Future use and development of the green area in the west of Telfs, Austria

Type of procedure

- Mediation procedure
- Procedure including mediation elements
- Other: ........................................

Topic area

- Urban and land use planning
- Waste management
- Power industry
- Traffic, transportation
- Nature conservation
- Tourism
- Water management/supply and distribution
- Industry, trade, enterprises
- Telecommunications
- General environmental policies (genetic engineering, nuclear policy etc.)
- Neighbourhood conflict
- Other: ........................................

Initiator(s)

Municipality of Telfs

Participants (number of individuals, names of participating public authorities, institutions, interest groups etc.)

5 municipal officers, 2 persons representing a citizen’s action committee, one person each representing agriculture and forestry; social issues, family, and youth; issues of tourism and gastronomy; the federal forestry; the local economy and one representing the municipality of Telfs as the project initiator; one expert for traffic planning and one for area planning; the advocate for the environment of Tyrol, one expert from the construction authority of the community; the mediator – in total 20 persons.

Client / financial sponsor

Municipality of Telfs
Procedural guidance by (e.g. mediators, environmental advocacies etc.)

Mediator

Geographic dimension

- local
- country-wide
- regional
- international
- state-wide
- EU-wide

Status of process

- concluded
- in execution

Start, end, duration of the process (if still in execution: estimated end)

September 2002 - November 2003
Future Use and Development of the Green Area in the West of Telfs, Austria

Background of the Conflict

Zimmerberg is a recreation area in the west of Telfs (a Tyrolean community with about 13,000 inhabitants), owned by the Austrian Federal Forestry. An international firm owning a building machines factory in Telfs as well as hotels in different countries wanted to invest in tourism. In cooperation with the landowner the firm presented a project that suggested a new 27-hole golf course as the core of a newly designed recreation area, including also playgrounds, little lakes, cross-country ski runs, etc. The public presentation of the project caused protests and a citizens' action committee against the project was founded. In a public opinion poll with a turnout of voters of 37%, 82% voted against and 18% for the new golf resort. It became clear, that carrying out the project would disunite the whole community. Moreover, the discussions had brought up a lot of questions concerning the further development of the recreation area that could not be answered merely by public opinion polls.

A way to harmonize differing interests and to answer the arisen questions had to be found. The mayor of Telfs and the provincial advocate for the environment of the Province of Tyrol suggested a mediation procedure. This suggestion was adopted unanimously by the municipal council and a neutral mediator was asked to start the mediation procedure. The other possibility would have been to make a decision without involving the affected parties.

The mediation procedure aimed to achieve the following objectives:

- Better integration of the involved persons in decision-making processes.
- Development of the recreation area regarding different needs.
- Enlargement of the scope for actions in a constructive way and increasing the number of possible solutions.
- Strengthening of the identification with the community.
- Higher legitimation through transparency in decision-making processes.
- Less appeals in the approval procedure.
- Avoiding legal proceedings and related costs.
- Improvement of the relations and fostering mutual respect between the involved persons.
- Consensus regarding the further development of the region or, if not obtainable, at least consensus in fields where it is possible.
If disagreement on some points remains and political decisions have to be made, they should be based on clear, objective information gathered in this process. Based on the existence of the results of the mediation procedure, the further development of the Zimmerberg area should be discussed again in the municipal council.

Preparing for mediation

The mayor of Telfs and the provincial advocate for the environment of the Province of Tyrol initiated the mediation procedure. Whereas the provincial advocate for the environment took part in the procedure, the mayor did not. He explicitly was given the role of a “godfather” of the procedure, to back up the procedure and to assure that the results will be discussed in the municipal committee.

The further development of the Zimmerberg area is important for the whole community and it concerns different issues like agriculture, forestry, tourism, social issues etc. For the mediation procedure 20 people were chosen as representatives of different issues and positions. They represented the public authorities of Telfs, the citizens’ action committee, the Austrian Federal Forestry as land owner, stakeholder groups like the local economy and the firm which wanted to invest. Moreover, each political party sent one representative to the mediation procedure to secure that all political parties get equal and first hand information about the procedure and it’s progress, to back up the procedure and to avoid misuse of information obtained within the process.

The involved stakeholders and their interests:

<table>
<thead>
<tr>
<th>Stakeholders</th>
<th>Interests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austrian Federal Forestry</td>
<td>land owner; interested in high revenues from the land-use; the golf course project promised much higher revenues than forestry use</td>
</tr>
<tr>
<td>Farmers</td>
<td>one group of farmers favored the golf course project, because they would be able to obtain higher revenues from the rent of land; the other group wanted to strictly protect the agriculturally used land</td>
</tr>
<tr>
<td>Hunters</td>
<td>be able to hunt, either in the area in question or somewhere near; were cooperative</td>
</tr>
<tr>
<td>Citizens’ Action Group</td>
<td>conserve the area in the existing way as a free-of-charge recreation area for everyone</td>
</tr>
</tbody>
</table>

Source: www.partizipation.at
Case study collected by ÖGUT in course of the project “Promoting environmental mediation as a tool for public participation and conflict resolution” on behalf of the Austrian Federal Ministry for Agriculture, Forestry, Environment and Water Management
<table>
<thead>
<tr>
<th>Local authority of Telfs</th>
<th>promote the golf course project; have municipal tax income by the proposed project, not needing to spend money for restoration works on a little river in the area, because the investor would have overtaken this duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>People representing tourism-related issues</td>
<td>attract as many golf-tourists as possible, because they are a group which usually spends much money for their sport, recreation, accommodation,....</td>
</tr>
<tr>
<td>People representing sporting issues</td>
<td>one group was content with the existing sporting possibilities of the area, the other group promoted the golf course project as they hoped to expand the sporting possibilities in general</td>
</tr>
</tbody>
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These interests were revealed at the beginning by discussion in the mediation forum. Moreover, 19 experts provided expertise and knowledge.

The process was supported by the mayor of Telfs, the provincial advocate for the environment of the Province of Tyrol and the municipal department of planning and building of Telfs. The municipal office of Telfs funded the procedure.

A mediation agreement was signed by all involved parties. The mediation was the preparation for the decision taken in the municipal council.

**Process design**

The first meeting of the mediation forum was dedicated to find agreements about which shall be the topics dealt in the mediation, about the rules and the methodology of the procedure. As a result, the topics were clustered in three fields that were discussed separately.

In the second meeting strengths, weaknesses, opportunities and threats as well as ideas for the further development of the area were gathered. About 40 different project ideas were discussed, but of course the highest attention was given to the presented golf-course project.

In the following meetings the crucial points concerning the further development of the Zimmerberg area were elaborated. Moreover, information and data needed to build decisions upon were collected by searching of files, contacts with involved persons and stakeholders and by expertise. Comments within the procedure could be made orally and in written form (letter, e-mail, and fax).

The process started in September 2002 and ended in November 2003, after 14 meetings and a one-day closed meeting.
Outcome

Finally, the mediation procedure showed that it would be technically possible to implement the golf course in the Zimmerberg area, but that the acceptance of this project is very low. The motto of the company which wanted to invest in the golf course is “You and We together”. As the company wanted to act in accordance with this motto, it withdrew the project. No golf course will be built.

A mediation contract (about 100 pages; not strictly a civil law contract) about the consent and the dissent obtained in the procedure was signed by all members of the mediation forum. It was presented to the mayor and the political parties by the mediation forum. The investor withdrew the golf course project, thus no decision concerning this project had to be made.

In addition to the golf course project, approximately 40 other projects were examined, too. These projects as well as crucial factors for the future development of the area had been intensely discussed. Therefore the mediation contract also contains a list of projects and their not legally binding evaluations, intended as a guide line for local authorities and politicians.

As a further result of the mediation procedure, communication between the involved parties had improved dramatically. The involved persons stated that the intense exchange of information during the process had been very important and that appreciation, trust and frankness could have been developed, which fostered the success of the procedure.

It was perceived as a success by all parties, that a solution had been found, although different parties – like the land owner – had hoped for an other outcome of the mediation procedure. But all realized the complexity of the topic and were content, that unnecessary expenditures like for examples costs for legal disputes could have been saved.

Moreover, the authority of the Province of Tyrol has adopted mediation as an optional tool within the province legislation.

Conclusions and lessons learnt

The mediation procedure on the further development of the Zimmerberg area was a pilot project in Tyrol. A lot of public attention was given to it and the case was discussed in local and even national media, so the pressure of expectations was high.

One year after the mediation process had been finished an evaluation showed that the process had been useful for all parties involved. The mediation process had been perceived as being fair and just by the involved parties. The mediator had been perceived as neutral by all stakeholders.

The specific benefit of the procedure is that

- all parties involved were heard and could present their position and ideas,
it showed, that the rejection of a golf course in the Zimmerberg area does not mean a
denegation of golf in general,
questions could directly be discussed with the people concerned,
everybody got a clearer image about the amount of expenses, possible costs of a
conflict and the rights of citizens,
the procedure fostered thinking on alternatives.

In general, the procedure showed how complex the context of such a project is. This fact as
well as the complexity of the different interests were the major difficulties in the process.
A highlight in the process was when the parties began to understand the positions and
interests of the other parties without having to share these ideas.

For procedures in the future it proved important to

- invest in the preparatory phase of a mediation procedure. A good preparation is
crucial for the success of a mediation process. The preparation includes among
others the development of a process-design that fits to the circumstances, the
development of a time schedule, a stakeholder analysis, and so on.
- agree on a common time schedule (start, end, milestones) for the process, that is
binding for each participant. This is important to conclude the process in time and to
avoid delays.
- ensure political support of the mediation at an early stage, like in Telfs for example
through the unanimous decision of the municipal council to support the mediation.
- find an agreement with all the involved stakeholders, how public relations shall be
handled, who is in charge of that, who informs whom and when. In Telfs, for example,
the involved persons agreed, that as long as the procedure lasts, the whole PR will
be organized commonly. Exceptions from this rule had to be discussed and agreed
upon in the mediation forum. Following each meeting, the mediation forum had the
possibility to commonly inform the public or interested third parties, if necessary.
- apply an evolutionary planning model for projects instead of using the old mechanistic
model.
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