stoljeća, '80-tih godna širi se u Europi koja 1985 godine donosi Direktivu EU EIA Directive 85/337 da bi od '90-tih godina postala globalna i danas se primjenjuje u gotovo svim državama svijeta. I dok se metodološke cjeline postupka od države do države uglavnom bitno ne razlikuju (ocjena o potrebi procjene, određivanje sadržaja studije, opis zahvata i okoliša, opis i vrednovanje utjecaja, predlaganja mjera ublažavanja i programa monitoringa), postupci ocjene Studijske dokumentacije i vrednovanja prihvatljivosti zahvata svaka država uredila je shodno svome pravnom sustavu i stečenim iskustvima. Od detaljno uređenog upravnog postupka u kojemu sudjeluju nositelj zahvata, nadležna tijela, izrađivači studijske dokumentacije i javnosti, a koji završava upravnim aktom o prihvaćanju ili ne prihvaćanju namjeravanog zahvata, do gotovo neobvezatnog suradničkog odnosa nositelja zahvata i njegovog projektanta sa stručnjacima zaštite okoliša i službenicima nadležnih tijela. Na prostoru Europske unije kao i zemljama kandidatima obvezatnom primjenom Direktive postignuto je značajno ujednačavanje postupka, ali naravno da određene razlike i dalje postoje, pogotovo u načinu ocjene zahvata. U Republiku Hrvatsku, kao obvezatan, uvodi se postupak procjene utjecaja na okoliš 1984. godine Pravilnikom o izradi studije o utjecaju na okolinu; pod zakonskog propisa tadašnjeg Zakona o prostornom planiranju i uređivanju prostora. U sklopu usklađivanja zakonodavstva o zaštiti okoliša sa zakonodavstvom EU krajem 2007. donesen je novi Zakon o zaštiti okoliša (nedavno i treći), a sredinom 2008. i dvije nove uredbe kojima je uređeno područje procjene utjecaja na okoliš i sudjelovanja javnosti.

Za razliku od nadležnih tijela Europske unije, nadležna tijela u Hrvatskoj do sada nisu analizirala učinak njihove primjene u praksi s ciljem daljnjeg unapređivanja. Iz različitih, često i potpuno suprotstavljenih perspektiva, oba ova područja kritiziraju pojedini sudionici PUO.

Od prvih početaka do danas izrađeno je preko 2 000 Studija i provedeno isto toliko postupaka. Što o kvaliteti tog za zaštitu okoliša temeljnog instrumenta misle dionici pokazuje istraživanje koje je Hauska & Partner u okviru partnerske suradnje s Hrvatskom udrugom stručnjaka za zaštitu prirode i okoliša organizirala u razdoblju od 24.5. do 1.7.2013. s ciljem istraživanja stavova relevantnih sudionika u pojedinim pitanjima PUO i sudjelovanja javnosti. Dobiven je prvi cjeloviti uvid u kojoj mjeri PUO u Hrvatskoj doprinosi donošenju kvalitetnijih odluka a što je, kako navodi Barry Sadler (2006), pravi 'lakmus test' za sagledavanje učinkovitosti i uloge PUO na donošenje kvalitetnijih odluka.

Primjetno je i različito razumijevanje svrhe PUO među različitim skupinama, ima li ishod postupka PUO isključivo ulogu savjeta za donositelja odluka, ili pak može poslužiti i kao sredstvo okolišnog 'veta' za pojedine projekte, odnosno mjeri li se

uspješnost sudjelovanja time što je naprosto omogućeno veće sudjelovanje javnosti ili time što je rezultiralo nedvojbeno boljim odlukama. Ova dilema prisutna je i u trenažnim materijalima UNEP 2002.

Istraživanje je također potvrdilo visoku razinu kompleksnosti PUO, posebno društvene, jer su stavovi sudionika o mnogim pitanjima oprečni, što posredno upućuje i na značajne razlike u vrijednostima i/ili dijagnozi pojedinih problema u praksi. Rješenje stoga nije u pronalaženju pojedinačnih brzinskih rješenja za pojedine nedostatke, a bez sagledavanja međusobnih poveznica i mogućih nenamjeravanih posljedica takvih rješenja. Rješenje je u organiziranju procesa koji će omogućiti dublje sagledavanje različitih perspektiva, motiva i šireg konteksta donošenja odluka i usmjeriti se na pronalaženje onih rješenja koja će unaprijediti djelotvornost PUO u cjelini, a ne neke njegove pojedine nedostatke.

Strateška procjena na okoliš plana i programa (SPUO)

Negdje prethodno, negdje usporedno, a negdje iz Procjene utjecaja na okoliš pojedinačnog zahvata razvija se i postupak Strateške procjene utjecaja na okoliš politika (strategija), plana, programa, pravnih propisa. Zamišljen je kao elastični i mekani oblik suradnje pri izradi i donošenju tih dokumenata, njihovih izrađivača, stručnjaka zaštite okoliša i drugih sektora te javnosti.

Također, prisutna u velikom broju zemalja svijeta ova procjena razvija se kao temeljni instrument održivog razvitka. Autori navode uglavnom dva pristupa:

- Strateška procjena provodi se u tijelima nadležnim za zaštitu okoliša gdje se u suradnji s drugim sektorima razmatraju pitanja zaštite okoliša, te gospodarska i društvena pitanja,
- Strateška procjena svakog od tri pitanja održivog razvitka provodi se u suradnji s tijelima nadležnim za pojedini sektor, a koordinacija i sinteza odvija se u nezavisnoj instituciji ili tijelu.

U države Europske unije uvodi se 2001. godine SPUO Direktiva (SEA Directive 2001/42/EC) i tu direktivu prenose u svoj pravni sustav sve države EU i sve države pristupnice EU. U paneuropskom prostoru UNECE uvodi se kroz Protokol o strateškoj procjeni Espoo konvencije u Kijevu 2003. godine.

Spomenimo na ovome mjestu i Sofijsku inicijativu o EIA (1995-2003) koju je vodila Republika Hrvatska uz logističku potporu REC-a i često uz suradnju s WHO. Kroz Sofijsku inicijativu razmjenjivala su se iskustava između država istočne i jugoistočne Europe. Sofijska inicijativa posebnu pažnju posvećivala je SPUO i time pridonijela razumijevanju tog instrumenta i dala snažnu podršku inicijativama za pravno uređenje postupka SPUO.

Republika Hrvatska SPUO uvodi pri transpoziciji Acquisa u hrvatski pravni sustav Zakonom o zaštiti okoliša te podzakonskim propisima. Prenosi se i Direktiva o staništima (Habitat Directive 92/43/EEC) te se ratificira i Aarhuška konvencija. Ratificiran je također Protokol o SPUO Espoo konvencije. Strateška procjena uređena je kao objedinjeni postupak s postupkom prema Direktivi o staništima.

Uveden je u odnosu na druge države relativno kasno i do sada je provedeno, ili je u postupku, svega 10-tak strateških procjena. Iskustva pokazuju da nije postignuta

osnovna svrha postupka, a to je tijekom izrade plana i promišljanja varijanti, suradnja izrađivača plana sa stručnjacima zaštite okoliša i s javnosti. Kako se radi isključivo o dokumentima koje izrađuju tijela državne uprave, regionalne i lokalne samouprave odabir izrađivača Strateških studija obavlja se putem javne nabave. Kad se zbroje sve aktivnosti od odluke do kraja postupka dobiva se preko 400 dana trajanja postupka. Međutim niti to ne bi trebao biti razlog očito, blago rečeno, nevoljkog prihvaćanja obveze njegove provedbe. Na ovome mjestu bilježimo neke od pojava na koje svakako treba obratiti pažnju; nepoznavanje obveza, a pogotovo prednosti provedbe SPUO pri izradi prijedloga odgovarajućih dokumenata, izbjegavanja provedbe postupka, nedostatna komunikacija između sudionika, nedostatna edukacija sudionika, kasno i nedovoljno uključivanje javnosti u postupak, nedovoljno razvijene podloge plana i programa koje se koriste u izradi strateških studija, nedovoljno jasan postupak vezano za utvrđivanje prevladavajućeg javnog interesa i kompenzacijskih uvjeta za planove/programe...

Niti udruge civilnog društva („zeleni“) nisu prepoznale taj postupak kao područje svog djelovanja. Radije se fokusiraju na pojedinačne projekte gdje je poznat investitor i gdje se lakše mobilizira javnost.

Kako se sa Strateškom procjenom tj. izradom Strateške studije kreće u ranoj fazi izrade dokumenta (plana, programa…), dakle često tek prvim nacrtom, logična je stalna suradnja s izrađivačima dokumenta. Nažalost to je vrlo često usporedan, a katkad i postupak koji dokument procjenjuje u visokoj fazi njegove gotovosti.

Do tog zaključka dolazi i Stenek i sur. u radu s ove Konferencije. Autori su analizirali postupak Strateške procjene jedne županije i pratili su mjere i uvjete zaštite prirode i ciljeva očuvanja prema Direktivi o staništima. U konačnu inačicu plana ugrađene su samo mjere i uvjeti dani po posebnom propisu, a iz SPUO postupka nije ugrađen niti jedan uvjet/mjera. Samo monitoring i istraživanja!?

Operativni program za okoliš temeljni je programski dokument za povlačenje sredstava EU fondova koja su namijenjena za provedbu kohezijske politike Europske unije u sektoru okoliša u Republici Hrvatskoj. OP se prvenstveno veže na ciljeve i prioritete Nacionalnog strateškog referentnog okvira (NSRO) koji predstavlja temeljni referentni instrument za programiranje EU fondova u području kohezijskih i regionalnih politika. OP doprinosi postizanju općeg cilja NSRO-a, odnosno „ubrzavanja gospodarskog rasta i poticanja zapošljavanja kako bi se postigla stvarna konvergencija“. Provedba OP-a će štoviše doprinijeti trima strateškim ciljevima NSRO-a, te će izravno utjecati na Tematski prioritet 2 NSRO-a: Unapređenje okolišne infrastrukture i kakvoće vezanih usluga.

Razvidna su dva problema:
Prvo, postupak izrade SPUO za OP 2014.-2020. započeo je, kao i obično, prekasno što može dovesti do nekvalitetne SPUO te drugo, ne postoji Operativni program za okoliš koji treba usvojiti, već samo krovni OP iz područja kompetitivnosti i kohezije, što može dovesti da gospodarski razvoj zasjeni načela zaštite okoliša.

Pošaljimo poruku s ove Konferencije svim nadležnim tijelima da je SPUO ne samo obvezujući postupak, već i postupak koji u ranoj fazi izrade planskih i programskih dokumenta osigurava uravnotežen održivi razvitak. Zbog toga, posebno u izradi SPUO

za OP 2014.-2020. moraju uključivati vodeći međunarodni i domaći stručnjaci i primjenjivati najbolje tehnike i modeli.

Kontrola kvalitete i monitoring

Prema Direktivi u PUO štete okolišu trebaju se kontrolirati na izvoru tj. u najranijoj fazi planiranja i odlučivanja treba se voditi računa o utjecajima zahvata na okoliš. Tu se postavlja nekoliko osnovnih pitanja. Koja je uloga PUO ako se tako i tako svi standardi okoliša moraju zadovoljiti? Da li PUO unapređuje projekt ili samo ispravlja najveće greške? Što je u stvari „*good practice*"? Da li ste ikada bili pohvaljeni za dobar posao u PUO? Da li se studije o utjecaju na okoliš izrađuju da bi se dobile kvalitetne informacije, temeljem kojih će se donositi odluke ili je svrha da se unaprijedi projekt namjeravanih zahvata? To nije isto! Idealno bi bilo oboje, ali danas je naglasak uglavnom na procjenu utjecaja i mjere ublažavanja. Pitanja koja slijede; Koliko Studija o utjecaju na okoliš se zaista bave istraživanjima opcija projektnih rješenja: lokacijama, materijalima i korištenim resursima... Nisu li mnoge važne odluke vezane uz projektna rješenja u stvari donesene prije PUO što taj postupak i proces pretvara i birokratsku provjeru na kraju priče. Kao bi mogli unaprijediti taj proces? J.Dusik i N.Mikulić na nedavnom sastanku u Wroclawu, gdje su raspravljani prijedlozi amandmana na Direktivu o PUO, dali prijedlog da se u PUO razmisli o mogućim dobrim iskustvima primjene Direktive o objedinjenim uvjetima zaštite okoliša (OUZO). OUZO daje informacije o utjecajima i nudi najbolje referencirane tehnike kao rješenje. U usporedbi s PUO, OUZO je više proaktivan. Rasprave o referenciranim tehnikama i tehnologijama inspiriraju i unapređuju projekt. Te rasprave vrlo su korisne za raspravu s poduzetnicima i zainteresiranom javnosti.

Nameće se stoga pitanje: Da li postoji mogućnost uvođenja obvezatne usporedbe predloženih rješenja s najboljim referenciranim rješenjima u PUO? Takove reference mogle bi se lako uspostaviti za niz tipova razvojnih projekata; supermarketi, autoceste, vjetroparkovi... RDNRT („*BREF*") tip alternativa mogao bi biti korišten i u postupku određivanja sadržaja studije.

I sada dolazimo do pitanja koje često postavljaju udruge civilnog društva tražeći „nezavisnu izradu i ocjenu studije". Tko je najvjerodostojniji/najkompetentniji za ocjenu kvalitete studijske dokumentacije i ocjenu prihvatljivosti namjeravanog zahvata? Nadležna tijela uprave? Nezavisni stručnjaci koji nisu radili na izradi SUO? Udruge civilnog društva ili stručno povjerenstvo?

Treba znati da u većini država svijeta ocjena namjeravanog zahvata kroz PUO je zakonom uređeni postupak uglavnom u nadležnosti tijela nadležnog za okoliš. Postupak je uređen na način da nositelj zahvata temeljem SUO procjenjuje utjecaje i uvjerava državu da namjeravani zahvat neće imati značajne negativne utjecaje na okoliš. Država to provjerava jednim od gore opisanih načina. Rješenja u praksi su naravno različita. U Hrvatskoj to je povjerenstvo sastavljeno od predstavnika nadležnih tijela, predstavnika stručnih i znanstvenih institucija i predstavnika lokalne i regionalne samouprave. U Italiji npr. to je su od države ugovoreni nezavisni stručnjaci koji u timovima sastavljenim za svaku SUO daju svoje mišljenje. Za vrijeme trajanja ugovora s državom ne mogu izrađivati SUO ili obavljati neke druge poslove koji bi bili konfliktni s njihovom zadaćom.

Pravni sustav u kojemu se danas provodi postupak PUO zahtjeva izbalansirani pristup u razini zahtjeva prema SUO. Nisu dobre pojave da, pogotovo kod danas novog

instrumenta ocjene prema Direktivi o staništima, autori pojedinih poglavlja, često ugledni znanstvenici i nastavnici na Sveučilištu, koji su izvanredni taksonomi i poznavatelji neke skupine životinja ili biljaka ili ekologije neke vrste, svode svoj doprinos na nabrajanje vrsta, bez da su si dali truda da nauče što znače „ciljevi očuvanja“ i mjere njihove zaštite. S druge strane pojedinci iz redova državnih institucija postavljaju visoke znanstvene kriterije primjerene izradi vrhunskih znanstvenih radova. Očekivali smo danas da ćemo na ovome našem skupu, nesumnjivo najznačajnijem stručnom i znanstvenom događanju u regiji na području PUO i ocjene prema Direktivi o staništima, imati prilike da vidimo i njih i njihove radove.

Pitanje kvalitete i vjerodostojnosti SUO ovisi o nizu činitelja, ali svakako su na prvom mjestu poslovni moral i stručnost ovlaštenika, realna cijena studije i dostupnost podataka. No izgleda, sudeći prema iskustvima Republike Poljske, jedne od najsposobnijih država za povlačenje sredstava iz fondova EU, najučinkovitiji instrument garancije kvalitete SUO je diskreciona ocjena Europske komisije odnosno istaknutih financijskih institucija. Ako su oni ocijenili da SUO nema zadovoljavajuću kvalitetu, da nije bilo Strateške procjene, da javnosti nije bila uključena na odgovarajući način, da Direktiva o staništima nije primijenjena na odgovarajući način, da nisu obavljene konzultacije prema Espoo konvenciji... i to bez obzira na provedenu nacionalnu zakonsku proceduru, uskratili su financiranje projekta. Uvidjevši da je kvaliteta nužna investitori – nositelji zahvata počeli su tražiti najkvalitetnije izrađivače SUO.

Kad govorimo o podacima, danas preko 20 godina kako je Vlada Republike Hrvatske prihvatila prvi prijedlog uspostave informacijskog sustava, tada za prostor i okoliš, nikako ne možemo biti zadovoljni javno dostupnim bazama podataka. Tamo podataka valjanih za izradu SUO uglavnom nema ili nisu uređeni na način da se mogu koristiti u tu svrhu ili zahtijevaju veliki angažman visoko obrazovanih državnih službenika prenatrpanih poslom da ih u nesređenim bazama pronađu. Nadalje negdje se je država obvezala kroz pravne propise da će osigurati podatke (kao npr. o Ekološkoj mreži odnosno budućoj NATURI 2000), a tih podataka nema ili su zastarjeli i nevjerodostojni. I sada dolazi do situacije da oni koji bi trebali dobiti podatke temeljem kojih će obavljati procjene svojih zahvata, moraju obavljati detaljna, a često i proširena istraživanja, a oni koji su trebali osigurati podatke ocjenjuju kvalitetu tih istraživanja.

Nažalost taj bogati fond podataka iz SUO iz raznih razloga uglavnom se ne unosi u javno dostupne baze podataka iako su pribavljeni od, po državi, akreditiranih ovlaštenika. To često dovodi do toga da se istraživanje istih područja više puta plaća istim ljudima, a za potrebe različitih investicija.

Monitoring je instrument ne samo kontrole predviđanja i procjena izvršenih pri izradi SUO već postaje aktivni instrument korekcije i donošenja novih odgovarajućih mjera zaštite okoliša i prirode. Nadalje dobiveni rezultati bi trebali doprinijeti obogaćivanju baza podataka. Kvalitetne javno dostupne baze podataka kako o okolišu tako i SUO nužan su preduvjet za kvalitetne procjene pogotovo procjene sinergije s postojećim ili planiranim zahvatima kako u Strateškoj procjeni tako i u obuhvatu namjeravanog zahvata. I ovdje moramo ukazati na činjenicu da je Zakonom o zaštiti okoliša iz 2007. godine uređeno da se podaci dobiveni monitoringom propisanim kroz postupak PUO dostavljaju Agenciji za zaštitu okoliša. Do danas, prema našem saznanju, niti jedan takav podatak nije niti dostavljen niti unesen u odgovarajuće baze AZO.

Ocjena prihvatljivosti za Ekološku mrežu

Tu za Hrvatsku ne bi trebali biti neki novi izazovi. Trebamo iskoristiti to što smo, za razliku od drugih EU zemalja, imali OPEM postupak gotovo 6 godina prije ulaska i „vježbali se“, odnosno trebamo iskoristiti činjenicu što već 6 godina provodimo članak 6 Direktive o staništima, samo na nacionalnoj ekološkoj mreži. Postupak se zbog Nature 2000 neće korijenski mijenjati. Ali su se kroz godine nakupili problemi koje treba prepoznati i naći rješenja, odnosno proučiti i primijeniti rješenja drugih, nama bliskih država. S nacionalnom ekološkom mrežom smo naučili puno toga. Idemo sada s Naturom bit pametniji.

Ono što nas čeka, a što moramo napraviti za Naturu jest zonacija i to ne ona u smislu upravljanja, već ona o rasprostranjenosti vrsta unutar Natura 2000 područja. Naime, naša Natura 2000 područja su jako velika, neka vrlo heterogena i često imaju hrpu ciljnih vrsta i staništa. Te vrste i staništa najčešće nisu prisutne na cijeloj površini područja, već samo u određenim dijelovima pa ovakva zonacija (koju npr. ima Slovenija i Danska) omogućuje bržu procjenu koja se koncentrira na ciljne vrste prisutne na samom području zahvata.

Danas možemo ocijeniti da postoji dio mjera ublažavanja koje predlažemo i propisujemo, a da iskreno nismo sigurni u njihovu učinkovitost. Zbog toga se moramo usmjeriti na praćenje učinkovitosti mjera ublažavanja koje se propisuju i u skladu s rezultatima ih prilagođavati. Pri tome programi praćenja moraju se usmjeriti na onu ciljnu vrstu na koju zahvat ima ili može imati značajan utjecaj.

Kompenzacijske mjere su sigurno najosjetljivije pitanje postupka OPEM. I na njih smo najmanje spremni. Nije tajna da se te mjere u zemljama EU nastoje nadomjestiti mjerama ublažavanja. Mislim da ćemo i mi morati tome pribjegavati jer je kompenzacija nešto što svi želimo izbjeći. Ako i nađemo zamjensko područje na kojem bi npr. umjetno stvarali neko stanište javlja se niz otvorenih pitanja; u čijem je vlasništvu zemljište, što je tu predviđeno prostorno-planskom dokumentacijom, mora li se mijenjati prostorni plan, mora li se nekoga obeštetiti za taj prostor… A da bi uopće do nje došli, moramo sukladno Direktivi i tumačenjima Europskog suda pravde - ECJ-a, biti sigurni da nema alternativa za postizanje cilja zahvata, a koje bi bile manje štetne od samog zahvata. Da li je zaista na nositelju zahvata ili ovlašteniku da dokazuje nepostojanje alternativnih rješenja ili npr. da je alternativa za novu autocestu povećanje kapaciteta obližnjeg aerodroma?

Procjena utjecaja zahvata na Ekološku mrežu bremenita je nedostatkom znanja, iskustva, pa i razumijevanja postupka kod svih dionika. Ovlaštenici (izrađivači SUO) traže i mole da se organiziraju radionice na kojima bi se raspravila problematična pitanja i pokušala zajedno naći rješenja. Uz sve razumijevanje za nedostatak ljudskih resursa držimo da bi edukacija dionika i sebe samih morala bi biti jedna od glavnih obveza i aktivnosti onih u čijoj je postupak nadležnosti. Rokovi su novim zakonima skraćeni, država se kune u investicije i ubrzavanje postupaka. Nije dovoljno rješavati samo administrativne prepreke. Jednako ako ne i veća prepreka je nedostatak znanja i nerazumijevanje postupaka, kao i mogućih šteta koje iz toga proizlaze.

I na kraju valja reći da to što govorimo o problemima govorimo zato da potaknemo raspravu i razmjenu iskustava svih danas prisutnih sudionika. Zbog toga smo sigurni da ćemo s ove Konferencije otići zadovoljni, obogaćeni s novim spoznajama i mogućnostima.

Environmental assessment at present

Professor Nenad Mikulć, PhD, Scientific Committee Chair

Although in this introductory speech I will talk mainly about our experiences in the Republic of Croatia, I believe that we have a lot in common and that this experience is valuable for our neighbouring countries that have yet to walk the challenging accession path on their way to the European Union.

So, let us begin with the

Impact assessment of individual interventions (projects) - EIA

The first recorded examples date from the early 1970s in the USA, Canada, Australia and New Zealand, in the 1980s it spread through Europe and in 1985 the EIA Directive 85/337/EEC was adopted; since the 1990s the impact assessment has become a global phenomenon and today it is applied in most world countries. While methodological units of the procedure do not differ significantly from state to state (screening, scoping, description of the project and the environment, description and evaluation of impacts, proposing mitigation measures and monitoring programme), the assessment of the Study documentation and evaluation of impact of the project are regulated by each country in accordance with its legal system and experience; from a thorough administrative procedure which includes the developer, competent authorities, practitioners and the public, which is concluded with an administrative act either accepting or rejecting the planned project, to almost optional cooperative relationship of the developer and his project designer with environmental experts and competent authorities' staff. Mandatory application of the Directive in the territory of the EU and candidate countries resulted in significant unification of the procedure, although certain differences persist, especially in the assessment of the project. In 1984, the Republic of Croatia introduced the environmental impact assessment as mandatory in the Ordinance on preparation of the environmental impact study; a subordinate regulation under the then Physical Planning and Zoning Act. In the framework of harmonisation of environmental protection legislation with EU legislation, in late 2007 the new Environmental Protection Act was adopted (and the third one just recently), while in mid-2008 two new regulations were adopted governing the field of environmental impact assessment and public involvement.

Unlike the competent EU authorities, the competent authorities in Croatia have yet to analyse the effect of their application in practice with a view to further improvement. On account of different, often completely opposite perspectives, both these areas are criticised by certain participants in the EIA process.

From the start to the present day, more than 2,000 studies have been prepared and as many procedures carried out. What the stakeholders think of the quality of this fundamental environmental instrument is shown in research conducted by Hauska & Partner within the partner cooperation scheme with the Croatian Association of Professionals in Nature and Environmental Protection in the period from 24th May to 1st July 2013, aimed at examining the attitudes of the relevant participants regarding certain Environmental Impact Assessment (EIA) considerations and public involvement. The first comprehensive insight was obtained regarding the extent to which the EIA procedure in Croatia contributes to quality decision-making which is, citing Barry

Sadler (2006), a proper 'litmus test' for the performance and impact of EIA on making higher quality decisions.

Different perception of the purpose of EIA is noticed among different groups, and whether the outcome of the EIA process is only advisory to the decision maker, whether it could serve as an environmental 'veto' on certain projects, i.e. is the success of participation measured by simply allowing a higher degree of public involvement or by resulting in an undoubtedly better decision. This dilemma is also present in the UNEP 2002 training material.

The research also confirmed that the EIA procedure is highly complex, especially in social terms, as the attitudes of participants on many issues are conflicting, which indirectly indicates significant differences in values and/or identification of certain problems in practice. Thus, the solution is not in finding individual rapid solutions to certain deficiencies without considering the links and potential consequences of such solutions. The answer is to organise the process that will allow an in-depth consideration of different perspectives, motives and a wider context of decision-making, and focus on finding such solutions that will improve the efficiency of the overall IEA, not only some of its shortcomings.

Strategic Environmental Assessment of plans and programmes (SEA)
The procedure of Strategic Environmental Assessment of policies (strategies), plans, programmes and legislation was developed in some places prior to, in some concurrent with and in others it resulted from the Environmental Impact Assessment of individual projects. Envisaged as a flexible form of cooperation between the persons preparing the documents, environmental experts and other sectors and the public, for the purpose of preparing and adoption of the above documents.

This type of assessment, employed in a large number of countries worldwide, is evolving as the fundamental instrument of sustainable development. The authors mainly list two approaches:

- Strategic assessment is carried out by the authorities responsible for environmental protection and, in cooperation with other sectors, environmental considerations are examined, as well as economic and social issues,
- Strategic assessment of each of the three sustainable development issues is conducted in cooperation with the authorities responsible for the respective sector, while coordination and integration is carried out by an independent institution or body.

In 2001, the EU passed the SEA Directive (*2001/42/EC*), which was transposed into the legal systems of all EU Member States and acceding countries. It was introduced in the pan-European area UNECE by means of the Protocol on Strategic Environmental Assessment to the Espoo Convention in Kiev in 2003.

Let us also mention the Sofia EIA Initiative (1995-2003), which was headed by the Republic of Croatia with the organisational assistance from REC, often in cooperation with WHO. The Sofia Initiative helped to exchange experiences among Eastern and South-eastern European countries. The Sofia Initiative paid special attention to the SEA process thus contributing to a better understanding of this instrument and providing strong support to the initiatives for legal regulation of the SEA procedure.

The Republic of Croatia introduced the SEA in the process of transposition of the *acquis communautaire* in the Croatian legal system with the Environmental Protection Act and subordinate legislation. The Habitats Directive (Directive 92/43/EEC) was also transposed and the Aarhus Convention ratified. In addition, the SEA Protocol to the Espoo Convention was ratified. The Strategic Environmental Assessment is regulated as an integrated process following the procedure under the Habitats Directive.

In comparison to other states, it was introduced relatively late and so far only around 10 strategic environmental assessments have been completed or are under way. Experience shows that the main purpose of the procedure has not been achieved, which is the cooperation of the authors of the plan with environmental experts and the public during the preparation of the plan and while examining all possibilities. As these are specifically the documents prepared by the state administration bodies and local and regional self-government bodies, the selection of authors preparing Strategic Studies is conducted in a public procurement procedure. Once all activities are summed up, from the decision to the end of the procedure, the resulting duration is more than 400 days. However, not even this should not be the reason for the obvious – to put it mildly – reluctance to accept the obligation of its implementation, so here are some noteworthy facts; not being familiar with the obligations and particularly the advantages of the SEA implementation in preparing proposals for relevant documents, avoiding the procedure, insufficient communication between the participants, insufficient education of the participants, late and deficient public involvement in the procedure, inadequately developed plan and programme background documents to be used in drawing up strategic studies, unclear procedure in relation to establishing the overriding public interest and compensation measures for the plans/programmes...

Neither have civil society associations ("the Greens") recognised this procedure as a field of their activity. Instead, they focus on individual projects where the investor is known and the public is more easily mobilised.

Since the Strategic Environmental Assessment, i.e. drafting of the Strategic study, starts in the early stage of preparation of the documents (plan, programme…), meaning often having only the initial draft, it would be logical to have continuous cooperation with the authors of the document. Unfortunately, it is often a parallel procedure, sometimes assessing the document when it is almost completed.

This conclusion is reached by Stenek *et al.* in the course of this Conference. The authors analysed the SEA procedure in one county, they monitored environmental measures and conditions and environmental protection objectives under the Habitats Directive. The final version of the plan incorporates only the measures and conditions under the special regulation, and not a single condition/measure under the SEA procedure. Only monitoring and research!?

The Environmental Operational Programme is the fundamental programming document for withdrawing the resources from EU funds earmarked for the implementation of the EU cohesion policy in the environmental sector in Croatia. The OP primarily relies on the objectives and priorities of the National Strategic Reference Framework (NSRF), which is the basic reference tool for EU funds programming in the area of the Cohesion and regional policies. The OP contributes to achieving the general objective of the NSRF, i.e. "acceleration of economic growth and fostering employment to support actual convergence". Moreover, the implementation of the OP will contribute to the

three strategic objectives of the NSRF, and it will directly influence the NSRF Priority 2: Improving the environmental infrastructure and quality of related services.

Two problems are quite obvious:
First, the SEA preparation procedure for the OP 2014 – 2020 started too late, as usual, which can result in low quality SEA.
Second, there is no Environmental Operational Programme to be adopted but only the umbrella OP in the areas of competitiveness and cohesion, which can lead to economic development overshadowing environmental protection principles.

Let us send a message from this Conference to all competent authorities that the SEA is not only a binding process, but also the process which, in the early phase of preparation of plans and programmes, provides for balanced sustainable development. On account of this, and in particular for preparing the SEA for the 2014-2020 Operating Programme, the leading international and national experts must be included and the best techniques and models applied.

Quality control and monitoring
Under the EIA Directive adverse effects on the environment have to be controlled at source, i.e. the impact of a project on the environment should be considered at the earliest stage of planning and decision-making. Several important questions should be asked here. What is the role of EIA if all environmental standards have to be met anyway? Does the EIA improve the project or simply rectifies the biggest mistakes? What is actually "good practice"? Have you ever been praised for a job well done in the EIA? Are environmental impact studies prepared in order to get quality information as the basis for making decisions, or is their purpose to improve the planned project? These two are not one and the same! Both would be ideal, but nowadays the focus is mainly on impact assessment and mitigation measures. So, the following questions are raised: How many environmental impact studies are really concerned with analysing design solution options: locations, materials and used resources... Aren't many important decisions related to project solutions actually adopted before the EIA, which turns this process into a bureaucratic verification at the end of the road? How could this process be improved? In a recent meeting held in Wroclaw discussing the proposals of amendments to the EIA Directive, J. Dusik and N. Mikulić suggested that the EIA should consider favourable experiences of applying the IPPC Directive. The IPPC provides information about the impacts and offers the best-referenced techniques as solution. In comparison to the EIA, the IPPC is more proactive. The discussions about the referred techniques and technologies are inspiring and they enhance the project. These discussions are very useful for debating with the businesses and interested public.

Subsequently, the question arises: Is there a possibility to introduce mandatory comparison of proposed solutions with the best-referenced solution in the EIA? Such references could easily be established for a number of different types of development projects; supermarkets, highways, windfarms... The BREF-type alternative could also be used in the process of scoping.

And here we come to the question often put forward by the civil society organisations calling for an "independent preparation and assessment of the study". Who is the most trustworthy/most competent to assess the quality of the study document and evaluate the acceptability of the planned project? The competent administrative bodies?

Independent experts who did not participate in the preparation of the EIA? Civil society organisations or an expert committee?

We have to be aware that in the majority of countries worldwide the assessment of the planned project by means of an EIA is the process regulated under the law and is mainly in the scope of the environmental authority. The procedure is regulated so that based on the EIA study the developer estimates the impacts and tries to convince the state that the planned project will not have significant adverse impacts on the environment. The state verifies this using one of the above methods. In practice, the solutions are varied. In Croatia, this is a committee consisting of the representatives of competent bodies, representatives of professional and scientific institutions and local and regional self-government representatives. In Italy, for example, these are independent experts commissioned by the state and nominated into teams formed for each EIA study to give their opinion. During the contract with the state they cannot prepare EIA studies or perform any other tasks that could be in conflict with their assignment.

The legal system under which the EIA is conducted calls for a balanced approach at the level of requirements for the EIA studies. It is not really proper that, especially with the currently new assessment instrument under the Habitats Directive, the authors of certain chapters, quite often renowned scientists and university lecturers, who are exceptional taxonomists and an authority on a certain type of fauna or flora or ecology, reduce their contribution to itemising the species without making any effort to learn what "qualification features" and measures to protect them really mean. On the other hand, some people in the state administration institutions set such high scientific criteria appropriate for preparing superior scientific papers. Hence, it was our expectation that here today, at this Conference, which is undoubtedly the most important professional and scientific event in the region concerning the EIA procedure and evaluation pursuant to the Habitats Directive, we would have the opportunity to see their work as well.

The issue of quality and authenticity of the EIA studies depends on a number of factors, but in the first place on the business morals and expertise of the developer, the realistic price of the study and availability of data. It seems, however, judging by experience of the Republic of Poland, one of the most successful countries in withdrawing the resources from EU funds, that the most effective guarantee of the quality of the EIA study is the discretionary evaluation of the European Commission and prominent financial institutions. If they judge that the quality of the EIA study is not acceptable, that there was no strategic assessment, that the public was not adequately included, that the Habitats Directive was not appropriately applied, that consultations were not conducted pursuant to the Espoo Convention…. regardless of compliance with the national legal procedure, they deny financing to the project. Seeing that quality was indispensable the investors – developers started looking for the highest quality authors to prepare the EIA studies.

When we speak about the data today, more than 20 years after the Government of the Republic of Croatia approved the first proposal to set up the IT system for certain locations and the environment, we cannot be satisfied with the publicly available databases. In general, these databases do not contain valid data for preparing the EIA studies, nor are organised in the manner to be used for this purpose, or they require a high level of involvement on the part of highly qualified and overburdened civil servants to find them in disorganised databases. Moreover, in some cases the state pledged in legal acts that it shall provide the data (for example, on the Ecological

Network, i.e. the future NATURA 2000), but these data are not available or are obsolete and not authentic. And then we come across the situation where those who should obtain the data as the basis for the assessment of their project, they have to carry out detailed and often extended analysis, while those who should provide the data evaluate the quality of such research.

Unfortunately, the ample data from the EIA studies are, for various reasons, mostly not entered into publicly available databases, although they are obtained from authorised persons accredited by the state. This often leads to having the analysis of one and the same location paid several times over to the same people for the purposes of different investments.

Monitoring is an instrument not only for controlling predictions and assessments in the process of the EIA, but it becomes an active instrument for correcting and adopting the relevant environmental and nature protection measures. Moreover, the results obtained should contribute to improving the databases. Quality publicly available databases on the environment and the EIA studies are the prerequisite for quality assessment, especially of compliance with the existing or planned projects in the Strategic Environmental Assessment and the scope of the planned project. It should be underlined at this point that the 2007 Environmental Protection Act regulates that the data obtained through monitoring laid down in the EIA procedure are submitted to the Environmental Protection Agency (EPA). So far, at least to our knowledge, no such data were either submitted or entered in the relevant EPA databases.

Appropriate assessment for the Ecological Network

No new challenges for Croatia here. We should make use the fact that, unlike other EU countries, we had the Appropriate Assessment procedure in place for almost 6 years before the accession and we had “practice”; this means that we should make use of the fact that for 6 years we had been implementing Article 6 of the Habitats Directive, only on the National Ecological Network. The procedure will not be fundamentally changed on account of Natura 2000. However, over the years problems have accumulated so they have to be identified and solutions found, i.e. they should be examined and solutions employed by the countries in our vicinity applied. We have learned a lot through the National Ecological Network; let us be smarter with Natura.

What we have to face – and what we have to implement under Natura – is zoning, although not in the sense of management but in the sense of distribution of species within the Natura 2000 area. Croatia Natura 2000 areas are very large; some are very heterogeneous and often contain a number of target species and habitats. These species and habitats are often not distributed across the entire area but only in some of its parts, so this type of zoning (as applied Slovenia and Denmark), provides for faster assessment concentrated on the target species present on the very location of the project.

Nowadays we can assert that some mitigation measures are proposed and laid down without being entirely confident of their effectiveness. Due to this we have to focus on monitoring the set mitigation measures and adjust them according to the results. At the same time, the monitoring programmes have to be focused on the target species which could suffer the most significant impacts from the project.

The compensatory measures are surely the most sensitive issue of the Ecological Network Impact Assessment (ENIA) procedure. And we are least prepared for them. It

is no secret that EU countries made an attempt to replace these measures with mitigation measures. I believe that we will also have to resort to this because compensating is something we all want to avoid. Even if we find a substitute area were we could, for example, artificially create a habitat, a series of open issues arise; ownership of the land, what do physical planning documents envisage at the location, does the spatial plan have to be changed, does someone have to be indemnified for this land… And in order to have it in the first place, in compliance with the Directive and interpretation of the European Court of Justice – the ECJ – we have to be sure that there is no alternative to achieving the project target that would be less harmful than the project itself. Is it really the obligation of the developer or authorised person to prove the nonexistence of the alternative solution or, for example, that the alterative for the new highway is to increase the capacity of the nearby airport?

Ecological Network Impact Assessment of the project is replete with the lack of knowledge and experience, and even understanding of the procedures by all stakeholders. Practitioners (authors of the studies) require and plead to have workshops organised where problematic issues would be discussed and solutions found through joint effort. Although we have understanding for the lack of human resources, we believe that training of stakeholders and ourselves should be one of the main obligations and activities of those who are responsible for the procedure. The new acts reduced the deadlines and the state is promising new investments and speeding up the procedure. It is not sufficient to resolve only administrative barriers. Equally, if not an even larger obstacle is the lack of knowledge and incomprehension of procedures and potential damage that could result from them.

And finally, it has to be emphasised that the fact we are considering the problems is aimed at encouraging the debate and exchange of experiences between all participants. Because of this we are sure that we will leave this Conference satisfied, with new knowledge and aware of the possibilities we have at our disposal.

SEKCIJA 4 / SECTION 4

SUDJELOVANJE JAVNOSTI / PUBLIC PARTICIPATION

Komunikacija dionika u postupku procjene utjecaja na okoliš

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Sažetak

Zakonodavstvo propisuje da se za određene zahvate mora provesti procjena utjecaja na okoliš, a propisana je komunikacija svih dionika u postupku odlučivanja, koji u ovom procesu razmjenjuju svoja mišljenja vezano za donošenje odluka o određenom zahvatu. Ovaj rad raspravlja o komunikaciji u postupku procjena utjecaja na okoliš u praksi, ukazuje na poteškoće s kojima se susreću dionici, posebno investitori, ali i na poboljšanja koja su moguća. Naglasak je na problemima koji nastaju ako komunikacija nije transparentna te ako je se zlorabi. Propituje se odgovornost svih dionika u postupku, s naglaskom na predstavnike javne uprave, o definiranju rokova i troškovima koji u tom procesu nastaju.

Ključne riječi: komunikacija, okoliš, dionici, procjena, utjecaj

Uvod

Cilj je ovog rada otvoriti raspravu o komunikaciji u postupku provedbe procjene utjecaja na okoliš. Komunikacijom smatramo sve oblike razmjene informacija i mišljenja između strana u postupku. Ona može biti propisana (formalna) ili nepropisana (neformalna), a provode ju zainteresirane strane ili dionici u periodu prije, za vrijeme ili poslije postupka procjene utjecaja na okoliš. Najvažnija je svakako komunikacija nositelja zahvata s tijelom javne vlasti koje je zaduženo za propisivanje sadržaja studije utjecaja na okoliš te mjera zaštite okoliša. Ipak, najviše prijepora i nejasnoća nalazimo u komunikaciji nositelja zahvata s organizacijama civilnog društva koje se u ovom postupku pojavljuju kao javnost i zainteresirana javnost kojoj je sudjelovanje u postupku definirano propisima zaštite okoliša Republike Hrvatske, prije svega Zakonom o zaštiti okoliša (ZOZO) (NN 110/07). Rad donosi pregled zakonskih propisa koji definiraju okvire obvezne komunikacije u postupku procjene utjecaja na okoliš, kao i njenih nedorečenosti i nedostataka koji mogu uzrokovati probleme u provedbi. Također radi donosi pregled najčešćih problema na koje se nalazi na terenu te prijedloge za poboljšanje.

Metodologija izrade rada sastoji se od preliminarne analiza važećih propisa Europske unije i Republike Hrvatske koji definiraju komunikaciju u procjeni utjecaja na okoliš. Drugi faza istraživanja temelji se na analizi definiranih postupaka koja se temelji na iskustvu rada u praksi autorica rada. Također, temeljeno na iskustvu rada u praksi, ukazuje se na moguće uzroke loše komunikacije.

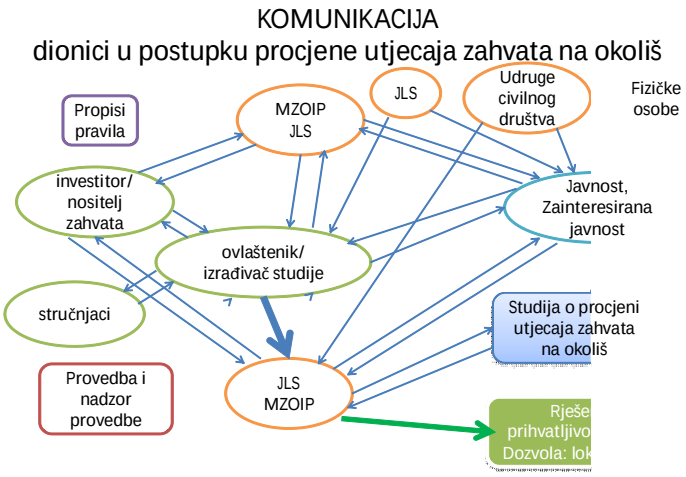
Pretpostavljena hipoteza rada jest da postoje određene nejasnoće u propisanim postupcima obvezne komunikacije u postupku procjene utjecaja na okoliš koje se mogu boljim definiranjem unaprijediti i na taj način poboljšati komunikaciju. Osim toga, veća otvorenost i transparentnost te na jasnim ulaznim kriterijima temeljena razmjena

informacija neophodna je pretpostavka izgradnji povjerenja i boljoj komunikaciji dionika s ciljem donošenja informiranih odluka u postupku procjene utjecaja na okoliš.

Pregled europskog i hrvatskog zakonodavstva o sudjelovanju dionika u postupku procjene utjecaja zahvata na okoliš

Prema ZOZO, članak 75, Studija o utjecaju zahvata na okoliš (SUO) je stručna podloga koja obuhvaća sve potrebne podatke, dokumentaciju, obrazloženja i opise u tekstualnom i grafičkom obliku, prijedlog ocjene prihvatljivosti zahvata i mjere zaštite okoliša u odnosu na zahvat te program praćenja stanja okoliša. Na temelju Studije o utjecaju zahvata na okoliš provodi se procjena utjecaja zahvata na okoliš (PUO). Studija o utjecaju zahvata na okoliš mora biti izrađena na temelju najnovijih, vjerodostojnih i dostupnih podataka. Studiju o procjeni utjecaja zahvata na okoliš izrađuje ovlaštenik koji je odgovoran za istinitost, točnost, stručnu utemeljenost i udovoljavanje propisanim zahtjevima u vezi s izradom i sadržajem studije. Isto tako, u procesu izrade studije o procjeni utjecaja zahvata na okoliš ovlaštenik ima središnju ulogu u usmenoj i pisanoj komunikaciji između različitih dionika. Procjena utjecaja na okoliš prethodi ishođenju lokacijske dozvole za izgradnju ili rekonstrukciju nekog postrojenja i zato je važna komunikacija nositelja zahvata (investitora) i ovlaštenika, prije i poslije procesa izrade studije o procjeni utjecaja zahvata na okoliš.
Niz propisa, normi i ostalih dokumenata odnosi se na sudjelovanje dionika u postupku procjene utjecaja zahvata na okoliš. U tim se dokumentima dionicima najčešće smatraju predstavnici javnosti i zainteresirane javnosti, a rjeđe se obrađuje sudjelovanje ostalih dionika. Na Slici 1, prikazana je isprepletena komunikacijska shema između mogućih dionika: od Ministarstva zaštite okoliša i prirode (MZOIP) i ostalih tijela javne vlasti (JLS – jedinice lokalne samouprave), preko nositelja zahvata, stručnjaka koji surađuju na izradi Studije utjecaja zahvata na okoliš, ovlaštenika, organizacija civilnog društva i ostalih predstavnika javnosti i zainteresirane javnosti.
Europsko i hrvatsko zakonodavstvo, uređuju koji su to zahvati u okolišu za koje se mora provesti procjena utjecaja zahvata na okoliš te uređuju sudjelovanje javnosti i zainteresirane javnosti u postupku odlučivanja o opravdanosti zahvata u okolišu i mogućim utjecajima na okoliš i zdravlje stanovništva. Prema Zakonu o zaštiti okoliša, NN 110/07, članak 69, procjena utjecaja zahvata na okoliš je procjena mogućih značajnih utjecaja na okoliš zahvata određenih ovim Zakonom i Uredbom.

Norme, na primjer HRN EN ISO 14001 i HRN EN ISO 14004, razmatraju i internu i eksternu komunikaciju, te naglašavaju da komunikacija s vanjskim zainteresiranim stranama (dionicima) može biti važan i učinkovit alat u sustavima upravljanja okolišem. U normama se riječ učinkovit (effective) rabi u smislu usmjerenja na bitno što bi u slučaju vanjske komunikacije značilo usmjerenje na ključne dionike, na primjer: predstavnike tijela javne vlasti (od državne do lokalne razine), organizacije civilnog društva pa do pojedinaca (fizičke osobe). Prema navedenim normama, organizacija (nositelj zahvata, investitor) mora uspostaviti, primijeniti i održavati postupke za primanje, dokumentiranje i odgovaranje u komunikaciji s vanjskim dionicima. Isto tako važno je imati popis vanjskih dionika s njihovim osnovnim značajkama i područjem zanimanja.



Slika 1. Prikaz komunikacije između različitih dionika u procesu procjene utjecaja zahvata na okoliš

Uzroci loše komunikacije u praksi

Definicija javnosti i zainteresirane javnosti i njihova uloga

Definiranje javnosti i zainteresirane javnosti u hrvatskim propisima, preuzeto je iz EU direktive o Procjeni utjecaja propisa (EIA, 2011/92/EC). Ova Direktiva kao i Zakon o zaštiti okoliša (NN 110/07) tumači javnost kao „fizičke i pravne osobe, njihove skupine, udruge i organizacije sukladno posebnim propisima i praksi“ dok je zainteresirana javnost „javnost na koju utječe ili bi moglo utjecati odlučivanje o okolišu, te koja živi odnosno radi u području mogućih negativnih utjecaja na okoliš ili u području koje će vjerojatno biti pod negativnim utjecajem“. EIA kaže da je zainteresirana javnost ona javnost na koju utječe, koja može utjecati ili koja ima interesa od procesa donošenja odluke o okolišu. Organizacije civilnog društva koje se bave okolišem, a zadovoljavaju zahtjeve nacionalnog zakonodavstva smatrat će se da imaju interes. Kako nije definirano koji su to posebni propisi i praksa na koja se Zakon poziva, ostaju nejasni kriteriji po kojima netko ima pravo postati zainteresirana javnost.
EIA direktiva ograničava na zainteresiranu javnost samo u slučaju podnošenja zahtjeva za revizijom procesa donošenja sporne odluke pred sudom (EIA, članak 11). Članak 14. stavak 4 Uredbe o sudjelovanju javnosti (NN 64/08) ograničava mogućnost javnosti da sudjeluje, dok EIA ograničava samo pristup pravosuđu. ZOZO dodatno ograničava pravo na pristup pravosuđu predstavnicima zainteresirane javnosti uvjetujući ima da moraju biti registrirani kao udruge što onemogućuje zaštitu prava investitora od strane organizacije kojoj je investitor član ako nije registrirana kao udruga (primjerice Komori).
Nedovoljno jasno definirana uloga predstavnika javnosti i zainteresirane javnosti predstavlja izvor nesporazuma u komunikaciji. Je li njihova uloga samo dati primjedbe i prijedloge tijekom javne rasprave? Što znači sudjelovanje u odlučivanju? Ima li javnost i zainteresirana javnost pravo zaustaviti neki projekt bez obzira na činjenicu da su ispunjeni svi propisani zahtjevi? Bačun et al. (2012) opisuju mogućnost davanja društvene dozvole za rad, nepisanoj dozvoli koja se temelji na vjerovanju, percepciji i mišljenju lokalne zajednice o zahvatu/projektu. U Republici Hrvatskoj poznati su slučajevi da je studija procjene utjecaja na okoliš zadovoljila propisani postupak, a da zahvat ne dobije društvenu dozvolu za rad. Neki su projekti tako zaustavljeni, a da se

nije postiglo ono za što su se zalagali, na pimjer: zaštititi Jadransko more od balastnih voda.

Nepostojanje cjelovitog opisa procesa

Dalji pokušaj definiranja procesa sudjelovanja javnosti u postupku odlučivanja o opravdanosti zahvata u okoliš također otvara čitav niz nedoumica. Primjerice, razdvojenost opisa procesa koji je djelom sadržan u Zakonu o zaštiti okoliša (NN 110/07), dijelom u Uredbi o informiranju i sudjelovanju javnosti i zainteresirane javnosti u pitanjima zaštite okoliša (NN 64/08), dijelom u Uredbi o procjeni utjecaja zahvata na okoliš (NN 64/08, NN 67/09), dijelom u Pravilniku o ocjeni prihvatljivosti plana, programa i zahvata za ekološku mrežu (NN 118/09), Uredbi o postupku utvrđivanja objedinjenih uvjeta zaštite okoliša (NN 118/09) i drugima, čini ovaj postupak nejasnim i nedorečenim. Ako zahvat mora proći javnu raspravu po svim propisima, nije jasno koju proceduru treba slijediti.

Procjena

Kada je u pitanju komunikacija nositelja zahvata s javnosti i zainteresiranom javnosti, već sam naslov „Uredba o procjeni utjecaja zahvata na okoliš“, može biti izvor nesporazuma između nositelja zahvata, ovlaštenika koji izrađuje studiju o procjeni utjecaja zahvata na okoliš i javnosti i zainteresirane javnosti. Riječ procjena govori da se za nešto odeđuje vrijednost, utvrđuju svojstva, ali stvarne vrijednosti mogu biti drugačije od procijenjene. Jasno je da je u postupku procjene uključen i kompromis oko određivanja kriterija na kojima se temelji sud o procijenjenoj vrijednosti. Stvarna vrijednost može biti ili viša ili niža od procijenjene što je uvijek potencijalni izvor neslaganja. Predstavnici javnosti i zainteresirane javnosti u procjenu utjecaja nečega uključuju subjektivni pristup i vrlo često iskazuju neslaganje ako rezultati proračuna i modeliranja daju povoljne rezultate.

Značajnost utjecaja

Drugi izvor nesporazuma je određivanje značajnosti. Na stranicama Ministarstva zaštite okoliša i prirode (MZOIP), objavljena je Metodologija procjene utjecaja na okoliš koja je prirađena na temelju metodologije H1 koju je razradila Britanska agencija za zaštitu okoliša. Budući da se ne radi o obveznom dokumentu, neki ovlaštenici određuju značajnost utjecaja prema njoj, a neki su razvili svoju metodu bodovanja pojedinog utjecaja i procjenjivanja njegove značajnosti. Za određivanje značajnosti, za zahvate propisane Uredbom o objedinjenim uvjetima zaštite okoliša, mogu poslužiti dokumenti objavljeni na mrežnoj stranici http://eippcb.jrc.ec.europa.eu//reference/. U dokumentu za pojedine industrije navedeni su značajni utjecaji koje treba obraditi, na primjer: prvi na popisu je dokument koji se odnosi na proizvodnju cementa, vapna i magnezijevog oksida (Cement, Lime and Magnesium Oxide Manufacturing Industries). U dijelu koji se odnosi na proizvodnju cementa govori se o značajnom utjecaju emisija na zrak, a svi ostali utjecaji su zanemarivi. Budući da ove metodologije nisu obvezujuće, te postoji više referentnih dokumenata, ne postoji jedinstvo u korištenju metodologije za određivanje značajnosti. Ovo stvara probleme u izradi studije, ali isto tako otvara mogućnost predstavnicima javnosti i zainteresirane javnosti da koriste vlastite metodologije za određivanje značajnosti što može uključivati vrlo različite subjektivne polazišne osnove i učiniti komunikaciju gotovo nemogućom. Jasnije definiranje postupka procjene utjecaja na okoliš te referentnih kriterija na kojima se ta procjena temelji, smanjila bi prepreke koje danas nastaju u komunikaciji, ali i spriječila

nepotrebno usporavanje investicijskih procesa što u Republici Hrvatskoj danas objektivno predstavlja sve veći problem.

Područje utjecaja

Područje utjecaja zahvata je još jedan nedovoljno određen pojam koji može biti izvor nesporazuma kod određivanja i javnosti i zainteresirane javnosti. Zakon o zaštiti okoliša, NN 110/07, članak 3, kazuje da je „područje utjecaja područje na kojem se prostire značajan utjecaj zahvata u okoliš, bilo da je uzrokovan samim zahvatom u okoliš ili sinergijom s postojećim ili planiranim zahvatima u okoliš“. Područje utjecaja i granice utjecaja zahvata u različitim dokumentima se različito obrađuju, na primjer: Ekološka karta RH je dokument koji se prilaže uz studiju utjecaja zahvata na okoliš. Na karti je označena granica predmetnog područja (lokacije objekta/postrojenja), ali i granica šireg područja, tzv. *buffer*. Na nekim kartama je granica šireg područja 500 m udaljena od objekta/postrojenja, na nekim 1000 m (~1 km^2 površine), a da nisu jasni kriteriji određivanja granice šireg područja. Područje utjecaja može biti određeno i propisom. Primjer za to je Pravilnik o praćenju kvalitete zraka, (NN 3/13), u kojem je navedeno da površina okolnog područja na kojem se razmatra utjecaj emisija u zrak iznosi najmanje 1000 km^2. Posljedica ovako širokog raspona površina utjecaja (od 1 do 1000 km^2) jest da se može značajno promijeniti tko je dio javnosti, a tko zainteresirane javnosti na razmatranoj površini utjecaja.

Početno stanje, nulto stanje

Predstavnici javnosti i zainteresirane javnosti traže da se u SUO utvrdi i opiše nulto/početno/zatečeno stanje, a da pritom postoje različita tumačenja što je to. Zanimljivo je kako je Fond za zaštitu okoliša i energetsku učinkovitost u natječajnoj dokumentaciji za jedan zahvat dao jednostavno objašnjenje: „Ponuditelj mora utvrditi „nulto stanje“ okoliša, odnosno opis okoliša lokacije zahvata na postojeći okoliš prije poduzimanja zahvata koji se razmatra studijom. Svrha utvrđivanja „nultog stanja“ jest određivanje i opisivanje onih aspekata okoliša na koje bi zahvat mogao utjecati. To uključuje sastavnice okoliša, kulturnu baštinu, lokalno stanovništvo i materijalna dobra. Podaci se prikupljaju iz postojećih izvora, a samo izuzetno se provode dodatna istraživanja za potrebe izrade studije.“

Nedovoljno povjerenje u ovlaštenika, nedovoljno poznavanje tehnološkog procesa

Predstavnici tijela javne vlasti često naglašavaju važnost kvalitetnog rada ovlaštenika i potrebe provjere kvalitete rada. Važno je naglasiti da se nečiji rad može nadzirati i ocjenjivati mu kvalitetu samo u slučaju da postoje jasne i kvalitetne upute za rad kojih se ovlaštenik nije pridržavao. Kako to za sada nije slučaj, takve izjave narušavaju povjerenje javnosti i ugrožavaju komunikaciju. Problem je i činjenica da predstavnici javnosti i zainteresirane javnosti nedovoljno poznaju tehnološki proces što dovodi do nesporazuma u komunikaciji. Koristeći alate za pretraživanje mrežnih stranica, dobivene rezultate tumače s nedovoljno razumijevanja što dovodi do značajnih razilaženja u komunikaciji.

Rokovi provedbe aktivnosti

Članak 6, stavak 6, (EIA, 2011/92/EC) upućuje zemlje članice na postavljenje razumnih rokova za različite faze postupka, koji će omogućiti zadovoljavajući vremenski rok za informiranje javnosti i zainteresirane javnosti kako bi se mogla adekvatno pripremiti za

sudjelovanje u donošenju odluka. Sukladno tome, članak 137, ZOZO-a govori o rokovima provedbe postupka javne rasprave koje će propisati Uredba o sudjelovanju javnosti. Primjeri propisanih rokova u postupku javne rasprave navedeni su u Tablici 1.

Tablica 1. Rokovi za postupak provedbe procjene utjecaja zahvata na okoliš i postupka sudjelovanja javnosti.

Aktivnost	**Tko**	**ROK**	**Članak, propis**
Mišljenje na Zahtjev za ocjenu o potrebi procjene utjecaja zahvata na okoliš	Nadležna tijela i JLP(R)S	30 dana	Članak 29, stavak 2, UoPUO (NN 64/08)
Na dopunu Zahtjeva za ocjenu o potrebi procjene utjecaja zahvata na okoliš	Podnositelj zahtjeva	Tri mjeseca	Članak 73, stavak 3, ZOZO-a (NN 110/07)
Postupak ocjene o potrebi procjene utjecaja zahvata na okoliš mora se provesti u roku od tri mjeseca od dana primitka urednog zahtjeva nositelja zahvata	Nadležno tijelo	Tri mjeseca	Članak 78, stavak 3, ZOZO (NN 110/07)
Mišljenje na Zahtjev za izdavanje upute o sadržaju studije	Nadležna tijela i JLP(R)S	30 dana	Članak 32, stavak 2 UoPUO (NN 64/08)
Uputa o sadržaju studije o utjecaju zahvata na okoliš mora se izdati u roku od tri mjeseca od dana primitka urednog zahtjeva za izdavanje upute	Nadležno tijelo	Tri mjeseca	Članak 78, stavak 4, ZOZO (NN 110/07)
Postupak procjene utjecaja zahvata na okoliš od dana primitka urednog zahtjeva nositelja zahvata, iznimno dulji rok uz nadopunu studije	Nadležno tijelo	4-6 mjeseci	Članak 78, stavci 1 i 2, ZOZO (NN 110/07)
Kada nadležno tijelo utvrdi da zahtjev nositelja zahvata za PUO sadrži sve propisane podatke i dokaze sukladno članku 6. Uredbe, čelnik tijela imenuje savjetodavno stručno povjerenstvo	Čelnik nadležnog tijela	Nije poznato	Članak 9, UoPUO (NN 64/08)
Prva sjednica povjerenstva od dana imenovanja povjerenstva	Povjerenstvo	10 dana	Članak 2, stavak 1, UoPUO (NN 67/09)
Trajanje javnog uvida rasprave	Nadležno tijelo	Najmanje 30 dana	Članak 18, stavak 2, UoIJiZJuPUO
Dopuna studije nakon javne rasprave	Nadležno tijelo	30 dana	Članak 16, stavak 2, UoPUO (NN 64/08)
Očitovanje tijela nadležnog za zaštitu prirode na mišljenje povjerenstva	Nadležno tijelo -zaštita prirode	30 dana	Članak 20, stavak 2, UoPUO (NN 64/08)

Iz navedenih rokova u tablici može se zaključiti slijedeće:

1. Faza 1-3. Procjena o potrebi izrade studije utjecaja na okoliš može trajati do tri mjeseca od dana kad nadležno tijelo zaprimi uredan zahtjev za provedbom procjene. Nije propisan rok koliko je dozvoljeno trajanje postupka utvrđivanja urednosti zahtjeva te koliko vremena može proći prije nego li nadležno tijelo zatraži nadopunu zahtjeva.

2. Faza 4-5. Postupak utvrđivanja sadržaja studije također može trajati do tri mjeseca od dana kad nadležno tijelo zaprimi uredan zahtjev za provedbom procjene. Nije propisan rok koliko je dozvoljeno trajanje postupka utvrđivanja urednosti zahtjeva te koliko vremena može proći prije nego li nadležno tijelo zatraži nadopunu.
3. Faza 6-9. Postupak procjene utjecaja zahvata na okoliš trebao bi trajati 4 mjeseca te iznimno 6 ukoliko u trajanju postupka dođe do potrebe obavljanja dopunskih radnji. I ovdje rok teče od zaprimanja urednog zahtjeva te nije jasno koliki je rok od zaprimanja nepotpunog zahtjeva do reakcije nadležnog tijela.

Ukoliko nositelj zahvata prođe sve ove faze postupka, rok trajanja je 12 mjeseci, iako je očito da zbog nejasno definiranih rokova za odgovor nadležnog tijela, ovaj rok može biti i značajno dulji. Nužno je u reviziji Zakona o zaštiti okoliša uvesti i rokove u kojima nadležno tijelo mora dati mišljenje o određenom predmetu. U prilog ovom prijedlogu možemo navesti primjer Nizozemske u kojoj nije samo propisan rok u kojem odgovorno tijelo mora odgovoriti na zahtjev ili izdati rješenje, već postoje i novčane kazne za tijelo javne vlasti za svaki dan prekoračenja roka.
Za komunikaciju je problem rokova značajan u toliko što odugovlačenje postupka dovodi investitora u poziciju da pokušavajući ubrzati rokove izbjegava komunikaciju sa javnošću i zainteresiranom javnošću što dodatno produbljuje nepovjerenje i može stvoriti zastoje u komunikacije te posljedično i zastoje u samom postupku.

Komunikacija na terenu

Druga razina komunikacije, ona je koju provodi investitor sa svojim dionicima na području na kojem se planira provesti zahvat. Ova komunikacija osim gore opisane, (formalne) može biti i nepropisana (neformalna) koju samoinicijativno provodi investitor, privatni poduzetnik ili poduzeće. Najčešće se u Hrvatskoj komunikacija gotovo isključivo svodi na propisanu kao što je na primjer provođenje javne rasprave o Studiji utjecaja na okoliš ili neke druge propisane javne rasprave u kojoj sudjeluje javnost i zainteresirana javnost. Iako strana literatura navodi mnogo primjera kako se kontinuirani razvoj odnosa s dionicima, poduzećima u konačnici vraća povjerenjem i boljom naklonosti javnosti kada ugled poduzeća iz bilo kojeg razloga dolazi u pitanje, u stvarnosti se ona u Hrvatskoj rijetko provodi.

Smith, C. (2003) opisuje dva suprotna primjera komunikacije poduzeća sa svojim javnostima. Ako je proces komunikacije strateški, tom se prilikom stvaraju strateška partnerstva s organizacijama civilnog društva koje postaju važni partneri u provođenju društvenih promjena istovremeno unapređujući vlastite poslovne ciljeve. Smith kao primjer iznosi slučaj Exxon Valdez - nesreće tankera koja je uzrokovala zagađenje Aljaškog zaljeva 1989. godine. Iako je Fondacija Exxon Education postojala od ranije, bavila se financiranjem koje nije imalo direktne veze s Exxonovim poslovanjem. Nemajući razvijenu suradnju s ključnim predstavnicima javnosti, a to su u slučaju nesreće tankera bile nevladine organizacije za zaštitu okoliša, Exxon nije imao izvor informacija o tome kako se ponijeti u slučaju havarije. Stoga su zauzeli reaktivan stav prema organizacijama za zaštitu okoliša što ih je izložilo iznimnoj kritici javnosti. Smith smatra da je Fondacija izolirala Exxon od ključnih informacija izvana baveći se sadržajima koji nisu bili direktno vezani uz interese Exxona.
S druge strane Smith navodi slučaj organizacije Arco, jednog od Exxonovih konkurenata koji je strateškim korištenjem filantropije razvio tijesne odnose s organizacijama za zaštitu okoliša. Iako su neki kritizirali bliske odnose zaštitara okoliša i poslovne organizacije, njihov odnos nije ih nikad spriječio da kritiziraju i međusobno

unapređuju vlastite procese. Strateška partnerstva koja nastaju kao integralni dio korporativne filantropije mogu spriječiti reakcije javnosti koje mogu trajno narušiti reputaciju poduzeća i njegove poslovne rezultate.

U Hrvatskoj ima pozitivnih primjera dobre prakse u komunikaciji poslovnog sektora sa svojim javnostima. Važno je pri tome znati da komunikacija ne počinje javnom raspravom o Studiji utjecaja na okoliš, ona mora biti trajna, iskrena, transparentna i prožeta strpljenjem. Dionici često zahtijevaju informacije koje se poslovnom subjektu mogu činiti nevažnim ili nepotrebnim, no strpljenje u komunikaciji se na kraju isplati jer će percepcija javnosti koja se gradi kroz duga vremenska razdoblja, u konačnici stvoriti povjerenje prema poslovnom subjektu, koja će se onda odraziti i na stav organizacija civilnog društva i građana kada jednom započne formalna komunikacija u postupku procjene utjecaja zahvata na okoliš. Redovna komunikacija sa zajednicom, dani otvorenih vrata, građanski satovi, redovito odgovaranje na upite građana i udruga, važno je u procesu izgradnje povjerenja između javnosti i poslovnog subjekta.

Van Kerkhoff i Label (2006) smatraju sudjelovanje javnosti u definiranju problema i traženju rješenja važnim, jer je upravo lokalno, temeljno znanje ono koje može pružiti odgovore na postavljena pitanja ili barem dati dodatne ideje i alternativna rješenja. Ovo nije uvijek slučaj no važno je da bez obzira na vrstu zahvata i mogućnost korištenja mišljenja i prijedloga javnosti i zainteresirane javnosti, ostane otvoren kanal komunikacije kako se javnost ni u kojem trenutku ne bi osjetila isključenom. Direktiva EIA u preambuli kaže kako dozvola mora biti izdana nakon procjene utjecaja na okoliš, koja se pak temelji na odgovarajućim informacijama dobivenim od investitora nadograđenim informacijama koje zanimaju javnu upravu i javnost. Kako nije točno definirano koliko daleko može sezati interes javnosti to u praksi može biti zloupotrijebljeno. Naime, EIA kaže da: „Principi procjene utjecaja na okoliš moraju biti usklađeni s vrstom projekta koji je cilj procjene, glavnim obvezama investitora i sadržajem procjene. Osnovni principi okolišne procjene moraju biti sagledani i koordinirani s ostalim procesima“. To bi drugim riječima značilo da procesi i detalji koji se zahtijevaju u samom procesu moraju biti usklađeni s veličinom i ozbiljnošću zahvata te usklađeni s najboljom i uobičajenom praksom.

EIA kaže i da „djelotvorno sudjelovanje javnosti omogućuje javnosti da izrazi, a donosiocu odluke da uzme u obzir mišljenja i strahove koji mogu biti relevantni za odluku, time povećavajući vjerodostojnosti i transparentnost procesa donošenja odluke i uključivanja javnosti u pitanja okoliša i podršku donesenoj odluci“. Na raspolaganju su razni oblici sudjelovanja javnosti kao što su to: javne rasprave, fokusne grupe, elektronički forumi, internetsko glasovanje i različiti drugi modeli sudjelovanja i konzultativnog procesa koji se koriste u pokušaju političara da uključivanjem građana povećaju kvalitetu vlastitog upravljanja. Najvažnija svrha sudjelovanja javnosti u procesu donošenja odluka jest razmjena informacija kako bi se s jedne strane obrazovali sudionici i istražili problemi oko moguće odluke. Dijelom će se odluke temeljiti na činjeničnim informacijama i predviđanjima stručnjaka no dijelom će se odluka temeljiti i na vrijednostima i mogućim utjecajima koje će odluka imati na lokalnu zajednicu. Zadatak razmjene informacija je razumijevanje vrijednosti ili ciljeva koje zastupaju određeni dionici ili skupine građana. Zbog toga je vrlo važan kvalitetno organiziran dijalog koji može pridonijeti socijalnoj koheziji sredine u kojoj se provodi, može ublažiti napetosti između suprotstavljenih dionika ili između provoditelja odluke i onih suprotnog mišljenja, stvarajući pri tom osjećaj sudjelovanja u razvoju zajednice. No možda je najvažniji rezultat procesa sudjelovanja povećanje kvalitete odluke, jednostavno već i zbog činjenice da je u odlučivanju sudjelovao veći broj glava koje su

promišljale moguće pozitivne i negativne posljedice predmetne odluke. Povećanje kvalitete percepcije koju veći broj stavova donosi u proces može dovesti do razjašnjavanja pitanja i procesa koji kao rezultat mogu postati inovativni i bolje formirani (Kunsch et al, 2007). Za sudjelovanje u kvalitetnom dijalogu OCD-u u Hrvatskoj nedostaje kapaciteta, a glavni uzrok je nedostatak financijskih sredstava koji za sobom povlači i nedostatak dovoljnog broja stručnih osoba koje bi se mogle ravnopravno upustiti u rasprave o zahvatima u okoliš. Osim toga organizacije civilnog društva podložne su bolestima hrvatskog društva u cijelosti, a to su korupcija, neprofesionalnost i slično (Bežovan i Zrinščak, 2007).

Zaključci i preporuke

Svi gore navedeni primjeri predstavljaju prostor unutar kojeg, zbog nedovoljne definiranosti, nastaju problemi u komunikaciji. Dio ovih problema mogao bi biti riješen postavljanjem jasnih smjernica o sadržaju studije, postupku procjene utjecaja na okoliš i kriterijima za određivanje značajnosti utjecaja, područja utjecaja i definicije nultog stanja. Jasniji postupak neupitno bi utjecao na ujednačenost kvalitete studija utjecaja na okoliš i postupka provedbe sudjelovanja javnosti što bi posljedično kao rezultat imalo povećanje povjerenja između stranaka u postupku. Jedan od mogućih pristupa rješavanju ovog problema bio bi izrada priručnika/smjernica/vodiča za izradu studije utjecaja na okoliš. Također se može prirediti predložak sadržaja s obveznim dijelom, te mogućim dopunama kao i dijagram tijeka odvijanja procesa izrade studije procjene utjecaja na okoliš sa svim aktivnostima i rokovima trajanja. Na ovaj način izbjegle bi se nepotrebne rasprave o kvaliteti studije utjecaja na okoliš jer bi njen sadržaj bio jasnije definiran.

Drugi dio problema koji utječe na nekvalitetnu komunikaciju dionika u postupku procjene utjecaja na okoliš jest trajanje samog postupka te troškovi koji tako nastaju, a koji su razlog zašto investitori često pokušavaju skratiti ovaj postupak pa i preskočiti neke njegove faze. Bilo bi nužno propisati primjereno trajanje postupka i uvesti odgovornost i prekršajne odredbe za sve one koji rokove ne poštuju pa i za tijela javne vlasti. Skraćivanje postupka kao i ukidanje nekih nepotrebnih faza postupka koje uzimaju mjesece u vremenskom smislu pozitivno bi osim na troškove postupka utjecalo i na sveukupnu investicijsku klimu u Republici Hrvatskoj, ali i povećalo spremnost poslovnog subjekta da otvara javnu raspravu o svojim investicijskim zahvatima.
Dio pak problema mogao bi biti riješen kada bi se prije početka postupka procjene utjecaja na okoliš sustavno provodila komunikacija između gospodarskog subjekta i organizacija civilnog društva. Ovaj pristup pridonosio bi pozitivno izgradnji odnosa i povjerenja te boljoj komunikaciji kada proces jednom započne. Izbjegavanje uspostave transparentne komunikacije s civilnim sektorom u okruženju vrlo često se poslovnim subjektima čini kao lakši način jer se tako izbjegava odgovaranje na mnoga, često nevažna pitanja, a izgradnja odnosa s lokalnim udrugama i javnostima čini se kao gubitak vremena. Međutim, u pravilu se ovakav pristup negativno odrazi na povjerenje javnosti i zainteresirane javnosti koje se kasnije mogu naći u situaciji da odlučuju o budućnosti gospodarskog subjekta. Trajna komunikacija razvit će dublje veze i partnerske odnose koji će osigurati lakše provođenje procesa sudjelovanja javnosti u postupku procjene utjecaja na okoliš.

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Communication of stakeholders in the process of environmental impact assessment

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Abstract

Legislation prescribes that, for certain operations, environmental impact assessment needs to be performed while communication of all stakeholders who participate in this process is prescribed. In this process, stakeholders exchange opinion related to the specific activity and this way participate in the decision making process. This paper discusses communication in the process of environmental impact assessment in practice, points at some difficulties which stakeholders find, especially operators, and offers some suggestions of improvements which are possible. Accent is on the problems which appear if communication is un-transparent or misused. The paper questions responsibility of all stakeholders in the process with emphasis on the public institution representatives related to the definition of deadlines and costs which result in this process.

Key words: communication, environment, stakeholders, assessment, impact

Introduction

The goal of this paper is to open discussion on communication in the process of environmental impact assessment (EIA). By communication we mean all forms and means of interchanging of information and opinions among parties in the procedure. It can be prescribed (formal) or not prescribed (informal), and it is executed by interested parties or stakeholders in the period before, during and after the environmental impact assessment process. The most important is the communication between operator and the public body in charge of prescribing the content of environmental impact assessment and protection measures. Nevertheless, most of the disputes and confrontations are found in the communication between operators and civil sector organizations which in this procedure participate as public or public concerned for which participation is defined by the environmental protection legislation of the Republic of Croatia, mostly by the Law on environmental protection (ZOZO) (NN 110/07). The paper brings an overview of legal requirements which define framework of prescribed communication in the environmental impact assessment as well as it flaws and deficiencies which can cause problems in practice. Also it brings an overview of most common problems found in practice and suggestions for improvements.

Methodology used in the paper is consisting of preliminary analysis of existing legislation of the European Union and the Republic of Croatia which define communication in the environmental impact assessment process. Second phase of the research consisted of analysis of procedures defined by legislation with causes for miscommunication, based on the experience of the authors.

Our hypothesis is that there are many unclear details in the prescribed procedures of formal communication in the environmental impact assessment (EIA) which can be improved by more clear definition of the process which would improve the communication itself. Beside, better transparency and openness and on clear criteria based exchange of information is necessary precondition in development of trust and better communication among stakeholders aiming at achieving better informed decisions in EIA.

Overview of the European and Croatian legislation on stakeholder participation in the environmental impact assessment

According to the Law on environmental protection, Article 75, Environmental impact assessment study (SUO) is an expert foundation which consists of all necessary data, documentation, explanations and descriptions, in text and graphics, giving bases for evaluation of the acceptance of operation and environmental protection measures regarding given investment and its environmental surveillance program. Based on the environmental impact assessment study, the impact assessment is being performed. The environmental impact assessment study must be developed using most recent, valuable and available data. The EIA study must be performed by authorized experts responsible for truthfulness, correctness, expert foundation and legal requirements regarding preparation and the content of the Study. Also, in the process of preparation of the EIA study, this expert has a central role in oral and written communication among various stakeholders. EIA is precondition for location permit to be issued for the purpose of construction or reconstruction of the operation, therefore, the communication among operators and authorized experts before and after the preparation of the EIA is extremely important.
A list of rules, standards and other documents is related to the process of stakeholder participation in the process of EIA. In those documents stakeholders are usually described as representatives of public and public concerned while participation of other stakeholders is rarely in focus. Figure 1 shows very complex scheme of communication among all possible stakeholders: from the Ministry of environmental protection (MZOIP) and the public bodies such as local municipalities (JLS), to operators, experts participating in the preparation of the EIA study, authorized experts, civil sector organizations and other representatives of public and public concerned.
Operations for which an EIA needs to be performed are prescribed by European and Croatian legislation and they also prescribe participation of public and public concerned in the process of evaluation and justification of the investment operation and possible environmental and health impact of the operation. According to the Law on environmental protection (NN 110/07), Article 69, environmental impact assessment is an assessment of the possible environmental impacts and defined by the Law and the related Ordinance.

Standards such as HRN EN ISO 14001 and HRN EN ISO 14004 consider internal and external communication and they stress that communication with external stakeholders can be very effective and important tool for the environmental management systems. In these standards, the word effective is used in terms of focusing on important what regarding external communication would mean focus on key stakeholders, for example: public sector representatives (from state to local level), civil sector organization and individuals (physical persons). According to mentioned Standards, organization (operator) must create, apply and sustain procedures for admittance, documentation and correspondence in communication with external stakeholders. The list of external

stakeholders is very important information together with their basic characteristics and area of interest.

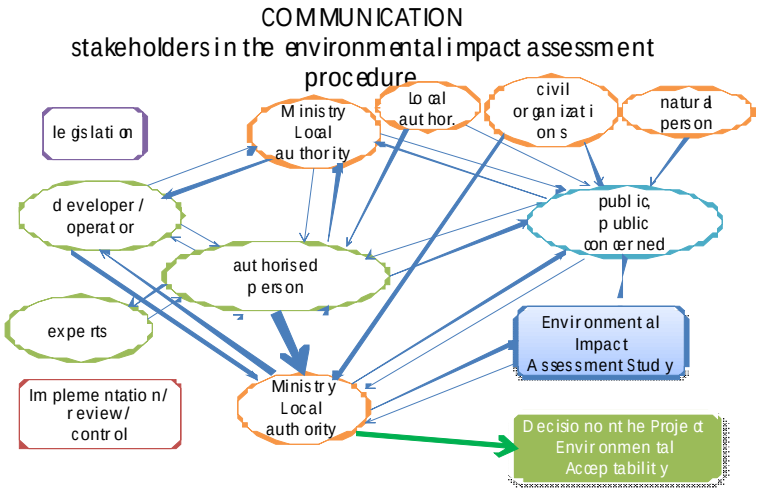

Figure 1 Communication among various stakeholders in the environmental impact assessment process

Causes for poor communication in practice

Definition of public and public concerned and their role

Definition of public and public concerned in Croatian legislation is overtaken from the EU directive on Environmental impact assessment (EIA, 2011/92/EC). This Directive as well as the Law on environmental protection (NN 110/07) defines public as „one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups" while public concerned is „public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures referred to in Article 2(2). For the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest". Environmental civil sector organizations which fulfil national legal requirements will be regarded as public concerned. But, since it is not defined what are the national legal requirements mentioned in the Law, it is unclear when someone can become public concerned.
EIA Directive limits public concerned only in the case of the wide access to justice for the revision of the decisions in question (EIA, Article 11). Ordinance on public participation (NN 64/08), Article 14, paragraph 4, limits possibility of public to participate. EIA only limits access to justice. ZOZO additionally limits access to justice of the public concerned by prescribing that the organizations which are considered public concerned must be registered as non-profit organizations what limits protection of the legal rights of operators by organizations such as business associations if not registered as non-profit organization (for example: Chamber of Economy).
Unclear definition of the public and public concerned represent the source of miscommunication. Is the role of public just to give suggestion and comments during the public discussion? What participation in the decision making process really means? Do public and public concerned have the right to stop the project even if all legal requirements are met? Bačun et al. (2012) describe possibility of giving social licence to operate as an unwritten permit which is based on trust, perception and opinions of local community of certain project/operation. In Croatia there are several known cases when the EIA study satisfied all the requirements and the project didn't receive the social

licence to operate. Some projects were stopped this way even though it didn't help protect the environment as in the case of the protection of Adriatic from ballast waters.

Lack of systematic description of the entire process

Further attempts to define public participation process in the procedure on deciding on the justification of the intervention in the environment also open some questions. For example, the process is partially described in Law on environmental protection (NN 110/07), partially in the Ordinance on public participation and information dissemination related to environmental protection (NN 64/08), partially in the Ordinance on environmental impact assessment (NN 64/08, NN 67/09), partially in the Rulebook on evaluation of acceptance of plans, programs and impacts on environmental network (NN 118/09), Ordinance on IPPC (UoPUO) (NN 118/09) and others, what makes this procedure unclear and poorly defined. If the operation needs to go through public participation, it is not clear which exact procedure it needs to follow.

Evaluation

When it comes to communication among the operator and public and public concerned the title *Ordinance on the environmental impact assessment* itself can be the reason for miscommunication. The word evaluation says that the value of something is being determined, as well as basic characteristic. But different things can be evaluated differently by people or organizations. So it is obvious that in this process, compromising must be important in determining criteria on which the value will be defined. Real value can be higher or lower than the evaluated, what can be the reason for the dispute. Public and public concerned in the EIA include subjective approach and very often do not agree if the results of modelling and measurements give positive results for the investment.

Relevance of the impact

Other source of miscommunication is determination of relevance. Ministry of environmental protection (MZOIP) published on their web page a Methodology of the environmental impact assessment based on the H1 methodology prepared by the Births environmental protection agency. It is a voluntary tool so some authorized experts use it to determine relevance of the impact while others developed their own methodology for scoring and determination of relevance for various impacts. For evaluation of the relevance of impact for investments defined by the Ordinance on IPPC, documents posted on the web page: http://eippcb.jrc.ec.europa.eu//reference/ can be used. In the document for specific industries, relevant impacts are listed which need to be processed, for example: for Cement, Lime and Magnesium Oxide Manufacturing Industries, air emissions are listed as relevant, while other impacts are considered irrelevant. Since these methodologies are voluntary, and there are more different relevant methodologies available, there is no unity in choice of methodology for determination of relevance. This creates problems in study development and opens possibility for public representatives to use their own methodologies for determination of relevance using very different subjective basic information and therefore make communication almost impossible. More clear definition of EIA process and clear relevant criteria for the assessment could lower the obstacles which are now present in the communication and could speed up the investment processes what is very important in Croatia at this time, regarding the economic situation.

Area of impact

Area of impact of an operation is also, due to the lack of proper definition, area of possible miscommunication. The Law on environmental protection (NN 110/07), Article 3 says that „Area of impact is an area on which significant environmental impact can be determined, whether caused by the investment or by it's synergy with existing or planned environmental impacts". Area of impact and boundaries of an impact in various document are differently processed. For example: Ecologic map of Croatia is a document which is attached to the Environmental impact assessment study. On this map a boundary of area of impact is marked (location of operation/industry sight) as well as a boundary of buffer area. On some maps boundary of buffer area is 500 m from the operation/industry sight while on some maps it is 1000 m. Criteria for this variation is not clear. Area of impact can be defined by the legislation as well. An example is the Air quality rulebook (NN 3/13) in which area which is considered to suffer impact of the air emissions is at least 1000 km^2. Such a wide range of the area of impact (from 1 to 1000 km^2) can significantly change definition of who is the public vs. public concerned for the investment in question.

Base state, zero state

Representatives of public and public concerned demand that impact assessment study defines baseline state of the environment, but there is a very wide definition of what is the baseline state of the environment for specific area. Environmental Protection Fund in documentation relevant for specific energy efficiency procurement stated that: „Bidder must determine a *zero state* of the environment which is an explanation of the environment before beginning of operation in question of the study. The purpose of the determination of the *zero state* of the environment is to determine and describe environmental aspects on which the operation may have impact. This includes environmental aspects, cultural heritage, local community and material goods. Data are collected from existing sources, while in exemption, additional research can be demanded".

Insufficient trust in authorized experts, insufficient understanding of technological processes

Representatives of public institutions very often stress importance of authorized expert performing high quality work and the need to evaluate their work. This would be possible and the work of the authorized experts could be evaluated if there are very clearly prescribed guidelines and criteria to which this work can be compared against. Since it is now not the case, such statements lower the trust of the public into the quality and honesty of authorized experts and therefore damages the communication. Problem is the fact that representatives of public and public concerned are not familiar enough with technological processes what leads to misunderstandings in communication. Using internet search engines, they collect information which is then used without sufficient understanding what additionally leads to miscommunication.

Deadlines to perform activities

Article 6, paragraph 6 (EIA, 2011/92/EC) supports member states in posing reasonable deadlines for various phases of the process of EIA, enabling sufficient time for informing the public and public concerned and giving them enough time to adequately prepare their participation in decision making process. According to that, Article 137 of

ZOZO talks about deadlines of various phases of this procedure, which are more specifically defined by the Ordinance on public participation. Examples of these deadlines in public participation process are given in Table 1.

Table 1 Deadlines for the environmental impact assessment process and related public participation process.

Activity	**Who**	**DEADLINE**	**Article, Legislation**
Opinion about the Request for the need to perform environmental impact assessment	Responsible pubic body and local authority	30 days	Article 29 paragraph 2, UoPUO (NN 64/08)
Additions to the Request for the need to perform environmental impact assessment	Organization posing request	Three months	Article 73 paragraph 3, ZOZO (NN 110/07)
Evaluation process on the need to perform environmental impact assessment has to be completed three months after receiving complete Request from organization posing request	Responsible public body	Three months	Article 78 paragraph 3, ZOZO (NN 110/07)
Opinion on Request for the need to perform environmental impact assessment	Responsible pubic body and local authority	30 days	Article 32 paragraph 2 UoPUO (NN 64/08)
Guidance on content of the Study on EIA has to be defined three months after receiving complete Request for Guidance	Responsible public body	Three months	Article 78 paragraph 4, ZOZO (NN 110/07)
EIA process since the day of reception of complete Request from operator, with exception for additions to the Study	Responsible public body	4-6 months	Article 78 paragraphs 1 and 2, ZOZO (NN 110/07)
When responsible public body confirms that the Request for EIA is complete with all information and proof According to the Article 6 of UoPUO, authorized person in the public body forms expert committee	Authorised person of Responsible public body	N/A	Article 9 UoPUO (NN 64/08)
First meeting of the Committee since the day of its formation	Committee	10 days	Article 2 paragraph 1, UoPUO (NN 67/09)
Public participation and public inspection	Responsible public body	At least 30 days	Article 18 paragraph 2, Ordinance on public participation
Addition to the Study after public participation process	Responsible public body	30 days	Article 16 paragraph 2, UoPUO (NN 64/08)
Opinion of the Public body responsible for nature protection on the opinion of the Committee	Responsible public body – nature protection	30 days	Article 20 paragraph 2, UoPUO (NN 64/08)

From the listed deadlines in the Table 1, it can be concluded:

1. Phases 1-3. Evaluation of the need for EIA study can last up to three months form the day when responsible public body receives complete Request for evaluation process. There is no time limit for the evaluation of the completeness

of the request and how long before responsible body requests additions to the Request.

2. Phases 4-5. Process of the determination of the content of the Study can also last three months starting from the day when responsible body receives complete Request for the evaluation process. There is no time limit for the duration of the process of determination of completeness of the Request and how long before responsible body requests additions.
3. Phases 6-9. Process of the EIA would last four months, exceptionally six, if there is need to perform additional actions. The time is counted from the moment of the reception of the complete request and it is not clear how long from the reception of incomplete request to the reaction of the responsible body.

If the operator has to go through all of these phases, the total duration of the process is 12 months, even though it is obvious that since time limits for the reaction of the responsible public body do not exist, this duration can be even longer. It is necessary to use the revision of the Law as the opportunity to define deadlines also for the reactions of the public body for specific phases in the process. To support this suggestion, we would like to offer an example of Netherlands where not only the deadline for public officials exists but the public body also has to pay fine to the private operator for each day of the transgression of the deadline for issuing the permit or opinion.
The problem of deadlines is important for communication because excessive extension of the procedures brings operator in the position of increased costs and often, in attempt to speed up the process, operator tend to avoid communication with public and public concerned what additionally lowers trust and can create obstacles in communication and therefore in the project itself.

Field communication

This is the second level of communication, performed by operator and its stakeholders on the location on which the investment is planned. This communication beside previously described, formal communication can also be casual, informal which is usually initiated by operators, private entrepreneur or company. Most often in Croatia the communication towards stakeholders is almost always formal and prescribed such as public participation in the preparation of EIA study or similar public participation. Even though foreign literature gives a lot of examples how continuous development of relationship with stakeholders at the end brings benefits to companies, primarily through trust and better tolerance of public for the company and more stringent reputation, in Croatia it is rarely applied.

Smith, C. (2003) describes two different examples of communication of companies toward their stakeholders. If the communication is strategic, it forms strategic partnerships with civil sector organizations which become important partners in achievement of social changes and at the same time company's own business targets. Smith explained an example of Exxon Valdez – an accident of a tanker which caused major pollution of the Alaska Bay in 1989. Even though Exxon had an Exxon Education Foundation, it was primarily active in financing project which had nothing to do with Exxon business. Exxon did not develop cooperation with its key stakeholders which, in the case of the accident of a tanker, were environmental protection civil society organization, and when accident happened, it did not have a source of information on how to behave in given situation. This was a reason Exxon had taken a reactive position towards environmental protection organizations what caused even more criticism in the public. Smith believes that the Foundation had isolated Exxon from key external

information by performing programs which had nothing to do with direct interests of Exxon.
On the other hand, Smith explained a case of Acro organization, Exxon's competition which strategically used its philanthropic activities to develop close relationship with environmental protection organizations. Even though some have criticized relationship of environmental protection organization and business, their relationship did not prevent Acro of receiving criticism and at the same time mutually developing. Strategic partnerships developed as integral part of corporate philanthropy can prevent reaction of public which can permanently disturb company's reputation and its business results.

There are also some examples of good practice of business sector communication towards its stakeholders in Croatia as well. It is important to know that communication should not start with public participation in the EIA process; it has to be permanent, honest, transparent and patient. Stakeholders often demand information which to company may seem not important and unnecessary but patience in communication at the end pays off because public perception of company is being developed through long period of time and at the end can create trust toward business organization and once a formal communication in the EIA process starts, the attitude of public will already be positive. Regular communication with local community, open days, citizen's hours, regular correspondence, is important in the trust building process among public and business organization.

Van Kerkhoff and Label (2006) believe that the participation of public in definition of problems and searching for solution can be very important because this local, basic knowledge can give answers to posed questions or at least bring additional ideas or alternative solutions. This is not always the case but it is important, regardless of the type of investment and ability of public and public concerned to provide useful opinions and suggestions, to keep the communication channels open and to try to make public feel included in the process. EIA directive in its preamble says that permit must be issued after EIA processes which has to be based on relevant information received by operator and upgraded by information interested to the public and public concerned. Since it is not defined how far the public interest can go, in practice it can be misused. EIA says that: „The principles of the assessment of environmental effects should be harmonised, in particular with reference to the projects which should be subject to assessment, the main obligations of the developers and the content of the assessment. General principles of environmental assessment have to be overlooked and coordinated with other processes." In other words, the processes and details required in the process have to be coordinated with the size and the impact of the investment and harmonized with best and usual practice.

EIA also says that „effective public participation in the taking of decisions enables the public to express, and the decision-maker to take account of, opinions and concerns which may be relevant to those decisions, thereby increasing the accountability and transparency of the decision-making process and contributing to public awareness of environmental issues and support for the decisions taken." Various types of public participation are available such as: public discussion, focus groups, on-line forums, voting on internet and other different models of participation and consulting processes which are being used in an attempt by politicians to increase quality of management by including citizens in the decision process. The most important reason for public participation in the decision making process is an exchange of information to educate participants and to research on possible problems related to the given decision. Partially, the decisions will be based on facts and suggestions of experts but partially the decision

will be based on values and influences that the project might have on local community. The purpose of information exchange is to better understand values and goals represented by certain stakeholders or citizen groups. Therefore, it is very important to have structured dialog which can contribute to social cohesion of the local community, it can lower tensions among confronted parties and it can create a feeling of participation in local community development. Probably the most important result of the participation process is increase in the quality of the decision due to the fact that more people have participated in decision making process and more brains have studied positive and negative outcomes of those decisions. Increase in the quality of the perception created by various standpoints can lead to resolution of problems and as the result, processes can become more innovative and better informed (Kunsch et al, 2007). Due to the lack of financing which leads to lack of expert staff which would be able to equally participate in discussion on environmental protection, civil sector organizations in Croatia lack resources for qualified participation in public dialog. Beside, civil sector organizations are subject to malformations of Croatian society such as corruption, unprofessionalism etc. (Bežovan i Zrinščak, 2007).

Conclusion and recommendation

All above listed examples of problems also create problems in communication. Part of these problems could be solved with clear guidance on content of the study, process of EIA and criteria for determination of the relevance of the impact, area of impact and definition of the zero state of the environment. More clear procedure would inevitably influence the equalization of the quality of EIA studies and public participation processes which would lead to increase in trust among parties in the process. One of the possible approaches to solving this problem could be creation of the manual/guidelines for EIA study creation. Also a template with content of the study could be created which would define necessary content and possible additions as well as diagram of the process of the study creation with all of the activities and deadlines. This way possible unnecessary discussion on the quality of the study would be avoided because the content would be more specifically defined.

Second part of the problem which influences low communication of stakeholders in the EIA process is the length of the procedure itself including entailing costs which are part of the reason why operators often try to skip the part of the process which includes public participation. It would be appropriate to prescribe the maximum duration of the process and include responsibility and consequences for all who do not meet these deadlines including public bodies. By shortening the procedure and excluding some unnecessary phases which take months, improvement in investment climate in Croatia would be achieved, including readiness of business sector to open public discussion in their investment operations.
Part of the problem could also be solved if the communication between business organization and civil sector organizations would be open and ongoing before actual start of formal communication. This approach would contribute to development of trust and better communication one the process begins. Avoiding the process of relationship development through transparent communication with civil sector in local community sometimes looks like easer way. But, such approach at the end causes lack of trust of public and public concerned which can later in the case of formal public discussion be in the position to decide the future of the company. Continuous dialog will develop deeper bonds which can result in easier conduction of participation processes in EIA.

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Dublji uvid u praksu PUO u Hrvatskoj – istraživanje stavova o kvaliteti i djelotvornosti postupka PUO i informiranja javnosti

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Sažetak
U sklopu usklađivanja hrvatskog zakonodavstva o zaštiti okoliša sa zakonodavstvom EU Hrvatska je 2007. donijela Zakon o zaštiti, a sredinom 2008. i dvije nove uredbe kojima je dodatno regulirano područje procjene utjecaja na okoliš i sudjelovanja javnosti. Tijekom skoro petogodišnjeg razdoblja primjene PUO je iz različitih perspektiva često kritiziran kao nedovoljno djelotvoran, učinkovit i kvalitetno organiziran, ali do sada nije provedeno sveobuhvatno istraživanje koje bi omogućilo dublji uvid u mišljenja i stavove relevantnih sudionika postupaka PUO o pojedinim ključnim pitanjima i stvorilo podlogu za daljnje unapređenje propisa i prakse. Cilj je ovog rada predstaviti rezultate istraživanja stavova relevantnih sudionika postupaka PUO koje je provela Hauska & Partner u okviru partnerske suradnje s Hrvatskom udrugom stručnjaka za zaštitu prirode i okoliša. Za ovu je potrebu osmišljen poseban upitnik s Likertovom skalom.

Ključne riječi: usklađivanje zakonodavstva, djelotvornost PUO i sudjelovanja javnosti, istraživanje stavova sudionika PUO, Likertova skala

Uvod

Procjena utjecaja na okoliš (PUO)[i1] kao instrument politike zaštite okoliša u posljednjih je 40-tak godina doživjela široku primjenu. Iako se mnogi autori slažu da je procjena okoliša uspješan instrument politike zaštite okoliša (Sadler 1996., Runhaar, Fischer 2012.), a neki i da je jedna od najvažnijih inovacija u kreiranju politika u 20. stoljeću (citirano u Sadler 1996., Barlett 1988.), opsežna literatura problematizira njenu djelotvornost, a pod posebnim je povećalom mehanizam sudjelovanja javnosti i njegovi stvarni dosezi u praksi (Beierle 1998., Hugges 1998., Wiklund 2012., Wesselink at.al. 2011.).

Europska unija uvela je procjenu zaštitu okoliša u svoj pravni sustav putem Direktive iz 1985. Hrvatska je u sklopu usklađivanja hrvatskog zakonodavstva o zaštiti okoliša sa zakonodavstvom EU krajem 2007. donijela Zakon o zaštiti okoliša, a sredinom 2008. i dvije nove uredbe kojima je specifično dodatno uredila područje procjene utjecaja na okoliš i sudjelovanja javnosti[2]. Za razliku od nadležnih tijela Europske unije nadležna

[1] U ovom se radu koristi izraz procjena utjecaja na okoliš koja se često koristi kao istoznačnica za procjenu okoliša (eng. *Environmental Assessment*) iako neki autori definiraju procjenu okoliša kao generički proces koji uključuje procjenu utjecaja na okoliš za specifične projekte i stratešku procjenu utjecaja na okoliš za politike, planove i programe (Sadler 2006.)

[2] Pravni temelj za PUO Hrvatska je definirala u zakonskim i podzakonskim aktima kojima je regulirala ovo područje, primjerice u Zakonu o prostornom planiranju i uređivanju prostora iz 1984. (dvije godine prije nego što je u EU donijeta PUO Direktiva), Zakonu o prostornom uređenju iz 1994. i ostalim pratećim aktima

tijela u Hrvatskoj do sada nisu analizirala učinak njihove primjene u praksi s ciljem daljnjeg unapređivanja. Iz različitih, često i potpuno suprotstavljenih perspektiva, oba ova područja kritiziraju pojedini sudionici PUO. Međutim, do sada u Hrvatskoj nije provedeno istraživanje koje bi ne samo omogućilo dublji uvid u stavova[3] sudionika PUO o pojedinim ključnim pitanjima, već i sagledavanje 'cjelovite slike' što bi omogućilo kvalitetnu podlogu za daljnje unapređenje prakse i propisanog okvira.

PUO praksa u svijetu i Hrvatskoj

Djelotvornost PUO nemoguće je analizirati bez sagledavanja specifičnog političkog i institucijskog okvira, a pravi 'lakmus test' za sagledavanje učinka je **doseg njegova utjecaja na donošenje kvalitetnijih odluka** (Sadler 2006.). Djelotvornost je moguće analizirati davanjem odgovora na tri grupe pitanja:

Tablica 1: Analiza djelotvornosti PUO

Proceduralna pitanja	▪ Primjenjuju li se tijekom PUO definirane odredbe i načela?
Supstantivna pitanja	▪ Ostvaruje li PUO postavljene ciljeve, doprinosi li na primjer informiranom donošenju odluka i boljoj zaštiti okoliša
Pitanja provedbe	▪ Isporučuje li PUO ishod s najmanjim mogućih troškom i u najkraćem mogućem vremenu, odnosno je li djelotvoran i učinkovit?

Različite globalne komparativne studije djelotvornosti PUO u različitim institucionalnim okruženjima upućuju da, iako postoji načelno slaganje da je PUO osim njegove široke primjene u nizu zemalja ispunio svoju svrhu, u praksi se uočava cijeli niz problema u primjeni.

Tablica 2: Djelotvornost PUO u praksi

Primjeri mogućih dostignuća PUO procesa	**Primjeri problema s primjenom PUO**
▪ Usmjerava informirano donošenje odluka pružajući jasne, dobro strukturirane, nepristrane analize utjecaja i posljedica predloženih aktivnosti ▪ Pomaže u izboru alternativa, uključujući i odabir najpraktičnije ili za okoliš najmanje štetne opcije ▪ Utječe na odabir projekata i definiranje politika isključivanjem po okoliš neprihvatljivih prijedloga ▪ Usmjerava smisleno sudjelovanje javnosti i ocjenjivanje u najmanje dvije faze procesa: prilikom utvrđivanja mogućih utjecaja i pitanja važnih za razmatranje, za vrijeme predstavljanja početnih zaključaka PUO, uključujući i netehnički sažetak	▪ Funkcionira kao samostalan proces od marginalnog utjecaja, slabo povezan s drugim fazama projekta i dozvolama ▪ Nedosljedna primjena na razvojne projekte u okviru različitih sektora ▪ Slab ili nepostojeći proces praćenja, ograničeni nadzor i provedba (izvršenje) propisanih mjera, nadgledanje učinaka, itd. ▪ Ne uzimaju se u obzir kumulativni učinci društvenih, zdravstvenih i ostalih čimbenici rizika ▪ Sudjelovanje javnosti ograničava se uslijed snažnog imperativa što brže realizacije projekata s najmanjim mogućih troškom. ▪ Konzultacije s javnošću su površne,

[3] Stav: odnos prema kome ili prema čemu (pozitivan/negativan); načelo kojeg se netko drži; uvjerenje, mišljenje

▪ Uključuje sva relevantna pitanja, kumulativne i društvene utjecaje, kao i zdravstvene rizike ▪ Potiče veću transparentnost i služi kao sredstvo 'kontrole i provjere' u donošenju odluka ▪ Usmjerava (ne nameće) formalne odluke, uključujući i definiranje uvjeta primjene i praćenja ▪ Rezultira zadovoljavajućim predviđanjima negativnih utjecaja i njihovih umanjenjima ▪ Služi kao prilagodljiv proces organizacijskoj učenja čija iskustva iz prakse povratno utječu na politike, institucije i idejne projekte	najčešće organizirane u cilju zadovoljenja formalnih zahtjeva ▪ 'Odluči-objavi-obrani' pristup dodatno usporava, a ponekad i potpuno paralizira projekte ▪ 'Zamor sudjelovanja' kao ishod ne samo nedovoljno dobro oblikovanog modela sudjelovanja javnosti, već i suprotstavljenih vrijednosti, očekivanja i stavova o učincima sudjelovanju ▪ Rezultira opsežnim, loše strukturiranim, opisnim i tehnički kompleksnim studijama koje su teško razumljive javnosti i donositeljima odluka ▪ Daje informacije koje ne pomažu ili su nevažne prilikom donošenja odluka ▪ Nema mehanizama koji će osigurati da se SUO uzima u obzir prilikom donošenja odluka ▪ PUO je neučinkovit, dugotrajan i skup u odnosu na dobivene koristi

Izvori: Li 2008., Muro et.al. 2011., Wasselnik et.al., Sadler 2006., Mateljak i Pavlović 2013., UNEP 2004. Hughes 1998.

Slični problemi prepoznati su i u okviru Europske unije, gdje se PUO primjenjuje već 25 godina.

PUO Direktiva prenijeta je u hrvatsko zakonodavstvo u sklopu usklađivanja hrvatskog zakonodavstva o zaštiti okoliša sa zakonodavstvom EU donošenjem zakona o Zaštiti okoliša krajem 2007. kao i Uredbe o PUO i Uredbe o sudjelovanju javnosti sredinom 2008. Zelena Istra ocijenila je ovaj postupak prijenosa formalističkim i minimalističkim. Publikacija „Prava i mogućnosti sudjelovanje javnosti u postupku procjene utjecaja na okoliš“ donosi detaljnija tumačenja Zelene Istre vezano uz novosti u propisima, kako u smislu poboljšanja, tako u i smislu propuštenih prilika kad je u pitanju ugrađivanje načela najbolje prakse sudjelovanja javnosti.

U razdoblju od 2008. do 2013. Hrvatska također bilježi znatno usporavanje infrastrukturnih projekata zbog ekonomske krize, ali i zbog administrativnih zapreka u postupcima ishođenja dozvola, uključujući i PUO. U idealnom slučaju koji uključuje i *scoping* PUO traje nešto više od godinu dana[4]. Jača i utjecaj civilnog društva, posebno udruga za zaštitu okoliša koje u okviru različitih publikacija (Zelena Istra, 2008.) problematiziraju primjenu PUO u praksi. Lokalne zajednice također pokazuju sve snažniji interes za sudjelovanje u donošenju odluka koje utječu na okoliš i zdravlje građana, kao i u jasnom preciziranju koristi koje mogu očekivati u slučaju realizacije pojedinih projekata[5].

U svjetlu značajnog zastoja energetskih investicija, problematizira se i angažman (pojedinih) ekoloških udruga koje se 'nisu bavile samo ekološkim problemima, već i poslovima za koje nemaju kompetencije čime su svaki projekt učinile upitnim i

[4] 14. siječnja 2009. Ministarstvo okoliša, prostornog uređenja i graditeljstva objavilo je na svojim službenim internetskim stranicama zahtjev Adria LNG d.o.o. za izdavanje upute o sadržaju Studije utjecaja na okoliš za terminal ukapljenog prirodnog plina u općini Omišalj na otoku Krku, a rješenje o prihvatljivost i zahvata na okoliš izdalo je 25. ožujka 2010.

[5] Primorsko-goranska županija vezano uz izgradnju LNG terminala na otoku Krku

neprihvatljivim, a sebe nastojale učiniti važnim akterima u javnosti.'[6] Primjetno je također da tijekom nekih PUO dolazi do incidentnih i konfliktnih situacija, dok u nekima građani gotovo uopće da i ne sudjeluju, već koriste druge mehanizme kojima žele obraniti ono što oni razumiju kao interes zajednice i zaštitu njenih vrijednosti[7]. U prilog tome govore komentari nevladinih udruga da tradicionalni alati sudjelovanja, poput javnih izlaganja, procedura za davanje komentara i primjedbe nisu dovoljno efikasni u motiviranju građana na sudjelovanje jer su suviše usmjereni na jednosmjernu komunikaciju, odnosno na pružanje tehničkih i znanstvenih informacija (Radojčić 2008.), umjesto na dijalog, suradnju i učenje (Mateljak, Pavlović, 2013.).

Tablica 3: Presjek stavova o praksi PUO u Hrvatskoj[8]

Neki političari i investitori	**Aktivisti**	**Udruge**
▪ Dugačka i skupa procedura ▪ Usporava i onemogućuje provedbu nekih ključnih infrastrukturnih projekata ▪ Odgađa ili usporava donošenje ključnih odluka ▪ Neke udruge manipuliraju podacima i zastrašuju ljude, iznose neutemeljene i neistinite tvrdnje i stvaraju pritisak na pravosuđe	▪ Investitori samo gledaju kako zaraditi na nama, a boli ih briga za zdravlje i okoliš ▪ Nitko nas ništa ne pita – ne želimo biti pokusni kunići ▪ Izrađivači studija, stručnjaci i članovi Povjerenstva uglavnom su plaćenici i ne može im se vjerovati ▪ Država neće zaštiti male ljude ▪ Vlada nas pravi budalama (Plomin 3)	▪ Javnost je neinformirana o mogućnosti sudjelovanja ▪ Primjedbe javnosti nadležna tijela odbijaju bez obrazloženje Sumnje u stručnost i nepristranost stručnjaka i izrađivača studija ▪ Nadležna tijela teže formalnom zadovoljavanju propisa umjesto smislenom uključivanju javnosti ▪ Ako je javnost zaista nestručna, zašto se svakim novim propisom u EU javnosti daju sve veća prava? ▪ Komentari i primjedbe javnosti nemaju težinu u donošenju odluka

Pokazuje se također da unutar samog PUO procesa postoje nedosljednosti i nedorečenosti zbog čega dolazi do njegovog usporavanja i smanjene kvalitete studija utjecaja na okoliš (Vladović-Relja, Bačun 2013.). Primjetno je i različito razumijevanje svrhe PUO među različitim skupinama, ima li ishod PUO procesa isključivo ulogu savjeta za donositelja odluka, ili pak može poslužiti i kao sredstvo okolišnog 'veta' za pojedine projekte (UNEP 2002.), odnosno mjeri li se uspješnost sudjelovanja time što je naprosto omogućeno veće sudjelovanje javnosti ili time što je rezultiralo nedvojbeno boljim odlukama (Beierle 2008.).

[6] Hrvatska stručna udruga za plin
[7] Primjer Družba Adria gdje javnost nije bila službeno uključena u proceduru, a kampanja protiv projekta se razvila paralelno sa službenom procedurom PUO , izgradnja turističkog i golf kompleksa na Srđu, itd.
[8] Sastavljen na temelju javno dostupnih izvora

Istraživanje

Hauska & Partner u okviru partnerske suradnje s Hrvatskom udrugom stručnjaka za zaštitu prirode i okoliša organizirala je istraživanje s ciljem stjecanja dubljeg i potpunijeg uvida u stavove relevantnih sudionika o pojedinim aspektima postupka procjene utjecaja na okoliš koje je provedeno pomoću internetskog servisa *Survey Monkey*, u razdoblju od 24. 5. do 1. 7. 2013. Upitnici su osmišljeni zasebno za svaku od pet skupina[9]: središnja tijela državne uprave (38 ispitanika), ovlaštenike-izrađivače studija (13 ispitanika), nositelje zahvata (4 ispitanika), predstavnike medija (5 ispitanika) te nevladinih udruga (8 ispitanika). Ispitivanjem je obuhvaćeno ukupno 68 ispitanika, s ciljem ispitivanja stavova svake skupine pojedinačno i svih skupina zajedno. Pripadnici odabranih skupina putem e-pošte primili su poziv za sudjelovanje u istraživanju, odnosno ispunjavanju upitnika sastavljenog od 5 cjelina koje su obuhvatile 92 pitanja. Ispitanici su kroz upitnik ocjenjivali svoju razinu slaganja i stupanj važnosti određenih čimbenika o pitanjima postupaka procjene utjecaja na okoliš, studijama utjecaja na okoliš, uključivanja javnosti u sudjelovanju u PUO, sudionicima u procesu i drugom. Cjeline obuhvaćene upitnikom su postupak i propisi; sudjelovanje javnosti; studije utjecaja na okoliš; 'Not-In-My-Back-Yard' stav te utjecaj na ishod PUO. Mediji i udruge imale su mogućnost ocijeniti stupanj povjerenja koje imaju u pojedine sudionike PUO. Tvrdnje u upitniku odabrane su na temelju uvida u različite javno dostupne dokumente i izvore koji se bave pojedinim aspektima postupka PUO u Hrvatskoj.

Rezultati istraživanja

U analizi rezultata istraživanja korišten je i sistemski pristup, što znači da su napori istraživača u obradi rezultata između ostalog usmjereni na traženje sličnosti u stavovima ispitanika. Tako se pokazalo da ispitanici iz svih skupina ili/i većine skupina iskazuju najveći stupanj slaganja (ne u i potpuno slaganje) vezano uz sljedeće tvrdnje u okviru pojedinih cjelina:

<u>Postupak i propisi</u>
Osim neusklađenosti nadležnih tijela, zbog čega u praksi dolazi do konfuzije i usporavanja postupka, ispitanici se također u velikoj mjeri slažu da PUO vodi računa interesima nositelja zahvata te da PUO doprinosi učinkovitoj i brzoj realizaciji novih investicija. Ocjena važnosti pojedinih činitelja postupka ukazuje da su najvažnije transparentnost, kako u postupku tako i odlukama, kao i sveobuhvatno i jasno predstavljanje informacije o mogućim utjecajima zahvata na okoliš.

Ključna pitanja:
- Neusklađenost nadležnih tijela što u praksi dovode do konfuzije i usporavanja PUO
- PUO ne doprinosi učinkovitoj i brzoj realizaciji novih investicija
- Spora i neučinkovita realizacija novih investicija
- Sveobuhvatno, jasno i transparentno predstavljanje mogućih utjecaja

<u>Sudjelovanje javnosti</u>
Većina se slaže da javnost ima negativan stav prema sudjelovanju u PUO zbog osjećaja da ne može utjecati na konačan ishod postupka. Vezano uz edukaciju i informiranje, sve se skupine ispitanika slažu da nositelji zahvata redovito ne provode edukaciju javnosti kako bi je potaknuli na sudjelovanje u PUO. Da nositelji zahvata nisu dovoljno aktivni i spremni educirati i informirati javnost o mogućim utjecajima zahvata na okoliš slažu se

[9] Upitnik je sastavljen na temelju odabrane literature koju se navodi u bibliografiji, presjeka stavova različitih skupina o praksi PUO u Hrvatskoj i značajnog iskustva H&P u oblikovanju upitnika.

sve skupine, uključujući i nositelje zahvata. Također, sve skupine ispitanika pridaju veliku važnost komunikaciji investitora s javnošću u ranoj fazi pripreme zahvata, dostupnosti cjelovitih SUO na uvid javnosti, kao i povjerenju javnosti prema nositeljima zahvata. Iako je objektivno medijsko izvještavanje važno, mediji površno i senzacionalistički izvještavaju o PUO čime doprinose stvaranju negativnog raspoloženja javnosti prema nositeljima zahvata.

Ključna pitanja:
- Negativan stav javnosti prema sudjelovanju u PUO zbog osjećaja da ne može utjecati na konačni ishod postupka
- Nadležna tijela redovito ne provode edukaciju javnosti kako bi je potaknuli na sudjelovanje u PUO
- Nositelji zahvata nisu dovoljno aktivni i spremni educirati javnost o mogućim utjecajima zahvata na okoliš
- Površno i senzacionalističko izvještavanje medija o PUO

Studije utjecaja na okoliš (SUO)

Većina ispitanika, uključujući i ovlaštenike, u najvećoj se mjeri slaže da se studije razlikuju po kvaliteti, jasnoći i pouzdanosti informacija, a izražavaju i visok stupanj slaganja da bi izrađivači studija trebali značajno unaprijediti kvalitetu studija. Sve se skupine ispitanika u značajnoj mjeri slažu da SUO trebaju obrađivati društvene i ekonomske učinke zahvata na okoliš, jasno navesti nepovoljne utjecaje zahvata na okoliš, pružati jasne i pouzdane informacije te biti stručno utemeljene i istinite. Da javnost nema dovoljno znanja za procjenu stručne utemeljenosti SUO u najvećoj se mjeri slažu sve skupine ispitanika.

Ključna pitanja:
- Razlike u kvaliteti, jasnoći i pouzdanosti SUO
- Značajno unapređenje kvalitete SUO
- Ekonomska i društvena dimenzija nisu dovoljne zastupljene (SUO izrađene samo na temelju obaveznog sadržaja nedovoljno su kvalitetne)
- Javnost nema dovoljno znanja za procjenu stručne utemeljenosti SUO

'NIMBY' stav

Sve se skupine ispitanika u najvećoj mjeri slažu da NIMBY stav otežava i usporava realizaciju infrastrukturnih projekata u Hrvatskoj. Uglavnom se slažu da je ovaj stav rezultat nevoljkosti nositelja zahvata da upoznaju javnost s detaljima projekta (nositelji zahvata su doduše podijeljeni u ovom stavu), a još u većoj mjeri njihove nespremnosti da poštuju vrijednosti lokalne zajednice. Predstavnici nadležnih tijela u najvećoj mjeri dijele mišljenje da je 'NIMBY' stav rezultat nepovjerenja u nadležna državna i lokalna tijela, s čime se slažu i mediji, a druge se skupine uglavnom slažu s ovom tvrdnjom. Da ga izaziva zakonski okvir koji nositeljima zahvata nameće pristup 'odluči-objavi-obrani' uglavnom se podjednako slažu sve skupine. Sve skupine ispitanika se u najvećoj se mjeri slažu da je 'NIMBY' rezultat nedovoljne informiranosti i straha od gubitka kvalitete života.

Ključna pitanja:
- NIMBY stav značajno otežava i usporava realizaciju infrastrukturnih projekata
- Niska razina povjerenja u nadležna državna i lokalna tijela
- Zakonski okvir koji investitorima nameće pristup 'odluči-objavi-obrani'
- Nevoljkost investitora da javnost upozna s detaljima projekta
- Nedovoljna informiranost lokalnih zajednica i strah od gubitka kvalitete života

Utjecaj na ishod PUO

Svi se ispitanici potpuno slažu da Ministarstvo zaštite okoliša i prirode ima izraziti utjecaj na ishod PUO, a da udruge za zaštitu okoliša uglavnom nemaju utjecaj. Mediji i udruge iskazali su izrazito visok stupanj nepovjerenja u nadležna tijela (Ministarstvo zaštite okoliša i prirode i županijske uprave na području zahvata), nositelje zahvata (investitore) i izrađivače studija.

Tablica 4: Usporedni prikaz stavova ispitanika iz svih skupina – sličnost u stavovima

Postupak i propisi	**Sudjelovanje javnosti**	**Studije utjecaja na okoliš**	**'Not-In-My-Back-Yard' stav**	**Utjecaj na ishod PUO**
▪ Neusklađenost nadležnih tijela što u praksi dovode do konfuzije i usporavanja PUO ▪ PUO ne doprinosi učinkovitoj i brzoj realizaciji novih investicija ▪ Sveobuhvatno, jasno i transparentno predstavljanje mogućih utjecaja	▪ Negativan stav javnosti prema sudjelovanju u PUO zbog osjećaja da ne može utjecati na konačni ishod postupka ▪ Nadležna tijela redovito ne provode edukaciju javnosti kako bi je potaknuli na sudjelovanje u PUO ▪ Nositelji zahvata nisu dovoljno aktivni i spremni educirati javnost o mogućim utjecajima zahvata na okoliš ▪ Površno i senzacionalističko izvještavanje medija o PUO	▪ Razlike u kvaliteti, jasnoći i pouzdanosti SUO ▪ Izrađivači studija moraju značajno unaprediti kvalitetu SUO ▪ Ekonomska i društvena dimenzija nisu dovoljne zastupljene (SUO izrađene samo na temelju obaveznog sadržaja nedovoljno su kvalitetne) ▪ Javnost nema dovoljno znanja za procjenu stručne utemeljenosti SUO	▪ NIMBI stav značajno otežava i usporava realizaciju infrastrukturnih projekata ▪ Niska razina povjerenja u nadležna državna i lokalna tijela ▪ Zakonski okvir koji investitorima nameće pristup 'odluči-objavi-obrani' ▪ Nevoljkost investitora da javnost upozna s detaljima projekta ▪ Nedovoljna informiranost lokalnih zajednica i strah od gubitka kvalitete života	Ministarstvo zaštite okoliša i prirode izraziti utjecaj, udruge u za zaštitu okoliša uglavnom nemaju utjecaj

Istraživanje također ukazuje na značajan broj pitanja u kojima mediji i udruge pokazuju visok stupanj podudarnosti u stavovima koji su bitnoj mjeri oprečni u odnosu na stavove drugih sudionika istraživanja, posebno u okviru dviju cjelina istraživanja: postupak i propisi i SUO.

Tablica 5: Prikaz stavova medija i udruga s najvećim stupnjem slaganja u cjelini postupak i propisi

CJELINA: POSTUPAK I PROPISI				
Postupak procjene utjecaja na okoliš				
	Potpuno se slažem	Uglavnom se slažem	Uglavnom se ne slažem	Uopće se ne slažem
Traje dugo i skup je				
Važnost pojedinih čimbenika				
	Jako važno	Važno	Manje	Nevažno
Komunikacija investitora s javnošću u ranoj fazi pripreme zahvata (informiranje i educiranje)				

Tablica 6: prikaz stavova medija i udruga s najvećim stupnjem slaganja u cjelini SUO

CJELINA: STUDIJE UTJECAJA NA OKOLIŠ				
Studije utjecaja na okoliš				
	Potpuno se slažem	Uglavnom se slažem	Uglavnom se ne slažem	Uopće se ne slažem
Prikrivaju nepovoljne utjecaje zahvata na okoliš				
Stručno su utemeljene i istinite				
Jasno i razumljivo opisuju moguće i značajne utjecaje na okoliš				
Izrađuju se tako da pogoduju interesima nositelja				
Stupanj slaganja s tvrdnjama				
	Potpuno se slažem	Uglavnom se slažem	Uglavnom se ne slažem	Uopće se ne slažem
Udruge svojim djelovanjem pozitivno utječu na unapređenje kvalitete SUO				
Važnost pojedinih čimbenika				
	Jako važno	Važno	Manje važno	Nevažno
Sudjelovanje predstavnika udruga za zaštitu okoliša u stručnom povjerenstvu				

Diskusija

<u>PUO kao kompleksan sustav</u>

PUO je u proteklih 40-tak godina institucionaliziran kao poseban i formalan administrativno-pravni proces unutar različitih pravnih i institucionalnih okvira mnogobrojnih zemalja i međunarodnih organizacija. Iako ima sva obilježja sustava, literatura ga u pravilu ne sagledava ili problematizira kao sustav, odnosno kao međusobno povezane i međuovisne dijelove koji čine složenu i ujedinjenu cjelinu sa specifičnom svrhom (Hutchens 2010.), čime bi se dao poticaj za interdisciplinarno preispitivanje PUO prakse u okviru teorija sustava i kompleksnosti.

Specifična svrha PUO je pružiti informacije donositeljima odluka o posljedicama predloženih aktivnosti po okoliš te poticati za okoliš prihvatljiv i održiv razvoj utvrđivanjem odgovarajućih poboljšanja i mjera za ublažavanje (UNEP 2002.). PUO također pretpostavlja postojanje ugrađenih mehanizama praćenja i povratne informacije, što ga također svrstava među sustave. To je povratna veza koja bi trebala omogućiti

sposobnost prilagodbe, što je uistinu i slučaj jer se u proteklim godina PUO kontinuirano mijenjao i nadopunjavao putem promjena u procesima i ponašanjima. Međutim, PUO je nemoguće točno i potpuno opisati njegovim rastavljanjem na sastavne dijelove; tijekom višegodišnje prakse on je postao više od 'zbroja' njegovih osnovnih sastavnica jer praksa ukazuje da ga prati visoka razina društvene, generativne i dinamičke kompleksnosti.

Visoka razina kompleksnosti, između ostalog, ishod je svojevrsne kolizije između načela sudjelovanja javnosti i tradicionalnog 'modela racionalizacije' koji svoji korijene ima u racionalističkim pristupima upravljanju u SAD-u iz 60-tih godina prošlog stoljeća na kojima se temelji i prvotna filozofija PUO (Jay at.al. 2007.) U okviru tog modela se prije svega zahtijeva tehnička i racionalna evaluacija kao temelj za objektivno donošenje odluka, a PUO se i danas značajno oslanja na primjenu znanstveno utemeljenog znanja prilikom donošenja odluka o mogućim utjecajima projekata na okoliš (Runhaar, Fischer 2012.). Međutim, ne samo praksa već i sve opsežnija literatura ukazuju da sudjelovanje javnosti u PUO neminovno zahtjeva prihvaćanje pluralizma percepcija, često i bitno različitih percepcija u kontekstu nekog problema[10], pristup implicitnom znanju potrebnom za cjelovitu procjenu rizika vezanih uz pojedine zahvate i oblikovanje modela za sudjelovanje javnosti (Mateljak i Pavlović 2013.). Drugi je razlog što, iako se PUO prvenstveno definira kao administrativno-pravni postupak, on u značajnom mjeri uključuje i političku dimenziju jer se njime artikuliraju i usklađuju različiti interesi vezano uz ostvarivanje ciljeva zaštite okoliša i održivog razvoja. Naime, kako se PUO u pravilu provodi za velike projekte i zahvate u okolišu, koji su vrlo često i kontroverzni, njegov ishod je samo jedan o mnogobrojnih čimbenika koji se uzimaju u obzir prilikom donošenja odluka. U pravilu ove odluke uključuju niz međusobnih ustupaka na temelju ekonomskih, okolišnih i društvenih kriterija, a uspostavljanje ravnoteže među njima u središtu je integralnog donošenja odluka s ciljem postizanja održivog razvoja (Sadler 2006.). Kako se ovi ustupci uglavnom odvijaju iza 'zatvorenih vrata', javnost u najboljem slučaju ima opću sliku i razumijevanje kako se u svakom pojedinom slučaju donose odluke. U tu su svrhu u PUO proces ugrađeni različiti mehanizmi provjere i ravnoteže kako bi se osiguralo dosljednost informacija pa su mnoge zemlje predvidjele i sudjelovanje javnosti kao jedan od kontrolnih mehanizama.

Odluke vezano uz PUO donose se u okruženju u kojem općenito prevladava hijerarhijski (centralizirani) pristup donošenju odluka. To je okruženje koje samo po sebi nameće prepreke sudjelovanju javnosti, a neke od njih su interna proturječja, potreba za koordinacijom i usuglašavanjem različitih politika, kao i različite institucionalne i političke barijere za integriranje sudioničkih procesa u donošenje odluka. Sudjelovanje javnosti često se ne uklapa u rutine donošenja odluka i planiranja pa nema ni osnove za međusobno razumijevanje (Wasselnik at.al. 2011.). Tako između 'modela racionalizacije', političke dimenzije postupka i hijerarhijskog pristupa donošenju odluka s jedne i zahtjeva za sudjelovanjem javnosti s druge strane postoji stalna dinamična napetost koja se ne razrješava dovoljno brzo i djelotvorno u odnosu na rastuću kompleksnost, velikim dijelom i zbog kulture zapovijedanja i kontrole te nesklonosti priznavanju grešaka[11] koja uglavnom prevladava u javnim upravama i vladama. Dinamičkoj napetosti također doprinose i ostali čimbenici iz perspektive sistemskog mišljenja:

[10] Postojanje značajnih razlika u perspektivama znači da neće biti slaganja o dijagnozi, o temeljima za priznavanje dokaza, o ciljevima te vrijednostima i načelima koji bi trebali odrediti djelovanje (Chapman, Introducing Systems Thinking)

[11] Potencirano političkim procesom koji greške koristi za dobivanje poena umjesto za učenje

- Usmjerenost na rješenja koja unapređuju funkcioniranje pojedinih sastavnica, umjesto na one koja najviše mogu unaprijediti funkcioniranje cjeline sustava PUO
- Nedostatak vremena za bilo što drugo osim dnevno izlaženje na kraj s različitim događajima
- U rješavanju problema previđa se postojanje cijelog niza međusobnih poveznica i povratnih veza koje onemogućuju da se unaprijed predvide detaljne posljedice donijetih odluka
- Novi načini komunikacije i globalne komunikacijske mreže oblikuju novu javnu arenu koju karakterizira kultura trenutnih i površnih prosudbi i jačanje otpora približavanju bitno različitih pogleda o istom problemu čime se želi sačuvati pravo na samo jednu važeću perspektivu (u pravilu svoju[12]), što u bitnome umanjuje potencijal za poduzimanje djelotvornih rješenja
- Sklonost svih sudionika na 'prenošenje krivnje' na druge sudionike čime se onemogućuje rješavanje kompleksnih problema i sukoba. 'Prenošenje krivnje' ogleda se u nesposobnosti sagledavanja sebe iz perspektive drugih skupina i razumijevanja svog udjela u kreiranju nekog problema (Scharmer 2007.)

Evoluciju PUO moguće je sagledati i svojevrsnim definiranjem razvojnih faza, pri čemu se PUO.1 i PUO.2 faza u velikoj mjeri odvijaju i paralelno, ovisno o institucionalnom i pravnom kontekstu primjene. PUO.3 je nastajuća faza čija se kristalizacija tek očekuje u svjetlu sve kompleksnijih izazova i trendova.

Tablica 7: Evolucija PUO

Faza	**Društveni izazov**	**Odgovor: mehanizam koordinacije**	**Primarni akteri**	**Sudjelovanje javnosti**	**Temelj donošenja odluka**
PUO.1	Razvoj uz sagledavanje utjecaja na okoliš	Hijerarhijsko-centraliziran (iza zatvorenih vrata)	Država/ investitori	Postupno definiranje mehanizama; ograničeno i sporadično; bez utjecaja na konačne odluke	Tehnička i racionalna evaluacija
PUO.2	Održivi razvoj	Hijerarhijsko-centraliziran i u određenoj mjeri inkluzivan	Država/ investitori/ nevladine udruge/ lokalne zajednice	Mehanizmi i procesi definirani; u pravilu obvezujući u kasnijoj fazi postupka (javna rasprava o SUO)	Tehnička i racionalna evaluacija, jačanje svijesti da važnu ulogu u evaluaciji imaju vrijednosti i znanja lokalne zajednice; integrirani pristup

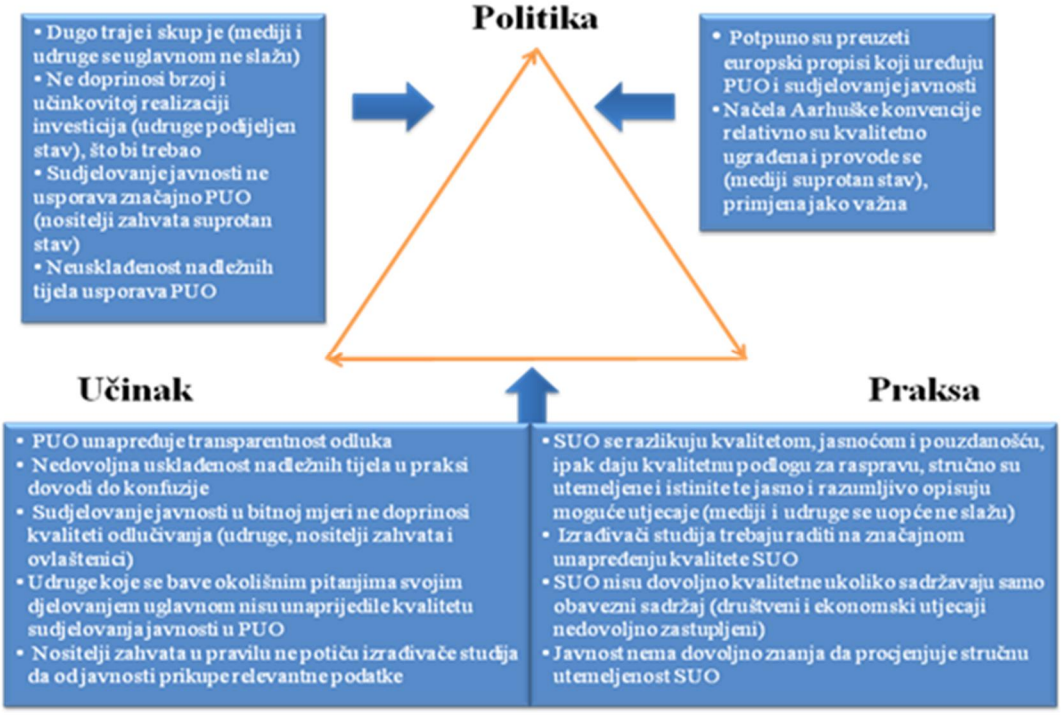
[12] Pozitivistički pristup razmišljanju koji se temelji na pretpostavci da postoji samo jedna ispravna perspektiva neke situacije

					(povezivanje s drugim fazama postupka)
PUO.3	Održivi razvoj i otpornost društva na prijelomne izazove[13]	Participativno-dijaloški	Međusektorska suradnja [14]	Mehanizmi i procesi se kontinuirano prilagođavaju i omogućuju ne samo sudjelovanje, već i suoblikovanje odluka	Sistemski pristup (sagledavanje ekoloških, razvojnih i društvenih pitanja u cjelini); uvažavanje konteksta

Preuzeto i prilagođeno od Scharmer, 2013.

Rezultati istraživanja PUO u Hrvatskoj

Provedeno istraživanje ukazuje da se u okviru PUO prakse u Hrvatskoj uočavaju slični problemi kao i drugih zemljama u kojima se PUO primjenjuje daleko duži niz godina. Analiziramo li djelotvornost PUO procesa u Hrvatskoj korištenjem pristupa kojim se djelotvornost analizira davanjem odgovora na tri grupe pitanja (Sadler 2006.) istraživanje pokazuje da je posebno u segmentu supstantivnih pitanja i pitanja provedbe praksa prisutan cijeli niz nedostataka u praksi koji umanjuju doseg njegovog utjecaja na donošenje kvalitetnijih odluka.



Slika 1: Stavovi ispitanika o djelotvornost PUO u Hrvatskoj

Istraživanje također daje dublji uvid u djelotvornost prakse sudjelovanja javnosti u kontekstu postizanja širih društvenih ciljeva[15], što je jedan od mogućih metodoloških pristupa evaluaciji uspješnosti sudjelovanja javnosti u PUO (Beierle 1998.).

[13] http://solcroatia.org/o-nama/vizija/
[14] U ovoj razvojnoj fazi primarni akter postaje suradnja

Tablica 8: razina ostvarenja društvenih ciljeva sudjelovanjem javnosti u PUO

1. Educiranje i informiranje javnosti
Nadležna tijela nisu dovoljno educirala i informirala javnost o ključnim pitanjima PUO i tako je potaknula na smisleno sudjelovanje. Nositelji zahvata nisu spremni aktivno educirati i informirati javnost o mogućim utjecajima zahvata na okoliš posebno u pripremnoj fazi, iako je ta komunikacija jako važna. To je ujedno i jedan od razloga zašto se javlja NIMBY stav.
2. Uključivanje vrijednosti, pretpostavki i prioriteta javnosti u donošenje odluka
Nositelji zahvata moraju voditi računa o strahovima i očekivanjima javnosti vezano uz mogući utjecaj zahvata na okoliš i zdravlje. Na taj bi se način umanjila mogućnost nastajanja NIMBY stava, koji također izaziva strah od gubitka kvalitete života.
3. Značajno unapređenje suštinske kvalitete odluka
Javnost nema samo određene vrijednosti, pretpostavke i prioritete, već i specifična znanja koja mogu pomoći o pronalaženju kvalitetnijih ili/i alternativnih rješenja. U kojoj je mjeri unaprijeđena kvaliteta odluka može se procijeniti i davanjem odgovora na pitanja o zadovoljstvu sudionika i pribavljanju novih i specifičnih znanja. Međutim, kao i u slučaju prethodnog cilja, ako javnost ne želi sudjelovati u PUO jer ima osjećaj da nema utjecaj na njegov ishod, u tom slučaju nemoguće je prikupiti i relevantna znanja. Nositelji zahvata u pravilu ne potiču izrađivače studija da od javnosti prikupe relevantne informacije, a treba dodatno istražiti u kojoj mjeri izrađivači studija to rade sami. PUO povećava transparentnost donošenja odluka, ali sudjelovanje javnosti u bitnoj mjeri ipak ne doprinosi kvaliteti odlučivanja. Iako je sudjelovanje udruga u PUO ocijenjeno kao važno, svojim dosadašnjim djelovanjem udruge koje se bave okolišnim pitanjima nisu unaprijedile kvalitetu sudjelovanja javnosti u PUO i SUO, o čemu udruge i mediji imaju suprotno mišljenje. Ukoliko sadržavaju samo obavezni sadržaj SUO nisu dovoljno kvalitetne, kvalitetu bi unaprijedila veća zastupljenost ekonomske i društvene dimenzije. S druge strane, javnost nema dovoljno znanja da može procijeniti stručnu utemeljenost SUO.
4. Povećanje povjerenja u institucije
Ministarstvo zaštite okoliša i prirode ima izraziti utjecaj na ishod postupka procjena utjecaja na okoliš. Međutim, iako je prisutan podijeljen stav o tome u kojoj mjeri nadležna tijela kvalitetno štite javni interes, a PUO omogućuju ravnopravnu i poštenu zastupljenost interesa zainteresirane javnosti, nepovjerenje u nadležna tijela značajan je uzrok NIMBY stava. Razina povjerenja medija i udruga u Ministarstvo zaštite okoliša i prirode i županijske urede na području zahvata je izrazito niska. Tako obje skupine smatraju da se studije utjecaja na okoliš izrađuju na način da pogoduju interesima nositelja zahvata te da uglavnom prikrivaju nepovoljne utjecaje zahvata na okoliš. Dijele i stav da SUO uglavnom nisu stručno utemeljene i istinite te da ne opisuju moguće i značajne utjecaje na okoliš na jasan i razumljiv način. Nadležna tijela trebaju omogućiti sudjelovanje javnosti na sjednicama stručnih povjerenstava.
5. Smanjivanje konflikata
Može li i u kojoj mjeri PUO smanjiti konflikte tijekom postupka i doprinijeti donošenju odluka koje neće rezultirati daljnjim protivljenjima javnosti. Mediji svojim površnim i senzacionalističkim izvještavanjem doprinose stvaranju negativnog raspoloženja javnosti prema nositeljima zahvata, a izrazito visoka razina nepovjerenja u nadležna tijela među udrugama i medijima zasigurno doprinosi jačanju konflikata. Javnost isto tako ne vjeruje nositeljima zahvata zbog loših iskustava na drugim

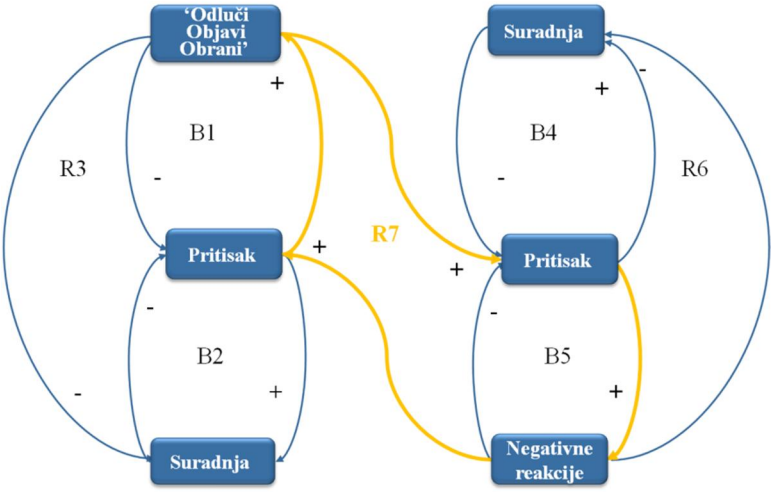
[15] Društveni ciljevi su oni ciljevi za koje se očekuje da bi ih sudjelovanje javnosti trebalo ostvariti, ali koji premašuju neposredne interese sudionika uključenih u odluku. Koristi od ostvarenja ovih ciljeva prelijevaju se od sudionika na sustav donošenja odluka u cjelini.

projektima i zato što je uvjerena da ih zanima isključivo profit. Konflikte tijekom PUO vjerojatno u značajnoj mjeri izaziva i činjenica da se pitanja koja se tiču zaštite okoliša koriste kao sredstvo za osporavanje utemeljenosti i prihvatljivosti zahvata za lokalnu (regionalnu) zajednicu i da se javna rasprava o njihovoj prihvatljivosti vodi u okviru PUO, a ne u okviru javnih rasprava o prostornim planovima.
6. Postizanje troškovne učinkovitosti
PUO također ne doprinosi brzoj i učinkovitoj realizaciji novih investicija, što bi trebao biti slučaj, o čemu jedino udruge imaju podijeljeni stav. PUO usporavaju nadležna tijela koja nisu međusobno usklađena, a cijeli je postupak dugotrajan i skup, s čime se ne slažu jedino mediji i udruge.

Evaluacija sudjelovanja javnosti također može uključiti i procjenu djelotvornosti samog procesa[16] kao i procjenu interesa različitih sudionika (Beierle 1998.). U kontekstu procjene interesa fokusiranjem na interese jedne skupine, najčešće se u obzir ne uzimaju interesi druge. Kako različite skupine imaju oprečne stavove tako će one tijekom donošenja odluka težiti postizanju različitih ciljeva. U nekim je slučajevima moguće uspostaviti ravnotežu među različitim interesima, ali rijetko će kad svi sudionici biti podjednako zadovoljni ishodom PUO. U slučaju hrvatske prakse pokazuje se da javnost ne sudjeluje u PUO jer ima osjećaj da ne može utjecati na ishod postupka. Iz perspektive „odluči-objavi-obrani“ pristupa ocjena uspješnosti sudjelovanja javnosti za nadležna tijela, nositelje zahvata i izrađivače studija temelji se na ostvarenju pozitivnog rješenja o prihvatljivosti zahvata na okoliš, po mogućnosti uz prihvaćanje javnosti, ali ne nužno.

Prikažemo li pojedine rezultate iz istraživanja putem dijagrama kauzalnih krugova[17] na primjeru ponašanja nositelja zahvata i nevladinih udruga jasnije će se vidjeti da su i nositelji zahvata i nevladine udruge (koje u PUO najčešće 'predstavljaju' javnost i/ili čije stavove često artikuliraju) pod različitim vrstama pritisaka. Nositelji zahvata u prvom redu da brzo i učinkovito realiziraju svoje investicije, pa tako i PUO, zbog čega se odlučuju na minimalistički pristup sudjelovanju javnosti, za što imaju uporište u „odluči-objavi-obrani“ pristupu donošenju odluka. Što je taj pritisak veći to je veća i spremnost za minimalistički pristup sudjelovanju javnosti. Međutim, izostanak suradnje ne smanjuje pritisak, nego ga dodatno povećava, zbog čega nositelji zahvata ponovno koriste brzinsko rješenje u obliku „odluči-objavi-obrani“ pristupa. Drugim riječima suradnja bi mogla smanjiti pritisak, odnosno omogućiti bržu i učinkovitiju realizaciju investicija, ali pad spremnosti na suradnju, dodatno osnažuje pritisak. S druge strane, nevladine udruge također djeluju pod svojevrsnim pritiskom ponašanja nadležnih tijela i investitora i pribjegavaju svojim brzinskim rješenjima poput negativnih i nepopustljivih reakcija koje negativno utječu na spremnost na suradnju. Stavimo li u međusoban odnos ponašanje jedne i druge skupine dobit ćemo uvid u ukupnu dinamiku odnosa između nositelja zahvata i nevladinih udruga.

[16] Pojedina istraživanja pokazuju da sudjelovanje javnosti koje je dobro organizirano rezultira kvalitetnim ishodim (Beierle, Konisky 1999.)dok druga upućuju da sam oblik i struktura sudjelovanja javnosti ima mali utjecaj na ishod i relativnu razinu zadovoljstva sudionika te sugeriraju da 'zamor sudjelovanja' proizlazi iz suprotstavljenih vrijednosti, očekivanja i stavova o sudjelovanju (Wesselink at.al. 2011.)
[17] Služe za uočavanje 'velike slike' i shvaćanje cjeline (Hutchens 2010.)



Slika 2: Dinamika odnosa između nositelja zahvata i nevladinih udruga[18]; preuzeto i prilagođeno od Cimeša 2013.

Za čitanje dinamike odnosa između nositelja zahvata i nevladinih udruga ključan je osnažujući „začarani“ krug R7 koji pokazuje kako pritisak koji osjećaju nositelji zahvata rezultira brzinskim rješenjem u obliku minimalističkog pristupa 'odluči-objavi-obrani' što opet jača pritisak na nevladine udruge koje posežu za svojim brzinskim rješenjem u obliku negativnih reakcija zbog čega nositelji zahvata pritisak pokušavaju umanjiti minimalističkim pristupom kako bi izbjegli negativne reakcije nevladinih udruga… Svaka strana ujedno prenosi krivnju na onu drugu, nesposobna pritom sagledati svoj udio u kreiranju pritisaka, padu povjerenja i nesklonosti za suradnju.

Zaključak

Pitanje djelotvornosti središnje je pitanje teorije i prakse PUO. Niz promjena u propisima, metodama i proceduri rezultat su jačanja intenziteta i opsega izazova ne samo tijekom primjene PUO, već i procjene njegovog realnog potencijala da djelotvorno uskladi zaštitu okoliša i razvoj u okviru šireg konteksta integralnog donošenja odluka na nacionalnoj, nadnacionalnoj i međunarodnoj razini s ciljem postizanja održivog razvoja. Provedeno istraživanje, prvo te vrste u Hrvatskoj koje omogućuje potpuniji i dublji uvid u stavove relevantnih sudionika PUO i sagledavanje 'cjelovite slike', pokazuje da je PUO u obliku u kojem je prenijet u hrvatsko nacionalno zakonodavstvo u okviru pristupanja Hrvatske u EU potvrdio svoju svrsishodnost, ali upućuje i na cijeli niz nedostataka koji umanjuju doseg njegovog utjecaja na donošenje kvalitetnijih odluka.

Istraživanje je također potvrdilo visoku razinu kompleksnosti PUO, posebno društvene, jer su stavovi sudionika o mnogim pitanjima oprečni, što posredno upućuje i na značajne razlike u vrijednostima i/ili dijagnozi pojedinih problema u praksi. Upravo ove

[18] R3, R6 i R7 (engl. *Reinforcing*) osnažujući su krugovi, odnosno procesi. Oznake – u kauzalnim krugovima R3 i R6 između negativnih reakcija i suradnje u slučaju nevladinih udruga i 'odluči-objavi-obrani' i suradnje u slučaju nositelja zahvata ukazuju da što je više negativnih reakcija i pristupa 'odluči-objavi-obrani' manje je spremnosti za suradnju. B1, B2, B3 i B4 (engl. *Balancing*) uravnotežujući su krugovi, odnosno procesi koji pokušavaju održati sustav na određenoj razini izvođenja. Oznake – i + u kauzalnim krugovima B1 i B2 pokazuju da što je veći pritisak jača je sklonost primjeni minimalističkog pristupa (rješenja) u obliku „odluči-objavi-obrani“. To na kratki rok smanjuje pritisak, ali kako je ovo rješenje usmjereno na uklanjanje simptoma problema te je kratkoročno, površno i brzinski donijeto, iako ono na kratki rok donosi rezultat u obliku smanjenja pritiska, smanjuje se i potreba za suradnjom, zbog čega se postupno povećava pritisak za nositelje zahvata. To isto vrijedi i za kauzalne krugove B4 i B5.

razlike onemogućit će bilo koji pokušaj rješavanja problema (prevladavanja pojedinih nedostataka) isključivo iz jedne perspektive, jer će nametanje rješenja iz jedne perspektive otežati njihovo prihvaćanje u okviru drugih i drugačijih perspektiva. Rješenje stoga nije u pronalaženju pojedinačnih brzinskih rješenja za pojedine nedostatke bez sagledavanja međusobnih poveznica i mogućih nenamjeravanih posljedica takvih rješenja, već u organiziranju procesa koji će omogućiti dublje sagledavanje različitih perspektiva, motiva i šireg konteksta donošenja odluka i usmjeriti se na pronalaženje onih rješenja koja će unaprijediti djelotvornost PUO u cjelini, a ne neke njegove pojedine nedostatke.

Kao podršku ovom procesu trebalo bi dublje istražiti identificirane nedostatke u segmentu supstantivnih pitanja i pitanja provedbe. Svaki od pojedinih nedostataka uključuje određena ponašanja i postupke koji su u određenoj mjeri u raskoraku u odnosu na propisani okvir i/ili primjere bolje prakse i očekivanja pojedinih sudionika PUO. Opseg i dubina tog raskoraka i spremnost da se on razriješi svojevrsna je mjera sposobnosti nadležnih tijela da unapređuju djelotvornost i otpornost PUO u odnosu na izazove koje prati njegova primjena u praksi. U segmentu sudjelovanja javnosti od velike bi koristi bio daljnji istraživački angažman koji bi pokazao koji od trenutno propisanih oblika sudjelovanja i primjera bolje prakse doprinose postizanju društvenih ciljeva sudjelovanja javnosti u PUO. Ovim bi istraživanjem svakako trebalo obuhvatiti i mehanizme poput lobiranja, javne proteste, aktivističke akcije i inicijative za provođenje savjetodavnih referenduma i referenduma. Može se razumno pretpostaviti da svaki pojedini oblik i/ili primjer bolje prakse u većoj ili manjoj mjeri doprinosi postizanju pojedinih društvenih ciljeva, dok se za neke također može pretpostaviti da onemogućuju ili umanjuju mogućnost njihova ostvarenja, što je područje koje u Hrvatskoj uopće nije istraženo.

Ovi prijedlozi predstavljaju početnu točku u poduzimanju širih i opsežnijih istraživačkih napora koji bi trebali pokazati svoju korisnost i u pronalaženju robusne evaluacijske metode koja će uvažiti kontekst primjene PUO u Hrvatskoj (makroekonomski pokazatelji, investicijska klima, razina društvenog kapitala, posebno u segmentu opće dinamike pada povjerenja u ključne institucije sustava[19] i mrvljenja povjerenja u institucije čemu je najsnažnije i najkonzistentnije pridonijelo intenziviranje percepcije javnosti o raširenosti korupcije u javnim službama (Štulhofer, 2004.)) i omogućiti definiranje kriterija za procjenu kvalitete ishoda PUO i sudjelovanja javnosti i iz perspektive sustavnog razmišljanja.

Evaluaciju usmjerena na kvalitetu ishoda sudjelovanja javnosti trebala bi omogućiti prevladavanje pristupa kojima se jednostavno traži opsežnije sudjelovanja javnosti i potaknuti davanje odgovora na pitanja poput što PUO dobiva sudjelovanjem javnosti u smislu unapređenja kvalitete odluka i postizanja društvenih ciljeva sudjelovanja javnosti, koji oblici sudjelovanja u najvećoj mjeri mogu doprinijeti jačanju dosega utjecaja PUO na donošenje kvalitetnijih odluka i postizanje društvenih ciljeva, može li se i kako uspostaviti bolja ravnoteža među različitim interesima i prevladati „odluči-objavi-obrani“ pristup koji umanjuje spremnosti na suradnju i rezultira NIMBY stavom lokalnih zajednica te kako se djelotvornije suočiti s kompleksnom konfiguracijom odnosa moći i ustupaka 'iza zatvorenih vrata' .

[19] U razdoblju od 1995. do 2003. povjerenje u pravni sustav smanjeno je za više od 50% , u Vladu za otprilike 45% a Sabor 30%. (Štulhofer, 2004.)

Zahvala

Autori zahvaljuju Upravnom odboru Hrvatske udruge stručnjaka zaštite prirode i okoliša što su pokazali interes, podržali i svojim osobnim angažmanom u motiviranju sudionika doprinijeli provođenju istraživanja. Zahvaljujemo i sudionicima istraživanja koji su odvojili vrijeme i tako doprinijeli njegovoj kvaliteti.
Naposljetku zahvaljujem Miljenku Cimeši, predsjedniku SoL (Društva za organizacijsko učenje) Hrvatska, Gorani Pavičić Nišević i Mateji Terek što su svojim savjetima i angažmanom omogućili nastajanje ovog rada.

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Analysis of the public participation in Environmental Impact Assessment procedures

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Abstract

The Republic of Croatia is a signatory party of the Aarhus convention - The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. With it, Croatia has accepted the obligation for public participation in environmental impact assessment processes which was introduced in to the legislation framework through the Environmental Protection Act and pursuant special regulations. These define an appropriate way of informing the public that an EIA procedure was initiated, format of the public debate, the obligation of submitting EIA studies to public inspection and the obligation of the public discussion regarding the EIA.

Despite the standardized procedure of public participation in environmental matters, in the field the differences in public participation have been noticed depending on the region of the Republic of Croatia and also on the character of the project. This paper tested this hypothesis by statistically analyzing publicly available data to determine differences in regional public involvement as well as which types of projects local communities find acceptable and which cause negative reactions of the public. Often, in the course of public debates and discussions public questions do not regard the environmental impact assessment but spatial planning or proprietary dilemmas, which was also taken into account in this paper.

Key words: public participation, environmental impact assessment

Introduction

Public participation in matters of environmental protection and decision-making, i.e. Environmental Impact Assessment (EIA) procedures was first introduced in the United States of America in 1970 [1], [2]. Nowadays it is an accepted part of EIA procedures in the USA[3], Canada[3], Western Europe[3], Australia[2] and New Zealand[2]. With the European Union spreading to East and Southeast Europe, so is the practice, and obligation, of public participation[3], [4], [5]. The practice is not however limited to European and North American more or less developed countries, but is also spreading, with various success, to developing countries where not only is the industry rapidly growing, but the affected population is very large, for instance in India[6], Indonesia[7], Pakistan[8], China[9] or African countries[10].

While developers and practitioners sometimes find public participation as an obstacle or a nuisance, it has its foundation in four valid principles. It is considered to be a proper and fair democratic conduct in decision-making; it is a way to ensure that projects meet citizens' needs and are acceptable to the affected public; the projects itself have more

legitimacy and meet with less hostility if the stakeholders are consulted; and finally, the end decision can be better suited to the particular project after applying local knowledge and values to expert findings[11].

International provisions for including the public in environmental issues were brought forth by the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. The convention, better known as the Aarhus Convention, was adopted in June, 1998, with its provisions being enforced since October 2001[12]. The Convention provides various rights of the public, individuals and their associations, regarding different environmental issues – the right of obtaining environmental information from public authorities, the right to participate in decision-making processes regarding environmental issues and the right to use legal means in situations when the first two rights have not been honored[13]. The European Union has adopted the Aarhus convention in May, 2005 by passing the Decision 2005/370/EC[14], and has implemented the Convention provisions through following directives: European Directive 2003/4/EC (wider and easier public access to environmental information) [14], [15], [16], Directive 2003/35/EC (requires strengthening the public participation provisions for EAI and IPPC procedures in Member State laws) [14], [15], [17]. Both Directives have provisions for access to justice[14] and an additional Proposal for a Directive of the European Parliament and of the Council on access to justice in environmental matters COM(2003) 624 was planned[14], [15], [18]. The latter was adopted on 6 September, 2006 through Regulation (EC) N° 1367/2006[14], [19] of the European Parliament and of the Council on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies.

The Republic of Croatia has been a signatory party of the Aarhus Convention since December, 2007[20] and has implemented its provisions through several legal acts[13]: the Environmental Protection Act[21], Act on the Right of the Public to Access Information[22], Regulation on Information and Participation of the Public and Public Concerned in Environmental Matters[23], Regulation on Environmental Impact Assessment[24], Regulation on Strategic Environmental Assessment of Plans and Programmes[25], Regulation Book on the Registry of Environmental Pollution[26] which is based on the Protocol on Emission and Pollution Transfer Registries[27].

The following Croatian procedure description is based on the Environmental Protection Act[21], Regulation on Information and Participation of the Public and Public Concerned in Environmental Matters[23] and Regulation on Environmental Impact Assessment[24].

In EIA procedures the public is first informed that a procedure has been initiated, usually on the authority official web site. Other places and methods of informing can be additionally used when they better suite a particular situation, such as public announcements in the press or in the local or regional self-government unit's official gazette, announcements on billboards in local self-government headquarters or via electronic media.
All of EIA Expert panel meetings are open to the public; however, the public is excluded when official Decisions/Opinions are being voted on. At the first Expert panel meeting, if it is decided that the EIA Study has been done competently, it is usually decided that following necessary revisions of the Study it will proceed to the next step − a Public debate. The Authority must announce the aforementioned Public debate in public press, on its official web site and by posting announcements on billboards in

local self-government headquarters, at least 8 days prior to its commencement. After the announcement the EIA Study is submitted for public inspection in local self-government headquarters for not less than 30 days. Within the Public inspection time frame a Public presentation of the project and the EIA Study has to be done in presence of the following people: the representative of the developer, person in charge of the EIA Study preparation, project designer and the representative of the local or regional self-government unit in whose territory the Public debate and Public presentation is carried out. During the Public debate anyone can submit an objection or make a comment on the project and the EIA Study in person at the Public presentation, which will be visible in the official public presentation minutes, or in written form, either by sending a memo to the relevant authority or by inscribing it into the Book of Comments, which has to be placed next to the EIA Study submitted for inspection. EIA practitioners and investors are obligated to officially address all of the received comments and their answers are discussed at the second Expert panel meeting before passing the Opinion on Project Acceptability for the Environment, according to which the Ministerial Decision is formulated. If the public feels that they have valid objections to the issued Ministerial Decision, they can take action at court and bring forth a law suit against the Ministry before the Administrative Court.
Public debates are the main tool for public involvement in EIA procedures throughout the world[3],[28] and also in Croatia. The experience of EIA practitioners has shown that there are some regions of the country where the public seems to be more aware and willing to use its rights to participate in the EIA procedures and environmental decision making, particularly through Public debate, and some in which the public shows no, or little interest. It has also been observed that some types of projects and some investors invoke more interest and participation from the public than the others. This paper was done in an attempt to test these hypotheses that have arisen from the practitioners' experience.

Methods

Public participation was analyzed through public participation in the Debate phase. The data was obtained using the Ministry of Environmental and Nature Protection Archive of Decisions on Project Acceptability issued from 2010 to 2012, found on the Ministry official web site. Out of 220 Decisions in total, 36 had to be excluded because they did not have the needed information, the EIA procedures were suspended or the files were corrupted and illegible. From the remaining 184 Ministerial Decisions, we extracted the following information: year, EIA or EIA&IPPC, project title, investor, County, information who submits comments, what were the comments (available from only 179 Decisions).

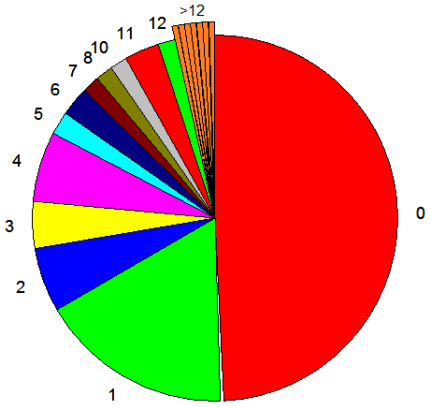
Data obtained from the Decisions was then modified to allow statistical analysis. Projects were categorized in groups, based on their title. In total 16 project categories were defined. From the information who submitted objections a number of the people that participated as the public was obtained, with a remark that organizations, for instance NGOs, were treated as a single participant. When analyzing participation according to counties projects that span several Counties the number of people involved was divided up according to County (resulting in 193 cases in total). From the comment description, a percentage of comments dealing with spatial planning or proprietary matters, and not with the project itself, was extracted.

Data was statistically analyzed using Statistica 7 software.

Results and discussion

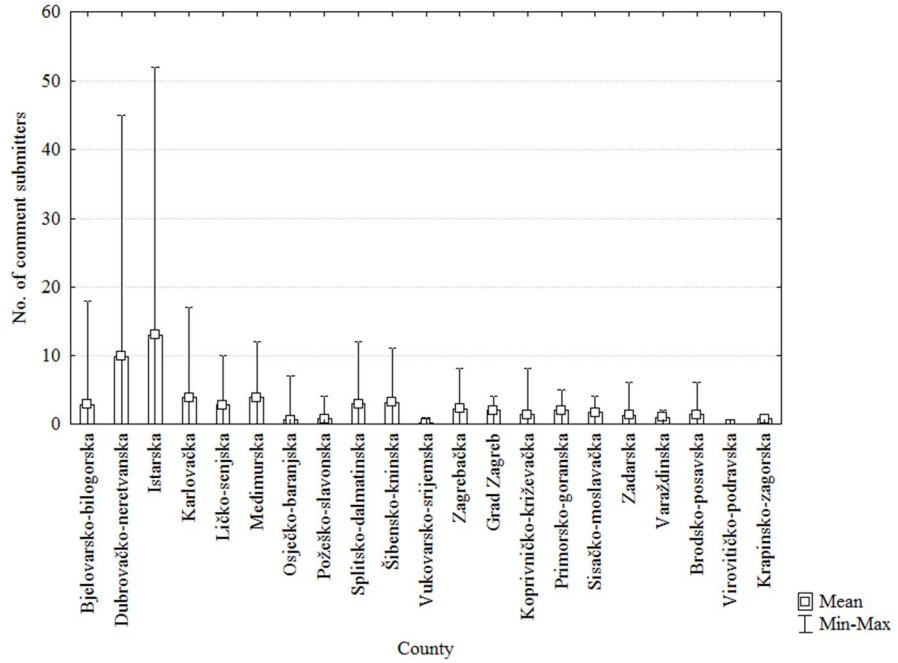
The number of comment/objection submitters is considered as a measure of public involvement in the EIA procedures, since the number and the variety of comments speaks more of an individual project.

Data shows that in 48,91 % of procedures conducted by the Ministry in the past three years no one from the public participated in the Public debate, as presented in Graph 1. The average number of people participating is 3,1±6,7 per EIA procedure, with 52 of participants being the largest number observed in this research.



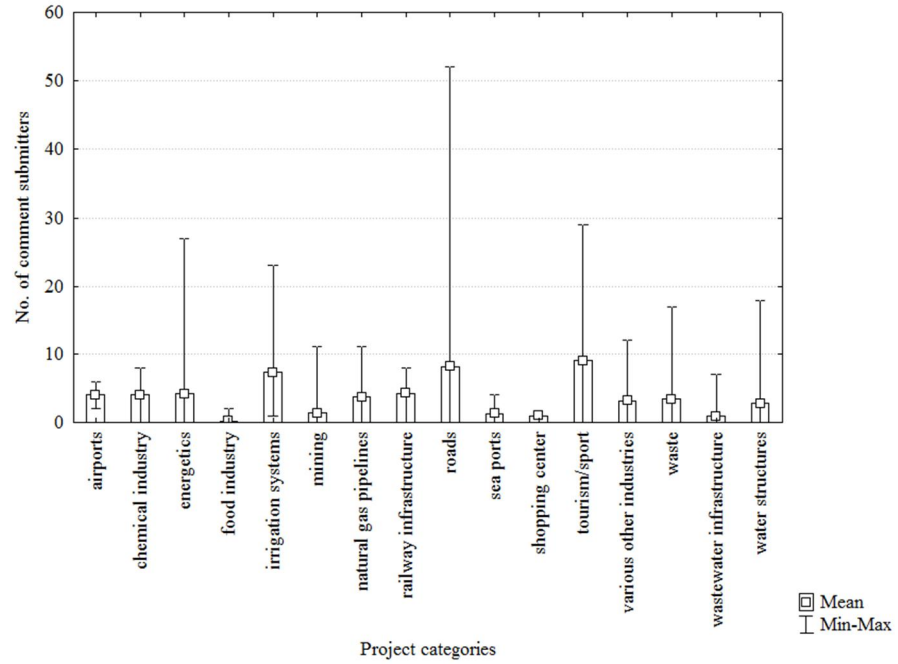
Graph 1. Graphical depiction of the comment submitters number in relation to all observed cases.

Graph 2 depicts average and maximal numbers of comment submitters arranged according to the County. The highest mean values were calculated for Istarska County (12,9 people on average; Sd=16,93) and Dubrovačko-neretvanska County (9,8 people; Sd= 13,76), while the lowest, no comment submitters for Virovitičko-podravska County and 0,1±0,32 people on average per EIA in Vukovarsko-srijemka County. Only slightly higher results are for Osječko-baranjska, Požeško-slavonska and Krapinsko-zagorska Counties, with other counties having their averages between 1,0 (Varaždinska County; Sd=1,41) and 3,9 people (Karlovačka County, Sd=6,49). In Istarska County and Dubrovačko-neretvanska County the highest numbers of comment submitters for a single project were for roads. Motorway 8 − Rogovići-Matulji stretch had 52 comments submitters in Istarska County and Orebić bypass 45 people participating in the Public debate in Dubrovačko-neretvanska County. These data was subjected to statistical analysis, applying Kruskal-Wallis ANOVA test, which found that differences between the counties are statistically significant ($H_{20, N=193}$=44,36332; p=0,0013).



Graph 2. Average and maximal numbers of comment submitters grouped according to counties.

Statistically significant difference of public involvement was also obtained in relation to project category, Kruskal-Wallis ANOVA test was applied ($H_{15,\ N=184}$=41,02926 p=0,0003). 16 categories were agreed upon, and their average, minimum and maximum of people interested according to these categories are shown in Graph 3. Food industry caused on average the lowest interest of the public, while tourism/sport (golfing centers, hotels and similar projects), roads and soil irrigation systems interested the public most. The highest number of comment submitters for a single project was found in road category, and it was 52 people, for Highway 8 – Rogovići-Matulji stretch in 2011.



Graph 3. Average, maximal and minimal numbers of comment submitters grouped according to project categories.

While differences in public participation have no statistical significance when observed according to procedure, whether it was an EIA or a combined EIA and IPPC procedure (Kruskal-Wallis ANOVA: $H_{1,\ N=184}$=2,749446; p=0,0973), nor according to investors (Kruskal-Wallis ANOVA: $H_{128,\ N=184}$=130,6341; p=0,4188), it is still interesting to show that some investors, on general, do get more objections. "Hrvatske ceste" on average got 8,29±13,96 comments per an EIA, with maximum comment submitters numbering 52 in Istarska County, which was the highest number noted in this research. Razvoj Golf, Golf course on Srđ developer, had 29 comment submitters in Dubrovačko-neretvanska County. HEP had 27 comment submitters for Plomin 3 development. "Hrvatske vode" projects on average got comments from 4,36±8,12 submitters, however one irrigation project in Dubrovačko-neretvanska County had comments from 23 submitters.

The content of comments could only be extracted from 179 Ministerial Decision. Its analysis showed that 23,19% of comments did not concern environmental impact of a particular project (including impact on health of the local residents and infrastructure), but spatial planning or proprietary issues, or they even addressed a wider scope of issues than the project itself. This number is an approximation since not all comments were available for analysis, but only the digested versions obtained from the Decisions, where if nothing else, repetitive comments are excluded.

Research analyzing public participation in EIA procedures mostly deals with particular case studies [3],[4],[1],[9],[29],[11],[28], analysis of law provisions for public participation and their effectiveness in certain countries [3],[4],[8],[29],[7],[28], or one single project type[4],[28], and not with hypothesis similar to these in this paper. However all of the research on this topic has the same goal; to examine public participation in EIA procedures and to provide ways to improve its effectiveness.

In Croatia, as shown by this paper, some parts of the country are more active in environmental decision-making, using resources available to them, i.e. participation in Public debates, while other parts of the country show no, or very little involvement. What are the factors that motivate the public to participate (or to abstain) should be investigated further. At this point it can only be speculated that it depends in general on the level of civil society development[3], past experiences with projects that have significant impact on the environment[9], for instance in Istarska County one of the most debated project was the development of powerplant Plomin 3 (received comments from 27 submitters), which was preceded by Plomin 1 and 2, and economy orientation (both of the most active counties have economies that are significantly tourism-oriented and therefore largely dependant on environment and nature preservation[30],[31]. Diduck and Sinclair[32] determined two major reasons for lack of public participation: unsuited information, i.e. people did not know about the EIA and among those who did know a widespread belief was spread that getting involved would make no difference as the end decision has already been made. Lack of interest itself was not an important reason for nonparticipation. Also, environmental awareness and low-level education on such matters of the general public are often constraints for effective public involvement[7].

With regard to project type, intense public involvement in EIA dealing with tourism/sport, i.e. golf courses, is expected since the concept of golf courses in Croatia has been a controversy ever since the Act on Golf Courses[33] has been passed and it has been much debated on different levels, many NGOs were involved, all leading to forming the public opinion even before such a developments started their EIA procedures[34], [35], [36], [37]. Roads and irrigation systems are spatially large projects and can therefore affect many people. Roads, often receive comments regarding land

ownership, connections of the planned road to the existing infrastructure and local communities wanting to move routes closer or further from their settlements. Low public participation in food industry EIA procedures is attributed to the fact that such developments, mostly farms, are usually situated in rural areas where farms are common, at some distance from settlements, as proscribed by relevant spatial plans.

Conclusion

This paper has confirmed the hypothesis that there are differences in public EIA involvement between parts of Croatia, more specific the counties. The public of Dubrovačko-neretvanska County and Istarska County seem to be the two most involved, while that in the Eastern Counties (Vukovarsko-srijemska, Osječko-baranjska, Virovitičko-podravska and Požeško-slavonska) and Krapinsko-zagorska County showed little or no involvement. Paper has shown, also, that roads, tourism/sport (mostly golf courses), and irrigation systems, as a types of development, invoke the highest public participation. The differences between the levels of public participation in regard to project developers were not significant. However this may be due to the fact that the investigated period was relatively short, in which many investors had only one project.

Future research into public participation in EIA procedures should try to determine the reasons for nonparticipation in parts of the Country, whether current public participation procedure meets the demands of the public, to what extent is it effective and could it be improved to enhance the collaboration between the public, investors, EIA practitioners and relevant authorities.

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Public participation in the process of Environmental Impact Assessment and of issuing environmental permits: experiences gained in the project

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Abstract

By signing the Aarhus Convention[20], Croatia created preconditions for wider possibilities of public participation in the process of making environmental decisions, including determining integrated environmental protection conditions. Although the Convention advocates early and efficient public participation, the issue of successful implementation of such principles remains challenging to all the parties involved.
Aim of this paper is to point out the problems arising in public participation in the process of issuing environmental permits gained through experience on the project "Establishment of Centres for Implementation of IPPC at Regional Level in Croatia". The project included implementation of a series of workshops on public participation, which included simulations of public debates based on actual examples and brisk discussions, based on which remarks and suggestions from different stakeholders were gained. This paper analyses these and the results gained through questionnaires filled in by workshop participants. Special attention is given to the issue of public interest in environmental questions, as well as additional education that would make the level ground in the communication between all parties. The conclusion of the paper contains suggestions for improvement of the existing situation regarding the process of public involvement, concurrently meaning enhancements of the Croatian environmental policies aligned with the EU *acquis communautaire*.

Key words: integrated conditions, environmental permit, public, Aarhus convention, IPPC

Introduction

Although certain degree of public participation instrument in environmental protection procedures has been present in Croatia prior to 1998 (Ofak, 2009), when Croatia signed the Aarhus convention, and significant progress has been made since then (Cherp, 2001), the process of public participation is still insufficiently developed and not given the full validation it deserves.
Public participation represents legal obligation in various environmental decision-making processes, where timely and effective public involvement is of utmost importance for building a foundation for future successful efforts to clean up and protect the environment.

[20] The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters; signed on 25 June 1998 and entered; ratified by Croatia on 28 March 2007, and entered into force on 25 June 2007

One of such processes is IPPC permitting procedure, which resulted from applying the IPPC Directive[21], a European community initiative related to prevention and control of pollution caused as a result of industrial and agricultural activities. It has been transposed to Croatian legislation through the Environmental Protection Act[22], Regulation on information and participation of the public and public concerned in environmental protection issues[23] and Regulation on determining integrated environmental requirements[24]. Its goal is prevention of emissions into air, water or ground, where applicable, taking into account waste management, or their decrease to minimum levels. The result of compliance is obtaining the Decision on integrated environmental protection conditions (IPPC permit).
All industrial installations in Croatia, which are obliged to obtain the IPPC permit due to their industrial activity and capacity, were set to comply with IPPC Directive by the Croatia's entry to EU (01 July 2013), as well as to obtain the permit issued by the Ministry of Environmental and Nature Protection (MENP), unless they have negotiated transitional period by which they extended the deadline.
Until May 2013, only 14 out of 198 existing installations in Croatia obtained the IPPC permit (SAFEGE, 2013).
The need to implement a great number of IPPC procedures in the near future represents a challenge to the regulator and the industry, giving special attention to additional education that would make the level ground in the communication between all parties. Since all of these procedures will require a public review and hearing, it is also of major interest to the public and different NGOs. This paper wishes to support the emerging processes of improved public participation in environmental decision making, with particular emphasis on better access to environmental information and public participation in decision making with respect to industrial pollution and control. This knowledge can also be generalised and applied in similar public participation processes required within other procedures (Strategic Environmental Assessment, Environmental Impact Assessment, spatial planning, etc.).

Material and methods

In the period from November 2011 to May 2013, with the financial help of EU IPA pre-accession programme, MENP has initiated the project “Establishment of Centres for Implementation of IPPC at Regional Level in Croatia“ with the objective to educate all stakeholders included in the process of issuing environmental permits about requirements and procedures prescribed in the Directive, as well as to strengthen the capacities of industry and competent administrative bodies, in order for the most successful and fast fulfilment of given commitments/tasks.
The project included implementation of a set of 15 workshops regarding public participation, with representatives from various stakeholder groups, especially officials and NGOs whose participation was beneficial as it allowed for different, sometimes contested, views to be presented at the same time. The intention of those workshops was to inform the public and other stakeholders regarding the procedure of integrated environmental requirements, to emphasize the importance of public participation within environmental decision-making and to scope the major obstacles to and opportunities for public involvement in Croatia.

[21] Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control
[22] Zakon o zaštiti okoliša (NN 110/2007)
[23] Uredba o informiranju i sudjelovanju javnosti i zainteresirane javnosti u pitanjima zaštite okoliša (NN 64/2008)
[24] Uredba o utvrđivanju objedinjenih uvjeta zaštite okoliša (NN 114/2008)

The workshops invited interested parties throughout Croatia. Other than the six workshops which were held as joint workshops for two counties, all the others were organized as a one workshop-per-county.
The workshop programme was structured in three blocks. The introductory part comprised presentation of general information regarding IPPC Directive, including comparison of IPPC principles and stakeholder's roles in Croatia and EU member states, as well as obligations and possibilities for public participation. Second part of the workshop was organised through a role-play, simulating public hearing, based on a case-study of a cement plant, which was chosen for the complexity of potential environmental problems it rendered. The workshops were concluded by a presentation of possibility of setting up a Stakeholder platform on the county level, followed by a discussion.
The workshops had an interdisciplinary character aiming to encourage participants for discussion, explaining views, asking questions and commenting. In line with the results of the first few workshops, programme was continually modified and improved. The course of discussion was dependant on public's interest, which differed greatly depending on the stakeholder's position within IPPC procedure.
At the end of each workshop, a questionnaire was distributed to workshop participants, where they could give their remarks and comments, which later, supplemented by individual interviews and comments received during discussions, provided a basis for a qualitative analysis to highlight the main issues encountered by the public in the IPPC permitting process.
These workshops presented an excellent opportunity to survey the opinion of all the stakeholders in the process of obtaining the IPPC permit.

Results and Discussion

Although the project requirement regarding the number of participants was obtained, the participation may be evaluated as limited, particularly in regard to the participation of the local NGOs and other local representatives. Workshops were attended by total 203 participants, representatives of the following stakeholder groups, showing different levels of interest:

- *Industry* - Workshops saw a high response from operators, which was expected due to their interest to improve neighbourly relationships within the community they work in, which was one of the goals of workshops. However, the majority of industry representatives didn't show particular interest for public participation issues, but only for determining the status of their installation within the procedure of obtaining the permit.
- *Public bodies* - Public bodies, primarily county bodies entrusted by MENP to organize the public hearing on IPPC, were active participants on all workshops, showing considerable interest for improving the procedure and encouraging public participation. Their role has shown to be significant for the general turnover to workshops, as they got engaged in promoting the project and timely advertising.
  Representatives of local authorities were also present on some workshops, although they weren't active participants.
- *Non-governmental organisations* - NGOs participating in workshops differed according to their scope of interest; there were those who were dealing with the general environmental protection issues, and those dealing with protection of particular areas. Regardless of their field of interest, their presence on workshops was mostly formal.

- *Local public* - Particularly low interest of local public can be related to general weakness of NGO sector, not appropriate timing for public (working hours), low level of knowledge of the IPPC instrument and a general feeling that the public voice cannot influence the decision making.
- *Croatian Chamber of Economy* - Representatives of CEE regional offices participated to all workshops in their role of host, but only as observers, not showing interest for more active involvement as representatives of IPPC stakeholders.
- *Media* - On some workshops media representatives were invited. However, with the exception of one independent journalist interested in agriculture sector of Osječko-baranjska County, media response was negligible.

Based on the analysis of the comments and remarks received from workshops participants, several main issues have shown to be underlying the majority of all comments. It was possible to classify the identified problems into 2 categories, one concerning the legal and administrative framework and other related to access to information. Within these categories we have summarised the most often concerns as emphasized by the workshops participants.

Legal and Administrative Framework

- There are too many pieces of regulation concerning IPPC permitting process;
- The non-technical summaries offered for public review are too complex and difficult to understand;
- There are inconsistencies between prescribed and practical responsibilities of MENP and counties;
- Public opinion is not taken into consideration by the regulator

Access to information

- Lack of communication between the regulator and the public;
- County bodies not sufficiently advertising public review notices;
- Inappropriate methods of informing the public;
- Low education of public on environmental issues and its rights in participation processes;
- The absence of centralised information system;
- Incomplete and not easily accessible databases of emissions published by the Croatian Environmental Agency (CEA).

Our intention was not to validate the adequacy of these concerns; regardless of whether they are reasonable or not, these perceived concerns may still influence the successful and timely completion of public participation procedures. In this respect it is important to address them as guidance for improving the public participation process.

Based on the analysis of the above mentioned concerns, we recommend ways to improve public participation process.

We recommend strengthening of the communication culture between officials, NGOs and the public by engaging all stakeholders together in collaborative capacity building activities, such as meetings, workshops and study tours. This would avoid that these stakeholders meet on public hearings for the first time and would strengthen the mutual respect for each other's work.

Industrial stakeholders should more clearly recognize the importance of their active role in the public participation process in regard to successful and timely obtaining the necessary permits. We recommend to them to initiate on their own public campaigns, with the aim of more transparently and early recognising any potential issues of public concern.

Since there is a large fragmentation of environmental data available to public on different locations, which makes them difficult to find, it is recommended to develop a centralised information exchange system, in order to provide easy and uniform access to all the relevant information. Such initiative can be taken either by public bodies or NGOs.
When advertising a public review/hearing, particularities of different communities, such as cities vs small rural communities, should be taken into account. Different methods of disseminating information should be used with a goal to bring information closer to targeted public. In that respect, more responsibilities should be given to local authorities to find the most suitable ways of approaching the local public.
It is further suggested to make a more comprehensive survey among the stakeholders in the public hearing process, structured in such way that would also provide the possibility for quantitative analysis of perceived concerns and the possibility to examine any differences among various groups, such as environmental professionals, public servants, business, NGO etc.

Conclusion

This paper analyses the main issues of concern in the public participation process as part of the IPPC permitting procedure. Based on the analysis of comments received from different IPPC stakeholders, it has been noticed that all of them can be grouped into two categories. The first category concerns the legal and administrative framework, stressing the fragmentation of documents and complexity of procedures, as well as inconsistencies between prescribed and practical responsibilities of MENP and counties. The second category is related to access to information and includes comments on the general lack of communication between parties involved in the process, low education of public on environmental issues and its rights in participation processes and absence of a centralised information system.
These concerns might only be perceived, as their validity wasn't tested. Even so, they may still influence the successful and timely completion of public participation procedures, which consequently might bring potential investments to a standstill.
Recommendations for improvement of the public participation process were further given, focusing primarily on strengthening the communication culture between officials, NGOs and the public. Involving local public at an early stage of the project is identified as a crucial step both for the regulator and the industry, allowing early identification of potential issues, thus preventing possible conflicts in the future.

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[9] Uredba o utvrđivanju objedinjenih uvjeta zaštite okoliša (NN 114/2008)

[10] Zakon o zaštiti okoliša (NN 110/2007)

Participativni postupci u procesu krajobraznog planiranja

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Sažetak

Cilj rada je ukazati na važnost sudjelovanja javnosti u postupcima planiranja te dati pregled participativnih postupaka koji mogu biti korišteni kao alati planiranja i tako doprinijeti održivom i društveno prihvatljivom donošenju odluka o prostoru. Upravo krajobrazno planiranje kao dio prostornog planiranja uvažava da komponenta društva i javnosti ima važnu ulogu u aktivnostima planiranja i upravljanja prostorom. Uvažavanjem društvenog konsenzusa o razvoju i zaštiti prostora sa istovremenim povećanjem znanja i informacija svih dionika o problemu i metodama rješavanja problema, može se postići bolje prihvaćanje odluka ali i veća pogodnost te odluke za sve dionike u prostoru.

Ključne riječi: krajobraz, planiranje, javnost, participativni postupci

Uvod

Prostorno planiranje prema Marinović-Uzelcu (2001) definira se kao optimalni raspored ljudi, dobara i djelatnosti na teritoriju radi njegove optimalne upotrebe. Krajobrazno planiranje, kao sastavni dio prostornog planiranja, pretežito se bavi proučavanjem odnosa, utjecaja i međudjelovanja novih aktivnosti koje se unose u prostor, odnosno promjena uzrokovanih tim aktivnostima i postojećih kvaliteta krajobraza. Tako u proces donošenja odluka o prostoru krajobrazno planiranje uključuje zaštitne kriterije koji se odnose na zaštitu postojećih kulturnih i krajobraznih vrijednosti. Krajobrazno planiranje može se zato smatrati planerskom disciplinom koja u okviru prostornog planiranja priprema spoznaje o prirodnim vrijednostima te ugrađuje mjere njihove zaštite (Marušič, 1986).

Tijekom prošlih desetljeća sudjelovanje javnosti postalo važan čimbenik u određivanju načina upravljanja, zaštite i obnove prirodnog ili izgrađenog okoliša i krajobraza. Upravo krajobrazni arhitekti i planeri, te drugi stručnjaci, kojima je krajobraz predmet interesa, uvažavaju ulogu javnosti u aktivnostima planiranja i upravljanja prostorom i krajobrazom. Marušič (2010) ističe da krajobrazni planeri, još od 1960-ih razvijaju planerske postupke kojima je cilj „interpretacija različitih društvenih razmatranja te olakšavanje društvene komunikacije“ (p.43). Nadalje, Bond i sur. (2004), prema Sevenant i Antrop (2010) naglašavaju da sudjelovanje javnosti može povećati konsenzus u odlukama.

Upravo zbog razvojnih potreba važno je da se već prije donošenja odluka o promjenama u prostoru predvide moguće posljedice za prostor i društvo. Tim bi se pristupom spriječio trajni gubitak resursa, te bi se, kroz uključivanje zaštitnih interesa u razvojne strategije, prostorni razvoj mogao usmjeriti prema održivosti. Upravo je ljudsko pravo da se tehnološki napredak iskoristi kako bi se unaprijedili uvjeti života kroz fizičku promjenu krajobraza, ali je isto tako društveno pravo i dužnost taj krajobraz zaštititi (Butula, 2003).

Važnost sudjelovanja javnosti u planiranju

Sudjelovanje javnosti i uključivanje javnosti u postupke donošenja odluka o prostoru i okolišu postalo je važno sa povećanjem interesa za tematiku održivog razvoja u cijelom svijetu, koja u osnovne ciljeve, uz okolišnu i ekonomsku dobrobit, uključuje i društvenu. Stoga svako odlučivanje o prostoru koje se poziva na održivi razvoj zahtijeva aktivno uključivanje javnosti, i to u početnoj fazi (Antunes i sur., 2006). Zakonski, a posljedično tome provedbeno, sudjelovanje javnosti je dobilo na važnosti potpisivanjem konvencije o pristupu informacijama, sudjelovanju javnosti u odlučivanju i pristupu pravosuđu u pitanjima okoliša 1998. godine u danskom gradu Aarhusu (UNECE, 1998). Uz konvenciju iz Aarhusa, važno je spomenuti i Konvenciju o europskim krajobrazima (NN-MU 12/02) u kojoj ključne riječi uključuju sudjelovanje i povećanje informiranosti, odnosno uključivanje javnosti sa ciljem ostvarivanja „težnje javnosti u pogledu značajki krajobraza iz njihovog neposrednog okruženja“ (Čl.1).
U planerskom postupku društvene vrijednosti pripisane krajobrazu, ili nekom prostoru, moraju biti izričito iskazane, jer ako ostanu sakrivene planer ih neće moći uključiti prilikom donošenja odluka (Butula, 2003). Upoznavanje i sudjelovanje javnosti u procesu razvoja mogućih rješenja, bilo prostornih ili okolišnih, važno je jer upravo kroz proces interakcije sa javnošću planeri postaju svjesni važnosti utjecaja građana na neekonomske vrijednosti u otvorenom prostoru, ali isto tako građani postaju svjesni kompleksnosti odluka koje planeri moraju uzeti u obzir kako bi optimizirali svoje odluke (Balram i Dragičević, 2005). Međutim, stupanj i mogućnost utjecaja javnosti varira ovisno o protoku informacija (Hjortsø, 2004), te je važno da javnost bude pravovremeno informirana kako bi se mogla i imala potrebu uključiti u proces donošenja odluka kroz različite pristupe prikupljanja i implementacije društvenih vrijednosnih stavova.
Vrednovanje, poimano kao planerski postupak, jest prepoznavanje i uspostavljanje čovjekova odnosa prema krajobrazu (Marušić, 1991). Frondizi (1971) samu vrijednost definira kao svojstva ili kvalitete predmeta ili objekata, jedinstvene po svojim karakteristikama, te navodi da one nisu realne kvalitete u fizikalnom smislu, već da one postoje i mijenjaju se ovisno o interesu subjekta za neki predmet. Razlike u vrijednosnim stavovima, odnosno percepcija vrijednosti određenog prostora može biti različita obzirom na različitu pripadnost društvenim skupinama, odnosno ulozi u prostoru (Butula, 2008). U procesu donošenja odluka o upravljanju prostorom ili prirodnim resursima tijekom sudjelovanja javnosti neizbježan je konflikt do kojeg dolazi upravo zbog razlike u vrijednosnim stavovima, kompleksnosti problematike, provedbe politika te određenih nesigurnosti koje se u tom procesu javljaju (Hjortsø, 2004). Zato se u upravljanju vrijednostima krajobraza i planiranju budućih krajobraza transdiciplinaran pristup čini najprimjereniji (Antrop, 2003). Kada se odabire transdisciplinaran pristup, vrlo je važno pronaći i međusobno razumljiv oblik komunikacije za sve stručnjake u procesu, kako bi se smanjila mogućnost konflikata proizašlih iz nerazumijevanja (Peréz-Soba, 2004, van Rooij, 2004). Stoga je planerski zadatak istražiti do koje je granice pojedinac, pa tako i društvo spremno prihvatiti zaštitu na štetu razvojnih interesa i obrnuto, te uskladiti oba interesa sa ciljem održivog razvoja (Butula, 2003).

Za razliku od privatnog sektora gdje je jasno postavljen lanac odgovornosti kako za odluke tako i za aktivnosti i implementaciju, planiranje u javnom sektoru vrlo se često suočava s klasičnim primjerom ‘tragedije pašnjaka’[25]- svačiji problem postaje ničiji

[25] Tragedy of the commons (Hardin, 1968) Premisa na osnovu koje Hardin oblikuje načelo jest da promjena društvenih i/ili fizičkih pojavnosti u okolišu nekima donosi korist, dok ih drugi percipiraju kao degradaciju kvaliteta

problem upravo jer je lanac odgovornosti nejasan (Ogilvy i Smith, 2004). Vrijednosni stavovi stručnjaka ne mogu biti u potpunosti objektivni, jer se temelje na vlastitom iskustvu i poimanju vrijednosti (Wherrett i Tan, n.d.), te je stoga važno u obzir uzeti i mišljenje javnosti. Međutim i javnost, odnosno svaki pojedinac u prostoru ima svoju ulogu koju istraživači ne moraju nužno uočiti i znati, a njihov se interes često razlikuje od interesa istraživanja (Van der Berg, 2004). Dionici u prostoru, *stakeholders* ili nositelji interesa, su oni koji mogu djelovati ili biti pogođeni tuđim odlukama (Torkar i McGregor, 2012). No, isti autori daju još jednu kategoriju, a to jest *stakesharers* ili djelitelje interesa, koji označavaju ljude koji dijele ideje, mogućnosti, rizike i rješenja pokušavajući istaknuti njihov zajednički odgovor prilikom suočavanja sa problemom međuodnosa čovjeka i prirode.

Problemi se također mogu pojaviti i u samom postupku sudjelovanja javnosti, a to su uglavnom; nedostatak znanja javnosti o okolišnim pitanjima, neadekvatno razmatranje vrijednosti i preferencija od strane političara, neistraženost mogućnosti za ispravak pogrešaka ili za pronalazak inovativnih rješenja, nepovjerenje javnosti u rješavanje problema i zaštite zdravlja i okoliša, te prevladavanje sukoba kultura (Beierle, 1996). Stoga autor kao moguća rješenja (p. 3) predlaže sljedeće mjere:

- obrazovanje i informiranje javnosti
- uključivanje vrijednosnih stavova javnosti u donošenje odluka
- poboljšanje kvalitete odluka
- povećanje povjerenja u institucije
- smanjivanje konflikta
- postizanje ekonomičnosti

Na isto upućuju i Torkar i McGregor (2012) i naglašavaju da će se znanja, objašnjenja i definicije javnosti mijenjati kada ljudi spoznaju međuodnos dinamike, razvoja i procesa u prostoru. Pitanja i probleme vezane uz krajobraz i prostor koje je potrebno uključiti u proces izrade strategije i donošenje odluka prema Marakow i sur. (2010) su upravo komunikacija i povezivanje različitih područja istraživanja, te dijalog između istraživanja, planiranja i oblikovanja u kombinaciji s povećavanjem svijesti unutar različitih sektora o praktičnoj primjeni krajobraznih istraživanja u procesu donošenja odluka. Stoga je zasigurno edukacija i kontinuirano informiranje javnosti jedan od čimbenika koji može doprinijeti kvalitetnijem planiranju i održivom i društveno prihvatljivom donošenju odluka o prostoru.

Oblici i uloge participativnih postupaka

Participativni postupak je način uspostavljanja veće pravednosti u svijetu a tako prikazan predstavlja univerzalnu vrijednost, te se oslanja na ulazne informacije dionika kako bi se postigla prihvatljiva društvena dobrobit (Barreteau i sur. 2010). U planiranju i upravljanju prostorom, participativni postupci koriste se pretežito kroz razne inicijative poput radionica, fokus grupa, konsenzus konferencija, *'planiranja za stvarno'*, te građanskih vijeća (Blackmore, 2006). Osim navedenih postupaka, u participativne metode ubrajaju se i aktivno učenje, aktivno planiranje, ispitivanje zadovoljstva, lokalni forumi, blogovi, građanske savjetodavne grupe, građanska vijeća, građanski sastanci, društvene procjene, otvoreni paneli, konsenzusno glasovanje, javne tribine, dogovorno mapiranje, dogovorne radionice, delfi ankete, dijalozi, digitalna interaktivna televizija, javni forumi, grafičko snimanje, posredovanje, forumi nacionalnih pitanja, *online* savjetovanja, *online* ankete, procjene participacije, participativno strateško planiranje, radionice scenarija (Andersson i Schmaltz, n.d, Golobič i sur., 2007). Međutim, od navedenih pristupa rijetki se zaista i provode u praksi. Najčešći oblik participacije jest

javna rasprava, gdje javnost ima malu ili nikakvu mogućnost participacije u odlučivanju o prostoru, te se taj oblik više svodi na informiranje javnosti o promjenama koje se namjeravaju provesti. Istraživanja različitih participativnih postupaka ukazuju na njihove uloge u realnoj i općeprihvatljivoj provedbi održivog prostornog razvoja, te će se na njih ukazati u nastavku rada.

Raymond i Brown (2011) proveli su istraživanje zaštitnih mogućnosti na privatnim zemljištima, prostorima visokih ekoloških vrijednosti, pa stoga i visokog prioriteta zaštite kojima upravljaju stanovnici različitih razina uključenosti u provedbu mjera zaštite. Istraživanje je ukazalo na razlike u odnosu između zaštitnog prioriteta i zaštitnog potencijala. Naime, oni stanovnici koji su uključeni u provedbu mjera zaštite u mnogo većoj mjeri uočavaju i iskorištavaju potencijale toga prostora. Sevenant i Antrop (2010) kroz svoje istraživanje dolaze do zaključka da sociokulturne karakteristike sudionika ne utječu strogo na okolišni stav i reagiranje u krajobrazu, te da se građani koji imaju interes spram krajobraza vrlo razlikuju, te stoga donosioci odluka moraju to svakako uzeti u obzir.

U istraživanju koje su proveli Albert i sur. (2012) promatrani su bili mogući ishodi društvenog učenja (*social learning*) u krajobraznom i urbanističkom planiranju. Studija je pokazala da uključivanje javnosti kroz društveno učenje može doprinijeti krajobraznom planiranju sve dok ishodi i djelovanje unapređuju mogućnost utjecaja planiranja na donošenje odluka. Isto tako kroz navedenu studiju se sugerira na oprez, jer se ishodi društvenog učenja u okviru nekih pitanja mogu promijeniti ili čak zaboraviti. Stoga se predlažu mehanizmi za stalnu suradnju i obnavljanje znanja sudionika društvenog učenja.

Fitzsimons i sur. (2012) u svom su istraživanju izradili proces korištenja intrinzičnih vrijednosti zemljišta i mjerenja istih različitim načinima u stvarnom vremenu kao dio javne rasprave kako bi se stvorili scenariji i prihvatile promjene u korištenju zemljišta. U njihovom istraživanju, kao ograničenja koja bi trebala biti savladana, pokazali su se (1) subjektivnost vrijednosti koje se razlikuju na lokalnoj razini te je stoga važno 'lokalno' znanje ključnih osoba u istraživanju, te (2) znanje ključnih osoba u istraživanju kako bi s povjerenjem prihvatili i razumjeli stvarnost ishoda prilikom usklađivanja nasuprotnih namjena zemljišta. Prema tome, izrada mapa koja uključuje i znanje zajednice i donošenje odluka ima potencijal u lokalnom planiranju namjene zemljišta omogućavajući osobno uključivanje ključnih osoba u istraživanju ili povjerenje u vrijednosti i ishode donošenja odluka.
Model sudjelovanja javnosti u donošenju odluka za održivi razvoj povezivanjem višekriterijske procjene i tehnike posrednog modeliranja razvili su Antunes i sur. (2006) kako bi riješili problem preklapanja odgovornosti i pravila različitih sudionika, različitih uloga ali i proturječnih, konfliktnih ciljeva uključenih u proces upravljanja prostorom. Pri tome je višekriterijska metoda (1), iako sama po sebi nedovoljna za održivo usmjeravanje odluka, alat donošenja odluka u onim slučajevima kada postoji veći broj varijanti i potreba za pronalaskom optimizacijskog rješenja obzirom na konfliktnost kriterija, nadopunjavajući okvir za stratešku analizu u kontekstu održivog razvoja (p.45), a posredno modeliranje (2) proces u kojemu sudionici zajednički razvijaju simulacijske modele o određenim problemima, a omogućava rano uključivanje grupa sudionika (p.46). Stoga, autori zaključuju kako se ova metodologija može koristiti za vrednovanje različitih varijanti u odnosu na prihvaćene kriterije, te također za vrednovanje kompromisa između konfliktnih ciljeva i stajališta.

Uključivanje javnosti u početnoj fazi definiranja problema, odabira podataka i kriterija Fitzsimons i sur (2012) smatraju iznimno važnim za postizanje rješenja, jer sudionici zajedno sa stručnjacima kao voditeljima mogu doprinijeti razvoju scenarija, ali i ublažiti moguće konflikte koji bi proizašli iz različitih vrijednosnih stavova. Scenarijima se istražuju učinci planskih odluka koje proizlaze iz modela razvoja, a čijom se usporedbom dobiva uvid u prednosti i nedostatke predloženih određenja razvoja i zaštite prostora (Pegan, 2011). Tako scenariji, koji proizlaze iz zajedničkog promišljanja, mogu odrediti i ukazati na djelovanje različitih aktivnosti u budućnosti, te na taj način utjecati na planerske odluke (Gantar, 2009). Time se smanjuje naknadna mogućnost konflikta između razvoja i zaštite ali se i priprema podloga za stratešku procjenu utjecaja na okoliš koja će već imati implementirane zaštitno okolišne i društvene zahtjeve. Stoga, ako je namjera strateške procjene utjecaja na okoliš da doprinosi održivom razvoju (Golobič i sur., 2007, White i Noble, 2012), potrebno je holistički pristupiti konceptualizaciji održivosti, umjesto, kako navode Pope i sur. (2013) sagledavanja sastavnica održivosti (okolišne, društvene i ekonomske) odvojeno. Krajobrazno planiranje, kojemu je glavni zadatak zaštita krajobraza i održivo korištenje u procesu razvojnih težnji, potrebno je uključiti na svim razinama implementacije koncepta održivosti. Svojim pristupima modeliranju različitih razvojnih scenarija, ono omogućava ostvarivanje onih koji su najpoželjniji i najpogodniji i društvu i prirodi, samim time i očuvanju resursa za ekonomski napredak, ujedno uključujući i praktična sredstva provedbe tih scenarija. Upravo se scenariji koriste kako bi osnažili kritičko razmišljanje o rizicima i odnosima unutar sustava usmjeravajući pažnju na analizu nesigurnosti, pokretače promjena i uzročno posljedične veze koje proizlaze iz potencijalne odluke (Gantar, 2009).

Zaključak

Participativnih metoda i razina uključivanja javnosti ima mnogo. Obzirom da se ne mogu u svim slučajevima koristiti sve metode ukazuje se potreba za istraživanjima pojedinih metoda kako bi se odredile one društveno i okolišno najprihvatljivije i najpogodnije u provedbi održivog prostornog razvoja. To je važno kako bi se odabrala ona metoda kojom bi se uskladili različiti interesi u prostoru, bilo privatni, javni ili sektorski, te stavovi koji proizlaze iz različitih interesa ili pak društvenih, ekonomskih ili kulturnih razlika.

Osim na potrebu uključivanja javnosti u procese donošenja odluka, istraživanja koja su prikazana u ovom radu ukazuju i na uloge i doprinose različitih participativnih pristupa. Ono što je potrebno istaknuti jest važnost uključivanja javnosti već na početku procesa donošenja odluka, posebice tijekom stvaranja i kreiranja kako razvojnih tako i zaštitnih scenarija. Na taj je način moguće unaprijed eliminirati ili ublažiti moguće konflikte koji proizlaze iz različitih vrijednosnih stavova, ali i želja i potreba dionika. Istraživanja su pokazala da (1) stanovnici koji su uključeni u provedbu mjera zaštite u mnogo većoj mjeri uočavaju i iskorištavaju potencijale toga prostora, (2) donosioci odluka u prostoru moraju uzeti u obzir različitost interesnih skupina, (3) uključivanje javnosti kroz društveno učenje (*social learning*) doprinosi krajobraznom planiranju ako ishodi planiranja mogu utjecati na donošenje odluka, (4) znanja ključnih osoba u javnim raspravama doprinose prihvaćanju i razumijevanju ishoda prilikom usklađivanja nasuprotnih namjena zemljišta, (5) višekriterijska metoda doprinosi usklađivanju konfliktnih i nasuprotnih ciljeva sudionika uključenih u proces upravljanja prostorom.

Krajobraz je izrazito važan čimbenik kvalitete čovjekovog životnog okoliša, ali i prostor kojeg dijele pripadnici različitih društvenih skupina. Stoga je važno da se promatra i proučava kao cjelovita prostorna pojava koja se neprestano mijenja pod utjecajem čovjekovog djelovanja u prostoru, najvećim dijelom određenog odlukama u prostorno

planskim dokumentima. Naime svaka odluka o promjeni prostora i aktivnost u prostoru reflektira se i na krajobraz, njegove kvalitete i resurse. Zato je potrebno, a ujedno je i planerski zadatak, istražiti do koje je granice pojedinac, pa tako i društvo spremno prihvatiti zaštitu na štetu razvojnih interesa i obrnuto, te uskladiti oba interesa sa ciljem održivog razvoja. Obzirom da društveni konsenzus o razvoju i zaštiti prostora zapravo predstavlja verificirane prostorno planske odluke, uvažavanje sudjelovanja javnosti u procesu donošenja konsenzusa sa istovremenim povećanjem znanja i informacija svih dionika o problemu i metodama rješavanja problema, može rezultirati boljim prihvaćanjem odluka koje proizađu iz takvog postupka ali i doprinijeti provedbeno i strateški boljom pogodnosti tih odluka za sve dionike u prostoru. Uključivanjem krajobraznog planiranja na sve razine prostornog planiranja to je moguće i postići jer je kroz interpretaciju različitih društvenih zahtjeva i modeliranje različitih razvojnih i zaštitnih scenarija, glavni cilj krajobraznog planiranja upravo zaštita krajobraza i održivo korištenje u prostorno razvojnim procesima.
Takvim pristupom planiranju u prostoru, koji bi uključivao i krajobrazno planiranje, sudjelovanje javnosti u procesu procjene utjecaja na okoliš ili strateške procjene utjecaja na okoliš ne bi ostalo samo na informativnoj razini, s realno malim mogućnostima utjecaja i doprinosa dionika nego bi odluke o prostoru imale već implementirane i društvene i zaštitno okolišne zahtjeve. Na taj bi se način otvorila mogućnost za donošenje odluka koje bi zadovoljile potrebe svih dionika u prostoru istovremeno čuvajući kvalitete krajobraza za buduće generacije.

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Participatory Methods in the Landscape Planning Process

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Abstract

The object of this paper is to point out the importance of public participation in planning process through overview of recent researches, and indicate the participatory methods that can be used as planning instrument in sustainable and socially acceptable spatial decision making. Precisely, landscape planning, as a part of spatial planning, accepts that the public and social component have an important role in spatial and landscape planning and management. Accepting the social consensus on spatial development and conservation with simultaneous increasing of stakeholders' knowledge and information about problems and problem solving methods can reach a better decision acceptance and also better suitability of a decision for all stakeholders.

Key words: landscape, planning, public, participatory methods

Introduction

Spatial planning according to Marinović-Uzelac (2001) is defined as the optimum distribution of people, assets and activities over a territory for the sake of its optimum use. Landscape planning, as an integral part of spatial planning, mainly studies the relationships, impact and interaction of new activities that are set into an area, i.e. the changes caused by these activities and the existing qualities of the landscape. That is why landscape planning includes protective criteria related to the protection of existing cultural and landscape values in the process of making decisions about space. Landscape planning can therefore be considered a planning discipline which provides knowledge about the natural values and incorporates measures for their protection within the frame of spatial planning (Marušič, 1986).

Over the past decades, public participation has become an important factor in determining the management, protection and restoration of the natural or built environment and landscape. Landscape architects and planners, as well as other experts who are interested in landscape, are the ones who respect the role of the public in the activities of planning and space and landscape management. Marušič (2010:43) points out that landscape planners have been developing planning processes aimed at 'interpretation of various social considerations and facilitation of social communication' since the 1960s. Furthermore, Bond et al. (2004), according to Sevenant and Antrop (2010), emphasize that public support can achieve consensus in decision-making.

Because of the development needs, it is important to predict possible consequences for the space and society before making decisions about changes in certain area. Such an approach would prevent permanent loss of resources, and, through integration of protective interest in the development strategies, spatial development could be directed towards sustainability. It is a human right to use technological advances to improve the conditions of life through physical alteration of the landscape, but it is also a social right and duty to protect that landscape (Butula, 2003).

The importance of public participation in planning

Public participation and public involvement in decision-making processes about space and the environment has become important due to increased interest in the topic of sustainable development throughout the world, which in its primary targets, along with environmental and economic benefits, includes social ones. Therefore, any decision on space that calls for sustainable development requires active public involvement in the initial stage (Antunes et al., 2006). Legally, as a consequence of that, public participation has gained additional importance after signing the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters in 1998 in the Danish city of Aarhus (UNECE, 1998). In addition to the Aarhus Convention, it is important to mention the European Landscape Convention (OG - IT 12/02), where keywords were: participation and awareness-raising, i.e. public involvement with the aim of assessing 'public aspirations towards landscape features of their surroundings' (Article 1).
In planning procedures, social values attributed to the landscape or a space must be explicitly stated, because if they stay hidden, the planner will not be able to include them in decision-making (Butula, 2003). Initiation of the public and its participation in the development of possible solutions, either physical or environmental, is important because it is through the process of interaction with the public that planners become aware of the importance of citizens' influence on non-economic value of open space, but also the citizens become aware of the complexity of the decisions that planners must consider in order to optimize their decisions (Balram and Dragičević, 2005). However, the degree and the ability of public influence varies depending on the flow of information (Hjortsø, 2004), and it is important that the public be informed in a timely manner so that it would feel the need to involve itself in the decision-making process through a variety of approaches of collecting and implementing social values and attitudes.
Evaluation, seen as a planning process, is recognition and establishment of human relationship towards landscape (Marušič, 1991). Frondizi (1971) defines the value itself as properties or qualities of objects or buildings which are unique in their characteristics, and states that they do not have real quality in the physical sense, but that they exist and change depending on the interest of a person for an object. The differences in values, i.e. landscape value preferences may be different given the affiliation to different social groups, i.e. their role in landscape (Butula, 2008). In the process of decision making about space management or management of natural resources during public participation, conflict is inevitable due to differences in values, complexity of the issues, implementation of certain policies and uncertainties that occur in the process (Hjortsø, 2004). That is why transdisciplinary approach seems most appropriate for landscape management and planning of future landscapes (Antrop, 2003). When choosing a transdisciplinary approach, it is very important to find a mutually comprehensible form of communication for all the professionals involved in the process in order to minimize the possibility of conflicts arising from misunderstandings (Perez-Soba, 2004, van Rooij, 2004). Therefore, planners' task is to investigate to what limit an individual, and in that way the society as well, is ready to accept protection at the expense of development and vice versa, and focus both interests on sustainable development (Butula, 2003).
Unlike the private sector, where chain of responsibility for decisions as well as activities and implementation is clearly set out, planning in the public sector is very often faced with the classic example of 'Tragedy of the commons'[26]- nobody's problem becomes

[26] Tragedy of the commons (Hardin, 1968) - The premise upon which Hardin shapes this principle is that a change in

everyone's problem precisely because the chain of responsibility is unclear (Ogilvy and Smith, 2004). Attitudes of professionals cannot be completely objective, since they are based on their own experience and understanding of values (Wherrett and Tan, n.d.), and it is therefore important to take public opinion into account. However, the public, i.e. any individual in a space, has its own role that researchers do not necessarily need to perceive and know, and their interests often differ from the interests of the research (Van der Berg, 2004). Stakeholders in the area are the ones who can affect, or can be affected by decisions of others (Torkar and McGregor, 2012). However, the same authors offer another category, and it is stakesharers or interest sharers, who represent people that share ideas, opportunities, risks and solutions trying to emphasize their common response when faced with the problem of the relationship between man and nature.

Problems may also arise in the public participation procedure. They are mainly: lack of public basic knowledge about environmental issues, inadequate consideration of public values and preferences by policymakers, unexplored opportunities to correct mistakes and find innovative solutions, public mistrust in solving problems and in protection of health and the environment, and overcoming culture conflicts (Beierle, 1996:3). Therefore, the author proposes the following measures as possible solutions:

- Educating and informing the public,
- Incorporating public values into decision-making,
- Improving the substantive quality of decisions,
- Increasing trust in institutions,
- Reducing conflict, and
- Achieving cost-effectiveness.

Torkar and McGregor (2012) point out the same and they emphasize that public knowledge, explanations and definitions will change when people realize the interrelationship of dynamics, development and spatial processes. Questions and problems related to landscape and space which need to be included in the process of strategy development and decision-making according to Marakow et al. (2010) are communication and connecting different areas of research, as well as dialogue between research, planning and design combined with the increasing awareness within the various sectors about practical application of landscape research in the decision-making process. Therefore, continuous education and informing the public are certainly factors that can contribute to better planning and sustainable and socially acceptable spatial decision-making.

Forms and functions of participatory processes

The participatory process is a way to establish more justice in the world and is presented as a universal value and relies on input from stakeholders in order to achieve acceptable social wellbeing (Barreteau et al. 2010). In planning and spatial management, participatory processes are used predominantly through various initiatives such as workshops, focus groups, consensus conferences, 'planning for real' and civic councils (Blackmore, 2006). In addition to the methods mentioned above, participatory methods include active learning, active planning, satisfaction surveys, local forums, blogs, citizen advisory groups, civic councils, civic meetings, social assessments, open panels, consensus voting, public forums, mapping agreement, negotiated workshops, Delphi

social and/or physical phenomena in the environment benefits some people, while others perceive them as a degradation of qualities

surveys, dialogues, interactive digital television, public forums, graphic recording, mediation, national issues forums, online counseling, online surveys, estimates of participation, participatory strategic planning, workshop scenarios (Andersson and Schmaltz, n.d., Golobič et al., 2007). However, few of these approaches are actually implemented in practice. The most common form of participation is a public hearing, where the public has little or no possibility of participation in decision-making about the area, and this form is reduced to informing the public about the changes that need to be implemented. Studies of different participatory methods indicate their role in a real and generally acceptable implementation of sustainable development and will be discussed later on.

Raymond and Brown (2011) conducted a study about protective features on private lands, areas of high ecological value, and therefore in need of high-priority protection, which are managed by residents of different levels of involvement in the implementation of protective measures. Research has pointed to the differences between protective priorities and protective potential. Specifically, those residents who are involved in the implementation of protective measures perceive and exploit the potential of the given area to a much greater extent. Sevenant and Antrop (2010) through their research concluded that the socio-cultural characteristics of the participants do not strongly affect environmental attitude and response in the landscape, and that citizens who have an interest towards the landscape are very different. Therefore, policy makers must certainly take that fact into account.

In a study conducted by Albert et al. (2012) possible outcomes of social learning in landscape and urban planning were observed. The study found that public involvement through social learning can contribute to landscape planning as long as the outcomes and actions enhance the ability of planning to influence decision-making. Also, the above study suggests caution, because the outcomes of social learning within some questions may change or even be forgotten. Therefore, the mechanisms for ongoing cooperation and knowledge update for all the participants of social learning are proposed.

Fitzsimons et al. (2012) in their study developed a process using intrinsic values of land and different ways of measuring them in real time as part of public debate in order to create scenarios and accept changes in land use. In their research they discovered limitations that should be overcome: (1) subjectivity of values that differ at the local level which is why 'local' knowledge of key stakeholders in the study is important, and (2) knowledge of key stakeholders in the survey to confidently accept and understand the reality of the outcome when aligning opposing land uses. Thus, the creation of portfolios/charts that include the knowledge of the community as well as decision-making has potential in local land use planning by enabling personal involvement of key stakeholders in the study or confidence in the value and outcomes of decision-making processes.

The model of public participation in decision-making for sustainable development by linking multi-criteria assessment and indirect modelling techniques was developed by Antunes et al. (2006:45-46) because they wanted to solve the problem of overlapping responsibilities with too many actors, many different roles, and sometimes conflicting objectives involved in the management process. Although multi-criteria method (1) by itself is not sufficient for sustainable decision-directing, it is used as a decision making tool in cases where there are a number of variants and needs for finding optimization solutions regarding criteria conflict, and this method is also a complementing

framework for strategic analysis in the context of sustainable development, while indirect modelling (2) is a process in which participants jointly develop simulation models on particular problems, and it enables early involvement of a group of participants. Therefore, the authors conclude that this methodology can be used for evaluating different variants in relation to the accepted criteria, and also for evaluating compromise between the conflicting objectives and views.

Public involvement in the initial stage of defining the problem, selecting data and criteria Fitzsimons et al. (2012) consider extremely important for finding a solution, because all participants, together with professionals as their leaders, can contribute to the development of scenarios, but they can also mitigate potential conflicts resulting from different value positions. Scenarios are used for exploring the effects of planning decisions arising from the development model, and by comparing the scenarios, advantages and disadvantages of proposed guidelines for space development and protection can be provided (Pegan, 2011). Thus scenarios, when they are thought through together, may determine and indicate the effect of different activities in the future, and in that way influence the planning decisions (Gantar, 2009). This reduces the subsequent possibility of conflict between development and conservation, but also prepares the ground for strategic environmental impact assessment, which will already include protective environmental and social requirements. Therefore, if the intent of strategic environmental impact assessment is to contribute to sustainable development (Golobič et al., 2007, White and Noble, 2012), it is necessary to have a holistic approach to conceptualization of sustainability, rather than, as stated by Pope et al. (2013), looking at components of sustainability (environmental, social and economic) separately. Landscape planning, with the main task of landscape protection and sustainable use in the process of development, necessarily needs to be involved on all levels of implementation of the concept of sustainability. With its approaches to modelling of different scenarios, it allows implementation of the scenarios which are the most desirable and the most suitable to society and nature, thus preserving resources for economic development while including the practical means of implementing these scenarios. Scenarios are used in order to strengthen critical thinking about the risks and the relationships within the system by focusing attention on the uncertainty analysis, drivers of the changes and cause-and-effect relationships arising from the potential decision (Gantar, 2009).

Conclusion

There are many participatory methods and levels of public involvement. Since all methods cannot be used in all cases there is a need to investigate particular methods to determine the ones that are socially and environmentally acceptable and most convenient in the implementation of sustainable development. It is important to choose a method which harmonizes different interests in a space, either private, public or sectorial, and attitudes that stem from different interests or social, economic or cultural differences.

In addition to the need for public involvement in decision-making processes, studies that are presented in this paper indicate the roles and contributions of different participatory approaches. The importance of involving the public early in the decision-making process should be highlighted, especially during the creation of developmental and protective scenarios. In this way it is possible to eliminate or mitigate in advance the possible conflicts arising from different value positions, but also the desires and needs of stakeholders. Studies have shown that (1) the residents involved in the implementation of protective measures perceive and exploit the potential of the area to a

much greater extent, (2) the decision-makers in the area must take into account the diversity of interest groups, (3) involving the public through social learning contributes to landscape planning if planning outcomes can influence decision-making, (4) knowledge of key figures in public debates contributes to the acceptance and understanding of outcomes in aligning opposing land uses, (5) multi-criteria method contributes to the harmonization of conflicting and opposing goals of those involved in the process of space management.

Landscape is an extremely important quality factor in the human environment, and so is the space shared by members of different social groups. Therefore, it is important to observe and study it as a complete spatial phenomenon that is constantly changing under the influence of human activities in a space, mainly set by certain decisions from the spatial planning documents. In fact, any decision about changing a space and activity in the area is reflected on the landscape, its quality and resources. Therefore it is necessary, and is also the planners' task, to explore the limits to which the individual and the society is willing to accept protection at the expense of developmental interests and vice versa, and align both interests with the goal of sustainable development. Given the fact that social consensus on the development and protection of space actually represents verified space planning decisions, respecting public participation in the process of reaching a consensus, along with simultaneously increasing all stakeholders' knowledge and information about the problem and about the methods of solving it, this can result in better acceptance of decisions arising from such proceedings, as well as contribute to those decisions being more beneficial in terms of implementation and strategy for all stakeholders in that space. It is possible to achieve this by including landscape planning into all levels of spatial planning because the main aim of landscape planning is protection of the landscape and sustainable use in spatial and developmental processes through interpretation of various social requirements and modelling different developmental and protection scenarios.
Such an approach in space planning, which would include landscape planning, public participation in environmental impact assessment or strategic environmental assessment, would not remain merely informative, with hardly any stakeholders' influence and contribution; instead, in decisions about space, social and environmental protection requirements would already be implemented. This would open up an opportunity to make decisions that would meet the needs of all stakeholders in a space and at the same time it would preserve the quality of the landscape for future generations.

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Inclusion of Public and Concerned Public in Environmental Protection Affairs

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Abstract

A few recent decades brought substantial changes in the field of environmental protection. Rising environmental protection awareness significantly increased the number of parties involved in the decision-making process, while provisions of the Aarhus Convention considerably raised the possibilities of inclusion of broader public into the environmental protection informing and decision making process. Various non-government organizations (NGOs) and other civil society instances ("concerned public", as defined by the Convention) as well as individuals active in the environmental protection field make continuous efforts to enhance their influence in the decision making process, greatly aided by the media and lame persons, and appreciably influence the creation of general public's opinion which is often based on superficial, incomplete or misinterpreted facts.

The article shortly analyses three practical cases and describes general trends in the environmental protection field, presenting the current state of the art regarding the conflict management, policy framing and decision-making process.

Key words: environmental policy, environmental NGOs, policy framing, inclusion of public, the media

Introduction

The Croatian environmental protection field is becoming ever more complex and comprehensive, especially after the admission to the European Union (EU) that took place on July 1st 2013. Pursuant to the Aarhus Convention[27] from June 1998, which was ratified by the Croatian Parliament in December 2007, provisions of the Convention were incorporated in Croatian legislation in various documents, namely the most important - The Freedom of Information Act from February 2013 which formally enabled the inclusion of public and public concerned (P&PC) in the policy formulation process. The involvement of P&PC was regulated within the separate chapter of the Environmental Protection Act (Official Gazette 080/2013), and in more detail by its bylaw, the Regulation on Information and Participation of the Public and Public Concerned in Environmental Matters (OG 064/2008). The specificity of P&PC, regarded as a coalition group within the policy framing process, is a high level of interest in the environmental problems, general lack of scientific scrutiny and arguments as well as attraction of high media attention. The media's interest in the matter is more often than not sensationalism at the expense of professionalism, meaning that they will

[27] Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. Aarhus, Denmark, 1998.

more likely present the attitudes of the group which would attract major public attention.

It is always tricky and inconvenient to judge on someone's expression of opinions and attitudes, especially regarding the basic democratic right of every party, individual or group to make stand in the policy formulation arena and act for protection of their attitudes originated from core beliefs and framed in a specific policy subsystem. But, eventually, the purpose of this article is not to question someone's right to participate in the policy formulation process but rather to question and criticise the manner in which a certain coalition group's attitude and opinion is pursued in the policy and decision making process. In a legal state such as Croatia, the democratic process assumes acting through legitimately elected political representatives whose activity should result in the enactment of regulatory instruments (laws and bylaws) but also the civil society organizations whose purpose is to serve as corrective parameter in this process, pointing to contingent omissions and facts which were (deliberately or not) excluded from the process and which are considered relevant by these stakeholders. In a policy subsystem, all coalition groups are striving to influence governmental authorities' decisions through strategies developed and originated from their attitudes. Governmental decisions set institutional rules and resource allocations which create a different environment, again a subject to change by the very same, circular process (Picture 1: policy subsystem scheme).

The purpose of this article is to describe, by a short analysis of three practical cases (two environmental impact assessment procedures and one dispute over a legal decision of an authoritative body) that the attitudes formed by the concerned public coalition groups are often based on prejudice due to insufficient communication and late inclusion in the process, which often results in lack of scrutiny and argumentation. This tendency's negative influence on environmental policy is still highly underestimated by the scientific and expert community and the main intention of this article is to serve as incentive for policy researchers and social scientists to conduct further research and investigations on this matter, thus mitigating the differences among coalition groups and providing successful conflict management framework.

Methodological framework

For the purpose of this article, the Advocacy Coalition Framework (ACF) was used as a base methodology for data interpretation of various sources of information (interviews, Internet articles, public hearings etc.).

The ACF is a policymaking framework conceived by Sabatier and Jenkins-Smith (Sabatier and Jenkins-Smith 1988, 1993, 1999) [1] in the beginning of the 90s. Its base purpose was to understand and explain systems and beliefs which influence the policy formulation process when there is a substantial amount of goal disagreement which involves various interest groups with often conflictual, even opposing interests. These groups mostly include multiple levels of government, interest groups, research institutions and the media (Hoppe and Peterse 1993) [2]. Although most frequently used in energy and environmental policy issues, it has recently spread to other fields as well.

The structure of an ACF is shown in Figure 1.

The ACF comprises of:

Relatively stable parameters - societal background which remains stable over long periods (approximately 100 years or more). These include basic attributes of the problem area, basic distribution of natural resources, fundamental socio-cultural values and social structure and basic constitutional structure. Because of their resistance to change, these parameters are usually not strategically targeted by policy participants (Sabatier and Jenkins-Smith 1993; 1999) [3].

Policy subsystem - it is defined by its territorial boundaries, a substantive topic and hundreds of policy participants ("stakeholders") from all levels of government, multiple interest groups, the media and research institutions. *Policy brokers* are individuals/institutions who sometimes assume an intermediary role among various coalition groups. Such brokers are usually elected officials or some other entity which is trusted by all sides and has to have a certain amount of decision making authority (e.g. director of a planning agency). Sometimes, a facilitator is hired from outside the policy subsystem to act as a policy broker (Sabatier and Jenkins-Smith 1999) [4].

Resources - ACF assumes that individuals employ a variety of resources that enable them to develop strategies to influence policy. These resources include formal legal authority to make decisions, public opinion, information, mobilizable troops, financial resources and skilful leadership (Sabatier and Weible 2005) [5].

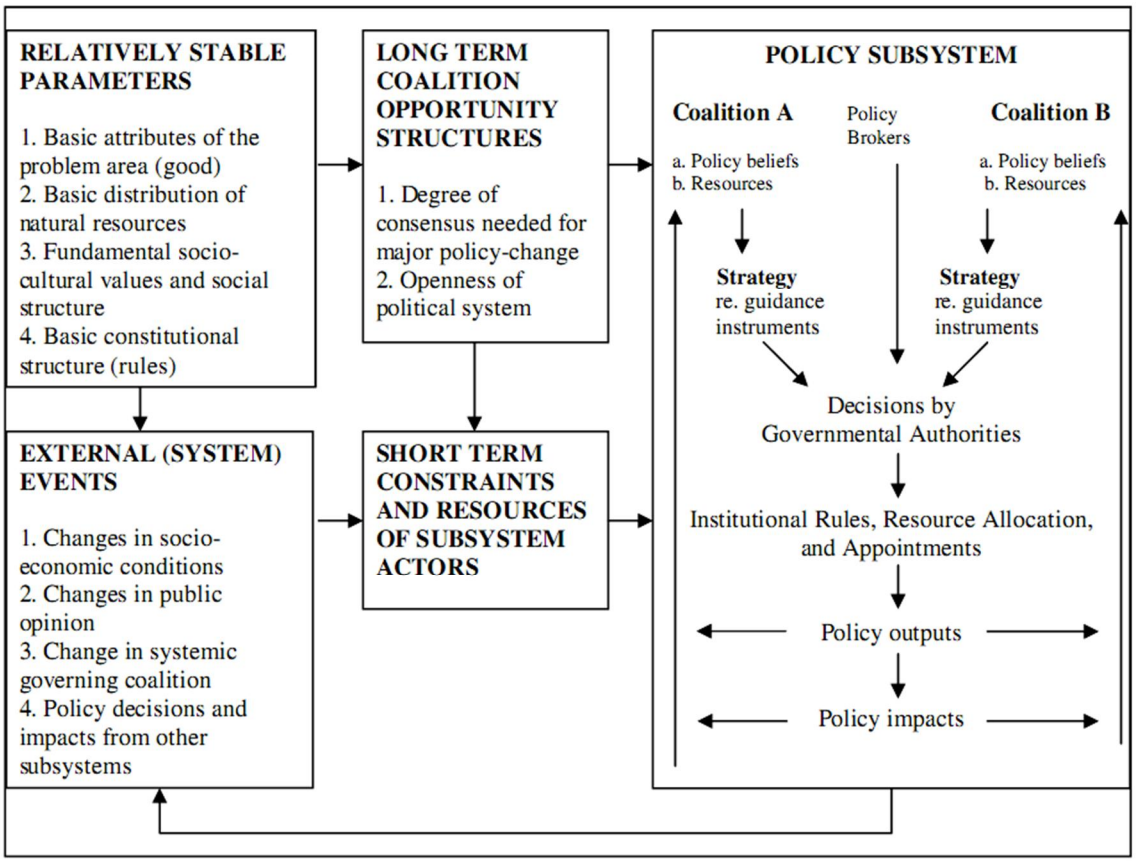

Figure 1. ACF diagram (Source: Sabatier & Weible, 2007, p. 202) [6]

Venues are potential arenas within which stakeholders have the opportunity to influence beliefs or policy. These venues include state legislatures, courts, agency rulemaking, the media etc.

External systems (events) - this part of the scheme considers all sorts of external factors which can influence beliefs and, subsequently, the policy. Such external systems could be major socioeconomic changes (Eisner 1993) [7], changes in public opinion, changes in the systematic governing coalition or policy decisions and impacts from other

subsystems. External events are important because they often shift public attention (and thus resources) toward or away a policy subsystem (Weible and Sabatier, 2006) [8].

The ACF assumes that the individuals have a three-tiered hierarchical beliefs system. On top of this system are ***deep core beliefs*** - normative, fundamental beliefs that span multiple policy-subsystems, are deeply rooted within an individual's psyche and are very resistant to change. The mid-tier are ***policy core beliefs***, normative/empirical beliefs that span an entire policy subsystem. These beliefs are still resistant to change, but more pliable than deep core beliefs. The third tier is ***secondary beliefs***, empirical beliefs and preferences that relate to a subcomponent of a policy subsystem. These beliefs include participant's preferences for specific tools in reaching specific objectives, or their perception of problems in specific locales. Secondary beliefs are the most susceptible to change in response to new information and events (Sabatier and Jenkins-Smith, 1999) [9].

In its essence, the advocacy coalition framework is a method used by interest groups for the pursuance of their interests which will eventually be formulated into a binding public policy (i.e. laws and bylaws). Although being criticised by some scholars for its conceptual inconsistencies and anomalies due to its difficulties in application to all situations, for example in cases where the coalition groups are not salient enough or not clearly defined, it is still considered to be one of the more useful public policy frameworks (Schlager 1995, Schlager and Blomquist 1996, Johns 2003) [10], [11], [12].

Case Analysis

Due to the lack of data and insufficiency of accurate information which would anyhow be biased regarding the subject and nature of the matter, only the procedural aspects of the conflict resolution process (Walker and Daniels, 1997) [13] will be observed in the following cases. The accent was not put to what has been discussed and disputed, but rather to how it has been done, due to data insufficiency and lack of resources for the implementation of more elaborate and thorough research.

***Case 1**:* *Rockwool factory case in Istria*

Rock wool factory Rockwool was built in the vicinity of Potpićan settlement, in Pićan municipality, after the environmental impact assessment (EIA) for the intervention has been approved and all needed documentation acquired. The environmental - health protection coalition group initiative which is strongly opposing to the construction of the factory on the current location emerged concurrently with the initial announcements of construction, but did not take immediate action in the debate - thus, the EIA has undergone all legally prescribed procedure (evaluation by the Committee officially appointed by the Ministry, public hearing and one-month public insight period) prior to the beginning of construction works and was written in concordance with the legal prescriptions at the time. It wasn't before the factory was built that major struggle emerged regarding the factory's alleged health impact to the local population and the surrounding environment.

Two coalition groups were formed in this matter on the basis of converging interests: the pro-development, pro-factory coalition group which comprises of the investor, EIA consultant and the public authority. This coalition groups strategy and guidance instruments were based on formal regulations on the EIA procedure, while resources were obtained solely by the investor. The opposing group consists mainly of the local

population, some instances of local self-government and various green NGOs. This group's strategy was based on raising environmental awareness of the local population and local government, protests and extensive use of media attention. No substantial resources for the implementation of this strategy were required, since it consists merely of political pressure and media presence. The first coalition group is trying to influence the authorities via regular, normative legislative framework (which would eventually result in obtaining the EIA Decision), while the second coalition group uses public involvement instruments of the civil society (complaints from the public hearing, media attention, protesting).

Coalition group 1

The first coalition group is formed of investors and professionals (EIA experts) and partly the public environmental administration, although their role is supposed to be more of a policy broker than member of a coalition group. Nevertheless, the fact that they have issued the Decision on acceptability of intervention for the environment (severely disputed by the opposing group) labels them as a member of this coalition group.

At the later stage of the process, public administration (the Ministry) assumed the intermediary (policy broker) role, because most of the public complaints and other papers from both sides were officially filed through the Ministry. This role was not, however, an active one since no major achievements have been reached. In the beginning of the dispute process, the investor stated that during the visibility event (presentation of the factory) in August 2008 400 people were present, of which none were the NGOs and green NGOs representatives [14]. On that occasion, independent experts explained how factory complies with all regulations regarding the environmental protection and that there will be no adverse effects to human health or the environment. They did, however, admit that occasional occurrence of unpleasant odours from the factory caused by H_2S emissions is possible, which later turned out to be the major dispute issue in the conflict management process.

Coalition group 2

Much less formal, this group comprises mainly of the local population, some instances of local government, regional green NGOs (Zelena Istra, Eko-Kvarner) as well as some green political parties (Zelena stranka), and pro-active individuals from various institutions or acting independently who claimed the positions of environmental saviours [15]. Some of these NGOs ("Naša zemlja") were even founded with the sole purpose of shutting down the factory. The environmental coalition's group main objections were that there is an increased amount of thallium in the surrounding soil (assumed to be generated by the factory, although none of the materials used in the production process contains thallium), formaldehyde and dehydrogenate-sulphur which causes bad odours and inconvenience for the local population. Strategy of this coalition group was based on the formal (public hearing procedure) and informal (protests, media appearance) instruments of P&PC participation.

The Conflict

The dispute mostly consisted of attacks of the second coalition group aimed towards the first coalition group (the investor) who assumed defensive position and even won a lawsuit against the leader of a green political party [16] and also threatened to file

another for slander [17], while other group members (EIA consultant) launched a disclaimer on the accusations [18]. The dispute escalated with the alleged planned attack of green activists on the factory, a case which was reported to the police. Major conflict escalation, most probably, happened during the public debate on the increased amounts of thallium in the surrounding soil that took place in the Kukurini village on 31st March 2011 [19]. The debate was attended by two experts, PhD Viktor Simončić, an independent environmental expert, and PhD Franjo Plavšić, a toxicologist. These two experts attended the debate with the purpose of informing and explaining to the concerned public that their assumptions are biased by the lack of relevant information and increased panic, but they were greeted with suspicion, insults and general disbelief. After three hours, the experts left the meeting due to non-existing conditions for proper communication.

Within the ACF framework, re-opening of the factory after it has been shut down by the environmental inspection is the end of the first policy framing cycle within the given policy subsystem. The second cycle of the process with only slightly changed inputs starts with another point of dispute, the public insight on the integrated pollution prevention control (IPPC) elaborate. Complaints from the local population resulted in the repetition of the public debate. The first public debate took place on 12th December 2012 and another on 21st February 2013. Both of these public debates passed in a very emotional atmosphere where, only occasionally, conditions for solid and civilized communication were reached: Second coalition group applied the more assertive, even aggressive strategy which consisted of accusations and sometimes even insults (source: interview with the Consultant's employee who presented the IPPC procedure). At this stage, the conflict reached the point at which no progress could have been achieved due to communicational insufficiencies, i.e. short term constraints (as defined by the ACF framework) were too high an obstacle for the continuation of the policy framing process. It has to be stated, however, that the atmosphere on the second public insight was much less tense and certain level of communication was achieved, meaning that the policy framing cycle was restarted and certain changes in the attitudes of the second coalition group did happen.

Comment

Regarding merely the procedural aspect of the process, it is evident that the 2nd coalition group wasn't formed in the initial stage but afterwards, since none of the green NGOs members didn't appear on the visibility event organized by the Investor in August 2008. Expert arguments and compliance with all legal requirements on the one side confront more subjective and informal beliefs (attitudes) on another, but also in some cases solid argumentation on omissions, discrepancies and failures of the 1st coalition group (http://www.smilovic.bloger.index.hr/). Environmentalists group has, however, proven to be a weaker opponent in this conflict (loss of lawsuit, accusations of slender, pressure from the European Commission for the continuation of operations after the factory has been shut down by the Environmental Inspection [20]). The factory is nowadays fully operational and there are no signs that this will change in near future, but the policy framing cycle is pending. The main question is would this situation have been better for the second group if immediate policy framing strategies were applied in the initial phase of the process, thus influencing the authoritative body's decision (policy outputs).

***Case 2**: Windbreak from 2004 in the High Tatras National Park, Slovakia*

This case tells about an almost epic, never-ending conflict between foresters and nature protectors which are a long-term coalition groups whose attitudes are based on opposing core beliefs on nature protection (active vs. passive). The windbreak in High Tatras National Park (TANAP) from 2004 caused rooting out of more than 2 million m^3 of wood on an area of 8.737 hectares. Despite the taking of immediate measures by the State Forest Company TANAP for rejuvenation of forests and rehabilitation of the damaged area, the Ministry of Environment ordered to withhold 163.000 m^3 of logs on the site and additional 419.000 m^3 of wood to be left on the site as biomass [21]. This decision caused tremendous progradation of bark beetle population and additional calamity on 7.000 hectares which accounts for almost half of the NP territory. Although the two valleys are situated in the highest protection zone of the NP where no anthropogenic activities are allowed, except for walking on marked pathways, the issue was whether the surrounding area, which comprises a lower level of conservation, should be protected from the progradation of bark beetle. This, of course, could only have been achieved by extracting all fallen timber from the site. Additional increased potential danger, as claimed by the foresters' coalition group, consisted of forest fires and floods due to blockage of access roads with fallen timber. Case of the High Tatras windbreak is an interesting precedent where measures in the highest protection area would have to be taken in order to protect the surrounding area with a lower level of protection. The foresters' coalition group engaged the instrument of official request to the Ministry of Environment, while the environmentalists' coalition group acted immediately by an appeal to the Remonstrance Commission (both parts of the governmental authorities), thus preventing the change of institutional rules (timber extraction) and steering the policy framing cycle in an opposite direction.

Coalition group 1

The first coalition group consists of their most powerful member, the State Forest TANAP Company (Štátne lesy TANAPu) in charge of forest management on the territory of High Tatras NP. Another important group member are the private forest owners who would suffer heavy financial losses if timber was to be left in the forest, since no reimbursement mechanisms exist or are hardly applicable. The third member of this coalition group are local communities who are gravely endangered with the increased possibility of forest fires and floods, as well as trafficking difficulties caused by road blockage from fallen timber. This group's goal is based on expert foresters' stand that all fallen wood has to be removed from the windbreak affected area, major reason being the prevention of inevitable subsequent bark beetle calamity. The primary goal of this coalition group is to preserve remaining forest and regenerate devastated area as soon as possible which, strangely, to a great extent concurs with the second coalition group's goal - to preserve and save forests and forest habitat.

Coalition group 2

The second coalition group comprises of nature conservation NGOs whose attitudes were later supported by the Ministry of Environment and, allegedly, even the European Commission (EC). This coalition group's general attitude is that protected areas should be left untouched, i.e. that no human intervention is wanted in nature's affairs (since windbreak was, after all, a natural phenomenon). They sharply criticized the steps taken by the Slovak government to regenerate the area, stressing that sensitive nature of the area has not been taken into consideration and claiming that such practice will seriously

damage the ecosystem [22]. In support of their claims, Juraj Lukáč, head of the VLK NGO stressed that logging of the entire area would greatly damage the soil and expose it to harsh sunlight, thus drying it up and providing conditions for the emergence of forest fires [23]. Mrs. Ľubica Trubíniová, coordinator of the "Nase Tatry" NGO stated that massive logging is not allowed in the national park, especially in valuable areas such as Tichá and Kôprová valleys. She states that in some cases even the park authority was not informed about the logging, and argues over the opposing party's claims that one of the reasons for logging is flood prevention since there is no risk of floods in the area, also claiming that fire prevention arguments for logging of felled trees are fairly fictional, because removing of felled trees will only increase the risk of fires [24]. The ultimate goal of this coalition group is also to conserve and save forests and is, almost entirely, based on the core belief of non-interference in nature's affairs.

Conflict

The case of High Tatras wood harvesting dispute is an interesting example of clearly defined coalition groups which are both striving to achieve their interests by various means, and where the more powerful party won. Public participation played a very important role here and, most probably, had significant impact on the final decision. It reached its peak in organized access blockage by Greenpeace activists after the initial decision for extraction of residual timber was approved [25].

The dispute started when the Forest State company filed a request for timber removal after the windbreak in 2004 to the Ministry of Environment. The request was approved in the initial procedure, justified by the argument of inevitable progradation of bark beetle which would result in additional calamity on the surrounding area (lower protection level). The decision was not definite in the first instance, since the environmental NGOs (second coalition group) were excluded from this process. They filed an appeal to the Remonstrance Commission which finally resulted with the rejection of the initial request and banning of residual timber logging [26]. The forestry sector responded with a lawsuit against the former Minister of Environment which is pending.

The forestry coalition group claims that the bark beetle calamity eventually took place in 2007 and destroyed additional 7.000 hectares of forests. In their opinion, the state of forests regeneration is much better on areas where the intervention took place than on those were no intervention was allowed. External influence in the form of the EC's involvement[28] probably influenced the policy outputs in favour of the second coalition group.

It is evident that, since both sides claim the same goals, this is a matter of opposing policy core beliefs which could be altered, maybe even harmonized, if proper policy framing strategies were applied. The dispute, at a later stage, escalated to a very high level. The conflict management process continues with the agreement of both sectors' ministers on cooperation in harmonizing the two laws (Forestry Act and the Nature Protection Act), which is an interesting example where governmental authorities engage actively in the process, assuming the roles of members of coalition groups instead of policy brokers. Of course, since this is the issue of opposing core beliefs, the conflict

[28] The article (endnote [26]) states that the EC has acted on behalf of the environmentalists stating that both valleys are within the Natura 2000 network and as such subject to the Habitats Directive, connecting it with the principle on self-renewal of nature and policy of non-interference. Such policy is not, however, mentioned in any part of the Directive - on the contrary, the importance on taking all necessary measures for protection of species and habitats as well as human health and safety is stressed in several places.

can only be managed, not resolved. Major source of conflict in this issue is a large variety of stakeholders on the area of dispute, as well as overlapping of jurisdictions over the same area (State Forests of TANAP and the TANAP Management), which even have separate research centres and stations.

If coalition groups stakeholders' roles were more clearly defined, with specifically determined territorial and legislative jurisdictions, the conflict would most probably not have escalated to such a high level and effective policy framing process would have been established.

The more powerful coalition group ("public concerned", as defined by the Aarhus Convention) clearly won in the first cycle of this dispute - the second cycle has started with the first coalition group's lawsuit against the former minister of environment and is pending.

Case 3: *Good practice example: The New Port of Sisak EIA process*

The EIA procedure for the intervention of constructing the new Port of Sisak shall be described as a good practice example, since it was the consultant's decision to include P&PC at the earliest stage of the process. Although the right of access to information on the environment to P&PC is stipulated by the Aarhus Convention and, as such, is a part of Croatian legal framework[29], the approach of early inclusion of P&PC in the EIA process is not yet adopted on a large scale - according to the Regulation on Information and Participation of the Public and Public Concerned in Environmental Matters, P&PC is involved in the process only after the EIA study is submitted to the authoritative body - none of the acts which are currently in force (Environmental Protection Act, Regulation on Environmental Impact Assessment and Regulation on Information and Participation of the Public and Public Concerned in Environmental Matters) doesn't stipulate a mandatory inclusion of P&PC in the early stage of the EIA process.

Since the process is at its earliest stage (preliminary solution of the port and EIA study are currently under preparation), it would be too pretentious to discuss coalition groups from the ACF perspective. Instead, the accent shall be put to the EIA procedure which, at some point, includes participation of a variety of stakeholders.

The intervention of construction of the new Port of Sisak assumes expropriation of almost 400 hectares of arable land and phase construction of the new port with surrounding economic zone, which will gradually spread towards south and southeast. The main future point of dispute will, without any doubt, be the village of Crnac which is situated near the west boundaries of the intervention area. By construction of the port, the village will be in a very unfavourable situation: it is already surrounded with a huge oil terminal from southwest, on the other bank of the river at the distance of about 700 metres there is an existing landfill, waste water collector and treatment facility is envisaged near the western side of the village and after the construction of the port close to its eastern end it will be surrounded by a variety of facilities with a high cumulative adverse impact to their environment and population's health.

It was the Consultant's decision to include the concerned public at the earliest stage (EIA study preparation has just started in that period) and organize the meeting with green NGOs and local administration (town of Sisak and Sisačko-moslavačka County) representatives, which took place on 30th January 2013. Although it failed at its initial

[29] Pursuant to Article 140 of the Croatian Constitution.

goal (to summon the green NGOs from the neighbourhood and introduce them to the project), the meeting was fruitful since an abundance of valuable information was retrieved, one of which being the Crnac settlement issue.

Based on the requirement of the representative of Croatian Central Financing & Contracting Agency, which is one of the main parties in the project, the same meeting (i.e. with more or less same people invited) was organized for the same interest groups on 14th March. Again, the response rate was almost zero, but the meeting was attended by the head of Crnac Local Committee which led to the organization of the third meeting, the meeting which took place in Crnac on 25th April and was intended solely for the local population, i.e. the settlements in the vicinity of the intervention. Unlike the previous meetings, the response rate was very high. All settlements' officials showed up, followed by a large number of inhabitants. At this meeting, many important environmental issues were raised and questions asked which would not have been otherwise brought to attention but at too late a stage of the process, which could greatly jeopardize the whole endeavour.

The procedure and, most probably, forming of coalition groups is pending.

Conclusions and Debate

The three cases present inclusion of P&PC from various aspects of the conflict management process and forming of coalition groups in the policy framing arena with a special emphasis on public concerned. Deeper insight into the process shows that environmental disputes between (or among) various coalition groups tend to escalate in time, which drags the issue further away from successful solution towards the hostilities. Since environmental issues are too broad and complex, stretching over manifold components of space and time, it is evident that conflicts cannot be easily solved and that proper conflict management techniques are the only eligible way to deal with the issue [27]. In this case, this includes education, broader and more assertive informing of the P&PC and early inclusion in the process. The first case (Rockwool factory) shows that this is not so easy to achieve since the opposing coalition group, i.e. some parts of the concerned public (NGOs) do not show immediate interest in the matter. It is very hard to achieve proper communication and cooperation once the situation gets out of hands - in case of the Rockwool factory dispute, the conflict management process would probably have been conducted properly if this component of the concerned public coalition group was involved from the very beginning although, of course, core beliefs most likely would not have been changed.

The case of High Tatras windbreak presents a situation which has its similarities (not including the P&PC from the very beginning) but also differences (distribution of power) in comparison to the Rockwool case. The non-inclusion of concerned public in the policy framing process and, subsequently, influencing the governmental authorities' decisions caused additional fury and frustrations which to a certain extent influenced the second coalition group's behaviour which resulted in the appeal and steering of the policy framing process (change of institutional rules - banning of timber logging) in an opposite direction. Although this case is still pending, this is a clear example of win-lose situation due to inappropriate strategies applied (decision of non-inclusion of P&PC in the process). Another flaw of the applied strategies is that a variety of attitudes of secondary parties (stakeholders) have not been taken into account (private forest owners, local population), which will most probably trigger the repetition of the policy framing cycle until adequate strategies are applied.

In case of the new port of Sisak construction, different approach was used: P&PC was involved in the process from the very beginning. Even at this, very early stage (the process is pending) it is obvious that there are great benefits from such approach for both groups (although the groups are not yet fully defined). First of all, unofficial meetings pointed out to the important aspects of the problem which would otherwise remain hidden, or at least remain hidden until too late to handle them properly. The information achieved on the initial meetings lead to setting up of a meeting where the core problem was addressed - the meeting with the inhabitants of the Crnac settlement which, as already mentioned, brought up many issues, concerns and problems connected to the project which would otherwise remain hidden or even be obliterated. Although this does not mean that their problems will be resolved or in some other way immediately dealt with, this meeting had a great psychological positive effect because people finally had the feeling that someone is taking into account their opinions and concerns, which lays down sound foundations for the future conflict management process which will inevitably follow at the later stage of the project. Another, major benefit of such approach is that the whole process could be stopped and completely re-designed or altered if it proves to be too high a problem for the surrounding community, which would be very hard or even impossible to do at a later stage.

This approach, although slightly increases the costs in time and money, has manifold positive effects for the EIA process (or any other environmental issues process where P&PC should be involved, no matter if legally prescribed or not). As mentioned earlier, the P&PC is, in most cases, not an expert group and could be easily mislead in the forming of their attitudes. These attitudes get harder and more difficult to deal with if no immediate actions were taken, namely arguments supported debates from the very beginning which will not only show the P&PC that their opinions and interests are being taken into account, but also influence the creation of these attitudes with scientific justification, arguments and sound expert judgements.

All parties, i.e. all coalition groups would greatly benefit from such approach.

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A Survey of Public Participation in Environmental Impact Assessment Procedures in Međimurje County

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Abstract

Environmental impact assessment is a procedure of assessing possible significant impacts proposed by environmental intervention, or establishing possible direct and indirect impacts of environmental interventions on soil, water, sea, air, forests, climate, people, wildlife, landscape, material assets, and cultural heritage, taking into account interrelations between them.

One of the fundamental rights in democratic societies is the right of the public to be informed, to comment on, and to participate in making decisions about issues which directly influence the quality of their lives. Public participation is any process by which citizens influence public decisions concerning their and their fellow townspeople's lives. The paper gives a survey of public participation in environmental impact assessment procedures in the period between 2001 and 2012, a survey of problems connected with public participation in environmental impact assessment procedures based on observation upon conducting the procedures in the county, managing the procedure in order to enable an adequate process of public participation, and meeting the standards recommended by international organizations.

Public participation in environmental impact assessment procedure is extremely important. The local community is familiar with the scope of the action which is the subject of assessment, and can provide important information often unfamiliar to authorities responsible for conducting environmental impact assessment procedure.

Key words: environmental impact assessment, public participation

Environmental impact assessment

Pursuant to the Environmental Protection Act assessment of the environmental impact of environmental interventions is a procedure of assessing possible significant impacts of the proposed environmental interventions, or establishing possible direct and indirect impacts of environmental interventions on soil, water, sea, air, forests, climate, people, wildlife, landscape, material assets, and cultural heritage, taking into account interrelations between them. The Environmental Protection Act defines “an intervention in the environment“ as a temporary or permanent human activity which could have an impact on the environment, and which requires obtaining a suitable permission for its implementation. The procedure of assessing the impact of environmental actions is carried out on request of the developer, on the basis of the environmental impact study encompassing all the necessary information, documentation, explanations and descriptions, both textual and graphical, a proposition of the action's acceptability assessment, environmental protection measures, and (where necessary) a programme of

monitoring the state of the environment. The purpose of environmental impact assessment is to keep these impacts of interventions to a minimum by harmonizing and adjusting the intended action with the possibilities of the environment in a particular area. That is why the procedure of environmental impact assessment is done in the planning stage of an action, as part of the preparation of the intended action. The procedure of environmental impact assessment has to be done before issuing a location permit for implementing the action or any other permission for an action which does not necessarily require issuing a location permit.

The purpose of this paper is to give relevant information regarding public participation in the environmental impact assessment procedures in Međimurje County in the period of 12 years, with an emphasis on the public response to the process, in accordance with the principles and formal requirements of Croatian law.

The public and public bodies

Access to information about environment implies the relationship between the two main participants - "*the public*" on the one hand, and "*public bodies*" on the other. The Environmental Protection Act defines "*the public*" as one or more physical persons or legal entities, their groups, associations and organizations pursuant to specific regulations and practice. The term "*public bodies*" includes a government body, local and regional government bodies, and legal entities with public authorities engaged in activities related to the environment. The Environmental Protection Act stipulates that the public has the right to participate and in several articles it regulates timely and effective public participation in the following procedures:

- a strategic environmental impact assessment,
- an environmental impact assessment,
- procedures for establishing unified conditions of environmental protection,
- procedures for preparing laws and implementing regulations as well as other generally applicable legally binding rules within jurisdiction of public bodies, and
- expressing opinions, raising objections, and making suggestions for other draft plans and programmes concerning the environment, for which there is no necessity of strategic environmental impact assessment.

Public participation in the environmental impact assessment procedures

Public participation is a process by which citizens influence public decisions concerning their and their fellow-townspeople lives. The objectives of including the public in the decision-making processes are:

- gathering information on public needs, interests, attitudes and expectations,
- expanding the range of ideas with the intention of perceiving possible alternative solutions,
- gathering additional information which can contribute to the quality of documents, i.e.
- public policies in the process of their enactment,
- informing the public about the forthcoming activities that can have an impact on them.

In 2002. The World Health Organization developed a couple of arguments for the importance of the participation process, from the point of view of citizens and professionals, as shown in *Table 1*.

Table 1. The importance of participation process

Why is participation process important?	
Citizens' arguments	**Professionals' arguments**
We have the right to talk about decisions that influence our lives	Community participation can help us to direct resources more effectively
We know more about the place where we live, what is and will be best for us than people who work for big organizations	Citizens' participation in planning and providing services enables them to become more sensible and have better understanding of certain decisions
We have had enough of being asked by politicians and civil servants about our opinions which are then disregarded. We want to be actively involved in decision-making	The way in which community participation takes place can help in developing skills, competencies and abilities within the community
Everyone can contribute and our ideas and attitudes are as valid as any other	Community participation in decision-making process will result in better solutions, which in turn will be more sustainable because they are the property of the citizens themselves
	Public participation is a way of extending the democratic process
	Public participation offers new opportunities for creative thinking, innovative planning and development

The way of informing the public

The Regulation on informing the public, public participation and the public interested in the environmental protection matters determines when public participation is necessary in environmental impact assessment procedures. A competent body publishes a notification about conducting a public hearing on their Internet website and in the daily press. Other forms of notifying the public are also acceptable, such as the official journal of local government and regional government, as well as other locally acceptable customary means of public communication. Advertisements must be published at least eight days prior to the beginning of the public hearing. Mandatory period for disclosure of information lasts for 30 days, beginning on the date specified on the website. Information published in other media (via radio or press), may be published in a shorter period.

Public hearing, public inspection and public presentation

The Regulation on informing the public, public participation and the public interested in the environmental protection matters uses three terms for important aspects of public participation:
Public hearing – this term refers to the entire procedure in which individuals, organizations, public bodies etc. can express opinions, make suggestions and raise objections.
Public inspection – this term refers to the documentation on the subject of the public hearing (SEIA, EIA, environmental permit) which is made available to the public or the interested public.

Public presentation – the term refers to a presentation in the presence of public representatives, i.e. a meeting (meetings) where the public can discuss the subject and/or put questions to a competent body, the developer and the writers of studies.

The main purpose of the public participation procedure is taking into consideration relevant objections, suggestions and opinions of the public and the interested public concerning the decision-making about the environment. The Environmental Protection Act prescribes that opinions, suggestions and objections of the public have to be considered before making any decisions. A conducted public hearing has to be followed by a report which should include a list of participants, sustained and denied objections, minutes, a complaints book etc.

Public participation in the environmental impact assessment procedures in Međimurje County in the period between 2001 and 2012

The work process consisted of collecting data from the archive of the County administrative body responsible for environmental protection whereupon the collected data were analysed. They were first classified according to years and then the indicators were chosen (the type of action, the number of implemented procedures, the number of public inspections, the number of objections, the number of conducted requests, the number of participants) and the subjects displayed in tables and charts.

A total of 59 environmental impact assessment procedures were conducted in Međimurje County over the last twelve years, or between 2001 and 2012. It is important to emphasize that the environmental impact assessment procedures in the period between 2001 and 2008 were conducted on the basis of Ordinance on Environmental Impact Assessment. Upon adopting Regulations on environmental impact assessment and Regulations on informing the public, public participation and the public interested in environmental matters in June 2008, Ordinance on Environmental Impact Assesment was declared void.

Ordinance on Environmental Impact Assessment made public participation possible through the implementation of the public hearing, which could last for a minimum of 14 and maximum of 21 days. Documentation for public inspection was the complete documentation of the Study and sufficient number of Summaries. The obligation was to notify the public about the public inspection in the daily press and /or in other media. The competent authority in the period between 2001 and 2008 publicized the public inspection in daily press and local newspapers and the publication fee was paid out of the county budget. Furthermore, each municipality or city where the action was to be implemented was sent a notice about the public inspection and was saught a response. In several cases further notice was sent to local non-governmental organizations, whose activities were related to the environment, since, according to the information available to the competent authorities, they were carrying out their activities in the immediate vicinity. The actions for which environmental assessment procedures were conducted in the county in the period between 2001 and 2012 are shown in *Table 2*.

Table 2 The list of actions

Year	Action	The number of actions
2001	Poultry breeding production facilities	3
2002	Poultry breeding production facilities	11
	Waste management facilities – remediation of landfills	1
	Water protection facilities – reconstruction and extension to the wastewater collection system	1
2003	Poultry breeding production facilities	4
2004	Poultry breeding production facilities	5
	Exploitation of mineral raw materials	1
	Traffic facilities – reconstruction of the airport	1
	Waste management facilities – drilling waste disposal in deep wells	1
2005	Poultry breeding production facilities	3
2006	Poultry breeding production facilities	1
	Waste management facilities – construction of a recycling yard, mechanical biological communal waste-treatment plant and composting plant	1
	Waste management facilities – remediation of landfills	2
	Production facilities – a sow farm with a breeding site	1
	Exploitation of mineral raw materials – mining facilities and gas exploitation	3
	Water facilities – embankment for the protection of settlements	1
2007	Production facilities – a slaughterhouse for hoofed animals and meat processing	1
	Poultry breeding production facilities	2
	Energy plant – gas fields pipeline	1
2008	Water structures – public sewer system	1
	Water structures – sewage treatment works	3
	Waste management facilities – remediation of landfills	1
2009	Wastewater treatment plant with drainage	2
2010	No environmental impact assessment procedures	
2011	Exploitation of mineral raw materials – exploitation of building sand and pebbles	3
2012	Sewer system and sewage treatment	1
	An intensive poultry breeding facility	1
	Building state roads – ring roads around settlements	3

The largest number of environmental impact assessment procedures in the county were for poultry breeding facilities, a total of thirty (30) procedures over the period of twelve years, which amounts to 51% of all conducted procedures, followed by procedures for sewer system and sewage treatment - eight (8) procedures, exploitation of mineral raw materials – seven (7) procedures, waste management facilities – six (6) procedures, four (4) procedures for traffic facilities, and one (1) procedure for each of the following actions: a slaughterhouse for hoofed animals and meat processing, a sow farm with a breeding site, embankment for the protection of settlements and gas pipeline. Chart 1 shows the number of conducted procedures per year. The largest number of procedures were conducted in 2002, a total of 13, whereas in 2010 no procedures were conducted.

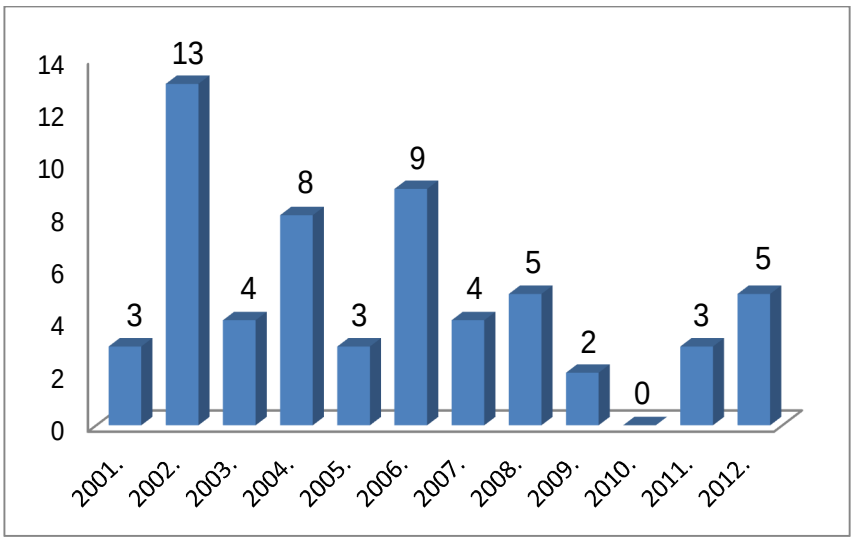

Chart 1. The number of conducted EIA procedures

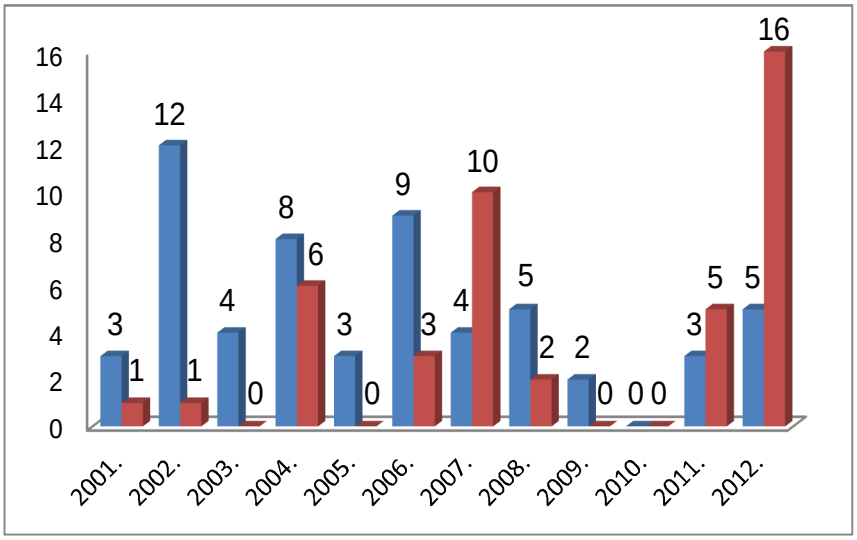

Chart 2. The number of conducted public inspections and raised objections

Charts 2 and 3 show the number of conducted public inspections and the number of raised objections per year, i.e. the number of conducted public hearings/presentations, and the number of participants who took part in public hearings. In the stated period there were 58 public inspections, 26 public hearings with 371 participants and 44 received objections. One procedure did not require public inspection as the developer decided to build one more facility and increase capacities in the same location (it was a poultry farm). The expert committee, or, under the former Ordinance on Environmental Impact Assessment which was still in force, the board, made a decision not to conduct public inspection. Public hearing/public presentation was not compulsory under Ordinance which was in force until 2008, so they were not conducted for 33 procedures, in accordance with the decision made by the board. All the stated procedures referred to the action of building a poultry breeding facility.

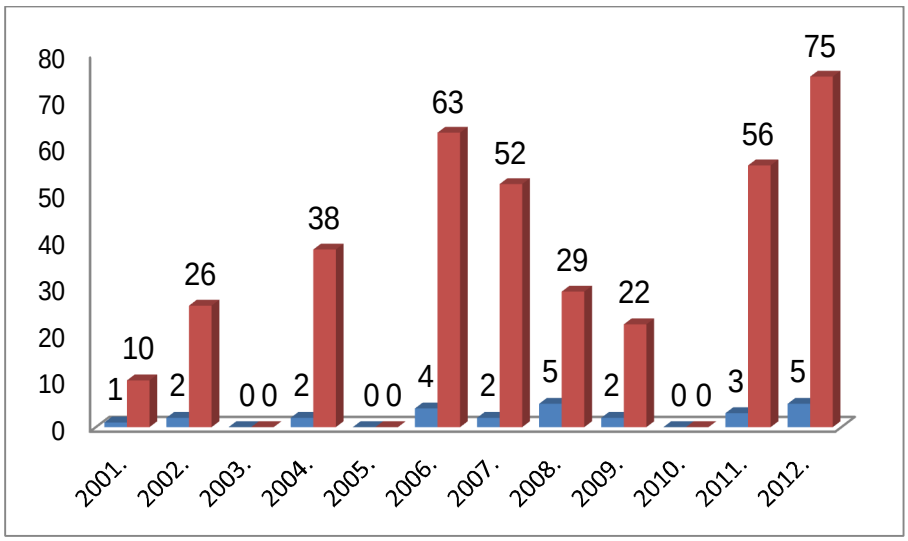

Chart 3. The number of conducted public presentations and the number of participants

As regards the participants in the public presentation, all the presentations went off without incident, with occasional raised voice and certain amount of disagreement as well as different attitudes, except for two minor incidents. One of the public presentations was attended by a drunk participant who interrupted the presentation, but after he had addressed the audience, he left voluntarily. At another presentation the former municipal prefect and the present one came into conflict. The cause of the conflict was not the subject of the procedure, but some other unresolved problems. The conflict was settled by other participants and the organizer of the public presentation which finished peacefully.

As to the raised and received objections, more than half of the objections did not pertain to the subject of the procedure. The objections referred to the location of the intervention, or spatial planning documentation, and problems which were not successfully resolved in the public hearing dedicated to adoption of spatial development plans. Some of the objections resulted from unresolved relationship between the developer and the person who raised an objection.

These objections sometimes serve as a means to solve the problems which are not related to the assessment procedure itself. Participants in public hearings often use the opportunity to express their dissatisfaction with the work of public services, even though they are not closely involved in the procedure.

Furthermore, the participants often oppose the implementation of certain actions, especially those which were taken at the time when there were no environmental impact assessment procedures, and which had a negative impact on the environment and people's health. The citizens disapprove of some actions even though these actions offer new and better environmental solutions, without supporting their attitude with sound arguments. Also, they offer new solutions which are not the subject of the procedure and which should have been included in the procedure in an earlier phase. It should be emphasized that during public hearings there were objections and opinions which pointed to certain problems, offered better solutions and resulted in measures accepted by all the participants, so they were integrated into the final solution.

At a public hearing which was part of a procedure the developer raised an objection which referred to the municipal professional service where the procedure was pending.

The core of his objection was that the documentation had been taken out of the municipal building outside of normal working hours. The committee proposed a new implementation to the developer, but he rejected the proposal.

A competent body publicizes the decision concerning the procedure on the website, puts it on the county noticeboard and delivers it to the municipality/city where the action is implemented to put it on their noticeboard. When a participant in a public hearing leaves his address, the decision or the notification of announcement is sent via mail, but it often happens that participants do not want to leave their contact information.

There still remains a problem of citizens who do not react during the procedure, but after the action has already been implemented. On the other hand, the developer does not always implement the measures prescribed in the decision, which makes the citizens justifiably dissatisfied. Such situations have an impact on other procedures and the citizens do not want to participate in them because their impression is that everything remains on paper, that there is not enough supervision, that nobody suffers the consequences and that there is no responsible behaviour. Therefore, the implementation of prescribed measures is extremely important and it can increase the confidence of the public in public institutions.

Conclusion

Planning is necessary on all levels and in all fields and so it is in the field of informing the public and public participation in environmental protection. One has to bear in mind that problems are successfully solved by the participation of all the people interested and involved in the process. There is a necessity for constant involvement and cooperation of all the people whose lives, health and the quality of life can be influenced by the solution of a particular problem. A small number of people who are involved and ready to take individual action can not strongly influence the population as a whole. Only involvement in environmental activities on a massive scale can guarantee the quality care for the natural environment.

The core of the public relations is that the one who has the right information at the right time, announces it or reacts to it in a timely manner, is at an advantage. Public relations mean public work, work for the public and with the public. The guidelines that should be followed in the work with the public are: speak from the point of view of the public interest, not an institution (institution, company, organization), a written notification must be simple, with the most important facts stated at the beginning, a direct question should be answered directly, and if you do not know the answer, you should admit it and say: “I don't know, but I'll soon find the answer to your question.“, tell the truth even if it hurts.

Upon consulting the available literature and observation during the process, the following steps are suggested:

- educate and stimulate the public to participate in decision making prior to the beginning of the procedure,
- define the potential participants, find out who could be interested in participation in the process,
- create a database with potential users with the purpose of promoting further communication,

- choose means of communication suitable for a particular group of participants – use different means (e.g. Facebook for younger generations, newspapers for older people).

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Public participation in EIA and SEA in the City of Rijeka and Primorsko-goranska County

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Abstract

Public participation is a essential in conducting the environmental impact assessment (EIA) and strategic environmental assessment (SEA). In the procedures of environmental impact assessment (EIA) and strategic environmental assessment (SEA) public participation is regulated according to related acts. Although the legislator has provided procedures for public participation, the real challenge remains in their implementation in practice. Very often, the participation is only formal, without influence on decision-making. The main reason is because the public is involved in late phase when the key decisions are already made. In addition, the public is often not educated enough to take part in competent manner within those processes. Participation mainly comprises of a priori contrary attitude towards projects under environmental impact assessment procedure, without constructive proposals for project adjustments neither to environmental conditions nor mitigation or compensation measures.
In this paper is presented public participation in the environmental impact assessment procedures in the city of Rijeka and strategic environmental assessment in Primorsko-goranska county.
At the end are given some recommendations for improvements of public participation in the future in processes mentioned before (better public information and education, in time public information, document preparation in manner understandable to the public etc.).
For better public participation in the processes of EIA and SEA the cooperation and effort of both sides, public and competent bodies and institutions that carry out those processes is needed.

Key words: Public Participation, City of Rijeka, Primorsko-goranska County, Environmental Impact Assessment, Strategic Environmental Assessment

Introduction

Public participation is a essential in conducting the environmental impact assessment (EIA) and strategic environmental assessment (SEA). The role and importance of public participation in environmental decision-making have been emphasised by the Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (United Nations Economic Commission for Europe, 1998).
The European Commission (EC, 2003) strongly advocates public participation, arguing that it increases the accountability and transparency of the decision-making process.
The complex and dynamic nature of environmental problems requires flexible and transparent decision-making that embraces a diversity of knowledges and values. For this reason, stakeholder participation in environmental decision-making has been increasingly sought and embedded into national and international policy. Public participation in Environmental Assessment (EA) is usually seen as a means of providing

information to improve decision-making by government and proponents, or as a means of helping to ensure that a project is acceptable to the public before it proceeds. (Sinclair and Diduck 2001).
In the Republic of Croatia public participation in the field of environmental protection is regulated by Environmental Protection Act (OG No. 80/13) and Regulation on Information and Participation of the Public and Public Concerned in Environmental Matters (OG No. 64/08), as well with Regulation on Environmental Impact Assessment (OG No. 64/08, 67/09) and Regulation on Strategic Environmental Assessment od Plans and Programmes (OG No. 64/08) in the cases of EIA or SEA, respectively, which are in accordance with Aarhus Convention.
Although the procedures for public participation are well elaborated in the previously mentioned regulations, in the practice is not so easy to conduct them in a proper manner. There are several reasons for them, which are addressed to both, public and competent bodies.
Public often miss the target, complaining for the things that are not subject of public debate or complaining for issues concerning their personal matters, e.g. parcel or similar tasks, while competent bodies are not often willing to accept suggestions made by public.
In this paper is presented public participation in the environmental impact assessment procedures in the city of Rijeka and strategic environmental assessment in Primorsko-goranska county.

Public participation in the EIA in the City of Rijeka

In the City of Rijeka in the year 2005 and 2006 there were 3 Environmental Impact Assessments with public participation included. They were conducted under the former legislation, but the instrument of public participation was also included in them, and comprised of public debate and public presentation of project and appropriate EIA.
The first was EIA for the construction of the Road D 403, which has status of State road. This road is necessary for the connection of Highway A7 (connecting Zagreb to Rijeka) and new terminal of Port of Rijeka. It is important to notice that for its construction several houses would have to be break down. On the public presentation there were present 18 persons and only two complains were written in the Book of complains, one from the local government and one from the NGO, neither of them referring to the fact of knocking down the houses. After 6 years, when the surveyor came to the terrain, people become aware of what was going on and starting to complain and make alternative solutions to the road route. Although 6 year before, the public hearing on EIA was held an announced in the local newspaper, the public response was poor, and the problems emerged when the project was in the phase of realisation.
Another example is from the same year and regards the EIA for the second phase of building Container terminal Brajdica in the Port of Rijeka, where the works basically comprise of silting the seacoast and widening the area for container manipulation. On the public presentation there were present 18 persons, which had vivid conversation about effect of silting. However, none of them write complains neither in the Book of complains nor give written objections, although they were asked to do it during the public presentation.
The third example is the EIA for the Communal service area Srdoči from 2006, where was planned to build new base for the city buses with all necessary services (night parking, garage and service for all buses, building for directors and staff, garage for the employees etc). In the process of public debate, there were 2 public presentations, one in the City of Rijeka in the centre and one in the Local self-government board Srdoči where the project is going to be realised. In the City there were present 25 and in the

Local self-government board Srdoči 24 persons. In the latter one, the discussion was very passionate and furious, because the people were against this project. They have also made complain via Assembly for citizens Srdoči, even before the official start of public debate, stating their judgement against the base for city buses. But, apart this complain, no one was written in the Book of complains nor in the form of complain addressed to any of competent bodies.

Public participation in SEA in the Primorsko-goranska county

Strategic Environmental Assessment for the Impact of Spatial Plan of Primorsko-goranska county was the first SEA conducted and completed in Republic of Croatia. The SEA has been made in parallel with Spatial Plan of Primorsko-goranska county according to the legislative obligations and following all the steps prescribed by the law. The public debate timeframe was announced via local newspaper, radio, TV-stations, Internet and notice board. During the public debate, which lasted 60 days, there were held 3 public presentations in different parts of county. The non-technical summary was posted on web site.
There were sent 100 inviting demands to different institutions on state, county and city/municipality level to participate in debate via written objections/suggestions on SEA.

Material and methods

Public participation was analyzed using secondary sources data obtained from the Report on Environmental Impact Assessment for the construction of the Road D 403 (City of Rijeka 2005), Report on Environmental Impact Assessment for the second phase of building Container terminal Brajdica in the Port of Rijeka (City of Rijeka 2005a), Report on Environmental Impact Assessment for the Communal service area Srdoči (City of Rijeka 2006) and Report on Strategic Environmental Assessment for the Impact of Spatial Plan of Primorsko-goranska County (Primorsko-goranska county 2012).

The data was collected directly analyzing the listed documents and extracting the data from Public Debate Records looking through submitted comments in the procedures of EIA and SEA, respectively.

The structural analysis was performed using descriptive statistics method by calculating relative numbers structure – percents.

Results and discussion

Public participation in EIA in the city of Rijeka was very poor, resulting in weak response to the public debate particularly in giving objections and attending the presentations as well. In the course of 3 EIAs, only 3 objections were given in total, while in one of them there were no written objections.
These results are coherent with the public participation in EIAs on county level. The public participation is significant only in the cases of particular delicate projects or constructions such as Central Landfill for the Primorsko-goranska county "Marišćina", LNG terminal on island Krk or Road through Vinodol Valley, where significant number of complains were received and lot of people were present in public presentations that were held even in big sport halls.

On the other hand, there are some contradictions between people's opinions and behaviours that we can see on the example of Windpark Fužine. People were concerned about construction of Windpark Fužine, but when the referendum occurred there were no enough participants for referendum to be accepted. At the end, the Expert Board gave negative opinion on study and the EIA is now under Ministry appraisal.
Public debate on Strategic Environmental Assessment for the Impact of Spatial Plan of Primorsko-goranska County also showed response that could be better. There were invited 100 institutions to give objections/suggestions to the SEA. From all invited entities only 30% of them returned the response

The most striking observation is that about 35% of responses from important institutions came after the deadline of public debate, which lasted 60 days, meaning twice as minimum obliged period for it. Despite of that, the objections were taken into account, but remains the question of responsibilities and seriousness of such institutions that, beside others, include Ministry of Environmental and Nature Protection, Ministry of Construction and Physical Planning, Ministry of the Defence, Ministry of Regional Development and EU Funds and Ministry of Maritime Affairs, Transport and Infrastructure.

Another fact that should be taken in consideration is that only 9% of all objections came from non-invited entities. It means that public and public concerned were not interested or motivated or informed to participate in public debate on SEA. The question is how would response to the public debate look like if there were no invitations sent to the relevant institutions. Individuals completely missed the target, because they were complaining about facts that were no subject of SEA and presented personal problems, so their objections could not have been taken in consideration.
In addition, it has to be pointed out that about one third of objections did not refer to the SEA, but Spatial plan or neither (Figure 1.).

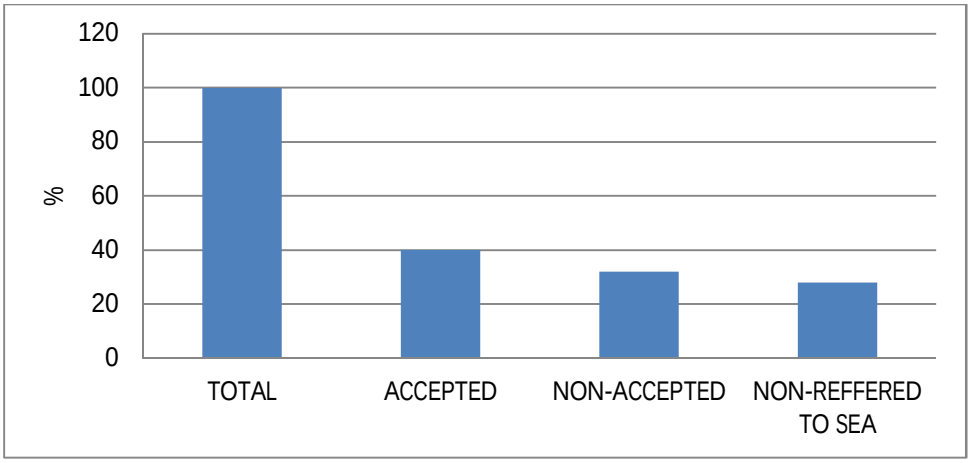

Figure 1 Acceptance structure of objections to SEA

To point out is that despite the fact that we live in informatics society, the preferred way of sending objections is still paper way via regular mail, while e-mail is not so common yet, only 11% of senders choose it.

Conclusion

Although the procedure for public participation in EIA and SEA are prescribed by several regulations, from results obtained in this research, it has to be admitted that there is a lot of space for improvement the public participation “on site”. It is observed, that

general public get involved in EIA and SEA mainly because of their personal reasons, in the first place regarding the property, while other aspects are suppressed.
Factors motivating the public to participate should be investigated further, but the reasons for described situation might lie in limited information spread about EIA and SEA that were going on or foreclosed opinion of limited public influence on decisions of general public. The lack of appropriate education about environmental matters also contributes to low participation of general public.
The first step towards better public participation is enhancing information and motivation of public and public concerned to participate in such processes, what will lead to their better inclusion in public debate resulting in better acceptance of their objections and proposal, meaning participation in creation of final document. Early "spreading the voice" for some projects that are going to be realised can be the initial step in such process. Establishing the database of projects with main characteristics and timesheet of conduction, posted on web site, can do this. On the other hand, the competent bodies should predict the interested parties, for example NGO's or people living near the site of project of interest, and inform them in time and more detailed about the project characteristics and course of project implementation, to prepare them for better participation in public debate. The documentation has to be prepared in manner understandable to average citizen, avoiding use of sophisticated and specialized technical terms. Also, the communication via e-mail has to be improved, because it represents one of the most efficient ways in spreading information in the terms of velocity, and individuality as well. For the younger generations the good possibility of spreading information is trough social networks (Facebook, Instagram, Twitter etc.) and this could be the good way for their recruitment in the public participation, because they are rarely involved in it.
At the end, it can be concluded that for better public participation in the processes of EIA and SEA, the cooperation and effort of both sides, public and competent bodies and institutions that carry out those processes is needed. Participation should create opportunities for meaningful involvement of general public leading to the improvement of environmental decisions.

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Public disclosure of the activities related to the HES Senj project - II phase

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Abstract

As a part of the activities preceding the procedure of environmental impact assessment, Hrvatska elektroprivreda d.d. has informed the Ministry of Environmental and Nature Protection of its intention of preparing Environmental Impact Study. For the purpose of adequate public reporting and informing about all activities related to the project, in consultation with competent authority, Hrvatska elektroprivreda d.d. has carried out an optional process of scoping the Environmental Impact Study for HES Senj II phase project. For this purpose, authorised companies have prepared request for defining the contents of the Study.

Key stakeholders as well as the public taking interest in the area addressed by the project were informed about project through public meetings. Project was presented to the representatives of regional and local authorities in Gospić, and to all citizens of Gornji Kosinj, Otočac and Senj. This paper analyses key messages presented at public meetings and responses of participants depending on their interest and location of meetings. Based on a significant amount of collected information, paper has analysed the necessity of the process of defining the content of Environmental Impact Study in large energy projects.

Analysing the number of performed processes of defining the content of Environmental Impact Study it can be concluded that Investors mostly avoid the process. The paper does not analyse reasons for avoiding, but through a concrete example of performing this process in the HES Senj project – second phase, it states all the benefits gained from performing this process.

Keywords: public information, accumulation, hydropower plant, impacts

Introduction

HES Senj – II phase

Hrvatska elektroprivreda Ltd. has started activites needed for obtaing construction licence for the project HES Senj – second phase. Project is planned for the Licko-senjska county, targeting three municipalities: Municipality Perušić, City of Otočac and City of Senj. Project is designed as a multifunctional hydro project which includes reconstruction of existing hydro power plant Sklope, construction of accumulation Kosinj, construction of new hydro power plants Kosinj and Senj 2, construction of daily water reservoir at Gusić polje and tunel from Gusić polje to the engine house Senj 2. Key and the most important project elements are the construction of accumulation with around 300 milion m^3 in the municipality of Perušić and the construction of an

underground engine house with intake tunnel. Project is designed in order to increase usage of the Lika river (directly) and the Gacka river (indirectly) for energy production and to secure other important benefits from the construction of Kosinj accumulation, such as: prevention of flooding, water supply in coastal area, increased agricultural production, infrastructure improvments, etc. Project is designed to take advantage of all existing facilities, like the existing channels, tunnels and energy installations and facilities. With newly installed equipment for electricity production, Hrvatska elektroprivreda will be able to respond to new energy demand in Croatia and EU. Constructions of new hydro-accumulation power plants are important in conditions where new renewable resources are needed to achieve EU goals, in conditions where wind and solar projects are growing rapidly in whole region. In contrast with wind and solar plants, hydro power plants are much more realible in participating in dayly peaks of energy consumptions. Result of project will be a higher production of electricity, a better supply of energy consumers in Croatia, prevention from flooding, water supply of coastal region near Senj, irrigation of agricultural area, decrease of CO_2 emision, connection of new renewables to electricity network etc. First step of the construction of the HES Senj project – second phase is the implementation and application of EIA (Environmental Impact Assessment) process in which society wil decide, through the independent experts, whether the benefits of project are more important and beneficial then impacts of project on nature and environment.

EIA process

The main goals of EIA process are to:

- identify likely environmental damage before it happens;
- assess all environmental impacts at early stage;
- integrate the environmental concerns into the decision-making process in projects on the basis of equal to other concerns (economic, social);
- make sure that decisions are made taking all environmental impacts into consideration;
- make procedures more transparent by promoting public participation.

Croatia has a longtime experience in EIA process which started more then 30 years ago. During this period, EIA has evolved into one of the most significant instruments of precautionary environmental protection for development projects and subsequently a necessary part of the long-term future-proofing and sustainability strategies. It serves its purpose of a transparent, interdisciplinary examination and evaluation of environmental impacts for plans and projects with the participation of public in decision-making processes. Also, EIA promotes discussion of environmental quality goals and enables the investigation of alternatives, and hence can contribute to the public acceptance of decisions; it promotes legal security of procedures and secures planning and investment.

It is expected that EIA decision making period, with new Environmental protection law, will be reduced. There were several examples of EIA process which lasted more then one year, which has resulted in serious delays in investment in Croatia. Also, take in take into account that Croatia is a member of EU, international exchange of experience, knowledge and procedure will be simplified which will hopefully result in additional benefits for environment. Additional training and stronger position in the education of planners and engineers, and more professionals and sufficient financing is expected in future for all key stakeholders.

There is a growing agreement that timely and efficient stakeholder involvement is aessential to effective environmental assessment. EIA that successfully involved a broad range of stakeholders tended to lead to a more influential environmental assessment processes and, consequently, to a development that delivered more environmental and social benefits. Placing sufficient emphasis on stakeholder involvement in the EIA process can also improve the predictive quality of environmental assessments. This is because the prediction of impacts using EIA often requires multi-year information and good quality baseline data. One of the commonest problems with "conventional" environmental assessment is time and financial limitations, which can limit the procces of data collection. Assessments that involve different stakeholder groups, including those in local communities, have a greater potential to access a wider information and in some cases, generations of cumulative knowledge of their local environment.

Typical benefits of stakeholder involvement in EIA process include:

- helps the EIA address relevant issues, pointed by public bodies, local communities, affected groups or others;
- helps to improve information flows between interested parties;
- enables project developers to better respond to different stakeholders needs;
- helps identify important environmental characteristics or mitigation opportunities that might be overlooked;
- proper assessment of the magnitude and significance of impacts;
- improves the acceptability and quality of mitigation and monitoring processes.

Some potential costs of insufficient public involvement in the EIA process include:

- conflicts between interested parties;
- failure of support from local comunity;
- risk of marginalising potentially valuable contributors to the decision-making process;
- failure of understanding local needs and priorities;
- potential lost of opportunity for making a good project even better;
- weak or failed communication can create divisions within local communities to supporters and project opponents;
- overlooking or ignoring of important, and often locally-specific, social, environmental and health impacts in project design;
- reliance on interventions by outside experts, limiting the knowledge of local stakeholders.

Stakeholders can be defined as "all those people and institutions that have an interest in the successful design, implementation and sustainability of the project"[1]. This includes those positively and negatively affected by the project. Stakeholder participation involves processes whereby all those with a stake in the outcome of a project can actively participate in decisions on planning and management.

Scoping

Public involvement in decision making process should not be an interference. The serious participation of the public, as outlined by the Aarhus Convention, should not only consist of displaying documents, it should be a more dynamic process. Experience shows that the knowledgeable opinions and suggestions for changes are much more beneficial for project developers if they are recived at early stage of project preparation. However, if public participation were to be encouraged at the beginning of the project, e.g., already in the scoping phase, then firstly, suggestions could be taken into account

without going to any additional effort, and secondly, participants would have the opportunity to assess determining factors and to accept them.
Empirical evidence shows that this will positively influence project modifications_with regard to avoidance and mitigation of environmental impacts, and thus make a positive impact on the success of EIA. This is why timely public participation should be initiated. It is, however, important at this point to actively address the needs of public and to actually involve them in the early decision making processes.
Scoping proces in Croatia is regulated by a by-law. It is up to project developer to decide whether to perform this optional phase or not. In case that Investor decides to launch scoping process, he is obliged to contract a Licenced Company for preparing expert study which is a baseline for determining the scope of Environemntal Impact Study.

German experience

Environmental Impact Assessment (EIA) has been formally applied in Germany since 1990, and over time has developed a methodological and technical routine in environmental planning practice. German EIA Associationhas, since its foundation in 1987, promotes quality standards in the German speaking countries by offering professional development and general educational programmes, printing publications and providing precisely those kinds of guidelines that assert these qualities.
Based on German experience, project factor in environmental aspects was analysed much more in detail anylsed much when the general public was involved at an early stage, and when an extensive impact prediction process was created. The more elaborately the Environmental Impact Study analyses and describes the environmental impacts of a project, the more extensive the project modifications examined in planning decisions will be.

The inclusion of the public at an early stage, e.g., during the scoping phase, together with high quality and detailed documentation, guarantees a more environmentally sound and improved decision making in Germany. In spite of this, public participation (still) seems to be much too formal, often too late and along the lines of strict legal regulations.
How exactly the public participation is to be organised in the member countries, including Germany, is not mandated by the EU Directive. Also, scoping is still not mandatory in Germany (or in the EU).
An extensive scoping can considerably reduce the time an assessment takes. The results of a comprehensive evaluation study on the impacts of the German EIA Act for EIA practice emphasize that there is a strong need to strengthen and raise the quality of the scoping process in general (see Führ et al., 2009a). In more than 50% of the 105 case studies analysed, there was no evidence of any scoping documentation. According to this study, a good scoping process is usually connected with a good quality of the environmental report.

Scoping process for the HES Senj project – II phase

The main legislative document governing environmental protection in Croatia is the Environmental Protection Law (O.G. No. 110/07). Details of EIA including the scoping process are prescribed in the Bylaw on Environmental Impact Assesment (O.G. No. 64/08, 67/09).

Meetings

Prior to the realisation of the project HES Senj – II faza, impacts of project on environment and nature have to be analyzed in the EIA process. In order to inform public about planned activities and in order to obtain public opinion about general concept of the project, Hrvatska elektroprivredad.d. conducted the optional procces of scoping of Environmental Impact Study (EIS). For the purpose of informing the public, Licenced Company prepared a study for obtaining contest of EIS. Regardless of the fact that the process of public information is under the jurisdiction of the Ministry of Environmetnal Protection and Nature, Hrvatska_Elektroprivreda_d.d. has independently organized five meetings in Licko-senjska county. Meeting were held in:

- Gospić (two meetings)
- Otočac
- Gornji Kosinj and
- Senj.

Gospić meetings
Meetings in Gospić were organized with the representatives of local and regional authorities and representatives of Serbian ethnic minority. At all the meetings, project details were explained by the represenatives of Hrvatskaelektroprivreda d.d. and Certified company (Elektroprojekt d.d.).

Otočac meeting
Meeting in Otočac was organised in the premises of the City of Otočac in order to explain all project details that have impact on wide Otočac area. Meeting was open to public, and it was visited by approximately 80 persons who actively participated in discussion.

Gornji Kosinj meeting
Meeting in Gornji Kosinj was organised in the premises of a local school in order to explain all impacts related to the construction of the Kosinj acumulation. Meeting was open to public, and it was visited by approximately 200 persons who actively participated in discussion. Interest in project presentation was huge, majority of citizens living in Gornji Kosinj participated in the meeting, and they were very interested to hear about project details from the project designers.

Senj meeting
Meeting in Senj was organised in the premises of the City of Senj in order to explain all project details that could imapct Senj area. Meeting was open to public.

Apart from the officialy held presentations, a direct communication and discusion with the citizens of Gornji Kosinj and Mlakva realized in order to obtain their opinions about the project.

Public participation

Interest in project information during the public disclosure process was huge. Apart from the interest taken by citizens that are directly affected by the accumulation Kosinj and who need to be relocated, the interest in the project was also huge in the city of Otočac and in all local and national media (newspapers, TV, web). Upon description of project details during the 30 day public disclosure campaign, public actively participated in the process. Based on the meetings held during the process of scoping

and analysis of media coverage of the process, interested parties or key stakeholders can be identified:

- Citizens directly affected by the project;
- Cultural and religious representatives;
- Political representatives: local councillors, party functionaries;
- Nature protection organisations/institutions, community interest groups, international and local environmental NGOs, local experts;
- Minority representatives;
- Ministry of Environment Protection and Nature;
- Government agencies and authorities at national, regional and local level.

Depending on impacts of project realisation on each stakeholder and their speciality, different opinions and remarks were obtained. Citizens directly affected by the project inside the planned accumulation of Kosinj were interested in the schedule of planned activities, planned compensation for their property and planned activities for relocation of cultural heritage and cemeteries. Cultural and religious representatives were interested in relocation of all known churches, monuments and cultural treasure of this area.

Multifuncional design of the project and way of water usage from the Lika and the Gacka rivers were the topics discussed with all representatives, including the political ones. Nature protection organisations were primarly interested in impacts the project will have on the area included in ecological network NATURA 2000.
Regardless of the fact that this paper was prepared before the reception of official decision from the Minsitry of Environment Protection and nature about the contest of EIS, the following can be concluded:

- public discussion activities are very important for all parties that participate in the process of EIA;
- information about the scoping process on web-pages are not enough if there is an interest in discussing the project details and getting opinions from the public;
- general public received official information from the Investor about the project and expected a schedule and had opportunity to express their opinion about the project at earlyeraly stage (before finalisation of EIS);
- Investor and EIS authors had an oportunity to receive information from the local residents about the project and their fears;
- scoping is beneficial for the project development because it gives enough time to implement needed protective measures in EIS before its official disclosure.

Conclusions

Scoping procedure can give the opportunity to integrate the public opinion at an early stage, and to raise significantly the rate and intensity of project modifications during the whole EIA process. Also, the scoping process can reduce assessment time and effort quite considerably, and if all interested parties are involved at an early stage, it can result in significant transparency and increased acceptance of the planning procedure. Public participation at an early stage is beneficial for planning and procedural process.
For the purpose of preparation of the HES SENJ – II faza project, a scoping process was performed which resulted in adequate information of public about the project, collection of opinion from all key stakeholders and receipt of enough relavant information and data for preparing EIS and enough time for the preparation of adequate protective measures.

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Public involvement in environmental decision making processes within Nature Park Medvednica

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Abstract

This research aims to identify the stakeholder's and citizen's involvement within the environmental planning processes for Nature Park Medvednica, trough assessment of their level and way of involvement. Nature Park Medvednica is a mountainous protected area adjacent to Zagreb, the capital city of Croatia. Its spatial planning process was taken as an example case. The topic of this case is spans onto thirty years of long three decision making attempts while the Nature Park struggles to hold back the pressure of urbanization and environment protection. The study was conducted in the framework of stakeholder analysis, for which a series of in-depth interviews with identified stakeholders were performed, as well as documents concerning the spatial planning and involvement process were analyzed. In order to have "proper" citizens and stakeholders involvement exercised some changes in the ordinance on informing and public involvement within environmental issues should be made accordingly.

Keywords: public, stakeholders, environment, involvement, decision making processes.

Introduction

Medvednica is a mountain north of Zagreb, most of which falls within Nature Park Medvednica. The area of the NP today is 17,938 ha and the highest peak is Sljeme (1033 m). In mid-1981 western part of mountain Medvednica, with area of 22 826 ha and between Podsused and Kašine, was declared a nature park (the Act to designate the western part of the Nature Park Medvednica; the "Official Gazette" No. 24/81). The natural phenomenon upon which the Park was established were well preserved natural forest phytocenoses, which span on about 65% of its area (By decree in 1998). Later on the Government of Croatia had founded the Public agency "Park Prirode Medvednica", which is responsible for the management of the park. Adoption of the Act was preceded by an expert research and elaboration of State Institute for Nature Protection (study "Park Medvednica, Republic Institute for Protection of Monuments Nature, Zagreb, 1979). According to the Law on Nature Protection (NN 70/05, revised in NN 139/08), the nature park category includes the vast natural or part of the cultivated area with a distinct aesthetic, ecological, educational, cultural tourist and recreational values. Nature Protection Act states that the protection, regulation, promotion and use of National Park and Nature Park should be determined by a spatial plan, and that the plan should be approved by the Parliament of Croatia. In order to systematically protect natural values, especially the most important spatial objects of protection, a Spatial Planning Program of Croatia (NN 50/99) was developed, which provides guidelines and orientation for making spatial planning laws for declared natural parks, including Medvednica. According to Law on Spatial Planning and Construction (NN 76/07,

articles 68 and 69) the spatial plan for area of special characteristics has to be made for nature parks, and represents the fundamental management document, with which all other document have to be aligned with. The responsibility for the spatial plan of nature park Medvednica is with the Ministry of Environment, Spatial Planning and Construction, and the obligation for its creation lies at the Municipal Bureau of Planning of the city of Zagreb.

In 1989 the first draft spatial plan was prepared and sent to a public hearing with a Decision about making Spatial plan for areas of special-purpose Nature Park Medvednica (Delegate List, the City of Zagreb Assembly, 227/1989.) The plan developed by the Urban Institute of City of Zagreb in 1989 was not adopted. In 2005 the Department for Planning of City of Zagreb prepared and proposed a plan for renewed public debate. The holder of the plan was the Ministry of Environment and Physical Planning.. Studies, surveys and elaborates were made for the Nature Park Medvednica regarding the creation of the spatial plan; although numerous, the largest part of them was obsolete. The public hearing pointed out some problems: the boundaries of the protected areas, the treatment of the particularly valuable areas in the nature park, traffic connections with Region Environmental Committee of the Croatian Parliament at its eleventh session held on September the 16th 2009 made a statement in which they changed the boundaries and reduced the area of the park to a smaller surface of 17,938 ha; and the parliament voted positively and changed the boundaries. This was never presented to the public or put on a public debate. This statement is based on "The specialized background to change the boundaries of the park Medvednica" made by the State Office for the Protection of Nature in July 2005.

After the change of boundaries, changes to regulations in the field of nature and environment protection were made.. Forest management in NP Medvednica is mostly in the hands of the state forests management company “Hrvatske Šume” Ltd. (“Croatian Forests”), while their activities are supervised by “Park prirode Medvednica” public institution. However, problems in the vast majority of cases occur in private forests, which are sometimes managed by their owners irrespectively of the legal obligations of private forest management, and there instances of illegal conversion of forest land into construction plots.

Pollution and wild litter depots are constant problems that occur within the park and as a consequence, these influences of the environment to the people who live near the park are present and constant. At the moment there are four quarries in Medvednica. Currently active quarries are called Bizek and Jelene Vode.

Stakeholders' involvment in environmental protection has been one of the most important issues in the resent literature on protected areas (Prendergast, Quinn et al. 1993; Myers, Mittermeier et al. 2000; Pimm, Ayres et al. 2001). Stakeholders often have divergent demands towards managemet of protected area (PA), and aspire for the PA's ecosystem to be utilized/ exploited/ protected according to their priorities. PAs do not exist in socio-political vacuum, and are prone to negative feedbacks from these societal implications.. However, recent literature does not offer clear consensus on the most suitable approaches for inclusion of local communities in decision making. A good tool for the above mentioned is Stakeholder Analysis (SA), a technique developed in management studies (Schmeer 1999; Brugha and Varvasovszky 2000). SA is variously used as an approach or tool for generating knowledge about actors (individuals or organizations), to understand their behaviours and interests, and for assessing their value to decision-making (Varvasovszky and Brugha 2000)..Three key benefits to undertaking stakeholder analysis can be identified. By using a stakeholder analysis, one can facilitate inclusion of stakeholders that otherwise would be overlooked or marginalized. This is a descriptive and normative approach to the process that reveals power relationships and underlying values. It also helps to identify current/ future

opportunities and threats in projects to improve policy design and implementation (Blair and Fottler 1990). SA helps to find compatibility between policy objectives and stakeholder aspirations, and helps managers to choose between short-term and long-term policy objectives, or balance conflicting objectives such as conservation, development, equity and peace (Grimble and Chan 1995; Chevalier and Buckles 1999). These aspects make SA particularly relevant to Natural Resource Management (NRM) (Grimble and Wellard 1997). Though a PA may accrue a net gain for society, the benefits could go to a party that is not disadvantaged and compromises an already marginalized group (De Lopez 2003). These marginalized populations often depend on the natural resources, and it may be unadvisable to ignore their needs (Grimble and Wellard 1997). Hence, the need for dynamic stakeholders' interactions and partnerships for conservation has been stressed across recent literature (Nepal and Weber 1995; Kothari 1998; Enters and Anderson 2000).. Stakeholder analysis can be a powerful tool for nature protection researchers because the method allows a visible representation of both variations of power, as well as the different environmental scales in which the stakeholders operate (Rockloff and Lockie 2004). Mushove and Vogel (2005) used stakeholder analysis for forest reserve conservation management in Mozambique to better understand land-use disputes. Stakeholder identification and management (without categorization) uses methodologies that are robust and can be effective in environment that supports performance management and planning (Eliot, 2001, Svendsen, Boutlier, Abbot and Wheeler, 2004). Savage (1991) and Mitchell (1997) gave interesting definition of categories of stakeholders. According to them there are four generic types: supportive, mixed blessing, no-supportive, marginal. They develop an eight part stakeholder typology based on assessment of the strength of three attributes: power, legitimacy and urgency.

Comprehensive stakeholder identification, assessment and engagement that can be met in Cleland (1999), who identifies stakeholders and their interests, measures these interests, and attempts to predict their future behaviour and its impact on the project and on the project team. In contrast to this Briner (1996) focuses on communication as important part of stakeholder management. Fletcher et al. (2003) describes stakeholder identification as a process for mapping stakeholders expectations based on value hierarchies and key performance areas (KPA). Frooman (1999) gives an analysis of ways through which organizations can plan their stakeholder's management strategies, rather than only response strategies. Turner and Veil (2002) use more holistic approach to stakeholder identification, which encompasses assessment of awareness, support and influence, all of which culminates in development of a stakeholder knowledge base. Lopez et al. (2001) give a very detail analysis of stakeholders; the research goal was to describe how the functioning of the Park distributes its benefits and costs among local population, and to formulate strategies for the enrolment of stakeholders in decision making processes, by which the conservation goals could be reached.. Similar level of analysis was reached by Cho (2009), who developed an interpretative planning model for a national park system of Korea.. Prell et al. (2009) made a case study on Peak district National Park, in which they focused on the relations among stakeholders through application of stakeholder network analysis. In the contrast to a situation with many stakeholder groups Suman et al. (1999) did a case study on The Florida Keys National Marine Sanctuary, in which they had focused on in-depth scenario-analysis of involvement of three key stakeholder groups. The following step in stakeholder analysis was done by Jennings et al. (2002), who on a case study of the Lower Fitzroy and Port Curtis catchments where used the SA as a tool for capacity building. After performing face-to-face interviews and secondary research, the researches created "social maps" of all stakeholder groups, which were later used to build capacity of stakeholders for enrolment in decision making processes by a series of structured

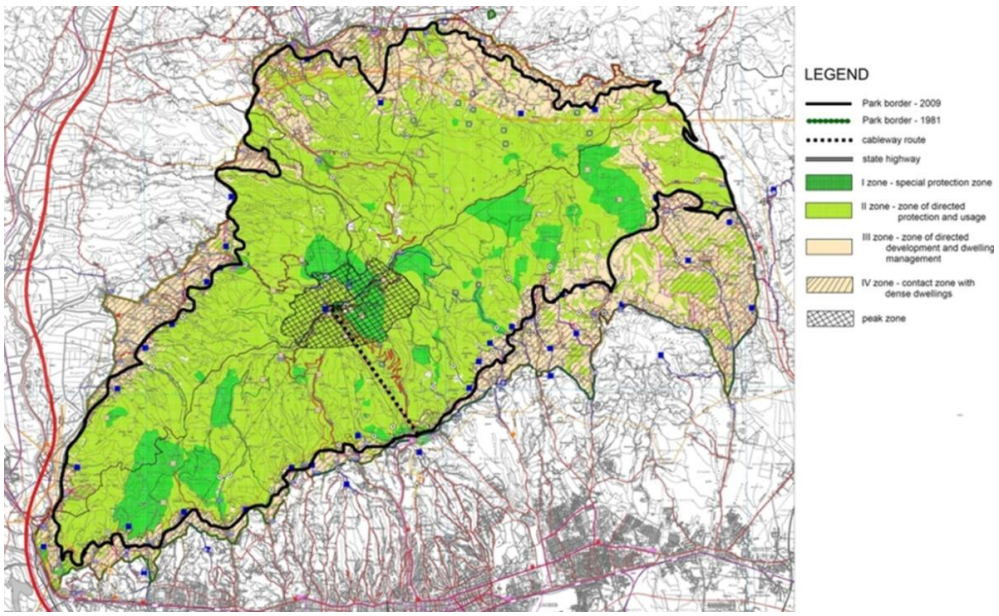
negotiation sessions. A similar conclusion was given by Christie (2004), who (without the usage of SA) did a comparative study of four Marine Protected Areas in SE – Asia, and found that just by looking at biological elements of protected area without recognition of social demands of stakeholder groups - especially local people, the protected area management regime was in fact a failure. To this end the work of Renard, Brown and Geoghegan (2001), which gives an overview of 6 SA applications in PA of the Caribbean region, states that for effective enrolment of stakeholders in decision making capacity building and project manager communication skills are essential. Stakeholder analysis is also a building block of the ecosystem approach of IUCN to management of natural resources on local level (Shepard, 2004). With this in mind, Brenner (2001) performed a stakeholder analysis in a case study of the Great Smoky Mountains National Park. This research identified 29 stakeholder groups and focused on issue priorities and stakeholder power.The importance of SA in environmental planning was stressed by Enserink (2000), who in his paper pointed out the necessity of usage of SA in the early stages of big infrastructure investments in Netherlands, where traditional reliance on secondary data about stakeholders has led to many public negative actions to big investments. He proposes a "Stakeholder quick scan", which is a combination of key informant interviews and focus groups.

Materials and methods

This research analyzes the stakeholders and their involvement and influence in the processes of the formulation of Nature Park Medvednica's spatial plan by using stakeholder analysis for their identification. The official stakeholders list for creation of the spatial plan was used as a starter point. All the undertakings of interpreting the data were done through the framework of stakeholders analysis, with mapping the level of their involvement. This is an applied research, which is descriptive – explanatory, has cross-sectional direction and inductive approach. Unit of analysis are interest groups, or formal and informal groups, and units of data gathering are individual stakeholders of the Medvednica's spatial planning process. The data used for this research are past and present documents and acts as well as recordings of meetings, reports and articles. The information that is gathered is data on spatial characteristics of Nature Park Medvednica; Spatial planning drafts and all background studies and maps; data on policy development of spatial and environmental planning in Nature Park Medvednica; a review of policies and site specific documents. The general data gathered is the review of the relevant literature, reports and of historical data.
This qualitative part of the research is based on in-depth interviews with stakeholders and their representatives as well as with identified key informants. As a starter point for stakeholders' identification an official stakeholders list for the creators of the plan was used.. The further identification of stakeholders was done by impact zoning (IFC, 1998), following the guidelines of Brown (2007). The additional development of stakeholder list was done via snowball technique and key informant in order to identify the excluded public. The rationalle for using a snowball sampling procedure was the fact that the initial list of stakeholders consisted only of powerful, predominantly state organizations, and it contained no local user groups. In this study a Stakeholder's analysis was made in order to be able to assess public involvement and in the same time identification of stakeholder's interest areas was done to see if there is some overlapping. Every interviewed stakeholder had a chance to draw on a map its area of interest. The stakeholders and their interest areas identification trough spatial and physical mapping on Medvednica were compared to the ones that are being taken in consideration for the analysis of the last version of the spatial plan, and changes of the borders.

The process of creation of a spatial plan in Croatia necessitates public involvement approach; however, the term involvement can encompass anything ranging from a merely discarded obligation in the context of informing the public up to binding agreement on implementation. For this reason it is very important to analyse the level of involvement of different stakeholders on the one side, and their motivations for theirinvolvement in the process on another. The level of stakeholder's involvement was assessed through the framework of "ladder of participation" (Arnstein, 1969),in which the author describes the level of involvement in the decision making process through eight steps: Manipulation, Therapy, Informing, Consultation, Placation, Partnership, Delegated power and Citizen Control. The assessment is done in order to see the amount of citizen's power in determining the final decision. "Manipulation" and "Therapy" describe the levels of "non-involvement" that are being used by some processes to substitute the genuine involvement. With that public involved like in this case trough public display only to be able to let the power holders to "educate" or "cure" them. "Informing" and "consultation" are used by the power holders to hear the public, but in reality their views won't be taken into consideration. If involvement is limited only to these levels you cannot have a final product and does not give a chance for changing the status quo. We have taken into consideration classic model of public involvement and deliberative democracy with Sherry Arnstein's ladder of public participation as well as taking into accounts a more recent scholarly framework by IAPP (IAP2)public involvementspectrum of citizen's impact. We can only asses these results through Arnstein's ladder because obviously these systems that we research can be described as deliberative democracy. The newest IAP2 spectrum for accessing the level of involvement cannot be implied because it takes into consideration only the decision making processes that have public impact and influences at the direct decision making process. With the present results from the research so far we cannot find evidence that proves any of those, besides just pure informing.

The respective level of involvement is a reflection of stakeholders interest to participate, and also partly of its power. In order to assess the power relations of stakeholders in more detail, the "Power Tools" ("Stakeholder Power Analysis", "Stakeholder Power Mapping" and "The Four Rs")of the International Institute for Environment and Development are going to be used (iied). These documents represent the conceptual framework and methodology guideline for the stakeholder analysis's section on power distribution and relations. This research tries to find out whether stakeholders perceive the process of spatial plan formulation as a process which favours all of the involved in an equally favourable way. This research also looks at how did stakeholders use power and informal involvement to accomplish their interests in Medvednica. Stakeholder's power can also be analyzed trough mapping of their interest zones (picture 1.). Until now the results showed a succeeded reduction of those areas in order to accomplish their interest trough informal involvement.



Picture 1. Old and new Borders of NP Medvednica overlapping with stakeholder's interest areas and stakeholders power mapping.

Results and Discussion

Nature Park Medvednica is trying to bring a spatial plan for more than 30 years. Historically and politically speaking they can be divided in 3 periods (Figure1, 2).
In the First period 1981-1991 the contractor of the plan was the City of Zagreb with the city committee for Spatial Planning, and communal matters. The implementing agency was the City of Zagreb's Urbanism bureau. 19 people were involved in designing of the plan, and they had consultation with 26 experts in different fields. 9 studies were conducted only for the purpose of that plan. Stakeholders meeting, pre-meetings and consultations where made with 44 identified stakeholders. For citizen involvement a survey was made with the residents of Medvednica, and they were also later on consulted trough the public forum. Although many of the respondents were critical of that time, this first attempt to bring the spatial plan had the longest list of participating stakeholders, the involvement itself was most substantive, almost all stakeholders were taken into consideration, as their list was as almost as big as the list prepared within this research. Many stakeholders consultations and meetings where done in that time.
Second Period 2002-2008; the coordinator was Ministry for Environmental protection, spatial planning and construction and the minister itself was the main leader. The implementing agency was City of Zagreb, Bureau for spatial planning. They have consulted and recognised 21 stakeholders and 23 people were part of the executive crew that made the plan. They only consulted 5 experts and 8 studies were made for that purpose. Public forum consisted out of public presentations and discussion of the implementing agency of the plan and the public, who came on voluntarily basis, were present there as well. After that there was a 30 day notice in which unsatisfied stakeholders and citizens could have submitted a complaint, which might or might not be accepted. The notice about the public forum was sent to all the media and everyone who felt like they were affected by the plan could come and be part of the forum. The Spatial plan was presented for the public on 28th of September 2005, and many people were present at that forum.
In the third Period 2009-2013, the one who ordered and coordinated the spatial plan was Ministry for Environmental protection, spatial planning and construction and the minister itself was the main leader. The implementing agency was the City of Zagreb, Bureau for spatial planning. In this period 26 stakeholders were officially part of the

stakeholders list. From them only 9 were being consulted at the "pre meeting", but not all of them at the same time and on the same table. The rest of them (17 stakeholders) were not being consulted but they were planned to be invited att he public forum. The public forum still has not taken place and the plan is still in procedure.

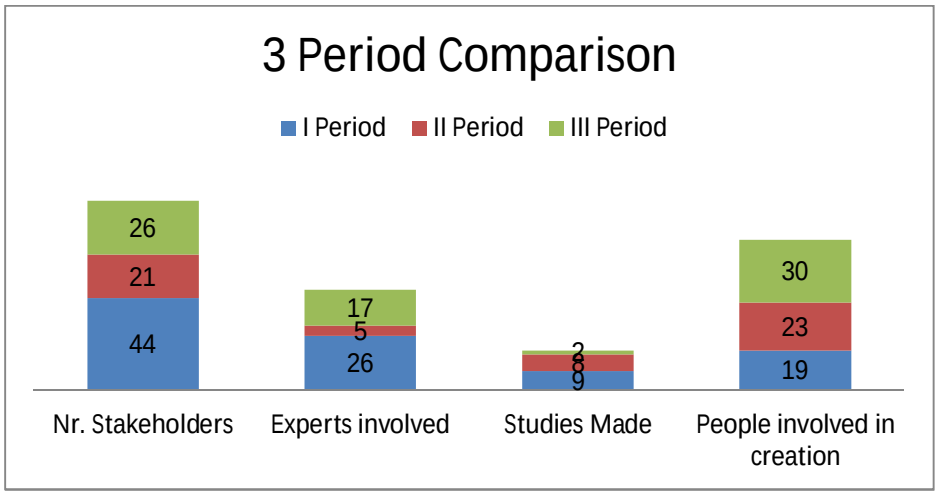


*Figure 1.*Comparisons of 3 periods

In the first period they have gone the most high on the rug of the ladder of involvement with Consulting, in the second period we can say that they have come as far as the Therapy rug, but in the third period there is a slight improvement as far as the informing rug comes.

In this tree period comparison we can see that numbers of stakeholders were much bigger in the first period 44 of them, in the second period there were 21, and in the third period slightly more with 26. The same goes with the experts involved, they were 26 in the first period, 5 in the second and 17 in the third. Nine studies were made in the first period, 8 in the second and only 2 in the third. The only thing that is clear is the smallest number of people involved in the creation in the first period. If we see that in the third period there is the biggest number of people involved in the creation, we can conclude that is not the clearest formula for good achievements, as there should have been an increase in the studies made and stakeholders and experts involved.In 2005 public hearing, 733 complain were submitted by stakeholders, of those only 81 "accepted" and 473 are being "rejected". 12 were "Partially accepted" and 14 were "already incorporated in the plan". On 131 of the complaints were answered with "it is not part of the plan". The answer "It is repeating itself" got 1 complaint, "no replay" got 2 complaints and "it is about changes of the border not about the spatial plan" got 1 complain. There were even 3 answers "it is not a complaint" and 15 of them were replied with "it is not being revived". If some citizens' complaints were anonymous or the address is not correctly written or is unknown, the complaint was automatically rejected. All of the rejected complaints got the same generic answer, without substantive explanation why their specific request wasn't accepted.

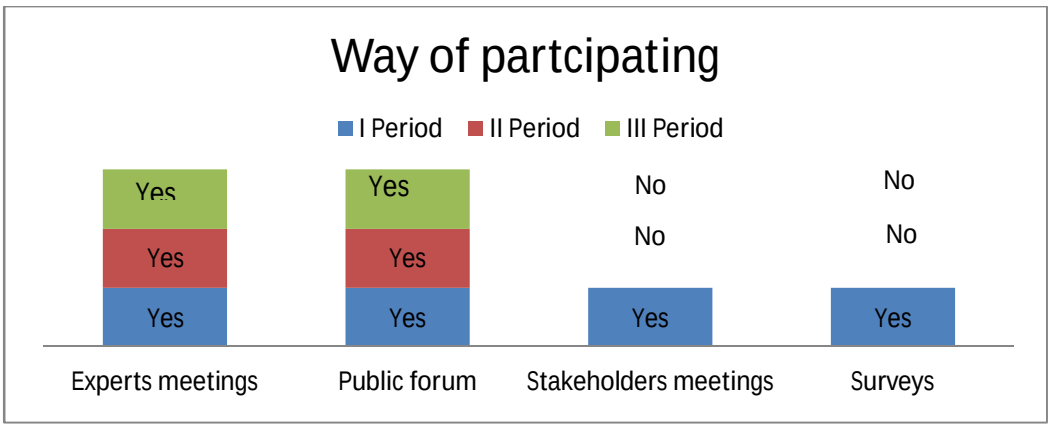


Figure 2. Way of Participating

In figure 2, it can be seen that only in the first period most of the indicators for involvement were followed true with experts meetings, public forum, stakeholder's meetings and survey, and in the second and the third period just some of them where completed; the experts meetings (pre-meetings and public forum).

Conclusions

Nature Park Medvednica is trying to bring its spatial plan for more than 30 years. Historically and politically speaking they can be divided in 3 periods. NP Medvednica was Founded 1981 and in 2013 there is still an on-going third process of creation of the spatial plan. For all three processes it can be said that there is the same outcome no matter what the political state is, no spatial plan came out of them. In which category we can place the public forums and occasional consultation with few of the stakeholders which are not even a real stakeholders according the definition's but part of the Spatial Plan constructors by default taken into account since they are parts of the state administration.

Almost all respondents working in public administration refer that they respect the guidelines from those regulations. Obviously they do not reach satisfactory levels of involvement. Citizen's involvement should be made in the whole process from the beginning of the making of the plan by educating them and making focus groups in taking on their opinion of the suggestions and educating them in order to avoid their personal gains involvement in the spatial planning.. Many of the members of the implementing agency think that public forum is more than enough for stakeholders and citizens involvement, since it is not in the culture of people to participate at such events; so within this setting, there is no need for enhanced involvement. Representatives of stake-holding groups think that is necessary to make the changes and involve the stakeholders and citizens in a "proper way" in decision making, and there are the comments on the bureaucratic structure that they are not motivated enough to practice proper involvements with the same financial support they receive. Croatia is one of the countries who signed the Aarhus Convention (UNECE, 1998). Three articles of the Aarhus Convention are concerning the public involvement in environmental protection- Article 6is about decision making in certain issues, Article 7 deals with public involvement in decision-making on environmental issues, specifically on the involvement in making of plans, programs and policies related to the environment and Article 8 is about involvement during preparation of laws, legislations and legally binding normative instruments (Ofak, L. 2010). Awareness of environmental protection in Croatia must be converted into a clear, comprehensive and long-term concept, particularly because of the accession to the European Union (EU).Better public education and information allows high level of involvement in decision making. This

step, of course, should cause changes in the organizational as well as in the legislative forms. Therefore, the natural resources management requires an integrated and multidisciplinary approach. All of this can be achieved by adequate implementation of the Aarhus Convention.Croatia has a long practice in the area of carrying out EIAs and involving the public in the process, since this is an area that has been regulated since 1984 (today by the Regulations on Environmental Impact Assessment, last version, NN 59/00), (Ban, A. 2004). This research showed that involvement is not had already existed in the first process presented in this study. Research results have shown clear indications of discrimination against those requirements by state officials that are considered as "provocative" or made "for purely political reasons." The easiest way is not to give answer to them or just simply disqualify them as such. It should be noted that the most common requests for environmental informing related to information is about land use. The intensity of public involvement depends on specific issues,and how the media informed and placed information's on the topic. In Medvednica's case that was conducted with a really strong intensity and rebel on the public forum due to the previous media articles. With that an area is left for manipulation of certain interest groups, and the changes to the final impact on the outcome of the public forum, which is how we can describe in some manners the unofficial involvement. The interest for public debates usually is not great, since there aren't many written comments afterward and thereis a small number of participants present at those forums. But after the 2005 public forum in Medvednica's case we can see that if stakeholders recognise their interest, they actually want to be involved in the process.. Such attitude can be countered with enhancement of the information systems of publically available data and appropriate education and consultation of people through focus groups and seminars.

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Stakeholders participation in the transposition of Natura 2000 directives in Croatian forestry

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Abstract

Natura 2000 is the nature protection network of the European Union, and its overall goal is to reach favourable conservation status of the habitats and species of Community interest. It is based on the Birds Directive and on the Habitats Directive, which the member states of the EU have to transpose into their legislation. This research follows such policy formulation process; the expert working group on Natura 2000 on forestry in Croatia. The task of the working group was to participate in the forestry-related part of the expert proposal of Natura 2000, under the leadership of State institute on nature protection. The expert group is composed of many stake holding organizations which have diverging opinions and information both on Natura 2000 and forestry.
The research aims at explaining on how stakeholders influence this policy formulation. Data is gathered through interviews, non-participant observation, questionnaires and from secondary sources. Social network analysis is performed on quantitative data, where the interpersonal communication is founded in Friedkin`s models of interpersonal influence, and organizational data is theoretically bound in the Resource dependence perspective.
Results show that the communication channels follow the patterns of interpersonal influence, which also are to a certain extent mirrored in the network of organizations whose members are in the working group. Findings support the assumption of the working group as a venue of a classical policy formulation process, in which scientific and political discourse have played an equal role. This kind of broad inclusion of stakeholders brought rise to a high level of procedural justice not usually found in the transposition of Natura 2000 among the Eastern EU members, and as such will probably contribute to diminishing of post-accession conflicts related to the implementation of the Network.

*Key words:*Natura 2000, policy formulation, stakeholders, participation

Introduction

The Council Directive 92/43/EEC on the Conservation of Natural Habitats of Wild Fauna and Flora (the “Habitats Directive”) together with the Council Directive 79/409/EEC on the Conservation of Wild Birds (the “Birds Directive”) build the Natura 2000 network, builds “the cornerstone of Europe's nature conservation policy” (European Commission, 2012). Natura 2000 is the EU response to the Berne Convention on the Conservation of European Wildlife and Natural Habitats, and spans onto 18% of its 27 member countries.
In a broader context Natura 2000 is just one out of approximately 200 pieces of EU law related to environmental protection to which the EU acceding countries have to adhere

to. This process does not require simple transposition of acquis communautaire, but also building-up institutions and structures by which these legally binding agreements can be effectively implemented. This process is commonly understood as Europeanization of domestic environmental governance in Central and Eastern European Countries. (Carmin and Vandeveer, 2004; Börzel, 2009). The "typical" mode of governance in this context was an EU top-down influence on the national policy domain, where the policy making process was dominated by states` environmental protection administration, low involvement of stakeholders and strong inclusion of non-state actors, mostly transnational NGOs (Carmin and Vanderveer, 2004).
The political setting of Natura 2000 network as a nature conservation mechanism can be traced back to its establishment, which was promoted by a strategic alliance between DG Environment and WWF (Weber and Christophersenb, 2002). This coalition to this day faces a less influential and cohesive coalition of DG Agriculture and land users.

Approximately one third of habitats listed in the Annex I of the Habitats directive are forest habitats. Given the fact that the adequate share of managed and un-managed old-growth forests is an explicit goal for the Natura 2000 set by the Comission (European Commission, 2000.), on a national level Natura 2000 is more often perceived by the forestry sectors as a threat than as an opportunity. One of the aims of the Confederation of European Forest Owners (CEPF) is to lobby for the changes of the Directive; however, in the current policy setting the fulfillment of that goal seems highly improbable.
In the German transposition of Natura 2000 the deadlines have been breached, and only after the pressure of infringement procedures by the European Court of Justice have the areas been defined (Von Haaren and Reich, 2006. Chilla, 2007). Only at one public hearing of the Bavarian government there were 27 000 objections raised by landowners. Similar process happened in France, where the transposition was marked by delays and social conflict (Alphandery & Fortier, 2001, McCauley, 2008). In Romania and Bulgaria the rich biodiversity and economic transformation collided with the conditionality of the accession to the EU, which resulted in a "typical" transposition process with high percentage of designated areas, and in practice with mostly just symbolic implementation. (Angelova et al, 2009)
In Croatia the State Institute on Nature Protection (SINP) had initiated in 2010 a working group whose task was to participate in the forestry-related part of the expert proposal of Natura 2000, which would be the base for the subsequent Ordinance on Natura 2000, by which the network will be transposed. From 18th of March 2010 until 11th of October 2012 the working group had a total of eleven meetings, whose findings were an integral part of the SINP`s expert proposal of the ecological Network 2000, issued in December 2012. The working group provided a formal forum for many stake-holding organizations from the forestry sector in which they could provide inputs to the formulation of forestry-related items of Natura 2000, such as choice of sites for the protection of forest habitats or management guidelines for the protection of species from Annex II of the Habitats Directive and management guidelines from the forest habitat-related bird species annexed to the Birds directive. The organizations that had their representatives in the working group are: State institute on nature protection, Alliance of Private Forest Owners and forest owners Associations (APFOA), Croatian Academy of Sciences and Arts (CASA), Croatian Forests Ltd. (CF), Croatian Forestry Society (CFS), Croatian Natural History Museum (CNMH), Croatian Union of Private Forest Owner`s Association (CUPFOA), Forest Extension Service (FES, later on mostly incorporated into CF), Faculty of Forestry, University of Zagreb (FOF), Ministry of Culture, Directorate for Nature Protection (MCDNP, later on jurisdiction on nature protection passed to Ministry of Environmental and Nature protection), and the Ministry

of Agriculture, with members from the Division for Forestry (MDF) and Division for hunting (MDH). This paper analyzes the way in which the stake-holding organizations through their representatives have influenced the decisions of the working group, i.e. the forestry-related items in the SINP`s expert proposal of Natura 2000 network.

Methodology

The meetings of the working group are perceived as a formal policy formulation process (Krott, 2005), analyzed both from interpersonal and interorganizational standpoint. The interpersonal standpoint is rooted on Friedkin`s (1993) model of interpersonal influence, in which items of issue-related interpersonal influence are visibility of alters` opinion to ego and salience of alters` opinion to ego. The predicting variable for the issue-related interpersonal influence is the issue-related interpersonal communication. These items were administered on a five point ordinal scale.
Change of opinions is tracked according to the Friedkin and Johnsen `s (1997) model of social positions in influence networks. According to model the initial opinion ($y^{(1)}$) is formed out of product of *X* and *b*, where *W* is an *n* x *k* matrix of exogenous variables and *b* is a *k* x *1* vector of coefficients for the exogenous contributions. The transformation of initial opinions is set by the equation $y(t)=\alpha W y^{(t-1)}+(1-\alpha)y^{1}$, where $y^{(t)}$ is an *n* x 1 vector of individuals` opinion at time *t*, $W=[w_{ij}]$ is an $n \times n$ matrix of endogenous interpersonal Influences ($0 \leq w_{ij} \leq 1$, $\sum_j^n x_{ij}=1$), and $0 \leq \alpha \leq 1$ is a scalar weight of the endogenous interpersonal influences. According to the model *W* describes patterns by which endogenous interpersonal influences effect ego`s position, which is at the same time partly set by the exogenous influences which formed the initial opinion. The relative weight of endogenous and exogenous influences are set by α, the coefficient of social influence. Topics for the analysis of opinion changes were based on key-informant interviews and on secondary data. Opinions were gathered at two time points (waves), and were scaled on a nine-point ordinal scale ranging from “strongly disagree” to “strongly agree”. The topics, mean positions and standard deviations of opinions from T1 and T2 are presented in Table1.

Table 1. Topics of interests and positions at T1 and T2

No.	Question (shortened)	T1		T2	
		Mean	SD	Mean	SD
1.	Minimum of 3% deadwood in forest habitats	0.653	0.214	0.651	0.061
2.	General guidelines for management of forest habitats	0.765	0.120	0.774	0.070
3.	Forest habitats within nationally protected areas	0.500	0.233	0.512	0.120
4.	Protection of certain forest habitat sites as strict reserves	0.492	0.200	0.393	0.085
5.	Inclusion of Spačva basin`s forest habitats	0.511	0.244	0.458	0.190
6.	Active management of strictly protected species which threaten other strictly protected species	0.612	0.263	0.618	0.133
7.	Final cut under 60 ha	0.684	0.176	0.548	0.133
8.	Uncut patches up to 5ha in final cut	0.538	0.192	0.500	0.131

The meetings were assessed by non-participant observation in a total of seven waves with two observers. Dyadic communication was used as a proxy for issue-related interpersonal influence. QAP correlation between the networks of dyadic communication collected by two observers is 0.89, and is significant at the 0.001 level. Two type of coefficient of social influence have been calculated. The first one (*Alpha_Desc*) is based on the age, education and inter-organizational position of an actor, following the arguments of legitimate power (French and Raven, 1959) and its

connection to legitimacy of authority and acceptance of social structures. The second one (*Alpha_NonP*) is based on successful intrusion in dyadic communication, frequency of dyadic communication and of loud speeches, following the arguments of Brauer and Bourhis (2006) on social power.
Inter-organizational relations have been observed from a perspective of resource-dependence theory (Pfeffer and Salacnik, 2003), in which organizations try to minimize uncertainty by seizing control of critical resources from their perceived environment, all with inherent interest of expanding their resource base and field of authority. Inter-organizational influence is operationalized as a difference of dyadic-resource dependencies (Casciaro and Piskorski, 2005). Resources were grouped onto informational, human, financial and material resources (Pride et al, 1991). Items on resource dependencies were administered on a five point ordinal scale. Total resource dependencies and respective power imbalance were calculated jointly for all types of resources, each of which have received same weight.
Data sources include: questionnaires administrated to the members of the working group twice (once between third and fourth – T1, and then subsequently after eleventh meeting – T2), non-participant observations from third until eleventh meeting, interviews with members of the working group on two occasion (once between 3rd and 4th meeting and second time after 11th meeting), and secondary sources, such as minutes and other materials related to the working group, expert documents and maps. Total number of people that participated in the working group is 29. Certain elements of the questionnaires related to interorganizational relations were also administered to a total of 34 key informants outside of the working group.

Results

The distribution of interpersonal influence at T2 shows a dissemination of actors on two somewhat cohesive subgroups that are aligned with the two represented sectors where actors FOF2 and SINP2 are acting as boundary spanners. Role similarity can be observed between prominent actors SINP7 and CF1, who focus on interaction with other prominent actors from both sectors on one side, and the actors SINP5, FOF1 and MDF2 whose prominence is more evenly distributed throughout the network. Hierarchical clustering on the level of 4.52 shows two similar groups (with CUPFOA1 and FES1 in the nature protection group, and SINP 3 in the forestry group). The common denominators for cohesive subgroups found in the combinatorial optimization clustering are once again forestry and nature protection (this time with FOF2 in nature protection, and MCDNP2 in the forestry group; 0.732 model fit).

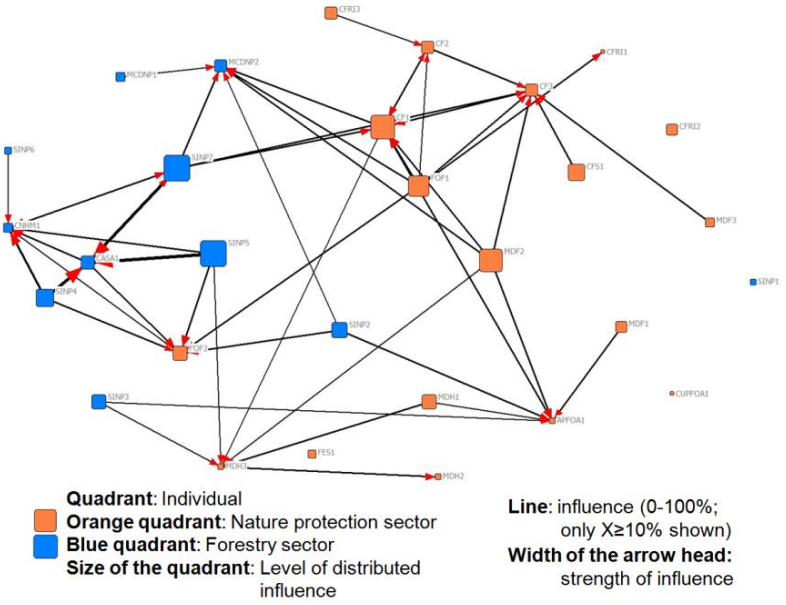

Figure 1. Network of interpersonal influence at T2 in scaled layout on tie strength

The network of interorganizational relations at T1 also shows similar grouping of actors according to sectors, where Faculty of Forestry acts as a boundary spanner for the forestry sector. CF and SINP are most influential organizations, where MCDNP is in a favourable position to influence SINP, and MP in relation to CF is not.

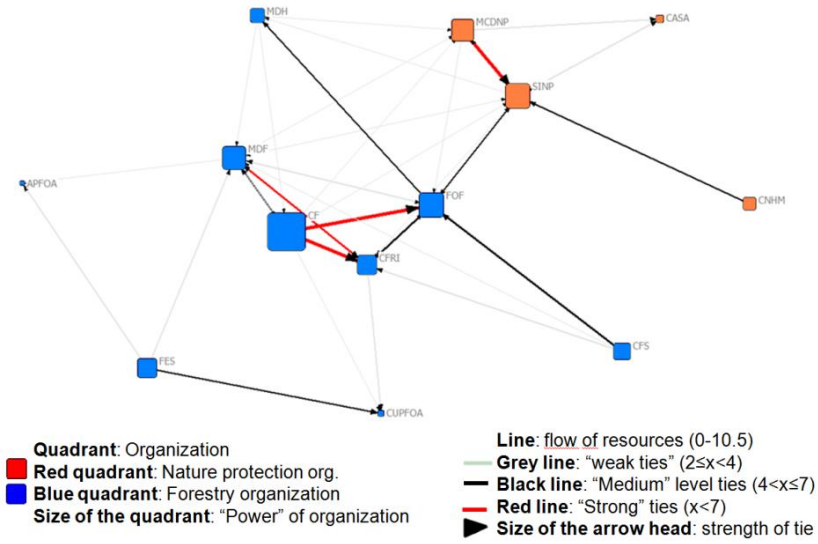

Figure 2. Interorganizational network of resource flows in scaled layout on tie strength

Friedkin and Johnsen `s model of social positions in influence networks has been iterated once for the network of interpersonal influences (drawn from questionnaires), and iterated six times (once for every period between the observed meetings) for the network of interpersonal communication (drawn from non-participant observation). The results of the fit of the models (Table 2) show that the dyadic communication (model 4) is not so good predictor for the change of opinions, whereas perceived interpersonal influence scaled on individual social power (model 3) provides statistically significant results. Somewhat surprising results is the statistical significance of outputs gained through model 5, which shows that the dynamics of change in opinions of members of the working group is related to the power relations of their organizations.

Table 2. Results of application of Friedkin and Johnsen `s model on the working group

Model no.	Network relation	Estimation model	Paired samples correlations		Paired samples t-test			
			Cor.	Sig.	SD	t	df	Sig.
1	Influence	No Alpha	0.355	0.000	0.1906	-1.925	185	0.056
2	Influence	Alpha_Desc	0.583	0.000	0.1803	-3.233	185	0.001
3	Influence	Alpha_NonP	0.691	0.000	0.1405	0.235	185	0.814
4	Communication	Alpha_NonP	0.657	0.000	0.15275	-3.265	185	0.001
5	Resource dependence	No Alpha	0.658	0.000	0.1395	-1.593	81	0.115

Interpersonal influence and communication networks have been submitted to a Siena (actor-based stochastic) model for network dynamics (Snijders, 2001; Snijders et al, 2010) and analyzed in RSiena. Relations in both networks have been normalized on the *z* scores of the original values, and scaled onto an interval scale by ½ ofz score. The results of the estimation of both models are presented in Table 3.

	Influence network			Communication network	
Jaccard index	0.734			From 0.2111 to 0.074	
Parameter	Estimate	Std.error		Estimate	Std.error
Rate	7.4445****	0.7048		From 8.647 to25.55**	From 0.837 to 1.27**
outdegree (density)	-0.6630	0.9582		-0.1123***	0.1950
reciprocity	0.4381*	0.2536		-0.0079**	0.0715
indegree - popularity	0.0769****	0.0146			
indegree - activity	0.0116	0.0239		0.0014**	0.0052
outdegree - activity	-0.0076	0.0262		0.0023	0.0067
Same_org	0.7460****	0.2856		0.1478**	0.0689
Alpha_N alter	0.1242**	0.0610		0.4073****	0.0212
Alpha_N ego	0.3054**	0.1196		-0.0084	0.0238
Key_actor alter	-0.1873	0.1736		-0.2500****	0.0157
Key_actor ego	0.2532	0.2698		0.0064	0.0175
Alpha_D alter	-0.2246****	0.0547		-0.4992****	0.0514
Alpha_D ego	-0.0861	0.0815		0.0179	0.0506

There is a general tendency of diminishing of the level of dyadic interpersonal influence and communication, where those who accept the influence of other are more likely to influence others. Influence has a significant tendency of being reciprocal, whereas communication had a tendency to be more one-sided and focused on a smaller number of actors. Both influence and communication were positively affected by membership to a same organization, and most of the senior members of the working group were open both to influence and communication. Lead representatives of stake-holding organizations were reluctant to be influenced or to be communicated to, as well as actors with pronounced social power (in most cases they are the same actors as the lead representatives of stake-holding organizations).

Discussion and conclusions

The results from the application of Friedkin and Johnsens` model support the initial assumption that the activities of the working group are "classical" policy formulation process, which follows the logic of the decision making (or first) face of power (Dahl, 2005), both on the interpersonal and interorganizational level. The grouping of members in the working group is in lined with the relations that exist between their organizations, and also with their normative standpoints on the relations between forestry and nature protection, which are in this context their policy core beliefs (Sabatier and Jenkins-Smith, 1988, 1993 and 1999).There are signs of policy oriented learning across belief systems; both at T1 and T2 the mean opinion was close to 0.5, but the standard deviation has gone down approximately by half, which means that in most cases "strongly agree/disagree" opinions have become more moderate. This is in accordance with the data from interviews, in which most of the interviewees responded that they have learned in general on Natura 2000 and on forestry practice, but have not substantially changed their positions. Almost all respondents have perceived the results as a compromise solution with moderate usage of science, which is in line with the results from the questionnaire (3.2 mean score on the usage of science and 2.8 mean score on the pressure for consensual result; both on a five point ordinal scale).

Natura 2000 has entered Croatian forestry with much more stakeholders' involvement than it was the case in most of the Eastern members of the EU. The expert proposal of Natura 2000 that SINP has prepared covers 36.9% of land cover and 27% of annexed forest habitats, both of which is above EU level. However, perhaps it is more prudent to look at these numbers with respect to the rich biodiversity that Croatia is hosting, and even more importantly with respect to the principle of conditionality of the EU accession, by which in practice the EU legislative requirements are much stricter for the applicant countries that they are for the member countries. The conditionality principle also has its other side: after the EU accession, the slow-paste of changes in the institutional framework, the inertia of policy-subsystem to power shifts and the ever more increasing pressure from interest groups to keep the status quo will in most cases (Young et al, 2007) restrain the ambitious implementation goals to mostly a level of formal and symbolic acceptance. The working group presents just one point in the chain of decision making which will lead to a final setting of Natura 2000 in Croatian forestry, but judging just on its characteristics it seems that a high level of procedural justice has been achieved,. The outcomes jet remains to be seen, but it is somewhat unlikely that they will strongly diverge from what was practice so far.

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