

Hungary: Route 10

Synopsis

This case was chosen to show as a conflict regarding the planned construction of a new road of 5.5 km in the outskirts of Budapest has still not been solved, besides several attempts of different public institutions to mediate the conflict between environmental NGOs on one side and local mayors and project developer on the other side. The different mediation meetings led to an exchange of views of the two sides rather than finding a solution to the conflict, mainly because each side is strongly maintaining its standpoint. The different mediation attempts took place while the two conflicting sides are also trying to make their standpoint prevail in front of the courts. The final court decision is expected to be issued on 7th December.

Background of the conflict

This conflict is centred on the planned construction of the first section of a new Route 10, 5.5 kilometres of road in the Pilis area (northwest of Budapest) between Budapest and Pilisvorosvar. The road would run parallel to the old Route 10. It is planned that in the future this road segment would be part of a longer road continuing in the direction of Dorog.

This long-standing conflict was caused by a profound difference in values and in the assessment of the short-term and long-term effects of the project to:

- the quality of life of the inhabitants who live in the area as well as those in Budapest;
- the natural resources of the region;
- the future of local businesses; and
- the evolving structure of the regional and nationwide transportation system.

There are also different financial interests in the project.

The stakeholders who support the project are the majority of local mayors, the road authorities and the Ministry of Economy and Transport. They are adamant that the environmental NGOs involved are just a hindrance in the way of the project that, according to them, will alleviate the traffic congestion that now continually afflicts passengers along Route 10.

The supporters claim there are three reasons to push forward on the construction:

- It will relieve the traffic congestion along Route 10.
- There is money available to finance the project (a loan from the European Investment Bank), so they should seize the opportunity while it is still open.
- It will contribute to economic development in the region.

The NGOs that oppose the project, however, maintain that it will, in fact, worsen the current situation and generate even more severe congestion at both ends of the old and the planned new Route 10. They also hold a firm conviction that the 5.5 km section of Route 10, which would cost HUF 13 billion (about EUR 52 million) of taxpayers' money, serves only one purpose: to create better access to the shopping mall that is currently under construction in close proximity to the planned road.

The opponents are urging a halt to the project on six grounds:

- It will not remove the traffic congestion on Route 10, but will further aggravate it.
- Budapest should be spared from new roads bringing more traffic into it.
- It is a road that springs up from nowhere and leads to nowhere, and the only party that derives profit from it is a new shopping mall.
- The money should be used to construct a bypass for Pilisvorosvar (the town most affected by through-traffic of cars and heavy lorries) and to modernise the public transport system in the region.
- An alternative transit route should be worked out to create a north-south thoroughfare far to the west of the vicinity of the capital that links up with Motorway 1. This route would serve southbound and northbound cars and lorries that currently pass through Budapest for lack of an alternative to bypass it.
- Since the remaining section of the planned new Route 10 would run through a national park and Natura 2000 regions in the Pilis hills, its continuation is inconceivable under current legislation, so it is futile and morally wrong to build a section of a road which is unlikely to be completed.

It has to be said that the local governments alongside the planned new road are not in possession of a complete road map (they did not receive the project documentation). Each and every one of them has just that section of road that happens to be in their administrative district. Towns and villages that do not have the planned road crossing through their administrative region do not have any information about the planned road. Yet, if built, the road would affect them in many ways (airborne pollution, noise levels, damage to nearby natural resources, increased traffic on their own roads etc.). These towns and villages have not been part of the arbitration process, nor do they possess adequate information about the plans.

So far, efforts to move the two sides closer have not been successful, and there is a stalemate as both sides await the court's decision.

Parties and stakeholders to the process

The conflict involves two parties. One consists of:

- a group of a dozen or so local mayors united in the informal association of the region KOTET, which decided to back the construction of the first section of Route 10;
- the county road management company PEMAK, which is responsible for launching the construction of the Route 10; and
- the Ministry of Economy and Transport which is responsible for the trunk road network of Hungary and promoting the construction of Route 10.

On the other side is the NGO Society for Piliscsaba, the environmental NGOs of Pilisvorosvar, Pilisborosjeno, Solymar and Urom, and NGOs from Obuda and

Bekasmegyér (Budapest's 3rd District) brought together under the umbrella of the Clean Air Action Group, a national federation of environmental NGOs.

It is not clear how much Auchan, the company opening the shopping mall, is involved in the issue. However, it is strange that the building of this road segment became urgent for the authorities and some local mayors when Auchan applied for a construction permit.

Party/stakeholder	Nature	Interest	People involved
Clean Air Action Group	National NGOs	Environmental protection	Andras Lukacs, president, Maria Schnier and Erzsebet Beliczay (vice-president), Other members of CAAG
Society for Piliscsaba	Local NGO	Environmental protection	Istvan Borzsak, president, Arpad Deli, member of the board, Erika Laszlo, secretary
Society for Better M0¹ in Pilisborosjeno and Urom	Local NGO	Environmental protection	Gabor Turi, president, Peter Keresztessy, member of the board
Society SOS Bekasmegyér (Budapest 3rd District)	Local NGO	Environmental protection	Tibor Richvalski, President
Green Globe Society (Budapest 3rd District)	Local NGO	Environmental protection	Zoltan Ujj, President
Environmental Management and Law Association	NGO	Environmental protection, helping environmental NGOs	Csaba Kiss, lawyer
Conservative Circle of Solymar	Local NGO	Local affairs	
Local Government of Pilisvorosvar		The investment would affect the town	Erzsebet Grosz Krupp, mayor
Local Government of Solymar		The investment would affect the town, the shopping mall Auchan is being built on its territory	Laszlo Enczmann, mayor
Local governments of Dorog, Piliscsaba, Pilisszentivan, Pilisborosjeno, Urom,		The investment would affect the towns, the district, and Pest County	Mayors

¹ i.e. for better M0 (M zero), the planned ring road around Budapest, the capital U in the middle of the word meaning that the NGOs oppose the closure of the ring, and support only a half-ring ("U").

Budapest 3rd District, Pest County			
Ministry of Economy and Transport		The investment is promoted by the ministry	Zsolt Csaba Horvath, deputy state secretary and other staff of the ministry
UKIG Road Management and Coordination Directorate	Road authority	Responsible for planning and general management of roads	Laszlo Horvath, chairman
PEMAK	Regional road management organisation	Responsible for maintenance and managements of roads in Pest County	Janos Kenderessy, director, Viktor Duma, deputy director
Ministry of Environment and Water		Responsible for the state of the environment and the environmental inspectorates	Miklos Persanyi, minister
Chief Environmental Inspectorate	National environmental authority	Responsible for deciding on the appeal against the decisions of the regional inspectorate	
Central Danube Valley Environmental Inspectorate	Regional environmental authority	Responsible for issuing or refusing the environmental permit for the road	
Auchan Hungary	A French multinational company that operates "hypermarkets" and shopping centres	The company is building a new shopping mall along the planned new road	

The stakeholders who support the project had kept the final and most decisive stages of the process closed to the public at large. The reason for this was not given. (This has become one of the main elements of the appeal and the lawsuit by CAAG.) The authorities had issued all the necessary permits by the time the project and its timeframe became known. Therefore the only option left open for the environmental NGOs was to appeal against the environmental permit to the National Environmental Inspectorate in June 2004, and, after this was refused, to take court action in January 2005 to halt the process.²

From the beginning, CAAG has been in close contact with its local member organisations in the region and cooperating closely with all of them throughout the process. The activity was coordinated mainly by CAAG, but the Society of Piliscsaba and the Society for Better MnuUll in Pilisborosjeno and Urom also performed a great deal of the coordination.

² According to the National Environmental Inspectorate, no laws had been violated during the permission process. The environmental NGOs did not agree with this.

Conflict resolution process

June 2004

The Clean Air Action Group (CAAG) appealed against the environmental permit of the first section of Route 10. The permit was issued by the regional authority Central Danube Valley Environmental Inspectorate.

December 2004

The Chief Environmental Inspectorate dismissed the appeal of the Clean Air Action Group.

January 10, 2005

CAAG and the Society for Piliscsaba filed a lawsuit to the Capital Court of Budapest demanding that the court annul the environmental permit.

January 29, 2005

Several mayors of the region (but no mayors from any of Budapest's 23 districts) held a press conference where they demanded that the Clean Air Action Group and the Society for Piliscsaba withdraw their lawsuit. Representatives of CAAG learned about the press conference just before it happened, so, two people from CAAG participated in the event and had the opportunity to expound their views. **After the press conference it was agreed that the parties would try to reach a compromise.**

February 1, 2005

The Clean Air Action Group wrote a letter to the mayors concerned, proposing that the standpoints of both sides should be made known to the public in the towns and villages concerned, and a final decision should be taken only after thorough information was disseminated and wide public participation was engaged.

February 10, 2005

The mayor of the 3rd District of Budapest (the Budapest district most affected by Route 10) organised a conciliatory meeting. Several NGOs, three mayors and several deputies of local governments took part in the meeting.

During the meeting it was pointed out that:

- The two-lane Becsí Road, as Route 10 is called as it enters Budapest, is already overloaded by inbound and outbound traffic, and the new section and the new shopping mall will further aggravate the situation there.
- Budapest has no plans to add more lanes to Becsí Road, neither is it in the interest of the 3rd District to push for this.
- There are no alternative plans in place for the redirection of the flow of traffic from a new Route 10 and its four lanes in and out of Budapest.
- Under such circumstances, the viability of the project is highly questionable.

The mayor of the 3rd District proposed that all parties accept the proposal of CAAG. He made it possible for CAAG's perspective to appear on two pages of the local government's newspaper, which was distributed in 62,000 copies to all households in the district.

March 17, 2005

The local mayors did not accept CAAG's proposal. Instead of pursuing an informal dispute resolution process or facilitated negotiations, the local mayors staged a highly biased "village meeting" in Pilisvorosvar. This meeting included several mayors from affected villages as well as a member of the Parliament from the region. The mayor of Budapest's 3rd District, although invited, did not attend. Before the meeting, the mayors distributed a leaflet to all households in Pilisvorosvar and some neighbouring villages, referring to the planned road segment as a bypass, and saying that everyone supported the road except CAAG.

During the meeting it became clear that the event was organised to discredit CAAG. The meeting quickly became a heated event, with the majority of the 200 member audience fiercely attacking the environmental NGOs. The latter were accused of being inhumane, backward, a few maniacs who wanted to halt the progress and modernisation of the region. Emotions ran high and thus barred the possibility for a reasoned debate. The language of those in favour of the project emphasised how meritorious it was for all parties concerned. The facts given to underline this were fragmented and often false. The negative aspects of the project were simply omitted. The supporters maintained that the new road section would remove the heavy traffic flow from the main road of Pilisvorosvar and kept referring to it as a bypass. They said the opponents of the project were against the people of Pilisvorosvar. They said that due to the opponents' actions the inhabitants would not be able to breathe clean air.

The impartial presentation of the views of those who supported the project outweighed the timeframe given to the environmental NGOs ten times over. The representatives of the Clean Air Action Group and the Society for Piliscsaba were given five minutes each to state their views. They both argued that the new section of the road would not bypass anything, but would create even greater congestion at both ends, with cars piling up on six lanes instead of the current two in their attempt to get back onto Route 10's old route. They pointed out that the only beneficiary of the new road section would be the new Auchan shopping mall and stated that no taxpayer money should be spent on dubious projects such as this. It was almost impossible for them to deliver their address as the audience continually booed and had no ear for reasoning.

Instead of being a dispute resolution process, it was a show directed by the mayors to ridicule the environmental NGOs. The press coverage of the event bears testimony to the manipulative nature of the event.

March 18, 2005

A day after the village meeting, the Society for Piliscsaba organised a series of lectures to inform the public about the history, the current position and alternative plans of the development of the road and railway systems of the region. The event, attended by an audience of about 120 was unbiased, factual and highly informative. Nobody from the audience questioned the correctness of the reasoning of the environmentalists.

April 15, 2005

Upon a complaint lodged by the local mayors against the environmental NGOs, another meeting was called by the minister of the environment with the participation of the Ministry of Economy and Transport, the local mayors and the environmental NGOs. (According to the complaint, CAAG is causing damage to the environment and the economy by filing the lawsuit against the planned road section.) The minister acted as a mediator in the debate based on questions put forth by the environmental NGOs and

answered questions presented by the representatives of the Ministry of Economy and Transport and the mayors.

The questions raised were:

- Why is the mayor of Pilisvorosvar adamantly against the construction of a bypass that is incorporated into its road development plan and would, in fact, remove the congestion from its main street?
- What interest does she have in supporting the construction of a road section that will not alleviate the traffic burden the town has to bear at the current time?
- Why does she insist on calling it a bypass, when it is clearly not bypassing any built-in area?
- Why have the environmental authorities issued a permit for just a 4-km section of the 5.5 km first section of the road and a separate permit for the large junctions within these 4 km section leading into the shopping mall?
- To what extent have they considered the synergistic effects of the influx of new traffic into the region created by the shopping mall?
- What happens to the second section of the new Route 10 (planned to stretch between Pilisvorosvar and Kesztole), which would cut through a national park and Natura 2000 regions, and therefore no environmental permit could be issued under current legislation?
- If the second section cannot be constructed for the said reasons, what is the point of building just a 4-km section of it?
- How can they believe Budapest can cope with more traffic flowing into it?
- Why do the planners insist on forcing traffic through Budapest instead of providing an alternative transit route to the west of the Pilis hills that could easily link up with the motorways M1 and M0, and thus take the traffic burden away from the capital?

The answers were less than satisfying. The representatives of the Ministry for the Economy and Transport stated that the new road was no bypass but a transit route designed to direct traffic from the northwest of the country into Budapest. The mayors said nothing in substance but rather repeated their view that it was a bypass that Pilisvorosvar so badly needed. The meeting ended without resolution. The minister of environment said that he will be a neutral mediator in the conflict, but at the end of the meeting he called on the mayors to take into consideration the demands of the environmental NGOs.

At the meeting the environmental NGOs put 23 questions in written form to the minister of environment. These were later answered but in the usual bureaucratic eloquence that produces nothing of substance.

April 22, 2005

The mayor of Pilisborosjeno organised a village meeting on the issue of Route 10 and the planned section of Motorway M0 that would lead to Route 10. About 50 local residents participated. There were also two representatives of CAAG and three other representatives of NGOs from other nearby towns. All participants at the meeting opposed the projects.

April 28, 2005

The Conservative Circle of the town of Solymar called a meeting where the environmental NGOs and the mayors were invited to present their case. After the factual presentations the audience turned overwhelmingly against both the road project and the construction of the shopping mall on their administrative territory. They feared that more

hypermarkets would spring up at the site, pushing local companies and individuals out of business, and that the influx of traffic created by shoppers would be detrimental to the town. The futility of building a 4-km road section was also often mentioned. A Parliamentary deputy, who is a former chairman and presently a member of the Parliamentary Committee on the Environment, also spoke strongly against the project and advised the audience against being gullible and allowing themselves to be beguiled by promises.

May 6 and 10, 2005

At the request of the deputy state secretary of the Ministry of Economy and Transport (i.e. the deputy minister responsible for transport) there were intensive discussions between him and the president of CAAG. Although there were no concrete results that could help to solve the conflict, these two meetings did help to inform the deputy state secretary about the views of the NGOs concerning the project.

June 16, 2005

The mayor of Budapest's 3rd District organised a public forum in Bekasmegyér (the northern part of the 3rd District) about the section of Motorway M0. This section is supposed to take up a large part of the traffic coming from and going to the new Route 10. Several hundred people crowded into the large hall of the Community House. The representatives of the motorway construction company and the Ministry of Economy and Transport were also present. The forum lasted six hours. Every resident speaking at the forum fiercely opposed the plan of the motorway.

A few days later the local government made a decision that it disagrees with the building of the motorway on the territory of the 3rd District.

June 23 and July 12, 2005

A mediation effort has been made by the Road Coordination Directorate. Two sessions were held (in June and July) between the representatives of the directorate, the road planners and the environmental NGOs. During these two meetings the sides learned each others' standpoints, and an upcoming meeting is expected to embark on more concrete proposals and arbitration. The environmental NGOs considered the efforts of the directorate positively. However, they also knew that the directorate is an executive body, not a decision-making one, so their efforts will not have substantial effect on the outcome of the process.

September 7, 2005

The Capital Court held its first trial on the case. The plaintiff was the Clean Air Action Group, represented by its president, Andras Lukacs, and lawyer Csaba Kiss of the Environmental Management and Law Association (EMLA). (The Society for Piliscsaba withdrew from the case under enormous pressure from the local government of Piliscsaba. However, they continue to actively support the efforts of CAAG.) The defendant was the Chief Environmental Inspectorate, with PEMAK and the mayor of Solymar on its side. The second trial will take place on December 7, 2005.

Related actions and campaigns

The Clean Air Action Group and the Society of Piliscsaba has circulated a newsletter in Piliscsaba and in a small quantity also in the other villages and towns concerned. It also

relied on the local and nationwide press to bring its message home. The viewpoint of CAAG was widely publicised.

Five environmental NGOs have sent a letter to the prime minister asking for a new, modern and complex regional plan to be drawn up and a commissioner to be appointed to overlook the case since there are several governmental agencies involved. Their request has been turned down.

CAAG and the Society for Piliscsaba regularly update their websites with information on the case.

Final outcome of the case

The case is not yet closed. The first trial of the court took place on September 7, 2005, and the second trial (where the judgement is expected) will take place on December 7, 2005. It is not clear yet whether the discussions with the Road Directorate and the Deputy State Secretary will lead to any resolution of the conflict.

Conclusion

Looking back on the evolution of the conflict, it is clear that the planners have overlooked the importance of arbitration at each and every level. The planning process has a history of 15 years in which, at various stages, a few “village meetings” were held, during which the plans were presented to audiences who might or might not have understood the essence of what was presented to them. Also, the actual road map has considerably changed over time, so that which was accepted by one audience might not tally with what was accepted by another, and certainly not with the final plans.

The mediation and alternative dispute resolution methods have not proved to be useful tools for solving the problem. Those who support the project do not form a coherent group. They are at different levels of administration and jurisdiction, and there are too many actors involved without real power. The stubborn determination of the supporters not to listen to what the environmental NGOs have to say seems to be an insurmountable obstacle. The supporters do not envisage them as partners in the game. They do not wish to give up the project nor are they ready to make alternative plans.

On the other hand, the environmental NGOs believe that the project was ill-conceived from the start. They maintain that it is illegal on many grounds. It is also futile and costly, and would not bring about any positive change. On the contrary it would create more problems than what the region faces now and would be detrimental to the quality of life for many people in the region.

The mediation was useful only as far as the participants could learn better each other’s views and thus could further develop their arguments.

The main obstacles during the process were the completely different values and interests of the various stakeholders. The Ministry of Economy and Transport is eager to build as many motorways and new roads as possible. The road authorities must implement what the ministry orders them to do, even if the latter might not agree with it. The environmental authorities are much weaker than the road authorities, and they fear falling

into conflict with the government's policy, so they often approve projects even if they contradict environmental regulations.

It is not clear what really motivated those mayors who supported the project. It is hard to find any rational argument unless we suppose that they are committed to Auchan.

The Mayor of the 3rd District is in a different situation. The new road would burden the already existing and congested roads of the district, and therefore he is clearly not interested in the new road. This is all the more so because the new shopping mall would ruin a number of businesses in the district. However, he, understandably, must be very diplomatic in his actions.

CAAG, as a federation of environmental NGO, protects environmental interests. The local NGOs that are member organisations of CAAG are deeply concerned about the local detrimental effects of the new road and the huge shopping mall.

The real solution would be to make it possible for the public to learn about the position of both sides. Unfortunately, the NGOs had much less opportunity to make their views known than the supporters of the project.

Although both sides put a lot of effort into achieving their aims, none of the parties are satisfied with the outcome.

Lessons Learned

- The institutional framework serving democracy must be strengthened.
- The public's access to information must be ensured.
- Environmental regulations must be enforced.
- Environmental authorities should be strengthened.

Contact information of main persons involved

Clean Air Action Group, President Andras Lukacs, www.levego.hu

Society for Piliscsaba, Secretary Erika Laszlo, www.piliscsabaert.net

Local government of Budapest's 3rd District, Mayor Istvan Tarlos, www.obuda.hu

Local government of Pilisvorosvar, Mayor Erzsebet Grosz Krupp, www.pilisvorosvar.hu

Local government of Solymar, Mayor Laszlo Enczmann, www.solymar.hu

Pest County road management organisation, PEMAK, Director Janos Kenderessy, www.pemak.hu

Road Management and Coordination Directorate, UKIG, Director Laszlo Horvath, www.ukig.hu

Contact information of person/s providing information

Andras Lukacs

President of CAAG

Clean Air Action Group

Pf. 1676, Budapest, Hungary

Tel: (36-1) 411-0510

Fax: (36-1) 266-0150

Website: www.levago.hu

Erika Laszlo
Secretary of the Society for Piliscsaba
Society for Piliscsaba
Pf. 7. , Piliscsaba, Hungary
Tel: (36-26) 373-243
Fax: (36-26) 373-243
Website: www.piliscsabaert.net