

Title of the process

**Estonia:
Negotiations over the Establishment of Saaremaa Deep Harbour**

Type of procedure

- | | |
|---|---|
| <input type="checkbox"/> Mediation procedure | <input type="checkbox"/> Procedure including mediation elements |
| <input checked="" type="checkbox"/> Other procedure | |

Topic area

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

Initiator(s)

Estonian Fund for Nature

Short description of the case

Estonian environmental organisations opposed the plan of AS Tallinna Sadam to build a harbour on the island of Saaremaa inside a bay that is an important bird area and designated as a Special Protected Area (SPA) and proposed Site of Community Interests (pSCI) according to the Habitats and Birds EC Directives.¹ The NGOs disputed the acceptance of the statement of environmental impact assessment (EIA) and water use permit, both issued by the Ministry of Environment (MoE). AS Tallinna Sadam and NGOs negotiated the possible settlement and in fact reached one, but the MoE, being the real respondent in court proceedings, refused to be involved with the settlement. The NGOs lost the court case in January 2005.

Parties and other participants (number of individuals, names of participating public authorities, institutions, interest groups, etc.)

¹ Directives 79/409/EEC (Birds Directive) and 92/43/EEC (Habitats Directive)

- Estonian Fund for Nature (NGO)
- Estonian Green Movement (NGO)
- AS Tallinna Sadam (100 percent state-owned company)
- Ministry of the Environment
- Law firm Pohla & Hallmagi (representative of AS Tallinna Sadam)
- Law firm Raidla & Partners (representative of MoE)

The inhabitants of Saaremaa were directly affected, but did not participate in the process of negotiations between NGOs, AS Tallinna Sadam and the Ministry of Environment.

Client/financial sponsor

The legal activities of Estonian Fund for Nature and Estonian Green Movement were carried out in course different projects, financed by the European Commission and the Baltic-American Partnership Programme of the Open Society Foundation.

The legal activities of AS Tallinna Sadam were financed by the developer itself.

Procedural guidance by (e.g. professional mediators, etc.)

There was no strong procedural guidance in the process. There were direct negotiations among the parties and each of them was represented by lawyers.

On behalf of AS Tallinna Sadam, the initiator of the negotiations, the process was guided by the lawyer of Tallinna Sadam and legally advised by two attorneys, hired for the court proceedings.

Geographic dimension

- | | | |
|---|-----------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> local | <input type="checkbox"/> regional | <input type="checkbox"/> state-wide |
| <input type="checkbox"/> international | <input type="checkbox"/> EU-wide | |

Status of process

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> concluded | <input type="checkbox"/> in execution |
|---|---------------------------------------|

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

The whole process:

April 2003 – February 2005 (nearly 2 years)

Negotiations about out-of-court settlement:

April 2004 – July 2004 (4 months)