



Inter-American Strategy
for the Promotion of

Public

Participation

in Decision-Making for Sustainable Development



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Organization of American States

Unit for Sustainable Development and Environment

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The Organization of American States (OAS) takes pleasure in presenting to the international community the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development (ISP). The formulation of this innovative strategy is a prompt response to a mandate entrusted to the OAS by the 1996 Bolivia Summit Conference on Sustainable Development. For almost three years, the Unit for Sustainable Development and Environment (USDE) of the OAS led an open and participatory process to give shape to the ISP, working with public sector and civil society organizations in the 34 member states in conducting technical studies, seminars, and extensive consultations. This broad consultation process gave governments, civil society organizations, and other stakeholders in the Americas the opportunity to exchange ideas and opinions regarding the recommendations and principles to be taken into account in the design, implementation, and evaluation of participatory projects, policies, or programs. As a result, the ISP contains principles and policy recommendations aimed at achieving greater involvement of all sectors of society in the making of decisions on sustainable development and environment.

With the approval of the ISP by the Inter-American Council for Integral Development of the OAS in April 2000, the countries have pledged to embrace the ISP principles and recommendations, and are in the process of requesting support from the international community for its implementation.

The cooperation provided by UNEP/GEF, USAID, and UNESCO in the formulation effort is greatly appreciated.

Cesar Gaviria
Secretary General

Richard A. Meganck
Director, USDE

Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development

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INTER-AMERICAN STRATEGY FOR THE PROMOTION OF
PUBLIC PARTICIPATION IN DECISION-MAKING
FOR SUSTAINABLE DEVELOPMENT

THE INTER-AMERICAN COUNCIL FOR INTEGRAL DEVELOPMENT,

HAVING SEEN resolution CIDI/RES. 65 (IV-O/99), “Draft Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development (ISP),” and

CONSIDERING that, pursuant to operative paragraphs 2 and 4 of resolution CIDI/RES. 65 (IV-O/99), CEPCIDI at its LVII Regular Meeting, held on December 13, 1999, adopted the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development (CEPCIDI/DOC. 350/99 rev.) *ad referendum* of the next regular meeting of CIDI, taking into account the recommendations of the Inter-American Committee on Sustainable Development (CIDI/CIDS/RES. 6 (II-O/99)),

RESOLVES:

1. To adopt the Inter-American Strategy for the Promotion of Public Participation in Decision-making for Sustainable Development (ISP), which is attached to this resolution.
2. To instruct the General Secretariat to support the member states in their efforts to implement the ISP.

**Inter-American Strategy for the
Promotion of Public Participation in Decision-Making
for Sustainable Development**

P O L I C Y F R A M E W O R K

In fulfillment of a mandate of the Santa Cruz Summit, the Organization of American States (OAS) formulated the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development (ISP) in consultation with officials and experts in government and civil society. The core of the Strategy is the Policy Framework, to be considered for adoption by the member states of the OAS. The Policy Framework contains the basic principles, goals, and policy recommendations for greater involvement of all sectors of society in decision-making on sustainable development. The OAS General Secretariat also has prepared a more technical set of Recommendations for Action. The Recommendations for Action are intended for consideration by both government and civil society actors, and present examples of concrete steps they can take to implement the Policy Framework. The ISP has been informed by practical experience and lessons gathered throughout the hemisphere, which are reflected in the Recommendations for Action. The ISP was supported by the Global Environment Facility/United Nations Environment Programme, the U.S. Agency for International Development, the United Nations Educational, Scientific, and Cultural Organization, and the OAS.

The principles and recommendations contained in the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development (ISP) are intended to lead to effective public policies that will encourage and ensure that civil society and governments at all levels work together to achieve sustainable development in the hemisphere. By strengthening public participation in decisions and policies on environment and natural resources management, governments and civil society can contribute to the achievement of equitable and environmentally sound development.

For the purposes of the ISP, “civil society” is organized in various ways and sectors and includes individuals, the private sector, the labor sector, political parties, academics, and other non-governmental actors and organizations. “Public participation” refers to all interaction between government and civil society, and includes the process by which government and civil society open dialogue, establish partnerships, share information, and otherwise interact to design, implement, and evaluate development policies, projects, and programs. The process requires the involvement and commitment of all interested parties, including, among others, the poor and traditionally marginalized groups, especially disadvantaged racial and ethnic minorities.

This document is intended to encourage the responsible participation of governments and civil society in decision-making for sustainable development. It highlights the strengthening of the capacities of civil society and of government institutions at all levels, and outlines mechanisms for soliciting, receiving, and integrating public input, and expanding opportunities for government and civil society to interact. This document identifies common principles, presents a set of objectives, and makes recommendations for achieving public participation. It has been widely recognized that environmental issues are uniquely appropriate for engaging the public in decision-making for sustainable development in a positive and concrete manner. These policy recommendations are therefore particularly applicable to the initiatives of the Santa Cruz Summit: health and education; sustainable agriculture and forests; sustainable cities and communities; water resources and coastal areas; and energy and minerals.

M A N D A T E S

The heads of state and government have reaffirmed their commitment to public participation in a series of international agreements, declarations, and plans of action. Additionally, in recent years, the governments of the Americas have advanced these commitments by developing and implementing national mechanisms to strengthen democratic institutions and achieve sustainable development through increased public participation. The commitments upon which these advances are based are the following.

- Principle 10 of the 1992 Rio Declaration states that “environmental issues are best handled with the participation of all concerned citizens at the relevant level,” and that to advance such participation, emphasis should be placed on (1) access to information; (2) access to process; and (3) access to justice. In Agenda 21, the plan of action accompanying the Rio Declaration, governments pledged to pursue broader public participation in decision-making processes and policy formulation for sustainable development, understood as development that meets our present needs without compromising the ability of future generations to meet theirs.
- The 1994 Programme of Action of the Global Conference on Sustainable Development of Small Island Developing States recognizes the special role played by non-governmental organizations and the importance of establishing partnerships among governments, international organizations, non-governmental organizations, and other groups.
- The Central American Ecological Summit for Sustainable Development, held in Managua the same year, maintains that sustainable development in the region “pursues progressive change in the quality of human life [and implies] the enhanced and full participation of all citizens.”
- Also in 1994, at the Miami Summit of the Americas, the countries of the hemisphere further emphasized the importance of public participation. The participants agreed that “[a] strong and diverse civil society, organized in various ways and sectors, including individuals, the private sector, labor, political parties, academics, and other non-governmental actors and organizations, gives depth and durability to democracy [and] a vigorous democracy requires broad participation in public issues.”

- At the 1996 Santa Cruz Summit Conference on Sustainable Development, the countries of the Americas again showed their commitment to public participation by recognizing that the achievement of sustainable development requires a long-term commitment to strengthen participation by all citizens. The heads of state charged the OAS with “the formulation of an inter-American strategy for the promotion of public participation in decision-making for sustainable development.” They emphasized legal and institutional mechanisms, access to information, training programs, and consultation processes to ensure civil society involvement.
- The role of public participation was also highlighted in the 1998 Santiago Summit of the Americas, where the governments pledged to “develop, with the participation of civil society, principles and recommendations for legal and institutional frameworks to stimulate the formation of responsible and transparent non-profit and other civil society organizations [and] encourage public sector-civil society partnerships,” drawing on experiences from the ISP.

B E N E F I T S

It is increasingly recognized that any development effort requires the active involvement of an informed civil society to be truly sustainable. Public participation in the decision-making process introduces a broader range of ideas, experiences, and expertise that motivate the development of alternative solutions. This, in turn, enhances the knowledge of decision-makers by involving all interested parties in the scrutiny of sustainable development issues. Additionally, reaching consensus at various stages of the decision process reduces the potential for serious conflict and increases the likelihood of improved and lasting solutions. Furthermore, public participation strengthens the monitoring and fulfillment of public standards and policies and contributes to the transparency of public and private action. Finally, public participation provides opportunities for cooperation and coordination between government and civil society, and between the various sectors of the latter, building trust among the participants and leading to the creation of long-term collaborative relationships. All this is particularly true in dealing with issues related to the environment and sustainable development, since they affect people from all segments of society and can bring them together to work toward common goals.

P R I N C I P L E S

From various commitments on sustainable development assumed by the countries of the Americas, and concomitant implementation practices undertaken at the regional and national levels, the following series of principles can be identified. While not comprising an exhaustive list, they are nevertheless the foundation of attitudes and approaches upon which the subsequent ISP recommendations rest.

Success of the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development thus requires the internalization of these basic principles of public participation:

- 1) *Proactivity.* Public participation requires that governments and civil society take initiatives, in accordance with their respective roles, to develop their maximum potential and enrich the process of decision-making for sustainable development.
- 2) *Inclusiveness.* Full participation by all those interested in and/or affected by sustainable development issues is essential to achievement of durable solutions. Special efforts should be made to include the participation of the private sector, and to create equal opportunities for women and vulnerable groups such as indigenous populations, youth, disadvantaged racial and ethnic minorities (including disadvantaged populations of African descent), and other traditionally marginalized groups.
- 3) *Shared Responsibility.* Governments and civil society must share equitably the commitments, burdens, and benefits of development.
- 4) *Openness Throughout the Process.* Inclusive and continuous participation throughout the process of design, implementation, and evaluation of projects, policies, or programs inspires new ideas and expertise, legitimizes decisions, and enriches outcomes. A decision-making process that is open to input at all phases can benefit from adjustments wherever they are needed to respond to new information or circumstances.
- 5) *Access.* The involvement of civil society in development decisions is essential for lasting solutions. In order to participate effectively, citizens must have timely access, at the various levels of government, to information, to the political process, and to the justice system.

- 6) *Transparency.*** Productive relationships between civil society and government require that both be more accountable and transparent. Transparency on the part of all concerned parties in a decision-making process facilitates more meaningful participation by ensuring that all motivations and objectives are explicit and that all information vital to the decision is reliable and available in a timely manner.
- 7) *Respect for public input.*** Citizen participation will only be effective and efficient if there is assurance that, in the process of decision-making, contributions deriving from the implementation of various mechanisms for participation are evaluated, analyzed, and given proper consideration in a timely manner.

These principles highlight several key conditions that are necessary to promote the success of policies and practices of public participation, which require firm, ongoing commitment from government and civil society.

O B J E C T I V E S

Through application of the commitments assumed by the governments in international fora, and the principles defined above, the achievement of the following objectives can be promoted:

General Objective

To direct the efforts of the member countries of the OAS, toward the formulation and implementation of policies that will ensure the participation of civil society in planning, environmental management and decision-making for sustainable development.

Specific Objectives

- a.** To encourage adoption of effective communication mechanisms to allow government and civil society to exchange necessary information and experiences;
- b.** To facilitate full participation by individuals, institutions, and organizations of civil society in the processes of planning, decision-making, follow-up, and evaluation on sustainable development at the regional, national and subnational levels

- through legal and regulatory mechanisms;
- c. To ensure public participation at regional, national and subnational levels by strengthening institutional structures, policies, and procedures;
 - d. To support an increase in the capacities of individuals, governments at all levels, and the institutions and organizations of civil society to participate responsibly in the processes of decision-making for sustainable development and environmental management;
 - e. To encourage the dedication of financial resources to ensure public participation in the processes of environmental management, planning and decision-making for sustainable development;
 - f. To strengthen and create opportunities and mechanisms for consultation and agreement that lead to open and jointly responsible participation in decision-making for sustainable development.

These objectives are expressed in the following policy recommendations.

POLICY RECOMMENDATIONS

1) Information and Communication

Recommendation: Create and/or strengthen existing formal and informal communication mechanisms to encourage information sharing, collaboration, and cooperation within and among civil society groups, within and between levels of government, and between all levels of government and civil society.

Clear and accessible mechanisms that enable government and civil society to provide and obtain relevant information on policies, projects, and programs in a timely manner are essential for effective public participation. Special efforts must be made to use information and means of communication that will reflect and respect cultural, ethnic, religious, social, linguistic, and economic diversity in order to engage all stakeholders. Efforts should be made to give mass communications an effective role in the communication between governments and all sectors of civil society.

2) Legal Frameworks

Recommendation: Create, expand, and implement legal and regulatory frameworks that ensure the participation of civil society in sustainable development decisions.

Meaningful public participation in decision-making processes on sustainable development depends on laws and regulations that will ensure access to relevant and timely information, access to the decision-making process, and access to the justice system. In addition, legal frameworks should clarify and expand the legal standing of those persons and communities affected by development decisions, seek a reasonable balance in the roles and joint responsibilities of the various levels of government and civil society, and be adapted continuously to respond to changing reality or when they constitute an obstacle to public participation.

3) Institutional Procedures and Structures

Recommendation: Develop and support institutional structures, policies, and procedures that promote and facilitate, within all levels of government and civil society, interaction in sustainable development decisions, and encourage change within existing institutions to pursue a basis for long-term direct dialogue and innovative solutions.

Where necessary, institutions should strengthen and develop management mechanisms to expand and incorporate participatory practices and techniques in project design, implementation, and evaluation. The creation of partnerships between government and civil society, including all stakeholders, should be encouraged.

4) Education and Training

Recommendation: Develop and strengthen the capacity of individuals to participate in sustainable development decision-making with an increased base of knowledge (local, traditional and technical) of sustainable development issues and public participation practices.

Formal and non-formal education and training programs that will build the capacity of all individuals to participate actively in processes of decision-making for sustainable development are essential for effective public involvement in development decision-making. These programs must be appropriate to the national and local contexts.

5) Funding for Participation

Recommendation: Procure and expand financial resources to initiate, strengthen, and/or continue participatory practices in decision-making for sustainable development.

Financial mechanisms devoted to the implementation of programs to strengthen civil society and encourage public participation should be explored with multilateral development institutions, among others. Funding for participation can be enhanced by efforts that enable responsible and accountable stakeholder organizations to conduct fund-raising activities. Also, some of the financial cost of public participation can be shared. Where feasible, involved parties, such as governments, international organizations, and the private sector, should assume part of the outlay for public participation activities.

6) Opportunities and Mechanisms for Public Participation

Recommendation: Create, strengthen, and support formal and informal opportunities and mechanisms for public participation in which sustainable development activities are discussed and decided upon.

Strengthening and, where necessary, creating new opportunities and mechanisms for consultation and agreement that include stakeholders from all sectors of society are essential for the participation process. Partnerships between and among government institutions and diverse sectors of civil society in decision-making should be encouraged, and existing opportunities for them be made use of and replicated. These mechanisms should also ensure that the results of the participatory process are made known to all stakeholders.

IMPLEMENTATION OF THE STRATEGY

The implementation of these recommendations will require different approaches depending on varying national contexts. Such factors as existing legal and regulatory structures, the state of civil society, the tradition of philanthropy, and the relative strength of government institutions at the national and subnational levels all affect the type of implementation program that may be adopted. Taking into account these varying contexts, governments will review, consider and adopt as appropriate the measures outlined in the Recommendations for Action as they seek to implement the Policy Framework. In addition, hemispheric bodies such as the OAS can provide valuable assistance to member states as they seek to implement and follow up on this Strategy.

To this end, the OAS shall seek to procure resources and develop an Implementation Program to support member states in their efforts to adopt and put into practice the six areas of focus contained in the Recommendations for Action.

**Inter-American Strategy for the
Promotion of Public Participation in Decision-Making
for Sustainable Development**

A N N E X

R e c o m m e n d a t i o n s f o r A c t i o n

In December 1996, at the Summit of the Americas for Sustainable Development, Santa Cruz, Bolivia, the heads of state and government adopted a Declaration and Plan of Action supporting the full integration of civil society into the design and implementation of sustainable development policies and programs at the hemispheric and national level. In 1998, the heads of state of the Americas renewed their commitment to public participation in the development process at the Summit of the Americas II in Santiago, Chile. These commitments followed earlier progress at the Earth Summit in Rio and the Summit of the Americas in Miami, and built upon the work of governments and organizations committed to embracing the challenge of participation.

The Declaration of Santa Cruz specifically endorses civil society participation in several areas, including a commitment that the signatories “will support and encourage, as a basic prerequisite for sustainable development, broad participation by civil society in the decision-making process, including policies and programs and their design, implementation and evaluation.” The Plan of Action instructs the Organization of American States (OAS) to assign priority to “the formulation of an inter-American strategy for the promotion of public participation in decision-making for sustainable development . . . ,” which should “promote the exchange of experiences and information regarding the formulation, implementation, and improvement of policies and programs, legal and institutional mechanisms, training programs, and consultation processes” at the national and regional levels.

Over a two-year period, the OAS has developed the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development (ISP) in collaboration with a broad array of government and civil society representatives from throughout the hemisphere. A unique advisory structure ensured that the ISP itself was open to continual input and that it supported the ongoing work of the regular OAS staff, consultants, and dedicated volunteers. National Focal Points, serving as liaisons of governments to the ISP, channeled information between the ISP and the broader civil society at the country level. A Project Advisory Committee consisting of seven representatives each from government and from civil society, including private business, women, indigenous people, other minority or marginalized people, and labor, provided advice on the ISP’s work program and findings. The ISP received cooperation from the Global

Environment Facility/United Nations Environment Programme, the U.S. Agency for International Development, the United Nations Educational, Scientific, and Cultural Organization, and the OAS.

The ISP seeks to promote transparent, effective, and responsible public participation in decision-making and to foster the formulation and execution of sustainable development policies in the Americas. It consists primarily of a Policy Framework, intended for adoption by the member states, which contains the basic principles, goals, and recommendations for greater involvement by all sectors of society in development decision-making. The present Recommendations for Action, addressed to government agencies and civil society organizations, complement the first document by offering some measures that countries might take to implement the policy recommendations.

The activities that have led to the production of these documents were undertaken as part of the OAS effort to formulate the ISP. Experiences with public participation were identified, collected, and assessed, and hypotheses about useful methods and activities were tested. The information gathered, along with experiences and lessons learned from the governments, civil society organizations, and international development institutions that have contributed to the ISP, provided the basic material on which the majority of the recommendations and proposed actions are based.

The widely accepted and interrelated principles formulated in the Policy Framework emphasize a proactive role of governments and civil society to assure opportunities for public participation; the inclusion of a diversity of interests and sectors; a responsibility to share the commitments and burdens of development; comprehensiveness to ensure participation in all phases of the decision-making process, with flexibility to make midstream adaptations; transparency of information and multidimensional approaches within, among, and between government and civil society organizations to ensure the efficient use of resources.

These Recommendations have been developed to show how the Policy Framework can be implemented. Both documents focus on priorities highlighted in the Bolivia Summit: the exchange of experiences and information between government and civil society; the evaluation and promotion of legal and institutional mechanisms facilitating civil society participation; the building of capacity for participation; and the identification

and promotion of national- and regional-level consultation processes, including regular fora for dialogue between government and civil society at relevant high-level meetings convened by the OAS. Together they are intended to help governments and civil society shape sustainable development decisions through participation.

It is widely recognized that any development effort requires public participation to be sustainable. Public participation increases the likelihood of popular support for decisions related to development policies, projects, and programs; reduces the potential for serious conflict by encouraging consensus among diverse stakeholder groups; allows citizens to become more aware of decisions that may affect their future; saves time by reducing delays caused by challenges to efforts already under way; reduces costs by limiting the need to redesign projects to meet public objectives; and adds to the pool of human resources and knowledge available to traditional decision makers by opening development issues to the scrutiny of non-traditional partners.

To realize these benefits, the ISP envisions a critical role for public participation in every stage of development decision-making. As it becomes more institutionalized, government/civil society partnerships that enrich decision-making will become increasingly common; civil society will be better organized to participate effectively and responsibly; and representative public and private institutions will be able to receive, manage, and use the input of civil society. The actions and attitudes of civil society and government will change. Thus public policy, development programs, and projects will be more effective, efficient, and ultimately sustainable.

RECOMMENDATIONS FOR ACTION

IMPLEMENTING THE POLICY RECOMMENDATIONS

The recommendations contained in the Policy Framework represent six program areas: Information and Communication; Legal Frameworks; Institutional Procedures and Structures; Education and Training; Funding for Participation; and Opportunities and Mechanisms for Public Participation. The Recommendations for Action were developed using experience gathered during the ISP formulation phase and are intended to help steer

their implementation at the national and regional levels. They explain the rationale behind the measures prescribed to advance participation, provide means of applying them, describe how the ISP developed the recommendations in each area, and furnish examples of actual experiences that demonstrate the viability of the proposed recommendations. Although each of the experiences described is unique to a specific context, together they demonstrate that the topics they deal with can be addressed by means of public participation. Optimally, these Recommendations will be translated into concrete actions that advance joint decision-making throughout the hemisphere.

1) INFORMATION AND COMMUNICATION

Recommendation

Create and/or strengthen existing formal and informal communication mechanisms to encourage information sharing, collaboration, and cooperation within and among civil society groups, within and between levels of government, and between all levels of government and civil society.

Access to and exchange of accurate, relevant, timely information, including scientific and traditional knowledge, is fundamental to assuring that civil society and government have the means and ability to participate meaningfully and responsibly in sustainable development decisions. Information raises the level of debate and influences opinions that might otherwise be compromised by mistrust and bias. Analysis of information by all interested parties produces innovative solutions and new options. Communication and dissemination efforts that are part of a continuous process throughout the life of a project, program, or policy lead to more sustainable decisions in the long term.

Proposed Actions

1.1 Strengthen and develop mechanisms for gathering the necessary information, exchanging it with other stakeholders, and disseminating it to the general public.

1.1.1 All levels of national and subnational government should create and put into practice legal and regulatory frameworks and institutional structures that permit access to information.

1.1.2 Governments and civil society should ensure timely access to pertinent information from the beginning of the decision-making process.

1.1.3 Government agencies and members of civil society should establish clear procedures for requesting, receiving, processing, and disseminating information, including opportunities for the public to identify the information required for effective and responsible participation in the decision-making process.

1.1.4 At all levels of government, mechanisms should be created and contact points established for the exchange of information with civil society.

1.1.5 Governments and civil society should make available human and financial resources to put into practice the procedures for the exchange of information with all stakeholders.

1.1.6 Government agencies, with input from civil society organizations, should develop performance indicators to measure the effectiveness of information and communications programs, and should be responsive to user feedback.

1.1.7 Governments and civil society, particularly academic institutions, should monitor the quality and scientific basis of information.

1.2 Employ various means of communication that allow government and civil society to exchange relevant information on development policies, projects, and programs.

1.2.1 Project proponents in government and civil society should introduce elements of a complete information and communication strategy, including monitoring, auditing, and reporting, into the various phases of a project and seek and consider comments from the public.

1.2.2 Civil society, governments and the media should share information about opportunities to participate in decision-making processes, to raise

public awareness of specific development projects or programs, and to disseminate to the public at large technical and local knowledge about sustainable development.

1.2.3 Governments and civil society should use all appropriate means of communication, including mass and interactive media, in order to communicate and inform about sustainable development issues and should expand their availability and access to grassroots organizations and rural and remote communities.

1.2.4 Governments and civil society should ensure that information disseminated on the environment and other sustainable development issues arrives in the form appropriate to the intended recipients, at the appropriate time, and reaches all parties.

1.3 Use information and communication tools that are adapted to the local economic, cultural, social, and language conditions in order to engage all stakeholders.

1.3.1 Governments and civil society should recognize the need of guaranteed access to information and communication to all stakeholders who are involved at all stages of the process of decision-making for sustainable development.

1.3.2 Governments and civil society, and in particular the private sector, should consider the communication and information needs of all stakeholders, including isolated communities, when involving the public in each level of the project cycle.

1.3.3 Information should be used as a “leveling” tool to ensure that all stakeholders have adequate knowledge and can participate on equal ground with decision-makers.

Empirical Basis

In the study that was prepared for the Communication and Information component, information, outreach, and public involvement strategies were analyzed. The report contains examples of public participation provisions and opportunities, including public education and involvement programs, consensus-building activities, measuring the effectiveness of the process, and an analysis of the information and communication aspects of 12 case studies. A Web site was created to keep the participants in the consultative process and the general public informed of the progress of the ISP. A broad

network of government and civil society contacts is kept up to date for the same purpose.

Selected Experiences

Several cases provide good examples of efforts to develop and put into practice the appropriate mechanisms to ensure access to and collection of information.

➤ The governments of the European Union, in consultation with civil society, developed the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. This landmark Convention contains innovative provisions on the rights and obligations of government regarding civil society access to timely environmental information, and requirements for the collection and dissemination of this data to the general public. By clearly stating that governments must respond to requests for information from individuals or organizations, and defining the timeliness and extent of information that must be provided, Aarhus has become a useful mechanism for improving the flow of information and communication between government and civil society.

➤ The U.S. Emergency Planning and Community Right-to-Know Act (EPCRA) is designed to provide industry, government, and communities with information about toxins used in and released from industrial facilities. The law emphasizes the need to involve a diverse group of stakeholders, including citizen groups, local governments, and industry, in environmental planning and pollution control. Data must be provided to the community and to decision-makers on toxic chemicals discharged nearby. The successful experience of EPCRA has inspired similar legislative initiatives in Latin America and the Caribbean.

➤ The Organization of Eastern Caribbean States' (OECS) Solid Waste Project in Grenada demonstrates how public involvement at an early stage of development projects can help avoid cost and time overruns in the long run. In this case, information on a proposed project for a sanitary landfill for Grenada was not made available until late in the planning phase. At that point, civil society groups raised their concern over the proposed site of the landfill, which was a critical habitat for the national bird, the Grenada dove. The project proponents then had to search for an alternative site for the landfill, which was eventually found, but not without significant delay in building the landfill.

➤ On the other hand, an example of successful early stakeholder “scoping” efforts is provided by the ISP Demonstration Site in the Portland Bight Protected Area in Jamaica. In this case the Caribbean Coastal Area Management Foundation—the local co-executing organization—recognized the need for people to be aware of the implications of the newly acquired protected-area status of their surroundings. It held a series of meetings with the 30 potentially affected communities, assisted them in creating citizens’ associations, and listened to their opinions and suggestions regarding community needs before developing a feasible management plan.

On the use of the press and other means of communication for the exchange of information the following cases are pertinent.

➤ International organizations, such as the United Nations Environment Programme (UNEP), are taking advantage of the opportunities offered by the World Wide Web. UNEP’s Global Environmental Exchange Network, called INFOTERRA, uses the Internet to disseminate key environmental information worldwide. INFOTERRA has national focal points throughout the world that use Web sites as clearinghouses for storing and sharing environmental information from their countries. Links to information collected by various government agencies, universities, and civil society organizations are centralized and allow for easy, “one stop” access.

➤ Developing sound relationships with the local and national print media can become crucial to the success of environmental projects, as has happened at the ISP Demonstration Site in Ferrol Bay, in the city of Chimbote, Peru. Through informal arrangements, the national environmental agency/co-executing agency for the project, the National Environmental Council (CONAM), has provided timely information to local residents and citizens of Peru in general on the efforts to restore the bay and highlighted key partnerships with industry, private business, the local university, and environmental groups. This low-cost, informal arrangement with the press has also fostered nationwide support for the much-needed restoration of the bay, which once served as an elite beach resort, generating much of Chimbote’s revenues from tourism.

➤ In-country liaisons for development and policy-oriented projects constitute a vital source of information for project proponents and are extremely important during project implementation. The ISP project itself provides an example of how to use both official government and informal civil society contact points to gather in-country information, channel project

information, and obtain feedback from government, civil society groups, and other interested parties. The ISP uses national focal points and sectoral civil society representatives not only as communication mechanisms, but also to obtain guidance on project management issues, project opportunities, and obstacles and as a test case for partnerships between government and civil society.

The following case shows the need to ensure that information is channeled through the appropriate communication medium—one that is accessible to the target audience and takes into account language considerations and cultural sensitivities.

➤ The Patuca II Hydroelectric project in La Mosquitia, Honduras, offers an example of how the lack of adequate information can become detrimental to project success. The beneficiary of a hydroelectric concession, the private developers prepared an environmental impact assessment (EIA) for the proposed project without consulting the Tawahka people residing in La Mosquitia. The project would fall within the Meso-American Biological Corridor and, moreover, would affect Tawahka tribal lands. When remedial action was taken to share information with the public, and obtain stakeholder input, the EIA literature disseminated was inappropriate because of its size, highly technical nature, and language. As a result, the Tawahka and other groups that were ostensibly the target audience have been unable to participate effectively in decisions relating to the project.

2) LEGAL FRAMEWORKS

Recommendation

Create, expand, and implement legal and regulatory frameworks that ensure the participation of civil society in sustainable development decisions.

Clearly defined rights and responsibilities, and complementary institutional mechanisms, encourage meaningful and responsible participation by civil society in sustainable development decision-making. Access to information, to processes for making and implementing decisions, and to administrative or judicial relief when needed is a *sine qua non* of a meaningful legal and

regulatory framework for participation, assuring citizens and communities of a voice in the decisions that shape development and promote sustainability. At the same time, public servants who are allowed to innovate in support of public participation, and to reach out to citizens and communities within the bounds of these legal frameworks, bring vitality to public dialogue and promote the constant improvement of democratic processes.

Proposed Actions

2.1 Ensure the inclusion of provisions in new and existing laws that guarantee timely access to information, process and justice, and, when necessary, eliminate impediments to public participation.

2.1.1 Access to information should be assured by incorporating provisions into new and existing laws that grant public access to data, documents, and other information relevant or related to policy formulation and implementation, including information on the present quality of the environment, the environmental performance and conduct of regulated communities, and development budget proposals.

2.1.2 Legislative and administrative bodies should ensure public access throughout the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits, the process of assessing environmental impact, and the establishment of specific environmental performance standards.

2.1.3 Legislative and administrative bodies should ensure access to justice at all levels in order to secure rights, review decisions, or redress grievances, among other purposes. Meaningful access should be assured by providing legal standing (in essence, the legal right to appear before judicial and/or administrative bodies) for all affected and interested parties; the right of appeal to or review by, when pertinent, a higher governmental authority; and through alternative dispute resolution mechanisms to promote settlement; as well as through maintenance of independence among authorities responsible for implementation, appeals, and oversight.

2.1.4 Access to information, process, and justice should be further ensured through clear guidelines for the implementation and enforcement of participation rights, and through laws that clarify the

process and remedial measures available to citizens who participate in decision-making for sustainable development. These measures should be designed to mitigate, reduce, or avoid environmental damage, illness, and injuries, and to compensate victims where feasible.

2.2 Encourage, through legal frameworks, the extension of legal standing to interested or affected persons, organizations, and where pertinent, communities, with particular emphasis on persons and communities traditionally marginalized, including women and vulnerable groups such as indigenous populations, youth, and disadvantaged racial and ethnic minorities (including disadvantaged populations of African descent).

2.2.1 Legal recognition to participate in development decision-making and implementation should be granted to all who are interested or affected by those decisions, regardless of their race, ethnicity, culture or gender.

2.2.2 Legislatures should formalize, where possible, legal mechanisms for public-private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development.

2.3 Seek within legal frameworks a reasonable balance in the roles and obligations of governments and civil society in decision-making processes to promote shared responsibility and partnership, and to provide within all levels of government complementary authority and oversight.

2.3.1 Legislative and administrative bodies should develop legal and regulatory frameworks that recognize and promote the reciprocal roles of civil society participation and governmental facilitation and oversight.

2.3.2 Legislative and administrative bodies should create frameworks for dialogue between and among elements of civil society on development decisions, which will reduce the burden on government while promoting partnerships among elements of civil society interested in sustainable development.

2.3.3 Legal frameworks should allow flexibility and encourage all levels and branches of government to reach out to the public, to use innovative means, and to facilitate participation in areas of their competence and jurisdiction, in a manner that will afford as many avenues of participation as possible.

2.3.4 In seeking sustainable development, decentralization policies and legal and institutional frameworks should ensure broad participation of civil society at the local level, as well as the development of technical assistance that supports local levels of government, ensuring that sufficient capacities exist to carry out these policies and to facilitate and promote public participation.

Empirical Basis

The recommendations on a legal framework draw from a study conducted for the Legal and Institutional Frameworks component of the ISP. The study consists of two parts: a legal inventory and a series of case studies. The inventory examined 296 environmental laws providing for government or citizen action in 12 countries (Argentina, Bolivia, Chile, Ecuador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Peru, Trinidad and Tobago, and the United States). It found that fewer than half (43%) of these laws allowed some form of participation—but also that there was a strong trend toward including it in more recent laws. Before 1990 most of the laws allowed no public participation; since then most of them do include access to information, process, or justice, emphasizing process most often, justice second, and information third, but their provisions defining legal standing, remedies, or right of appeal are at best unclear. Nine case studies examined recent experiences in implementing legislation and the role of institutions that seek to integrate citizens into development decision-making, and analyzed how the laws or institutions influenced the outcome, showing how the laws that exist function or do not function in practice.

Selected Experiences

The emphasis on improved legal provisions for access to information, justice, and process derives from the recognition by governments in the region, first enunciated at the 1992 Rio Conference on Environment and Development, that these three are fundamental to responsible and meaningful participation (see Rio Declaration, Principle 10). The recommendations are supported by the following cases.

➤ The Aarhus Convention mentioned above is a good example of a mechanism that formalizes the States Parties' commitments to the three access areas. Because Article 3 states that "each party shall take the necessary legislative, regulatory, and other measures" to implement the

provisions of the Convention, each State Party must ensure legal and regulatory promotion of access to information, process, and justice in environmental decision-making in its country. To further clarify the convergence of these access areas on public participation, the Convention has provided an annex containing an extensive list of activities in which public participation in decisions must be permitted.

➤ The case of the S.S. *Triglav* in Colombia represents a useful example of constitutional guarantees of access of information and access to justice. When several hundred barrels of toxic waste were shipped aboard the *Triglav* to Colombia in 1994 and were left there in violation of Colombian law, a citizens' group petitioned the court for their removal in accordance with constitutional provisions that grant rights of access to information and create a special kind of lawsuit, called "acción de tutela," for the protection of fundamental rights. The Supreme Court upheld the position of the citizens' group and ordered the cargo to be placed back on the ship and taken out of Colombian territorial waters.

➤ In Mexico, access to decision-making processes, intended to broaden the spaces where citizens can express their ideas about the environment, has been developed through a system called Civic and Social Participation. This system promulgates responsible participation of society to achieve environmental management that relies on consensus and commitment from all actors in society. It is to this end that, in 1995, the National Consultative Council for Sustainable Development and four Regional Consultative Councils for Sustainable Development were created. Among the activities of these Councils should be mentioned their participation in the process of discussion and consultation on modifications to the General Law on Ecological Balance and Environmental Protection (LGEEPA). The drafting of the reforms to the LGEEPA was the result of a joint effort by the federal legislative and executive branches over more than 18 months, through the Ecology and Environment committees of the federal Chambers of Deputies and Senators.

The recommendation to clarify and extend legal standing (in essence, the legal right to appear before a governmental body or to join in meetings or dialogue) comes from the range of case studies that showed standing to be a most fundamental basis for creating a dialogue between civil society and government.

➤ The case of the Macuxi Indians in Raposa/Serra do Sol, Brazil,

demonstrates the importance of standing, in this case where numerous diverse interests are at stake. In spite of a longstanding constitutional provision granting indigenous groups the right to recognition and demarcation of their traditional lands, the Macuxi had been unable to obtain them. During the delay, outsiders arrived to farm, mine, and ranch on Macuxi lands, and these outsiders slowly gained some status as interested parties. As the Government of Brazil engaged in the process of study and dialogue leading up to demarcation and recognition, it successively created and then improved a participatory process for making a final determination. Over time, the Macuxi gained a seat at the table and developed an interest in participating and the ability to do so. Eventually, the mining and ranching interests were brought to the table, and then a final solution was possible. Finally, in 1998, the Macuxi lands won recognition under the Brazilian Constitution. Although the decision is still subject to judicial review, the fact that all parties participated in the process significantly strengthened the outcome and removed several legal arguments that might otherwise have been raised on appeal.

Finally, the importance of achieving a reasonable balance in the roles and responsibilities of governments and civil society in decision-making processes, including complementary jurisdiction and oversight, is demonstrated by the inventory and case studies to promote shared responsibility and partnership.

➤ In the case of the Silva Reservoir, in which large numbers of migratory birds were found dead in the reservoir in central Mexico, civil society and the government shared roles and responsibility under the leadership of the Government of Mexico to assure a positive outcome. From the time the bird deaths were discovered, local environmental groups worked side by side with the responsible government agencies to rescue birds where possible, prevent others from entering the reservoir, and study the problem. Both the federal and state governments had jurisdiction over the reservoir, and they cooperated to assure that their work was mutually supportive. Eventually, at the invitation and with the leadership of the national government, even international environmental groups and multilateral agencies became involved. The case stands as an excellent example of complementary jurisdiction, balance, and cooperation.

➤ In the ISP Demonstration Site in the Gulf of Honduras, the Foundation for Ecodevelopment and Conservation (FUNDAECO), the NGO co-executing agency, is working under a de facto environmental co-management system

that shows how a civil society organization can accept responsibility along with the right to participate in implementing conservation law. The demonstration project showed that this complementary role is very useful and promising, but the agency would benefit from having some form of official legal status to support its management role.

➤ The National Convergence Forum (FONAC) in Honduras is an example of a high-level forum (government and civil society), created by a legislative decree, in which government and civil society participate to address social, economic, and environmental issues. FONAC has demonstrated success in dealing collaboratively with development issues, including those arising from the devastation left by Hurricane Mitch.

3) INSTITUTIONAL PROCEDURES AND STRUCTURES

Recommendation

Develop and support institutional structures, policies, and procedures that promote and facilitate, within all levels of government and civil society, interaction in sustainable development decisions, and encourage change within existing institutions to pursue a basis for long-term direct dialogue and innovative solutions.

As societies develop, their institutional structures become more complex, which makes necessary the strengthening of institutional policies and structures for promoting the systematic interaction with the public. Institutions should be encouraged to innovate, and public-private partnerships should be promoted and consolidated, whenever possible, in order to address this need.

Proposed Actions

3.1 Develop and strengthen appropriate institutional structures and procedures, through legislation, where necessary, that allow for public participation in decision-making at all levels.

3.1.1 Governments and civil society organizations should strengthen their capacity to incorporate participatory practices into institutional

decision-making procedures.

3.1.2 Government and private for-profit and non-profit institutions should create management tools that can be used throughout the project cycle, in order to provide a flexible, dynamic, two-way consultative process.

3.1.3 Government agencies should develop, and make available, performance indicators of participatory practices used in the design and implementation of their policies, programs, and projects. In addition they should perform assessments based on such indicators.

3.1.4 Government agencies should develop systematic and proactive strategies to identify stakeholders and their interests.

3.2 Encourage the creation of institutional structures and partnerships (formal and informal) between government and civil society that allow for joint decision-making and long-term collaborative arrangements.

3.2.1 Environmental agencies should establish clear and accessible formal joint management structures, such as co-management schemes, to facilitate working relationships with local communities and citizen groups, identify needs, and design and execute projects, in particular when these require broad public consultation.

3.2.2 Government agencies should be encouraged to innovate in devising institutional mechanisms for outreach and dialogue, including ad-hoc joint management schemes to allow for partnerships between government and civil society and the inclusion of civil society representatives on boards of directors and advisory committees.

3.2.3 Governments and civil society organizations should promote and facilitate local and grassroots participation through the development of community organizations.

3.3 Develop and enforce internal regulations at the national and subnational levels that establish clear lines of authority and oversight and assure open and transparent institutional processes.

3.3.1 Government institutions should collaborate with each other to broaden technical expertise and ensure a full appreciation of stakeholder input.

3.3.2 Government and civil society should use public participation to examine decisions and policies, thereby ensuring transparency and accountability in the process of decision-making for sustainable development.

Empirical Basis

Stemming from the review of institutional factors present in each ISP component, this section is based upon the experiences of the ISP Demonstration Sites in Jamaica, the Gulf of Honduras, and Peru, and upon over 20 case studies developed under the Technical Assistance and Training and Legal Frameworks components. These cases offer on-the-ground experiences of attempts to consolidate intersectoral working relationships, formal and informal government and civil society arrangements, and government mechanisms that foster these relationships.

Selected Experiences

The following examples provide a broad range of institutional structures and procedures that promote public access to decision-making instances and formalize cooperative relationships.

- The Bolivian Public Participation Law of 1994 recognizes the legal obligations and rights of indigenous and farming communities and neighborhood groups, allowing for their direct participation in local government through a unique system of committees known as *organizaciones territoriales de base* (OTBs). Each OTB has representational capacity on behalf of its local community, and has the right to collect and organize community concerns over local development issues, channel them to the appropriate level of government, and share decision-making responsibility over these issues with the government agencies concerned.
- Saint Lucia offers a rich example of how to incorporate public participation into the development of environmentally sensitive areas with the Soufriere Marine Management Area (SMMA), a multisectoral body composed of government, NGO, and tourism-industry representatives. The

SMMA, established in 1995, operates through a management plan that reconciles the resource needs of fishermen and dive operators while protecting and restoring the coastal and marine environment. Four zoning categories were developed: marine reserves, fishing priority areas, multiple-use areas, and recreational areas.

➤ In Jamaica, the Natural Resource Conservation Authority (NRCA) has created a policy framework for all aspects of establishing, planning, and managing protected areas in the national system. According to a 1997 white paper entitled "Towards a National System of Protected Areas," it may delegate management authority for particular areas under its jurisdiction to another organization (governmental or non-governmental), and is responsible for stimulating and coordinating the participation of other government agencies, NGOs and private organizations in establishing and managing the protected-areas system.

➤ Performance indicators are a key tool in evaluating the success of the participatory process in development projects, policies and programs. As part of the ISP Demonstration Sites, a set of performance indicators were developed to assess how these practices contributed to the sound management of natural resources within their project site. These consist of four key areas of inquiry: (1) diagnostic; (2) decision-making process envisioned and undertaken; (3) accountability for implementation; and (4) public information and consultation.

The following cases provide a variety of examples of efforts to institutionalize public-private partnerships.

➤ The ISP Demonstration Site in Peru seeks to develop a joint management plan for the restoration of Ferrol Bay. The Government of Peru, through its National Environmental Council (CONAM), created the Regional Environmental Commission for the Ancash Coastal Area (CAR-Ancash) to coordinate local institutional actions and formulate an Environmental Action Plan for the area, in particular a restoration plan for Ferrol Bay. The CAR-Ancash is a multisectoral body formed by representatives of local government agencies, the private business sector, non-governmental organizations, and academia. This public-private partnership was institutionalized by a 1998 ministerial decree.

➤ For the Bermejo River basin between Argentina and Bolivia, a binational water commission was created to develop an Integrated Watershed Management Program. This binational partnership has led to improved coordination and integration between agencies charged with the management of these waterways, in particular by strengthening working relationships between authorities in both countries, designing a comprehensive management plan, and adopting strategies to promote community involvement.

The importance of establishing clear lines of authority and oversight is highlighted in the following cases.

➤ The Integrated Watershed Management Program for the Pantanal and Upper Paraguay River Basin is an example of a clearly defined joint management program to address environmental problems. These important wetland ecosystems are suffering from degradation due to agricultural and extractive practices that are contributing to soil loss, pollution, and deforestation. At the national level, the Government of Brazil, with World Bank support, initiated the Pantanal Project of 1991 to mitigate these problems. Subsequently, numerous state environmental agencies jointly prepared the Upper Paraguay Basin Conservation Plan to conserve and rehabilitate degraded lands, create a geographic information system to monitor land use, and establish a flood warning system. In addition, watershed committees consisting of representatives of federal and state governments, international relief organizations, universities, NGOs, and civil society organizations facilitate the exchange of stakeholder information and arbitrate resource use conflicts. Thus, all levels of government and civil society jointly manage the restoration and preservation program in an effective and efficient manner that clearly defines the responsibilities of each entity.

4) EDUCATION AND TRAINING

Recommendation

Develop and strengthen the capacity of individuals to participate in sustainable development decision-making with an increased base of knowledge (local, traditional and technical) of sustainable development issues and public participation practices.

Educating citizens about the technical and practical issues raised by sustainable development decisions and training them for constructive participation ensure more articulate, comprehensible and effective participatory processes. Education and training are also fundamental wherever there are cultural and historical barriers to public participation. An effective education and training strategy will also encourage government and civil society organizations to rely on public input to find broad answers and solutions.

Proposed Actions

4.1 Develop and support formal and non-formal education and training programs for government officials and members of civil society to improve their opportunities and capacity to participate effectively in sustainable development decision-making processes.

4.1.1 Governments and civil society should promote activities to develop an awareness of public participation and provide information through educational programs to begin developing a culture of participation.

4.1.2 Governmental and private organizations should offer courses and develop teaching materials, adapted for the target group, linking public participation and public interest to environment and sustainable development issues through universities, vocational schools, and other educational institutions, beginning at the primary level, throughout the hemisphere.

4.1.3 At the operational level, governments and civil society should pursue training in participatory planning, including integral development, problem-solving methods, alternative means of conflict resolution,

consensus building, stakeholder identification, and the development of skills for applying them under the appropriate circumstances.

4.1.4 Public and private institutions should promote and provide training opportunities for volunteerism and active involvement of their members in promoting sustainable development.

4.1.5 Where appropriate, and particularly at the community level, civil society organizations or local governments should promote workshops on leadership and citizen empowerment in order to overcome religious, cultural, ethnic, economic, social or other barriers to participation.

4.1.6 Formal and non-formal programs on public participation in multi-ethnic societies should be strengthened and should use curricula that include respect for different cultures, ethnic groups, and languages.

4.1.7 Governments and civil society should prioritize education and training programs for trainers and other multiplying agents, especially among women, youth, indigenous and other ethnic groups.

4.2 Promote increased investment in training and education programs that stimulate public participation and provide the necessary knowledge of the issues being considered.

4.2.1 All project proponents, including governments, the private sector, and other civil society actors, should invest in training programs to increase the awareness of the affected community and strengthen its skills to participate in the decision-making process.

4.2.2 Governments should provide necessary resources and infrastructure for training and education programs that develop citizen capacity for public participation.

4.3 Develop or reform education and training programs for participation appropriate to national or local contexts, taking into account the framework of instruments and policies regarding participation.

4.3.1 Governments and civil society should research and systematize previous programs of education and training for participation in order to establish lessons learned and build upon already existing experiences.

4.3.2 Governments and civil society should develop education and training programs that will strengthen the ability of the public to participate in public debate and decision-making for sustainable development.

4.3.3 Governments' programs to educate and train should be aimed, on the one hand, at fulfilling the responsibility to facilitate access to public participation processes and, on the other, at strengthening public institutions to facilitate, coordinate, and integrate the public input.

4.3.4 Professionals and technicians from government and civil society should be trained to promote sustainable development and consensus-building, incorporating in their training a respect for traditional knowledge.

Empirical Basis

During 1998, activities undertaken to help develop technical assistance and training programs for public participation included a series of seminars in three major subregions of the hemisphere. Each of these seminars—Participatory Methods for the Management of Biodiversity and Coastal Resources in the Caribbean (held in Barbados), Water Resources Management in Transboundary Watersheds in South America (held in Uruguay), and Public Participation in the Management of Biodiversity and Coastal Resources in Meso-America (held in El Salvador)—convened between 30 and 40 representatives of government and civil society organizations to discuss actions that could be taken to improve communication between government agencies and civil society organizations, and to stimulate productive relationships between the public and private sectors in the creation of policies for sustainable development. Seminar participants received technical assistance on methods that can be undertaken to enhance public involvement in policies, projects, and programs. Also, by analyzing cases from their own subregions, the participants identified factors that stimulate or limit public participation.

Selected Experiences

On the topic of building the capacity of all people to participate through education and training programs, the following cases provide some insights.

- In the Silva Reservoir case, citizens' groups from Mexico and the United States worked in partnership with the Mexican National Secretariat for Environment, Natural Resources, and Fisheries (SEMARNAP), and with private-industry associations and local government, to investigate the bird deaths, identify environmental causes, and establish a plan to prevent future incidents while cleaning up the river basin that feeds the Silva Reservoir. For the long term, this partnership also led to the establishment of a field center that started by treating and rehabilitating the migratory birds affected by the polluted waters. The incident also raised awareness about the area, and in 1997 resulted in the declaration of the Silva Reservoir and its associated water system as a natural protected area.
- In the Patuca II Hydroelectric Project, Honduras, the active involvement of interested parties was tested when it was established that one impediment to legal recognition of the right of the Tawahka Indians to manage their own tribal lands as the Tawahka Asagni Biosphere Reserve was a lack of technical skills on the part of the communities involved to map the lands scientifically. Only after the competent government agency trained members of the communities in surveying and mapping were they able to demarcate their lands and obtain formal recognition from government.
- In an effort by the Government of Nicaragua to promote public awareness of the rights and obligations conferred on citizens and the state through its new environmental legislation and encourage public participation in conserving their natural resources, the Ministry of Natural Resources and Environment (MARENA), commissioned a Practical Guide on Environmental Rights and Obligations in Nicaragua. This guide was written in a popular style, at a level generally understandable to the broader community, and was distributed throughout the country, free of charge, to public officials, vocational and high schools, and non-governmental organizations.
- Through a program entitled "Industry and the Environment," ECOPACT (a U.S. non-governmental organization) works in partnership with the Training and Employment Corporation of the Society for the Promotion of Manufacturing Industries, the Chilean Ministry of Education, and the Chilean National Environmental Commission to increase environmental awareness and training and promote collaboration between the public and private sectors in Chile. This program trains teachers in technical, industrial, and vocational schools in the areas of environmental responsibility, sustainable development, freshwater, energy, soils, the urban environment, clean production, and key environmental and social issues in Chile, basing the

program for each school on its particular area of specialization, including metalworking, industrial electronics, industrial chemicals, and automobile mechanics.

The following case is a good example on the subject of adapting education and training programs to national and local contexts.

➤ As part of the ISP Demonstration Site in the Gulf of Honduras, FUNDAECO, the co-executing NGO, has undertaken a series of educational and capacity-building efforts to promote awareness at the relevant levels of government and civil society of the critical habitat of the Gulf. Along with partner organizations in Honduras and Belize, it has targeted different audiences that affect or might be affected by development decisions within the Gulf of Honduras area. It conducts workshops and develops training materials for park rangers in the protected areas surrounding the Gulf, gives seminars on sustainable resource use to local communities, residents, and other resource users, and makes regular presentations to members of Congress in each country to promote awareness of the critical habitats and the need to promote legislation that will permit the sustainable use of its resources.

5) FUNDING FOR PARTICIPATION

Recommendation

Procure and expand financial resources to initiate, strengthen, and/or continue participatory practices in decision-making for sustainable development.

Effective public participation depends on the capacity of individuals, civil society institutions, and governments to be involved in decision-making. Hence, governments and civil society organizations should seek to ensure that a scarcity of financial resources does not preclude, unduly impede, or lead to an imbalance in public participation. The availability of an adequate minimum of resources to all stakeholders helps to ensure that public participation will be integrated into development decisions, an element fundamental to sustainability.

Proposed Actions

5.1 Establish an enabling environment conducive to the development of alternative and flexible funding mechanisms for sustainable development projects that promote public participation.

5.1.1 Multilateral development organizations should direct resources toward (1) demonstrating that public participation leads to more efficient use of resources in sustainable development projects and programs; (2) supporting government efforts to create more favorable environments for civil society organizations as they seek financial independence; (3) strengthening civil society's ability to manage and finance its own activities; and (4) building capacity for participation in governments and civil society.

5.1.2 Legislatures and governments should encourage, support, and invigorate national environmental trust funds or similar national institutions that include public participation as an essential component of programs and projects concerned with sustainable development and environment.

5.1.3 Government agencies should include a budget line item on funding public participation in development projects and programs.

5.1.4 Legislative bodies should promote innovative financing mechanisms devoted to supporting public participation in new and existing laws on sustainable development.

5.1.5 Governments should foster public participation in decision-making by allowing tax-deductible contributions and other incentives for civil society organizations that promote public participation.

5.2 Promote the distribution of costs and resources for participation among actors in sustainable development policies, projects, or programs, thereby reducing the burden on any single party and demonstrating shared commitment to public involvement in decision-making.

5.2.1 Government agencies with overlapping sustainable development mandates and geographic coverage (e.g., watersheds) should jointly develop and execute public participation activities whenever feasible. Publicity, facilities, materials, and analysis of public participation activities should be shared with civil society.

5.2.2 Governments should cooperate, through international organizations, in devoting resources to promote, at the hemispheric level, public involvement in sustainable development.

5.2.3 Civil society organizations should seek financing, to the extent possible, through various mechanisms such as setting membership fees and marketing services and products, thereby ensuring that they have sufficient resources to participate adequately in development.

5.2.4 The costs of public participation should be fully budgeted in all projects designed by private and public-sector proponents as well as international financial institutions.

5.2.5 Individuals and organizations in the private sector should engage in philanthropy fostering public participation by contributing resources to transparent, responsible, and accountable organizations.

5.3 Establish permanent incentives and mechanisms to ensure the accountability and transparency of expenditures on projects dealing with sustainable development and environment.

5.3.1 Multinational organizations and national governments should set standards for monitoring and evaluating project financing, thereby demonstrating their desire to work openly and transparently with civil society and creating a model for similar standards in the civil and private sectors.

5.3.2 Civil society organizations should establish self-regulating mechanisms to ensure the transparency of their expenditures, particularly when they are key stakeholders in decisions on development projects and programs.

5.3.3 In formulating projects, both government and civil society organizations should fully budget the costs of monitoring and evaluating all sustainable development and environment projects and programs, whether the projects are sponsored by international institutions, governments, and/or civil society organizations.

Empirical Basis

To gather information on the effectiveness of specific funding mechanisms for public participation, a study of funding methods currently in use by civil society organizations and government agencies was mandated and an informal working group on funding civil society involvement in policies and projects was convened. A pilot mechanism is being created for international organizations (and particularly the OAS) to respond to requests for technical support on public participation efforts by member states.

Selected Experiences

Enabling Environment. Several international development institutions, governments, and civil society organizations have made notable strides in encouraging and supporting financing for sustainable development and environment projects that include public participation mandates. A few examples follow.

➤ The Jamaican National Parks Trust Fund (JNPT) was established in 1991 through cooperation between the Jamaican Conservation and Development Trust (JCDDT), the Government of Jamaica, and USAID as Jamaica's first debt-for-nature swap. The Jamaican Government designated JNPT as the primary vehicle for channeling eligible public and private funds to the park system, thereby establishing an important link between government and civil society and generating further funding via user fees, leases, and other park-related profit.

➤ The Bolivian National Fund for the Environment (FONAMA), a government agency created in 1990, disburses small and medium-sized grants to NGOs and provides funding for the GEF Biodiversity Conservation Project, a national parks endowment, and the USAID forestry project. FONAMA was highly productive in its first two years, securing US\$70 million in donor commitments. However, according to a recent GEF evaluation of national environmental trust funds, 1993 governmental changes and the concomitant shifts in national environmental priorities and administration affected the performance of FONAMA, minimizing its credibility. The experience of FONAMA demonstrates the importance of a supportive political and financial environment.

➤ The GEF Small Grants Program (SGP), founded in 1992 to support public participation and capacity building in environmental and sustainable

development projects, is partially guided by National Steering Committees composed of voluntary representatives from governments, NGOs and community-based organizations, academic institutions, and the UNDP Country Office. The decentralized implementing and financing structure of the SGP encourages country- and community-level ownership and interest, which is essential for the success of these projects.

Cost-Sharing. The willingness of international donor organizations, governments, the for-profit private sector, and other civil society actors to allocate resources promoting stakeholder participation helps to establish cooperative relationships among all parties. Many inter-American experiences demonstrate the variety of approaches that may be taken to share the financial costs of public participation in sustainable development policies, projects, or programs.

➤ At the hemispheric level, the Santiago Summit Action Plan recommends that the “Inter-American Development Bank . . . develop and implement, along with interested states, hemispheric financial mechanisms specially devoted to the implementation of programs oriented towards strengthening civil society and public participation mechanisms.” Although this commitment made by the governments of the Americas has not been fully implemented, it shows that, through the IDB, they are willing to pool resources to make public participation more common in development efforts at the hemispheric level.

➤ Similarly, the United States Tropical Forest Conservation Act of 1998 provides a framework for hemispheric financial mechanisms to promote sustainable development, authorizing US\$325 million to reduce debts in developing countries in return for conservation efforts. The three debt-reduction mechanisms in this act promote conservation while increasing the financing options of governments and civil society organizations.

➤ The EcoEnterprises Fund, created by a partnership between The Nature Conservancy and the IDB’s Multilateral Investment Fund, provides financial, technical, and administrative support to increase the long-term sustainability of environmentally responsible businesses and non-profit organizations in Latin America and the Caribbean.

➤ The Protected Areas Conservation Trust (PACT) of Belize, created in January 1996 to help conserve the country’s natural and cultural resources, is administered through a system of collaboration between government and

civil society. By cooperating with several government ministries, the Trust raises US\$500,000 a year through tourist fees and park revenues. PACT reserves 5% of its yearly revenue to create an endowment fund, and is searching for endowment capital from other sources, such as the GEF, from which it has yet to receive funding.

➤ The Brazilian Social and Economic Studies Institute (IBASE), an NGO founded in 1981 to establish democracy, solidarity, and participation as norms of social conduct, provides an example of the role of different types of funding in environment and development projects. IBASE has used funds from several sources, including international donations; the public sale of goods and services, most notably by creating an Internet service provider; consultation services for the Government of Brazil; corporations, generally in the form of technical and administrative support; and partnerships, especially with the electricity company LIGHT. The experience of IBASE demonstrates the extent to which civil society organizations can generate their own resources to finance sustainable development and environment projects that emphasize public participation.

Transparency and Accountability. The ISP has encountered experiences in the field that demonstrate the saliency of these qualities, particularly in the monitoring and evaluation of financial resources by stakeholders involved in sustainable development decisions.

➤ The Bolivian Popular Participation Law calls for the creation of community vigilance committees to oversee expenditures of municipal governments on participation. These committees effect social control over local government budgeting and expenditures and are empowered to appeal to the national government when municipalities fail to fulfill their responsibilities.

➤ The Fund of the Americas in Chile strengthens non-governmental organizations so that they can cooperate in project implementation and evaluation processes. Recipients of grants are expected not only to provide a financial counterpart contribution, but also to use the technologies and methodologies of the Fund of the Americas to systematically plan, monitor, and evaluate projects, and share the lessons learned with the entire community of interested organizations. This system of monitoring, evaluation, and information exchange has been one of the most important elements of the Fund, ensuring success, transparency, and future innovations.

6) OPPORTUNITIES AND MECHANISMS FOR PUBLIC PARTICIPATION

Recommendation

Create, strengthen, and support formal and informal opportunities and mechanisms for public participation in which sustainable development activities are discussed and decided upon.

Those involved in the sustainable development process, from government officials and academics to representatives of non-governmental organizations and less favored sectors of society, point out the scarcity of regular, structured opportunities and mechanisms for consultation with each other. Where such opportunities and mechanisms exist, they have had important benefits. These benefits have included: (1) encouraging consensus for alternative solutions; (2) creating trust between participants; (3) building bridges between actors who often do not otherwise communicate, both within civil society and between government and civil society; and (4) serving as a first step toward more formal partnership among participants.

These opportunities and mechanisms for public participation promote information exchange. They also play a crucial role in enabling early and ongoing dialogue.

Proposed Actions

6.1 Strengthen and support the creation of opportunities and mechanisms for public participation on sustainable development issues at all levels of the decision-making process to include stakeholders from all sectors of society.

6.1.1 Governments should establish and engage in formal and informal opportunities and mechanisms for responsible debate, consultation, conflict resolution, and consensus building between public servants and civil society regarding sustainable development issues.

6.1.2 The opportunities and mechanisms should be established at various levels of the decision-making process to ensure that results from their deliberations are directly channeled to the highest relevant political level for review and endorsement.

6.1.3 Mechanisms for consultation at the regional level, such as the Inter-American Committee on Sustainable Development (CIDS) of the Organization of American States' Inter-American Council for Integral Development, should be strengthened.

6.1.4 Governments should establish and strengthen the National Councils for Sustainable Development with adequate funding, clear statutory authority, and the power to convoke other agencies. These Councils (NSDCs) and other multisectoral institutions should also support the general management of, and develop the organizational capacity for, alternative means of resolving disputes related to a national interest or specific community concerns.

6.1.5 At the local level, governments should encourage development councils to include the broadest range of actors and stakeholders in order to promote sustainable development goals and evaluate achievements. Such councils should have the right to review and influence public budgets.

6.1.6 At the local and community level, governments and civil society should establish or strengthen citizens' councils, composed of resource users and stakeholders, which can play a key role in making decisions about the management of protected areas and the equitable allocation of gains from the management of natural resources. Council members might even be given legal authority to enforce such decisions. Informal neighborhood associations could be formalized and provide representatives to the citizens' councils.

6.2 Encourage partnerships between and among government institutions and diverse sectors of civil society in the decision-making processes related to sustainable development issues.

6.2.1 Governments and civil society should ensure that opportunities and mechanisms for public participation are established and governed by formal procedures; that meetings are regular, open and

inclusive; and that they are linked to concrete follow-up responsibilities.

6.2.2 Civil society organizations should join in partnerships with government and with each other to promote common goals, such as environmental remediation of a particular area, or management of protected areas.

6.3 Take advantage of the mechanisms for public participation contained in existing legal norms and procedures, and create similar opportunities where possible.

6.3.1 Governments and civil society should take full advantage of existing mechanisms and opportunities for public participation in the preparation of national strategies and action plans for sustainable development. Similarly, partnership agreements should include formal calendars and procedures for meetings.

6.3.2 Procedures for the design, approval, and implementation of activities with significant environmental impact should require public participation in the evaluation of social and environmental impact assessments, through roundtables, public hearings, workshops and technical and academic meetings.

Empirical Basis

To evaluate existing fora for government/civil society partnership in sustainable development, as programmed in the Consultative Fora component of the ISP formulation process, the OAS commissioned environmental experts to review the institutional factors affecting the efficacy of the National Councils for Sustainable Development (NCSDs) of the Dominican Republic, El Salvador, Honduras, and Mexico and the National Convergence Forum in Honduras. The authors measured the fora in terms of their structure, function (capacity, commitment, funding), level of mandate (state/national), public participation (member selection, fair representation, access to information), regional cooperation, and vulnerability. Additionally, the OAS, in conjunction with the Earth Council, held the Seminar on Strengthening National Councils for Sustainable Development in Central America and Mexico, in which both government and civil society personnel from the NCSDs identified conditions that helped or

hindered the ability of the organizations to serve as fora for public participation in sustainable development. The seminar participants also identified strategies to improve their abilities in these areas.

Selected Experiences

From the information gathered during the conducting of this ISP component, and from other experiences encountered throughout the hemisphere, several cases have been identified that highlight and support the proposed actions for strengthening fora for consultation in the Americas.

Strengthen and Support Fora for Participation. Two examples from the hemispheric and subnational levels serve to demonstrate support for fora that seek to include the participation of civil society in sustainable development.

- At the hemispheric level, the Inter-American Committee on Sustainable Development (CIDS), a political body of the OAS, establishes in its Structure and Function document that “eminent individuals with recognized expertise in the area, as well as representatives of intergovernmental and non-governmental organizations” should be included in its decision-making processes. CIDS recognizes that the involvement of these various stakeholders will enrich its work.
- At the multi-province and provincial levels, Guatemala has development councils that include representatives of a wide range of development actors such as churches, business associations, government agencies, and non-governmental organizations. The provincial councils, which are chaired by the governors, have influence over the allocation of central government funds for the province, and also are assigned specific amounts for their own development projects. The political support that enables the councils to influence the expenditure of national resources in their provincial jurisdictions, and to conduct their own projects, reflects findings from the ISP Seminar-Workshop on Strengthening National Councils for Sustainable Development (NCSDs) in Meso-America, held in Costa Rica in June 1998. At that event, members of the NCSDs cited strong support from national and local governments as one of the things they need most in order to serve as successful fora for public participation.

Encourage Partnerships. Two experiences gathered from the ISP Demonstration Sites in Peru and the Gulf of Honduras exemplify partnerships between the non-governmental community and governments for the creation of fora for participation.

➤ In their efforts to restore Ferrol Bay in Peru, municipal authorities, fishing and steel corporations, the Catholic Diocese of Chimbote, and the local university and newspaper joined to create a Core Management Group, with the aim of producing consensus on a technical and institutional proposal. To provide support to this Group, a Technical Group, which includes similar actors and is also open to other environmental non-governmental organizations, is supporting the university in developing a baseline study of the levels of pollution in the bay.

➤ Similarly, the Trinational Alliance for the Conservation of the Gulf of Honduras, a network of environmental non-governmental organizations, identifies regional issues (manatee conservation, joint lobbying for a network of protected areas, conflict resolution, port security) and carries out activities in these areas. Because territorial disputes have impeded governments in the region from establishing formal regional cooperation mechanisms, the Alliance serves as an important neutral forum in which government officials from Honduras, Guatemala, and Belize, who attend its quarterly meetings in an informal capacity, can interact. As a result, the Alliance is considering revising its statutes to give the governments official observer status, thus formalizing the de facto partnership with the governments of the region.

Seize Opportunities for Public Consultation. While existing fora for sustainable development can be made more open to public participation, and constructive partnerships can also increase the cooperation between government and civil society in development fora, governments and civil society could also seize opportunities in existing laws and structures to create new fora for participation.

➤ As is mentioned in Section 3 above, the NRCA of Jamaica recently created a framework permitting non-governmental organizations to manage nationally designated protected areas. The Caribbean Coastal Area Management Foundation (CCAM), an NGO that was granted oversight of the recently declared Portland Bight Sustainable Development Area, has taken the opportunity to create and formalize local fisher associations and then to create the Portland Bight Fisheries Management Council (PBFMC). The

PBFMC and other citizens' councils are now drafting regulations for land and marine resource use. PBFMC members have the right of citizen arrest in cases of violation of fish and shellfish management regulations, and have successfully resolved a dispute with a local petroleum facility over the use of marine space in Portland Bight. The alacrity with which CCAM made use of an existing decree to open formal space for public participation in the development decisions of the area exemplifies how fora for participation can be carved out by government agencies and civil society organizations using existing opportunities.

➤ A similar such opportunity may exist with public hearings in the energy and mining sector in Peru. Since the early 1990s, Peruvian laws and regulations have recognized public participation as a necessary ingredient in the design and implementation of environmental projects. There were no mechanisms for it until 1996, when the Ministry of Energy and Mines issued a resolution requiring public hearings as part of the approval process for environmental impact statements. The public hearings thus far, with some exceptions, contribute to the fact that governmental organizations, or civil society organizations interested in partnering with the government, can obtain greater public input in policies, projects, or programs in the energy sector.

THE ORGANIZATION OF AMERICAN STATES

The Organization of American States (OAS) is the world's oldest regional organization, dating back to the First International Conference of American States, held in Washington, D.C., from October 1889 to April 1890. At that meeting the establishment of the International Union of American Republics was approved. The Charter of the OAS was signed in Bogotá in 1948 and entered into force in December 1951. The Charter was subsequently amended by the Protocol of Buenos Aires, signed in 1967, which entered into force in February 1970; by the Protocol of Cartagena de Indias, signed in 1985, which entered into force in November 1988; by the Protocol of Managua, signed in 1993, which entered into force on January 29, 1996; and by the Protocol of Washington, signed in 1992, which entered into force on September 25, 1997. The OAS currently has 35 member states. In addition, the Organization has granted permanent observer status to over 48 states, as well as to the European Union.

The essential purposes of the OAS are: to strengthen peace and security in the Hemisphere; to promote and consolidate representative democracy, with due respect for the principle of nonintervention; to prevent possible causes of difficulties and to ensure peaceful settlement of disputes that may arise among the member states; to provide for common action on the part of those states in the event of aggression; to seek the solution of political, juridical, and economic problems that may arise among them; to promote, by cooperative action, their economic, social, and cultural development utilizing environmentally sound management practices; and to achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of the member states.

MEMBER STATES: Antigua and Barbuda, Argentina, The Bahamas (Commonwealth of), Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica (Commonwealth of), Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States, Uruguay and Venezuela.

Organization of American States

Unit for Sustainable Development and Environment

1889 F Street, N.W.

Washington, D.C. 20006

www.ispnet.org