

Module

Why consultations are Important

Why Consultations are Important?

- Help identification of impacts
- Right to be informed and right to know
- Avoid tension and agitation
- Build ownership and accountability
- Facilitate project implementation
- Improve project quality
- Reduce project delay

Critique of Consultation

- Pro-forma exercise to defend pre-determined decisions
- No opportunity for the public to influence decision making
- Why?
 - Inadequate access to information
 - Pre-determined outcomes: controlling 'issue definition'
 - Privileged scientific/technical discourse
 - One way consultative forms of communication

Consultation as an Entitlement

- Env & soc protection as a human Right
- Right to participate in decision-making
- Way to reduce reliance on statistics
- Way to engage community in planning
- Protest strategy – civil society action

Consultation

Some difficulties

- Level or scale of decision-making
- Trans-boundary – Local knowledge?
- Constituency of interested participants
- Advantage of local knowledge lost
- Space between State and citizens

Legal Decisions

- Substantive Issues
 - Directly enforceable right to be fully-informed
 - Inclusive and democratic procedures
 - Opportunity for public to express opinion
 - Information and opinion on the process

Recent Changes in Law

- Procedural tightening – RP accessible document
 - Beyond RP – final planning documents
 - Public scrutiny and participation
 - No room for retrospective dispensation
 - Willingness to review the merits of the facts
 - Beyond 'policing' the procedural rectitude of decision-making

Consultation – Source of Democracy?

- Decision by discussion– centrality of information sharing
- Importance of local knowledge
- Environmental responsibility shared
- Better decision – reflection of a range of values
- Acceptability of risks – multicultural society
- Trust on decisions – ownership
- Balancing 'technism' and uncertainty
- Local environment democracy & sustainability of local agenda - not prescriptive or objective

Consultation as a Protest Strategy?

- Dissatisfaction - gap between ideal and practical
- Consultations as a protest strategy- to buy time
- Judicial review of EIA & RP process - litigation
- Publicity as a political vehicle

What is Required

- Change from protection to consultation is welcome
- People are more vulnerable – no guarantee
- Numbered consultation is outdated; a process?
- Restrictive practice of report preparation outdated
- Empowerment through laws is required;
- Country safeguard systems?
- More consultation with affected communities?
- Disclosure, transparency, accountability required
- Relations of power? Possible to change?