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# Guide for Participation in Democratic Environmental Governance

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## Acronyms and abbreviations

ACE	Action for Climate Empowerment
CBO	Community Based Organisation
CBD	Convention on Biological Diversity
COP	Conference of Parties
CSO	Civil Society Organisation
DPO	Disabled Persons Organisation
ECLAC	Economic Commission for Latin America and the Caribbean
EDI	Environmental Democracy Index
EIB	European Investment Bank
EIU	Economist Intelligence Unit
FAO	Food and Agriculture Organization of the United Nations
FPIC	Free Prior and Informed Consent
GBV	Gender-Based Violence
GCF	Green Climate Fund
GEF	Global Environment Facility
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Corporation for International Cooperation)
IAP2	International Association for Public Participation
ICF	International Finance Corporation
ICT	Information and Communication Technologies
ILO	International Labour Organisation
IPP	Indigenous Peoples Plan
LDCF	Least Developed Countries Fund
LGBT+	Lesbian, Gay, Bisexual, and Transgender
NDCs	National Determined Contributions
NDI	National Democratic Institute
NGO	Non-Governmental Organisation
ODI	Overseas Development Institute
OECD	Organization for Economic Co-operation and Development
RIA	Regulatory Impact Assessment
SIS	Safeguards Information System
TAI	The Access Initiative
UNDP	United Nations Development Programme
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	United Nations Programme on Reducing Emissions from Deforestation and Forest Degradation
WB	World Bank
WFD	Westminster Foundation for Democracy
WRI	World Resources Institute

# Executive summary

## Introduction

Environmental quality of life is a public good. Climate change and environmental degradation affect all peoples, but droughts, floods, deforestation, food insecurity and climate-related displacement often fall disproportionately onto vulnerable communities in developing countries, whose livelihoods are intertwined with land and natural resources of traditional use. It is therefore critical that environmental policy drafted at the national level is representative of and responsive to the views, needs, and concerns of local communities. Hence, environmental and climate actions are predominantly a governance issue.

Although the principles of political engagement on environmental matters do not differ from those of political engagement on other matters, and these have been implicitly recognised (at least in model Western democracies), the thematic specificities of environmental action call for special attention. Principle 10 of the Rio Declaration recognises it by clearly laying out three fundamental rights: access to information, access to public participation and access to justice, as the key pillars of sound environmental governance. These three fundamental rights have been further codified in the Aarhus Convention and the Escazú Agreement and emphasised through the appointment of a UN Special Rapporteur on Environmental Human Rights.

The decision for Westminster Foundation for Democracy (WFD) to provide democracy support around these themes is recent, and while many local factors condition the framework for political engagement beyond the environment and the climate, for local staff in country offices - as well as for local parliaments and Civil Society Organisations (CSOs) - environmental matters are somewhat uncharted territories. This guide aims to assist in mainstreaming these themes across WFD and the organisations with whom WFD interacts.

The WFD-commissioned *Guide for Participation in Democratic Environmental Governance* summarises information about environmental issues in terms of the international agenda, but most of all identifies challenges and entry points to promote stakeholder dialogue. It seeks to provide support both to policymakers through a guiding framework for stakeholder engagement, and to CSOs through a checklist of “dos” and “don’ts” in their work of engaging with vulnerable communities, promoting the fulfilment of environmental democracy rights. Whilst challenges in stakeholder engagement will likely vary according to the local context, interviews with WFD Country Officers and desk research highlighted common threads which constitute the basis for the approaches suggested in this guide: one with the government as an initiator; another with informed and evidence-backed CSOs engaging with policy-making processes as legitimate representatives of vulnerable communities’ concerns.

## Main challenges to effective participation

Challenges to effective participation can be identified both from the demand side (citizens) and from the supply side (governments). Considering the demand for political participation, the financial cost of participating in political processes and the lack of knowledge of electoral processes; political parties and parliaments’ governance structures and composition, their democratic roles and responsibilities, and political outputs, come across as major challenges. In a cascade effect, this lack of knowledge diminishes political accountability, as civil society, and particularly the most vulnerable groups, lack awareness as to who to hold accountable for environmental action; and results in decreasing public scrutiny, which in turn is conducive to lower-quality policy that is neither responsive to nor representative of environmental issues faced at the local level. The

rise in violence and conflict associated with political processes is another barrier to participation, especially in party primaries and in national and sub-national elections in sub-Saharan Africa, that further distances vulnerable groups, particularly women, youth, and disabled individuals. Lastly, the lack of knowledge of civil and environmental democracy rights - including the right to access information, the right to effective political engagement and meaningful consultation, and the right to oversight and to challenge governmental action - dampens the demand from marginalised stakeholders and civil society for political actors to deliver on those rights.

From the political supply side, challenges to effective stakeholder engagement include a lack of goodwill from political actors, the inexistence or poor implementation of effective participatory frameworks, and regulatory capture by special interests. These challenges reiterate the importance of external bodies or watchdog figures, independent of the executive, as well as political parties, project implementers and industry-interests (particularly in energy and extractive sectors), ensuring objective measurement and reporting on the reach, quality, and impact of stakeholder engagement throughout parliamentary work and policymaking.

The lack of effective confluence towards purposeful engagement, coming from the community level, through Community Based Organisations (CBOs) and CSOs, to centre stage policymakers at the national level is another significant challenge, underlining the importance of establishing links between CBOs and CSOs and creating broader platforms to expand visibility of and access to decision makers, and to increase the legitimacy and representativeness of vulnerable groups. This effect is further compounded by the syndrome of “us” versus “them”, as CSOs are frequently perceived as adversaries by policymakers and often act in such a manner. Tactics to foster cooperative partnerships can go a long way towards increasing effective stakeholder participation at the decision-making level.

Finally, special interests, such as those representing extractive industries, may have disproportionate access and influence over political parties, parliamentary committees, and the executive, making it difficult for CSOs to compete with industry interests when it comes to influencing decision-making at the central level, or to ensure that the needs, concerns, and grievances of local and vulnerable groups are effectively addressed in regulatory frameworks for those sectors.

## **International response to stakeholder participation**

Major international agreements on climate and the environment, such as the Paris Agreement, the Convention on Biological Diversity and the UN Convention to Combat Desertification, as well as the United Nations Framework Convention on Climate Change (UNFCCC) and United Nations Programme on Reducing Emissions from Deforestation and Forest Degradation (UN REDD+) programmes call for inclusive participation of vulnerable communities in the implementation of environmental action. However, most of the safeguard frameworks ensuring that vulnerable stakeholders' rights, livelihoods, and cultural heritage are not affected by environmental action come from multilateral financing bodies such as the World Bank, the Green Climate Fund (GCF), or the Green Environmental Facility (GEF). Consequently, the design, comprehensiveness, and implementation of such safeguards are project-oriented, and do not guarantee the improvement of communities' capacity to voice their views, needs and concerns so that they can effectively enhance their influence over environmental programmes and policy.

An analysis of the existing mechanisms reveals that, out of all of them, the Free Prior and Informed Consent (FPIC) standard is one of the most robust safeguards, empowering local communities to lead negotiations and determine the appropriate deliberation process, its timeline, language, and location, using their right to request information from implementing agencies (which

should be offered transparently, objectively, and in a timely manner). FPIC processes further establish communities' right to withhold consent or withdraw it at any stage of project design or implementation.

However, there are varying views of FPIC amongst multilateral organisations. While organisations such as the Food and Agriculture Organization of the United Nations (FAO) or the Green Climate Fund (GCF) view FPIC as a vulnerable stakeholder engagement process with intrinsic value, regardless of whether communities are positively or negatively impacted by project-related events, the World Bank and the European Investment Bank only require FPIC processes in specific project-related circumstances which pose *risks and negative effects on local communities*. Additional differences across funding agencies and multilateral bodies arise when it comes to safeguards to avoid, mitigate, and compensate indigenous and local communities for restrictions on land use and involuntary resettlement. Organisations such as the GCF and the World Bank have robust resettlement safeguards and explicitly withhold financing from projects which may lead to forced displacement, while the Global Environment Facility (GEF) has notably less robust safeguards, and *does not explicitly* withhold funding from projects which may result in involuntary resettlement of indigenous or local communities.

Overall, one critical concern is that major international agreements, including the Paris Agreement, the Convention on Biological Diversity, and the UN Convention to Combat Desertification, fail to include safeguards ensuring that communities have access to justice and grievance mechanisms when they are affected by environmental projects or policy. This leaves communities with no option but to rely on national legal systems, which they might lack the funds and capacity to access, or project or donor specific redress mechanisms, the transparency and effectiveness of which will vary according to implementing agencies.

## **Government systems and environmental democracy**

It is widely recognised by multilateral development agencies, academics and CSOs that there are strong linkages between climate mitigation and adaptation and the strengthening of democracy and good governance. In fact, according to the Environmental Democracy Index developed by the World Resources Institute and the Access Initiative, there is a clear wedge between high and low income countries with regard to guaranteeing and providing for the three environmental democracy rights. An analysis of the data provided by these institutions reveals that high and upper-middle income countries are more likely to have robust institutions that safeguard political pluralism and civil rights, including freedom of speech and of association, providing the democratic pathways for vibrant civil societies and representative organisations to exert their influence over policymakers. On the other hand, low income countries, facing growing democratic deficits, low degrees of confidence in government, and shrinking civic spaces due to restrictions on civil liberties and political pluralism, often lack the procedural frameworks to fulfil citizens' environmental rights or the capacity and resources to make existing frameworks substantive.

## **Best practices in stakeholder engagement**

Kliskey, A., et al (2021)<sup>1</sup> developed a framework for supporting the development and application of best practices in community and stakeholder engagement, by both the government and CSOs. This framework results from a review and meta-synthesis of a broad range of existing models, frameworks, and toolkits for community and stakeholder engagement and proposes a set of

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1. Kliskey, A. et al. (2021). Thinking Big and Thinking Small: A Conceptual Framework for Best Practices in Community and Stakeholder Engagement in Food, Energy, and Water Systems. *Sustainability*, MDPI.

characteristics or elements articulated through three interconnected processes: the engagement, the technical, and the monitoring processes. These processes depend on the situational awareness of a place or problem, and a culture of sharing values, respect, and trust, implying that community and stakeholder engagement is based on situational awareness, or context, as a pre-condition for engagement.

Kliskey et al's framework contains ten proposed characteristics, which are: i) Situational Analysis; ii) Sharing Values and Respect; iii) Early, Iterative, and Lasting Engagement; iv) Collaborative Power Sharing; v) Co-Ownership of Process; vi) Co-Generation of Knowledge and Outcomes; vii) Technical Process: Explicit Integration of Stakeholder Knowledge and Science; viii) Reflective and Reflexive Experiences; ix) Regular and Transparent Communication; and x) Evaluation.

## **A gender-sensitive and non-binary approach to engagement**

Inclusive participation is rooted in the concept that every person, regardless of identity, is instrumental in the transformation of their own societies and that their inclusion through political participation leads to better outcomes.

Promoting an 'intersecting identities approach' to engagement is therefore paramount to ensure inclusiveness. This approach entails recognising that gender identities are flexible (that is, non-binary) and that each society's structures, norms, and rules create these identities. It proposes a relational view of the dynamics in a community, assuming that problems cannot be solved within a silo but rather addressed from multiple perspectives, and seeks a better understanding both of how a person's multiple identities affect their influence and power in each situation and how society may or may not be addressing their grievances.

By acknowledging each person's multiple identities and how these affect her voice and power, the intersecting identities approach is put forward in this guide as a fundamental principle for designing stakeholder engagement strategies.

In addition, the appendices in this guide provide general principles, best practices, specific tools, and techniques to engage with indigenous peoples, women, youth, persons with disabilities, and the poor.

## **Government: guidelines for a more effective stakeholder engagement**

The Organization for Economic Co-operation and Development (OECD) Draft for Public Consultation on *Best Practice Principles on Stakeholder Engagement in Regulatory Policy*<sup>2</sup> provides a set of guidelines that align with the best practices for stakeholder engagement previously listed. These guidelines were structured to provide a five-step approach to developing a Regulatory Framework for Effective Stakeholder Engagement, with the government as initiator, and consider both the requirements to ensure effective participation and its potential pitfalls.

The first step is the will to develop a guiding policy for stakeholder engagement. The second is creating the conditions for stakeholder engagement and defining rules, including capacitating the administration, providing guidance, developing appropriate consultation materials, ensuring accessibility, planning for engagement and evaluation, and ensuring control and oversight. The third step calls for the development of a consistent and systematic approach through government-wide consultation policy and includes tools such as a Spectrum of Public Participation and a Public

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2. OECD. (2017). *Best Practice Principles on Stakeholder Engagement in Regulatory Policy*.

Participation Matrix to help categorise the regulator-community relationships. The fourth step lists a set of prerequisites to make the most of engagement: educate to engage, nurture civil society, treat stakeholders with respect, provide specific information, engage early, engage inclusively, avoid regulatory capture, avoid overreliance on advisory bodies or experts, prevent consultation fatigue and show impact of engagement activities. Finally, the fifth step deals with evaluation and learning, providing guidance to evaluate stakeholder engagement policy and individual engagement activities.

This step-by-step approach further includes examples of consultation instruments, participatory tools, techniques and methodologies for informed participation, guidance for public engagement and examples of best practices.

## **CSOs and CBOs: guidelines for a more effective policy engagement**

CSOs are fundamental players in international development. However, in developing countries CSOs still have a limited influence on policy and practice, and ultimately in the lives of vulnerable people. In many countries they act on their own or in opposition to the state, leading to questions about their legitimacy and accountability. Their policy positions are also frequently questioned: researchers challenge their evidence base, and policymakers question the feasibility of their recommendations. The literature identifies three main obstacles to more effective policy engagement by CSOs: poor use of evidence, external and internal obstacles, and lost potential for coalitions. Strategies to tackle these challenges include the use of evidence to increase policy influence, addressing external and internal obstacles to political engagement, and building advocacy coalitions to increase political engagement.

By better using evidence, CSOs can improve the impact of their service delivery work; increase the legitimacy and effectiveness of their policy engagement efforts, helping them gain influence at the policy table; and ensure that policy recommendations serve their goals of impact in vulnerable communities. Evidence can leverage CSOs' legitimacy to exert political influence by:

- i. identifying the political constraints and opportunities and developing a political strategy for engagement;
- ii. inspiring support for an issue or action; raising new ideas or questioning old ones; creating new ways of framing an issue or policy narrative;
- iii. informing the views of others; sharing expertise and experience; putting forward new approaches; and
- iv. improving, adding, correcting, or changing policy issues; holding policymakers accountable; evaluating and improving own activities, particularly regarding service provision.

The major external obstacle to political engagement by CSOs is related to problematic political contexts that constrain their work. Proposed responses to this challenge include campaigns to improve policy positions and governance contexts, "boomerangs" to change national policy, and policy pilots to develop and test operational solutions to inform and improve policy implementation. Solutions for internal challenges towards a more effective policy engagement involve rigorous context assessments; better strategy; relevant, objective, credible, generalisable, and practical evidence; and better communication to make their points accessible.

Finally, building coalitions with advocacy partners is key to enhance the reach of the advocacy effort; enable greater efficiency and effectiveness by combining resources and skills; leverage the comparative advantage of each member; and reduce duplication. CSOs' participation in multi-

stakeholder advocacy coalitions leverages their voices in decision-making processes alongside “traditional” decision makers such as governments and the donor agencies. From the perspective of the government, coalitions provide an opportunity to engage with a coordinated “CSO voice”, rather than dealing with multiple and disparate CSOs.

## **Concluding remarks**

Going forward, a few pathways take form as entry points to expand the political participation of the most vulnerable communities.

Firstly, interviews with WFD Country Officers highlighted the importance of establishing effective participatory pathways from the community level, through CBOs and CSOs, to centre stage policymakers at the national level. CBOs have privileged access to, and information about, the needs of local communities and are well capacitated to represent their interests, but are often not integrated in larger CSO platforms, diminishing their influence at the central level, and hindering the integration of local communities’ concerns into environmental policy. National level CSOs often have more resources, higher visibility in traditional media, and better access to parties, parliaments, and the executive. Their knowledge and visibility can be leveraged by building the capacities of CBOs, therefore increasing their legitimacy as representatives of vulnerable communities at the central level. Such positive-sum partnerships will lead to greater influence of vulnerable communities in environmental policymaking and to an overall expansion of civic space, strengthening democratic culture.

A second entry point is the establishment of external bodies or watchdog figures, independent from the executive: political parties, project implementers, and industry interests (particularly in the energy and extractive sectors), ensuring objective and transparent monitoring and reporting on the reach, quality, and effectiveness of stakeholder engagement throughout parliamentary work and policymaking.

A third entry point occurs at the interface of CSOs and the government, by making clear to both parties the benefits of a more collaborative approach, which would allow CSOs a more permanent seat at the decision-making table and the government a more effective reach across several groups of stakeholders, including the most marginalised.

Lastly, a fourth entry point is through the expansion of civic education at all levels, but particularly targeting the most vulnerable groups. Greater knowledge of electoral processes, political parties, and parliaments’ governance structures (including their democratic responsibilities and political outputs), will allow citizens to leverage their political voice to ensure policies are responsive and representative of issues faced at the local level, heightening accountability over political action or lack thereof. Moreover, greater knowledge of their own civic and environmental rights will increase demand from marginalised stakeholders and civil society for political actors to deliver on those rights.

# 1. Introduction

Environmental and climate issues are among the main international challenges affecting livelihoods. This has been acknowledged in the Aarhus Convention, the Paris Agreement and the 2030 Agenda, and there is an urgent need to implement concrete actions. The identification of developing countries' gaps and needs in relation to environmental issues is crucial, and for that a strong dialogue must take place with all stakeholders. Only by doing this will the needs of all be properly identified and ownership of the policies and projects developed guaranteed.

As of today, the Paris Agreement is the major climate international agreement under the United Nations, and subscribing countries have expressed their commitment to develop national policies and projects to become carbon neutral by the second half of this century. According to scientists, achieving carbon neutrality by the end of the 21st century is the only way to avoid an increase in the global average temperature of more than 2°C; ideally it would not go above 1.4 °C. Nevertheless, in the Mediterranean area and in Africa, the average temperature has already increased by 1.5°C since preindustrial times (1780). To reach these goals, developing countries have been called to define their National Determined Contributions (NDCs), and to obtain financing from donor organisations they are required to promote a strong and structured stakeholder dialogue. It is therefore imperative to see the creation of institutional governance structures that include a wide range of stakeholders, to make sure all needs are heard and that solutions can potentially improve the quality of life of the entire population.

Hence, "governance" has gradually implied moving away from state control to include other actors in the decision-making process, and therefore to promote wider participation in the decision processes of countries and other entities. Participatory governance has the potential to improve decision-making processes as they incorporate local knowledge and open the political arena for environmental interests. It has been formally defined as *'the processes and structures of public decision making that engage actors from the private sector, civil society and or the public at large, with varying degrees of communication, collaboration and delegation of decision-making power to participants'*.<sup>3</sup>

Progressive environmental policies are still perceived by many political leaders and citizens alike as not being able to increase the number of jobs and the wealth of a country - which is completely incorrect. The participation of the public in environmental decision-making processes is perceived as one of the responses to the general lack of societal ownership, effectiveness, and ambition of environmental policy. In fact, climate change is a global problem with local impacts, and its complexity and differing levels make it a requirement *'to take account of microscopic as well as macroscopic aspects'*,<sup>4</sup> such as the involvement of actors at different levels. For example, the uncertainties and incomplete scientific knowledge of the effectiveness of renewables make it necessary to incorporate knowledge from all stakeholders, especially indigenous stakeholders, for a more complete understanding and for workable solutions. The uncertainty related to environmental justice, who the victims are, what the causes of the problem are, and where resources should be allocated, make it necessary to engage actors at all levels, sectors, and "walks" of society for a truly inclusive approach. This will allow the incorporation of different perspectives and value judgments by persons who are affected by and affecting the problem, thus enhancing the legitimacy of the decision-making process.<sup>5</sup>

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3. Savitri, J. (2019). Stakeholder Engagement for Inclusive Climate Governance: The Case of the City of Turku. *Sustainability*, MDPI, pgs.3-4.

4. Ibid. pg.4.

5. Ibid. pg.4.

Finally, since climate change is irreversible and some damage cannot be repaired, preventive and proactive approaches require diverse knowledge and experiments, and the application of the precautionary principle.

However, the literature has not provided a consensus on the benefits of stakeholder participation in environmental decision-making. There are as many examples of participatory processes that led to tangible environmental and social benefits, as there are examples that led to negative outcomes or a failure to meet goals or expectations. Some explanations of the negative outcomes suggest that lower levels of engagement are a form of manipulation, and as such, advocate for more democratic, co-productive modes.<sup>6</sup> The positive environmental outcomes from participatory processes are not guaranteed but rather depend on factors spanning three dimensions: breadth of involvement, communication and collaboration, and power delegation to participants.

*'Stakeholders can influence environmental outcomes when there is professional facilitation, which helps to overcome power imbalances, and co-optation of environmental groups, when there is less trustful setting that avoids co-optation and when there are adequate resources. There is consensus in the literature that the quality of the participatory process strongly influences the quality of the decision output.'*<sup>7</sup>

This brings us back to governance and to the importance of this guide.

Notwithstanding the importance of action by all, developing countries are already the most affected by climate change impacts such as droughts, heavy rains and flooding, and loss of biodiversity, with a direct effect on food security. Country ownership of climate policies and strong stakeholder dialogue are key to ensuring not only that proper measures are implemented incorporating local knowledge, but also in alignment with the local culture. Often, climate and environmental issues are complex and not properly embedded into public policies. Thus enhancing the participation of the population, especially of the most vulnerable groups, in the public discussion of environmental policies and investments, is essential.

Although the principles of political engagement on environmental matters do not differ from those of political engagement on other matters, and have been implicitly recognised at least in model Western democracies, the thematic specificities of environmental action call for special attention.

Principle 10 of the Rio Declaration<sup>8</sup> recognises this by stating that: *'Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided...'*

6. Savitri, J. (2019). Stakeholder Engagement for Inclusive Climate Governance: The Case of the City of Turku. Sustainability, MDPI, pg.4.

7. Ibid. pg.4.

8. <https://www.unep.org/civil-society-engagement/partnerships/principle-10#:~:text=Principle%2010%20was%20adopted%20in%201992%20as%20a,of%20all%20concerned%20citizens%2C%20at%20the%20relevant%20level.>

It clearly lays out three fundamental rights - access to information, access to public participation and access to justice - as the key pillars of sound environmental governance. These three fundamental rights have been further codified in the Aarhus Convention and the Escazú Agreement and emphasised through the appointment of a UN Special Rapporteur on Environmental Human Rights.

The decision for WFD to provide democracy support around these themes is recent, and while many local factors condition the framework for political engagement beyond environment and climate, for local staff in country offices - as well as for local parliaments and CSOs - environmental matters are somewhat uncharted territories. This guide aims to assist in mainstreaming these themes across WFD and the organisations with whom WFD interacts.

This guide builds on: desk research on existing safeguards and multilateral response to challenges to the effective participation of vulnerable stakeholders; best practices on civic society engagement in developing countries and its relationship with environmental issues; and on interviews conducted with WFD officers. These interviews sought to identify the main challenges faced in countries with different political and economic contexts, and to infer and propose an approach to increase environmental related civic society engagement in developing countries.

The guide summarises information about environmental issues in terms of the international agenda, but most of all it identifies challenges and entry points to promote stakeholder dialogue. It also seeks to provide support to policymakers, through a guiding framework for stakeholder engagement, and to CSOs through a checklist of “dos” and “don’ts” in their work of engaging with vulnerable communities. It is not a universal tool, nor a repository of all relevant topics and issues concerning environmental democracy. Rather, it offers guidance to foster environmental and climate dialogues with local communities, so that access to information, to decision making processes, and to justice is promoted and implemented. It is structured as follows:

- Chapter 1 explains the relevance of this guidebook.
- Chapter 2 addresses the main challenges to effective participation and delineates entry points to tackle these challenges. It draws from the existing literature, but also from the field experience kindly shared by WFD Country Officers in Kenya, Pakistan, Indonesia, Sierra Leone, and Bosnia Herzegovina.
- Chapter 3 addresses the existing safeguards and multilateral response to challenges in effective participation of vulnerable stakeholders, and discusses its capacity to enforce the three fundamental rights: access to information, access to decision making and access to justice.
- Chapter 4 digs into the relation between government systems and environmental democracy. It concludes that the effective exercise of environmental democracy rights appears to be anchored in structural democratic frameworks or in vibrant civil societies (or both), and that low-income countries tend to show a deficit of both.
- Chapter 5 offers a conceptual framework for best practices in community and stakeholder engagement obtained from an extensive review of best practices, and details each of the 10 best practices identified.

- Chapter 6 draws attention to the importance of a gender-sensitive approach, as gender frequently intersects vulnerabilities and both gender and gender-related groups may constitute self-defining minorities. It also points to the essential non-binary nature of stakeholders. It addresses the relationship between inclusive participation and gender analysis, and highlights the importance of promoting an intersecting identities approach to engagement.
- Chapter 7 provides a step-by-step approach for an effective stakeholder engagement with the government as initiator, considering the requirements to ensure effective participation and the existing pitfalls. It provides examples of consultation instruments, participatory tools, techniques and methodologies for informed participation, a spectrum for public participation and a participation matrix to help categorise the regulator-community relationships, guidance for public engagement and examples of best practices.
- Chapter 8 offers guidelines for addressing the main obstacles to a more effective policy engagement by CSOs: poor use of evidence, external and internal obstacles, and poor use of coalitions.
- Chapter 9 provides the concluding remarks; identifies entry points towards a more effective political participation of the vulnerable communities at the government, CSO and CBO levels; and points to the perils of justice being the least accomplished pillar, both in terms of regulatory frameworks and safeguards.
- The appendices synthesise specific guidance to engage with specific vulnerable communities: indigenous peoples, women, youth, persons with disabilities and the poor.

## 2. Main challenges to effective participation

There is an established consensus amongst development agencies, CSOs, and practitioners, that engagement with vulnerable stakeholders is not only beneficial, but critical to the implementation of effective environmental and climate-adaptation policy and programming.<sup>9</sup> However, there are many challenges regarding the political participation of vulnerable groups, making its implementation difficult.

Considering the demand for political participation, one significant challenge is that political processes are costly, and vulnerable groups lack the funds, the knowledge, and the capacity to partake in them. Vulnerable stakeholders have little knowledge of electoral processes; political parties; and parliaments' governance structures and composition, as well as their democratic roles and responsibilities; and political outputs. Accessing this information has a financial cost, particularly to communities in remote and deprived rural areas, persons with disabilities, or cultural or ethnic minorities who speak in local or regional dialects. Citizens' and communities' lack of awareness or perceived capacity to participate in political processes reduces participation, and with this comes the cost of missed opportunities to use their political voice to raise their views, concerns, and challenges, or leverage the momentum of electoral campaigns to influence future policy making. In addition, a lack of knowledge of political parties and parliaments' governance, processes, and outputs makes it challenging for civil society, and particularly for the most vulnerable groups, to know who to hold accountable for environmental action (or lack thereof). This decreases public scrutiny, which in turn is conducive to lower quality policy that is neither responsive nor representative of climate issues faced at the local level. In some countries, particularly in sub-Saharan Africa, political processes such as party primaries, national and sub-national elections are associated with rises in violence and conflict, further distancing vulnerable groups, particularly women, youth, and individuals with disabilities from partaking in them. Finally, a lack of knowledge of civil and environmental democracy rights, including the right to access information, the right to effective political engagement and meaningful consultation, and the right to oversight and challenge governmental action, dampens the demand from marginalised stakeholders and civil society for political actors to deliver on those rights.

From the political supply side, challenges to effective stakeholder engagement include the lack of goodwill from political actors, the inexistence or poor implementation of effective participatory frameworks, and regulatory capture by special interests. Political parties, parliamentarians, and the executive have an incentive to hold on to their political positions which can slow down effective participation of citizens throughout political cycles. Although policymakers and project implementers often engage with local communities in search of privileged knowledge of the local context and dynamics, to facilitate timely implementation of environmental policy and programmes, critique or concerns raised by communities are not necessarily considered nor integrated into pre-existing plans.<sup>10,11</sup>

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9. Economic Commission for Latin America and the Caribbean (ECLAC). (2018). *Access to information, participation, and justice in environmental matters in Latin America and the Caribbean: towards achievement of the 2030 Agenda for Sustainable Development* (pp. 13-17). Santiago: United Nations.

10. Boström, M., Dreyer, M., & Jönsson, A. (2011). Challenges for stakeholder participation and communication within regional environmental governance. Comparing five environmental risks in the Baltic Sea. In *International Council for the Exploration of the Sea (ICES) Annual Science Conference* (pp. 24-25). Poland.

11. Haddaway, N., Kohl, C., Rebelo da Silva, N., Schiemann, J., Spök, A., & Stewart, R. et al. (2017). A framework for stakeholder engagement during systematic reviews and maps in environmental management. *Environmental Evidence*, 6(1), 5-6. doi: 10.1186/s13750-017-0089-8.

At the national level, parliaments in low income developing nations may lack:

- *effective procedural pathways* to ensure that citizens are provided with information on political processes in a culturally appropriate manner;
- due time to analyse the information at stake;
- appropriate spaces to voice their concerns with relevant political actors, including public hearings and CSO representation in parliamentary committees; as well as
- procedures to incorporate this feedback into legislative outputs.

In fact, even in countries such as Pakistan or Indonesia, where the legislative framework requires that citizens are given access to information upon request, and parliamentary committees and caucuses must report on their workflow to CSOs and the general public, this does not ensure that information is available or disseminated in a culturally appropriate manner, taking into account barriers such as rural communities' lack of access to technology, lack of literacy in official idioms, or physical disabilities.

Indeed, even when countries have normative procedures for stakeholder engagement, these may not ensure substantial participation that results in citizens' concerns being reflected into policymaking, or that feedback is provided to the public when their inputs are disregarded. This concern was raised throughout our interviews, with WFD Country Officers reiterating the importance of *external bodies or watchdog figures*, independent from the executive: political parties, project implementers and industry-interests (particularly in energy and extractive sectors). These bodies and watchdog figures can ensure objective measurement and reporting on the reach, quality, and impact of stakeholder engagement throughout parliamentary work and policymaking. Another common thread in interviews was the lack of effective confluence towards purposeful engagement from the community level, through CBOs and CSOs, to centre stage policymakers at the national level. CBOs have privileged access to vulnerable communities at the province and district levels, are aware of the environmental challenges and impacts they face, and therefore have the legitimacy to represent their interests. However, they often only have access to local officials with little influence at the central level. This highlights the importance of establishing links between CBOs and CSOs, creating broader platforms with greater media visibility and access to national decision makers, to increase the legitimacy and representativeness of vulnerable groups at the central level.

Another particularly concerning challenge is that some extractive industries may have disproportionate access to and influence over political parties, parliamentary committees, and the executive.<sup>12,13,14</sup> In this context, it is challenging for CSOs, even those with nationwide visibility, when it comes to influencing decision making at the central level. They must compete with industry interests to ensure that the needs, concerns, and grievances of local and vulnerable groups are effectively addressed in regulatory frameworks for those sectors. It is important that CBOs and CSOs work together, drawing attention to the fact that such industries are required to comply with demanding environmental legislation and stakeholder engagement frameworks in their headquarters countries (in Europe and America), and that most of them follow a sustainability strategy, and therefore should engage with local communities, enhancing their livelihoods when they operate in developing countries.

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12. Robinson, J., Torvik, R., & Verdier, T. (2006). Political foundations of the resource curse. *Journal of Development Economics*, 79(2), 447-468. doi: 10.1016/j.jdeveco.2006.01.008

13. Caselli, F., & Michaels, G. (2013). Do Oil Windfalls Improve Living Standards? Evidence from Brazil. *American Economic Journal: Applied Economics*, 5(1), 208-238. doi: 10.1257/app.5.1.208.

14. Armand, A., Coutts, A., Vicente, P., & Vilela, I. (2020). Does Information Break the Political Resource Curse? Experimental Evidence from Mozambique. *American Economic Review*, 110(11), 3431-3453. doi: 10.1257/aer.20190842.

Lastly, another bottleneck relates to the syndrome of “us” versus “them”. CSOs are frequently perceived as adversaries by policymakers and often act in such a manner, doubling down in a criticism posture that leads to contact withdrawal from policymakers and feeds into a gridlock of increased opposition versus dismissal and withdrawal. Tactics to foster an “undressing” of their respective roles and the building of effective partnerships can go a long way in increasing effective stakeholder participation at the decision-making level.

Although the challenges to effective participation of vulnerable communities in environmental matters will likely vary according to the local context, this chapter highlights common challenges to stakeholder engagement, which constitute the basis for the approach suggested in this guide.

### 3. International response to stakeholder participation

The Rio Earth Summit in 1992 recognised the importance of effective participation of vulnerable stakeholders in climate adaptation and environmental policy, including but not limited to indigenous and local communities, women, migrants, persons with disabilities, and the youth.

The willingness to engage stakeholders in multilateral climate agreements was furthered in the Paris Agreement, which entered into force in 2016. The Agreement is central to today's global agenda on climate change, setting the call-to-action to limit global warming below 2 °C, aiming for 1.5°C. Its text calls on national and subnational authorities, civil society, the private sector and financial institutions to strengthen knowledge, technologies and efforts of local and indigenous communities. It clearly urges for the inclusion of vulnerable stakeholders in broad coalitions for change, in order to scale up efforts and actions to reduce emissions, design climate adaptation and resilience strategies, and decrease developing countries' and deprived communities' vulnerability to the effects of climate change.<sup>15</sup> The preamble of the treaty states that all mitigation and resilience-building action should: *'respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity'*.<sup>16</sup> The fifth section of the agreement is dedicated to vulnerable stakeholders, calling for climate adaptation to follow a *'country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems [...] based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions [...]*'.

However, the Paris Agreement and subsequent annual Conferences of Parties (COPs) have been accompanied by widespread criticism from non-governmental organisations (NGOs), CSOs, multilaterals and some segments of the UN itself, pointing out that finance mechanisms established under the treaty are not meeting expectations regarding the requirement of specific human rights-based safeguards, particularly when it comes to protecting indigenous and local communities, and other disproportionately climate-affected groups.

A 2016 white paper from the UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment reinforces that safeguards are critical to *'[...] protect against human rights abuses by ensuring that climate programs and policies supported reflect the concerns of those most affected. Failing to include safeguards can foster controversy and conflict that can derail projects, call into question the legitimacy of Paris mechanisms, and harm the very people that the projects are supposed to help'*.<sup>17</sup>

15. Jetoo, S. (2019). Stakeholder Engagement for Inclusive Climate Governance: The Case of the City of Turku. *Sustainability*, 11(21), 1-4. doi: 10.3390/su11216080.

16. United Nations. (2015). Paris Agreement.

17. United Nations Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. (2016). Human Rights and Safeguards in the New Climate Mechanism established in Article 6, paragraph 4 of the Paris Agreement [White Paper].

Well-defined social and environmental standards would set a framework for governments, multilateral bodies, development agencies, the private sector and project implementers to identify, mitigate and redress any potential adverse environmental and social impacts of their activities, maximising their potential environmental and social benefits. In sum, safeguards would ensure that climate adaptation activities adhere to the “do no harm” development motto. Whilst Paris-serving mechanisms created under the UN Framework Convention on Climate Change (UNFCCC) financing arm - such as the Green Climate Fund (GCF), the Green Environmental Facility (GEF) and the Least Developed Countries Fund (LDCF) - have environmental and social frameworks which include safeguards requiring impact assessments prior to activity, meaningful consultation of local communities, the provision of redress and grievance mechanisms, and the design and robustness of such requirements varies across multilateral bodies. Hence, Paris critics argue for the inclusion of safeguard standards at the Treaty level, creating a set of uniformed commitments that are critical to avoid past climate action mistakes, such as the case of the Barro Blanco dam, a project developed and financed under Kyoto Protocol mechanisms which flooded indigenous lands and forcefully displaced vulnerable communities in Panama.<sup>18</sup>

Following this criticism, COP-25, the latest conference of Paris country parties, held in 2019, adopted the enhanced five-year *Lima Work Programme on Gender*, a work plan setting out objectives and activities to build women’s capacities and ensure their effective participation in the UNFCCC process, and requiring all climate mitigation action and plans to be gender-responsive. The plan follows momentum in the women’s rights global agenda; however, it lacks clearly identified progress indicators, targets, and safeguards.<sup>19</sup> More importantly, no agreements or advancements have been reached when it comes to the requirement of strict safeguards on access to information, effective participation, and grievance mechanisms, which continue to be absent from the Paris Agreement.

Other major international agreements on environmental matters include the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change (UNFCCC), adopted at the Rio Earth Summit in 1992, and the UN Convention to Combat Desertification (UNCCD), which entered into force in 1996. The Convention on Biological Diversity aims to conserve biodiversity via the sustainable use of its resources as well as the fair and equitable distribution of benefits arising from the utilisation of genetic resources. The Convention to Combat Desertification in countries experiencing serious drought and/or desertification, particularly in Africa, is the only binding international agreement linking the environment and development to sustainable soil management, focusing specifically on arid, semi-humid and dry areas with vulnerable ecosystems. Both conventions call on the participation of indigenous and local communities and women at all levels of decision-making and programme implementation.<sup>20,21</sup> The Convention on Desertification specifically calls on national authorities to facilitate access to appropriate information for CSOs and local communities’ representatives, particularly women, farmers, and stakeholders whose livelihoods rely on the use of land. The Convention on Biodiversity calls on governments to provide for public participation in environmental impact assessments of projects that may have adverse effects on biodiversity. The conventions call on governments and international organisations to develop educational and public awareness programmes to promote understanding of the action required to ensure biological conservation and combat desertification and its importance. The Convention on Desertification specifically calls on national and international authorities to partner

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18. Center for International Environmental Law (CIEL). (2019). Getting Article 6 Right with Human Rights [Blog].

19. Carbon Brief. (2019). COP25: Key outcomes agreed at the UN climate talks in Madrid.

20. Economic Commission for Latin America and the Caribbean (ECLAC) Observatory on Principle 10. Convention on Biological Diversity.

21. Economic Commission for Latin America and the Caribbean (ECLAC) Observatory on Principle 10. United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa.

with CSOs to build the capacity of local communities to understand and contribute to action against desertification via culturally-sensitive educational programmes and public campaigns in local languages. Finally, one important caveat is that neither convention (nor the Paris Agreement) provides safeguards when it comes to access to justice and grievance mechanisms. For example, the goal of Action for Climate Empowerment (ACE) under the UNFCCC, with its six focus areas of education, training, public awareness, public participation, public access to information, and international cooperation on these issues, is to empower all members of society to engage in climate action. Its scope encompasses, therefore, two of the three pillars of environmental democracy, namely access to environmental information and access to decision-making. However, this work is voluntary for parties, and access to justice, the third pillar of environmental democracy, is unfortunately not part of the scope of ACE.

Complementary to the Paris agenda, the UNFCCC process also includes efforts targeted at reducing greenhouse gas emissions from deforestation and forest degradation in developing countries: the UN REDD+ programme, with 65 country parties. REDD+ places a financial value on forest carbon stocks offering developing countries payments for actions that effectively reduce emissions from deforestation and forest degradation, incentivising the conservation and enhancement of forest carbon stocks and the overall sustainable management of forests.<sup>22</sup> Whilst REDD+ projects can potentially generate social and environmental benefits they might entail risks to indigenous and local communities whose livelihoods rely on forestry.

In recognition of this, at COP-16 (Cancun), seven safeguard requirements for REDD+ payments were agreed. Most relate to the three pillars of environmental democracy; the second safeguard calls for *'transparent and effective national forest governance structures, taking into account national legislation and sovereignty'*,<sup>23</sup> so that civil society knows who to hold accountable when it comes to the mitigation of deforestation and overall sustainable management of forests. In addition, the third safeguard mandates that all REDD+ projects must respect the knowledge and rights of indigenous and local communities, following the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other international and national commitments. Finally, in tune with the participation pillar of environmental democracy, the fourth Cancun Safeguard mandates that REDD+ projects ensure *'full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities in the actions related to reducing emissions from forest deforestation and degradation, the conservation and enhancement of forest carbon stocks and the overall sustainable management of forests'*.

Whilst the Cancun Safeguards are explicit when it comes to effective participation of vulnerable stakeholders, the second safeguard does not preview culturally appropriate means for indigenous and local communities to monitor and influence forest governance at the national and sub-national level, and there is notably no safeguard ensuring effective mechanisms for vulnerable communities to challenge action (or inaction) from governments.

A Safeguards Information System (SIS) explaining how safeguards are addressed and implemented at the national and sub-national level is a prerequisite for REDD+ country parties to access results-based payments, and periodic summary reports must be submitted to the UNFCCC on this matter. However, as of 2020, a decade after the Cancun Agreements, only 17 out of the 65 REDD+ parties

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22. UN-REDD. About REDD+ [webpage].

23. UNFCCC Conference of the Parties. (2011). Report of the Conference of the Parties on its sixteenth session, held in Cancun from 29 November to 10 December 2010 (pp. 26-27). Cancun.

have provided information reports on the operationalisation and implementation of safeguards.<sup>24,25</sup> Brazil and Colombia are success stories. Brazil has fully developed its Safeguards Information System (SISREDD+), considering critical elements such as open and transparent forest governance arrangements; stakeholder engagement processes on the integration of safeguards at the national and sub-national levels, including public hearings and consultations with vulnerable stakeholders; and the development of a web portal to share information on the implementation of safeguards.<sup>26</sup> However, Brazil has built on existing information and participatory governance systems, and the implementation and monitoring of REDD+ safeguards are likely more costly for less developed countries, particularly in sub-Saharan Africa and southeast Asia, which could explain the low rate of implementation of the Cancun Safeguards.

The Free Prior and Informed Consent (FPIC) standard has been more successful in widespread application amongst development agencies, multilateral financing institutions and Paris-serving bodies. In 2007, the UN General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), recognising their rights and making specific mention of FPIC as a prerequisite for any activity affecting indigenous lands, territories, and resources. As established in the UNDRIP, FPIC is a specific right of indigenous communities, allowing them to give or withhold consent to a project that can potentially affect their lands, livelihoods, or cultural heritage. Prior to project implementation, FPIC ensures that affected communities are identified using participatory assessments and that the socio-economic, cultural, and political dynamics at the community level are documented. More importantly, FPIC enables communities to negotiate the conditions under which projects will be designed, implemented, monitored, and evaluated on their own terms, in their own timeframe, and in a culturally appropriate manner.<sup>27</sup> FPIC processes must also consider heterogeneous perspectives within each community, through inclusive and accessible deliberation processes that create appropriate spaces to voice the concerns of ultra-vulnerable sub-groups, regardless of social standing, age, or gender. Thus, FPIC is not simply a meaningful consultation process to obtain indigenous approval of a particular project, but a safeguard, empowering local communities to lead negotiations and determine the appropriate deliberation process, its timeline, language and location, using their right to request information from implementing agencies, which should be offered transparently, objectively, and in a timely manner.

UN-REDD guidelines on FPIC require consent to be given voluntarily and without coercion, bribery, or any sort of manipulation.<sup>28</sup> Consent must be sought *prior* to any authorisation or commencement of activities and not only when the need comes to obtain approval from the community. It is critical to underline that a FPIC process does not necessarily result in consent to the proposed activities. Consent may only be reached after communities negotiate on specific project terms and conditions, and communities may decide to withhold consent altogether. Similarly, when consent is obtained, communities hold the right to withdraw it at any stage of project design or implementation.

FAO and partner organisations such as Action Aid, Deutsche Gesellschaft für Internationale Zusammenarbeit (German Corporation for International Cooperation - GIZ) and World Vision developed a common approach to incorporate FPIC into their respective programming on food security, nutrition,

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24. UN-REDD. (2020). Summaries of Information: Initial Experiences and Recommendations on International REDD+ Safeguards Reporting [Info Brief].

25. These countries are Argentina, Brazil, Cambodia, Chile, Colombia, Costa Rica, Cote d'Ivoire, Ecuador, Ghana, Indonesia, Malaysia, Mexico, Myanmar, Paraguay, Peru, Vietnam, and Zambia. From these, only Brazil, Colombia, and Ecuador have presented UNFCCC with a second summary report, and only Colombia a third report.

26. REDD+ Brazil, available at <http://redd.mma.gov.br/pt/>.

27. Green Climate Fund. (2018). Indigenous Peoples policy.

28. UN-REDD. (2015). Guidelines on Free, Prior and Informed Consent (pp. 18-32).

forestry, fisheries, and climate change mitigation.<sup>29</sup> It is their vision that FPIC is a prerequisite whenever projects have the potential to affect indigenous communities, sub-Saharan African traditional and local communities, and other communities of different ethnic and social groups living near indigenous and tribal groups or project-affected areas. Paris-serving bodies such as the GCF, the GEF<sup>30</sup> and the LDCF<sup>31</sup> all include FPIC processes in their stakeholder engagement policies and frameworks. FPIC also plays a central role in the World Bank's Environmental and Social Safeguards Standards<sup>32</sup>, International Finance Corporation (IFC) Performance Standards, and the European Investment Bank's (EIB) Guidelines on Stakeholder Engagement.<sup>33</sup> However, FAO and the GCF view FPIC as a vulnerable stakeholder engagement process with intrinsic value, regardless of whether communities are positively or negatively impacted by project-related events, whereas the World Bank, ICF and the European Investment Bank only require FPIC processes in specific project-related circumstances which pose risks and negative impacts on local communities.

Going beyond the few safeguards embedded in multilateral agreements, the GCF's Indigenous Peoples Policy requires that implementing agencies conduct baseline social and environmental impact assessments prior to any project activity, and that where potential impacts on indigenous communities have been identified, site-specific Indigenous Peoples Plans (IPPs) must be prepared. IPPs outline the actions to minimise or compensate for adverse effects and identify opportunities and actions to enhance project benefits in a culturally appropriate manner, ensuring meaningful consultation of affected communities.<sup>34</sup> In addition, addressing a clear shortcoming in both the Paris Agreement and REDD+ Cancun Safeguards, the GCF, the World Bank, and the EIB, all require funded agencies to establish effective grievance mechanisms at the local level to redress communities' concerns.

Differences across funding agencies and multilateral bodies arise when it comes to safeguards to avoid restrictions on land use or involuntary resettlement, or to mitigate and compensate indigenous and local communities for them. The World Bank's Environmental and Social Safeguards, particularly the ESS5 (on '*Land Acquisition, Restrictions on Land Use and Involuntary Resettlement*') and the ESS7 (on '*Indigenous Peoples and Sub-Saharan Traditional Local Communities*') recognise that project-related land acquisition or use restrictions may result in physical displacement (relocation or loss of residential land or shelter), economic displacement (loss of ownership or access to land or assets resulting in negative income shocks or loss of livelihoods), or both. If local communities are not given the opportunity to effectively refuse land acquisition or restrictions imposed by project implementers, then resettlement is considered involuntary. Under its Indigenous Peoples Policy, the GCF will not finance activities that would result in involuntary resettlement of indigenous peoples and will avoid funding activities that may lead to involuntary physical or economic displacement. In exceptional circumstances where displacement or resettlement is unavoidable to meet project objectives, these are only permitted if FPIC has been obtained, if these do not violate national and international law and arrangements, if these are reasonable and proportional, and if funded agencies ensure full and fair compensation, as well as the right to return, when possible. In addition, GCF-funded agencies are required to disclose feasible project design alternatives that avoid displacement from attached land and natural resources, as well as livelihoods restoration measures, through FPIC processes. The World Bank's ESS5 includes a similar framework for impact assessment, project design alternatives and grievance mechanisms, forbidding borrowers and

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29. FAO. (2016). Free Prior and Informed Consent: An indigenous peoples' right and a good practice for local communities (pp. 11-20).

30. Global Environment Facility. (2018). Policy on Environmental and Social Safeguards.

31. The LDCF is under the operative umbrella of the Global Environment Facility.

32. World Bank. (2017). The World Bank Environmental and Social Framework.

33. European Investment Bank. (2021). Guidance note for EIB Standard on Stakeholder Engagement in the EIB Operations (pp. 15-36).

34. Green Climate Fund. (2019). Operational guidelines: Indigenous Peoples Policy (pp. 6-27).

project implementers from resorting to forced evictions (*‘the permanent or temporary removal against the will of individuals, families or communities from the homes and/or land which they occupy without provision and access to appropriate forms or legal and other protection, including World Bank safeguards’*).<sup>35</sup> It similarly requires robust FPIC processes when there are no feasible programme design alternatives that can prevent relocation of indigenous or sub-Saharan local communities. GEF resettlement safeguards are notably less robust, as the funding mechanism only requires FPIC processes with indigenous peoples, and good faith meaningful consultations with other local communities, placing particular attention on disproportionately affected vulnerable individuals or subgroups. In addition, unlike the GCF and the WB, GEF safeguard standards *do not* explicitly withhold funding from projects which may result in involuntary replacement of indigenous or local communities, instead requiring funded agencies or projects to develop resettlement action plans via meaningful consultations, as well as prompt and adequate compensation for loss of assets, income or livelihoods, and transitional assistance in order to improve or at least restore livelihoods relative to pre-displacement levels.

Despite the safeguard frameworks used by multilateral organisations, in projects led by the private sector the use of FPIC processes and other safeguards is often neglected, even when projects cause involuntary displacement of indigenous communities whose livelihoods depend on forestry and the exploration of other natural resources. Moreover, when these issues are raised by CSOs in media and parliaments, they are often dismissed based on claims of lack of legitimacy or representativeness, particularly when the number of individuals forcefully displaced is small. Even if there is scope to move cases closer to national courts, CSOs often lack the financial resources to meet the required legal costs and thus are unable to support redress of affected communities.

Another relevant concern is the possibility of conflicts of interest between political parties, project implementers, and vulnerable groups, resulting in parties favouring “token participation” and the project-implementers non-substantial “tick-the-box processes” which do not necessarily focus on, reflect, or integrate vulnerable stakeholders’ insights into project plans or policymaking.

In summary, vulnerable communities would benefit from specific safeguards that ensure they effectively build knowledge through FPIC and meaningful consultation, including their capacity to raise concerns, as well as influence and monitor project planning and implementation. In addition, safeguards should also further communities’ political voice by ensuring they are represented in CSOs who can access national and sub-national government bodies. Such safeguards should be independent of specific projects and activities. To avoid conflicts of interest, their design and implementation should be assigned to external bodies, with no association to either international funding agencies or project implementers. Finally, it is noteworthy that safeguards ensuring access to justice are absent from major international environmental agreements and the REDD+ Cancun Safeguards, leaving communities too dependent on international funding agencies and project implementers to safeguard their right to access redress and grievance mechanisms.

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35. World Bank. (2017). The World Bank Environmental and Social Framework, pg.59.

## 4. Government systems and environmental democracy

It is widely recognised by multilateral development agencies, academics and CSOs that there are strong linkages between climate mitigation and adaptation and the strengthening of democracy and good governance.<sup>36,37</sup>

Several developing countries face the challenge of resolving the growing number of socio-environmental conflicts associated with greater economic reliance on extractive industries. At the same time, the pursuit of the objectives of the 2030 Agenda, the Paris Agreement, and other environmental treaties calls for the establishment of robust and effective participatory frameworks and budgetary efforts to ensure concerted action by government, civil society, and the private sector. Yet, broad-based and effective coalitions for change will only be possible as democracies mature, becoming more participatory and transparent, and as citizens and communities are increasingly capable of effectively engaging in environmental decision-making processes.<sup>38</sup>

According to the Environmental Democracy Index (EDI),<sup>39</sup> developed by the World Resources Institute (WRI) and the Access Initiative (TAI),<sup>40</sup> there is a clear wedge between high and low income countries with regard to guaranteeing and providing for the three environmental democracy rights. High and upper-middle income nations tend to have robust institutional frameworks ensuring access to information, political participation, and justice, and tend to be effective in their implementation. In addition, these countries are more likely to have robust institutions that safeguard political pluralism and civil rights, including freedom of speech and of association, providing the democratic pathways for citizens and representative CSOs to exert their influence over policymakers. Countries such as the United States and South Africa, two of the best performing nations on the 2016 EDI, have vibrant civil societies which are some of the most politically engaged in their respective regions,<sup>41</sup> generating heightened public debate and scrutiny over governmental action.

On the other hand, low income countries tend to lack the necessary normative frameworks to provide for environmental democracy, or when these do exist, have little capacity to make them substantial. Several developing nations face growing democratic deficits, low degrees of confidence in government, and shrinking civic spaces due to restrictions on civil liberties, political pluralism, and democratic culture. Indonesia and El Salvador, the best performing low-middle income nations on the 2016 EDI, have robust guidelines ensuring access to information and some provisions for participatory mechanisms and access to justice. Yet, these countries lag behind higher income counterparts when it comes to implementing existing environmental democracy frameworks, particularly with regard to political participation and access to justice. This highlights the effects of limitations on political pluralism and the civic space, which hinder the capacity of CSOs to effectively generate informed public debate and collaborate with central level decision makers to shape environmental policy.

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36. Westminster Foundation for Democracy (WFD). (2020). *WFD's Approach to Environmental Democracy* (pp. 2-6).

37. UNDP/UNEP. (2015). *Mainstreaming Environment and Climate for Poverty Reduction and Sustainable Development: A Handbook to Strengthen Planning and Budgeting Processes* (pp. 7-16).

38. Economic Commission for Latin America and the Caribbean (ECLAC). (2018). *Access to information, participation, and justice in environmental matters in Latin America and the Caribbean: towards achievement of the 2030 Agenda for Sustainable Development* (pp. 13-17). Santiago: United Nations.

39. Environmental Democracy Index. Background and Methodology. The 2016 index is the latest update of the EDI. Data can be consulted at <https://environmentaldemocracyindex.org/node/13967.html>.

40. The Access Initiative is a global partnership of academics, environmental lawyers, specialists, and CSOs working on the provision and expansion of Environmental Democracy.

41. The Economist Intelligence Unit (EIU). (2021). *Democracy Index 2020: In sickness and in health?* (pp. 26-54).

Kim, Baek and Heo (2019)<sup>42</sup> analyse the relationship between democracy and environmental quality, considering five democratic dimensions:

- 1) The electoral system, focusing on the dissemination, fairness, transparency and competitiveness of national and sub-national elections.
- 2) Civil liberties, including the protection of human rights, such as freedom of expression and assembly.
- 3) Government function, measuring executive decision-making powers, and to what extent the government is independent of special interests, the army, or foreign powers, and the overall perception of corruption.
- 4) Political participation, including electoral participation, the depth of the civic space, and government promotion of political engagement of vulnerable communities.
- 5) The overall democratic culture of a country, including public support for democracy. Environmental quality includes indicators such as air and water quality, greenhouse gas emissions, wastewater treatment, and biodiversity.

The authors find that in high income countries, both the institutional and procedural features of democracy, as well as advancements in public participation and the democratic culture, are significant and positively correlated with environmental quality. Thus, in rich nations, civil society has access to a wide range of democratic mechanisms to influence environmental action, informing and generating public debates and exercising public pressure on decision makers, leading to better environmental outcomes. However, the authors verify a weak correlation between democracy and environmental quality in low income countries. This null result (on average) is explained by two distinct relationships. Firstly, when governments in poor nations have the capacity and resources to establish and enforce environmentally-friendly policies and regulations, and when decision-making processes are relatively independent from interest groups, this is conducive to higher environmental quality. However, other democratic dimensions, such as political participation of civil society, appear to be weakly correlated with environmental outcomes.

The absence of correlation between civil societies' political engagement and environmental quality in low income countries found in Kim, Baek and Heo (2019) could be explained by the inexistence or poor implementation of effective democratic frameworks that provide CSOs and the public with access to and influence over key policymakers at the central level. The lack of an effective stakeholder engagement "road-map" hinders the abilities of CBOs and CSOs to collaborate with parties, parliamentarians, and the executive. This means that environmental regulation and policy may not be adequately influenced by critical information about environmental challenges faced at the province and district levels. In addition, the lack of effective engagement between parliaments and civil society may also result in lower scrutiny of the governmental response (or lack thereof) to environmental challenges. The loss of critical localised information hinders the government capacity to effectively address environmental issues, and when compounded with scarce oversight of the executive, will likely result in lower quality environmental policy that is less conducive to improving environmental outcomes.

Thus, one determining factor towards the exercise of environmental democracy rights by local communities and vulnerable groups is the extent to which governance and decision-making processes are exerted at both the national and sub-national level. Decentralised decision-making at the province or district level often falls prey to local elite interests and evolves around the mayor

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42. Kim, S., Baek, J., & Heo, E. (2019). A New Look at the Democracy-Environment Nexus: Evidence from Panel Data for High- and Low-Income Countries. *Sustainability*, 11(8), 1-12. doi: 10.3390/su11082353.

or governor figure, with little public oversight<sup>43</sup>. However, across developing countries, most of the environmental regulation and policymaking takes place at the central level, raising greater barriers to vulnerable communities voicing their knowledge, views, and concerns, even in instances of severe deprivation, such as forced evictions from customary land. CBOs have privileged access and information concerning the needs of local communities and are well capacitated to represent their interests, but often are not integrated in larger CSO platforms and therefore have little influence at the central level, which hinders the integration of local communities' concerns into environmental policy.

To conclude, high or upper-middle income nations tend to have structural democratic frameworks that effectively provide citizens with the tools to exercise their environmental democracy rights, generating informed public debates on environmental policy and heightened scrutiny over executive action. Vibrant civil societies, such as those in the U.S. or South Africa, or innovative democratic mechanisms, such as France's citizens assemblies, combined with strong protection of civil rights, are ways to ensure that environmental policy is responsive to communities' needs. On the other hand, low income countries, facing high democratic deficits, either lack a procedural framework for stakeholder engagement or have little capacity for its effective implementation. In addition, the lack of structural and effective engagement between CBOs and CSOs (which would enhance representation and increase the political voice of local communities), and between CSOs and policymakers at the central level appears to also play into lower-quality environmental policy which is neither representative nor responsive to local communities' needs.

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43. Economic Commission for Latin America and the Caribbean (ECLAC). (2018). *Access to information, participation, and justice in environmental matters in Latin America and the Caribbean: towards achievement of the 2030 Agenda for Sustainable Development* (pp. 13-17). Santiago: United Nations, pg.15.

## 5. Best practices in stakeholder engagement

This section presents a framework developed by Kliskey, A., et al (2021)<sup>44</sup> as a scaffolding for supporting the development and application of best practices in community and stakeholder engagement, both by governments and by CSOs.

Based on a review and meta-synthesis of a broad range of existing models, frameworks, and toolkits for community and stakeholder engagement, this framework focuses on power-sharing in the engagement process, co-ownership, co-generation of knowledge and outcomes, the technical process of integration, the monitoring processes of reflective and reflexive experiences, and formative evaluation.

The authors define best practices as *'a collective set of protocols, methodological approaches and methods, theories, definitions, activities, and evaluative understanding of what did and did not work in a particular field or area of inquiry'* and further explain that *'any good, better, or best practice should be an effective, standardized way of achieving an outcome that can work in a range of settings and should be better at delivering a particular outcome than other current strategies'*.<sup>45</sup>

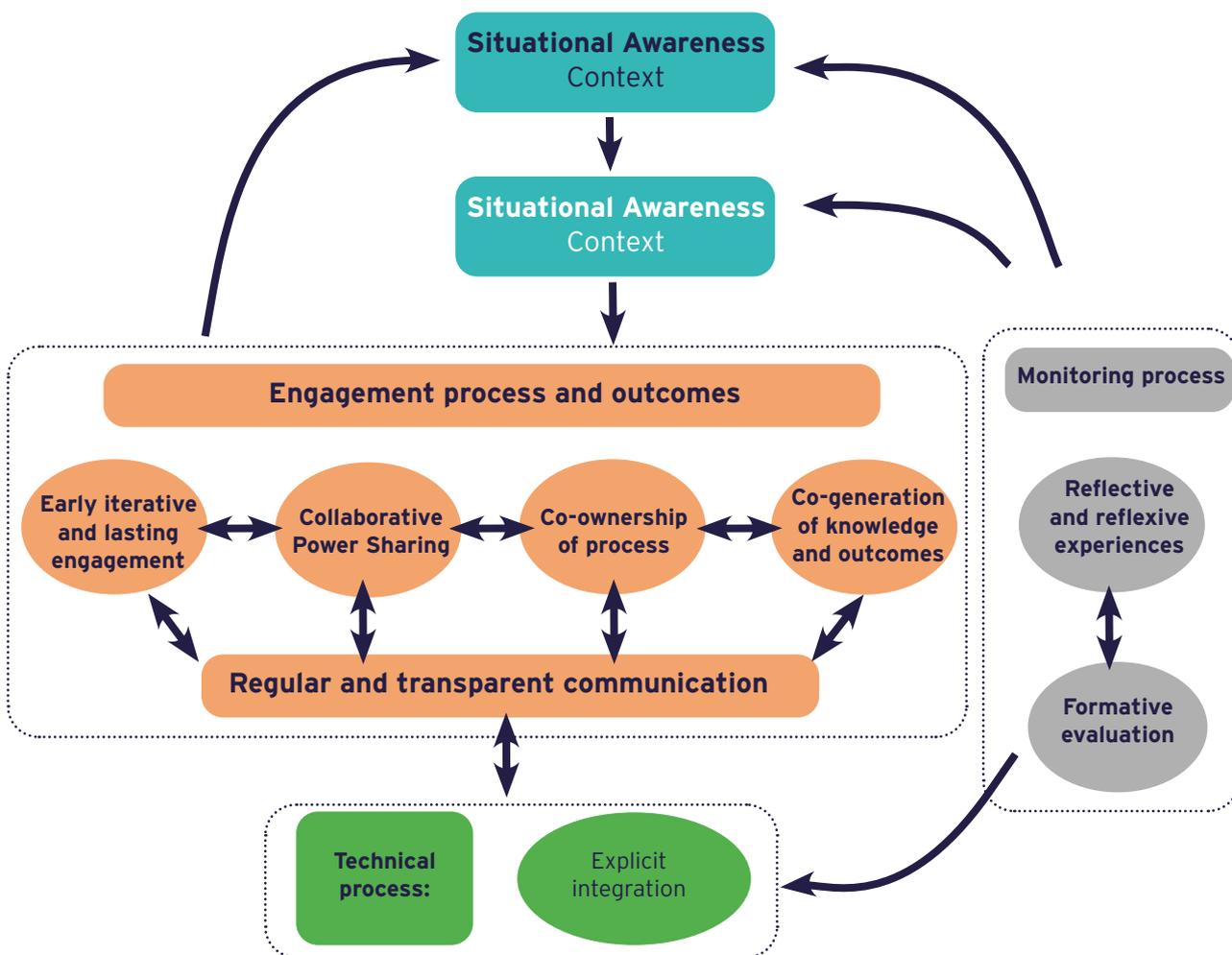
Their proposed framework comprises ten characteristics or elements articulated through three connected processes: the engagement, the technical, and the monitoring processes (Figure 1). These processes depend on the situational awareness of a place or problem, and a culture of sharing values, respect, and trust, implying that community and stakeholder engagement is based on situational awareness, or context, as a starting condition for engagement.

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44. Kliskey, A. et al. (2021). Thinking Big and Thinking Small: A Conceptual Framework for Best Practices in Community and Stakeholder Engagement in Food, Energy, and Water Systems. Sustainability, MDPI.

45. Ibid.pg.3

**Figure 1 - Conceptual framework for best practices in community and stakeholder engagement**



Source : Kliskey, A. et al. (2021). Thinking Big and Thinking Small: A Conceptual Framework for Best Practices in Community and Stakeholder Engagement in Food, Energy, and Water Systems. *Sustainability*, MDPI, pg.8.

The engagement process results from the frequency and duration of engagement, collaborative power sharing, co-ownership of the engagement process, and co-generation of knowledge and outcomes. These characteristics of community and stakeholder engagement are interrelated dimensions.

Explicit methods for integration of data, perspectives, and knowledge are characterised as a technical process since analytical, quantitative, and qualitative methods may be useful here.

Additionally, this is an iterative framework so that the initial context that supports the engagement process may itself change through engagement.

## 5.1 Situational analysis

Situational analysis includes the perception of elements in the environment within a specified time and space, the understanding of their meaning, and the projection of their relevance into the near future. It includes the acknowledgment of a need for deliberative engagement of stakeholders and community members, the establishment of objectives, and the use of contextually relevant methods. It also calls for attentiveness to the diversity of perspectives and cultural experiences represented by the stakeholders and communities being engaged.

In relation to indigenous communities and sovereign Tribal Nations, situational analysis requires an understanding of their unique status and perspectives. Kliskey, A., et al (2021) specifically highlight that: *'Indigenous groups are often still addressed as one of many stakeholder groups, without recognizing their status as self-determining nations with governance structures that were in place long before the arrival of settler institutions' and that 'the distinction between rights-holders and stakeholders is more than just semantic. To truly respect Indigenous rights, governments must collaborate with Indigenous peoples in ways that recognise their sovereignty and right to self-governance'*.<sup>46</sup>

Strategies for developing situational awareness include building on existing community partnerships, engaging a mix of project champions in the community, and generating broad support from community leaders, all of which require funds and a "ground" made fertile through civic education. With indigenous communities, situational analysis includes understanding the cultural context, particularly of socio-economic disadvantage, and the sensitivities of including indigenous knowledge.

## 5.2 Sharing values and respect

The characteristic most reported for successful community and stakeholder engagement across frameworks and conceptual models was fostering an appreciation of values, respect, and trust among stakeholders. This characteristic translates into establishing a culture of empowerment, trust, and equity, which calls for two fundamental environmental access rights: access to information and access to decision-making processes.

In research settings, this type of culture is mostly a result of the personal attitudes and empathy that a project lead can impart, but this is not the case in the political process or in project-led stakeholder engagement processes, where there is frequently a conflict of interests. Political players are not necessarily interested in fostering knowledgeable stakeholder engagement, as it would force them to greater accountability. Neither are project managers, whose minds are frequently made up before the launching of the project, and as a result they rush through the stakeholders' engagement process as a "tick the box" exercise.

Some approaches to help promote a respectful culture use a broader definition of stakeholders to engage, including minority groups, to make the process relevant to participants' priorities; attempt to mitigate potential bias in stakeholder engagement; provide opportunity for stakeholders to share control over the process; and incorporate diverse perspectives equitably. Listening, inclusion of indigenous priorities, careful trust-building, and use of culturally appropriate methods are important for indigenous engagement.

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46. Kliskey, A. et al. (2021). Thinking Big and Thinking Small: A Conceptual Framework for Best Practices in Community and Stakeholder Engagement in Food, Energy, and Water Systems. *Sustainability*, MDPI, pgs. 8-9.

The recognition of others' values and demonstration of respect becomes apparent through the engagement processes of collaboratively defining issues, priorities, problem formulation and goals with stakeholders, referred by the authors as 'engagement as design'. This includes the value of multiple stakeholder perspectives in a well-designed engagement process. A core approach to engagement as design is aiming for a stakeholder group that is fully representative of the place or problem, which includes matching representation of stakeholder interests to the spatial scale of the goals or issues. Ideally the engagement process incorporates a representative group of stakeholders, stakeholder groups, or sample of stakeholders. Whenever identifying a representative group is not possible, it may suffice to have a stakeholder group that is indicative of the community or landscape.

### **5.3 Early, iterative, and lasting engagement**

Key success factors for the entire process of community and stakeholder engagement in the context of a project are initiating the engagement as early as possible, ideally in the proposal development stage, creating repeated engagement opportunities, and sustaining the engagement process, ideally beyond the project funding cycle. Early engagement of stakeholders assists with developing shared goals and the co-production of outcomes. By designing an iterative engagement process, it becomes possible to work with stakeholders to refine, validate, expand, and test the knowledge and ideas generated. The iterative nature of good engagement processes also requires continuous effort and sensible facilitation, and commitment both to the process and to the building of long-term and genuine relationships. Environmental-related problems seldom lend themselves to easy-fix single solutions, hence the importance of engaging early and over time as challenges evolve and change. The establishment of lasting engagement builds trust and relationship bonds that are not purely transactional, while also allowing for outcomes that might not emerge from a project during the standard three- or five-year grant cycle.

### **5.4 Collaborative power sharing**

Managing power dynamics to encourage contributions from all is crucial, as power dynamics vary among central and local actors, with local actors often having unique insight into which solutions will more likely be adopted, and communities often being rights holders or landowners. Acknowledging the impact of power dynamics can ensure that they are effectively managed using collaborative processes, facilitative methods, and consensus building among stakeholders. Power sharing is the foundation of meaningful stakeholder and community engagement. Addressing power dynamics and flattening hierarchies to share power is one of the most important considerations when undertaking any type of collaborative process. Although external factors, such as existing laws or regulations, agency rules, and other forces can shape the extent to which power and decision-making can be evenly distributed among participants, attempts to share power are essential, as is transparency regarding equality in decision-making power and participants' roles. Power sharing and the avoidance of misappropriation of traditional knowledge are longstanding concerns for indigenous peoples; there must be a clear understanding in advance of how knowledge will be used and shared. Power dynamics are among the most important factors to consider when undertaking any type of collaborative process, especially when power cannot, by law, rule, or for any other reason, be evenly distributed among participants. Being clear about inequality in decision making and clear about all participants' roles is imperative to maintain trust.

## 5.5 Co-ownership of process

Co-ownership of the engagement process among stakeholders, decision-makers or researchers is closely related to power dynamics. Co-ownership can be developed by explicitly documenting the purpose and extent of stakeholder engagement, including their level of control over research and engagement processes, and over project outcomes. This practice has been designated 'engagement as democracy'.<sup>47</sup> Roles and responsibilities must be defined clearly and carefully in indigenous communities, and ownership of data and knowledge must be clearly understood. Acknowledgement and compliance with tribal protocols in engaging indigenous communities is also crucial.

## 5.6 Co-generation of knowledge and outcomes

Stakeholder engagement should lead to beneficial outcomes for society, especially for the community and stakeholders concerned. These benefits have been referred to as the 'usability that arises from co-production' or the 'transformative capacity of outputs and outcomes' that occurs through a project or political process.<sup>48</sup> Approaches that support the usability from co-produced or co-generated knowledge include promoting social learning and understanding with stakeholders, exploring practical and policy suggestions for improving engagement, creating opportunities to build capacity at individual and community levels, and using relevant timescales that support decision-making. The scope and type of outcomes sought should be agreed with the community. If, for example, a methodology focused on social justice is incorporated and indigenous interests are braided into the results, the research should give back to the community.<sup>49</sup>

## 5.7 Technical process: explicit integration of stakeholder knowledge and science

Stakeholder engagement frequently deals with projects in which interdisciplinary and transdisciplinary relationships, processes, data, and analyses are essential. Therefore, the engagement process should connect to, and be supported by, the explicit integration of social, physical, ecological, spatial, and temporal approaches.

Examples of synthetic or integrative approaches include *'synthesis of local and scientific knowledge; practice-based and scientific perspectives; incorporation of Indigenous knowledges; integration of computational model outputs and scenario narratives; incorporation of multi-scalar and inter-scalar relationships across individual, collective, and network levels; interactive posters as a means for enhanced communication and learning; multiple spatial scale analyses; actor-resource-dynamics-interaction approaches; artificial intelligence and big data analytics; and landscape social-metabolism approaches'*.<sup>50</sup> These approaches are characterised as a technical process in the framework (Figure 1).

## 5.8 Reflective and reflexive experiences

Best practices can and should be judged against current and past practices within the communities. Reflexivity stands for critical reflection of successes and failures, stakeholder input in the engagement process, scrutiny of which values, priorities, perceptions, and knowledge are included

47. Kliskey, A. et al. (2021). Thinking Big and Thinking Small: A Conceptual Framework for Best Practices in Community and Stakeholder Engagement in Food, Energy, and Water Systems. Sustainability, MDPI, pg.10.

48. Ibid. pg.11.

49. Ibid. pg.11.

50. Ibid., pg.11.

and excluded, and a critical judgement on the effectiveness of best practices in community and stakeholder engagement. Reflective approaches include acknowledging and being prepared to discuss uncertainties, risks, and shortcomings that arise in the engagement process and may be present in co-produced knowledge.

## **5.9 Regular and transparent communication**

Good communication among stakeholders and between stakeholders and scientists, project promoters or government entities helps with the stakeholder engagement process, and contributes to co-generation of knowledge and to strong engagement processes. This requires project leads or facilitators to provide opportunities for communication, and for both sharing and listening. Transparency in communications and throughout the process is especially important in Indigenous communities and may require translation to native languages. Regular communication can also help direct stakeholder engagement toward a more accurate and efficacious pursuit of solutions and contributions for proposed policies.

## **5.10 Evaluation**

An additional element included in this framework is the measurement and assessment of best practices. The evaluation of the engagement process and its impacts, including demonstration of the success of both process and outcomes, is an essential element in a robust framework of practice. Each identified best practice should be evidence-based and have metrics for the measurement of impacts, outcomes, and implementation. The evaluation of community and stakeholder engagement practices can be considered along three dimensions: (i) scientific impact; (ii) learning and empowerment of participants, and (iii) impact for wider society.

Any evaluative dimension of a best practice can be assessed by defining a set of possible and desired outcomes (markers or goals), tracking features of engagement that might determine these outcomes (metrics or indicators), and identifying how a given engagement strategy should achieve the intended outcome (mechanisms). Evaluation should also be participatory, engaging all participants in the process. Metrics are likely to be quantitative measures, while markers and mechanisms are likely to be qualitative measures.

These characteristics of community and stakeholder engagement constitute the backbone of guidance to support CSOs to increase political participation from the communities they represent, and to support governments and policymakers to achieve better outcomes, and they should be incorporated by both in their engagement practices. Specific guidance for engaging with indigenous peoples, women, youth, persons with disabilities and the poor is explored in further detail in Appendices 1 to 5.

## 6. A gender-sensitive and non-binary approach to engagement

Chapter 5 proposes a framework for supporting the development and application of best practices in community and stakeholder engagement, both by governments and by CSOs, once stakeholders' groups have been identified. In this chapter, we zoom out to a preceding layer that relates to the identification of stakeholders, to draw attention to i) the importance of a gender-sensitive approach, as gender frequently intersects with vulnerabilities and gender-related groups may constitute self-defining minorities; and ii) the essential non-binary nature of stakeholders.

### 6.1 Defining gender and gender mindsets

The authors of *'Gender Inclusive Framework and Theory - A Guide for Turning Theory into Practice'*<sup>51</sup> define gender as *'a dynamic organizing principle in society'*. More than an individual's biological sex (male/female), *'gender is a learned pattern of behavior that is embedded in everything we do at the individual, community, and institutional levels'*.

The authors go on to define gender mindset as *'the socialization and internalization of the described roles and expectations that a society finds most appropriate and valuable for a person – men, women, girls, boys, and sexual and gender minorities'* and say that *'a person's gender mindset can alter during societal change based on new community values, norms, and expectations'*.<sup>52</sup>

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51. Kuehnast, K., & Robertson, D. (2018). *Gender Inclusive Framework and Theory - A Guide for Turning Theory into Practice*, pg.4 [Ebook]. Washington DC: UNITED STATES INSTITUTE OF PEACE.

52. Ibid, pg.4.

The following key definitions<sup>53</sup> may be useful when designing a gender-sensitive engagement:

<b>Key definitions:</b>	
<b>Sex</b>	The biological characteristics that define humans as either male or female. These sets of biological characteristics are not always mutually exclusive, as there are some individuals who possess both male and female characteristics.
<b>Gender</b>	The socially constructed attributes and opportunities associated with being male and female vary widely from place to place. Gender defines social and cultural expectations about what behaviour and activities are allowed, what attributes are valued, and what rights and power one has in the family, community, and nation. For example, in one society women may be expected to focus on the family's domestic needs while men engage in the formal salaried workforce, whereas in another, both men and women may be expected to contribute to the family's income.
<b>Gender equality</b>	Refers to both men and women having the freedom to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles, or prejudices. It does not mean that men and women must become the same, but that their rights, responsibilities, and opportunities should not depend on whether they are born male or female. <b>Gender inequality has predominantly negative impacts on women and girls, as men tend to have more decision-making power and control over resources than women.</b> Because of this, efforts to advance gender equality have focused primarily on improving the situation and status of women and girls in their societies. For example, specific actions may be taken to ensure that women's views and priorities are adequately and directly heard in disaster management committees.
<b>Gender equity</b>	Refers to fairness of treatment for women and men according to their respective needs. This may include equal treatment, or treatment that is different but considered equivalent. For example, specific outreach strategies may be developed to ensure that relief assistance reaches female-headed households in societies where the mobility of women is restricted. Likewise, general distribution centres may be created, or certain livelihood recovery activities may be designed and implemented, specifically by and for women.
<b>Diversity</b>	Respect for diversity means not only accepting that others may be different, but also respecting those differences. Examples of specific criteria that may not be used to make an adverse distinction are ethnic origin, nationality, sex, political opinion, philosophy, religious belief, social origin, class, sexual preference, age, disability, physical characteristics, and language.

53. International Federation of Red Cross and Red Crescent Societies. (2010). *A practical guide to Gender-Sensitive Approaches for Disaster Management*, pg.3 [Ebook]. Geneva, Switzerland.

## 6.2 How inclusive participation relates to gender analysis

Inclusive participation is rooted in the concept that every person, regardless of identity, is instrumental in the transformation of their own society and that their inclusion through political participation leads to better outcomes.

Gender analysis is a *'social science tool used to identify, understand and explain gaps between males and females that exist in households, communities and countries.'* **Gender analysis 'should not treat men and women as monolithic categories' but rather should consider 'other characteristics'.**<sup>54</sup>

The authors cite as an example that an indigenous woman from a rural village will have a different lived experience than a woman from a majority ethnic group in an urban community, and point out that these differences could affect whether a single intervention to address women's empowerment could appropriately and effectively address two very different sets of challenges. They propose expanding gender analysis in the country, project, or activity level as one way to incorporate an inclusive lens in the stakeholder design process. This would mean that, instead of simply presenting broad categorical differences between women and men, the gender analysis could also address the relationship between gender and other characteristics (such as age, disability status, caste, sexual orientation, and ethnic/religious affiliation).

This approach leads to an analysis that, albeit still focused on gender, provides more valuable information on the challenges to political participation, to further guide inclusion of marginalised groups in the political processes.

## 6.3 Why gender analysis is important for stakeholder engagement

By acknowledging the interplay between sex and other characteristics such as age, marital status, income, ethnicity, disability status, sexual orientation, and gender identity, gender analysis can illuminate areas for intervention, sources of tension, and drivers of conflict. It can clarify the broader context of a project or policy, no matter its objectives and goals and, at a minimum, allow for the adoption of a "do no harm" approach.

A gender-sensitive stakeholder engagement works towards aligning stakeholder engagement practices with the gender dynamics in any given environment. Thus, the gender dynamics of a given context should always be considered, whether a policy goal and objective specifically addresses gender issues or not.

## 6.4 Promoting an intersecting identities approach to engagement

This approach<sup>55</sup> recognises that gender identities are flexible (that is, non-binary) and that each society's structures, norms, and rules create these identities. Therefore, it takes a relational view of the dynamics in a community, knowing that problems cannot be solved within a silo<sup>56</sup> but must be addressed from multiple perspectives.

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54. DCHA/DRG/HR. (2018). *Suggested Approaches for Integrating Inclusive Development Across the Program Cycle and in Mission Operations Additional Help for ADS 201*, pg. 5. USAID.

55. Kuehnast, K., & Robertson, D. (2018). *Gender Inclusive Framework and Theory - A Guide for Turning Theory into Practice*, pg.14 [Ebook]. Washington DC: UNITED STATES INSTITUTE OF PEACE.

56. The focus on gender as an 'isolated topic' represents a main obstacle in gender mainstreaming.

All individuals have a gender identity, but factors such as a person's age, marital status, race, sexuality, class, caste, ethnicity, religion, and abilities affect their experiences in society. This approach draws from the analytical framework of intersectionality: the idea that a person's marginalised identities interact and cannot be understood in isolation. Recognising the importance of these diverse experiences, this approach analyses the broader relationships and power dynamics across a society and the implications for control over resources, movement, and other factors.

*'Social norms – specifically the roles and expectations of men and women that a society deems appropriate or desirable – are often most resistant to change'.<sup>57</sup>* This approach seeks a better understanding of how a person's multiple identities affect their influence and power in each situation and of how society may or may not be addressing their grievances. By seeking understanding of power dynamics, the intersecting identities approach can help challenge societal norms that cause or perpetuate inequalities, especially gendered inequalities.

To effectively ensure meaningful stakeholder engagement, each person's multiple identities and how these affect her voice and power must be considered in designing stakeholder engagement strategies.

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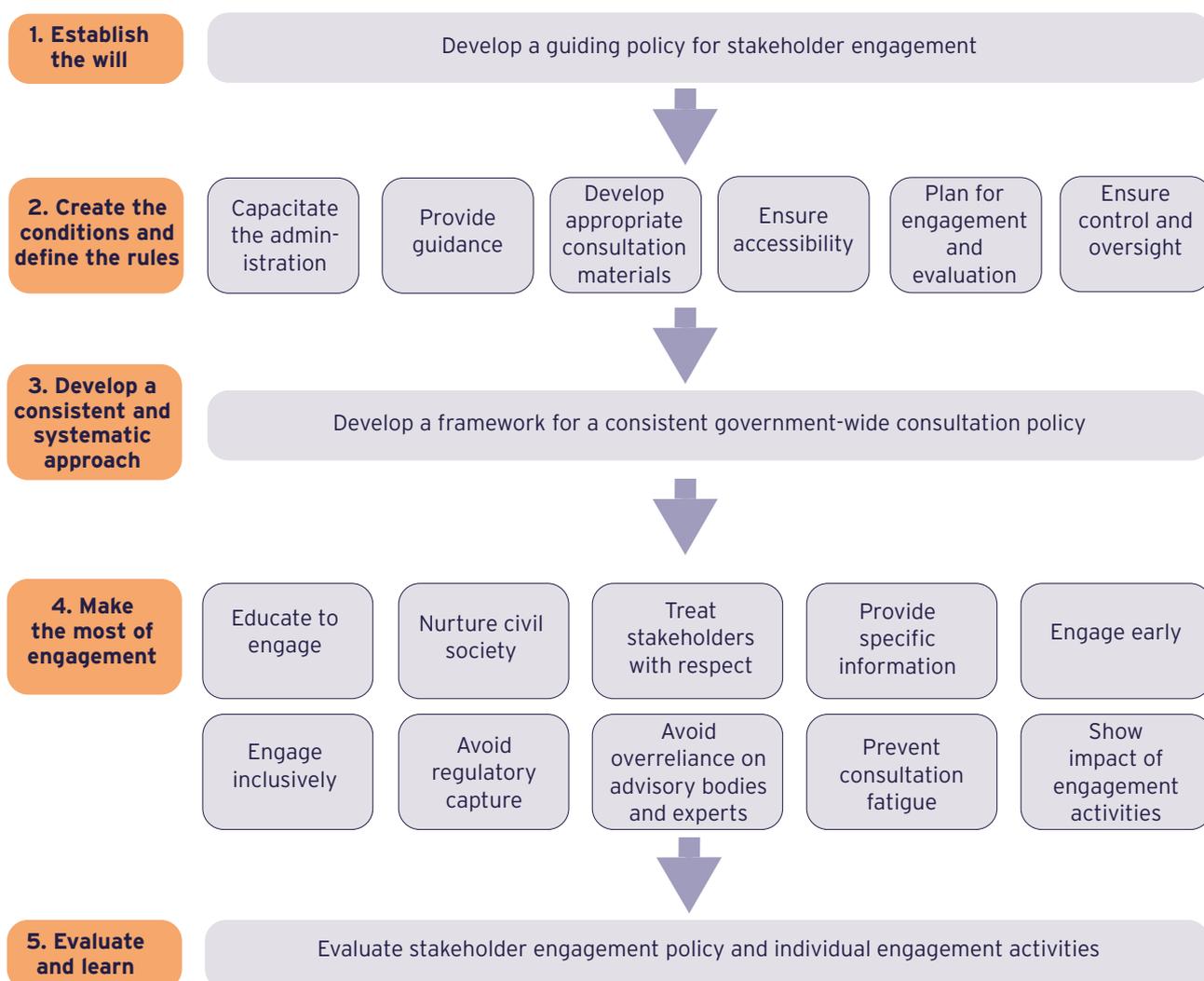
57. Kuehnast, K., & Robertson, D. (2018). *Gender Inclusive Framework and Theory - A Guide for Turning Theory into Practice*, pg.14 [Ebook]. Washington DC: UNITED STATES INSTITUTE OF PEACE.

## 7. Government: guidelines for a more effective stakeholder engagement

The guidelines provided in this section were inspired by the OECD Draft for Public Consultation on 'Best Practice Principles on Stakeholder Engagement in Regulatory Policy'.<sup>58</sup>

Figure 2 illustrates an inclusive step-by-step approach from the perspective of the regulator that is both mindful of the requirements to ensure effective participation and of the existing pitfalls, providing guidance to avoid them.

**Figure 2 - A regulatory framework for effective stakeholder engagement**



58. OECD. (2017). *Best Practice Principles on Stakeholder Engagement in Regulatory Policy*.

## 7.1 Establish the will

Governments should put forward a clear, cross-cutting, government-wide guiding policy on how to engage with stakeholders. The main objectives of such policy should be to provide stakeholders with enough information in a sufficiently predictable, uniformly applied, and accountable process. Such a policy would encourage stakeholders to engage consistently and provide the administration with the best information in return. Depending on the legal system and administrative culture, the obligatory measures might take the form of a law or a government decree.

- a) This policy should not be overly prescriptive, and should allow for additional tailored tools and instruments that may prove to be necessary for different types of stakeholder engagement. It should, however, provide for a sufficient level of transparency, predictability, and uniformity for the engagement process. The policy should therefore be a combination of obligatory measures (such as setting an obligation to enable public consultations on all developed regulations, compulsory notice, and comment periods, and so on), and basic principles.
- b) The policy should set clear objectives for stakeholder engagement, to allow for ex post evaluation of engagement activities and projects. These objectives should reflect the instrumental value of stakeholder engagement, that is, strengthening the evidence base of policymaking by tapping a broader reservoir of ideas and resources and therefore:
  - i. Support reducing implementation costs by favouring compliance.
  - ii. Support intrinsic values, such as ensuring accountability, broadening the sphere in which societal actors can make and shape decisions, and building civic capacity and trust.
- c) The engagement policy should assign clear competences for promoting and coordinating stakeholder engagement in regulatory policy across the administration. The body with such competence should be responsible for promoting stakeholder engagement, issuing guidance, providing advice to line ministries and other agencies, and organising trainings and so on. The existence of such a body would enhance knowledge management, ensure policy coherence, and avoid duplications. Examples of good but also “bad” practice should be shared across the administration to support the learning process. The responsible body could also be responsible for a central consultations’ portal.
- d) The engagement policy should cover stakeholder engagement at each stage of the regulatory governance cycle.
  - i. Stakeholders should be involved when drafting or amending the existing regulations, but also when reviewing existing regulations and downstream to the phase of implementing and enforcing regulations.
  - ii. The engagement policy should also foresee stakeholders’ engagement to evaluate the outcome of policymaking *ex post*,<sup>59</sup> as stakeholders who have better information on the

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59. There are different mechanisms for involving stakeholders in ex post evaluation exercises. In some instances, stakeholders trigger the evaluation process through the ombudsman or parliamentary committees. In other instances, stakeholders are asked for their comments by the responsible ministry or agency. In some countries, stakeholders are embedded into the entire regulatory process and therefore are also part of the *ex post* evaluation system. The use of ICTs through creating a virtual forum for assessing post-implementation impacts can also be applied. The most common method of verifying public perceptions of regulation is the use of perception surveys, which monitor citizens’ perceptions of regulations by asking them questions about their views on regulatory performance on certain issues. However, such surveys need to be designed carefully to obtain usable results, as the order of questioning, question priming, complexity, social desirability and cultural differences may influence their outcomes.

real life effects of regulation can provide valuable insights into any effort to evaluate the *ex post* outcome of policymaking. These insights, which complete expert advice, could be particularly valuable in helping policymakers to understand the real impact and performance of the policy.

- e) The engagement policy should foresee the government's obligation to account for the use they make of citizens' inputs.

## **7.2 Create the conditions and define the rules**

### **Capacitate the administration for stakeholder engagement**

Governments should provide leadership and a strong commitment to stakeholder engagement in regulation-making at all levels. To achieve this:

- a) Politicians and senior policymakers must be made aware of their role in promoting open, stakeholder-centred, and accountable regulatory policy, which can be encouraged by examples of good practice from other countries, organising special events, and publicising successful initiatives.
- b) Public administration officials responsible for drafting or reviewing regulations should know of their obligations and duties regarding stakeholder engagement. They should also be trained in techniques to gather input from stakeholders and to actively engage stakeholders in their work. Senior civil servants should be cognisant of the effects of stakeholder engagement on the quality of regulations and the regulatory framework.
- c) Responsibilities for stakeholder engagement must be clearly assigned across the administration. In general, the institution responsible for drafting or reviewing regulations in their area of competence should also be responsible for engaging stakeholders in the drafting and review process.

### **Provide guidance**

Guidance on available tools and the actions for which they are best suited should be made available and serve as a "shopping list" to help officials choose the right tools for the right objectives, stakeholders, and resources. Therefore, the engagement policy should describe which tools are suitable depending on the form of interaction or process of stakeholder engagement. Box 1 provides examples of instruments for performing public consultation:<sup>60</sup>

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60. OECD. (2017). *Best Practice Principles on Stakeholder Engagement in Regulatory Policy*.

## Box 1 - Examples of instruments for performing stakeholder consultation

### Five instruments for performing stakeholder consultation

#### Informal consultation

Includes all forms of discretionary, ad hoc, and unstandardised contacts between regulators and stakeholders. It can take many forms, from phone calls to letters to informal meetings, and may occur at all stages of the regulatory process. The key purpose is to collect information from interested parties. This approach can be less cumbersome and more flexible than more standardised forms of consultation, and hence has advantages in terms of speed and the participation of a wider range of interests.

The disadvantage of informal procedures is their limited transparency and accountability. Access by interest groups to informal consultations is entirely at the regulator's discretion. Informal consultation resembles "lobbying", but in informal consultation it is the regulatory agency that plays the active role in establishing the contact. The line between these two activities, however, is potentially difficult to draw.

#### Circulation of regulatory proposals or consultation documents for public comment

This form of public consultation is a relatively inexpensive way to solicit views from the public and it is likely to induce affected parties to provide information. It is also flexible in terms of the timing, scope, and form of responses, and that is why it is among the most widely used form of consultation. It differs from informal consultation in that the circulation process is generally more systematic, structured and predictable, and may have some basis in law, policy statements or instructions. It can be used at all stages of the regulatory process. Responses are usually in written form, but regulators may also accept oral statements, and may supplement those by inviting interested groups to hearings. Regulators generally retain much discretion over access and process but, in practice, important proposals are circulated widely and systematically. Countries have begun to explore the possibilities for improving access and timeliness of consultation that are provided by information technology, with the Internet increasingly being used for this purpose. The negative side of this procedure is again the discretion of the regulator deciding who will be included in the consultation. Important groups will not usually be neglected, as this is likely to create difficulties for the regulatory proposal when it reaches the cabinet or parliament. However, less organised, and vulnerable groups, are in weaker positions in this respect.

#### Public notice-and-comment

This procedure is more open and inclusive than the circulation-for-comment process, and it is usually more structured and formal. The public notice element means all interested parties can become aware of the concrete regulatory proposal and are therefore able to comment with specificity. When soliciting public comment, regulators may suggest areas of focus or ask non-mandatory questions to prompt discussion that will be helpful as they develop a final regulatory action. There is usually a standard set of background information, including a draft of the regulatory proposal, discussion of policy objectives and the problem being addressed, often an impact assessment of the proposal and, perhaps, of alternative solutions. This information - and particularly the Regulatory Impact Assessment (RIA)

elements<sup>61</sup> - can greatly increase the ability of the public to participate effectively in the process, although most countries find that participation remains at quite a low level for all but a few controversial proposals. Public notice-and-comment is used both for laws and lower-level rules. In many countries, it is regarded as particularly important in respect to lower-level rules because of the technical nature of the subject matter and because it provides some scrutiny to regulatory processes inside ministries which do not benefit from the open law-making processes applying to legislation debated in parliaments.

### **Public hearings**

A hearing is a public meeting at which interested parties and groups can comment in person. Regulatory policymakers may also ask interest groups to submit written information and data at the meeting. A hearing is seldom an independent procedure; rather, it usually supplements other consultation procedures. Hearings are usually discretionary and ad hoc unless connected to other consultation processes (for example, notice-and-comment). They are, in principle, open to the public, but effective access depends on how widely invitations are circulated, the location and timing of the hearing, and the size of the room: limitations that can, increasingly, be overcome by technological innovations. Public meetings provide face-to-face contact in which dialogue can take place between regulators and a wide range of affected parties and between interest groups themselves. A key disadvantage is that they are likely to be a single event, or might be inaccessible to some players, and thus require more coordination and planning to ensure sufficient access. In addition, the simultaneous presence of many groups and individuals with widely differing views can render an interactive discussion of particularly complex or emotional issues impossible, limiting the ability of this strategy to generate empirical information.

### **Advisory bodies and expert groups**

Besides informal consultation and circulation-for-comment, the use of advisory bodies is a widespread approach to consultation. Advisory bodies can be involved at all stages of the regulatory process but are often used quite early in the process to assist in defining positions and options. In some countries, they are often used when reviewing existing regulations or when looking into the implementation of regulations. Depending on their status, authority, and position in the decision process, they can give participating parties great influence on final decisions, or they can be one of many information sources. Regulatory development - drafting and reviewing proposals, or evaluating existing regulations - is rarely the only, or even the primary, task of advisory bodies. Some permanent bodies, for instance, may have broad mandates related to policy planning in areas such as social welfare or healthcare. There are many different types of advisory bodies under many titles - councils, committees, commissions, and working parties. Their common features are that they have a defined mandate or task within the regulatory process (either providing expertise or seeking consensus) and that they include members from outside the government administration. There are two main kinds of advisory bodies: i) the bodies seeking consensus are interest groups where they negotiate processes; ii) technical advisory groups are formed by experts and their aim is to find information for regulators. The first kind tends to have a permanent mandate while the technical bodies are often ad hoc groups for working on concrete issues.

Source: OECD. (2017). *Best Practice Principles on Stakeholder Engagement in Regulatory Policy*, pg.19, Box 10.

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61. Regulatory Impact Assessment (RIA).

## **Develop appropriate consultation materials**

Governments should have a policy that requires regulatory texts to be drafted using plain language. Accessibility of regulations does not just mean publishing all regulations online. Governments need to ensure that regulatory goals, strategies, and requirements are articulated clearly to the public. Therefore, when drafting regulations, plain language should be used, technical jargon avoided, and clear definitions of new terms provided. This is essential to public confidence in the necessity and appropriateness of regulation. Fundamentally it requires that legal texts are able to be read and comprehended by non-experts.

Governments should also provide stakeholders with the most relevant information available concerning the proposal under consideration.

- a) For consultations on a regulatory draft, this includes the background analyses, expert papers, description of the problem, the impact assessment studies, and so on. For stakeholder engagement at an earlier stage of the regulation-making process, the information should include at least background analyses of the current situation in the (potentially) regulated area, a description of the problem being solved, information on why the government decided to regulate the issue in question and, when available, information on possible alternative solutions. Administrations might find it useful to identify specific questions for the consulted parties to guide the consultation process.
- b) Clear guidance on compliance with regulations, making sure that affected parties understand their rights and obligations, should also be provided.

## ***Participatory tools, techniques, and methodologies***<sup>62</sup>

Informed participation is a more intensive and active form of consultation. Typically, it involves a more in-depth exchange of views and information, leading to joint analysis and decision-making. This increased level of involvement tends to generate a shared sense of ownership in a process and its outcomes. The more a particular stakeholder group is materially affected by a component of a project or legislation, the more important it is for them to be properly informed and encouraged to participate in matters that have a direct bearing on them, including proposed mitigation measures, the sharing of development benefits and opportunities, and implementation or monitoring issues. Resettlement planning, designing, and implementing community development programmes, and engagement with indigenous peoples' groups are examples of where informed participation by affected stakeholders can lead to better outcomes on the ground. In certain situations, capacity-building programmes may be needed to enable affected stakeholders (particularly local communities and organisations) to participate fully and effectively in the process.

There is a vast amount of reference literature and as well as many toolkits detailing the variety of participatory techniques and methodologies that can be employed as part of the stakeholder engagement process. However, the choice of methods will depend on the context and the type of stakeholders being engaged. What works well in one context or with one set of stakeholders may be less effective elsewhere. For this reason, we have chosen not to go into detail on any specific tools or techniques, but rather to point out that participatory methodologies are meant to increase the level of involvement of stakeholders in the process and elicit responses that would not be accessible, for example, through large public meetings. Participatory methods can be particularly useful when trying to build integrated solutions to complex project issues or for engaging specific sub-groups within a community (for example, women, youth, vulnerable groups, minorities, or the elderly).

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62. ICF. (2007). Stakeholder Engagement, a Good Practice Handbook for Companies doing Business in Emerging Markets, pgs.44-46.

Participatory techniques can be effective both in situations where literacy and education levels are low, and with educated and well-informed groups where there is controversy or complexity, and a need to build consensus around possible solutions.

In situations where the engagement process is complicated, or where special attention to cultural appropriateness is needed to ensure informed and meaningful participation, it is best to seek out experienced specialists for designing and facilitating the process. Some examples of participatory tools, techniques and methods include:

- participatory workshops
- focus groups
- role play
- historic timelines and trends
- participatory rural appraisal (PRA) technique
- seasonal calendar
- daily schedules
- semi-structured interviews
- Venn diagrams
- local institutional analysis
- resource mapping and village maps
- poverty and vulnerability mapping
- wealth ranking and other forms of ranking for decision-making
- joint identification of issues and possible solutions.

## **Box 2 - References on participatory methods and techniques**

### **For more information on participatory methods and techniques:**

GTZ Mapping Dialogue

<https://www.nonformality.org/wp-content/uploads/2006/12/mappingdialogue.pdf>

Participation works! 21 Techniques of Community Participation for the 21st century, New Economics Foundation

<https://www.participatorymethods.org/resource/participation-works-21-techniques-community-participation-21st-century>

Participatory Learning and Action series, International Institute for Environment and Development (IIED), London

<https://www.iied.org/participatory-learning-action-pla>

Participatory methods toolkit: A practitioner's manual

[https://archive.unu.edu/hq/library/Collection/PDF\\_files/CRIS/PMT.pdf](https://archive.unu.edu/hq/library/Collection/PDF_files/CRIS/PMT.pdf)

World Bank on Participation and Civic Engagement

[https://consultations.worldbank.org/sites/default/files/materials/consultation-template/engaging-citizens-improved-resultsopenconsultationtemplate/materials/finalstrategicframeworkforce\\_4.pdf](https://consultations.worldbank.org/sites/default/files/materials/consultation-template/engaging-citizens-improved-resultsopenconsultationtemplate/materials/finalstrategicframeworkforce_4.pdf)

Source: ICF. (2007). *Stakeholder Engagement, a Good Practice Handbook for Companies doing Business in Emerging Markets*, pg. 46, Box 5.

## Ensure accessibility

Regulatory transparency requires that governments effectively communicate the existence and content of all regulations to the public. The public should therefore enjoy unimpeded access to regulation, free of charge. A complete and up-to-date legislative and regulatory database should be freely available to the public in a searchable format through a user-friendly interface over the Internet. The strategy for disseminating the regulation to affected user groups should be considered. Transparency requires that governments and regulating ministries develop a comprehensive strategy to help those involved to find and understand regulations, structured in accord with the nature of both the regulations and interested parties involved. Information and Communication Technologies (ICT) are the most efficient way to enable access to regulations in one place. Electronic registers of regulations already exist in many countries. The registers should contain not only primary but also secondary legislation and, preferably, not only regulations that are currently in force but also those that were abolished or previous versions of regulations which were amended. The register should be searchable not only by keywords but also by areas of regulations, departments responsible, date of entering into force, and so on.

Special measures should be adopted to support access to regulations by persons with specific disabilities (sensory, motor, or cognitive impairments) using the human and technological resources best suited to the physical context in which these citizens live and relate socially.

## Plan for engagement and evaluation

Governments need to plan and act strategically for successful stakeholder engagement actions.

- a) An insufficient amount of time may result in rushed consultations that only tick the box and fulfil the obligation without any actual impact on the quality of regulations. Careful planning of how and when stakeholders will be engaged in the process beforehand helps to identify the stages of the project when stakeholders' input will be required and, therefore, allows governments to choose the right tools for the different stages of developing regulatory proposals. A regulatory policy should also provide for regulators to extend the consultation in response to stakeholder requests, as appropriate. A calendar of planned evaluations should be discussed with stakeholders and published regularly. This would further contribute to the structure of the official evaluation activity and would increase transparency and accountability.
- b) Evaluation needs to be a part of proper planning, otherwise measurements will not be defined, necessary data will not be collected, and resources for evaluation may not be available. To effectively use the results of the evaluation, once done, the evaluation needs to be published and communicated through reports and presentations, thereby contributing to higher transparency and accountability.
- c) Stakeholder engagement is a resource-intensive exercise not only for the administration but also for stakeholders. Stakeholders must be informed sufficiently in advance about ongoing engagement activities they might get involved in and there must be enough time to get involved. Some NGOs, business associations or trade unions will need to contact their members and then sometimes synthesise their inputs which makes the process even longer, especially for international organisations and associations. Therefore, clear timelines<sup>63</sup> must be set and publicised for stakeholder engagement activities, especially for public consultations (notice and comment).

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63. Many countries require or recommend minimum periods of 30 or 60 days (or longer, when the regulatory proposal is particularly complex).

- d) Consultation tools must be suitable for different types of stakeholder engagement and for the right phase of the policy process. Selecting tools is an important step in planning stakeholder engagement activities and depends on i) the objectives of the project, ii) stakeholders participating, and iii) available resources (the European Commission's Better Regulation "toolbox" provides an overview of consultation methods and tools for various types of stakeholders).<sup>64</sup> Usually, a mix of tools is necessary, and such a mix may also give governments a chance to use their efforts in several ways to better reach stakeholders and achieve objectives. Integrating tools is of special importance when using ICT. A combination of traditional and ICT tools can help to boost effectiveness while overcoming many limits of ICT. When selecting the consultation tools, it is crucial to:
- iii. Mind the digital gap. Stakeholders who cannot or do not want to communicate electronically should not be excluded from the engagement process.
  - iv. Not be afraid to experiment with new tools, making use of any available communication channels, including social media. Such channels could solicit stakeholder engagement input at different stages of the policy cycle to guide, inform and orient the strategy of government. Although the nature of social media limits their utility as the basis for generally applicable regulatory requirements, it can prove helpful in overcoming the current levels of disengagement among citizens and the marginalisation of some groups of society.
  - v. Not ignore the potential of behavioural insight as a tool for engaging with stakeholders, and collect feedback on what works and meets citizens' needs. Feedback from stakeholders can provide useful signals about the existence of a behavioural problem in applying regulations. Surveys and feedback provided by users through complaint mechanisms, for example, can help identify problems related to, for example, poor or too much or distorted information, and behavioural barriers to compliance and decision that could be responsive to behavioural experimentation. Experimentation and testing can also become effective ways to conduct targeted engagement with stakeholders and to collect inputs and feedback on policies and interventions "in the making". However, there should always be clarity surrounding the engagement, and transparency concerning the way in which stakeholders are being involved, to dispel any suspicion that the results of the engagement process are being manipulated.
  - vi. Choices of consultation tools should be based on a clear understanding of the characteristics, strengths, and weaknesses of each tool in meeting the goals sought at each stage of the engagement process. The increasing use of multi-staged consultation calls for sophisticated choices among the tools available, and therefore engagement programmes should include a range of strategies, including formal and informal approaches, earlier and later approaches, and approaches offering wide access to affected groups as well as focused fact-finding among experts. These approaches can be combined into an iterative process as needed to suit the regulatory issue under discussion. It is likely that more targeted consultation, aimed at gathering objective information and ascertaining the views of key stakeholders, will be emphasised at early stages. More open processes are likely to be more important subsequently to help identify unanticipated effects and develop consensus.

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64. [https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox\\_en](https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox_en) - accessed March 12, 2021

## Ensure control and oversight

Mechanisms should be created to ensure that civil servants adhere to the principles of open government and stakeholder engagement in regulatory policy, including through efficient control and oversight of the quality of engagement activities and compliance with the engagement policy. A degree of quality oversight, whether internal or independent, would strengthen the accountability mechanisms and would serve as a potential judicial review in jurisdictions where the obligation to engage with stakeholders is set by law. This role may be carried out by a body independent from the one drafting the regulation which is likely to be a ministry, department, or agency - through specialised units in the centre of government, established procedures (for example, parliamentary review, judicial review) or through dedicated bodies, such as ombudsmen<sup>65</sup> or independent watchdogs. In cases where an independent body already oversees the quality of impact assessments, it should also evaluate the quality of public consultations conducted as part of the impact assessment.

### 7.3 Develop a consistent and systematic approach

Because engaging stakeholders can be a costly and time-consuming exercise, the stakeholder engagement process should be designed to be proportionate to the significance and impact of the regulations being discussed, for a wise use of resources. Engagement programmes must be flexible enough to be used in different circumstances, but still operate within a framework of minimum standards, to provide consistency and confidence. Regulatory issues differ greatly in impact and importance, scope and number of affected groups, information needs, timing of government action and resources available for consultation. Within the framework of a consistent government-wide consultation policy, regulators should be able to design a consultation process to suit the existing circumstances.

- a) Flexibility should be maintained so that the effective breadth of consultation can be maximised. Where potentially important stakeholders are known to be harder to reach or less able to participate, specific measures may be required to actively seek and ensure their input. This could include the extension of time limits, more intensive information provision, further iterations of consultation or the provision of specifically tailored opportunities for dialogue. Similarly, the need to depart from a standard process may arise because of the nature of the issue being regulated. Any additional steps should supplement the minimum process, while departures from it should be subject to clear guidelines and controls. Flexibility must always be weighed in terms of the implicit trade-off that often exists between flexibility and accessibility.
- b) Full transparency, predictability, and a certain level of uniformity of the process must be maintained. While in some phases of the process administrations might find it more useful to organise consultations only with a limited range of stakeholders, there should always exist an opportunity for every stakeholder to express their opinions and provide inputs. For example, the notice and comment procedure must take place at the stage of the regulation-making process, where there is still sufficient time for the comments to be taken on board. This procedure should take place for each regulation developed, regardless of whether any other forms of engagement have taken place before. Stakeholders should know that there are certain procedures which every regulatory project must go through, where all stakeholders have an opportunity to get involved. At the same time, all consultations with individual stakeholders or with a limited scope of stakeholders should be recorded and their outcomes described in the consultation summary.

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65. A government official who hears and investigates complaints by private citizens against other officials or government agencies.

The International Association for Public Participation (IAP2) proposes a Spectrum of Public Participation as a way of making sense of the broad range of regulator-community relationships, which may be helpful in the context of developing a framework for a consistent government-wide consultation policy. This spectrum categorises relationships between an agency or public entity and its public, according to the degree of shared control over the process of decision-making. Every type of community-government relationship can be mapped onto this spectrum<sup>66</sup> (Table 1).

**Table 1 - The IAP2 Spectrum of Public Participation**

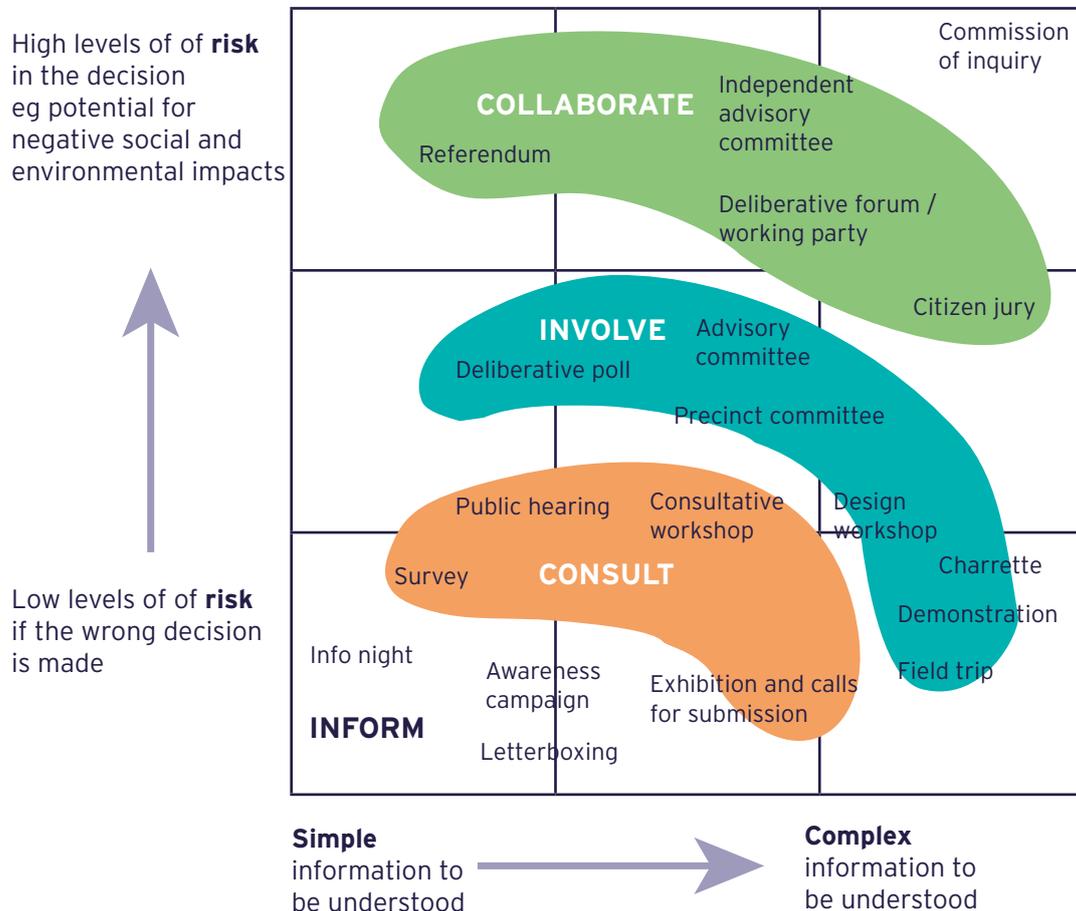
Increasing Level of Public Impact	Definition		Promise to the public	Examples of methods
	Empower	To place final decision-making power in the hands of the public.	We will implement what you decide.	<ul style="list-style-type: none"> <li>• Management committees</li> <li>• Referenda</li> </ul>
	Collaborate	To partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.	We will look to you for direct advice and innovation in formulating solutions, and we will incorporate your advice and recommendations into the decisions to the maximum extent possible.	<ul style="list-style-type: none"> <li>• Planning forums</li> <li>• Citizen advisory committees</li> <li>• Joint projects</li> </ul>
	Involve	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed; we will provide feedback on how public input influenced the decision.	<ul style="list-style-type: none"> <li>• Workshops</li> <li>• Planning forums</li> </ul>
	Consult	To obtain feedback on analysis, alternatives and/or decisions.	We will keep you informed, listen to you, and acknowledge concerns, and provide feedback on how public input influenced the decision.	<ul style="list-style-type: none"> <li>• Exhibition of plans</li> <li>• Focus groups</li> <li>• Surveys</li> <li>• Consultative meetings and precinct committees</li> </ul>
	Inform	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	We will keep you informed.	<ul style="list-style-type: none"> <li>• Media stories</li> <li>• Education campaigns</li> <li>• Websites</li> <li>• Information meetings</li> </ul>
	Non-participation	Influencing public support for a product or proposal.	Our product or proposal will perform as promised.	<ul style="list-style-type: none"> <li>• Public relations</li> <li>• Marketing</li> <li>• Social marketing</li> </ul>

Source: Department of Environment and Conservation NSW. (2006). *A Guide for Engaging Communities in Environmental Planning and Decision Making*, pag.3, Table 1.

66. Department of Environment and Conservation NSW. (2006). *A Guide for Engaging Communities in Environmental Planning and Decision Making*.

The spectrum shows the engagement commitment expected by those involved in the process. When paired with a decision support tool, such as the Public Participation Matrix (see Figure 3), the spectrum becomes a powerful system to aid decision-makers in selecting the appropriate level of public participation for a given situation.

**Figure 3 - The Public Participation Matrix**



Source: Department of Environment and Conservation NSW. (2006). *A Guide for Engaging Communities in Environmental Planning and Decision Making*, pg.4, Fig1.

There are situations where INFORM-level methods are appropriate and acceptable to the public - for instance, when introducing a new recycling system. Equally, there are many situations where COLLABORATE-level methods are more appropriate - such as when assessing a tender for a controversial industrial facility.

The use of consistent approaches across different policy areas is a key quality control mechanism, as it enhances the quality of the process in three ways:

1. First, minimum standards provide clear benchmarks to all parties as to whether consultation has been properly undertaken, and so protects all interests. These standards provide clear guidance for regulatory policymakers. Where a single, widely understood set of procedures is employed, dissatisfied parties can identify procedural problems, which in turn enhances confidence in the consultation process.
2. Second, it will likely be better balanced, in terms of the range of interests participating, and less prone to capture by small, highly organised groups with major interests in the outcome.

3. Third, adopting a consistent process also permits better coordination of regulatory quality initiatives across a wide range of policy areas. Allowing individual ministries significant discretion could endanger this, either because of a lack of understanding of the requirements of a good consultation process or because of a degree of “capture” of the ministry by specific interests.

## **7.4 Make the most of engagement**

While creating the conditions, defining the rules, and developing a framework for a consistent government-wide consultation policy are necessary steps for enabling stakeholder engagement, meaningful stakeholder engagement can be further promoted and leveraged.

### **Educate to engage**

It may be necessary to educate stakeholders about the engagement culture. Stakeholders need to be well informed on when and why they might have a chance to influence governments' decisions. Governments should invest in civic education for adults and youth (for instance through schools, special events, awareness-raising campaigns) and support initiatives undertaken by others with the same goal (for instance, sponsorship of civil society organisations' events).

### **Nurture civil society**

Governments should also nurture civil society by developing a supportive legal framework (with rights of association, tax incentives, and so on), aiding (with grants and training), developing partnerships (with joint projects, delegated service delivery, and so on) and providing regular opportunities for dialogue - for instance under a jointly defined framework for government-civil society interactions (Box 3 below).

#### **Box 3- Example of best practice cooperation memorandum with NGOs**

##### **Council for Co-operation with non-governmental organisations in Latvia**

Latvia introduced a Co-operation Memorandum with non-governmental organisations (NGOs) in 2005. It aims to promote effective work of the public administration in the public interest, and to ensure the involvement of civil society in the government's decision-making process. As of today, 404 NGOs have joined the Co-operation Memorandum. A Council for Implementation of the Co-operation Memorandum was established as an advisory body to facilitate continuous consultations between the public administration and NGOs which have joined the Co-operation Memorandum. It is the main co-operation platform between government and NGOs in Latvia.

The members of the Council equally represent both the public administration and NGOs. Council members from the NGOs are elected every eighteen months from among the participating NGOs. Any NGO that is registered in the Latvian Register of Associations and Foundations and willing to respect its objectives can join the Memorandum.

The Council meets monthly to discuss issues in different areas. Topics include the assessment of stakeholder engagement by line ministries according to criteria developed by the ministries and NGOs. These criteria are based on an annual survey of ministries' practices, the assessment of NGO participation in the drafting of regulations and policy planning documents, the implementation of policies affecting NGOs, as well as other issues raised by NGOs on problems in certain sectors. In addition, representatives of the Council participate in State Secretaries' meetings, the Cabinet of Ministers Committee meetings, and the National Tripartite Cooperation Council meetings in an advisory capacity. This provides the NGO sector with an opportunity to perform a watchdog role of government.

The Council makes recommendations to the government concerning the revision of existing regulations or draft laws or policy documents, and about the establishment of working groups for the revision of existing regulation or policy documents. While the decisions of the Memorandum are in the form of recommendations, in practice the Council is used by the government as a mechanism to obtain the opinion of NGOs on issues that are relevant to them and take them into account when making final decisions.

The public has access to the documentation of the Council's work. The Council's annual work plan, as well as agendas and records of Council meetings, are publicly available on the Cabinet's website. In addition, Council meetings can be watched online as a livestream.

Source: OECD. (2017). *Best Practice Principles on Stakeholder Engagement in Regulatory Policy*, pg.23, Box 14.

### **Treat stakeholders with respect**

Considering the stakeholders' perspective and treating them with respect is key to maximising the quality of information received. To catch citizens' attention and encourage them to engage, governments must adapt their activities to citizens' needs, as many stakeholders are often reluctant or unwilling to participate in engagement activities launched by governments. This means:

- c) Adapting language and style to the public while making the interaction attractive, interesting, friendly, honest, and non-condescending.
- d) Demonstrating to citizens that their inputs are valuable and that they are considered, or explaining why inputs have not been considered when making policy.
- e) Measuring and reporting their engagement activities to the public - such as the number and type of events held, number and type of stakeholders involved, number and type of alternatives identified and considered - to continuously improve the engagement process, and track and report success stories.

### **Provide specific information**

The more specific the information the better the input. Stakeholders will be more likely to participate if regulators provide detailed, complete information, rather than general descriptions. When engaging stakeholders, it is advisable to provide as much information on a given regulation as possible. This should include the reasons for adopting the regulation, underlying analyses, results of preceding consultations with stakeholders, the draft text of the regulatory proposal, a plain-language description of the proposal (particularly important when the proposal is

highly technical) and any other underlying data. Whenever a RIA has been conducted, it should be published together with the draft regulation, as it usually contains information on what alternatives have been considered and what the reasons were for choosing the selected option.

### **Engage early**

Engaging with stakeholders should start as early as possible in the process. Direct effects of engaging citizens depend very much on when citizens become involved. If this takes place at a later stage in the policy cycle - close to or even after decision-making - government officials may be reluctant to change their approach and citizens can have little real impact on policymaking. In contrast, when involving citizens early in the policy cycle - when the administration is still able and willing to significantly change the regulatory draft - governments can achieve much better effects and improve regulatory outcomes. When developing new regulations, stakeholders' input should be used as early as the phase of defining the problem and goals for the new regulation, particularly in cases where there is a lack of data and the regulator has not yet decided to move forward with a proposal. In fact, even before the work starts on preparing a new law or regulation, stakeholders might be consulted, for example, through green and white papers (Box 4). Also, when reviewing existing regulations, early stakeholder engagement should help to better target the efforts and to focus on those regulations that are perceived as the most burdensome and/or irritating for stakeholders. Listening to stakeholders' needs might also help to find more efficient strategies for implementation and enforcement of regulations that focus on promoting compliance by regulated subjects.

#### **Box 4 - Example of best practice in stakeholder engagement through Green Paper**

##### **Green Paper on Vulnerable Children (New Zealand)**

The Green Paper for Vulnerable Children was launched by the New Zealand Ministry of Social Development in 2011. It was intended as a discussion document to outline ideas, potential policy changes and potential service delivery changes, prior to drafting policy that addressed the issue of vulnerable children in New Zealand. It included 43 questions to stakeholders and invited the public to provide feedback on the ideas for future policy that were outlined in the Green Paper in the period between July 2011 and February 2012.

The Green Paper outlined issues and described ideas to address the issues over 32 pages. Following an introductory chapter on the background of the topic and on the consultation process, the ideas presented were clustered in four chapters ('Share responsibility', 'Show leadership', 'Make child-centered policy changes' and 'Make child-centered practice changes'). Each chapter included specific questions to stakeholders as a basis for their submissions. Further links to references on the topics were included within the paper.

Stakeholders were able to engage by submitting comments via email, mail, or by using a form with nine priority questions and single-question postcards which could be sent in free of charge. In order to increase awareness and to encourage comments, the campaign also included two dedicated websites (<http://www.childrensactionplan.govt.nz/> and <http://www.saysomething.org.nz/>), a Facebook page, a Twitter account and pop-ups on media websites. Locally, the campaign engaged stakeholders through 17 in-person events as well as a Green Paper Campervan Drive, where a campervan travelled around New Zealand, making 32 stops over 13 days to collect submissions. To facilitate stakeholder engagement, three 'Green Paper Champions' who had shown commitment to children's welfare were chosen.

They served as a public face for the consultation process and had high public profiles which enabled them to generate interest and motivation among the public to write submissions.

Stakeholders were also engaged in the drafting process of the Green Paper through the establishment of advisory groups. The 'Scientific Panel' provided an academic and research lens over the document to ensure that there was scientific rigour to the Green Paper when considering the empirical evidence and understanding aspects of cumulative risk, vulnerability, and protective and risk factors. The 'Frontline Panel' provided advice to the drafters of the Green Paper from providers working directly with vulnerable children.

Throughout the campaign, almost 10,000 submissions were collected from the public, civil society, frontline workers, academia, and other organisations. Submissions were received in a 'question and answer' format (responding to specific questions in the Green Paper), or as 'free-form submissions' which did not specifically answer any questions but addressed issues covered by the Green Paper which submitters wished to comment on. Contributions were read, coded, and analysed to identify themes and recurring suggestions. A summary of submissions was made publicly available, including a description of the consultation process, the methodology of analysis and a detailed overview of summarised stakeholder submissions. The insights from the consultation process informed a White Paper which was released one year after the Green Paper and informed the development of the Vulnerable Children Bill in 2013 and the Vulnerable Children Act in 2014.

Source: OECD. (2017). *Best Practice Principles on Stakeholder Engagement in Regulatory Policy*, pg.27, Box 16.

The increasing use of consultation at earlier stages of the policy process should help identify better policy options prior to the broad direction of regulation being settled. Consultation documents should explicitly identify both the underlying policy objective and the widest possible range of alternatives, and make clear that one of the objectives of the process is to uncover additional policy options that may not have been apparent to policymakers. The "regulatory culture" prevailing among policymakers must be open to this kind of input. Such broad thinking is further supported if the public is systematically and periodically notified of regulatory measures that regulators are developing or plan to develop in the future (pre-notification).

### **Engage inclusively**

Governments should try to reach out to those who are usually least represented in the rule-making process; therefore publishing information on the Internet and hoping that all stakeholders will find it might not be enough. The administration must try to go beyond the "usual suspects" and proactively search for an opinion from those who are either "able but unwilling" or "willing but unable" to participate in the public debate and make every possible effort to remove any obstacles to their participation.

### **Avoid regulatory capture**

Governments should prevent "regulatory capture" by strong lobby groups and special interests. When processing stakeholders' input, it is necessary to balance different interests.<sup>67</sup> While opening

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67. Remedies to secure unbiased and inclusive policymaking include increasing transparency and integrity in lobbying, and better managing conflicts of interest. For more directions and guidance on fostering transparency and integrity in lobbying, see the *OECD Principles for Transparency and Integrity in Lobbying* - <http://www.oecd.org/corruption/ethics/Lobbying-Brochure.pdf>. Similarly, the OECD

the process to as many stakeholders as reasonable is a prerequisite to getting the widest possible spectrum of views, there is always a danger that those with more resources and experience in influencing government decisions (lobbyists, organised interests, powerful interest groups and CSOs) will capture the consultation process. It is therefore necessary to master the political challenge of balancing divergent inputs and filtering organised campaigns by pressure groups. Stakeholder engagement should foster understanding and clarification of a policy issue and provide citizens and interested parties with the opportunity to have their voices heard, allowing for consensus to form, and providing governments with a broader view of opinions and interests, a way to balance them, and a better basis for decision-making.

### **Avoid overreliance on consulting advisory bodies or expert groups**

Governments should avoid overreliance on consulting advisory bodies or expert groups. They should complement and not be a substitute for broad-based consultations. Procedures for establishing advisory boards and for nominating their members need to be fully transparent and accessible and give an opportunity for outsiders who have not been previously involved to put themselves forward if they so wish. The results of the discussions with consulting advisory bodies or expert groups must also be transparently accessible to avoid any assumptions of regulatory capture.

### **Prevent consultation fatigue**

To prevent “consultation fatigue” among stakeholders, all stakeholder engagement should be recorded and reviewed periodically. Before new engagement is planned, previous engagement should be reviewed as an initial step and an objective should be set if more engagement is needed, to prevent stakeholders from becoming frustrated with repeating information already given. Creating user-friendly consultation portals (Box 5), enabling potential consultees both to find ongoing consultations easily, and to identify those they wish to provide input to, is helpful.

### **Box 5 - Example of best practice in stakeholder engagement using ICT**

#### **Finland's online stakeholder engagement platform *otakantaa.fi* - 'Have your say'**

As part of the 'E-participation environment' project which lasted from 2010-2014, the eParticipation platform *otakantaa.fi* was launched to enable better interaction with the broader public during the early phase of policymaking. *otakantaa.fi* aims to enable, enhance, and promote dialogue between citizens and the public administration to improve the quality of legal drafting; gather information on different views, impacts and opportunities related to the practical implementation of the issues under consideration; and improve trust in regulation and in democratic decision-making. The website allows both public officials and members of the public to start discussions on various topics, from the drafting of new laws to the mapping of needs and ideas for new policies.

Stakeholder engagement is possible through two different tools: discussion fora and web surveys. Projects and initiatives are categorised on the platform by geography and by keywords, which can be chosen by the initiators of projects. The government structures and moderates the discussions, for example by providing guiding questions or supporting material. More than 90 per cent of consultation projects are started by the government (national or local), and only 10 per cent by civil society

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*Guidelines for Managing Conflict of Interest in the Public Service* provide policymakers with a set of tangible policy options based on promoting individual responsibility, supporting scrutiny, and creating an appropriate organisational culture.

and individuals. Business organisations (consulting firms) may start discussions when they support government organisations to arrange consultations.

Inputs received from stakeholders vary between long and detailed comments with some ideas or evidence and short opinions or polls signalling participants' agreement or disagreement. Inputs gathered can be used by public officials to inform further policy making, for example the authorities' decision-making, law drafting, development of action plans or the identification of reform requirements. By January 2016, 354 projects or initiatives had been started. Usually, the initiator provides a summary of the discussions or the results of the survey as a follow-up to the consultation process, which is attached to other drafting material used in the government's decision-making process.

Source: OECD. (2017). *Best Practice Principles on Stakeholder Engagement in Regulatory Policy*, pg.24, Box 15.

### **Show impact of engagement activities**

There must be a visible impact of engagement activities. Stakeholders tend to lose interest when their views are ignored or not taken seriously. It is therefore necessary that the administration explains how stakeholder input has been assessed and incorporated in the decisions reached. Important contributions should be acknowledged and transparent feedback on how stakeholder input was considered should be provided. A summary of the specific inputs received and how these inputs have been considered (and if not, explaining why) in the preparation of the regulatory measure can go far in building public confidence in the value of the consultation process. Another example would be reporting the number of changes finalised, or the cost savings from removing or changing a regulation, that resulted from stakeholder engagement. This way, governments can increase trust among stakeholders through the fact that their input is seriously considered and sometimes actually used to make changes in the regulatory process. Providing the respective decision-making authorities with the summary of public engagements will also help to prevent unexpected negative reactions from the public when the authorities do not accept public comments.

## **7.5 Evaluate and learn**

Governments should regularly evaluate both their stakeholder engagement policy and individual engagement activities towards achieving their goals. It should be conducted by a body not directly involved in implementing the policy. Depending on the country context, this evaluation can, for example, be performed by the Supreme Audit Institution, the parliament, or an independent advisory body.

Planning and conducting evaluation helps the government officials to:

- See if their activities were successful: were the tools effective? Have stakeholders been contacted as planned? Were the resources adequate? Have the objectives been reached?
- Demonstrate to others that the activities were successful, which is important to justify planning and activities.
- Learn from experience: evaluating and sharing the results enable governments to learn from their activities by comparing activities and setting benchmarks for good practice, providing incentives for improving planning and practice, and raising awareness for strengthening government-citizen relations.

- Redesign activities and create new ones based on reflections on their experience, which increases the chance for success in the future and builds capacity to respond to new and emerging demands.
- Do all this during and after implementing activities. Planning evaluation activities gives the chance to track the success and eventually modify activities not only after, but also during implementation.

## Box 6 - Examples of tools for evaluation of stakeholder engagement

### Examples of evaluation tools

**Informal reviews.** Through informal contacts with CSOs and citizens, and by asking for and listening to their comments, government officials get an impression of how their activities have been received by their public. Through open discussions with staff within governments, senior managers can learn about how the activities are valued internally. These reviews can be formalised and extended into workshops. If not, these informal reviews remain simple tools which do not deliver systematic information. However, they give some indications of the success of activities.

**Collecting and analysing quantitative data.** Governments can collect data on a wide range of relevant areas, such as the number of requests for documents and information products, the amount and content of complaints and proposals received, attendance at events, and so on. To collect and compare these figures across ministries and bodies, governments need to establish standard procedures and measurements.

**Participant surveys and public opinion polls.** Surveys among attendees at events or readers of government publications can reveal information about their use and views of their contact with government. For the broader population, public opinion polls can help governments to determine the effects of their activities.

**Reviews.** These are systematic and intensive evaluations of activities. They can involve diverse and broad data collection and in-depth analysis. This tool can be especially important for activities that are highly relevant, resource-intensive, experimental, or complex.

Source: OECD. (2017). *Best Practice Principles on Stakeholder Engagement in Regulatory Policy*, pgs. 32-33

## 8. CSOs and CBOs: guidelines for more effective policy engagement

CSOs are fundamental players in international development. They provide development services and humanitarian relief, innovate in service delivery, build local capacity and advocate with and for vulnerable communities. When acting alone, however, their impact is limited in scope, scale, and sustainability. In developing countries CSOs still have a limited impact on policy and practice, and ultimately in the lives of vulnerable people. In many countries they act on their own or in opposition to the state, leading to questions about their legitimacy and accountability. Their policy positions are also increasingly questioned: researchers challenge their evidence base and policymakers question the feasibility of their recommendations.

The literature identifies three main obstacles to more effective policy engagement by CSOs: poor use of evidence, external and internal obstacles, and poor use of coalitions.

### 8.1 Use evidence to increase policy influence

In the report *'Policy Engagement, How Civil Society Can be More Effective'*,<sup>68</sup> the authors argue that a better use of evidence by CSOs is part of the solution to increasing the policy influence and impact of their work as it can: (i) improve the impact of CSOs' service delivery work; (ii) increase the legitimacy and effectiveness of their policy engagement efforts, helping CSOs to gain a place and influence at the policy table; and (iii) ensure that policy recommendations serve their goals of impact in vulnerable communities.

As the framework below shows (Figure 4), the goal is to have the voices of vulnerable communities heard and incorporated into countries' policies. Promoting and enabling political and policy environments are also key aspects of an agenda that supports vulnerable communities.

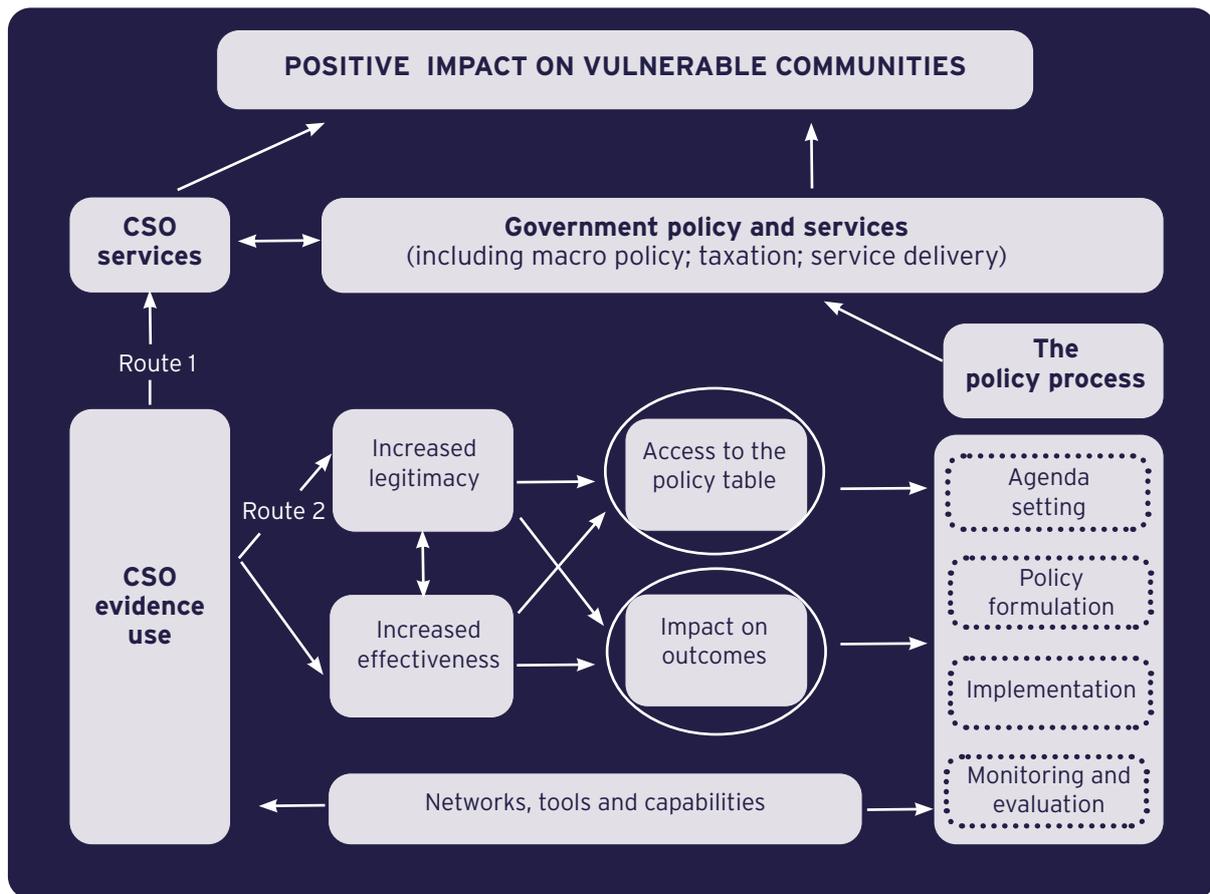
As illustrated in this figure, there are two main routes for CSOs to follow.

- In route 1, CSOs directly engage in service delivery that can have a direct effect on vulnerable communities. In relation to this route, experience shows that better evidence leads to better programmes, which in turn leads to greater impact for CSOs engaged in direct service delivery. Evidence can help CSOs understand problems more clearly, design better interventions, make practice more effective and monitor their results. It can also help them share lessons with others, but by taking this route the impact of individual CSOs is limited in scope, scale, and sustainability, hindering their role in promoting an effective state, which is vital for development progress.
- Thus, a second and vital route in support of positive effects for vulnerable communities is informed CSO engagement with government policy processes, as outlined on the right of the diagram (Figure 4). This helps to identify new problems, develop new or better strategies, and make government implementation more effective. But rigorous evidence matters here too because evidence enhances CSO legitimacy, and legitimacy matters for policy influence.

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68. Overseas Development Institute (ODI). (2006). *Policy Engagement, How Civil Society Can be More Effective*.

**Figure 4- CSOS, evidence, policy, and impact on vulnerable communities**



Source: Adapted from Overseas Development Institute (ODI). (2006). *Policy Engagement How Civil Society Can be More Effective*, pg.8, Figure 2.

For CSOs to use evidence to increase their legitimacy to exert political influence they need to:

- i) identify the political constraints and opportunities and develop a political strategy for engagement;
- ii) inspire support for an issue or action; raise new ideas or question old ones; create new ways of framing an issue or policy narrative;
- iii) inform the views of others; share expertise and experience; put forward new approaches; and
- iv) improve add, correct, or change policy issues; hold policymakers accountable; evaluate and improve own activities, particularly regarding service provision.

- At the agenda setting stage, evidence can help put issues on the agenda and ensure they are recognised as significant problems which require a policymaker response. CSO inputs will be more influential if they also provide options and realistic solutions. Better use of evidence can influence public opinion, cultural norms and political contestation, and indirectly affect policy processes.
- At the policy formulation stage, evidence is a way to establish the credibility of CSOs. CSOs can use evidence to maintain credibility with local communities and with

policy-makers, combining their tacit and explicit knowledge of a policy issue. Outlining the theory of change - how the proposed policy measure will result in positive effects for vulnerable communities is also crucial, as it enables CSOs to present the evidence to support their political position.

- At the implementation stage, evidence helps CSOs translate technical skills, expert knowledge, and practical experiences to better inform others. CSOs have often been successful innovators in service delivery and often the key to influencing implementation of policy is to have solutions that are realistic and generalisable across different contexts.
- The monitoring and evaluation of policy can also be influenced by evidence. Evidence helps to identify whether policies improve (or not) the lives of their intended beneficiaries. For example, many CSOs have pioneered participatory processes that transform the views of people into indicators and measures, gathering the interest of the media or other external groups, which can help improve policy positions and make policy processes more accountable.

Overall, evidence can have a beneficial effect on CSOs by aiding them to gain access to the policy process and have a greater impact.

**Table 2 - Targeting components of the policy process and evidence needs**

Policy stage and key objectives for actors aiming for influence	CSOs can help ...	Evidence must be ...
<p><b>Agenda setting:</b> convince policymakers that the issue does indeed require attention.</p>	<ul style="list-style-type: none"> <li>• marshal evidence to enhance the credibility of the argument</li> <li>• extend an advocacy campaign</li> <li>• foster links among researchers, CSOs and policymakers</li> </ul>	<ul style="list-style-type: none"> <li>• crystallised as a policy narrative around a problem</li> <li>• credible</li> <li>• suitable for the political environment</li> <li>• communicated effectively</li> </ul>
<p><b>Formulation:</b> inform policymakers of the options and build a consensus.</p>	<ul style="list-style-type: none"> <li>• act as a “resource bank”</li> <li>• channel resources and expertise into the policy process</li> <li>• bypass formal obstacles to consensus</li> </ul>	<ul style="list-style-type: none"> <li>• high quality and credible</li> <li>• contain cost-benefit assessments</li> <li>• adapted to maintain credibility with communities and policymakers</li> <li>• both tacit and explicit in origin</li> </ul>
<p><b>Implementation:</b> complement government capacity.</p>	<ul style="list-style-type: none"> <li>• enhance the sustainability and reach of the policy</li> <li>• act as dynamic “platforms for action”</li> <li>• innovate in service delivery</li> <li>• reach marginal groups</li> </ul>	<ul style="list-style-type: none"> <li>• relevant and generalisable across different contexts</li> <li>• operational - how to do it</li> <li>• directly communicated with policymakers</li> </ul>

Policy stage and key objectives for actors aiming for influence	CSOs can help ...	Evidence must be ...
<p><b>Evaluation:</b> review experience and channel it into the policy process.</p>	<ul style="list-style-type: none"> <li>link policymakers to policy end users</li> <li>provide good quality, representative feedback</li> </ul>	<ul style="list-style-type: none"> <li>consistent over time - through monitoring mechanisms</li> <li>objective, thorough and relevant</li> <li>communicated in a clear, conclusive, and accessible way</li> </ul>
<p><b>Underlying:</b> capacity building for CSOs aiming to influence policy.</p>	<ul style="list-style-type: none"> <li>provide a dynamic environment for communication and collaborative action</li> <li>provide support and encouragement</li> <li>provide a means of political representation</li> </ul>	<p>(Evidence needs will vary according to the capacity building initiatives.)</p>

Source: Overseas Development Institute (ODI). (2006). *Policy Engagement How Civil Society Can be More Effective*, pg.32, Table 2

## Address external and internal obstacles to political engagement

Policy processes are complex, with varied and different points of entry; CSOs are only one set of actors; and evidence is only one of numerous factors that matter for policy influence. It is therefore worth asking: what is the current context facing CSOs? What are the key opportunities and challenges? Based on the literature, consultations and case studies, Julius Court et al. in 'Policy Engagement, How Civil Society Can be More Effective' outline a number of strategic and practical ways in which CSOs might address key barriers they face, and argue that, to a great extent, 'CSOs' impact on policy is in their own hands. By getting the fundamentals right (assessing context, engaging policymakers, getting rigorous evidence, working with partners, communicating well), CSOs can work to overcome the key internal obstacles'.<sup>69</sup>

69. Overseas Development Institute (ODI). (2006). *Policy Engagement, How Civil Society Can be More Effective*, pg.43.

**Table 3 - Solutions for more effective policy engagement by CSOs**

Key obstacles to CSOs	Targeted solutions for effective policy engagement
<b>External</b>	
Problematic political contexts constrain CSO work.	Different responses include: <ul style="list-style-type: none"> <li>• <i>Campaigns</i> - to improve policy positions and governance contexts.</li> <li>• <i>“Boomerangs”</i> - working via external partners to change national policy.</li> <li>• <i>Policy pilots</i> - to develop and test operational solutions to inform and improve policy implementation.</li> </ul>
<b>Internal</b>	
Limited understanding of specific policy processes and the politics affecting institutions and actors.	Rigorous <i>context assessments</i> enable a better understanding of how policy processes work and the opportunities for policy entrepreneurship.
Many CSOs remain in a mode of opposition to government and have weak strategies for engaging with policy processes.	<i>Better strategy</i> would help CSOs to identify critical policy components (agenda setting, policy formulation and implementation, monitoring, and evaluation) and the different engagement mechanisms and evidence needs required to maximise their chances of policy influence.
Inadequate use of evidence.	<i>Better evidence</i> could help CSOs have a greater impact on policy processes. CSOs need to ensure that their evidence is: relevant, objective, credible, generalisable, and practical.
Weak communication approaches in policy influence work.	<i>Better communication</i> aids CSOs in making their points accessible, digestible, and timely for policy discussions. Two-way communication is critical. CSOs should use existing tools for planning, packaging, targeting, and monitoring communication efforts.
CSOs work in an isolated manner.	<i>Network approaches</i> help CSOs make linkages and partnerships with other stakeholders. CSOs need to be aware of the 10 keys to network success.
Capacity constraints for policy influence.	<i>Systemic capacity building</i> helps CSOs build their own capacity or access it through networking.

Source: Overseas Development Institute (ODI). (2006). *Policy Engagement How Civil Society Can be More Effective*, pg.44

## Box 7 - Example of a boomerang strategy

### Boomerang strategies for environmental protection in Peru

Labor, a CSO in the city of Ilo in southern Peru had a real influence through a “boomerang” approach. Since 1981, Labor had been lobbying to highlight the environmental damage caused by a mine belonging to the Southern Peru Copper Corporation (SPCC), one of the main copper producers in the world. Despite gaining the support of the local government, Labor was unsuccessful in convincing the national government and the company of the merits of its case. The turning point came when Labor and Ilo’s municipal government won a suit against SPCC in the Second International Water Tribunal in Amsterdam in 1992. At this event, Labor presented the research-based evidence that the government had dismissed over the last decade. Having exposed SPCC’s negative environmental impact in an international forum, the mining company introduced an environmental strategy, in cooperation with the Peruvian government, to reduce its air and water pollution. The “boomerang” effect had enabled Labor to utilise an international process to influence government authorities and the private sector in Peru.

Source: Overseas Development Institute (ODI). (2006). *Policy Engagement How Civil Society Can be More Effective*, pg.27, Box 10

## 8.2 Build advocacy coalitions to increase political engagement

The table above already identifies network approaches to tackle CSOs’ challenges resulting from working in an isolated manner. However, the importance of this topic deserves a section of its own, as building coalitions with advocacy partners is key to: enhance the reach of the advocacy effort; enable greater efficiency and effectiveness by combining resources and skills; leverage the comparative advantage of each member; and reduce duplication.

Coalitions can be multi-stakeholder in nature or reflect the views of a single stakeholder group. The participation of CSOs in multi-stakeholder advocacy coalitions enables them to have a voice in decision-making processes alongside “traditional” decision makers such as governments and the donor agencies. From the perspective of the government, coalitions provide an opportunity to engage with a coordinated “CSO voice”, rather than dealing with multiple and disparate CSOs.

Building an advocacy coalition is particularly useful when targeting policy and/or encouraging a certain level of budget allocation for a specific programme or issue. The first steps would be to identify the advocacy issue by singling out the problem to be addressed, and to clearly define the desired outcome. This would be followed by the development of a plan to achieve the goal, the identification of the skills and resources required, and the continual engagement of partners to guide and implement that plan. In short, a Theory of Change. In *Building Advocacy Coalitions for Greater Action and Accountability*,<sup>70</sup> the authors put forward the following building blocks for putting together advocacy coalitions.

70. Asia-Pacific Leadership and Policy Dialogue for Women’s and Children’s Health. (2012). *Building Advocacy Coalitions for Greater Action and Accountability*.

1. Develop broad networks or coalitions of like-minded actors:
  - Identify appropriate partners with complementarities in terms of organisational skills, resources, experience, and spheres of influence.
  - Approach potential partners in a targeted manner, with a clear idea of how the various partners complement each other in working towards the advocacy goal, recognising their individual roles and the added value of a coalition.
2. Establish principles and effective practices of working:
  - Agree on guiding principles for partnership, including strategic objectives and ways to collaborate.
  - Implement mechanisms to ensure the functioning of the coalition (clear roles and resources of each partner, budgeted work plan, regular update meetings and appointment of a chair, possibly on a rotation basis).
  - Build trust by facilitating information sharing between partners (such as through building a common website, Twitter feed, and so on). Create immediate “quick-win” opportunities to work together to demonstrate added value of the coalition, ensuring reciprocal transparency, and supporting each other’s initiatives.
  - Acknowledge the challenges of working in coalition; for instance, disagreements on specific policy solutions, the need to reach a broad consensus, and conflicts on the branding of the coalition.
3. Research and identification of “entry points” and champions:
  - Early and comprehensive research should inform the entire advocacy process. A balance needs to be reached between advancing the overall agenda versus gearing up action on a specific issue to take advantage of a certain policy window, when political attention might be feasibly secured, during national elections for instance.
  - Identify the relevant players who can influence the decision-making process for the specific issue at hand, for example the media, parliamentarians, key political constituencies, donors, and so on. Work towards creating ownership of the advocacy issues by the identified champions.
  - Identify potential “entry points” for the advocacy initiatives to generate maximum impact, and garner broader interest and support for the issue. For example, in Brazil, advocacy efforts by Bem Estar Familiar no Brasil (International Planned Parenthood Federation member) focused on maternal health, which offered an entry point for engaging with sexual and reproductive health and rights issues, such as abortion.<sup>71</sup>
  - Build on further research to understand other current and related advocacy efforts and options for complementarity or leveraging.
4. Manage and deliver communications:
  - Understanding what a specific audience needs and expects is critical. Identify the best available vehicles for messaging, such as talking points to be delivered by key influencers in highly visible fora or bilateral meetings; media products (Twitter, web packages, press releases, and so on); and presentations in parliamentary fora.
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71. Asia-Pacific Leadership and Policy Dialogue for Women’s and Children’s Health. (2012). *Building Advocacy Coalitions for Greater Action and Accountability*, pg.1.

- Delivering the message can fall under three areas - sensitising the target audience by cultivating interest, asking the target audience to take concrete action towards an end, and following up after the request for action to see if it has been undertaken.

## 5. Evaluate:

- Evaluate specific campaigns in relation to agreed benchmarks against baseline measures, such as an increase in awareness or increase in public discussion. Evaluate advocacy efforts on an ongoing basis.
- Promote accountability by developing monitoring and transparency tools and mechanisms (for example, to monitor the actual flow and utilisation of budgeted funds), and space for greater dialogue with civil society.
- Evaluate the coalition on other important outcomes, such as strengthened organisational capacity, alliances, or an increased base for support.

In '*Policy Engagement, How Civil Society Can be More Effective*', the authors recognise that networks in itself do not guarantee success and point to 10 commonly cited network "keys to success". These are:<sup>72</sup>

1. **Clear governance agreements** that set objectives, identify functions, define membership structures, make decisions, and resolve conflicts.
2. **Strength in numbers** lends greater political weight to a cause or policy issue.
3. **Being representative** is a key source of legitimacy and thereby influence.
4. **Quality of evidence** affects both credibility and legitimacy.
5. **Packaging of evidence** is crucial to effective communication.
6. **Persistence** over a period of time is often required for policy influence.
7. **Key individuals** can facilitate policy influence.
8. **Informal links** can be critical to achieving objectives.
9. **Complementing official structures** rather than duplicating them makes networks more valuable.
10. **ICTs** are increasingly vital for networking.

72. Overseas Development Institute (ODI). (2006). *Policy Engagement How Civil Society Can be More Effective*, pg.37.

## 9. Concluding remarks

Environmental quality of life is a public good. Climate change and environmental degradation affect all peoples, yet indigenous and local communities whose livelihoods are intertwined with lands and natural resources of traditional use are disproportionately climate-affected. Hence, climate action is essentially a governance issue. This is recognised in the Aarhus Convention, the Paris Agreement, the UNFCCC process, and the 2030 Agenda.

Whilst environmental action has the potential to generate social and environmental benefits, it may also generate negative externalities disproportionately felt by vulnerable stakeholders. Most of the safeguard frameworks ensuring that vulnerable stakeholders' rights, livelihoods, and cultural heritage are not affected by environmental action come from multilateral financing bodies. However, their design and implementation are project-oriented and do not guarantee the improvement of communities' capacity to voice their views, needs and concerns, and effectively enhance their participation and influence over climate programmes and policy. Project-oriented safeguards are not designed to expand vulnerable communities' political voice and should not be exclusively relied on to enhance environmental governance and the civic space. Safeguards ensuring access to justice are absent from major international agreements, such as the UNFCCC and the Paris Agreement, the Convention on Biological Diversity, and the UN Convention to Combat Desertification. This leaves communities to rely on national legal frameworks, or on donor-based demands, which they might lack the funds or capacity to access; or project-specific grievance mechanisms, the transparency and effectiveness of which will vary according to the implementing agency.

Regarding national environmental democracy frameworks, countries have different normative procedures and differ significantly in their implementation. Low income countries, facing growing democratic deficits, often lack both the procedural frameworks to fulfil citizens' environmental rights and the capacity and resources to make them substantive.

Going forward, a few pathways take form as entry points to expand the political participation of the most vulnerable communities:

- The first entry point, pointed out by several WFD Country Officers, is the establishment of broad coalitions between vulnerable communities, CBOs, and CSOs. CSOs acting at the national level often have more resources, higher visibility on traditional media, and better access to parties, parliaments, and the executive. They can leverage their knowledge and visibility, building the capacities of CBOs and increasing their legitimacy as representatives of vulnerable communities at the central level. Such positive-sum partnerships will lead to greater influence of vulnerable communities in environmental policymaking and to an overall expansion of civic space, strengthening democratic culture.
- A second entry point is the establishment of external bodies or watchdog figures - independent from the executive, political parties, and industry interests - ensuring unbiased and transparent monitoring and reporting on the reach, quality, and effectiveness of stakeholder engagement throughout parliamentary work and policymaking. This guide provides examples of good practices in this direction.
- A third entry point occurs at the interface of CSOs and the government, by fostering a culture of collaboration instead of opposition and making clear to both parties the benefits of a more collaborative approach. This would allow CSOs a more permanent seat at the decision-making table and the government a more effective reach across several groups of stakeholders, including the most marginalised.

- Finally, a fourth entry point is through the expansion of civic education at all levels, but particularly targeting the most vulnerable groups. Greater knowledge of electoral processes, and political parties' and parliaments' governance structures as well as their democratic responsibilities and political outputs, will allow citizens to leverage their political voice. This will help them to ensure policies are responsive and representative of issues faced at the local level, heightening accountability over political action or lack thereof. Moreover, greater knowledge of their own civic and environmental rights will increase demands from marginalised stakeholders and civil society for political actors to deliver on those rights.

The general principles for stakeholder engagement presented in Chapters 5, 6 and 7 apply to vulnerable communities. A more detailed look at specific issues to pay attention to when engaging with indigenous peoples, women, youth, persons with disabilities and low income communities is provided in the appendices. As a cautionary note, it is worth remembering the relationship between inclusive participation and gender analysis and the importance of promoting an intersecting identities approach to engagement, as stakeholders are not defined along discrete categories, but rather along intersecting axes that include gender, income, sexual orientation, disability, and other characteristics.

## Appendix 1: Engaging with Indigenous peoples<sup>73</sup>

Indigenous peoples are often among the most marginalised and vulnerable segments of a population. They can be subject to different types of risks and impacts of varying severity, including loss of identity, culture, traditional lands, and natural resource-based livelihoods. Early engagement is an essential first step in building longer-term processes of consultation, informed participation, and good faith negotiation. In many countries there are special legal, statutory, and/or regulatory obligations for consulting indigenous peoples if they may be affected by a project. Similar requirements are also often a condition of lender financing or part of a company's own policies. In addition, governments may have obligations to consult with indigenous communities under law or international conventions.<sup>74</sup>

When consulting with indigenous peoples, representative bodies should be involved in the prior design of materials for disclosure, and in deciding how people and groups wish to be accessed, where the consultations will take place, the chronology of consultation (there may be expectations of who will be consulted in what order) and the language and format to be used during the consultations. Box 8 summarises specific guidance for engaging with indigenous communities.

### Box 8 - Summary of specific guidance to engage with indigenous communities

#### Guidance to engage with indigenous communities

##### *"Pre-consult" where possible*

Although the agenda and content of the process may change during the process, the key parties (government, representatives of the indigenous communities, other stakeholders) should have a clear picture of the key issues from the outset. Some of the questions worth considering in advance of the consultation process are:

- Who are the affected indigenous communities?
- Who are the appropriate representatives for consultation?
- Do the representatives require any support from experts or others to ensure that consultation is carried out on equal terms?
- What are the key issues for consultation?
- What means and formats for consultation will be most effective?
- What is the likely timeframe for consultation and discussion?
- Does the government have any obligation to consult under law and/or international conventions and has engagement occurred?
- What should be the role of the government during future consultation processes?

73. The information provided in this table was retrieved from ICF. (2007). Stakeholder Engagement, a Good Practice Handbook for Companies doing Business in Emerging Markets, pgs. 47-52.

74. On June 27, 1989, the International Labor Organization (ILO) adopted Convention No. 169 on Indigenous and Tribal Peoples, to facilitate the development of dialogue between a country's government and the Indigenous peoples who live in that country. So far, only 23 countries have ratified Indigenous and Tribal Peoples Convention ILO 169. Consultation requirements under this agreement and a list of signatory countries is provided at the end of this appendix.

### ***Identify appropriate representatives***

There may be more than one community, or different ethnic or other groups within a community, making it more appropriate to invite a range of representative individuals and groups to the consultation activities. When selecting representatives, it may be useful to consider the following:

- Who are the elected officials of the territorial jurisdictions affected by the project or measure? To what extent do these authorities adequately represent indigenous peoples?
- Who are the traditional leaders of the indigenous peoples?
- Given that indigenous communities are not necessarily homogenous, are there groups, such as women, youth, and the elderly, who are not represented by either of the above? Are parallel communications needed for these groups?

### ***Identify priority issues for consultation***

Pre-consulting with indigenous peoples' representatives and other institutions or organisations that work with them can provide insights as to the more important subjects for indigenous peoples during the consultation process. These may include:

- the timetable for the consultation process versus the characteristics of decision-making processes in indigenous communities
- the nature of the project, footprint area, and potential adverse impacts on indigenous peoples, lands, and resources
- methods and criteria to be used to identify indigenous peoples affected by the project, measures proposed to address adverse effects, and participation of indigenous peoples in the design and implementation of such measures
- access to indigenous lands when carrying out environmental and social assessments, acquisition of land and compensation procedures
- identification and protection of culturally sensitive sites
- control of the effects of an influx of outside workers
- benefits of the project or measure from the perspective of the Indigenous community
- capacity building and/or access to legal advice to enable informed participation.

### ***Give special care to cultural appropriateness***

To help promote the informed participation of indigenous communities, special care should be given to the form and way in which information is communicated to ensure cultural appropriateness, and to help affected communities gain a genuine understanding of the impacts of the project/measure and the proposed mitigation measures and benefits. Ways to do this include translating project information into the appropriate indigenous languages, taking oral traditions into account, and developing audio-visual materials where appropriate. It may also be necessary to adopt non-document-based means of communication, such as community briefings and radio programmes.

### ***Share responsibilities with the government for disclosure and consultation***

In some sectors, such as natural resource extraction, governments may be required to engage with indigenous communities prior to the involvement of a private company in the project. The way such consultation takes place and the level of stakeholder satisfaction following such engagement can have direct implications for a project company that is subsequently granted an exploration license in an area affecting indigenous communities. It is therefore advisable to conduct due diligence on prior consultations with indigenous peoples to determine at what stages such engagement took place and what commitments were made or what unresolved issues still exist. Depending on the stage of the process, some consultation must be carried out by the government or under government supervision, while the consultation around the actual exploration or production can be carried out in a more autonomous manner by the private sector company.

## CONSULTATION REQUIREMENTS UNDER ILO CONVENTION 169 ON INDIGENOUS & TRIBAL PEOPLES<sup>75</sup>

ILO Convention 169 on Indigenous and Tribal Peoples, adopted in 1989, is directed at governments and is binding on the 23 countries that have ratified it.

### Article 6

1. In applying the provisions of this Convention, Governments shall:

- a) Consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly.
- b) Establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programs which concern them.
- c) Establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.

2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

### Article 15

1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management, and conservation of these resources.

2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programs for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities and shall receive fair compensation for any damages which they may sustain because of such activities.

Countries which have ratified ILO 169: Argentina, Bolivia, Brazil, Central African Republic, Chile, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Guatemala, Honduras, Luxembourg, Mexico, Nepal, Netherlands, Nicaragua, Norway, Paraguay, Peru, Spain, Venezuela.

Source: (ILO). (1989). *C169 - Indigenous and Tribal Peoples Convention*, 1989 (No. 169).

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75. (ILO). (1989). *C169 - Indigenous and Tribal Peoples Convention*, 1989 (No. 169).

## Appendix 2: Engaging with women<sup>76</sup>

While we have referred to gender analysis and gender-sensitive approaches in Chapter 6, men and women play different roles within the private and public spheres. These different roles entail differential access to resources, to contacts and relationships, to personal skills development, to opportunities and, consequently, to power. This appendix considers specifically how best to engage and create space for women. Guidance provided in Box 9 may be helpful when thinking about how to integrate women's perspectives more fully into a consultation process:

### Box 9 - Summary of specific guidance to engage with women

#### Guidance to engage with women

##### ***Make sure you get the entire picture***

Men and women often have different priorities and perspectives on key issues and may be differentially affected by a project or regulation - with women bearing disproportionate negative impacts. Seeking out the views of women will provide access to a more complete picture of potential risks, impacts, and opportunities. For example, a certain policy can exacerbate existing inequalities between men and women or have unintended effects on gender dynamics in a community, through indirect impacts such as increased alcohol consumption, domestic violence, and prostitution. Men and women may also view the same resource differently. For example, men may use a forest for hunting and wood, whereas women rely on it for foraging and medicinal plants. Taking women's views into consideration helps to better understand, predict, and mitigate impacts and, in doing so, enhance the social performance of a certain policy. Women's views should also be sought out when designing employment, compensation, and benefits programmes, as these may require special targeting to facilitate more equitable distribution.

##### ***Disaggregate data***

When using data for decision-making purposes, make sure it is disaggregated by gender. For example, when considering supporting a community programme in education or micro-credit, disaggregated data provides valuable insights in understanding how this programme may benefit men and women differently. Also, knowing that men in project-affected communities are more likely to prioritise employment and infrastructure while women will prioritise health and education might have implications for how a company chooses to allocate its resources for social investment. Consequently, it is fundamental to have a representative sample by gender when undertaking surveys and interviews, given that most interviews are done with the "head of household" - usually a man - such as by calling for other ways to get an equivalent female sample. Female-headed households are also an important group to target, since single mothers and widows are likely to represent some of the most vulnerable households in the community.

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76. The information provided in this table was retrieved from ICF. (2007). Stakeholder Engagement, a Good Practice Handbook for Companies doing Business in Emerging Markets, pgs. 56-60.

### ***Pay attention to team composition and emphasis***

Women are more comfortable talking to other women. Survey teams and community liaison staff should have female members who can conduct discussions and interviews or receive grievances from women where needed. However, it is not just about hiring women, but rather about having a gender-aware team to facilitate both men and women to express their views.

### ***Get more women in the room***

Consider providing childcare near the meeting space; choose a time of day, date, and location convenient for women; ask networks with predominantly female membership to encourage their members to participate; and consider providing transportation to and from the meeting venue. Making meetings more accessible and convenient is key for increasing women's participation.

### ***Use active facilitation to enhance women's participation***

Women's participation can be facilitated in public meetings or workshops through several different techniques, such as increasing the amount of time spent in smaller groups; single sex group work; asking specifically 'What do the women in the room think about this issue?'; and/or using games, drama, or drawing to increase women's level of comfort and contribution. An alternative could be to have the first part of a workshop or meeting in plenary to explore community-wide issues, and then to divide into smaller working groups, split by gender, to explore in greater detail issues of concern or priority for women.

### ***Hold separate meetings***

In many cultures women's voices are often not effectively present or heard in traditional meetings or workshops and thus it may be necessary to create a venue in which women's issues and concerns can be raised. This can be done through focus group meetings with women, or as an additional item at an existing meeting where women have gathered. Women should be reached out to through as many different networks as possible, such as parents' school meetings, mothers' or women's clubs and associations, artisan groups, women's cooperatives, health promoters, and churches or other religious groups.

### ***Ensure priority issues for women are addressed***

Frequently discussions become dominated by men and the issues that matter most to them. Active intervention may be required to identify issues that are important to women and to make sure they are given equal weight. This includes getting such issues onto the meeting agenda, raising them in group discussions, and including them in survey questionnaires.

### ***Keep in mind that "women" are not a homogenous group***

Not all women have the same interests or priorities. When involving women in consultations, ensure representation of different perspectives across socio-economic, caste, ethnic, and religious lines. Marital status and age can also be important factors. It may also be useful to identify and consult with NGOs or community-based organisations that represent women from minority groups.

## Box 10 - Useful references on gender and engagement

### References on gender and engagement

CIDA policy and resource materials on Gender Equality

<https://www.wikigender.org/?s=engagement+women>

Gender Checklist and Tool Kits in Sector Work, Asian Development Bank

<https://www.adb.org/themes/gender/checklists-toolkits>

Gender Manual, A Practical Guide for Development Policy Makers and Practitioners, Department for International Development

<https://www.ssatp.org/sites/ssatp/files/publications/HTML/Gender-RG/Source%20%20documents/Tool%20Kits%20&%20Guides/Gender%20Mainstreaming/TLGEN6%20%20DFID%20gender%20manual%2002.pdf>

Gender and Participation, Bridge - Institute of Development Studies (IDS) UK

<https://www.ids.ac.uk/publications/gender-and-participation/>

Participation Gender Training Manual, Oxfam

<https://policy-practice.oxfam.org/resources/the-oxfam-gender-training-manual-141359/>

Source: ICF. (2007). *Stakeholder Engagement, a Good Practice Handbook for Companies doing Business in Emerging Markets*, pg.62

## Appendix 3: Engaging with the youth

UNDP's *'Enhancing Youth Political Participation throughout the Electoral Cycle, A Good Practice Guide'*<sup>77</sup> proposes seven key principles (Box 11) for effectively engaging youth in the political process. These are:

### Box 11 - Seven key principles for engaging youth

#### Seven key principles for effectively engaging youth in the political process

1. Design a programme that reflects the priorities of youth participating in it. Allowing youth to set the agenda builds trust and creates buy-in and ownership.
2. Provide facilitation and training. Young people have limited substantive exposure to issues and policies. It is important for them to not only articulate their problems, but also to identify the solutions.
3. Encourage action-oriented activities. Young people do not respond as well to lectures as they do to activities. Design projects or community activities that allow them to take responsibility, make decisions and learn by doing.
4. Facilitate the connection between youth and political and community leaders. For many young people, this may be the first time that they meet public officials or community leaders. Laying the groundwork for an introduction is essential and helps raise the profile of youth and their projects.
5. Work in a multi-party setting. Multi-partisan activities require young people to work, collaborate and problem solve with political, ethnic, and tribal rivals. They need to learn negotiation and mediation skills and drop their natural defences, so they begin to see one another as young people who share many of the same ambitions and interests.
6. Ensure that 50 per cent of participants are women. Women are disenfranchised in almost every country and face tremendous challenges in breaking into the political arena. Representing over 50 per cent of the youth bulge, women need to have a seat at the table.
7. Establish buy-in and the consensus of political and community leaders. Constructive youth engagement in the political process cannot happen without the support and tacit agreement of political and civic elites. Taking time at the outset to address any concerns or objections of leaders will ensure effective programming.

Source: UNDP. (2015). *Enhancing Youth Political Participation throughout the Electoral Cycle, A Good Practice Guide*, pg.29, Box 3

77. UNDP. (2015). *Enhancing Youth Political Participation throughout the Electoral Cycle, A Good Practice Guide*.

## Appendix 4: Engaging with persons with disabilities

About 15 per cent of the world's population are living with a disability. In *'Strengthening participation of people with disabilities in leadership roles in developing countries'*, the author states that *'people with disabilities have often been excluded from playing an active part in leadership roles in the political and social life in their own countries. There remain serious gaps in the literature on successful strategies for increasing and promoting leadership roles of persons with disabilities in developing countries. Information gaps also remain on how best to provide support within the context of promoting inclusive leadership for persons with disabilities, and there is a need for additional research to understand how far people with disabilities have moved "beyond tokenism" and into authentic leadership roles. Strategies are poorly documented and much of the existing literature is highly descriptive in nature, with little data on the effects of the legislation or programmes applied. Up to now, the different research projects have been rather isolated and often focused on specific subject areas or geared towards physical disabilities.'* The author further states that *'There are various barriers to political participation faced by people with disabilities; these (...) include societal stigma, discriminatory legal frameworks and infrastructure, and positive rhetoric unsupported by political action (tokenism). Other factors, such as low educational levels and poverty, further undermine participation and inclusion.'*<sup>78</sup>

In the key findings section of this article<sup>79</sup> the author concludes that inclusive electoral and political processes can be supported through:

- empowering persons with disabilities;
- supporting government institutions;
- including Disabled Persons Organisation (DPO) partners in CSO coalitions; and
- assisting political parties in conducting outreach to persons with disabilities.

The author argues that capacity building and leadership training programmes are key for increasing political participation of persons with disabilities and helping to overcome the challenge of convincing election management bodies, NGOs and political parties to hire persons with disabilities. They further argue that DPOs and the disability movement in developing countries is crucial for encouraging political participation, and that evidence suggests there is a link between successful disability movements and organisation, inclusiveness and political awareness.

UNDP's *'Including the Rights of Persons with Disabilities in United Nations Programming at Country Level, a Guidance Note for United Nations Country Teams, and Implementing Partners'* offers guidance to engage with persons with disabilities, summarised in the following box.<sup>80</sup>

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78. Institute of Development Studies, K4D. (2018). *Strengthening participation of people with disabilities in leadership roles in developing countries*, pg.2.

79. Ibid, pg. 2.

80. UNDP. (2011). *Including the Rights of Persons with Disabilities in United Nations Programming at Country Level, a Guidance Note for United Nations Country Teams, and Implementing Partners*, pg.20.

## Box 12 - Summary of specific guidance for engaging with persons with disabilities

### **Guidance to increase the participation of persons with disabilities and their representative organisations**

**Identify key actors**, at both governmental and civil society level.

**Involve organisations that represent men, women, and children with all types of disabilities**, including groups representing people with a single impairment, advocacy groups and umbrella organisations and those in remote and rural areas, to ensure that consultations are representative.

**Facilitate the participation of persons with disabilities who may be marginalised in their own communities**, such as women and children with disabilities, persons with mental or intellectual disabilities, persons with disabilities from ethnic minorities, and refugees with disabilities.

**Provide the support, accommodation and capacity building** that may be required to **facilitate the participation of persons with all types of disabilities** - physical, sensory, intellectual, and mental - **in consultation and decision-making processes.**

**Promote the participation of representative organisations of persons with disabilities in wider civil society consultations.**

**Choose venues for consultations that are accessible and easily reached and ensure that relevant information is made available to persons with disabilities, including in alternative formats and languages.**

Accessibility is a key issue for engaging with persons with disabilities. A useful checklist of accessibility considerations is available in the UNDP *'Including the Rights of Persons with Disabilities in United Nations Programming at Country Level, a Guidance Note for United Nations Country Teams, and Implementing Partners'* report.<sup>81</sup>

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81. UNDP. (2011). Including the Rights of Persons with Disabilities in United Nations Programming at Country Level, a Guidance Note for United Nations Country Teams, and Implementing Partners, pag.23, Box 3.3.

## Appendix 5: Engaging with the poor

In the Inaugural address to UNDP Washington Roundtable held on 31 January 2003, Kenneth Wollack, President of National Democratic Institute for International Affairs (NDI) stated that *'when we refer to "making democracy work for the poor", we are talking about making existing political systems more democratic by: 1) increasing the responsiveness of government to the needs of all its citizens, rather than to the needs of a narrow political elite; 2) eliminating obstacles – economic or otherwise – to effective political participation by all groups in society; 3) reducing the distortions in a democratic system caused by corruption and 'state capture'; and 4) developing an educated electorate that has access to information regarding policy choices and trade-offs.'*

The author further states that *'in the development sphere what ultimately differentiates nations is not the nature of their problems but rather the ways in which they resolve them. Rural dislocation, environmental degradation, and agricultural policies that lead to famine almost always trace to political systems in which the victims have no political voice, in which government institutions feel no obligation to answer to the people, and in which special interests feel free to exploit resources without fear of oversight and the need to account',* clearly linking poverty to democracy. The author goes on to say that *'the international community can encourage a poverty reduction agenda by engaging the whole of each society in making democracy work. This engagement could be considered a three-pronged approach that includes 1) Helping empower the poor to participate in the political processes that shape national policy and policy agendas; 2) Supporting the structural changes necessary to keep the levers of democracy accessible to all parts of society; and 3) Actively pursuing the "global partnership for development" that the Millennium Development Goals have challenged us all to create'* and that these approaches are indivisible because they reinforce each other, and therefore should be pursued simultaneously.<sup>82</sup>

In *'Engaging the Poor in Policymaking on Poverty and Social Exclusion in Flanders (Belgium)'*,<sup>83</sup> Anja Claeys proposes six principles to adopt in seeking the increased political participation of low-income people:

### Box 13 - Summary of specific guidance for engaging with the poor

#### Guidance to increase the participation of the poor

**Encourage the poor to be organised**, bring them together with other people in an independent non-profit organisation to break through their social isolation.

**Let the poor speak**. Create the conditions to allow the poor to take the floor and, ultimately, to become fully-fledged discussion partners in society.

**Work for the social emancipation of the poor**: help them enjoy their civil rights to the full and make society aware of the equality of the poor with others in society.

**Reform social structures** to stimulate involvement of the poor in policymaking and to encourage evaluation of the social structures by the poor.

82. Wollack, K. (2003). Making Democracy Work for the Poor. Speech, Inaugural address to UNDP Washington Roundtable, United Nations Information Office, Washington D.C

83. OECD. (2001). Engaging the Poor in Policymaking on Poverty and Social Exclusion in Flanders (Belgium). pgs.131-132.

**Promote dialogue and education** to pursue solidarity between the poor and others in society. Organise educational activities and actively look for partners in society to exchange knowledge about poverty, based on the experience of the poor, and to overcome misunderstandings, prejudices, and exclusion.

**Actively reach out to poor people:** associations should show an active openness towards other people that live in poverty, even those who are most isolated.

The author also points out lessons for participation by the poor in national and local policymaking, identifying both obstacles and challenges and policy lessons. Most of these obstacles and policy lessons are transversal to stakeholder participation and have already been addressed in this guide. Box 14 provides a list of poor-specific obstacles and challenges, both at national and local levels<sup>84</sup>.

### **Box 14 - Obstacles to the participation of the poor at national and local levels**

#### **Obstacles and challenges to the participation of the poor at the national level**

##### ***Establishing conditions for dialogue***

- Due to their personal experience of exclusion, isolation, and shame there is great reluctance on the part of the poor to participate in a dialogue with other partners.
- Expectations are often higher than the results. The fact that the changes brought through policy dialogue are slow or imperceptible is discouraging.
- The focus is not on direct attention to participation, but rather on 'participation specialists', organisations engaged in community work or associations in which the poorest people take the floor, to which policymakers or other organisations can turn when they need to undertake dialogue.

##### ***Coping with diversity***

- The poor are a very heterogeneous group, and it is therefore difficult to achieve representative participation.
- There are a large variety of organisations and associations in which poor people take the floor. They work in different ways and in different fields, and in so doing they emphasise different aspects. Diversity stimulates discussion and is therefore positive, but it may become an impediment without mutual communication.

##### ***Capacity of the poor to participate***

- The poor often find it difficult to form or link with organised groups. Other citizens appear to be better equipped to link up with organisations or associations that, in one way or another, defend their interests. There is a risk therefore that they remain out of touch or difficult to reach.

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84. For further detail: OECD. (2001). Engaging the Poor in Policymaking on Poverty and Social Exclusion in Flanders (Belgium), pgs.135-138.

- Differences in education and language usage. Lack of knowledge of social structures on the part of the poor, and of the world of experience of the poor on the part of policymakers and welfare organisations, are significant challenges in establishing conditions for dialogue.
- Very difficult living conditions and urgent problems that are time-and energy-consuming often hamper the commitment of the poor to participate in such dialogue.

### **Obstacles and challenges to the participation of the poor at the local level**

#### ***Capacity to manage public participation***

- Local decision makers often lack the knowledge and the skills to organise public participation effectively and therefore expect citizens to participate by adopting “classical” ways of working; for example by providing written comments on printed documents or oral reactions in consultative meetings, or comments on maps showing plans for the development of a district. Many citizens, including the poor, are unfamiliar with these ways of working and the language used, and meetings are not always geared to their needs. Knowledge of specific techniques for managing public participation may be lacking at the local level.
- Differences in approaches to problem solving between local decision makers and the poor may undermine participation. Decision makers often think in terms of distinct “policy fields” while for most citizens, and particularly for the poor, experiences and problems are contextually interrelated. Consequently, negative experiences with participation may lead local officials to take this difference in logic and tempo as an excuse for excluding the poor from participation in local decision making.

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