

EBRD and the Aarhus Convention: Challenges and Looking Forward

1 July 2014

Elizabeth Smith (Smithe@ebrd.com)

**Senior Environmental and Stakeholder Engagement Advisor
European Bank for Reconstruction and Development (EBRD)**

I think sometimes we learn the biggest lessons when we try something that does not work as we had planned. This is true for international forums, just as it is for governments and individuals. The EBRD learned a very big lesson recently—about perceptions and stakeholder engagement. As part of the revision process of the EBRD Environmental and Social Policy, which we undertake every five years, we released a revised draft policy in January that removed specific text relating to the UNECE Aarhus and Espoo Conventions.

One of our goals in the revision was to reduce the number of examples and lists that were in the 2008 policy and focus on the specific commitments. Because we have an overall commitment to EU Environmental Standards, and the EU has ratified the UNECE Aarhus and Espoo Conventions and incorporated their requirements, a suggestion was made that EBRD did not need to repeat the commitments to the individual conventions or treaties that the EU had ratified. And, because we set project requirements for information disclosure, consultation, and grievance mechanisms for workers and the public, it was also felt that the specific reference to the principles of the Aarhus Convention at the project level was also unnecessary. So the draft policy removed these statements, and it was released by the Bank for stakeholder comments. The documents were available for comment for 45 days in English, Russian, and French languages. We held consultation meetings in seven countries—over 350 people attended. In addition, 85 civil society organisations provided over 640 comments on the policy.

Let me tell you what happened during consultation.

Nobody liked the proposed change to the text on the Aarhus Convention. Nobody.

1. Concerns were raised at the public meetings in all seven countries.
2. Civil society did not like the proposed changes.
3. We had extensive written comments submitted on this topic—if you look on our website, you will find a stakeholder engagement report—there are pages and pages of stakeholders concerns raised on the proposed removal of the specific commitment to the principles of the Aarhus Convention.
4. In addition to the concerns of civil society, the UNECE Aarhus and Espoo Convention Secretariats did not like the proposed changes.
5. And some of the countries that sit on the EBRD Board of Directors were also concerned at the removal of the text.

What we learned was that, even though the approach to project appraisal and implementation requirements stayed the same, the perception was that the policy requirements had been downgraded.

Outcome

So what did we do? The consultation demonstrated the need to articulate commitments: so we reinserted the general commitment to obligations under international conventions as well as the specific commitment to the UNECE Aarhus and Espoo Conventions.

This is one of the big lessons of public consultation. You have to look beyond your own perception and logic, and listen to the voices of stakeholders. And in order to do that, you have to identify who the stakeholders are and what is the best way to communicate with them.

Stakeholders

With every policy revision, the range of civil society groups interested in the Bank increases. Originally, the focus was from environmental organisations; by several policies later, we heard from organisations that worked on health and safety, labour, resettlement, indigenous peoples' impacts and other social issues. During the policy revision this year—there were significant comments made from human rights organisations. We heard from new areas—such as a number of organisations concerned with animal welfare standards. Every time we become aware of different stakeholders, we need to look at whether our communication plans are still adequate. This is not only with regard to topics of interest, but also geography.

For example, the EBRD has increased its membership and its countries of operations. Since the last meeting of the Parties of the Aarhus Convention, Kosovo, Morocco, Tunisia and Jordan have become countries of operation for EBRD. Egypt is not yet a country of operation, but we are developing projects with special funds assigned to the Southern and Eastern Mediterranean region. In May, at the EBRD Annual Meeting, Cyprus was granted temporary recipient status and became our 35th country of operations, and Libya has joined the Bank, initially as a shareholder.

The new region of Southern and Eastern Mediterranean countries has given us new environmental issues, new stakeholders, cultures, languages, and concerns. There are different challenges on issues like gender, youth unemployment, nomadic peoples that we will need to understand—and importantly, we will have to know how to communicate with these stakeholder groups.

As an international forum, we have some comments to the Parties about some of the challenges we face, that they may wish to consider for further guidance or requirements.

Vulnerable Groups

One of the biggest challenges is to identify the stakeholders that are affected by or interested in a project. We see companies who plan to consult with authorities and put a notice in a newspaper and hold a public meeting to meet the regulatory requirements. This approach is often inadequate to reach all the affected stakeholders.

For example, I just read an announcement on a website that a local authority wants to consult on healthcare for elderly and vulnerable groups—so they welcome comments by e-mail and have scheduled an open-house event on four evenings. Let's think about that. If the policy is focused on the elderly and vulnerable—are these stakeholders necessarily going to get their information from the internet? Will they be able to afford to travel to attend an open house or feel comfortable going to a meeting at night? Will carers be able to leave their patients in order to participate in a meeting? Would a vulnerable stakeholder feel brave enough to stand up in a public meeting and make comments? While some people are outspoken in public meetings—often most of the room is silent, and the meeting is summarised based on only a few people's comments. It does not necessarily reflect the feelings of the whole room, and

rarely do people speak up in favour of a project; those who benefit from the project rarely raise their hand or step up to the microphone.

Meaningful consultation is much more than an internet or newspaper announcement and public meeting. If someone is consulting on healthcare for the elderly and vulnerable, they could include discussions in homes for pensioners, medical clinics, senior centres; they might want to conduct a survey of carers, patients and medical professionals, or hold small daytime discussions in local communities. This would ensure that key people affected by the new policies are able to voice an opinion.

I'd like to give another example of listening to stakeholder's voices.

We were working on a power line project and the company had put notices in a number of national newspapers and disclosed information on a website and put documents in a library in the capital. They had not met with civil society, so we organised a meeting. Civil society groups pointed out to the company that the people who lived along the route of the power line could not afford to get national newspapers—they got their information from the free regional monthly newsletter. So, the local residents were not very aware of the project or what would be happening, and they had not commented on the impact assessment, despite the company's efforts. While the company had formally met the national requirements, they had to design a communication programme that took the needs of the stakeholders into account.

Gender and Consultation

In order to get a complete picture of stakeholder needs, it is also important to demonstrate that you have listened to different voices. Take for example, a project to rehabilitate urban roads. The municipal authorities and developer were men. When it came to designing the road, men wanted better roads for faster travel and less damage to vehicles. They specified a number of bus stops that were evenly distributed along the route, but the focus of the project was on the speed and condition of the roads.

EBRD also wanted to consult with women in the community, and we learned that they were primary users of the public transport system, so they would be affected by the changes caused by the project. When we talked to them, the women were concerned with very different issues than the men. If they did not consider the public bus system to be safe, they would not use it. Their main concerns were to put public bus stops in very specific locations that were near to residences, work locations, shopping and schools. They wanted the bus stops to be well lit—and asked for the project to include lighting as part of the rehabilitation work. When we became aware of these issues, we were able to work with the client to consult on putting the bus stops in the right locations and including lighting in the project. If people feel safer; more people will use public transport, roads will be less congested, and the project will likely be more successful. If we had not talked to women, we would not have been aware of these issues and may have missed an opportunity to have a better and more successful project that would be more beneficial to the whole of the local community.

In Summary

In all three examples, the national requirements were met, but affected people were not informed or consulted without further intervention. Over the years, disclosure and consultation issues have made significant progress; and the importance of commitments to transparency, public consultation and accountability increases with every policy review. But we all need to specifically identify our stakeholder groups and design our disclosure and consultation programmes taking into account the specific stakeholders needs. I would like to leave you with three points:

1. We would encourage that you to consider requiring projects to have a written Stakeholder Engagement Plan to identify affected stakeholders and elaborate how they will consult with each of the groups identified in a meaningful way.
2. More attention is needed in identifying specific needs of vulnerable stakeholders, and planning appropriate consultation.
3. Consultation needs to include a variety of voices—there are often differences between impacts on men and women, for example, and different priorities. Consultation may need to be handled differently in some cultures and what works for the majority may not be appropriate for a large population that is culturally different.

Whether you are a Party or a member of the Secretariat or Civil Society, I would like to thank you for your input on our policy revision, and the improvements made as a result of the consultation process. We look forward to working with the Aarhus Secretariat and Parties/Working Groups on a number of issues in the coming year. Big challenges face EBRD with regards to improving our information disclosure on projects, on the plans to sign the International Aid Transparency Initiative, and developing the tools and training needed to implement our new policies.