

3 MODEL OF BEST PRACTICE FOR PUBLIC PARTICIPATION IN ENVIRONMENTAL ASSESSMENT

In this chapter we set out a model of best practice for public participation in environmental assessment. It draws on extensive research on current trends in public participation globally undertaken by the project consultants and captured in various reports as indicated in Chapter 1.

The model of best practice has been developed as it provides an important context for the current work. Not only does it provide guidance on leading thinking in this field, but it also provides an analytical framework within which to analyse the case studies set out in this report. The best practice model has also served as a point of reference for the research conducted for this report, both with respect to the review of literature, and also in the crucial development of a question framework for stakeholder interviews. The model has been used in the generation of the lessons at the end of this report. The structure of the lessons learnt chapter largely follows the template provided by this model.

The model is structured around six headings, namely:

- The design of public participation processes;
- Stakeholders and their interests;
- Capacity and resources;
- Communication;
- Dialogue and conflict management; and,
- Summary principles.

Each heading is further divided into best practice outcomes.

3.1 The Design of Public Participation Processes

The point of departure in public participation processes is their design. Best practice in design should be striven for.

Creativity and Flexibility: The design of the public participation process should be creative and flexible

The design of the process should recognise and draw on the wide array of approaches and methods for public participation. A creative and original approach in the use of participation techniques should be encouraged. The participation process should be custom designed for each respective environmental assessment exercise.

Beyond Compliance: The approach should go beyond compliance.

Legislation and regulation tends to set out either a broad guide to the methods and approaches to environmental assessment, or provides a set of minimum requirements. Good practice calls for practitioners to use formal legal requirements as a point of departure to build on.

3.2 Stakeholders and their Interests

In this section the focus falls on how to understand stakeholders, their needs and interests, as well as core principles regarding how they should be treated within environmental assessment processes.

Social, Political and Economic Factors: Social, political and economic factors must be appropriately taken into account in participation activities.

The social context and composition of the stakeholders to be involved in a participation process needs to be well understood. This can be achieved by conducting a social profile or analysis of the groups to be involved. The analysis should extend to understanding power relationships. A good process will acknowledge power dynamics and create opportunities for those with lesser social, economic or political authority. The social profile should explore and understand conflict. Anticipation of possible conflict, which is common in environmental assessment processes, will allow for better participation processes.

Stakeholder Needs: The participation approach must be based on a thorough appreciation of stakeholder needs.

The participation process within an environmental assessment exercise should be based on the practical needs and interests of stakeholders with respect to the running of the process. Examples of such needs include transport and subsistence requirements. The principle above implies researching these needs and interests, as well as involving stakeholders in the design of the process.

Marginalised Groups: The needs and interests of marginalised groups should be emphasised.

The involvement of groups marginalised by social, economic, gender or cultural factors is important. Often their voice is not sufficiently heard in participation processes. It is necessary, therefore, to deliberately create opportunities for the full involvement of these groups.

Inclusivity: All stakeholders must be included in the participation process, and find it easy to participate.

The full spectrum of stakeholders should be involved in participatory environmental assessments. Excluding any significant group will not only raise the potential for conflict, but will also diminish the value of the assessment exercise and the credibility of its outcome.

Equality and Respect: All stakeholders must be treated equally and with respect.

The relationship between environmental assessment practitioners on the one hand, and stakeholders on the other is crucial. It is vital that the highest ethical standards are maintained, and that there is the constant pursuit of good and productive relationships on the part of the practitioners. The social capital that can be built through a well run environmental assessment process can be of invaluable support. This can have significant benefit in the period subsequent to the finalisation of the environmental assessment when the project is implemented.

The development proponent is a critical stakeholder in the environmental assessment process. As the initiator of the process, the client, and a party with a very significant vested interest, it is often possible for assessment and participation practitioners to give greater weight and importance to the developer. It is a challenge to practitioners to maintain a staunch independence and equality in their perception of, and dealings with, all stakeholders, not least the developer.

Governments play an important role as both stakeholders and decision makers in environmental assessment processes. In these capacities it is vital that they are sensitive and respectful of the rights of other stakeholders in the process, and do not disregard their input and contribution. The environmental assessment team has a particularly challenging responsibility to ensure that this is the case.

Commitment and Integrity: Those involved in environmental assessment processes need to act with integrity and commitment.

Where the professional team within the environmental assessment exercise gives undertakings, these need to be followed through. Undertakings should not be given where they cannot be adhered to. Similarly stakeholders need to be made aware of both the limits and possibilities of the assessment process. They need to have a fine grasp of the consequence of their participation. False expectations of the process should be avoided. Stakeholders should be well informed about the detail of the process and their role within it.

3.3 Capacity and Resources

Best practice participatory environmental assessment processes are tailored around available resources, and need to include practitioners with appropriate skills. This entails that the following outcomes are sought:

Budgets: There needs to be sufficient budget for a successful public participation process.

Public participation activity, like all good governance and professional practice, requires sufficient funds in order to be effective. A process undertaken with insufficient funds can be detrimental to the outcome of the environmental assessment process. The public participation aspect of the environmental assessment process should consequently not fall victim to limited funds being prioritised for the technical aspects of the exercise.

Where there is a general shortage of resources, it will not be possible to conduct the ideal process. Notwithstanding this constraint, it should be possible to design and implement a participation process which goes some way to meeting the principles of good process as set out in the last section of this chapter.

Practical Support: Efforts should be made to assist stakeholders practically to enable them to participate in environmental assessment processes.

Where possible, participation processes should provide material support to stakeholders to help them address such needs as transport requirements and gaining access to documentation. Practical arrangements, such as the times of events, the time available for public comment, and event locations should allow for easy public participation. Activities should be undertaken and materials provided which will assist stakeholders to understand the technical issues involved in the environmental assessment process.

Practitioner Requirements: Independent and skilled practitioners should undertake the public participation process.

The facilitation of public participation in environmental assessment processes needs to be conducted by independent practitioners. Independence implies that they should have no vested interest in the outcome of the process. The practitioners could either be dedicated participation practitioners, or environmental assessment professionals with the requisite skills. Best practice capabilities required of those tasked with responsibility for the public participation facilitation function includes high ethical and professional standards, analytical and process design capabilities, practical project management and administration skills, as well as the range of communication abilities such as personal liaison, documentation, public speaking and media capacities. In addition skills in group facilitation and mediation are necessary.

3.4 Communication

It is necessary within a participatory environmental assessment process to have effective and efficient communication activities. These are crucial to successful public participation practice. The following outcomes are sought:

Communication Emphasis: The participatory environmental assessment process needs to have a central and continuous emphasis on communication with stakeholders.

A dedicated communication programme linked to the participation process should be developed and implemented. This should include a media liaison strategy. The communication strategy should not be reduced to formal legal adverts in newspapers.

Accessible Information: All information relevant to the environmental assessment needs to be accessible and promote participation.

Accessible communication requires the use of plain language, and that local languages as well as differing literacy and educational levels are accommodated. It should be as free of jargon as possible.

Practitioners undertaking the environmental assessment process should be skilled communicators and, if necessary, additional skilled practitioners should be retained. Where needed, translators should be available.

Relevant media, including both print and electronic media should be considered for communication. The most appropriate media in the particular circumstances should be used. This could include verbal communication in certain instances. Practitioners should identify and use accessible locations for the distribution of documents.

3.5 Dialogue and Conflict Management

Environmental assessments invariably entail conflict. Very often the lines of division are acute with significant potential for disputes. While environmental assessment does not conventionally entail dispute resolution, good practice should require that this aspect is closely considered and creatively dealt with. The following outcomes should be sought:

Real Dialogue: There needs to be a real dialogue within the environmental assessment participation process.

Participatory processes within environmental assessments need to provide both the space and comfort to stakeholders to express their views. Success in this respect is highly dependent on a good practice of listening by the assessment and participation professionals. This means ensuring a real appreciation for the views, sentiments,

opinions and knowledge among all stakeholders. This can be encouraged and built through careful and skilled facilitation.

When stakeholder inputs are acknowledged and taken up, or responded to, those involved may feel appropriately engaged and “listened” to. The outputs of the environmental assessment need to demonstrate that stakeholder concerns and issues have both been recorded and addressed.

Environmental assessments also give valuable opportunity for a dialogue between scientific and technical input on the one hand, and stakeholder values, traditions, perceptions and cultures on the other. Good practice gives credence and recognition to both of these dimensions and encourages a real and in-depth dialogue between them.

The issues dealt with in environmental assessment processes can range from detailed matters of mitigation on the one hand, to broad policy and strategy debates on the other. Good processes should allow for the full range of debates to be considered. Often the scope of the assessment process may not permit for a detailed reflection on broader planning, policy and strategy issues. Good process should either allow these issues to be taken up, or deliberately not be dealt with through careful and mutual definition of the scope of the dialogue among all stakeholders. Whichever course of action is taken, it is important that stakeholders are familiar with the reasons why this is the case, and give their support to it.

Conflict Management: Conflict needs to be viewed as a potentially creative aspect of the environmental assessment process if appropriately managed.

When correctly managed, conflict can give rise to very creative solutions to what at first appear to be intractable problems. This requires an ability to manage conflict and introduce methodologies that best deal with such situations. The overall design of the environmental assessment process needs to be viewed as a process of conflict management for this outcome to be achieved.

Both informal and formal conflict management mechanisms can be used. Skilled conflict management practitioners should be drawn on to support the environmental assessment process.

3.6 Summary Principles

In this section we set out principles which summarise the points raised in the preceding sections. These principles can be used as a “check list” when assessing participation processes for performance against best practice standards.

Participation within an environmental assessment process should reflect the following principles:

- **Adding Value:** The process must add value to the assessment exercise, and not merely provide the appearance of participation;
 - **Inclusivity:** The process must include all relevant stakeholders;
 - **Accessibility:** The process must be conducted in a way that will give stakeholders easy access to participation;
 - **Transparency:** The process must be transparent with fair and equitable access to information for all stakeholders;
 - **Fairness:** The process must ensure that all stakeholders are treated in a fair and unbiased way;
 - **Accountability:** The process must ensure that all involved are accountable for their behaviour and actions;
 - **Co-operation:** The process should seek to manage conflict and promote the public interest;
 - **Equity and Justice:** The process should be designed so as to redress social inequity and injustice;
 - **Capacity Development:** The process should acknowledge the capacity limitations of stakeholders and seek ways to constructively address these;
 - **Flexibility:** The process should be designed and implemented in a way that is flexible and can accommodate process changes;
 - **Co-ordinated:** The process should be implemented in a rational and co-ordinated fashion; and,
 - **Constant Improvement:** The process should build on lessons from previous activity, and be reflected on to develop lessons for future activity.
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