



ALIGNING COMMITMENTS: PUBLIC PARTICIPATION, INTERNATIONAL DECISION-MAKING, AND THE ENVIRONMENT

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I. INTRODUCTION

Why is public participation in international environmental decision-making important? Aren't most environmental problems managed nationally or locally? Don't governments adequately represent the interests of their citizens in regional or international forums such as the North American Free Trade Agreement or the World Bank? Over the last 20 years, public authorities at both national and local levels, civil society coalitions, social scientists, and scientific experts in many countries have recognized the value of public participation in decisions about how to manage natural resources and reverse environmental degradation (Petkova et al., 2002; World Resources Report, Forthcoming 2003; Beierle and Cayford, 2002). This recognition took official form at the 1992 Earth Summit in Rio de Janeiro, Brazil, when 172 governments agreed to make their national environmental decision-making more open and participatory. This commitment is known as Principle 10 of the Rio Declaration. (See Box 1.)

Despite the evolution of thinking about the value of public participation in national and local decision-making, there has been significantly less discussion of commitments to public participation in bilateral, regional, and multilateral decision-making forums (Bernasconi-

BOX 1

Principle 10 The Rio Declaration

Environmental issues are best handled with the participation of all concerned citizens at the relevant level. At the national level each individual shall have appropriate access to information concerning the environment that is held by public authorities including information on hazardous materials and activities in their communities; and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings including redress and remedies shall be provided.

Source: United Nations Conference on Environment and Development (UNCED). 1992. "Principle 10." *Rio Declaration on Environment and Development*. Online at <http://www.unep.org/unep/rio.htm> (March 25, 2003).

Osterwalder and Hunter, 2002). Specifically, when and how can an individual gain access to information about decisions by international organizations that affect the quality of both the global and local environment? How can individuals contribute to such decision-making, or seek remedy for decisions negotiated outside of their domestic spheres? (See Box 2.)

A threshold concern is whether greater transparency and public participation in international decision-making arenas

are sufficient to ensure that member governments—and the international processes they support—pay adequate attention to environmental and social equity issues. A subsequent concern is whether attention to these issues results in tangible improvements in environmental conditions and/or social equity. There is limited empirical evidence linking public participation and measurable, concrete improvements in environmental quality. But there is compelling evidence of the value-added provided by civil society advocacy and public participation in multilateral environmental decision-making and in other political spheres. By facilitating participation processes that grant greater decision-making power to civil society organizations, international institutions arguably stand a better chance of reducing inequalities, contributing to sustainable and equitable development, and ensuring that programs and policies benefit the poorest and most excluded stakeholders (Bank Information Center, 2002a).

Many studies show that civil society and advocacy groups can increase the accountability of international institutions to their stakeholders. Such reform has been accomplished through many means, including lobbying member governments, documenting the negative social and environmental consequences

BOX 2

Why Public Participation is Important: Global Decision-Making Impacts the Local Environment

When global agreements and institutions are developed to address global problems, when and where do domestic constituencies come into the mix? Why are member governments criticized for not adequately consulting national civil society groups when it comes to international negotiations and processes? Listed below are three examples of decisions reached at the global level that impact local populations and often nullify national laws.

At the World Trade Organization (WTO), the General Agreement on Trade in Services (GATS) aims to liberalize a broad range of service sectors—from health and education to libraries and architecture—by removing restrictions and regulations that could potentially be barriers to trade. Decisions taken by governments at all levels, from national to local, are now subject to the mandates of this international agreement, whose implicit intent is to limit governments' ability to provide and regulate services. Critics argue that national and municipal regulatory efforts, including environmental laws and regulations, are effectively threatened under GATS.

At the World Bank, the Chad-Cameroon Petroleum Development and Pipeline Project, financed in part by the International Development

Association, the International Bank for Reconstruction and Development, and the International Finance Corporation, aims to develop the oil fields in southern Chad and construct a 1,070-kilometer pipeline to Cameroon's Atlantic coast. Critics have argued that the pipeline would run through ecologically fragile forests, in addition to displacing indigenous peoples and/or worsening their living conditions in both countries. Approved in June 2000, the project has been the subject of a report by the Inspection Panel on the pipeline's compliance with existing World Bank Group safeguard policies. A second "Request for Inspection" was filed September 2002.

In the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol requires Parties to the Convention to reduce their domestic greenhouse gas emissions. Ratified or accessed by nearly 100 countries, this global agreement was brokered to address the global problem of climate change, yet the impacts and solutions are local. Within many developing countries, there is concern about the UNFCCC's possible domestic economic and social impacts, such as decreased investment opportunity, adaptation costs, and the risk of environmental refugees. Many developing countries claim inadequate representation and

participation at negotiations due to limitations in financial resources, staffing, and experience.

Sources: Canadian Environmental Law Association. 2001. "General Agreement on Trade in Services." Online at http://www.cela.ca/Intervenor/26_2/26_2gats.htm (March 25, 2003).

Center for International Environmental Law. n.d. "The Chad-Cameroon Pipeline Project Summary of Concerns." Online at <http://www.ciel.org/Ifi/chadcamsummary.html> (March 25, 2003).

Center for Science and the Environment. n.d. Climate Change Program: various documents. Online at http://www.cseindia.org/html/eyou/climate/index_climate.htm (March 25, 2003).

Sinclair, Scott. 2000. *GATS: How the World Trade Organization's New "Services" Negotiations Threaten Democracy*. Ottawa, Canada: Canadian Center for Policy Alternatives.

World Bank. 2002. "The Chad-Cameroon Petroleum Development and Pipeline Project: Project Overview." Online at http://www.worldbank.org/afr/ccproj/project/pro_overview.htm (March 25, 2003).

World Trade Organization. 2001. "The General Agreement of Trade in Services (GATS): objectives, coverage and disciplines." Online at http://www.wto.org/english/tratop_e/serv_e/gatsqa_e.htm (March 25, 2003).

of decisions taken by such institutions, advocating for new political and social norms, and monitoring these institutions' compliance with their own institutional policies or objectives (Fox and Brown, 1998; Abouchar, 1997). Increasingly, some civil society groups have demanded greater accountability through public protests at official gatherings of multilateral institutions, including the World Trade Organization ministerials, World Bank annual meetings, and meetings among heads of state of the eight largest (G-8) industrialized economies. These protests symbolize a growing crisis of confidence; many civil society groups believe these decision-making arenas have been captured by

economic elites and are essentially closed to or fail to adequately represent the interests of southern governments or the wider public interest in industrialized countries (Bernasconi-Osterwalder and Hunter, 2002).

International civil society groups have also worked to forge relationships with local or domestic civil society groups (Wirth, 1998). These alliances have forged innovative models for collaboration, including joint responses to national environmental problems with global or international consequences—such as deforestation of biologically important tropical forests, or the equitable development of genetic re-

sources—as well as the introduction of new environmental management approaches to local problems (Meyer, 1996; Keese, 1998; Chartier and Deleage, 1998).

Advocacy of new political and social norms by non-governmental organizations (NGOs) has also contributed to increased accountability at international institutions. A norm is a standard of appropriate or proper behavior for a community of actors or institutions, or a society. In fact, it is their "prescriptive (or evaluative) quality" that distinguishes norms from other kinds of rules: norms embody a quality of shared moral assessment that sets them apart from simple

rules of conduct, for example (Finnemore and Sikkink, 1998). There are numerous examples in the environmental arena of norms shifting to encompass modified or new behavior, among them the desirability of creating international regimes to reverse the degradation of global commons and the relevance of good governance to the effective management of natural resources. When advocacy for new norms succeeds, a critical mass of states or institutions internalizes new codes of conduct and behavior. This analysis explores whether policy development at international organizations signals such an evolutionary process with regard to norms of public participation.

The analysis that follows provides an overview of public participation policies in three decision-making arenas or processes: multilateral development bank assistance and lending, negotiation of multilateral environmental agreements, and negotiation of trade and regional economic policies. We conclude with an assessment of which of these arenas (as well as specific institutions within each arena) has made the most progress in making commitments to formally opening its decision-making on the environment to public participation.

Although two of the three arenas evaluated—multilateral development banks and trade and regional economic policy-making—are not directly concerned with the environment, the development strategies or policy reforms they introduce have significant impacts on the management of the environment and natural resources. Likewise, the implementation of multilateral environmental agreements focuses on managing global environmental problems, but has wider implications for political and eco-

nomical choices in a domestic context. By their nature, banks, international agreements, and regional bodies are quite different in purpose, organizational makeup, and mode of operation. Yet as decisions made in all three of these arenas can and do significantly enable or constrain efforts to achieve sustainable development, we believe a comparison of these decision-making processes is worthwhile and revealing.

II. ANALYTICAL FRAMEWORK

To assess the state of public participation in environmental decision-making in these three arenas, we draw upon an existing analytical framework both to define public participation in environmental decision-making, and also to help select specific public participation policies for evaluation. The basis for our assessment is the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters. This convention, known more commonly as the Aarhus Convention, entered into force October 30, 2001, upon ratification by 16 European governments. (*See Box 3.*)

For the purposes of this analysis, we define effective public participation as a process that enables the interested public and affected parties to (a) access information about the substance and process of a decision; (b) provide substantive input into the development and implementation of a decision; and (c) seek legal remedy or compensation when decisions violate environmental policies, produce environmental damages, or prevent legitimate external parties from accessing information or providing substantive input into a decision.¹

For each of the three categories of institutions, a set of indicators was designed to assess existing institutional policy commitments to public participation. These indicators were organized around the three main pillars of the Aarhus Convention—access to information, access to participation, and access to justice. Some of the indicators evaluate policies that address the transparency or openness to public scrutiny of each institution's decision-making process. Others assess whether the institutions or member states in these three arenas have policies that solicit public participation from national groups in the negotiation or implementation of international decisions.

This analysis of the incorporation of Aarhus Convention principles in international environmental decision-making must eventually be complemented by a comprehensive review of practice, which is beyond the scope of this paper. Policies—or official, “on-paper” commitments—are only meaningful to affected stakeholders to the extent that they are enforced or implemented. The articulation of public participation policies, while constituting progress in nearly every case, is not sufficient to guarantee enforcement or implementation of such policies. Having formal policies in place can provide a useful means for civil society and NGO advocacy efforts to push for further improvement. Therefore, the codification of public participation policies, even if not yet translated into practice, is still an important indicator of progress. The evaluation that follows rests principally on the existence or absence of public participation policies. Where relevant, we have suggested additional sources of information that might provide further discussion of implementation when and where

BOX 3 The Aarhus Convention

A decade ago, Principle 10 of the Rio Declaration articulated global norms of public access to environmental information, participation in decision-making, and access to judicial and administrative recourse. A major landmark in codifying these norms is the Aarhus Convention, a multilateral agreement negotiated under the auspices of the United Nations Economic Commission for Europe (UNECE). While a regional instrument, this Convention is open to accession by non-UNECE countries.

The Convention details measures countries must take to ensure that citizens have access to information, participation, and justice in decisions that affect the environment. The Convention's preamble states that "adequate protection of the environment is essential to human well being and a basic human right," and "...that, to be able to assert this right and observe this duty, citizens must have access to information, be entitled to participate in decision-making and have access to justice in environmental matters..."

The Convention is a notable accomplishment for many reasons. First, its articles detail specific obligations of parties to the Convention, and these provisions are binding. The Convention also recognizes the procedural rights of affected persons across national boundaries, and explores how such rights apply to the procedural as well as substantive aspects of environmental decision-making. The Convention requires, for example, that parties promote adoption of the Convention principles in international environmental decision-making processes. By explicitly stating the relevance of the Convention's obligations

to these processes (Article 3.7) and calling upon signatories to promote the Convention's application in these arenas, international organizations to which Aarhus signatories are members or parties will come under increasing pressure to align their policies and practices with the Convention's principles.

Although the Aarhus Convention does not differentiate between access to information and transparency explicitly, the Convention's articles recognize both these concepts. In other words, a citizen should be able to obtain information relevant to a decision (access to information) and such processes should be open to public scrutiny (transparency).

Sources: Petkova, Elena et al. 2002. *Closing the Gap: Information, Participation and Justice in Decision-Making for the Environment*. Washington, D.C.: World Resources Institute.

Petkova, Elena and Peter Veit. 2000. "Environmental Accountability Beyond the Nation-State: The Implications of the Aarhus Convention." *Environmental Governance Notes*. Washington, D.C.: World Resources Institute.

United Nations Conference on Environment and Development (UNCED). 1992. "Principle 10." Rio Declaration on Environment and Development. Online at <http://www.unep.org/unep/rio.htm>. (March 25, 2003).

United Nations Economic Commission for Europe (UNECE). 1998. "Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters." United Nations Treaty Collection. Online at <http://www.un.org/Depts/Treaty/collection/notpubl/27-13eng.htm>. (March 25, 2003).

it occurs. (For example, see Appendix 1, Post-Principle 10 Participation Commitments.)

Participation in multilateral decision-making has been scrutinized by a number of environmental advocacy and public interest groups, including the Bank Information Center (BIC, 2002a), the Center for International Environmen-

tal Law (Bernasconi-Osterwalder and Hunter, 2002), Greenpeace (Eddy, 2002), the International Center for Trade and Sustainable Development (ICTSD, 1999), the International Institute for Sustainable Development (IISD) (Mann and von Moltke, 1999 and 2002), the Third World Network (Raghavan, 2000), and the World Wildlife Fund (IISD and WWF, 2001),

among many others. For the most part, analyses carried out by these organizations focus on public participation policies and practices of single institutions or within a single decision-making arena. A few studies, namely those of IISD and ICTSD, have also analyzed public participation across multiple decision-making arenas. As an additional contribution to the existing body of literature, we aim at a comparative analysis by looking broadly at how a subset of institutions in three international decision-making arenas have articulated commitments to public participation, the consistency of their policies with principles articulated in the Aarhus Convention, and the degree to which progress differs within and across these arenas.

III. SURVEY OF POLICIES AND OFFICIAL COMMITMENTS IN KEY MULTILATERAL ARENAS

Multilateral Development Banks

Multilateral Development Banks (MDBs) are the largest public source of development financing in the world with combined lending of almost \$40 billion in FY 2000, and as such bear a significant share of responsibility for setting the development agenda across Latin America, Asia, Africa, and Central and Eastern Europe (Bernasconi-Osterwalder and Hunter, 2002). MDB project loans and policy prescriptions in developing countries are intended to reduce poverty and encourage economic development. In addition to these primary and intended goals, though, MDB loans and activities carry repercussions, both in terms of environmental impacts and sustainable development. Regional transportation plans,

agribusiness and irrigation projects, hydroelectric dams, and oil and gas development—all examples of large-scale development projects undertaken with MDB backing—can be evaluated not only for their ability to reduce poverty or strengthen an economy, but also for their impact on a country's environmental and social development goals.

MDBs are public institutions with development mandates; as a result, they have been scrutinized more intensively by public advocacy groups than multilateral environmental agreements (MEAs) or regional trade forums. Increasingly, civil society groups have pressured MDBs to reform their policies and practice increased transparency and accountability. In response, MDBs in the last decade have increased public access to information and devised more extensive policies for public participation (Bernasconi-Osterwalder and Hunter, 2002; Chamberlain, 1998). Significant reforms at the banks have included new or more inclusive consultation policies, the creation of so-called “safeguard” policies,² and, more generally, greater public access to information. The effectiveness of MDB loans and the ability of the banks to reverse the trend of deep and damaging public mistrust may depend on the scope, efficacy, and implementation of access and participation policies.

To assess MDB policies on public access to and participation in bank decision-making, this analysis evaluates five multilateral and regional banks: the World Bank Group,³ the African Development Bank (AfDB), the Asian Development Bank (ADB), the European Investment Bank (EIB), and the Inter-American Development Bank (IDB). These banks are a diverse group of in-

stitutions, working in different geographic regions and receiving varying levels of public scrutiny of their environmental practices.

This note reviews commitments to public access and participation in two areas: policies that govern how the public can access decision-making at the institutional level, and policies that involve or directly affect populations in client or member countries. For each of the institutions, an effort was made to verify the existence or absence of institutional commitments to participation; specific structures designed to facilitate public participation (such as advisory committees, regular meetings, or agreements to collaborate); the confidentiality of Board of Executive Director meetings, where decisions are made to approve project loans and internal operational policies; and the operation of mechanisms that allow civil society or affected communities to seek redress or justice for the violation of bank policies. To assess participation at the country level, the evaluation confirmed whether there are requirements for public participation in safeguard policies and in country assistance plans or strategies. The results of this review for all five banks are provided in Table 1.⁴

Among the five banks, general institutional support for access to information and participation is expressed in a number of official documents and operational policies, but only one bank has a broad institutional policy or Board-approved strategy on public participation. Four out of the five banks evaluated here have incorporated public participation requirements into their environmental policies, including consultation processes on environmental policy, agreements to collaborate with repre-

sentatives of civil society, and the inclusion of civil society in project or portfolio evaluations or in issue- or sector-specific strategy exercises.

Policies that support public participation in decisions to extend financing to specific projects or programs were fairly consistent across all five institutions. At four of the banks, environmental safeguard policies mandate consultation on projects with anticipated environmental impacts, and two banks have articulated specific standards or procedures for this consultation. All five institutions require disclosure of environmental impact assessment (EIA) findings before a project is presented to their Boards of Executive Directors for approval, but only two require EIAs to be produced in the recipient country's official language. Four of the five banks introduced or updated their information disclosure policies in the last 5 years. However, none of the banks changed the confidentiality restrictions on deliberations or meetings of their Boards of Executive Directors. Consequently, although access to information has improved, decision-making processes remain non-transparent.

At the country level, the majority of these banks do not require public consultation in country priority-setting or programming exercises. Only the AfDB's operational policies require public consultation on country assistance strategies. At the World Bank such consultations are carried out, but only at the discretion of country directors. The general failure to incorporate or require public participation in the development of country assistance programs means that civil society and other private organizations that work only at national or sub-national levels have few

TABLE 1

Public Participation Policies of Multilateral Development Banks *

Principle	Policy	Indicators	Responses ● = Yes, blank = No				
			World Bank (IBRD/IDA) †	Asian Development Bank	African Development Bank	Inter-American Development Bank	European Investment Bank
Access to Information/ Transparency	Project related documents or EIAs	i. EIA guidelines require disclosure of assessment findings in full or summary before the Bank's board or staff makes a lending decision. ii. Summary project descriptions are available to the public before Bank staff or board make a lending decision. iii. EIA findings or project documents must be produced or summarized in recipient country's official language.	● 1 ● 6 ● 11	● 2 ● 7 ● 12	● 3 ● 8	● 4 ● 9	● 5 ● 10
	Priority setting exercises and lending at a country level	i. Country Bank representatives or offices are required by headquarters to disseminate or disclose general country strategy papers or documents.		13			
	Deliberations by Board of Executive Directors	i. Minutes or summaries of deliberations by the Board of Executive Directors are regularly released to the public. ii. Deliberations of Board of Executive Directors are non-confidential unless otherwise agreed upon by member countries.					
Access to Participation	Institutional commitment to public participation	i. Public participation addressed in Bank's environmental policy or Board-approved strategy. (††) ii. Overarching institutional policy or Board-approved strategy on public participation in place.	● 14 18	● 15 19		● 16 ● 20	● 17
	Safeguard policies	i. Environmental safeguard policies mandate consultation on projects with anticipated environmental impacts. ii. Safeguard policies contain specific standards or procedures for consultation with affected parties.	● 21 ● 26	● 22 ● 27	● 23	● 24	25
	Country priority setting exercises and programming	i. Country Bank representatives or offices are required by headquarters to include a civil society consultation in country priority setting or programming exercises.	28		● 29	30	
Access to Justice	Complaint policies and mechanisms	i. A mechanism exists to receive complaints by civil society groups or affected populations. ii. Policies recognize affected peoples' or communities' rights to file complaints or seek justice. iii. Policies or documents pertaining to the mechanism recognize the importance or relevance of resolving environmental disputes/conflicts.	● 31 35	● 32		● 33 ● 36	34

* The application of a dot or the absence of a dot was decided upon after careful survey and review of official documents from each institution in question. Secondary research, mostly web-based, was completed internally, and as such WRI assumes all responsibility for any mistakes, inaccuracies, or misrepresentations. Over the 2 years that this Note has been in development, there have been several new policies and changes in existing policy at most if not all of the institutions.

† Four institutions make up the World Bank Group: the International Bank for Reconstruction and Development (IBRD), the International Development Association (IDA), the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA). For the purposes of this analysis, the "World Bank" refers only to the combination of IBRD and IDA, the two arms of the World Bank Group that provide loans to support public-sector projects. Thus references to public participation in World Bank environmental decisions will exclude the policies and practices of IFC and MIGA, unless otherwise noted.

†† MDBs make distinctions between projects based on the scale of impact to the environment. Public participation is mandated only for those projects likely to have the most severe impacts on the environment.

TABLE 1

continued

1. World Bank OP 4.01 (Environmental Assessment), paragraph 9. See also Disclosure Handbook, paragraph 38.
2. ADB Environment Policy, paragraph 64 (Information Disclosure).
3. AfDB Disclosure of Information Policy, B 17. Online at: http://www.afdb.org/about_afdb/disclosure.htm?n1=4&n2=0&n3=0 (March 25, 2003).
4. IDB Information Disclosure Policy 2003, paragraph 8. Online at: <http://www.iadb.org/exr/pic/consultation.htm> (March 25, 2003).
5. EIB Public Access to Information: Information Policy Statement (Oct 2002). Online at: <http://www.eib.org/publications/strategies/publication.asp?publ=62> (March 19, 2003).
6. World Bank Policy on Disclosure of Information, paragraph 31.
7. ADB Environment Policy, paragraph 64 (Information Disclosure).
8. AfDB Disclosure of Information Policy, A 2. Online at: http://www.afdb.org/about_afdb/disclosure.htm?n1=4&n2=0&n3=0 (March 25, 2003).
9. IDB Information Disclosure Policy 2003, paragraph 16. Online at: <http://www.iadb.org/exr/pic/consultation.htm> (March 25, 2003).
10. EIB Public Access to Information: Information Policy Statement (Oct 2002) Online at: <http://www.eib.org/publications/strategies/publication.asp?publ=62> (March 19, 2003).
11. World Bank BP 4.01 (Environmental Assessment), paragraph 16.
12. ADB Environment Policy, paragraph 64 (Information Disclosure).
13. Not required for ADB. Headquarters disseminates non-confidential parts of country strategy papers. ADB Information Disclosure. Online at: http://www.adb.org/Documents/Policies/Confidentiality_Disclosure/con01.asp (March 19, 2003).
14. World Bank Environment Strategy. Online at: <http://lnweb18.worldbank.org/ESSD/essdext.nsf/41DocByUnid/BC26536DFC75818685256B49005594B3?Opendocument> (March 25, 2003).
15. Environment Policy of the Asian Development Bank, paragraphs 61 and 63 (Doc.R154-02, issued November 8, 2002).
16. IDB Environment Strategy, 4.7 (draft Oct 2002).
17. EIB Public Access to Information: How EIB Communicates-an overview. This only encourages disclosure of Environmental Impact Assessments (EIAs) in its policy but evidence suggests this is not systematically practiced. (Bankwatch, 2001). Online at: http://www.eib.org/Attachments/strategies/howeibcom_en.pdf (March 25, 2003).
18. No World Bank institutional policy. Evidence of growing incorporation of public participation in Bank institutional activities, however, is reflected in GP 14.70.
19. No ADB institutional policy. Strong evidence of this from Office of Environment and Social Development. See policy on *Cooperation Between the Asian Development Bank and Nongovernment Organizations* (1998). Online at: http://www.adb.org/Documents/Policies/Cooperation_with_NGOs/default.asp#contents (March 19, 2003).
20. IDB Strategy for Promoting Citizen Participation in Bank Activities (Oct 2002).
21. World Bank OP 4.01 (Environmental Assessment), paragraph 8.
22. Environment Policy of the Asian Development Bank, paragraph 20 (Doc.R154-02, issued November 8, 2002).
23. AfDB Vision Statement. Online at: www.afdb.org (March 24, 2003).
24. IDB Procedures of the Committee on Environment and Social Impact, 4.10v. Online at: <http://www.iadb.org/sds/doc/env%2ECEIprocedE.pdf> (March 25, 2003).
25. EIB does not have its own binding safeguards policy.
26. World Bank OP 4.01 (Environmental Assessment), paragraph 15 with reference to GP 14.70 *Involving Nongovernmental Organizations in Bank-Supported Activities*.
27. Environment Policy of the Asian Development Bank, paragraph 63 (Doc.R154-02, issued November 8, 2002).
28. Not required for World Bank Country Assistance Strategy (CAS). Incorporated in Poverty Reduction Strategy Paper (PRSP) and Comprehensive Development Framework (CDF) exercises, but this does not include all countries.
29. Personal correspondence with Gabriel Negatu, Principal Governance Expert, African Development Bank. November 2002.
30. IDB Strategy for Promoting Citizen Participation in Bank Activities (Oct 2002) encourages public consultation but does not require it for country planning exercises.
31. World Bank BP 17.55 (Inspection Panel).
32. ADB Inspection Policy. Online at: <http://www.adb.org/Inspection/faqs.asp#complain> (March 19, 2003).
33. IDB Independent Investigation Mechanism. Online at: <http://www.iadb.org/cont/poli/investig/brochure.htm> (March 19, 2003).
34. EIB does not have its own dispute resolution body.
35. Policies governing the inspection panel do not recognize affected peoples' or communities' rights to file complaints or seek justice. (The IFC/MIGA Compliance Advisor Ombudsman does recognize these rights.)
36. IDB Independent Investigation Mechanism. Online at: <http://www.iadb.org/cont/poli/investig/brochure.htm> (March 19, 2003). "The Inter-American Development Bank's Independent Investigation Mechanism, established in 1994, affords people whose lives stand to be affected by projects financed by the IDB a means to ensure that due diligence has been exercised by the Bank in the design, analysis and negotiation of those projects."

if any opportunities to contribute to decisions of MDBs that affect their country's development prospects. The single opportunity such groups have to influence bank decisions is through participation in the evaluation of specific

projects, usually mandated by the bank's safeguard policies.

In the case of the World Bank, additional mechanisms have been created that encourage public participation at

the domestic level. In a limited number of client governments that are highly indebted, the World Bank and the International Monetary Fund (IMF) are working with client governments to develop poverty reduction strategy papers

(PRSPs). Policies governing production of these strategy papers mandate public participation, and require governments to consult public interest groups domestically. However, public participation in PRSPs has come under criticism. The imperative of developing a PRSP in time to negotiate a debt-for-giveness package under the Highly Indebted Poor Countries (HIPC) initiative has resulted in limited or poorly executed public participation efforts (SGTS & Associates, 2000). Second, public participation has not changed the content of PRSPs or policies adopted in them, but has focused largely on how to mitigate the poverty impacts of macro-economic policies (Marshall with Woodroffe, 2001). Another World Bank-initiated process being tested in a limited number of countries is the elaboration of “comprehensive development frameworks,” or CDFs. Through a multi-stakeholder exercise, the World Bank—along with bilateral, multilateral, and domestic institutions—negotiates a long-term development framework that will guide development activities in the country. Critics have charged that this is a top-down approach without a clear sense of what problem the framework is intended to address or solve (Berg, 2000).

Other reviews of development banks’ participation policies indicate that existing policies do not guarantee effective public participation. In practice, civil society is still faced with numerous obstacles to the timely release of appropriate documents, for example. Disclosure policies at all the MDBs tend to identify lists of specific documents that are to be released. If a document does not appear on such a list, bank staff can presume it is not meant to be disclosed. Most banks evaluated here re-

lease full policy or project documents after they are approved by their Boards; these institutions rarely release drafts of such documents (only summary documents are released ex-ante) before they are presented to Boards for approval. This severely limits civil society’s meaningful engagement in both the project design and policymaking stages (Bernasconi-Osterwalder and Hunter, 2002; BIC, 2002b). An analysis of the EIB’s record of information disclosure revealed that it does not consistently enforce its own policies. The EIB’s policies state that it will disclose what projects will go before its Board of Executive Directors for approval 60 days in advance. Among the 134 projects presented for approval to its Board in the first 6 months of 2002, 15 percent of projects were publicly listed on the day of or after the Board meeting, and another 15 percent were listed less than 45 days before the Board’s meeting (IFTI Watch, 2002).

The ADB, IDB, and the World Bank have created mechanisms for redress in the form of ombudsman offices, inspection panels, and inspection functions or review boards.⁵ The AfDB and the EIB do not have any mechanisms for redress in place, although the EIB refers disputes to the European Ombudsman Office. The three existing mechanisms restrict both which outside parties can file complaints and the types of complaints that are reviewed. For the most part, only parties that are directly affected or impacted by a project or program are permitted to file claims or complaints. Furthermore, the complaints must relate to a failure on the part of the bank to implement or fulfill its own operational policies. General complaints regarding the social and environmental problems associated with

a project are not accepted by these redress mechanisms.

Additionally, our evaluation of various redress mechanisms indicates that they are typically too bureaucratic or they function only sporadically. Under such circumstances, they provide limited recourse to affected populations. The Asian Development Bank’s Inspection Function is a case in point. The ADB’s Inspection Function has been in place since 1995, but its first and only inspection was carried out in 2001 (BIC et al., 2002), and the function is currently being replaced.

MDBs – Conclusion

Of the five banks reviewed, the World Bank and the ADB have gone the furthest in articulating policies on access to information, participation, and redress. The IDB’s policies are largely consistent with those of the World Bank and the ADB, but they are not as comprehensive. However, the IDB is the only bank with a Board-approved institutional strategy regarding where public participation is appropriate and where it should be promoted within its own decision-making processes. The African Development Bank has no redress mechanism in place, but is the only bank to require public disclosure and consultation in country priority setting. The European Investment Bank has made the least progress in articulating specific participation and redress policies.

Development banks generally fall short in two important areas: the development of rules or policies requiring public consultation on country assistance programs or strategies, and the opening of their internal deliberations (i.e., meetings of Boards of Executive Directors)

to public scrutiny. Furthermore, the banks that have made the most progress in developing policies on public participation are the ones—such as the World Bank—that have undergone the highest levels of public scrutiny.

Multilateral Environmental Agreements

Multilateral environmental agreements, or MEAs, are agreements reached among countries to address environmental problems of regional or global significance, such as reduction of carbon dioxide emissions, management of international oceans, and the transportation of hazardous waste (GDRC, 2002). In establishing MEAs, governments typically work to ensure the participation of as many countries as possible, as the global nature of the environmental problem may require near-universal cooperation.

Structurally, MEAs can take the form of “soft law,” setting out non-legally binding principles that parties will respect when considering actions that affect a particular environmental issue, or “hard law,” which specifies legally binding actions to be taken to work toward an environmental objective (New Zealand Ministry for the Environment, 2003). Today there are over 500 international treaties and other agreements related to the environment; nearly 60 percent have been concluded in the three decades since 1972, the year of the United Nations Conference on the Human Environment.

The core environmental conventions and related international agreements are divided into five basic clusters: biodiversity-related conventions, atmosphere conventions, land conventions,

chemical and hazardous waste conventions, and the regional seas conventions (UNEP, 2001). The five MEAs reviewed below represent an example from four of these five main clusters (all but regional seas conventions), as well as a mix of agreements negotiated before and after the 1992 Earth Summit. Among the MEAs selected, one predates the Earth Summit (the Montreal Protocol), two emerged from the Summit (the Convention on Biological Diversity [CBD] and the United Nations Framework Convention on Climate Change [UNFCCC]), and two followed it (the Convention to Combat Desertification [CCD] and the Stockholm Convention on Persistent Organic Pollutants [POPs]).

The set of indicators developed for MEAs focuses on policies that govern the accessibility and transparency of the negotiations to non-Parties (i.e., institutions and individuals outside of government); the public’s ability to observe or make submissions to dispute resolution procedures established by the conventions; and whether these agreements contain specific provisions requiring governments to ensure public participation domestically. The range of policies evaluated and the results are summarized in Table 2.

All five agreements contain strong commitments to sharing information about the environmental problem they address, negotiation processes, and the outcomes of negotiations. The convention secretariats maintain public information centers, operate Internet clearing houses, and report on the outcomes of negotiations and deliberations in multiple languages. In addition, all five MEAs post national communications by which Parties self-report on their progress in implementation.

By contrast, MEA policies on the confidentiality of negotiations are much more restrictive. The UNFCCC classifies all negotiations and information generated during negotiations as confidential. The POPs Convention establishes the confidentiality of negotiations, but allows exceptions for classes of information that are presumed not to be confidential. The CCD and the CBD do not define whether their negotiations are confidential or not. Although intended to build trust among Parties, blanket classification of all negotiations as confidential limits the public’s ability to track and assess positions taken by their governments.

At the global level, convention secretariats and official documents reflect a general openness to public participation. This openness includes recognition of the value of participation, as well as numerous examples of consultations with non-Parties both on the process and substance of negotiations. The growing number of NGOs participating in and organizing side events at meetings and conferences of the parties is a reflection of this positive development.

At the national level, conditions for access to participation are similarly advanced. The CBD, the UNFCCC, the CCD, and the POPs Conventions go so far as to require public participation in national-level decision-making. Of the five MEAs reviewed here, only the Montreal Protocol neither requires nor encourages participation at the national level. All five MEAs require Parties to strengthen the capacity of the public for meaningful participation and, furthermore, all five MEAs include a provision that calls on Parties, in their national reports, to include information on do-

TABLE 2

Public Participation Policies of Multilateral Environmental Agreements *

Principle	Policy	Indicators	Responses ● = Yes, blank = No				
			Convention on Biological Diversity	Framework Convention on Climate Change	Montreal Protocol on Ozone Depleting Substances	Stockholm Convention on Persistent Organic Pollutants	Convention to Combat Desertification
Access to Information/ Transparency	Dissemination of environmental information	i. The Secretariat maintains a publicly accessible location with information on the environmental problem addressed by the Agreement (e.g., library, office, dept., etc).	● 1	● 2	● 3	● 4	● 5
		ii. There is a publicly accessible Internet-based clearinghouse for information exchange.	● 6	● 7	● 8	● 9	● 10
		iii. Information is available in at least two of the official UN languages.	● 11	● 12	● 13	● 14	● 15
	Disclosure of information on Parties' decisions	i. National plans, reports or communications are available on the web.	● 16	● 17	● 18	● 19	● 20
		ii. Parties' decisions are available on the web.	● 21	● 22	● 23	● 24	● 25
		iii. Parties' decisions are available in at least two of the official UN languages.	● 26	● 27	● 28	● 29	● 30
	Confidentiality rules governing negotiations	i. Articles state information is confidential with specific exceptions for non-confidentiality.				● 31	
		ii. Articles presume non-confidentiality unless Parties agree otherwise.					
Access to Participation	Public participation in global decision-making	i. Secretariat/Convention makes or includes statements on the need or importance of consultation or public participation.	● 32	● 33	● 34	● 35	● 36
		ii. There are examples of consultation by the Secretariat with non-state organizations.	● 37	● 38	● 39	● 40	● 41
		iii. There are stated policies and examples of consultation by the Secretariat with non-state organizations.	● 42	● 43	● 44	● 45	● 46
	Public participation in national level decision-making	i. Convention/agreement encourages participation in national level decision-making.					
		ii. Convention/agreement requires participation in national level decision-making.	● 47	● 48		● 49	● 50
		iii. National reports include information about participation in national level decisions.	● 51	● 52			
Access to Justice	Building capacity of the public for meaningful participation	i. Convention/agreement encourages Parties to strengthen the capacity of the public for meaningful participation.					
		ii. Convention/agreement requires Parties to strengthen the capacity of the public for meaningful participation.	● 53	● 54	● 55	● 56	● 57
		iii. National reports include information on progress made by Parties to build the capacity of the public for meaningful participation.	● 58	● 59	● 60	● 61	● 62
	Dispute resolution or compliance mechanisms	i. Convention contains a dispute resolution procedure.	● 63	● 64	● 65	● 66	● 67
		ii. Non-Parties can present a claim or submission in dispute procedures.					

TABLE 2

continued

* The application of a dot or the absence of a dot was decided upon after careful survey and review of official documents from each agreement in question. WRI assumes all responsibility for any mistakes, inaccuracies, or misrepresentations.

1. Convention on Biological Diversity. Online at: <http://www.biodiv.org> (March 25, 2003).
2. United Nations Framework Convention on Climate Change. Online at: <http://unfccc.int> (March 20, 2003).
3. Online at: <http://www.unep.org/ozone/index-en.shtml> (March 20, 2003).
4. Online at: <http://www.pops.int/documents/background/> (March 20, 2003).
5. Online at: <http://www.unccd.int/publicinfo/menu.php> (March 20, 2003).
6. Clearing house section online at: <http://bch.biodiv.org/Pilot/Home.aspx> (March 20, 2003).
7. Online at: <http://unfccc.int/resource/library/index.html> (March 20, 2003).
8. UNEP The Ozone Secretariat. Online at: <http://www.unep.org/ozone/index-en.shtml> (March 25, 2003).
9. Online at: <http://www.pops.int/documents/guidance/> (March 20, 2003).
10. Online at: <http://www.unccd.int/knowledge/menu.php> (March 20, 2003).
11. Spanish, French, English.
12. Multiple languages.
13. French, English, Spanish.
14. Six languages.
15. English, French and Spanish.
16. Online at: <http://www.biodiv.org/world/reports.asp> (March 20, 2003).
17. Online at: <http://unfccc.int/issues/index.html> (March 20, 2003).
18. Online at: <http://www.unep.org/ozone/reports.shtml> (March 20, 2003).
19. Online at: <http://www.pops.int/documents/implementation/> (March 20, 2003).
20. CCD Online at: <http://www.unccd.int/cop/reports/menu.php> (March 20, 2003).
21. Online at: <http://www.biodiv.org/decisions/> (March 20, 2003).
22. Online at: <http://unfccc.int/issues/natcompantan1.html> (March 20, 2003).
23. Online at: <http://www.unep.org/ozone/decisions.shtml> (March 20, 2003).
24. Online at: <http://www.pops.int/documents/implementation/gef/proceedings.htm> (March 20, 2003).
25. CCD Online at: <http://www.unccd.int/cop/officialdocs/menu.php> (March 20, 2003).
26. Online at: <http://www.biodiv.org> (March 20, 2003).
27. French and English
28. At least English and French.
29. At least two of the official UN languages.
30. At least two of the official UN languages.
31. Text of the Stockholm Convention on Persistent Organic Pollutants, Article 9-5 "Information Exchange."
32. Text of Convention on Biological Diversity, Article 13.
33. Text of United Nations Framework Convention on Climate Change, Article 6 (b).
34. Text of the Montreal Protocol on Substances that Deplete the Ozone Layer, Article 12 (e)(f).
35. Text of the Stockholm Convention on Persistent Organic Pollutants, Article 10 1 (d)(f) and Article 10-3.
36. Text of the Convention to Combat Desertification, Article 12.
37. CBD Clearing house mechanism. Online at: <http://www.biodiv.org/doc/default.asp?thm=CHM> (March 25, 2003).
38. Online at: <http://unfccc.int/sessions/sessions.html> (March 20, 2003).
39. Online at: <http://www.unep.org/ozone/meet2000.shtml> (March 20, 2003).
40. Online at: <http://www.pops.int/documents/background/proceedings/default.htm> (March 20, 2003).
41. CCD Online at: <http://www.unccd.int/ngo/ngolist.pdf> (March 20, 2003).
42. See Clearing house under Organizational Structure. Also see Article 18-3.
43. Text of United Nations Framework Convention on Climate Change, Article 7-6.
44. Text of the Montreal Protocol on Substances that Deplete the Ozone Layer, Article 12(e).
45. Text of the Stockholm Convention on Persistent Organic Pollutants, Article 7-2 "Implementation Plans".
46. Text of the Convention to Combat Desertification, Article 14.
47. Text of Convention on Biological Diversity, Article 10.
48. Text of United Nations Framework Convention on Climate Change, Article 6(a).
49. Text of the Stockholm Convention on Persistent Organic Pollutants, Article 10-1(d) "Public Information, Awareness and Education".
50. Text of the Convention to Combat Desertification, Article 16.
51. National Reports Guidelines online at: <http://www.biodiv.org/doc/guidelines/nr-02-gd-Ins-en.pdf> (March 25, 2003).
52. Text of United Nations Framework Convention on Climate Change, Article 12.
53. Text of Convention on Biological Diversity, Article 13 "Public Education and Awareness".
54. Text of United Nations Framework Convention on Climate Change, Article 6(b)ii.
55. Text of the Montreal Protocol on Substances that Deplete the Ozone Layer, Article 9-2.
56. Text of the Stockholm Convention on Persistent Organic Pollutants, Article 10-1(f) "Public information, awareness, and education".
57. Text of the Convention to Combat Desertification, Article 10-1(f) and Article 19.
58. Decision II/17 Form and Intervals of National Reports by Parties. Online at: <http://www.biodiv.org/decisions/?m=cop-02&d=17> (March 25, 2003).
59. Text of United Nations Framework Convention on Climate Change, Article 1(j).
60. Online at: <http://unfccc.int/resource/natcom/nctable.html> (March 25, 2003).
61. Text of the Stockholm Convention on Persistent Organic Pollutants, Article 15.
62. Text of the Convention to Combat Desertification, Article 10-2(e), (g).
63. Text of Convention on Biological Diversity, Article 27.
64. Text of United Nations Framework Convention on Climate Change, Article 14-1.
65. Text of the Montreal Protocol on Substances that Deplete the Ozone Layer, Article 8.
66. Text of the Stockholm Convention on Persistent Organic Pollutants, Article 18-1.
67. Text of the Convention to Combat Desertification, Article 28.

mestic progress to build the capacity of the public.

Evidence of how the MEAs actually put their commitments to transparency and public participation into practice is more anecdotal than the corresponding

analysis of multilateral development banks. Nevertheless, civil society groups active in global environmental issues, particularly climate change, view the performance of secretariats and signatory Parties in a generally favorable light. They cite the granting of observer

status to hundreds of NGOs by various MEA secretariats, the positive interaction of secretariats and civil society organizations, and increasing openness to NGO interventions in official sessions (UNEP, 2001).

The CCD embodies a particularly ambitious effort among MEAs to employ a bottom-up approach to implementation (UNEP, 2001). Action programs or plans should originate at the local level, and ideally participation is to occur at all stages (policy, planning, decision-making, implementation, and review). The CCD also includes strong requirements for the promotion of awareness targeted at women and youth, including capacity building, education, and training (UN, 1994). It calls on NGOs to work with local communities to implement action programs and to play an integral part in education, training, and public awareness campaigns.

NGOs have also expressed a number of concerns about the transparency of the accreditation process that grants NGOs observer status, the openness of the negotiations themselves, the degree to which NGOs from developing regions can effectively participate in MEA deliberations, and the weakness of redress and enforcement mechanisms. The criteria for NGO accreditation are very broad (most MEAs follow the criteria established by the United Nations Conference on Environment and Development [UNCED, 1992]), and few MEA secretariats communicate clearly how they apply the guidelines. There are also differences among MEAs with regard to direct participation in official meetings or sessions. The UNFCCC, the CCD, the CBD, and the Montreal Protocol allow NGOs to make interventions at the discretion of meeting or session chairs. However, when permission for intervention has been granted, NGOs have been limited to short statements at the end of a session, when little chance exists to influence dialogue (Paoletto and Schroeder, 1997). For the most part, these are sessions that are

outside the official negotiations process. Furthermore, although accredited NGOs number in the hundreds, the overwhelming majority (close to 90 percent) are based in developed countries; a very limited number of accredited NGOs represent developing countries (UNEP, 2001). Finally, a number of civil society groups point to the absence or weakness of enforcement mechanisms among MEAs and the inherent flaws in allowing Parties to self-report on progress (CIEL and IFAW, 2002).

MEA policies are weakest in guaranteeing public access to redress or justice mechanisms. Although all five MEAs have established dispute resolution procedures, only Parties (that is, member governments) can initiate dispute procedures or make submissions to non-compliance committees. MEA dispute resolution mechanisms are generally very weak because they are designed to encourage Parties to resolve their dispute amicably, or to assist Parties not in compliance to develop a plan for coming into compliance.

MEAs – Conclusion

MEAs perform strongly on access to information and participation at the global level. However, MEAs are weak in two areas: access to justice, and participation in national implementation. Although requirements are in place for Parties to report on national progress in the promotion of participation, these reports are self-assessments and are not subject to verification by external reviewers. Furthermore, the confidentiality of negotiations—as well as weakness of compliance and dispute resolution mechanisms established by MEAs—means the public has no recourse should it wish to challenge Par-

ties' failures to effectively promote public participation.

Trade Regimes and Regional Economic Bodies

Any discussion of international environmental decision-making and the degree to which it addresses public participation through policy would be incomplete without a discussion of international trade regimes and various regional economic bodies. The World Trade Organization has a significant impact, for example, on environmental legislation and international initiatives such as MEAs. Implementation of many conventions hinges on interpretation of a trade and environment protocol that is being developed at the World Trade Organization (WTO), largely through its Committee on Trade and Environment (CTE). Deliberations with global significance—such as the relationship between the WTO's Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS) and the CBD—are conducted among a small number of people, whose accountability to the international community, the public, and even governments is unclear (Sierra Club, 2003).

The Montreal Protocol, as another example, incorporates trade sanctions into its text as punitive measures for states not in compliance. But WTO rules of trade are being used to nullify those types of enforcement measures, based on the argument that they violate free trade principles. Some civil society groups are concerned that years of work negotiating environmental treaties and MEAs could be disrupted if the reach of the WTO is allowed to extend into these other arenas (Michaels, 1999). It is increasingly clear that environmen-

tal and social policy cannot be developed without recognizing the broad power of the WTO and trade rules, thus justifying an examination and evaluation of these institutions.

Five institutions were assessed: two trade regimes (the WTO and the North American Free Trade Agreement [NAFTA]) and three regional economic bodies (the Association of Southeast Asian Nations [ASEAN], the European Union [EU], and the East African Community [EAC]). This mix of institutions has considerable international or regional scope, and includes established institutions as well as recently created bodies. The European Union and ASEAN have existed for more than 20 years and have evolved over time to pursue common political and economic objectives. NAFTA and the WTO came into existence in the 1990s to eliminate barriers to trade, while the East African Community, established in 2000, creates a common market among the countries of Kenya, Tanzania, and Uganda. The indicators applied to trade and economic bodies evaluate negotiation processes, and again are organized around the three pillars of the Aarhus Convention: access to information, participation, and justice. The results are shown in Table 3.

With the exception of the East African Community, all the bodies present the decisions or agreements taken by members on the Internet, and all five bodies publish their articles of constitution on the web. Timely disclosure of information on upcoming negotiations—including dates and location, proposed agenda, and information on parallel civil society meetings or events—is less consistent. The EU and the WTO both post such information on the Internet, but

the NAFTA secretariats and the EAC do not. ASEAN makes only dates and locations available. In the case of NAFTA, these omissions might be explained by the fact that it never created a unified secretariat, so there is no single entity responsible for disclosing information.

In the case of the WTO, while the posting of documents has improved considerably over the past several years, at least two problems remain. First, the pace at which documents are made available is often too slow to allow for civil society to follow negotiations in real time. New procedures for the lifting of restrictions on WTO documents were agreed upon in May 2002, in an effort to expedite availability, but progress has been slow (Gertler and Milhollin, 2002). Second, while civil society groups acknowledge improvements in the availability of formal or official documents (such as the agenda of a WTO meeting or an announcement of a Ministerial conference), a significant portion of business takes place in informal sessions. These sessions are announced only to those who are invited, and they typically generate no written record of discussion. Nevertheless, real decisions take place in this informal context, leaving not only civil society disadvantaged, but also developing-country member governments (Tuerk, 2003).

The WTO Ministerial in Seattle in November 1999 shed light on this informal process for the first time. The “green room,” where developed-country delegations met to define and agree upon prepackaged deals, was essentially closed to developing-country delegations. These mostly Southern delegations walked the halls, literally locked out of any meaningful negotiating pro-

cess, until they eventually walked out in protest. Democratic reforms and pledges of transparency followed, but critics say the green-room habit is still evident. At the November 2002 mini-ministerial of a select group of 25 OECD (Organisation for Economic Cooperation and Development) member countries in Sydney, Australia, for example, no records or minutes were taken for those not invited (Al-Ahram Organization, 2002).

Among the five institutions, the EU makes the most extensive commitments to information disclosure and public participation. As recently as January 2003, the Council of the European Union with the European Parliament adopted a new directive on public access to environmental information, repealing and replacing a 1990 Council directive. The new text not only guarantees the right of access to environmental information upon request, but also ensures that environmental information be made available and disseminated to the public automatically (European Union, 2003). The WTO has instituted information disclosure policies similar to the EU's, but caveats to these policies limit their reach. A case in point is the restriction of access to documents for 6 months after production, and the ability of member states to block the lifting of restrictions beyond the 6-month period (ICTSD, 1999). Again, new WTO procedures agreed upon in May 2002 have made some headway in shortening this wait, from an average of 8 or 9 months to 6 to 12 weeks, but civil society groups complain that this is still too long to wait for crucial information needed to influence a decision-making process (Tuerk, 2003). By comparison, NAFTA and ASEAN have less extensive rules for information disclosure. The

TABLE 3

Public Participation Policies of Trade and Regional Economic Bodies *

Principle	Policy	Indicators	Responses ● = Yes, blank = No				
			World Trade Organization	North American Free Trade Agreement	Association of Southeast Asian Nations	European Union	East African Community
Access to Information/Transparency	Official meetings or negotiations	i. Dates and locations of future negotiations or member meetings are posted on the official web site or published in some form more than 3 months in advance. ii. Work program or agendas for upcoming negotiations/meetings are posted on the web or published in some form. iii. Information on parallel or relevant civil society meetings or events are posted on official web site or officially recognized NGO website.	● 1		● 2	● 3	
	Substantive content of negotiations and agreements	i. Text of agreement or official document establishing the trade or integration body is available on the web or in published form (report, brochure, etc). ii. Decisions or agreements taken by members are posted on the web or available in published form (report, brochure, etc). iii. Documents from official working groups or bodies dedicated to environmental matters are posted on the web or available in published form.	● 8 ● 13 ● 17	● 9 ● 14 ● 18	● 10 ● 15 ● 19	● 11 ● 16 ● 20	● 12
	Confidentiality rules regarding negotiations	i. Official document outlining negotiation or operating procedures includes articles that permit members to agree to exceptions to confidentiality rules. ii. Official document outlining negotiation or operating procedures includes articles that presume negotiation processes are not confidential unless agreed to by members.		21		● 22	
Access to Participation	Institution has defined policies on public participation	i. Explicit institutional statement(s) recognize the need for or relevance of public participation in their own decision-making processes. ii. Institutional documents and/or policies state that they undertake general information exchange and consultation. iii. Institutional documents and/or policies state that they seek expert and technical advice from civil society groups/representatives. iv. Institutional documents and/or policies include examples of institutional collaborations or partnerships with civil society to accomplish specific objectives. v. Environmental unit/office specifies how it implements public participation.	● 23 ● 26	● 32 ● 35	● 27 ● 30 ● 33	● 24 ● 28 ● 31 ● 34 ● 36	● 25 ● 29

TABLE 3

continued

Access to Justice	Dispute resolution mechanism	i. Dispute resolution mechanism or court exists to settle cases of non-compliance with Agreement or violation of rules.	● 37	● 38	● 39	● 40	● 41
		ii. Secretariat publishes or posts on its official web site a list of cases or petitions before the mechanism/court.	● 42	● 43			
		iii. Secretariat publishes or posts on its official web site decisions or outcomes of individual disputes/cases.	● 44	● 45		● 46	
		iv. Citizen opinions, comments or submissions on pending cases/petitions are posted on official secretariat web site or officially published in some form.		47			
		v. Rules governing mechanism/court permit citizens or individuals to make a submission related to non-compliance with Agreement.				● 48	● 49

* The application of a dot or the absence of a dot was decided upon after careful survey and review of official documents from each institution in question. Secondary research, mostly web-based, was completed internally, and as such WRI assumes all responsibility for any mistakes, inaccuracies, or misrepresentations. Over the two years that this Note has been in development, there have been several new policies and changes in existing policy at most if not all of the institutions.

- Online at: <http://www.wto.org/> (March 21, 2003).
- Online at: http://www.aseansec.org/meetings_events.htm (March 21, 2003).
- Online at: <http://europa.eu.int/comm/environment/agenda.htm> (March 21, 2003).
- Online at: <http://www.wto.org/> (March 21, 2003).
- Online at: http://europa.eu.int/news/index_en.htm (March 21, 2003).
- Online at: http://www.wto.org/english/forums_e/ngo_e/ngo_e.htm (March 21, 2003).
- Online at: http://Europe.eu.int/comm/environment/consultations_en.htm (March 25, 2003).
- Online at: http://www.wto.org/english/docs_e/legal_e/ursum_e.htm#Agreement (March 21, 2003).
- Online at: <http://www.nafta-sec-alena.org/english/index.htm> (March 21, 2003).
- Online at: <http://www.aseansec.org/1212.htm> (March 21, 2003).
- Online at: http://europa.eu.int/eur-lex/en/search/search_treaties.html (March 21, 2003).
- Online at: <http://www.eacq.org/> (March 21, 2003).
- Online at: http://docsonline.wto.org/gen_home.asp?language=1&c=1 (March 21, 2003).
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- Council of the European Union. Online at: <http://register.consilium.eu.int/isoregister/frames/intromnfsEN.htm> (March 21, 2003).
- Guidelines for arrangements for relations with non-governmental organizations. WT/L/162 23 July 1996 (II and IV).
- European Union Comm (2000) 839. Online at: http://europa.eu.int/eur-lex/en/com/pdf/2000/com2000_0839en01.pdf (March 25, 2003).
- Memorandum of Understanding between the Republic of Kenya and the United Republic of Tanzania and the Republic of Uganda for Cooperation on Environment, Article 16 (1).
- Marrakesh Agreement establishing the World Trade Organization, Article 5, 2. *Relations with Other Organizations*. Online at: http://www.wto.org/english/forums_e/ngo_e/estvto_e.htm#ngo (March 21, 2003).
- Guidelines for ASEAN Relations with Non-Governmental Organizations, 5th Meeting on the 19th ASEAN Standing Committee, Manila, June 16-18, 1986. Online at: <http://www.aseansec.org/6069.htm> (March 21, 2003).
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- World Trade Organization Dispute Settlement: http://www.wto.org/english/tratop_e/dispu_e/distabase_wto_members1_e.htm (March 21, 2003).
- Online at: <http://www.nafta-sec-alena.org/english/index.htm> (March 21, 2003).
- European Ombudsman Decision Index. Online at: <http://www.europarl.eu.int/ombudsman/decision/en/default.htm> (March 21, 2003). (Court of Justice of the EC decisions site under construction).
- North American Commission for Environmental Cooperation- considers and posts citizen submissions, but does not address citizen participation. Furthermore, these submissions are not considered by NAFTA's Chapter 11 or 20.
- The European Ombudsman: A Guide for Citizens. Online at: http://www.europarl.eu.int/ombudsman/guide/pdf/en/guide_en.pdf (March 25, 2003).
- Memorandum of Understanding between the Republic of Kenya and the United Republic of Tanzania and the Republic of Uganda for Cooperation on Environment, Article 16 (3).

EAC, which has articulated few if any rules or policies on information, is the least advanced with respect to information disclosure.

The transparency of the deliberation and negotiation processes among these institutions varies widely. ASEAN establishes complete confidentiality over its deliberations. By contrast, the EU presumes that most negotiations and deliberations are nonconfidential unless otherwise established by members. The WTO imposes confidentiality rules on all negotiations, but permits members to agree to exceptions. The EAC does not state whether it presumes its meetings or deliberations are confidential. The Free Trade Commission—the body that oversees the implementation of NAFTA—has no clear rules for the confidentiality of negotiations.

With regard to public participation, the strongest articulation of norms is found in the European Union. The EU recognizes the importance of public participation in its own decision-making processes, makes a commitment to consult and exchange information with civil society, and specifically incorporates public participation procedures in its environmental departments and policies. Among the other institutions evaluated, ASEAN recognizes the value of information exchange with civil society and officially recognizes civil society groups that are supportive of ASEAN priorities and objectives, but it does not formally integrate public participation in its internal deliberations and negotiations. Similarly, WTO documents and policies include general statements about the relevance of public participation as well as information exchange and consultation, but the organization is expressly limited to engaging only in informal dia-

logues with NGOs (ICTSD, 1999). An example of these informal dialogues is the public symposium process. Civil society groups see them as public relations exercises with no impact on real decision-making. Furthermore, the very concept of dialogue between the WTO and NGOs runs counter to the WTO's insistence that it is a forum for member nations, and that the primary avenue for participation should be at the national level (Gertler and Milhollin, 2002).

The NAFTA secretariats do not articulate an interest in or need for public participation, but this weakness is somewhat counterbalanced by the North American Commission for Environmental Cooperation (CEC), which supports implementation of NAFTA's environmental side agreement. The CEC recognizes the importance of public participation, discloses working documents and drafts, and accepts citizen complaints regarding Parties' failures to comply with environmental laws. However, there is limited if any enforcement authority invested in the CEC: if a citizen submission regarding a member state's failure to comply with environmental laws is approved by a two-thirds vote of the Ministerial Council under the CEC, only then are the results posted in a factual record. To demand or require a response to this factual record requires a member state to pursue the matter bilaterally with the member state in question (ICTSD, 1999).

Deficiencies in public participation observed at the global level are replicated at the national level. None of the agreements or bodies reviewed imposes requirements on Parties to engage or publicly consult domestic constituencies on agenda items or substantive issues to be considered in upcoming meetings or

negotiation processes. In response, many well-organized civil society networks in industrialized countries routinely impose outside pressure on their negotiators or representatives. The protests against the WTO Ministerial in Seattle in 1999 are a case in point. By contrast, civil society groups in developing countries, like their own governments, have access to fewer human and financial resources to track and informally influence trade and economic policy negotiations. As a result, these constituencies are at least partially disenfranchised from international economic decision-making.

This set of institutions receives considerable criticism from civil society with regard to how they practice or facilitate public participation. The two trade regimes, NAFTA and WTO, are the target of the majority of these critiques. Although many of the rules they negotiate and disputes they settle significantly affect the environment, NAFTA and the WTO have at best limited opportunities for public interest NGOs to introduce environmental and other public interest concerns in negotiation or dispute settlement processes (Mann and von Moltke, 1999 and 2002). The WTO in particular expects such public participation to be confined largely to the national level. The WTO Guidelines for Arrangements on Relations with Non-Governmental Organizations states it most succinctly: "...there is currently a broadly held view that it would not be possible for NGOs to be directly involved in the work of the WTO or its meetings. Closer consultation and cooperation with NGOs can also be met constructively through appropriate processes at the national level..." (WTO, n.d.).

The European Union goes further than the other four institutions in this subset

to codify access to information, participation, and justice. Given its quasi-supragovernmental structure, it might be more aptly compared to national governments (Saladin, 2002). When compared to national governments in industrialized countries, its policies seem less progressive in the area of public participation. Yet criticism of the EU's "democratic deficit" has led to improvements in its policies and practices over time. Its most significant reforms include the creation of the European Ombudsman, the direct election (rather than appointment) of representatives to the European Parliament, and a systematic effort to establish clear rules on public access to official EU documents and deliberations in EU institutions (Preston, 1999; Schiffaijer and Jeffreys-Jones, 1999).

ASEAN has been criticized for pursuing a top-down approach and providing rather limited opportunities for non-Parties to influence its decision-making. Generally, ASEAN policies emphasize the service or supporting role of civil society in the implementation or advancement of ASEAN priorities. Existing policies provide limited room for civil society to influence the substance of ASEAN negotiations or to play an oversight role.

Given the EAC's limited history, an evaluation of how it has codified commitments to public participation may be premature. A Memorandum of Understanding (MOU), which recognizes environmental procedural rights, was signed by all three parties and is a significant step. The MOU calls on Partner states "to cooperate in the rational management and sustainable use of the environment and natural resources to ensure sustainable development." To this end, the Partners agree to promote

access to information, enhance public participation, and develop measures that will grant access to due process (Memorandum, 1998).

Nevertheless, the EAC has made little or no progress in the introduction of specific policies to back its general commitment to these rights. It is unclear whether or how civil society organizations in East Africa are utilizing the MOU to press for access to EAC negotiations and decision-making processes. But the MOU provides an important opening for public interest organizations to press for access in the future.

All five bodies evaluated have created dispute resolution mechanisms. The degree to which these mechanisms are accessible to the public varies considerably. The European Court of Justice and the WTO's Dispute Settlement Body (DSB) disclose cases pending as well as rulings handed down by their courts or dispute resolution mechanisms. The European Court of Justice and the EAC also permit non-Parties to submit briefs or opinions to the court or mechanism, but none posts such submissions or opinions on their websites. In the case of the European Court of Justice, deliberations remain confidential, and do not come under the remit of the European Ombudsman's office, whose mandate is to investigate citizen complaints of misadministration within the EU (Schiffaijer and Jeffreys-Jones, 1999). The ASEAN dispute resolution mechanism is the least transparent, with no disclosure of pending cases and no recognition of third-party opinions or submissions. In the case of NAFTA, although its environmental body recognizes citizen submissions on noncompliance with environmental laws, the agreement's dispute settlement and

panel review procedures remain confidential unless the parties involved in a dispute agree to entertain third-party submissions.

The trend at the WTO to accept NGO or non-member submissions, while maintaining the DSB's discretionary authority to ignore such submissions, is perhaps indicative that these submissions confer no real benefit or power to the submitting parties. Interestingly, member nations hold contrasting views on this trend. The United States, for example, advocates institutionalizing transparency at the DSB, arguing that "the cloak of secrecy" has not only weakened the public's faith in impartial negotiations, but has also compromised the accountability of the DSB (Gertler and Milhollin, 2002). India, on the other hand, is specifically opposed to the submission of nonmember briefs to the DSB, arguing it would only advantage NGOs from developed countries who have the resources to make such submissions, while disadvantaging developing countries who are then forced to respond to such submissions (Gertler and Milhollin, 2002).

Trade and Regional Economic Bodies – Conclusion

When compared to the other institutions, economic and trade bodies have invested the most in codifying information disclosure policies and providing the public with general information. At the same time, however, most of them keep their deliberations or negotiations confidential, no requirements are imposed on members to consult or seek the input of domestic constituencies, and justice or redress mechanisms are closed to intervention or observation by public interest organizations.

IV. CONCLUSIONS

The categories of multilateral decision-making arenas evaluated above exhibit considerable differences in performance among sister or like institutions. Nevertheless, it is possible to make broad observations across the three categories regarding the internalization of the Aarhus Convention's organizing principles: access to information, access to participation, and access to justice.

Access to information is the best-developed principle across all institutions.

In general, institutions in all three arenas have made the greatest and most consistent progress in codifying norms or rules of behavior with regard to the dissemination, exchange, and disclosure of information. Many of the institutions evaluated have adopted formal information disclosure policies and expanded the number and types of documents available to the public. At the same time, negotiation and deliberation processes remain nontransparent because a majority of institutions maintain blanket confidentiality policies. Thus, it is possible to obtain information about upcoming decisions or decisions taken, but much more difficult to observe or influence negotiations directly.

While general policies on public participation are quickly becoming the norm, specific standards or procedures for such participation are less consistent.

Among the three decision-making arenas, rules and policies on public participation are framed very broadly. Institutions across all three categories generally endorse or call for public participation. But the actual mechanisms created to facilitate public participation vary considerably both within and across are-

nas. Among MDBs, public participation is usually solicited in efforts to implement safeguard policies or in the context of broad strategy exercises such as environment or poverty reduction strategies. Civil society participation in MEAs takes the form of formal membership in working groups created to resolve specific technical issues, or is often informal as many NGOs attend conferences or meetings of the Parties as observers. Economic and trade bodies create specific mechanisms or procedures designed to engage the public.

Public participation at the national level is uniformly weak; domestic stakeholders have limited ability to influence international decisions that affect their environment.

Despite the variety of public participation mechanisms at the global level, institutions or agreements across all three arenas were uniformly weak in the development of rules or policies requiring national-level participation, or requiring Parties or members to consult with civil society groups in their own countries. Among the three categories of institutions, MDBs provide the greatest opportunity for constituencies and civil society groups operating in a domestic context to influence decisions. Yet even these opportunities are circumscribed, since the public can provide input only on the performance of individual projects or the resolution of specific disputes. The requirements that are in place simply encourage or urge members to undertake such consultation or to increase domestic awareness of the issue. Furthermore, although many civil society groups can access information, engage in international debates within each decision-making arena, and in some cases challenge decisions taken, such opportunities usu-

ally occur at forums held in major regional capitals or international centers. They therefore require financial resources to permit travel, as well as the investment of time and familiarity with the negotiation and deliberation process.

Institutions and agreements subject to the greatest public scrutiny have the most advanced policy frameworks with regard to public participation.

Institutions or agreements that are subject to the greatest public demands for participation or policy reform are also those that have made relatively more progress in codifying public participation rules or policies. This is true for the MDBs, where the World Bank has been the focus of ongoing civil society demands for reform. The UNFCCC and the CBD—the MEAs that emerged from the 1992 Earth Summit and have been the subject of high-profile, political negotiations with regard to their implementation—generally have gone the furthest of all MEAs in ensuring access to information. Among the regional economic bodies, the European Union, which has come under considerable scrutiny by EU civil society groups, most fully articulates policies on access to information, participation, and justice. The two trade bodies evaluated, NAFTA and the WTO, have both been subject to considerable civil society criticisms. The WTO has made significant advances in the articulation of information disclosure rules, but as this analysis reflects, public participation is presumed to occur primarily, if not exclusively, at the national level. NAFTA's environmental body, the CEC, is exemplary in the mechanism it has created to engage NGOs (the Joint Public Advisory Committee) and in the articulation

of public participation guidelines. NAFTA's Free Trade Commission, however, lags behind in engaging the public and disclosing basic information with regard to its meetings and deliberations.

Access to justice and redress are generally the most underdeveloped in both policy and practice.

Policies or mechanisms that provide recourse or remedy for failure to implement or respect commitments are not well developed across all three categories. Not surprisingly, an institution's ability to guarantee access to review and/or judicial procedures depends heavily on its policies on access to information and participation. An evaluation of redress mechanisms includes both the ability of civil society or non-members to bring a complaint, but also the ability to be informed about dispute settlement procedures brought by another complainant. MEAs have weak dispute resolution and enforcement mechanisms that are closed to public observation and will only consider claims made by parties to the MEA. On the other hand, economic and trade bodies have established much stronger justice mechanisms, but they also place considerable restrictions on third parties' ability to trigger a review, observe deliberations, or submit opinions for consideration in a particular case. Among the three categories, MDBs have gone the furthest in articulating alternative dispute resolution mechanisms. However, the actual operation of MDB justice mechanisms, like ombudsman offices and inspection panels, has proven to be cumbersome and often inaccessible to civil society, particularly organizations representing local populations or affected parties.

No common methodology exists for assessing the implementation and practice of public participation; such a methodology is needed to assess the full impact of changes in policies mandating public participation.

To more completely examine not only the policy but also the practice of public participation, further methodological work is required. For example, common agreement on what constitutes best practice in public consultations would further meaningful assessment of practice. If environmental safeguard policies at the MDBs, for instance, followed certain procedures in consultation with affected parties, perhaps disputes could be settled more efficiently and effectively, in the eyes of both sides. To be most effective, such a methodology should be developed collaboratively by civil society groups and the international agencies that are expected to implement such measures.

These broad observations help us to discern key trends among the different institutions. Evidence suggests there is a growing acceptance of public participation as an accepted norm in international decision-making arenas. While there is no common degree of policy development across the institutions to back such a norm, there is a trend toward upward harmonization of public participation policy. Ultimately, policy alone is insufficient for guaranteeing civil society access to information, participation, and justice. Nonetheless, the codification of formal public participation policies explored here is still an important indicator of progress. To ensure upward harmonization in the development of public participation policies a comprehensive review of the practice of public participation in international decision-making is a fundamen-

tal next step. Hopefully, this analysis provides the basis as well as the impetus for such an evaluation.

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APPENDIX 1

Post-Principle 10 Participation Commitments * (*Aarhus excluded*)

The following represent multilateral environmental commitments made post-Rio that embrace participation principles or include specific participation commitments. Some key agreements such as the Convention on Persistent Organic Pollutants also include such commitments, but these have been excluded since they are not yet in force.

Title	Language	Scope	Dates
Canada-Mexico-United States: North American Agreement On Environmental Cooperation	PREAMBLE EMPHASIZING the importance of public participation in conserving, protecting and enhancing the environment ; Article 1: Objectives The objectives of this Agreement are to: ... (h) promote transparency and public participation in the development of environmental laws, regulations and policies;	Canada, Mexico, United States	September 9, 1993; September 14, 1993, Done at Washington; September 12, 1993; September 14, 1993, Done at Ottawa; September 8, 1993; September 14, 1993, Done at Mexico City.
Agreement Establishing The South Pacific Regional Environmental Programme (SPREP)	Article 2 – Purposes ... 2. “The Action Plan shall include:” (e) “strengthening national and regional capabilities and institutional arrangements;” (f) “increasing and improving training, educational and public awareness activities; and” (g) “promoting integrated legal, planning and management mechanisms.” ... Article 7 – Functions of the Secretariat ... 1. “The functions of the Secretariat shall be to implement the activities of SPREP, which shall include:” (f) “increasing and improving training, educational and public awareness activities; and” ...	South Pacific	Date of adoption: June 16, 1993 In force: August 31, 1995
Israel-Jordan-Palestine Liberation Organization: Declaration On Cooperation On Water-Related Matters	1. Water Resources in Legislation 2. Ownership and Administration of Water Resources All water resources of each party are publicly owned and/or centrally controlled. They are used for the benefit of their respective societies. The Core Parties promote public participation in water resources management. Well-drilling, water production and supply are allowed only by permit or licence. A Central Water Authority/Government Agency exists in each of the Core Parties, and exercises effective control over water resources.	Middle East	Date signed: February 13, 1996
United Nations: General Assembly Resolution A/Res/S-19/2 Of The Nineteenth Special Session On Progress Achieved Towards Meeting Objectives Of The Earth Summit With Annex On A Programme For The Further Implementation Of Agenda 21	A. Integration of economic, social and environmental objectives 24. (b)In particular, the empowerment and the full and equal participation of women in all spheres of society, including participation in the decision-making process, are central to all efforts to achieve such development;	Global	Date signed: June 28, 1997

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APPENDIX 1	Post-Principle 10 Participation Commitments (<i>Aarhus excluded</i>)		
Agreement On The International Dolphin Conservation Program, With Annexes	<p>Article XVII. TRANSPARENCY</p> <p>1. “The Parties shall promote transparency in the implementation of this Agreement, including through public participation, as appropriate.”</p> <p>APPENDICES:</p> <p>Annex X GUIDELINES AND CRITERIA FOR THE PARTICIPATION OF OBSERVERS AT MEETINGS OF THE PARTIES</p> <p>1. “The Director shall invite to Meetings of the Parties convened pursuant to Article VIII intergovernmental organizations whose work is relevant to the implementation of this Agreement, as well as non-Parties whose participation may promote implementation of this Agreement.”</p> <p>2. “Non-governmental organizations (NGOs) with recognized experience in matters pertaining to this Agreement shall be eligible to participate as observers in all Meetings of the Parties convened pursuant to Article VIII except meetings held in executive session or meetings of Heads of Delegation.”</p>	Global	<p>Date of adoption: May 21, 1998</p> <p>Into-Force: February 15, 1999</p>
Organization Of American States (OAS): Inter-American Democratic Charter	<p>Article 2</p> <p>The effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American States. Representative democracy is strengthened and deepened by permanent, ethical, and responsible participation of the citizenry within a legal framework conforming to the respective constitutional order.</p> <p>Article 6</p> <p>It is the right and responsibility of all citizens to participate in decisions relating to their own development. This is also a necessary condition for the full and effective exercise of democracy. Promoting and fostering diverse forms of participation strengthens democracy.</p>		<p>Date of adoption: September 11, 2001</p>
Convention on Environmental Impact Assessment in a Transboundary Context	<p>Article 2 GENERAL PROVISIONS</p> <p>2. “Each Party shall take the necessary legal, administrative or other measures to implement the provisions of this Convention, including, with respect to proposed activities listed in Appendix I that are likely to cause significant adverse transboundary impact, the establishment of an environmental impact assessment procedure that permits public participation and preparation of the environmental impact assessment documentation described in Appendix II.”</p> <p>6. “The Party of origin shall provide, in accordance with the provisions of this Convention, an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.”</p> <p>Article 3 NOTIFICATION</p> <p>8. “The concerned Party shall ensure that the public of the affected Party in the areas likely to be affected be informed of, and be provided with possibilities for making comments or objections on, the proposed activity, and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin.”</p> <p>Article 4 PREPARATION OF THE ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTATION</p> <p>2. “The Party of origin shall furnish the affected Party, as appropriate, through a joint body where one exists, with the environmental impact assessment documentation. The concerned Parties shall arrange for distribution of the documentation to the authorities and the public of the affected Party in the areas likely to be affected and for the submission of comments to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin within a reasonable time before the final decision is taken on the proposed activity.”</p>	Global	<p>Date of adoption: February 25, 1991</p> <p>In force: September 10, 1997</p>

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NOTES

1. This definition is drawn from the Aarhus Convention preamble and supporting articles (Articles 3, 4, 5, 6, 7, 8 and 9), which build on Principle 10 of the Rio Declaration.
2. Safeguard policies were designed to prevent and mitigate undue harm to people and their environment in the development process. The World Bank Group recommends that project sponsors review these policies before conducting their assessments. Some observers contend that the effectiveness of Bank-supported projects has increased as a result of the development of these policies. At the very least, safeguard policies have provided a platform for public participation in project design.
3. Four institutions make up the World Bank Group: the International Bank for Reconstruction and Development (IBRD), the International Development Association (IDA), the International Finance Corporation (IFC), and the Multilateral Investment Guarantee Agency (MIGA). For the purposes of this analysis, the "World Bank" refers only to the combination of IBRD and IDA, the two arms of the World Bank Group that provide loans to support public-sector projects. Unless otherwise noted, references to public participation in World Bank environmental decisions will exclude the policies and practices of IFC and MIGA.
4. The application of a dot or the absence of a dot in Table 1 on the MDBs (and in Tables 2 and 3 on MEAs and trade and economic bodies, respectively) was decided upon after careful survey and review of official documents from each institution in question. Secondary research, mostly web-based, was completed internally, and as such WRI assumes all responsibility for any mistakes, inaccuracies, or misrepresentations. Over the 2 years that this Note has been in development, there have been several new policies and changes in existing policy at most if not all of the institutions.
5. There is some disagreement as to the difference between access to justice and the existence of dispute resolution mechanisms or inspection panel functions. Some scholars contend that proper access to justice exists only if (a) an institution falls under the jurisdiction of a proper court, and (b) citizens have standing before the court. For the purposes of this paper, a broader interpretation of access to justice was used to measure progress at various institutions in developing public participation policy.

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- *To avert dangerous climate change.* We promote public and private action to ensure a safe climate and sound world economy.
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