

# **Poland: Mediation to End the Blockade of the Lubna Landfill**

## **Synopsis**

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This case has been chosen to show how poorly organised public participation activities, as well as avoidance of possible conflicts regarding such a sensitive issue as the establishment of a new landfill, can make local residents feel desperate enough to barricade the entrance and road to an old, badly maintained landfill near their homes.

Activities were organised to stop all progress related to the opening of the new landfill, but the situation is becoming critical for Warsaw as its garbage piles up. In efforts to get the rubbish moving again and establish conditions for the new landfill local, the commune turns to the mediator to help to negotiate with the protesters.

Mediators face the classical “not in my backyard” (NIMBY) syndrome — a stalwart resistance by a local community to new development plans that place unwanted facilities in their vicinity, even though everyone accepts that the facilities have to go somewhere. These kinds of projects, plans and buildings are seen as a danger to neighborhood property values, health or security. The mediators have to deal with a variety of conflicts between neighbours, values and beliefs, taking into consideration emotional and behavioural dimensions.

## **Background of the conflict**

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The Municipal Waste Collection Unit has been operating the Lubna I landfill on the territory of Gora Kalwaria since 1978. Due to the lack of proper preparation of the site of the landfill as well as faults in exploitation it had a negative impact on the surrounding environment.

In April 1994 the Gora Kalwaria commune and the Warsaw municipality signed an agreement to utilise and modernise the landfill. Based on the agreement, on June 12, 1995, the Gora Kalwaria commune and the Warsaw municipality decided to undertake a joint investment: building a modern municipal waste utilisation plant, Lubna II. In December 23, 1997 the Lubna II consortium was established.

The consortium decided to build a new landfill near the village of Lubna since it would solve the municipal waste problem from Warsaw and because Gora Kalwaria was the only commune which was interested in building a landfill on its territory. It is possible that if the negotiations with other communes had been more intensive, another location might have been found as an alternative, but Warsaw authorities considered that the possible difficulties with the local communities in Gora Kalwaria would be overcome.

A strongly rooted sentiment of disapproval came from local communities that did not want a new landfill in their neighbourhood.

### **The majority of local inhabitants were troubled for the following reasons:**

- many years of experience with the existing landfill, which was badly maintained, smelled bad, and reduced the value of their land;

- a lack of trust towards decision makers in terms of whether the new plant will be friendly to the environment and healthy for the local population; and
- no benefits/profits coming from the fees paid by the Warsaw municipality to the Gora Kalwaria commune for accepting Warsaw's municipal waste. If the commune had promoted some social benefits from operating the landfill to the villagers, (for example, villages around the landfill did not have proper water supplies) there would likely have been more support for the landfill.

**Reasons why the Gora Kalwaria commune and Warsaw municipality were devoted to the idea of building a new landfill exactly in that place:**

- Gora Kalwaria commune profited enormously from the operation of the landfill. The authorities of Warsaw were paying the commune for each tonne of waste brought to the landfill. It was the main source of income for the budget of the commune, which was one of the richest communes in Poland at that time. So the commune still wanted to profit from the landfill, which would be re-cultivated from the old site in order to replace the recently filled one.
- In that time the Warsaw municipality was structured as an alliance of communes, so there was no integrated policy for waste management. When the municipality found a commune interested in having the landfill in its territory, it stopped searching for other places. The Warsaw municipality did not consider that there would be a problem with the village of Lubna.

In 1998 an Environmental Impact Assessment for Lubna II was carried out, and on the basis of its outcome showing that there are not any obstacles of starting the investment the consortium submitted a request to the mayor of Gora Kalwaria to issue plant location consent. The EIA procedure was carried out by PROEKO Sp. z o.o. on request of Lubna II consortium, and it was approved by Department of Environment Protection of Mazovia Province's Office.

Several activities were undertaken by the "Lubna II" consortium to encourage public participation. These included:

- festivities for commune inhabitants;
- a study tour to Belgium for village administrators to show them the modern technologies used in building and operating waste utilisation plants;
- the dissemination of materials containing a description of the technologies that would be used in the plant on the Lubna site; and
- a presentation of informational materials in a variety of media.

Nevertheless, the public participation activities were poorly organised, showed no actual interest in convincing local people to accept the investment, and increased the mistrust of the developer. Although local people took part in public meetings, they were not persuaded that the new waste treatment plant would not have a negative impact on their health and the value of property.

The consortium of Lubna II made many mistakes during the preparation process of the new landfill. For example, they:

- excluded local residents when making preparations for future investments for Lubna II;
- did not have enough knowledge about public participation requirements and ignored the need for careful execution of public participation; and
- failed to share the profit from the landfill (money paid by the Warsaw municipality to the commune for handling the waste) with the villages surrounding the landfill. If the Gora Kalwaria commune had shared the profit, villages would have had the possibility to build

water and gas supplies, renovate roads, and build public institutions like schools and local cultural centres, which would have likely increased interest in accepting the landfill.

Conflict broke out when, after the EIA had been conducted, the mayor of Gora Kalwaria issued the Plant location consent. Though the mayor is a legal body in terms of issuing location consent for investment on behalf of the commune, the local inhabitants claimed that according to existing opposition he did not have the right to issue this decision.

### **Legal issues at stake**

After receiving the Plant Location Consent based on the Act on Spatial Management about the location of the investment, the developer had to obtain a construction permission. The developer did not receive permission to start the investment, because the Social Committee of Environmental Protection (SKOS) appealed the decision about the location of the investment to the Administrative Court. Finally, in 2004, the Supreme Administrative decided that the Plant Location Consent was invalid. The grounds of the court decision reasoning came from the Administrative Procedure Code, which stipulates that the side of the proceeding cannot be at the same time the decision maker in his own case.

The court proceedings took place at the same time the conflict occurred.

SKOS erected the first blockade in 1998 on the basis of first court decision, which recognised that the EIA had been properly carried out and announced that there was no legal basis to claim that the investment was illegal. It also stated that the consent was ungrounded or issued in conflict with the relevant administrative procedures. Only in 2004 the Supreme Administrative Court issued a decision about the invalidity of the investment relating to its planned location.

### **Court proceedings timeline**

21.05.1999 – an appeal for the Plant Location Consent was submitted to the Mayor of Gora Kalwaria by Lubna II

6.12.2001 – The Mayor of Gora Kalwaria issued Plant Location Consent for carrying out the investment of Waste Utilization Plant Lubna II

10.01.2002 – aforesaid decision was sued in Local Government's Appeal Council by two village's leaders of Lubna and Brzesce and Social Committee of Environmental Protection (SKOŚ)

29.05.2002 – a decision of Local Government's Appeal Council held up Mayor of Gora Kalwaria's Plant Location Consent

29.05.2002 – SKOŚ sued the final decision of Local Government's Appeal Council in Provincial Administrative Court

18.02.2004 – by the decision of the Provincial Administrative Court the decision of Local Government's Appeal Council was fully averted.

04.05.2004 – the Starosty of Piaseczno officially suspended the legal proceedings for authorizing the construction.

14.05.04 – the firm filed a cassation claim in the Provincial Administrative Court which was transferred to the Supreme Administrative Court on 2.07.04

**Table 1 — Description of Polish territorial administration and their competence in the area of waste management**

<b>Administration Unit</b>		<b>Name of the relevant authority</b>		<b>Competence in the area of the waste management</b>
province consists of ↓	→	Voivode (in this case voivode of Mazovia province)	→	Local authorities consult with the voivode about the decisions (to guarantee that the local decisions are in accordance with Spatial Management Plan for the province)
districts consist of ↓	→	district administrator	→	
communes consist of	→	Mayor (in this case mayor of Gora Kalwaria commune)	→	Charge of the local spatial plan and EIA taking into consideration Local Spatial Management Plan of the commune, issues permits regarding to spatial management (for investors, etc.)
villages	→	Village administrator (in this case administrators of six villages: Lubna, Baniocha, Brzesce, Tomice, Solec and Szymanow)	→	Take part of the public participation procedure

### **Dimensions of the conflict**

Conflict around the Lubna landfill can be described as a strong opposition between the parties' demands and interests. Conflict was perceptual, because the local inhabitants were unhappy with the landfill that had existed in their neighbourhood for thirty years. It was poorly maintained, it smelled badly, and garbage often escaped. The locals did not believe that the old landfill could be re-cultivated and the new landfill can be operated with higher quality. There was also a perception that the main developer in the consortium, Solucom, perceived the local people as uneducated villagers whose concerns were not worth taking into consideration and who did not understand the real meaning of investment. Local residents perceived the developer as wanting to profit at their expense.

### **Emotional and behavioural dimensions**

The problem also had an emotional and behavioural dimension. Both sides of the conflict had hostile attitudes towards each other that made the conflict more difficult to solve. There were offensive words from both sides, and the local community did not hesitate to block the entrance to the landfill when they felt ignored by decision makers (the first time), and when they realised that decision makers would not fulfil the terms of the agreement (the second). The Social Committee of Environmental Protection initiated and coordinated both blockades — in 1998 and in 1999.

The conflict occurred at many different levels. the first was between the local residents and the "Lubna II" consortium. The second was an intergroup conflict between the Social Committee of

Environmental Protection (SKOS) and the Club of Village Administrators. Both were claiming to be the real representatives of the local communities, but the administrators expressed more will and determination to collaborate with the investor in order to obtain an advantage in the shape of benefits like water and gas supplies, and new school buildings, from the landfill's operation. SKOS was diminishing the role of the administrators because it was easy to accuse them of selling out.

This intergroup conflict enabled the mediators to succeed during the second process of mediation because during this process, it turned out that the majority of local inhabitants were not against the building of the landfill. This fact showed that the real representative body is the Club of Village Administrators. SKOS, when it realised that it had lost its social backing (the majority of the people agreed to the landfill), stepped out of the conflict, so the conflict/mediation was easy to resolve. Nevertheless, SKOS was determined to block the investment, so it kept appealing the administrative decision of the mayor of Gora Kalwaria to the court until 2004, when the decision of the Supreme Administrative Court stopped all investments.

### Conflict of values

Both sides argued about values: local residents wanted to preserve health conditions, the value of their land and the quality of the air. The developer recognised that the commune was the only good location for the landfill, which would serve the whole city of Warsaw.

It was also a conflict between neighbours: the landfill was serving Warsaw inhabitants, but inconvenienced the village near Warsaw. The conflict is long-standing and repeating; the situation has not yet been solved.

### How the conflict was treated?

The conflict was treated in two different ways: the local people treated the conflict as a “win or die” matter. They did not hesitate to use radical means. The investor tried to use avoidance tactics, hoping that after some time the anger of local people caused by economic and political trends would alleviate the situation on its own, and did not make any efforts or devote time to explain the advantages of building the landfill nearby. Conflict started to escalate very quickly when local people organised the blockade — the investor could not pretend that they did not see them — this was the time for mediator intervention.

Both sides were determined to realise their interests; they were competing with each other, though not openly. When the situation reached a stalemate, both parties easily agreed to use mediation and showed willingness to collaborate.

### Parties and stakeholders in the process

Party/ stakeholder	Nature	Interest	Persons involved
<b><u>Social Committee of Environmental Protection (SKOS)</u></b>	Association of the local (six villages) inhabitants against the landfill.  There are approximately 1,500 people living in these villages altogether.	Stop the investment or move it elsewhere. Protect their health and value of the land.  They do not believe that Lubna II would be modern and safe for health and the environment, and	<b>Mr. Bogdan Stelmach</b> , chairman of the committee

		they also do not expect much financial profit from building it.  Not willing to compromise.	
<b><u>Lubna II</u></b>	The investor, aim at building the landfill.  Consortium consisted of the developer Solucom (33 percent of shares, wants to build a new landfill), Gora Kalwaria commune (33 percent of shares, profits from the landfill and interested in building a new one), Warsaw municipality (33 percent of shares, a policy maker who has to deal with the municipal waste) and mazovian voivode (1 percent of shares).	Aim to build a new landfill (Lubna II) close to the existing landfill, a well suited place for gathering municipal waste from Warsaw.  The old landfill was planned to be recultivated.	<b>Mr. Ryszard Baj</b> , Mayor of Gora Kalwaria  <b>Mr. Zdzislaw Potkanski</b> , chairman of Lubna II  <b>Mr. Andrzej Wojtynski</b> , vice-president of Warsaw  <b>Mr. Antoni Pietkiewicz</b> , voivode of Mazovia province
<b><u>Club of Village Administrators</u></b>	Association of administrators of villages bordering the Lubna landfill.	Represents the majority of local inhabitants (who did not oppose the new plant).  Assures that the investment coming from the new landfill benefits their villages.  Represents the interest of the local inhabitants, also willing to cooperate with the investor when it turned out that the villages administrated by them could profit from the operation of the new landfill.  At the beginning of the conflict they were not fully engaged, because the opinions concerning the new landfill inside the Club were different. They wanted to know the real advantages and disadvantages of the new landfill.	<b>Mr. Jan Konopka</b> , chairman of the Club
<b><u>Commune of Gora Kalwaria</u></b>	Local government as a decision maker granting plant location consent to the investor.	Having the landfill on its territory in order to profit from its operation.  Has a double status in the conflict: is a side of the conflict, as well as an administrative authority in charge of issuing the location consent for the landfill.  Decided to engage a mediator to step out from the critical situation.	<b>Mr. Ryszard Baj</b> , Mayor of the commune and city of Gora Kalwaria

## **Conflict resolution process**

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**Why was this tool used?**

The authorities of Gora Kalwaria initiated the process of mediation. As an alternative to the mediation, force could have been used to remove protesters from the entrance to the landfill. Considering this fact, both parties were fully agreed to use mediation. In this situation the court or other normative proceedings were rather impossible because there was no time and there was an urgent need for quick steps.

The mediator, Mr. Kraszewski, was working on a voluntary basis and also remained independent financially. During the first procedure of mediation, the mediator had to convince the protesters to stop their blockade of the entrance to the landfill, otherwise the situation would have become critical. The only solution that was acceptable by local inhabitants to get off the road was to get a promise from decision makers that their opinions would be taken into consideration in further negotiations and both sides would work together to reach an agreement satisfying all parties.

The mediator talked with both sides, convincing them that the meeting where conflicted parties meet each other is necessary. This meeting was the main part of the mediation process.

**The goal of the process of the mediation procedure was to persuade local people to unblock the entrance to the landfill and allow Warsaw's municipal waste to still gather there and NOT to reach an agreement as to whether Lubna II should be built or not.**

This dilemma was planned to be solved in further negotiations between parties involved in the conflict.

### **First mediation procedure**

On February 10, 1998 the protesters met with Mr A. Wojtynski, vice-president of the city of Warsaw. At the meeting:

1. The Board of Warsaw welcomed the initiative of the Board and Council of Gora Kalwaria Commune, who, in collaboration with its neighbouring Konstancin-Jeziorna Commune try to find another place for Lubna II other than in the village of Lubna.
2. The vice-president assured that the Board of Warsaw (representative body of the city) will immediately begin searching alternative locations for the municipal waste landfill. He reminded everyone that it might take a few months.
3. The vice-president stressed that the law in force enables SKOS to have the right to take part in a possible administrative proceeding concerning issuing a plant location consent — a decision to locate the investment based on the Act on Environmental Protection.
4. The vice-president assured SKOS that the re-cultivation of Lubna I landfill, which began in 1996, will be continued until its estimated end date in 2001.
5. The city of Warsaw declared to SKOS that its Waste Collection Board would finance expertise if SKOS would like to verify monitoring data for surrounding areas of the landfill or the plans for its re-cultivation.
6. Other important requests of SKOS concerning health impact assessment, compensations, etc. will be negotiated after the direct protest action is finished.

### **Output of the first mediation process**

Under these agreements the protesters decided to stop the blockade. All of the agreements were put into written form, in order to make them clear for all parties rather than create any official document.

The mediator also managed to organise a group of independent experts who concluded later that the landfill would not be harmful to the health of the local inhabitants.

Also part of SKOS was engaged as supervision inspectors during the re-cultivation of Lubna I. This involvement was not part of the agreement. They were paid about PLN 1,500 (about EUR 375) monthly, and it looked like it would diminish their radical attitude towards the investment. But they have clearly expressed that being inspectors would not impact their views. Moreover, wanting to show their colleagues that they had not been bribed, they manifested an even more radical attitude.

## **Second mediation procedure**

In December 1999, the conflict arose again because the decision makers failed to keep their promises and locals became frustrated that their opinions had not been taken into account. This time the mediators during the process, Mr. Kraszewski and his associate Mr. Moczydlowski, had more time to operate because the Warsaw municipality had found a temporary place for waste storage.

The goal of mediation was again to remove protesters from the entrance to the landfill and it was realised due to the promises made by decision makers. While preparing for the mediation events the mediator realised that at that time the majority of people in the commune were open to the idea of building the new landfill. This was interpreted to mean that the Social Committee of Environmental Protection had lost its meaning and the Club of Village Administrators became the main negotiating party of the mediation. The mediators encouraged the Club of Village Administrators to express their opinion, convincing them to openly express their viewpoints at the expense of the legitimacy of the representativeness. Given the willingness to negotiate on the part of the Club of Village Administrators, and the decreasing support of the Social Committee of Environmental Protection, the talks proceeded smoothly, especially given that the protesters dismantled the barricade, seeing that their role had diminished.

Although the mediator continues to be very interested in alternative conflict resolution processes, he is not a professional mediator. This is why he invited Mr. Moczydlowski, a social psychologist that has more knowledge and experience in leading mediation procedures, to collaborate with him.

The mediators met protesters and investors separately in order to acknowledge their aims, demands, and expectations. At these were informal activities rather than organised meetings, the mediators also advised the parties on how to communicate in order to be more easily understood. During the joint meeting he served as a facilitator and also advised parties to express their needs in order to be better understood and be able to reach an agreement.

As the role of mediator was to persuade the protesters to unblock the entrance of the landfill, his task was not a neutral one; his aim was to change the attitude of one side of the conflict. But there was no other way to solve the conflict. The mediator did not succeed in initiating financial compensation for the local residents. Compensation was conceived in terms of compensating local communities for any inconveniences that could arise from the operation of the landfill.

## **Time-line of steps made by mediators during the second mediation process**

**1999**

Nov. 23 – faced by the threat of blocked the entrance of the landfill, the Mayor of the Gora Kalwaria commune asks mediators to intervene.

Nov. 24-30 – mediators contact SKOS and receive acceptance of the Committee for their mediating activities. They also receive positive support from the Board of Warsaw and from administrators of the protesting villages.

Dec. 2 – mediators meet Mr. B. Stelmach, chairman of SKOS, to get to know the views and statements of SKOS. Attempts aiming at working out a compromise begin.

Dec. 3 – mediators meet with Mr. J. Konopka, administrator of Brzece village, and acknowledge the views of the Club of Village Administrators, and demonstrate a willingness to work out a compromise solution.

Dec. 9 – mediators meet with Mr. R. Baj, mayor of Gora Kalwaria, acknowledging the views of the Commune with a view to working out a compromise.

Dec. 15 – efforts to acknowledge and discuss the points of view of the Board of Warsaw concerning the conflict, mediators meet with Mrs C. Pelka, Director of the Municipal Waste Management Unit, who is in charge of managing the landfill.

Dec. 16 – in a meeting with the vice-president of Warsaw, Mr O. Dziekonski, the mediator continues to acknowledge the point of view of Warsaw in the conflict.

Dec. 22 – the mediator meets with administrators of the villages bordering the Lubna landfill in an attempt to prevent the blocking of the landfill entrance.

Dec. 28 – the mediator meets with administrators of the villages bordering the Lubna landfill and Board of the County in further attempts to prevent blocking the entrance to the landfill, which at this point appears inevitable.

Dec. 29 – formulating official letters to the Province’s Sanitary Inspector and the Province’s Environmental Protection Inspector, the mediators request that the Environmental Impact Assessment report for Lubna II not be approved in order to convince the Board of the Commune (against the location of the new landfill) of his good will.

## **2000**

Jan. 3 – the blockade begins. The mediators visit the blockade, talk with local interveners, the Board of the Commune, and village administrators.

Jan. 5 – mediators meet with Mr A. Hetman, director of the Municipal Waste Collection Company to acknowledge the possibility of accepting municipal waste from Warsaw.

Jan. 6-8 – the mediators are constant fixtures at the place of conflict and mediation meetings trying to develop possibilities for agreements.

Jan. 8 – the landfill entrance is unblocked.

Jan. 10-30 – taking part in meetings, advisory activities for the Board of the Commune and village administrators, mediators work at drafting the agreement of the commune authorities, village administrators, and village inhabitants. The mediators provide the presence of experts from Warsaw Technical University during the village meetings. During this period the mediators meet several times to coordinate mediation tactics and discuss outcomes.

### **Output of the second mediation process**

Participants in the blockade released the entrance to the landfill, mainly because after mediators’ activities helped to clarify the conflict, the protesters realised that approval for their protest among local inhabitants was smaller than they had expected and they had lost their representative importance.

No agreement was reached but Gora Kalwaria denied issuing the decision about the location of the investment, arguing that they could not issue decisions which are in clear opposition to the wishes of their inhabitants.

Since the developer has refused to carry out public participation activities, the conflict continues to this day. In 2004, the Supreme Administrative Court announced that Gora Kalwaria commune did not have the right to be both a party in the conflict and the decision maker in their own case, so the court annulled all the decisions made so far, and the situation is back to square one.

**Table 2 — Timetable of the process**

<b>Conflict resolution stage</b>	<b>1978</b>	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2004</b>
Lubna I landfill is in operation in Gora Kalwaria (in village of Lubna) commune	1978								
An agreement is made between Gora Kalwaria commune and the Warsaw municipality concerning the rules of exploitation and modernisation of the landfill		April							
As a consequence of the agreement, on June 12, 1995, the Gora Kalwaria commune and the Warsaw municipality agree to undertake a joint investment – building the modern municipal waste utilisation plant, Lubna II			June						
The Lubna II consortium is established					Dec. 23				
Environmental impact assessment of Lubna II for entire project						1998			
Local inhabitants construct the first blockade of the entrance to the landfill						Feb.			
At a meeting of the protesters with Mr A. Wojtynski, vice-president of Warsaw, an agreement is signed between both parties, unblocking the landfill						Feb.10			
Outbreak of the second conflict and second mediation procedure – the commune didn't issue the permit for starting the investment							Nov. 23, 1999 – Jan. 30, 2000		
Supreme Administrative Court announces that the Gora Kalwaria commune does not have a right to be a party in the conflict and the decision maker in its own case – all decisions thus far are cancelled									2004

## **Related actions and campaigns**

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Before the initiation of mediation, conflicted parties were communicating with each other, but it did not lead towards mutual understanding. The representatives of protesters participated in the meetings of the Council of the Gora Kalwaria Commune, actively speaking in their own names, so that both parties were well informed about their respective attitudes. The Commune knew that the protest would take place because protesters were open about their intentions. At the same time, no efforts were made to reach any kind of an agreement or compromise. The compromise reached during the first process of mediation was the outcome of mediator intervention.

Warsaw authorities, especially Warsaw's vice-president, A. Wojtynski, (in 1998) and voivode of Mazovia Mr. Pietkiewicz (in 1999/2000), were strong supporters of the idea of using mediation. No other actions and campaigns accompanying the mediation process were undertaken.

Though the investor organised many public participation activities for local inhabitants (like festivities for commune inhabitants and a study tour to Belgium for village administrators to show them modern technologies used in building and operating waste utilisation plants) and disseminated relevant info materials, the conflict was unavoidable.

## **Final outcome of the case**

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Parties in the conflict agreed that the protesters would unblock the entrance to the landfill, and the investing company and Warsaw authorities would continue to communicate and negotiate on the plans to build a new landfill. Warsaw authorities never kept their promise (which they had put in writing) during the first mediation.

The Lubna II Consortium considered the outcome of the mediation procedure an end solution to their problems, and estimated that after some time local inhabitants would become tired of protesting. After termination of the mediation process, no other steps were taken to solve the real problems behind the public opposition.

After the conclusion of the process, the problem behind the mediation was solved — the protesters unblocked the entrance to the landfill. But the overall conflict, which was the reason the local people blocked the entrance to the landfill in the first place, remained. The city and investing company, however, did not keep their promises, and as a consequence the new landfill was never built.

Now the situation has come full circle. The developer has not started negotiating with the local community, so the community refuses to approve of the building of a new landfill nearby. The developer has not started building yet, and has not found another location for the landfill. Decision makers have not done anything in terms of social consultation, which could offer a chance to convince a part of local community that the new landfill might not be harmful to their health and the environment.

The only two things that have been done include building water supplies in the villages and taking broad surveys of public health. Comprehensive surveys made by the Institute of Labour Medicine from Lodz have shown that the health level of local inhabitants is no different from the average citizen.

But these have been the only agreements realised by decision makers. The present situation is at an impasse: Lubna II is not being built, and if construction begins in the same fashion as before, the conflict will likely break out again.

## **Conclusions**

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Mediation was a useful tool compared to the use of force for opening the entrance of the landfill. If the police had been engaged in the conflict, the situation would have negative consequences for all parties.

Though both parties in the conflict agreed to mediation, the conflict was strong and difficult to negotiate because of the attitude of the Lubna II consortium towards local residents. The major obstacle in the process was also the intransigent position of the villages — the “win or die” attitude.

When managing environmental conflicts, great care should be taken to avoid conflict or at least to avoid escalating a current conflict. The best way to do this is to ensure social consultations, which should be carefully conducted. When there are no social consultations or they are done poorly, a conflict is very likely to arise.

The specific benefit of the mediation procedure included educating each side of the conflict about their real attitudes: that local inhabitants are not knowledgeable farmers who are mainly money-driven and the developer is not a merciless profit maker. But unfortunately, these lessons were not acknowledged by both sides to further the process; both came back to their original attitudes after some time.

## **Comments of participants in process**

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### ***Mr. Andrzej Kraszewski, the mediator***

*„Mediation was useful, because people did not know how the investment will be made, Lubna I made a lot of harm, some time had to pass in order to let people convince that Lubna II will be safe for the environment.”*

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