



# SOCIAL DEVELOPMENT NOTES

ENVIRONMENTALLY AND SOCIALLY SUSTAINABLE DEVELOPMENT NETWORK

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## Meaningful Consultation in Environmental Assessments

The World Bank's Operational Directive 4.01 on Environmental Assessments (to be released as Operational Policy 4.01) calls for consulting the public on environmental impacts in Bank-financed projects. The operational directive (OD) requires Borrowers to prepare environmental assessments in those categories of projects that have potential significant impact on the environment. This includes both category A and B projects.

Category A projects potentially pose a significant impact on the environment and Category B projects do not. Therefore the OD requires that a full EA be carried out in Category A projects and only an environmental analysis be carried out for Category B projects. The OD requires that the views of "affected persons" and local nongovernmental organizations (NGOs) be taken "fully into account in such assessments."

The views of affected groups and NGOs are obtained through a consultative process that occurs at two stages during project preparation; first, after assigning the EA category or during the scoping of issues and preparation of draft terms of reference (TOR) and second, after a draft EA has been prepared. In order for "meaningful consultation" to occur, the OD requires Borrowers to provide "relevant information"

to local NGOs and affected groups. This information has to be provided in a timely manner and a form that is meaningful and accessible to the groups being consulted.

The OD requires that at the initial consultation the relevant information consists of a summary of the proposed project, including its potential positive and negative effects. Once the draft EA report is ready, information should consist of a summary of the conclusions and a discussion of recommended mitigating activities and plans is prepared.

Despite the existence of these general guidelines, the Bank's second EA Review found that "many EAs are still characterized by... weak public consultation." This was the case across all sectors and appears to be a result of several factors, including inadequate national legislative frameworks and a lack of open consultative processes and expertise on the part of project managers and EA consultants.

The following note is based on the premise that both World Bank and Borrower performance could be significantly improved. The OD describes several factors which, if adequately considered, could provide guidance to Bank task team leaders, project

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preparation agencies, private companies, and environmental consultants on minimal World Bank standards and expectations for involving affected groups and local NGOs in the EA process. Six of these factors are discussed in this note. A checklist is also provided for reviewing and evaluating public consultation plans and processes.

### **Context of the Consultative Process**

Public consultation, like other aspects of an EA, needs to be situated within its policy, legal, and administrative contexts. As a first step toward planning an effective public consultation strategy for an EA, it is vital to understand how public consultation is viewed in the wider society. This should entail preliminary analysis of the legislative framework and what it says about the rights of citizens to be consulted in administrative processes, as well as their access to environmental and other types of information. In some countries an adequate public consultation legislative framework may be lacking, but there may be other cultural or informal ways in which citizens participate in decisionmaking.

The World Bank recognizes the need for sensitivity in designing public consultation strategies for projects in countries lacking adequate statutory frameworks or in cases where affected groups and NGOs lack appropriate conditions to express their views. In certain contexts, relevant environmental agencies and public and private institutions may need to be strengthened to carry out an effective and meaningful consultation program. Such institutional strengthening may be needed to fulfill the objectives of the OD.

### **Identification of Affected Groups and Local NGOs**

If meaningful and effective consultation is to occur, it is vital that a mechanism for identifying affected groups and interested NGOs be in place. Sometimes this does not occur because of lack of guidance as to how affected groups and local NGOs should be identified; for example, narrow definitions of affected groups may only include those directly impacted by the project.

In many cases, women and the poor are not consulted and local NGOs are often the only social actors who participate in consultations. Meaningful consultations only occur when the EA reflects the views of a cross-section of affected groups, including those traditionally excluded from the process.

To ensure that affected groups and interested NGOs are identified and participate in consultations, it is usually necessary to conduct a social assessment. The recruitment of appropriate professionals (from local universities or NGOs) may be necessary to conduct these assessments, the goal of which should be to identify all relevant stakeholders and highlight potential issues and conflicts to be analyzed in the EA. For more information see Social Assessment Dissemination Note Number 13, September 1995.

### **Consultation Facilitators**

Under certain circumstances involving professional facilitators or respected community members may be necessary to ensure meaningful consultations. This is because many projects that have significant environmental and social impacts often involve contending interests and values, and government officials or private sector institutions may lack the trust of affected groups and local NGOs. In other cases NGOs themselves may provide biased accounts of how local communities perceive potential impacts. In these situations dialogue may only be possible when a neutral facilitator serves as an intermediary among the affected groups, local NGOs, and the project's sponsor.

### **Timing and Implementation of the Consultative Process**

The stages at which public consultations are required determine and limit the input of affected groups into the EA. World Bank policy requires that consultations be carried out after the EA category has been assigned and the draft EA prepared. By participating in the EA process after assignment of the EA category, affected groups help define the issues in the EA, some of which may be critical in drafting the TORs.

The OD does not require consultations with affected groups during EA preparation although

good practice and certain conditions such as resettlement or project effects on indigenous peoples merit participation by affected groups throughout project and EA preparation. Certain types of environmental information on land use or pollution effects may also be discovered through close collaboration with affected groups during EA consultations.

There is no requirement for consultations with affected groups after the final EA preparation. However, the World Bank's policy on disclosure of information, subject to certain limitations, requires the Borrower to make the EA report available in a public place accessible to affected groups and local NGOs for their review and comment. Formal consultations with affected groups after the final EA preparation is good practice, and it enables affected groups to determine whether or not their concerns have been incorporated into the final EA document. When the affected group's concerns have been omitted from the final EA, it is standard practice to discuss the reasons for exclusion. Such consultations should be conducted before the final document is deposited in a place accessible to the public.

### **Information and Communication**

World Bank policy requires that information to affected groups be provided in a "meaningful and accessible fashion" and "timely manner." Responsibility for ensuring that the information is comprehensible to the affected groups rests with the Borrower or EA preparer, who should, if necessary, obtain the expertise required to translate the information into a form comprehensible to the affected groups.

Affected groups may include the illiterate and those who do not speak the national languages, but they nonetheless must be able to understand the information in order to participate in the EA process. Appropriate communication processes must be designed and employed in the process, so that information reaches and is understood by affected groups and local NGOs.

The information has also to be received by the affected groups in a "timely" manner. What constitutes a reasonable time may vary across localities, depending on the sociocultural context of the project. Local social scientists and

NGOs can assist in developing strategies for identifying the appropriate information, methods of dissemination, and a reasonable timeframe.

### **Documentation of the Consultative Process**

Finally, World Bank policy requires that EA reports contain a record of consultations with affected people and local NGOs. The record should specify how stakeholders were identified and what information was disseminated, as well as the means (other than consultations) used to obtain the views of affected local groups, such as social surveys, rapid rural appraisals, or focus groups. The documentation should also indicate how the collected views were analyzed and incorporated into the final EA. Without documentation of the consultative process or alternative means of obtaining information, it is difficult to determine whether meaningful consultation has taken place.

### **Summary**

The World Bank requires that at designated stages of the EA cycle, Borrowers conduct meaningful consultations with affected groups and local NGOs. The criteria for assessing meaningful consultation is based on the Borrower's or EA preparer's capacity to identify the affected groups and obtain information. The Borrower or EA preparer should conduct additional consultation when new issues arise during the EA cycle. Documenting the consultative process enables interested persons to determine whether appropriate consultations have been conducted.

While the final decision on EA recommendations rests with the Borrower or implementing agency, project performance and action plans arising from EAs can be substantially improved through consideration of the viewpoints of all relevant stakeholders and affected groups. Meaningful consultation will be deemed to have taken place if the final EA document reflects the views of affected groups, local NGOs, and those traditionally excluded from the consultative and planning processes, as well as those of the project's sponsor and other relevant government agencies.

## Checklist for Reviewing and Evaluating Public Consultation Plans and Processes

### Methodology

#### *Selection of Participants*

- Were representatives of the public involved in selecting participants?
- Have all potential stakeholders been identified?
- Have key stakeholders been given the opportunity to express their views?

#### *Selection of Consultation Techniques*

- Are the chosen techniques suitable for the objective?
- Are the techniques appropriate for the size of the audience?
- Are they appropriate for the technical knowledge of participants?
- Has sufficient time been allowed for informing participants?
- Will suitably qualified staff be involved?

### Implementation

#### *Suitability of Arrangements for Consultations*

- Is the location appropriate?
- Is the time appropriate?
- Can everyone attend who may want to participate?

#### *Adequacy of Information Provided to the Public*

- Has sufficient information been provided for participants to make informed judgments?
- Is the technical level of the information suited to participants' background knowledge?
- Has appropriate language and vocabulary been used?
- Was information provided sufficiently early?

#### *Information for Decisionmakers*

- Was a nontechnical summary provided?
- Is information clearly and concisely presented?
- Has an appropriate language been used?
- Was it provided in time to inform decisionmakers?

#### *Resources for Participants*

- Have resources been provided to enable all those who wish to participate to do so?
- Were resources distributed fairly?

#### *Analysis of Results*

- Have views of participants been recorded?
- Have they been analyzed?
- Have suitably qualified staff been involved?

### Feedback and Use of Results

- Have the results of the consultation been reflected in the decisionmaking process?
- Have participants been informed of the outcomes and how their input was used?
- Has the process resulted in a better decision?

Source: Adapted from *Manual on Public Participation*, 1995, European Bank for Reconstruction and Development, London, U.K.