

Consensus Statement of the First Annual Regional Environmental Forum

**Phnom Penh, Cambodia
15 November 2002**

On 14-15 November, 2002, a group of 35 independent researchers and civil society advocates from Cambodia, Vietnam, Laos, Thailand, Myanmar and China met in Phnom Penh at the First Annual Regional Environmental Forum. The purpose of the Forum, organized by the Cambodian Institute for Cooperation and Peace, the Thailand Environment Institute and the World Resources Institute, was to discuss environmental governance challenges in the Mekong region. The following are specific recommendations from participants in the REF directed to governments, multilateral institutions, private corporations, and civil society groups with the objective of strengthening environmental governance in the Mekong region.

Enhancing Regional Environmental Governance

As regional economic and political integration proceeds, the importance of enhancing regional environmental governance increases. The REF welcomes recent increases in attention on the part of governments and regional organizations to the challenges of equitable and ecologically sustainable development. The REF further believes that existing mechanisms, if further strengthened, can serve as channels for improved environmental governance. However, we see a need for continued efforts to raise transboundary environmental issues on the political agenda at all levels. Further, the REF welcomes Paragraph 44 of the Greater Mekong Subregion (GMS) Summit statement “Building on Success,” which urges greater participation by key stakeholders in the development and implementation of regional policies, strategies, and projects. However, REF participants believe that there is a large gap between this aspiration and current practices, and therefore recommends that:

- Governments in the region proactively disseminate information to the public about upcoming regional decision-making forums, and facilitate public participation in formulating the agendas for such meetings. The REF further recommends that: governments collaborate with each other to create mechanisms for civil society input to deliberations at the regional level – for example through increased civil society representation at Mekong River Commission (MRC) committee meetings – and proactively disseminate the agreements reached at such meetings.
- Governments and regional organizations also develop improved dispute resolution mechanisms to facilitate the resolution of conflict across national boundaries.
- Civil society organizations create a network to improve the effectiveness of bringing an independent voice to official regional deliberations such as the GMS Summit. Further, they should assess the performance of such regional bodies, and report regularly the results of their monitoring.

Increasing Public Access to Environmental Information

Access to information about the environment is an essential platform for public participation in environmental governance, and is the right of every citizen. Citizens in the region require high quality environment-related information that is widely available. Accordingly the REF recommends that:

- Governments take responsibility to ensure collection of and to ensure availability of the following information to the public:
 - Ecological information – the ecological and cultural setting of the region;
 - State of Environment reports (updated frequently);
 - Information about national policies, plans, laws and regulations as well as information about international agreements and commitments that the governments have made;
 - Assessment information about the direct and indirect impacts of projects and policies, public and private, on society, health and the environment.

We further recommend that:

- Governments make and enact national “right to know” legislation ensuring public access to information on matters relating to the environment.
- Governments make and enact regulations requiring private companies to release environment-related information.
- Each government be responsible for creating a “one-stop shop” that brings together all the country’s environment-related information and presents it in local languages and an accessible format.
- The scientific community (universities and research institutes of the region) play a role in ensuring the quality of environmental information in the public domain. The scientific community should share their environmental information with the public.
- All Mekong region governments make an inter-governmental agreement on environmental information exchange under the GMS framework. The existing MRC framework, under which some data exchange is already taking place, is inadequate. This mechanism should include sharing information about development projects.
- International and regional institutions such as the Asian Development Bank and World Bank, and bilateral agencies, in collaboration with national governments, proactively disclose information about development projects, rather than merely responding to public requests for information.
- At the regional level, civil society groups create a network to produce environmental information based not just upon national boundaries but also upon ecological-cultural regions (eg uplands, lowlands). This network could include non-governmental organizations, private voluntary organizations, community-based organizations, private sector actors and the media.
- At the local level, civil society organizations, community people and local government work together to demand and access information from the national level.

Improving Environmental Impact Assessment

Environmental impact assessment (EIA) is potentially a powerful tool for identifying environmental and social impacts of development policies and plans, facilitating inter-agency collaboration, and eliciting meaningful public participation. However, as currently practiced in the region, EIA is inadequate to achieving these objectives. Accordingly, the REF recommends that:

- Governments in the region apply EIA more comprehensively, not just to infrastructure projects, but also to activities such as the designation of protected areas (which may have significant social impacts) and the introduction of exotic species or genetic material into ecosystems.
- Governments in the region expand beyond traditional EIA to include the use of social impact assessment, health impact assessment, and strategic impact assessment tools.
- Governments in the region implement international best practices to ensure meaningful public participation in the EIA process from the earliest stages of problem identification through options assessment and monitoring of performance.
- Governments in the region agree to a common standard of application of EIA to capture the cross-border impacts of all projects and policies with transboundary implications, including mechanisms to ensure the participation of all affected communities.
- Private corporations and project developers be held to a high standard of information disclosure and public consultation to support public participation in the EIA process.

Enhancing Enforcement of Environmental Regulations

The REF identified the lack of enforcement of existing environmental laws and regulations as a common problem across all countries in the region. REF participants believe that increased information disclosure and public participation are potent strategies for promoting improved environmental performance by government agencies and private corporations. Accordingly, the REF recommends that:

- Governments in the region facilitate increased information disclosure and public participation in the monitoring of performance of government and corporate entities, particularly compliance with the conditions of EIA approvals;
- Governments in the region strengthen the capacity and independence of regulatory authorities to enable them to be accountable to the law rather than to political or commercial interests;
- An independent and responsible press provide greater coverage to environmental compliance issues; and that
- Civil society promote public awareness of environmental compliance issues, for example via broadcasts on community radio.

Improving Access to Justice in Environmental Matters

Participants in the REF believe that judicial systems in the region are not yet playing an effective role in improving environmental governance. Weak laws and institutions constrain the ability of citizens to protect their rights and resolve disputes. Accordingly, the participants in the REF recommend that:

- Governments strengthen environmental laws and regulations to clarify institutional mandates and procedures;
- Governments remove barriers to access to justice – such as high costs and lengthy proceedings;
- Governments, media and civil society organizations educate citizens about their rights and responsibilities related to access to environmental information, decision-making and redress, and how to exercise those rights and responsibilities; and
- Governments provide alternative dispute resolution procedures.

Conclusions

Action on these recommendations will require significant political will, strengthened capacity, as well as financial resources, and increased collaboration across national and sectoral boundaries. Accordingly, the REF encourages enhanced networking at the regional level among all environmental governance actors, including government officials, parliamentarians, and civil society organizations. New forums are needed at the regional level to address the transboundary issues of forests, biodiversity, trade, etc. The REF further calls on the donor community to provide increased funding to governments, regional organizations, and civil society groups to implement the recommended improvements in the transparency, participation, and accountability of environmental governance in the region.