Presentation “Environmental Impact of Inland Shipping and Waterway development”
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The research project “Environmental Impact of Inland Shipping and Waterway Development” was initiated by the European Conference of Ministers of Transport (ECMT) in reaction to the ECMT Council in Prague (2000) and the Inland Shipping Conference in Rotterdam (2001). Both conferences propagated the development of sustainable transport and waterway infrastructure. The research project focused on the question how to support the development of inland shipping and waterways without causing damage to the environment and the ecological values of the waterway biotopes. This issue is a high priority for the development of the European waterway network, for almost all identified bottlenecks in the Trans European Network of waterways (especially in the Danube River) overlap with stretches of river that are regarded to be ecologically outstanding.

The project aims are to:
- Provide practical guidance on environmental protection in the development of inland waterways
- Exchange experience on good practice
- Identify outstanding issues

The results of a desk study, consultations and interviews with experts and workshops with stakeholders (carried out by Royal Haskoning Coastal & Rivers) are as follows:

Environmental issues: key problem is the canalisation of free flowing rivers. Especially in the strategic planning and assessment phase, much is to be improved. Spatial planning conflicts dominate the decision-making process. Water pollution or damage caused by the inland vessels, although possibly significant, is generally not regarded as a problem. Dredging however does pose a threat to the aquatic environment, not only the disposal of the dredged material, but also the reactivation of pollutants into the surface waters during the dredging process. Another significant threat to the environment is caused by operational discharges of mineral oil and lubricants, as well as organic substances (like PAH) due to shipping operations. These outstanding issues are already being addressed by the River Commissions (CCNR and ICPR).

The research project showed a significant difference in the way environmental problems are perceived, appreciated and dealt with in the various countries, despite similar legislations and procedures.

Policy & Strategy: the transport policies and environmental policies are not integrated. There are strategic visions for e.g. the water quality (Water Framework directive), but a strategic international IWT vision is missing. This handicaps balanced decision making. It is essential that vision, policy and strategy are consistent and persistent, and meet the necessary political support at both the national and international level.

Rules and Regulations
All IWT countries have procedures and regulations in place e.g. regarding environmental impact assessment (EIA). Often these rules are strictly followed. The research project however shows ‘simply following the rules’ is not a guarantee for a successful project. An integrated approach from the very
beginning in which all interests are addressed in a balanced way enables a timely preparation and implementation of the project avoiding unnecessarily delays.

**Viability of Acceptable Alternative Solutions**
Achieving an agreement on the development of inland waterway transport or any other infrastructure works, requires that alternative solutions can be identified and elaborated that match the (minimum) requirements of the interests of all parties involved. If such alternative solutions cannot be identified, agreement between parties with different interests cannot not be reached.

**Overriding Public Interest**
All regulations and procedures may be superseded by an overriding public interest. Many countries have developed jurisprudence, procedures and criteria for assessing whether or not to apply this principle. When developing an international transport network, however, international aspects and interests play a role.
In spite of the existence of a variety of international treaties and conventions, no general procedure, nor criteria have been developed as yet to deal with the international aspects of the overriding public interest principle.

**Harmonisation of European Directives and Regulations**

In many IWT countries the legislation and regulation of environmental issues and its enforcement are considered to be more strict and less flexible than e.g. the rules and regulations regarding the development of the Trans-European Network of Transport (TEN-T). It is felt that this may prejudice the development of inland waterways and the associated socio-economic interests in the future. Therefore it is important that the inland waterway transport sector be involved in the further elaboration and application of the Birds, Habitats and Water Framework Directives. In the latter case the inland waterway transport sector has to make sure that the (international) inland waterway transport interests are considered and respected in drafting the River Basin Management Plans.

**Differences between countries**

It has been observed that perception and application of the same or similar set of rules and regulations may differ from one country to another and lead to different perceptions, appreciations and approaches of the decision-making processes. These differences may be attributed or associated with:

- Cultural differences; in some countries strict enforcement of the rules and regulations is considered as sufficient, whereas in other countries the same or similar rules and regulations are more considered as a set of guidelines for preparing and implementing projects.
- Different levels of socio-economic development lead to differences in appreciation and valuation of social, economic and environmental interests, values and priorities.
- Differences in democratic tradition lead to differences in the way societal groups are organised and empowered and the way they are involved and have an impact in the decision-making process.
- Differences in stakeholder organisation will determine to what extent stakeholders and beneficiaries develop as a driving force in the decision-making process. It is obvious that both the level of socio-economic development and the constitutional and political setting in a country strongly determine to what extent stakeholders and beneficiaries may organise and exercise democratic rights.

**Public Participation**

Many IWT projects may fail because public participation is often too late. Ideally the public participates in all stages of project development, especially in the definition phase and the process of working out (realistic) alternative solutions for project problems. The European legislation and procedures however, are not very specific in the arrangements for public consultation and participation. The EU legislation and procedures only envisage formal steps for public consultation after completion of the environmental studies and submission of the project for approval. The member states are free to make specific arrangements for organising the process of public consultation. Experience and practice in a number of projects show that the progress of the EIA procedures and the probability that a workable solution be agreed upon in a reasonable time span greatly benefit by early involvement of beneficiaries and stakeholders: make them problem owner, accountable for and committed to finding integrated solutions.

The research project also showed, that at present, environmental information is poorly disseminated by governments, despite the Aarhus-convention that forces governments to share environmental and safety information with the public.

**Guidelines and suggestions**

Based on these results, the following 14 suggestions for improvement were drawn up:

1. **Open planning process**: If substantial (environmental) impacts are expected it is suggested that the Developer already in the formulation stage of the project involves actively all relevant stakeholders, following all steps of the European EIA Directive in an open planning process in a preliminary way.

2. **Project formulation documents**: It is suggested that the project formulation documents contain:
   - The information specified in Annex IV of Directive 97/11/EC
- Stakeholder analysis
- Communication plan

3. **Publishing project formulation documents**: It is suggested that the Developer make this information also available to the relevant stakeholders.

4. **Overriding public interest**: It is suggested to investigate whether or not this principle can be elaborated in specific terms regarding the development of the international inland waterway transport network.

5. **Transport development vision, policy and strategy**: In addition to the above formal screening activity, it is suggested that the Competent Authority evaluates the proposed project also with regard to the existing national and international/European vision, policy and strategy on the development of the transport network and infrastructure.

6. **Involvement of relevant stakeholders in scoping**: It is suggested that the Competent Authority provides the opportunity to all relevant stakeholders to participate in the scoping process and contribute to identifying the alternatives to be evaluated and drafting the Terms of Reference of the environmental studies to be carried out.

7. **Preliminary scoping in the project formulation phase**: In line with the suggestion the formulation of the project, it is suggested that a preliminary scoping is carried out by the Developer in consultation with the relevant stakeholders when formulating the project.

8. **Viability of alternatives**: It is suggested that the Competent Authority evaluates whether or not viable alternatives can be identified that meet the minimum requirements of all relevant stakeholders.

9. **Involvement of relevant stakeholders in the environmental studies**: It is suggested that the relevant stakeholders are continuously informed about the progress and results of the environmental studies and are involved in evaluating and assessing the results.

10. **Facilitator**: In project cases where it is to be expected that conflicting interests are difficult to reconcile, it might be interesting to appoint an independent facilitator who will be responsible for the management of the process and the communication during the execution of the environmental studies. An important task for such facilitator is to try and achieve agreement on the process and procedures to be followed while conducting the environmental studies.

11. **Certification of information and results of environmental studies**: To facilitate the decision-making process it is important that all parties involved make use of the same factual information. It may therefore be considered to establish a mechanism that information and results of the studies will be certified. This task may be assigned to a specific committee that acts as an advisory body to either the Competent Authority directly or to the independent facilitator mentioned in Suggestion 8.

12. **Monitoring plan**: It is suggested that the Developer elaborates the environmental monitoring plan in very specific technical, financial and institutional terms to ensure that the effects of the project and the mitigating measures are properly monitored, especially during operations where the monitoring responsibility lies with the Competent Authority.

13. **Preliminary consultation of stakeholders**: It is suggested that the final results of the environmental studies and their summary in the Environmental Impact Statement and the Environmental Management Plan are being drafted in consultation with the major stakeholders.

14. **Open planning process**: It is suggested that the proposed project be conceived, formulated and elaborated in an open participative and integrated planning process where all stakeholders (government agencies, private sector, NGOs, public, etc.), from the early stages of preparation onwards, play an active role and jointly develop commitment to and ownership of the project.
Outstanding issues
The following issues are suggested for further elaboration and discussion in the 2006 EMCT meeting in Bucharest.

- An integrated (transport & environment) development strategy for Danube river corridor needs to be developed. Key players in this process will be the Danube Commission, the international commission for the Protection of the Danube River (ICPDR) and the European Commission. This process should be initiated by and during the Austrian EU presidency;

- All member states should adopt a Common Open Planning process for future IWT development projects. This process should enforce the involvement of relevant stakeholders in all project stages and dissemination of (certified) information to the public;

- Finally, during the next ministerial IWT conference in Bucharest, not only transport ministers and NGO’s should participate, but their environmental counterparts as well.