

Summary of the Main Points and Conclusions from the Second Regional Environmental Forum Bangkok, 29-30 January 2004

Introduction

The Regional Environmental Forum (REF) is an annual platform for open exchange, discussion and networking about environmental issues in mainland Southeast Asia. It is a joint initiative of networks of NGOs and individuals from or active in the region which emerged from the Mekong Regional Environmental Governance (MREG) activity undertaken by the World Resources Institute (WRI) and its partners in 2000-2001 under the Resources Policy Support Initiative (REPSI). REF I was hosted by the Cambodian Institute for Cooperation and Peace on 14-15 November 2002 in Phnom Penh, Cambodia, with a theme of "Advancing Environmental Governance." In that meeting, 35 participants from NGOs and research institutions participated and agreed on a joint statement providing concrete recommendations for strengthening environmental governance in the region.

The Second Regional Environmental Forum (REF II), convened by the Thailand Environment Institute (TEI) in partnership with WRI, was held in Bangkok, Thailand from 29-30 January 2004. 60 participants from 8 countries, representing governments, civil society, and international organisations attended the meeting which had as its theme "Sustainable Development and Environmental Governance: Implementing Access to Information, Public Participation, and Justice". REF II focused on information exchange, discussion, and brainstorming. Mandated by the REF Steering Committee to design a meeting that would lead to concrete outcomes, REF II became principally an opportunity to share experiences, explore practical ideas and approaches, and learn from collective insight on how to further implement the access principles at the national and regional level.

This report summarises the principle points of agreement and disagreement and serves as a record for the participants of REF II and other interested parties. The report is divided into 10 sections, each of which corresponds to a significant activity or session on the agenda.

1. Opening Plenary

The Second Regional Environmental Forum began with a plenary session presided over by Dr. Somrudee Nicro of TEI. Prof. Dr. Sanit Aksornkoae, President of TEI, and Dr. Tony La Viña, WRI Senior Fellow, welcomed the participants while Prof. Dr. Prinya Nutalaya, Vice Minister for Natural Resources and Environment, Government of Thailand, gave opening remarks. Mr. Ham Samnang from the Cambodian Institute for Cooperation and Peace (CICP) and Mrs. Ravadee Prasertcharoensuk, President of the NGO-Coordinating Committee on Development (NGO-COD) of Thailand presented their views respectively on the Cambodian and Thai experiences in environmental governance. Dr. Nicro introduced the objectives and agenda of the meeting.

2. Participants' Expectations of the REF

The participants were asked to both state and write down their main expectation at the beginning of the REF. Those responses were then categorised as follows, in descending order of the total number of expectations in each category:

- Discussion regarding the future of REF as an institution
- Sharing experiences
- Learning more about access principles
- Developing collaborative relationships
- Discussing regional issues
- Miscellaneous

Please see the attachment for a complete overview of the participants' expectations.

3. Lessons Learned from Participants' Experiences with Access

Following a breakout session in which participants shared personal anecdotes and experiences involving access to participation, information, and justice in environmental decision-making, each breakout group shared the lessons learned from these discussions with the plenary. This section of the report summarises these lessons by category.

Media

- Media must be accessible to the public.
- Media must have the capacity to deal with access issues in an accurate manner.
- Media must facilitate access and the exchange of information both to and from the public.

Government/governmental responsibilities

- Most countries have access incorporated into the laws, but the laws are not sufficiently implemented.
- The role of civil society, including its recognition by governments, is not yet clear in some countries in the region.
- The government needs capacity to synthesise and digest public input.
- Political will is necessary to make the access principles meaningful.
- Decentralisation provides new opportunities for access.
- Regulation is necessary to overcome incentives (financial, time etc.) against participation.
- Inconsistency in access policies across ministries is a problem.
- Decision-making process (EIA) should include an options assessment.

Information

- Information must flow both vertically and horizontally: top-bottom and bottom-top, and within governmental bodies at the same level.
- Information must be communicated in a way useful to the people, in the appropriate language, etc.
- The information must be trustworthy and be based on several different sources. It is important to open up the process to the various stakeholders and to consider the credibility of the information. The information must be made available to all stakeholders.
- The difference between information and knowledge must be realised.
- Many groups in society, including marginalised groups, can be important sources of information.
- Information is power, both in civil society and in governmental bodies.
- It is important to define stakeholders correctly, provide them with accurate information and gather feedback.

Civil Society

- Civil society groups must co-operate to tackle corruption.

- Capacity building must include marginalised groups.

Other

- A broader range of participants at REF II is an important indicator that access is gaining territory.
- Consultation with affected stakeholders leads to more accurate assessment of costs and benefits.
- Participation takes more time, but reduces potential conflict.
- The access principles seem to be accepted all over the region.
- The challenge is to move from consensus on the principle to consensus on the practical application.

Conclusions from this session: In this session, there was general agreement among the participants that there is much to be done, in the region and in their respective countries, so that the access principles are effectively implemented.

4. Recommendations on the Use of Indicators to Assess Access

On the second day, the plenary received an introduction to The Access Initiative's (TAI) methodology for assessing access to participation, information, and justice in environmental decision-making. The participants were invited to form smaller groups to either critically review the TAI methodology (in the cases of information, participation, and capacity building) or to develop indicators (in the case of access to justice). The groups presented their findings and recommendations to the plenary. These presentations are summarised in the following section.

Access to Information

Comments about the TAI framework and indicators:

- The indicators are acceptable, but would in certain cases need to be adapted to specific political and cultural contexts.
- Capacity building is the key to making access happen.
- Government capacity on access needs to be measured.
- It is important to use the appropriate means of communication. In some cases, radio transmissions could be more efficient than through the internet or printed information.
- Inter-agency co-ordination is necessary to ensure success.
- Because there is still insufficient information infrastructure, it can be difficult for information to reach people in remote settings.

Steps for Engaging Governments:

- Identify partners.
- Identify gaps in the capacity of the government.
- Forums for discussion are necessary to provide spaces for exchange of information.
- Capacity building within governmental agencies.
- Focus on key areas to improve the understanding of local actors.

Access to Public Participation

Comments about the TAI framework and indicators:

- These indicators may not be as useful for assessing community-level participation as they are for assessing the participation of other segments of society (e.g., NGOs).
- The indicators can be applied to other entities other than governments (e.g., international organisations, transboundary organisations).
- It is necessary to develop new indicators to make the methodology more complete and appropriate for the region.
- The methodology needs to be adapted to each specific country's political and cultural context.

Recommendations:

- In some countries, the first step might be for governments to conduct self-assessments.
- National forums to discuss the three access pillars (information, participation, and justice) should be organised.
- The private sector should be involved.

Access to Justice

Comments about the TAI framework and indicators:

- The methodology is useful for raising awareness.
- The indicators can be used to monitor Millennium Development Goal #7.
- The indicators can be useful for the governments as a tool for ensuring check and balance.
- The indicators should be country-specific.
- The TAI methodology must be introduced to governments and institutions before an initial assessment is conducted.
- The indicators could be sector-specific.
- Case selection should focus on environmental health impacts since these cases will be more likely to get the attention of the public and officials.
- The group developed a variety of potential indicators to assess access to justice.
- The group attempted to define "access to justice." In creating indicators, TAI must agree whether we are measuring social justice or purely juridical justice (the right outcome under law).

Recommendations

- Involve the government from the beginning of the process.
- Integrate the Access Principles into the electoral process.
- Introduce the methodology step-by-step.
- Avoid terminology and concepts that turn off governments (translate concepts to culturally acceptable terms).
- Capacity-building indicators must measure capacity at all levels of government and society. This includes measuring capacity to undertake "informal processes" (i.e., alternative dispute resolution). Assessment teams must be free of influences and should not contain members from outside the country.

Conclusions from this session: There was general agreement that the TAI methodology can be a useful tool for promoting access in the region. However, many emphasized the need to

adapt the methodology to the particular political and cultural context of the countries in the region.

5. Implementing Access at the Regional Level

After considering the assessment of the access principles at the country-specific level, the plenary then turned to a consideration of access at the regional level. The responses to the various questions posed to the plenary are summarised in this section.

What approaches would be useful to implement the access principles at the regional level?

- Adapting the methodology to better apply to particular institutions and countries
- Adapt the methodology to deal with transboundary impacts
- Need to create space and channels for stakeholders to communicate across national boundaries

Which regional agreements, activities, and issues would be appropriate, strategic, or open to assessment?

- We have many regional agreements, and some common understanding, but what is lacking is implementation and political will.
- There are many tracks going on at once: between international organizations, national ministers, and technical specialists. These tracks suggest that there is political will to create something.
- While it may be good to relate TAI to regional bodies like ASEAN, there is a need to identify the concrete benefits of adopting TAI methodologies. For example, as ASEAN develops its "Vientienne Action Plan" this year, it might be a good opportunity to try to persuade that organization that the access principles should be incorporated into ASEAN's core focus on security, economics, and social development.
- Learning from the experience of Europe might be useful for this region. In Europe, the Aarhus Convention came into force two years ago. All the signatories in Europe are in the process of aligning their laws and regulations with this Convention.

Conclusions from this session: The participants agreed that there was a need to continue exploring concrete ideas on how to collaborate together to promote access at the regional level. There was no consensus on a specific initiative or activity that could be launched.

6. The Use of the TAI Methodology

The participants were then asked to meet with the other participants from their respective countries to consider what actions or work could be done in each country to increase access in environmental decision-making. The participants were also asked to consider whether the methodology developed by TAI could be applied in the respective countries and whether such an application would be useful. One group (miscellaneous) consisted of those participants who were the only ones from their respective countries. The responses of each of these groups to the plenary are summarised below.

Cambodia

- Anticipate further work to apply the access principles.

- Anticipate further work to develop capacity.
- Encourage NGO activity and exchange of information.
- Especially will focus on implementing the Millennium Development Goals.
- Continued decentralisation is likely.
- Development in all regions will be a focus.
- Need to establish more civil society organisations that address consumer interests to increase participation in planning processes.

China

- Review the Access Initiative indicators and see which can be adapted to China's circumstances.
- As a first step, it might be useful to conduct a preliminary assessment, focusing on information.

Laos

- The first step is to increase awareness of the access principles at all levels, step by step.
- Focus on capacity building in information and media.

Thailand

- Will aim to get funding to conduct a second assessment using the Access Initiative framework.
- Will aim to make both government and civil society a part of the assessment, and ensure that the government has a positive attitude towards TAI.

Vietnam

- The access principles are relevant and should be promoted.
- A survey [of interest among civil society organisations] could be organised with sufficient resources. This procedure of building an assessment team could borrow from the Thai experience. It is, however, necessary to adjust the indicators to the Vietnamese situation.

Miscellaneous group

- The Access Initiative indicators could be applied to one regional organisation (ASEAN) or one sector to assess that sector across countries (e.g., energy, the proposed transboundary highway system in mainland Southeast Asia).

Conclusions from this Session: TEI and WRI will work with the participants to identify concrete initiatives that could be launched to promote access principles in specific countries and in the region.

7. The Future of REF

Each of the country groups then reported on what the group would like to see REF become. The responses are summarised below.

Cambodia

- There should be a permanent REF secretariat.
- The REF should be expanded.

China

- REF should not be very broad.
- REF should focus on shared issues so it can work on common points.

Laos

- There should be a secretariat in one country.
- The REF should focus on the Mekong region first, and then expand to ASEAN.

Thailand

- Adopt TAI in ASEAN as this will have a positive impact on the Mekong region.
- Would like to expand REF to ASEAN.
- The next meeting could be hosted by another member of REF (perhaps Vietnam?).

Vietnam

- REF has evolved very quickly, and there is potential for REF to grow more meaningful in the region.
- The REF should deal with issues in the region and subregion.
- There is no need to institutionalise the REF yet.
- The REF could meet concurrently with other intergovernmental meetings in the region (e.g., alongside an ASEAN meeting).
- The composition of the REF steering committee should be formalised, it should be representative and include different categories of representatives.

Miscellaneous group

- Premature to institutionalise the REF with a permanent secretariat.
- The REF can play a unique role in the region, but this needs to be discussed to define aims and hinder duplication with other organisations.

Conclusions from this session: The Steering Committee of the REF was mandated to study the various options proposed on the future of REF. The Committee was also mandated to explore the feasibility of convening a third meeting, including identifying potential hosts and convenors. As suggested by WRI, the possibility of moving the organisational and administrative hub of the REF to a regional or local institution will also be looked at.

8. Selection of steering committee members

- It was suggested that the existing steering committee members continue and that the committee could be expanded as necessary. This suggestion was accepted.

9. Concluding Remarks

At the close of the REF, the hosts (TEI and WRI) summarized the meeting and outcomes as follows:

- The purpose of this REF was to consider ideas and opportunities for collaboration. Viewed from this objective, according to the hosts, the meeting was a success.
- The hosts expressed the hope that individual participants take ideas home and, where appropriate and feasible, undertake initiatives to increase public access to environmental decision-making.

- They noted that the dialogues and one-on-one conversations between participants during the meeting were concrete outcomes from the REF. There was an expectation that the participants will continue to collaborate with each other to promote the implementation of the access principles in the region.
- The hosts also noted that there was interest by some participants in implementing the TAI methodology in their countries.
- For the hosts, the participation of major international and regional organisations was a success of REF II. They acknowledged the support of the donors, in particular the Swedish International Development Cooperation Agency (Sida) and the Ministry of Foreign Affairs of the Netherlands.

10. List of attached speeches and PowerPoint presentations

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