

HarmoniCOP

National Stakeholder Dialogue Germany

13 September 2004

ICPDR Magdeburg

1. Set-up of the National Stakeholder Dialogue

Objective

The National Stakeholder Dialogue was convened in order to discuss the German case study prepared in the context of work package 5 of HarmoniCOP with stakeholders from the respective river basin. In the study, public participation (PP) activities and their preparation during the implementation of the WFD were analysed with a focus on conditions for social learning. The case study consists of three subcases dealing with the Elbe river basin: The first analyses the situation on international and German national level, the second and third subcases focused on examples from two federal states: Thuringia and Brandenburg.



Participants

The participants represented a wide range of possible interests and constituencies, ranging from international to regional authorities as well as representatives from NGOs and academia.

In the introductory round all workshop participants indicated their location in the Elbe basin (see picture) as well as their area of work. Most of the participants were involved in river basin management on the international level.

2. Proceedings

Introduction

The workshop started off with a short introduction to the objectives and current status of the HarmoniCOP project and the role of the Elbe case study therein. Special emphasis was once again put on highlighting the relevance of public participation for WFD implementation. As key aspects of the social learning process, problem framing as well as boundary management were defined.

It was furthermore noted that during the past years, public participation in the Elbe basin has gained considerable momentum, which can for a large part be attributed to the entry into force of the WFD.

During the discussion, it was pointed out that stakeholders are part of complex actor structures in river basin management. Increasingly, authorities need to involve stakeholders, as for example farmers' and industry associations as well as nature protection groups in decision-making processes. The international level constitutes a special case in this respect. Usually international authorities don't have the decision-making competence, for example with respect to concrete measures, and predominantly devise more strategic decisions. This competence gap leads to uncertainties on the side of both the stakeholders and the authorities as to whether involvement is necessary at all and which form it should take. Overcoming this uncertainty requires a precise definition of targets and processes, the basis of which is the continual exchange of information among all actors involved.

Presentation and Reactions 1

The presentation-files are available in German on www.harmonicop.info .

General presentation: Public participation on the national and international level

Since 2003, the former separated annual meeting organized by the IKSE for NGO's in the Elbe basin has been integrated into the annual plenary meetings of the IKSE. Representatives of different stakeholder groups (industry, agriculture, environmental NGO) have been invited to participate as observers directly in the annual meeting of the IKSE.

With the meeting in 2003, the working groups of the IKSE were also opened to different stakeholder groups (environmental NGO from D and CZ, agriculture and industry) which have been invited to delegate observers to participate in the meetings. However, the response to this offer is quite slow. About 6 months after the given deadline, the environmental NGO from Germany were the first group which named representatives.

1 All presentations are available in German on www.harmonicop.info . For details in English please check the case study report at www.harmonicop.info/workPackages.php?cur_wp=6&cur_cs=3

As result of the workshop in March 2004, the AG WFD has decided that the information of the general public should be supported with a regular newsletter. Also, linked to the publication of the report 2005, an information event is planned including a special forum for stakeholders to comment. For organized stakeholders, the implementation of an advisory board on international level is also considered. However, the lack of experience in multi-party collaboration and the and the complexity of the decions making levels increase the need of a transparency and structured approach in PP activities.

Comments from the participants:

Stakeholders present at the dialogue emphasised the relevance of a common knowledge base, which should be built and maintained by all actors involved. Only if such knowledge exchange is realised for the entire basin, consultation on international issues can be feasibly achieved.

A further comment referred to the capacity of all stakeholders to participate at the international level. It was pointed out that environmental groups in particular are usually more active on the regional level, which makes it difficult for them to be present at the river basin level. Although there exist international – or at least European – associations of farmers, navigation, communities and nature protection groups, they are not specifically concerned with the Elbe. In addition, they often are not well equipped with financial resources and therefore do not attend international meetings. Consequently, learning about their interests is difficult, conflicts can hardly be analysed, let alone been solved.

Another aspect is that even if associations show interest in participation, this approach is new to them and they would first have to learn it. It was stated that all actors involved need to develop the ability to better communicate their views, not only in the context of official planning procedures, but also in open fora. Associations need to be clear about their interests towards authorities as well as the general public.

In addition, the willingness on all sides of the table for finding and also accepting compromises in dealing with complex issues in river basin management was identified as absolutely necessary. Methods are needed to facilitate this learning in, respectively of participation processes.

Presentation: Actors in Water Management and Public Participation Activities in Brandenburg

The participation activities taking place in existing structures on federal state level in Brandenburg are analysed in their preparation phase. The scale of focus is regional and the levels of public participation discussed are primarily information and to some limited extent consultation.

The focus of the sub-case on Brandenburg is the relationship of authorities with environmental organisations and other stakeholder groups in the context of implementing the WFD.

The communication among the environmental NGOs and the authorities has improved following the training events organized on request by the NGOs. The communication between farmers' and business associations and the authorities on issues related to the

WFD has been integrated in already existing fora, such as the environmental partnership of business actors or the congregation of water management associations.

Comments from the participants:

In a clarifying question the specific role of the water associations for river basin management in Brandenburg was addressed. While this specific group of stakeholders has considerable capacities to offer to support the implementation of the WFD, this potential has not been explicitly realised by the authorities. Besides, it was pointed out that there is a considerable lack of networking between the different stakeholder groups throughout the river basin.

Presentation: The Unstrut-Leine Forum: Example for participation of organized stakeholders in Thuringia

In Thuringia, the Ministry of Nature Protection, Agriculture and Environment in Thuringia (TMLNU) has shown strong interest in starting as early as possible a discussion process with the relevant stakeholders in order to establish a common base for future potentially necessary compromises. Thus, the PP process has started already in 2001 as there was the first issue from the newsletter released- about a year before the approval of the Thuringia decree for the implementation of the WFD and was one of the first federal states actively addressing and implementing public participation. Also, although claiming to realize the technical implementation within the existing administrative structure, they have set up a new structure for participation, addressing especially the organised stakeholders.

This 2nd subcase analyses the first three meetings of the Unstrut-Leine-Forum (ULF) in Thuringia. As results, the PP process in Thuringia can be seen as good example in Germany for integrating the organised stakeholders into the WFD implementation process. The PP activities will develop over time and probably significantly influence not only the decision making process but linked with it also the improve network between the different stakeholders.

Comments from the participants:

The goals for the participatory process were clearly defined by the Thuringian Ministry of the Environment. A question was raised about scale and level and it was stated, that the exchange with other participants is important. One reason for this are the significant differences among the different Länder.

Interactive Feedback

For the interactive feedback round participants split up into three working groups combining representatives from international authorities, regional authorities and NGOs respectively. The groups were given an hour to discuss prerequisites for successful public participation on different spatial scales. To structure the discussion the groups were provided with the following guiding questions:

1. What is new and surprising to you in the case studies presented?

2. What according to your work/your own experience is missing in the case studies?
3. What do you consider irrelevant?
4. What are the conditions for 'good participation'; what has to be given so that you can participate/get involved?
5. What can others learn from the case studies?



After a round of group discussion the entire plenary convened to present and discuss results.

Presentation 1: NGO representatives

[1] The objectives of WFD in regards to PP goals do not always appear to be clear to all actors involved in the process, as formulations of the WFD are not well-defined. Thus, the goals pursued by those actors may vary significantly.

[2] It should be made clearer how exactly public participation works in the concrete cases. Also there should be a clear guidance for identifying potential areas of conflict and how to deal with them, e.g. a decision matrix.

[3] NGO representatives had found nothing in the case studies they considered irrelevant.

[4] In order to assure 'good' or successful public participation the following aspects seem imperative:

- Involvement of stakeholders before decisions are made,

- Highlight the relevance of WFD for everybody who is affected,
- Align public participation with already existing planning processes,
- Provide information about possibilities to get involved, information material which could be used by stakeholder groups to inform their clientele
- Involvement in a clearly defined case (selection of measures...),
- Clearly define potential conflicts, thus setting the frame for PP.

[5] This question was not addressed by the NGO representatives.

Presentation 2: International Authorities

[1] The notion of 'social learning' was a newly introduced concept to the representatives of international authorities. Additionally, a clear classification of participatory activities on three levels, i.e. the legal level, the interaction with organised stakeholder groups and voluntary activities was also considered as new.

[2] The cases lack a link to the international level. National and international committees should be mentioned and how they can develop a greater interest for the processes at the respective level. Furthermore the relevance of cross-Länder and cross-national coordination processes should gain more emphasis.

[3] In general, international authorities considered all aspects as relevant for PP. There is no information exchange that is irrelevant.

[4] To ensure successful processes all actors must be willing to co-operate and the collaboration of the legal authorities in charge is absolutely crucial. There should be a "good" combination of participation on the three levels as mentioned in point 1.

Committees and stakeholders need to have clearly defined competencies and the power to reach decisions. Any kind of communication should to be target group specific.

[5] The case studies offer opportunities to derive conclusions about the relevance of a clear formulation of objectives. They also highlight the potential to learn from the experiences gained in other river basins and other contexts and show that much can be learnt from the variety of different opportunities.

3. Conclusions of the meeting

The participating stakeholders demonstrated considerable interest in the case studies and therefore contributed to a lively discussion. As many participants were actors from the international level, the discussion focussed on this respective level and how participation can be effectively implemented. The questions raised (and left open) were: How much participation is necessary? How much participation is allowed?

One conclusion of the discussion is that continuous cooperation of all stakeholders is necessary, e.g. in Brandenburg the NGOs were able to contribute to the refinement of the approach. Also the importance of cooperation of actors from different scales (local, regional, national, international) was addressed, although the associated difficulties were recognized.

Due to the comparison of the Thuringia and Brandenburg case studies and also due to the experience of several participants, it was concluded that in Germany there exist very diverse approaches to participation in river basin management. The federal structure of Germany as well as the missing communication/cooperation between the Länder are the reasons for this.

Another major point was that the information provided by the water authorities will probably not be easily understood by all stakeholders. There is a significant conflict due to the stakeholders' lack of capacity to grasp their concern and the authorities' lack of resources to provide target group oriented information.