
SUMMARY OF WORKSHOP: ENCOURAGING PUBLIC ROLE IN COMPLIANCE MONITORING AND IMPACT OF PUBLIC ACCESS TO ENVIRONMENTAL INFORMATION (GROUP I)

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GOALS

Share experiences in promoting public involvement in compliance monitoring and access to information, discuss some of the challenges in promoting public involvement and identify opportunities for INECE to support public involvement and access to information.

1 INTRODUCTION

Questions presented by facilitators:

- What specific experiences do the participants have with public involvement in compliance and public access to information?
- What kind of constraints did they face, and how were these resolved?
- How can INECE contribute?

2 PAPERS

Carl Bruch and Roman Czebiniak, *Regional mandates and national experiences promoting public involvement in environmental compliance and enforcement* (6th Conference Proceedings, Volume 1).

3 DISCUSSION SUMMARY

The public cannot only participate in official procedures but also, and maybe more effectively, through the media.

In all the participants' countries, the public has some form of access to information in particular judicial processes. But not all public organizations have access to governmental information. In some countries they need to be registered, for exam-

ple, to be sure they support public purposes. Also, in some countries those accessing information must explain their reasons for seeking information.

NGOs can play an important role in making complex information transparent and accessible to a broader public. The Web and e-mail are effective instruments, to promote letter-writing campaigns.

There can be a conflict of interest between the public and the government in cases of confidential information. In some countries, the public can go to court to challenge a decision of the government to not give information. There can also be a conflict in the case of noncompliance by industry_ implicitly the public accuses the government of insufficient enforcement, so a negative reaction by government officials is natural and can create resistance to public participation. Another concern with allowing a public role and information is that it can impede the ability to reach final decisions in a reasonable amount of time. Too many layers of review can lead to abuse of process and undue delays.

Private-public partnerships can be a powerful instrument when there is a clear objective. It is easier to do with existing facilities than with new facilities (NIMBY). Private-public partnerships can connect governmental and private information even

from different countries. Openness from both sides is a necessity, as well as establishment of credibility and trust, which can take time.

Citizen advisory groups can demystify the activities of industries ('what's behind the fence'). It can stimulate industries to think beyond their normal practices.

4 CONCLUSION

The public role in the permitting phase generally is well established as well as access to justice, although comprehensiveness of the publicly available information in enforcement would benefit from more attention. Support capacity building, for example through training courses.

Participants from Ghana, the South Asian Cooperative Environmental Program, USA, Bulgaria, Italy, Indonesia and the Netherlands attended the workshop. After a short introduction by the facilitator, participants gave their own experiences with public participation and access to information. All participants underlined the importance of the public role in compliance monitoring and the public's access to environmental information. The public role in compliance and monitoring can be divided into the citizens' role towards the industry/companies and their role towards the government.

During the permitting phase, it is a common interest of the government to come as close as possible to the public. All the participants gave examples from their own country. Nevertheless, in the phase of enforcement there can be a conflict between public and government because of confidential information but also a natural conflict if the public is seen as challenging government action or inaction.

The following recommendations for the co-chairs of INECE could be made:

- Sponsor a side-event on the public role within environmental compliance and enforcement during the World Summit for Sustainable Development (WSSD).
- Keep promoting the role of the public within compliance and enforcement by:
 - developing a methodological basis on the public role.
 - publishing a compendium of case studies and experiences.
- Provide a platform for the exchange of regional experiences.
- Support capacity building, through training courses for example.