

EBRD Consultation and Disclosure Requirements Guidance for Preparation of a Public Consultation and Disclosure Plan¹

Background

Projects that EBRD has classified as “Category A” according to EBRD’s Environmental Policy, must have been subject to meaningful consultation with stakeholders during the Environmental Impact Assessment (EIA) process. Project sponsors are also required to disclose the results of the EIA process to the public. The sponsor must continue communication with stakeholders during the construction and operation phases of the project, including the public release of an environmental and safety report annually. The Bank’s overall requirements for disclosure and consultation on Category A projects are found in a separate guidance note. The Public Consultation and Disclosure Plan (PCDP) is one aspect of these requirements.

As part of the scoping process, the project sponsor is required to prepare a draft Public Consultation and Disclosure Plan (draft PCDP) describing the public who may be affected by the project, how communication will work throughout the Environmental Impact Assessment process, and what information will be disclosed in relevant languages and by what means (e.g., web site, libraries, etc.). The public should be able to provide comments and recommendations on the PCDP as well as the other Scoping Documents. EBRD will provide input on draft PCDPs where requested and ensure that the final plan meets the Bank’s requirements.
EBRD Environmental Policy 2003

The PCDP is essentially the identification of stakeholders—people who have a role in the project or could be affected by the project or who are interested in the project—and the programme of disclosure of information, consultation, and methods of dialogue handling of comments and concerns.

The Public Consultation and Disclosure Plan (PCDP) is prepared by the project sponsor and should achieve six main objectives: (i) describe local requirements for consultation and disclosure; (ii) identify key stakeholder groups who may be affected by or interested in the project, and paying particular attention to vulnerable groups; (iii) provide a strategy and timetable for sharing information and consulting with each of these groups during various phases of the project; (iv) describe the sponsor’s resources and responsibilities for implementing the PCDP activities including contact information for the sponsor; (v) detail reporting/documentation of consultation and disclosure activities; and (vi) provide a comment and grievance/complaint mechanism

Objective of the PCDP

The PCDP should define a comprehensive and culturally appropriate approach to consultation and disclosure for a particular project, typically focusing on the Environmental Impact Assessment (EIA) process. The goal is to ensure that adequate and timely information is provided to people potentially affected by the project and other stakeholders, and that these groups are given sufficient opportunity to voice their opinions and concerns on the EIA document and with regard to the project. Important considerations include:

¹ The EBRD gratefully acknowledges the IFC’s Guidance Note F: “Guidance for Preparation of a Public Consultation and Disclosure Plan”, which has been adapted with permission for EBRD’s use.

- written and oral communications in local languages and readily understandable formats;
- easy accessibility to both written information and to the consultation process by relevant stakeholders;
- use of oral or visual methods to explain information to non-literate people;
- respect of local traditions of discussion, reflection, and decision making;
- care in assuring that groups being consulted are representative (with adequate representation of women, vulnerable groups, and ethnic or religious minorities, and separate meetings for various groups, where necessary); and
- clear mechanisms to respond to people's concerns, suggestions and grievances.

Contents of the PCDP

The PCDP should set out a program for public consultation and information disclosure during the following stages: i) during the early scoping phase, before the terms of reference for the Category A EIA are finalised; ii) once a draft of the EIA has been prepared; and iii) during the construction and operation phases. The PCDP should:

- summarise the goals of the programme; and
- briefly describe the kinds of methods that will be used to communicate information to each of the stakeholder groups identified. Methods used may vary according to target audience, for example:
 - mass media, (newspapers, posters, radio, television);
 - information centres and exhibitions, brochures, leaflets, and reports available;
 - meetings and workshops; and
 - posters and other visual displays, etc.
 - interviews with key authorities, interested people and groups;
 - surveys, polls and questionnaires; audience analyses;
 - public meetings or hearings, open house or exhibitions;
 - continuous participation processes involving community liaison officers, company agents or committees in the project zone; and
 - other traditional mechanisms for consultation and decision-making.

The contents of a typical PCDP includes the following sections:

- a) *Introduction:*** Briefly describe the project, including location and design elements.
- b) *Regulations and Requirements:*** Summarise the in-country, local requirements (i.e., policies, laws, regulations and review processes) for public consultation and disclosure related to local EIA legislation or other aspects of the project. Summarise the sponsor's policies on transparency and consultation. Identify any international conventions or requirements that apply to the project or that will be used as guidance (e.g., Aarhus Convention).
- c) *Review of Any Previous Public Consultation and Disclosure:*** Summarise all public consultation and information disclosure undertaken to date, including:

- the kinds of information released, the forms this took (e.g., seminars, reports, brochures, posters, radio coverage, etc.), and the means of distribution;
- the location and dates of meetings;
- a description of the individuals, groups and organizations consulted;
- an overview of the issues discussed;
- description of how the issues raised were responded to by the project sponsor, including an explanation of any issues not addressed; and
- description of how these responses were communicated to those consulted and the wider public.

d) *Stakeholders.* Provide an inventory of key stakeholder groups who will be informed and consulted about the project. Stakeholders are persons who are affected by or can affect the outcome of a project. These can be affected communities, local organizations, non-governmental organisations (NGOs) and government authorities. Stakeholders can also include politicians, commercial and industrial enterprises, labour unions, academics, religious groups, national social and environmental public sector agencies and the media.

e) *Disclosure of Information:* Provide the draft PCDP as part of the scoping documentation so that interested parties can comment on the most effective methods of consultation and media used to circulate information prior to the EIA being undertaken. The PCDP should list the proposed documents that will be disclosed to the public.

f) *Timetable:* Provide a schedule detailing when consultation and disclosure activities will take place for each stage of the process and each stakeholder group identified. Identify how updates to the document will be undertaken and people will be informed.

g) *Resources and Responsibilities:* Indicate what staff and management resources will be devoted to undertaking the public consultation and disclosure program and who within the company will be responsible for carrying out these activities. Provide contact information (e.g., telephone number, address, e-mail, hotline number). Some projects may benefit from hiring a Community Liaison Officer(s) to organise and facilitate these activities.

Effective consultation and information disclosure may require assistance from specialized consultants. The sponsor, however, should be involved in all consultations related to the project. Where a project may affect vulnerable groups, inclusion of those groups or representatives of those groups in the planning process may be beneficial.

h) *Grievance Mechanism:* Describe the process by which people affected by the project can bring their comments, concerns, and grievances to the project sponsor, in a culturally appropriate manner, for consideration and redress.

i) *Reporting:* Identify where and when the results of the public consultation and information disclosure will be reported. This should include:

- the draft EIA report;
- details of the results of consultation on the draft EIA and how comments have been taken into account; and
- annual environmental and safety report, as agreed with EBRD.

Submission to EBRD

The PCDP should be submitted as early as possible to EBRD for review, as part of the scoping stage of the EIA process. EBRD staff will review it for adequacy and provide comments.

Project Review at Later Stages of Preparation

Projects come to the EBRD for financing at different stages. While some are at very early stages of preparation, others have already released an EIA for public comment and/or received certain approvals and may never have completed a scoping stage or a Public Consultation and Disclosure Plan.

The project sponsor should draft a PCDP or equivalent document to identify stakeholders, information disclosure, and consultation. The EBRD Environment Department will review the process and consultation of any existing/previous EIA process with regard to EBRD requirements. If any gaps or deficiencies in the EIA or in scoping or consultation are identified, more work will likely need to be done and made public in order to meet EBRD's requirements prior to EBRD's consideration of the project. This is true regardless of the status of the regulatory permitting process.

In all cases, the Project Sponsor should discuss the requirements for the specific project with EBRD Environment Department staff.

J:smithe/guidance documents/2003 PCDP.doc

PCDP Adequacy Checklist

Have the local/national/international requirements been identified?

Have all stakeholders been identified?

- Have all potentially affected parties been identified?
- Have all local and national NGOs been identified?
- Is there international interest in the project?

Will the stakeholders be able to understand the information, or is there capacity-building needed to assist them to understand how they may be affected and solicit comments?

Has the method of communication and distribution of information been designed in a culturally appropriate way?

Does the timeframe permit meaningful dialogue?

Is the level of detail adequate, so that people can comment on how they receive information, attend meetings, and comment meaningfully, or is the information vague? (i.e., is the PCDP monitorable as specific commitments?)

Have safeguards been built in to ensure objectivity in collecting and assessing information?

Are the resources sufficient?

- Time?
- Funding?
- Knowledgeable staff/human resources?

Is the management team defined?

Has the process been adequately defined?

Does the plan cover all phases of the project?

- Project design
- Scoping
- Environmental impact assessment
- Social impact assessment
- Analysis of alternatives
- Project implementation
- Operation and maintenance
- Decommissioning and abandonment

How is public consultation built into the project design? The EAP?

How are the results of consultation communicated to the stakeholders?

Are the results of public consultation built into the final EIA report?