

## ***Prof. dr. Roko Žarnić, minister za okolje in prostor***

V veliko čast mi je spregovoriti na konferenci, kjer je govora o teoriji in praksi sodelovanja javnosti v okoljskih zadevah. S temi vsebinami se na Ministrstvu za okolje in prostor srečujemo vsakodnevno. Ocena in priporočila konference nam bodo omogočila lažjo presojo, ali je to srečevanje uspešno ali ne. V Sloveniji smo po ratifikaciji Aarhuške konvencije leta 2004 naredili več korakov, ki so gotovo izboljšali stanje glede na predhodno obdobje. Da je na tem področju mogoče postoriti še marsikaj, je gotovo mnenje, ki ga delimo mnogi. Vprašanje je, kaj moramo narediti in kaj zmoremo dejansko potem tudi spraviti v življenje.

Ne želim si odločitev, ki jih potem zaradi takšnih ali drugačnih razlogov ne speljemo. Tovrstna neučinkovitost ima slabe učinke na vse deležnike v upravljanju javnih zadev in spodbuja nezadovoljstvo ljudi z oblastjo samo. To pa lahko sproži znamenito spiralo nezaupanja, ki ogroža stabilnost in uspešnost delovanja posamezne skupnosti.

Ideja sodelovanja javnosti v javnih zadevah kaže temeljni namen delovanja vsake pravične oblasti – da deluje v javnem interesu, v interesu ljudi in skupnosti. Gre za eno izmed idej, zoper katero je pravzaprav skoraj nemogoče ustvariti učinkovit ugovor. Naj se še tako potrudimo, je morebiten protargument – zakaj sodelovanje javnosti ne bi bilo dobro ali prav – večinoma šibek in neprepričljiv, morebiti celo pristranski. A hkrati moramo biti zelo previdni pri tehtanju argumentov.

Vsi si želimo dobre, pravične in nepristranske odločitve. Nepristranske tako, da nihče zaradi te odločitve ne bo plačal nesorazmerne cene oziroma da odločitev ne bo povzročila nesorazmernih stroškov.

Namreč, ko govorimo o sodelovanju javnosti v konkretnih upravnih postopkih, se ministrstvo srečuje z različnimi deležniki, predvsem z nevladnimi organizacijami in investitorji, v postopkih odločanja pa mora tehtati in presojati praviloma o nasprotujočih si zahtevah. Za temi zahtevami so zelo realni in legitimni interesi kapitala in narave.

Zato se mi zdi zelo pomembno poudariti dostopnost in transparentnost podatkov, s katerimi razpolagamo. Tudi na tem področju smo naredili kar nekaj korakov naprej, včasih res rahlo opotekajočih se, pa vendarle v pravi smeri. Kazalniki stanja okolja, ki si jih lahko ogledate na spletni strani Agencije za okolje, ki deluje kot organ Ministrstva za okolje in prostor, so tak primer vsem dostopnih podatkov o skoraj vseh področjih politike varstva okolja in narave. Zdaj moramo začeti delati na tem, da bodo dosledno ažurni. Popolnoma jasno je, da je pozna informacija slabša od ažurne, saj lahko bolje in učinkoviteje ukrepamo, če so podatki na razpolago ob pravem času.

Na drugi strani pa nas ne sme biti strah sodnih postopkov v sporih, ki potekajo ali bodo potekali zaradi pomembnih vprašanj obsega in kakovosti sodelovanja javnosti. Za delo upravnih organov je zelo pomembna tudi sodna praksa – no, tudi pri njej velja načelo pravočasnosti.

Kot inženir tudi vem, da je za delovanje kompleksnih sistemov, poleg dostopnosti informacij na pravem mestu in ob pravem času ter ob vnaprej znanih pravilih sodelovanja, pomembna tudi kompetenca sodelujočih. Zato bomo v prihodnosti namenili več pozornosti zagotavljanju pogojev za oblikovanje čim bolj kompetentnih sodelujočih v procesih odločanja. In pri tem ne merim samo na javnost, marveč tudi na investitorje in uradništvo.

Če povzamem, za učinkovitost sodelovanja javnosti v okoljskih zadevah so ključne tri stvari:

- pravočasne in dostopne informacije o okolju in postopkih,
- jasna pravila sodelovanja v postopkih in
- kompetentni deležniki.

***Prof. Dr. Roko Žarnić, Minister of the Environment and Spatial Planning***

It is my great honour to speak at a conference which discusses the theory and practice of public cooperation in environmental matters. In the Ministry of the Environment and Spatial Planning we meet with these topics every day. The evaluation and recommendation of the conference will enable us to judge more easily whether this encounter is successful or not. After the ratification of the Aarhus Convention in 2004, several steps have been taken in Slovenia which have certainly improved the situation with regard to the previous period. However it is, without doubt, the opinion of many people that a number of things can still be done in this area. The question is: what do we have to do? what can we do? and then how do we make it happen?.

I do not wish to be in the position of making decisions on plans which are ultimately not realized for one reason or another. Such inefficiency has a negative effect on all stakeholders involved in the management of public matters and encourages people to become dissatisfied with the authority itself. And this may trigger a familiar downward spiral into distrust which endangers the stability and effectiveness of the operation of an individual community.

The idea of public cooperation in public matters expresses the fundamental aim regarding the functioning of every just authority – that it functions in the public interest, in the interests of people and community. It is the one idea against which it is actually almost impossible to form an efficient objection. However hard we may try to find a valid counter-argument – the proposition: “why wouldn’t public cooperation be beneficial or right” – is for the most part weak and unconvincing, maybe even biased. But at the same time we have to be very careful when weighing the arguments.

We all wish for good, just and unbiased decisions. Unbiased in a manner that nobody would pay a disproportional price because of this decision, or rather, that the decision will not incur disproportional costs.

When we talk specifically about public cooperation in concrete administrative procedures, the Ministry encounters various stakeholders, particularly non-governmental organizations and investors, but in the decision-making procedures it should, routinely, consider conflicting demands. Behind such demands lie the very real and legitimate interests of capital and nature.

That is why it seems to me very important to point out the accessibility and transparency of data we have at our disposal. In this area too we have made considerable progress, sometimes rather hesitatingly, but nevertheless in the right direction. The environmental indicators which you may have a look at on the web page of the Environmental Agency which functions as a body affiliated to the Ministry of the Environment and Spatial Planning, are an example of data regarding almost all fields of the environment and nature protection policy which are accessible to everybody. Now we should start working to make them consistently up-to-date. It is absolutely certain that late information is worse than normal up-to-date information as we may act in a better and more efficient manner if the data is available at the right time.

At the same time we should not be afraid of judicial proceedings in current disputes or potential disputes about important questions regarding the scope and the quality of public cooperation.

For the work of administrative bodies the case-law is also very important – and also with this, the principle of the appropriateness of time applies.

As an engineer I also know that for the functioning of complex systems, in addition to the accessibility of information at the right place, at the right time and with the rules of cooperation known in advance, the competence of participating parties is important. That is why, in the future, we will dedicate more attention to ensure that conditions exist for the inclusion of the most competent participants in the decision-making process as possible. And with this I do not have in mind only the public but also investors and bureaucrats.

To sum up, regarding the efficiency of public cooperation in environmental matters, three issues are of key importance:

- timely and accessible information on environment and procedures,
- clear rules regarding cooperation in procedures, and
- competent stakeholders.