

## **APPENDIX 2**

### **Public Participation Review Template**

## PUBLIC PARTICIPATION PROCESS REVIEW TEMPLATE

### Instructions to Reviewers

The practice of public participation is constantly evolving and open for improvement to ensure that all stakeholders involved in the EIA process, with particular emphasis on civil society, benefit as fully as possible. Use of this Review Template should assist companies and institutions in improving their respective public participation process in order to realize better project and development outcomes.

The review template comprises a 'form' which serves as a guide for the reviewer in analysing how well civil society participated in an environmental assessment. The template should be used as a guide in undertaking the review. The template can also be used as a reference to assist the planning and implementation of a public participation process.

The template has been structured such that once it has been completed, it will form a stand alone report. These instructions should be removed so that the completed template can be read by those interested in the results, without reference to these instructions.

### Structure of the Template

The review template is divided into two main sections:

- **Section 1:** An **executive summary** of the appraisal. This section will include a reviewers overall impression of the public process, omissions and pointers for improvement.
- **Section 2:** A **detailed appraisal** section comprising a table with a series of questions on the following topics:
  - **Approach to the public process:** questions related to the methodology and approach to the public process

- **Practical implementation:** questions related to the practical implementation of the project, techniques used and how issues arising in the public process were dealt with; and,
- **Practitioner and stakeholder attitudes:** questions related to the behaviour of various stakeholders and the EIA practitioner in the public process.

### Undertaking the Review

The following is a suggested review methodology:

- Read through the questions in the template prior to embarking on the review of the public process. They provide a framework in which the review can be undertaken as well as providing a useful indication of the nature of information that has to be acquired;
- Review all relevant documentation on the environmental assessment process and public participation process. This may include the Scoping Reports, Environmental Assessment Reports, minutes of meetings, information documentation sent to stakeholders, comments submitted by stakeholders, advertisements, media reports etc;
- Review the legal requirements for public consultation;
- If possible, interview key participants in the public process from a variety of stakeholder groups. This may include the project proponent, the environmental consultant, government officials, local community groups, NGO's etc. Interviews can take the form of on site interviews, email or telephonic interviews. Interviewing participants in the process will provide a more balanced and textured view of the public process than a review of documentation alone;

- Complete the template as outlined below.

### Using the Template

As indicated above, the review template is divided into two sections. Section 2 should be completed prior to Section 1.

#### a) Section 1: Executive Summary

Section 1 should be completed after Section 2 has been completed. It should comprise a general summary of the findings of the review and the overall impression of the reviewer. The summary should comprise a discursive overview of not longer than a page. Issues that need to be addressed in this discussion include:

- An overall assessment as to whether the process was well done, adequate or incomplete;
- Significant omissions from the process and the reason for these;
- Pointers for improving the public participation process.

#### b) Section 2

As indicated, the table in section 2 contains a series of questions on aspects of the public process and its interface with the technical aspects of the environmental assessment process. For each question in the table, consider the question as a prompt to determine whether:

- **The aspect was complete and / or well done (Score C):** Answering thus, implies that this aspect of the process represents best practice; legal requirements have been met or exceeded; or civil society participation in the process was optimal.
- **The aspect was adequate (Score A):** Answering thus, implies that although this aspect of the process may not meet best practice requirements, and there is room for improvement, civil society participation in the process was not unduly compromised, and

decision making would not be compromised. It also implies that this aspect meets legal requirements.

- **The aspect was poor and / or incomplete (Score I):** Answering thus, implies that this aspect has compromised civil society's ability to meaningfully participate in the environmental assessment; that legal requirements have not been fulfilled and/or that additional work is required to ensure decision making is not compromised.
- **Unknown (Score U):** Answering thus implies that insufficient information is available on this aspect to enable the reviewer to make a judgement.

The answers should be based on the review that was undertaken. Comments should be provided to justify the scoring on the adequacy of the process. In considering and reviewing the process and answering the questions, bear the following in mind:

- The public process should be appropriate to the context of the project. Considerations include the nature and scale of the project and its anticipated impacts, the point in the planning process, e.g., is the project in pre-feasibility or full feasibility phase, the nature of the stakeholders in an area and the resources available;
- Public participation process should not be formulaic but responsive to the outcomes arising from the process itself and those arising from the environmental assessment; and,
- Other parallel process within the environmental assessment can complement and extend the public process e.g. consultation with grassroots stakeholders may occur within a specialist social impact assessment study.

## PUBLIC PARTICIPATION PROCESS REVIEW

|   |  |
|---|--|
| <b>Name of the project:</b>   |  |
| Proponent:  |  |
| Country where the environmental assessment was undertaken:  |  |
| Name of the company / institution which was responsible for the environmental assessment process: |  |
| Name of the company / institution which was responsible for the public participation process:     |  |
| Date of the environmental assessment and public participation processes:                          |  |
| Name of reviewer:   |  |
| Contact details of the reviewer:  |  |
| Date of review:   |  |

*Note to Reviewers: Please read the instructions for reviewers for guidance on the structure of this template, and how to undertake the public participation process review and complete this template.*

## **1. Executive Summary of the Appraisal**

*Consider:*

- *An overall assessment as to whether the process was well done, adequate or incomplete;*
- *Significant omissions from the process and the reason for these;*
- *Pointers for improving the public participation process.*

## 2. Detailed Appraisal

For each question in the table below, the reviewer has considered the question as a prompt to determine whether:

- **The aspect was complete and / or well done (Score C):** Answering thus, implies that this aspect of the process represents best practice; legal requirements have been met or exceeded; or civil society participation in the process was optimal.
- **The aspect was adequate (Score A):** Answering thus, implies that although this aspect of the process may not meet best practice requirements, and there is room for improvement, civil society participation in the process was not unduly compromised, and decision making would not be compromised. It also implies that this aspect meets legal requirements.
- **The aspect was poor and / or incomplete (Score I):** Answering thus, implies that this aspect has compromised civil society's ability to meaningfully participate in the environmental assessment; that legal requirements have not been fulfilled and/or that additional work is required to ensure decision making is not compromised.
- **Unknown (Score U):** Answering thus implies that insufficient information is available on this aspect to enable the reviewer to make a judgement.

Comments have been provided to justify the decision on the adequacy of the process. In considering and reviewing the process, the following has been borne in mind:

- The public participation process should be appropriate to the context of the project. Considerations include the nature and scale of the project and its anticipated impacts, the point in the planning process, e.g., is the project in pre-feasibility or full

feasibility phase, the nature of the stakeholders in an area and the resources available;

- The design and implementation of the public participation process should reflect creativity, innovation and an attempt to manage conflict; and,
- Other parallel processes within the environmental assessment can complement and extend the public process e.g. consultation with grassroots stakeholders may occur within a specialist social impact assessment study

| Question Prompts   | Score | Comments |
|--|-------|----------|
| <b>1. Approach to the Public Participation Process</b>   |       |          |
| a) Was the <b>design</b> of the public process <b>appropriate</b> to the context, scale and nature of the project?   |       |          |
| b) Did the process go <b>beyond</b> legal <b>compliance</b> requirements and did this add value to the outcome?  |       |          |
| c) Did the <b>design</b> of the public participation process sufficiently take into account the <b>nature of stakeholders</b> relevant to the environmental assessment ?<br><i>Consider whether social, political and economic factors in the study have been taken into account. This includes the nature of traditional authorities and government agencies, cultural and gender factors, literacy levels and language..</i> |       |          |
| d) Was <b>sufficient budget</b> provided for the public participation process within the <b>context</b> of the project?  |       |          |
| e) Was <b>sufficient time</b> provided for the public participation process within the <b>context</b> of the project?<br><i>Consider whether there was sufficient time provided in order to meaningfully engage with stakeholder to identify and address their issues and concerns.</i>  |       |          |
| f) Did the public process <b>design</b> provide for a process of <b>conflict management</b> in the event that disputes might arise?  |       |          |

| Question Prompts   | Score | Comments |
|--|-------|----------|
| <b>2. Practical Implementation of the Public Participation Process</b>   |       |          |
| a) Was the process <b>undertaken by independent practitioners</b> who had no vested interests in the outcome?  |       |          |
| b) Did the <b>practitioners</b> have the <b>requisite experience and skills</b> to undertake the process?  |       |          |
| c) Did the public participation process include an <b>appropriate communication</b> strategy?<br><i>Consider whether:</i> <ul style="list-style-type: none"> <li>• <i>Information was actively provided to the media;</i></li> <li>• <i>Was there sufficient advertising of the process using techniques relevant to the stakeholders;</i></li> <li>• <i>Communication was maintained with stakeholders throughout the process; and,</i></li> <li>• <i>Was feedback provided to stakeholders about the outcome of the assessment.</i></li> </ul> |       |          |
| d) Were stakeholders informed of the scope and objectives of the environmental assessment process?   |       |          |
| e) Were <b>stakeholders consulted</b> about the <b>design</b> of the public participation process? Was the <b>approach</b> to the public participation process <b>changed</b> in response to issues raised by stakeholders, changing circumstances in the project or to improve its effectiveness?<br><i>Consider whether there was flexibility in the public participation process in response to the needs of stakeholders or the environmental assessment process that enhanced the effectiveness of the process.</i>                         |       |          |

| Question Prompts   | Score | Comments |
|--|-------|----------|
| <p>f) Was an appropriate <b>spectrum</b> of <b>stakeholders</b> targeted and <b>involved</b> in the process?<br/> <i>Consider whether:</i></p> <ul style="list-style-type: none"> <li>• <i>Appropriate methods were used to identify stakeholders;</i></li> <li>• <i>The right level of stakeholder was involved given the project context; and,</i></li> <li>• <i>Special provisions were made to include any affected marginalised groups e.g. women, the youth, the poor and the illiterate.</i></li> </ul> |       |          |
| <p>g) Were <b>stakeholders</b> informed of the process and their rights, <b>roles and responsibilities</b> within it?</p>  |       |          |
| <p>h) Were <b>appropriate</b> involvement and communication <b>techniques</b> planned for and <b>utilised</b> in the process to provide stakeholders with information and solicit their involvement?<br/> <i>Consider whether:</i></p> <ul style="list-style-type: none"> <li>• <i>Techniques were appropriate to the nature of the stakeholders and the context of the project; and,</i></li> <li>• <i>Creative techniques were used that added value to the process.</i></li> </ul>                          |       |          |
| <p>i) Was <b>information</b> provided in an <b>accessible</b> format, free of technical jargon?<br/> <i>Consider whether:</i></p> <ul style="list-style-type: none"> <li>• <i>An appropriate language was used to communicate information to stakeholders;</i></li> <li>• <i>Translators were used in meetings, if required; and,</i></li> <li>• <i>Information that was provided was tailored to the types of stakeholders involved in the process.</i></li> </ul>  |       |          |

| Question Prompts  | Score | Comments |
|---|-------|----------|
| <p>j) Was it <b>easy</b> for stakeholders to <b>practically participate</b> in the process?</p> <p><i>Factors to consider include:</i></p> <ul style="list-style-type: none"> <li>• <i>Provision of transport and other material support, if required by stakeholder circumstances and the project context;</i></li> <li>• <i>Appropriateness of meeting times and accessibility of event locations; and,</i></li> <li>• <i>Adequacy of notification and public comment periods, and ready availability of information.</i></li> </ul>  |       |          |
| <p>k) Do the <b>findings</b> of the environmental assessment <b>reflect</b> the <b>views</b> of stakeholders and <b>address issues</b> and concerns that were raised?</p> <p><i>Consider whether:</i></p> <ul style="list-style-type: none"> <li>• <i>Stakeholders issues and concerns were recorded and addressed;</i></li> <li>• <i>Issues raised by stakeholders were actively investigated and followed up;</i></li> <li>• <i>Issues were repeatedly raised by stakeholders throughout the process. This may reflect a failure to effectively discuss and address these issues; and,</i></li> <li>• <i>If there was disagreement on the scope of the environmental assessment, an attempt was made to reach agreement with stakeholders on the scope of the process.</i></li> </ul> |       |          |
| <p>l) Was the public participation process adequately documented?</p> <p><i>Consider whether:</i></p> <ul style="list-style-type: none"> <li>• <i>There is complete record of all activities;</i></li> <li>• <i>A list of stakeholders is provided; and,</i></li> <li>• <i>Stakeholder issues have been documented and comments included.</i></li> </ul>  |       |          |
| <p>m) If <b>conflict</b> arose during the process, was it <b>acknowledged</b> and <b>actively managed</b>? Were attempts made to <b>resolve</b> any conflict present in the public participation process?</p>   |       |          |

| Question Prompts   | Score | Comments |
|--|-------|----------|
| n) Do the <b>products and activities</b> arising from the environmental assessment such as environmental management plans for construction and operation, monitoring activities <b>reflect and address</b> the views of stakeholders <b>and issues and concerns</b> that were raised?  |       |          |
| o) Were there <b>effective communication channels</b> put in place between government, the proponent and the public to ensure that <b>unforeseen issues</b> arising during implementation could be <b>adequately addressed</b> ?   |       |          |
| <b>3. Practitioner and Stakeholder Attitudes</b>   |       |          |
| a) Have the <b>needs, interests and issues</b> of all stakeholders, including the proponent been handled and represented in a <b>fair and equitable manner</b> by the participation and environmental assessment practitioner/s?<br><i>Consider whether issues of bias have been raised by particular stakeholder groups.</i>  |       |          |
| b) Did the participation and environmental assessment <b>practitioners display integrity</b> and <b>commitment</b> to good participatory practice?<br><i>Consider whether:</i> <ul style="list-style-type: none"> <li>• <i>The practitioners actively demonstrated their independence through their actions and communications;</i></li> <li>• <i>Undertakings were followed through;</i></li> <li>• <i>Information was provided openly and freely; and,</i></li> <li>• <i>Stakeholders raised issues about the conduct of the practitioners.</i></li> </ul> |       |          |
| c) Did the <b>proponent</b> display an <b>open attitude</b> and <b>commitment</b> to the public participation process?<br><i>Consider whether there is evidence that the proponent attempted to stifle debate or control the direction and tenor of debate within the process.</i>   |       |          |
| d) Was the process <b>free of political interference</b> ? Did politicians unduly influence the tenor of debate and direction of the process?  |       |          |