



Public Consultation in Environmental Assessment: Lessons from East and South Asia

Consultations with affected populations and non-governmental organizations (NGOs) are becoming standard practice in environmental assessments (EAs). The Bank recognized this fact by incorporating public consultation in its 1989 Operational Directive (revised in 1991 as OD 4.01 and to be released as OP 4.01) on EA. This directive requires public consultations shortly after the EA category for a project has been assigned; and, once a draft EA report has been prepared. For "meaningful consultation" to take place, the Borrower should share relevant information about the project and its potential impacts with affected populations and local NGOs. The following Dissemination Note describes the results of a 1995 review by ASTEN and ASTHR of experience in the East and South Asia regions in implementing these public consultation and information dissemination aspects of the EA process. The review looked at fourteen (14) projects requiring EAs in order to capture lessons for improving Bank and Borrower performance in this area.

Why Public Consultation in EAs?

Consultation is a two-way communication process by which the knowledge and views of affected peoples, NGOs, the private sector and other interested parties are taken into account in development decision-making. In the case of EAs, the assumption is often made that such involvement is not necessary because of the often complex and highly technical nature of environmental impacts.

Nevertheless, it is becoming increasingly clear that the knowledge of affected communities and NGOs can contribute to the quality of EAs, as well as provide a better understanding of the social impacts which accompany development interventions. The Bank and other development agencies have learned that if public consultation does not take place early in the project preparation process, it often leads to public misunderstandings, and unnecessary delays in project processing and implementation.

Bank Policies on Consultation

The Bank's Operational Directive on EA (OD 4.01) distinguishes between various types of projects based upon the potential significance of their environmental impacts. Category A projects are usually large (e.g., hydro-dams, roads, urban infrastructural projects, industrial facilities, etc.) and have widespread environmental and social impacts, including in some cases involuntary resettlement and effects on vulnerable popula-

tions such as indigenous peoples.

These projects require a full EA, including consultation with affected groups and NGOs. Consultations are required during the scoping of issues to be addressed by the EA, as well as once the draft EA report has been prepared. The Bank recognizes that good practice may demand that further consultations take place at other appropriate points during EA preparation, after finalization of the EA report and throughout project implementation.

Information dissemination is fundamental to "meaningful consultation." According to the OD, such information should initially contain a summary of the project, its objectives and potential impacts; and, following the preparation of the EA report, a summary of its conclusions in a form and language meaningful to the groups being consulted.

ASTEN-ASTHR Review

In 1995, ASTEN and ASTHR conducted a desk review and selected interviews with Task Managers and environmental staff of 14 projects which contained public consultations during EA preparation (see Box 1). Five (5) of these projects are in South Asian countries, while nine (9) are in East Asia. Energy/power and agriculture/water are represented by three (3) projects each; infrastructure, transportation and environment/urban are represented by two (2) projects each; and, there is one (1) natural resources and one (1) multisectoral project.

**Box 1:
Projects Covered in the EA Review**

<u>Country</u>	<u>Project Name</u>	<u>EA Category</u>
Bangladesh	Jamuna Bridge	A
China	Hebei/Henan Natl. Highway	A
	Inland Waters	A
	Liaoning Environment	A
India	Madras Water Supply	A
	Tamil Nadu WRCP	A
Indonesia	Kabupaten Roads V	B
	Outer Island Sumatra and Kalimantan Power	A
	Korea	Ports Development & Environment
Pakistan	Balochistan Natural Resources Management	B
Philippines	Leyte Geothermal Power	A
Sri Lanka	Colombo Env. Improvement	A
Thailand	Lam Taknong Pumps	A
Viet Nam	Irrigation Rehabilitation	A

The review's purpose was to identify best practice cases, as well as areas of relative weaknesses. The review posed a series of questions relating to information disclosure, consultation practices, and monitoring and evaluation of the consultative process (see Box 2). It also looked at the impact of the consultation on issues addressed by the EA and incorporated into the project design. Like any desk review, more consultation may have taken place than is revealed in the project documentation.

Legal and Policy Frameworks

There is significant variability in the formal consultation procedures among Borrower countries, as well as in their traditional practices. There are also wide differences between these national procedures, where existent, and those of the Bank.

Of the ten (10) countries included in the review, seven (7) have formal consultation procedures; while three (3) countries (Vietnam, Bangladesh and Pakistan) have none. Even in those countries where consultation procedures do exist, they are often only vaguely mentioned in the environmental legislation or are linked to other subjects (e.g., resettlement and land acquisition) rather than to EAs. The review revealed that only three (3) of the projects reviewed followed both national and Bank consultation procedures. The others followed either national or Bank procedures only; or, carried out consultations without following either the Bank's or national government procedures. These findings demonstrate that there is no consistent pattern in using either national laws or the Bank's OD as guidelines for the structuring of the EA consultation process.

Public Consultation in the EA Process

Stakeholder Identification

While only one (1) of the fourteen projects had an explicitly designed consultation strategy, almost all of them consulted a broad range of stakeholders. These included representatives of government agencies, academia, NGOs, religious groups, and village and community leaders. Few of the projects, however, defined who the "key stakeholders" were; nor did the project documentation describe the means for identifying and weighing the relative participation in these consultations of "affected communities," "beneficiaries" and "other stakeholders." Only in three (3) projects were gender and ethnicity addressed in stakeholder identification and consultation.

Information Dissemination

The projects used a range of means for information dissemination: newspaper articles, TV and radio reports, videos and films, exhibitions, posters, and public meetings and hearings. Two (2) of the projects undertook systematic public information and dissemina-

Box 2: Basic Questions to Review Consultation Processes

Information Disclosure

- Were affected people and NGOs informed about the proposed activities?
- Was the project summary and objectives available to affected and interested groups?
- Were TORs for the EA available to the public?
- What mechanisms were used to disseminate project scope and objectives (press, bulletins, radio)?
- Was the draft EA report made available in a timely fashion?

Consultation Practices

- Does the country have a formal consultation procedure as part of the EA?
- Were the country procedures followed?
- Was a consultation strategy designed for the project?
- What criteria were used to identify stakeholders?
- How were the consulted groups selected?
- Who was consulted and when? (affected groups and other stakeholders)
- What were the consultation mechanisms used? (seminars, workshops, public meetings)
- What substantive issues arose from the consultation and how did they influence the project?

Monitoring & Evaluation

- Was a system designed to assess whether affected people and NGOs absorbed information from the consultative processes?
- Was a monitoring and evaluation system designed to measure the effectiveness of information disclosure and consultation strategies?

tion campaigns; another five (5) projects had newspaper reports and public meetings; and, seven (7) projects had no information dissemination strategy. It is unclear from the desk review whether there was any targeting of audiences in the information campaigns, whether materials were translated into local languages, or whether any assessments were made of public understanding of the information disseminated.

Consultation Mechanisms

The types of consultation mechanisms used in these projects included town and public meetings and workshops and seminars. There is, however, relatively little or no information in the project documents on the representativeness of the persons who attended these meetings. Only one of the projects used a systematic survey to elicit opinions of persons affected directly by the project.

There is a wide variety of effective techniques which could be used for consultation but apparently were not tested in the EAs analyzed in the review. These include public hearings, citizen advisory groups, focus groups, community opinion surveys, expert panels, etc.

Issues Identified for Project Design

During scoping sessions, stakeholders mainly raised issues concerning involuntary resettlement and the environment. In relation to resettlement, the key concern had to do with compensation; while environmental issues included the impacts of power plants on surrounding communities, the effects of noise and air pollution, and protecting historical and cultural property. The project documentation did not indicate whether there was any setting of priorities among issues; nor, how they were incorporated into the TORs for the EA.

Some of the issues raised during consultations resulted in changes in the project design; e.g., specific details of resettlement plans, modifications in engineering designs (see Box 3), and plans for protecting and monitoring threatened flora and fauna (see Box 4). There were no instances where consultations led the project proponent to seek alternative project designs or not proceed with the original project.

Review of Draft EA

According to OD 4.01, a summary of the draft EA conclusions, including the environmental management plan, are to be presented to affected communities and interested NGOs in a "form and language meaningful to the groups being consulted." There is great variability in the extent and ways in which draft EA summaries are being presented to the "general public," affected communities, and NGOs. Some projects provide the entire draft EA report to a wide range of stakeholders for public inspection and comment; others provide only summaries of the draft EA conclusions for public re-

Box 3:

Farmer Group Consultations in India Madras Water Supply Project

The Second Madras Water Supply Project provides treatment and transportation of water to the city by a transmission pipeline which carries water from a command area inhabited by 11,500 farmers. An EA was carried out which included a strategy to consult the farmers. Consultations covered farmers associations, local government and affected communities and were organized by a reputable NGO. The farmers showed an awareness of the need to incorporate new operating rules for releasing of water from another reservoir.

As a result of the consultations, the Government drafted new formal rules which were accepted by the farmers and villages. It also included a suggestion made by the villagers that the capacity of the local water tank be expanded to satisfy the irrigation needs of local farmers, as well as permit continuing offtake from the reservoir for the water needs of Madras.

view and often to a more limited range of stakeholders, such as local governments or affected communities. From the documentation, it is unclear to what extent the comments made are actually incorporated into the EA report submitted to the Bank.

Conflict Management and Dispute Resolution

Projects with environmental implications often generate conflicts between the project proponents and affected communities and other interested groups, especially concerning the siting of facilities (e.g., the so-called "Not-in-My-Backyard" or "NIMBY" syndrome). A public consultation strategy may therefore need conflict management and dispute resolution techniques, including the use of professional facilitators. The review found that EA reports seldom contain descriptions of such conflicts; nor is there much use being made, at present, of alternative dispute resolution techniques.

Process Documentation and Recording

The review showed there is a paucity of information in the project files or EA reports on the types of consultation activities and mechanisms used, the individuals and groups invited and participating in them, the issues raised, the responses given by project proponents and the impact of such discussions upon subsequent decisions. However, there is increasing awareness of the need to improve documentation and recording and an attempt on the part of a number of divisions to remedy the situation. This should contribute to greater institutional memory and learning on the part of the Bank.

Box 4:
**Public Consultation in Korea Ports Development
and Environmental Improvement Project**

In the Korea Ports Development Project, the project proponent asked local people to review the draft EA report and asked for their views on the noise and air pollution that port construction might cause. Issues raised included the protection of historic and cultural properties, provision of adequate compensation for damages to inhabitants of the port area, and preparation of mitigation plans to deal with noise and air pollution. Affected people provided comments to the Ministry of Environment and it, in turn, prepared a management and monitoring plan to mitigate environmental issues identified.

Constraints to Conducting Effective Consultations

In general, the review found that there were constraints both within Borrower countries and the Bank to conducting effective consultations within the framework of the EA process. Many Borrower governments and their sectoral ministries view the EA as a purely technical exercise which will not benefit from public and community involvement. Despite the growing importance of NGOs and civil society, there is still a tendency in many countries to implement development projects in a non-participatory manner.

To respond to these constraints, there needs to be a dialogue with Borrowers, based upon concrete experience, about how public consultation can lower the transaction costs of projects. Borrowers need to be convinced that by consulting with people they can avoid delays due to public protest and be more responsive to the demands of interested parties and constituencies. Borrowers also need to be convinced that by drawing upon local knowledge and concerns, they can improve the quality of EA studies, mitigation plans and project designs?

Within the Bank, Task Managers need guidance for advising Borrowers about how to design and conduct information dissemination and consultation processes. TORs need to be more precise in defining what needs to be done in terms of identifying key stakeholders, providing them with adequate information, and structuring a consultative process which is effective and meaningful to project proponents, affected populations and interested parties.

Recommendations for Improving Performance

The review, as well as general experience in other regions and outside the Bank, provides several insights

for improving Borrower and Bank performance in public consultation. Among other things, the Bank and Borrower countries need to:

- Generate dialogue with project proponents on the ways in which public consultation can further their own project and sectoral interests. One approach is to show project proponents both “best” and “worst” practice in public involvement, including what may happen in its absence.
- Focus more attention on stakeholder identification, especially of affected people and communities, local authorities and decision makers, the media, the scientific community, NGOs and other interested groups or parties.
- Disseminate information early and in a culturally meaningful fashion, including using local languages, visual methods and, where appropriate, communication expertise.
- Recognize that disputes and conflicts are sometimes inevitable and therefore plan for conflict management and dispute resolution.
- Document the process of consultation including participants, the issues raised, the responses given by project proponents and the impact upon subsequent decisions.
- Evaluate whether or not public consultation improved the quality of EA and the public acceptability of the project. This could include the use of indicators to measure absorption of information disseminated, public satisfaction with the consultation process and its effectiveness from the viewpoint of the project proponent.
- Recognize that sensitization and training on the objectives and methods of public involvement may be needed for project proponents, central and local government authorities, affected communities, NGOs and Bank Task Managers.

Resources:

Public Involvement in Environmental Assessment: Requirements, Opportunities and Issues (EA Sourcebook Update, No. 5, October 1993)

People's Participation in Environment Assessment in Latin America: Best Practices by William Partridge (LATEN Dissemination Note, No. 11, November 1994)

Manual on Public Participation by Environmental Resources Management (Prepared for the European Bank for Reconstruction and Development, December 1995; Available Through ENVSP)

The Impact of Environmental Assessment: Second EA Review (World Bank, November 1996).