

Consultation and Participation

Overview

Consultation could be defined as a wider continuous process of participation of all stakeholders in the decisions throughout the formulation and execution of a project leading to a sustainable development for the population in the area. Consultation, formally, is part of the environmental impact assessment of the project. In practice it is a tool for managing two-way communication between the developer and the public, in general, and the local community, in particular.

Consultation should be understood as a means to achieve certain goals and not as a goal in itself. Its basic purpose is to improve decisionmaking, and build understanding, by actively involving individuals and organizations with a stake in the project. This involvement will increase the project's long-term viability and will enhance its benefits to locally-impacted people and other stakeholders.

The process of consultation and participation should include precise agreements that could be adapted and monitored throughout the life of the project. Consultation should have an impact on the project design and implementation. It should be started by the appropriate government agency prior to licensing or contracting of the area, and should be continued by the oil company that assumes the operation from the early seismic works through drilling operations, development and exploitation, and final abandonment. When possible, the consultation process should be witnessed by a third party (i.e., the ombudsman office and/or an association of environmental NGOs).

Emerging Best Practices on Consultation

A list of best practices comprises the following points:

- Consultation requires exchange of information, collaboration, and mutual understanding of the parties involved. It often proceeds through cultural barriers, drops bad past legacies, and ends up creating confidence and trust.
- It is essential to identify the representatives of key stakeholders and local authorities, including existing alliances, social structures, and possibly prevailing conflicts among local groups and/or external groups and NGOs. Where indigenous peoples have their own representative organizations, such organizations should be the channels for communicating their preferences.
- Governments have an important role to establish first contacts with the indigenous population, gathering adequate social-cultural information, and introducing the new contractor. This kind of information is usually in the hands of academia and NGOs rather than government alone. Governments and the concerned private companies should make an effort to gather and review this information as early as possible.
- Consultation should include the provision of information on the project in a timely, complete, and culturally appropriate fashion. It should lead to a

meaningful dialogue and provide recorded results, including the views and recommendations of the indigenous peoples for the protection of the environment and the mechanisms put in place for their participation.

- Mechanisms should be devised for direct participation by indigenous peoples in decisionmaking on aspects of the project that affect them directly. Such participation shall take place throughout project design, implementation, monitoring, and evaluation.
- Proper consultation hence requires developing local capacity to interpret the technicalities of environmental studies, understanding the impact of international markets, developing long-term solutions, and being able to effectively communicate complex issues across cultural barriers.
- It requires time to obtain consensus on an adequate community relations program. Resulting delays could create conflicts if contract terms are not properly established.
- Consultation—by the government prior to the contract or by the company as part of the environmental impact assessment of any important operation—requires the preparation of typical business plans, including identification of objectives, responsibilities, and inputs to be accomplished by each stakeholder.

Some Practical Recommendations

To organize a consultation: Designing meaningful consultations with indigenous peoples depends upon several factors, including the national, legal, and political context; the linguistic and cultural characteristics of the indigenous groups; and the degree of interaction and relationships with the regional and national societies and external social actors (that is, missionaries, school systems, local traders, and loggers). It also depends on the nature of their traditional social organizations and leadership patterns, and the groups organized to represent the interests of indigenous peoples. Despite these differences there are some *general principles* for organizing and conducting meaningful consultations with indigenous peoples. These include the following:

1. Use of facilitators who know the indigenous languages and are knowledgeable about the indigenous cultures;
2. Creation of appropriate settings and locations for the consultations, preferably in the territories and settlements where indigenous peoples live;
3. Provision of background information on the proposed project in a language and format that is understandable to the population (for example, simple diagrams and charts in the native languages, maps, videos, 3D models);
4. Recognition of the time frames of indigenous peoples, especially in terms of decisionmaking, that are often different from those of outsiders;
5. Respect for indigenous leadership patterns and religious beliefs, and making sure that elders and other traditional authorities have the opportunity to express their points of view;

6. Recognition that in some cases there may be different factions within a community with contrasting views on national development projects and establishment of methodologies for the peaceful resolution of conflicts and differences;
7. Provision of resources (for example, food, shelter, travel funds) so persons can attend the consultations from distant villages or their representatives can attend consultations in district, provincial, or national capitals;
8. Ensuring that interpreters are provided for indigenous participants when consultations are held in district, provincial, and national capitals;
9. Support to the local and regional indigenous leadership to improve communications with their communities and to be able to follow up the consultation process; and
10. Dealing with gender issues.

To manage a consultation process: To manage consultation at any point of the project life, the project developer should take into consideration the following steps:

1. *Plan ahead:* to identify the project risks, the parties to be involved, and the stakeholders' interests and institutional goals; to understand past experiences, if any, and to effectively fulfill regulations.
2. *Test your proposals:* to ensure that the key stakeholders understand the project impacts and benefits and would be able to voice their concerns and input alternative approaches. Prepare good responses to obvious questions.
3. *Invest time and money:* the schedule and budget of the project should properly include the consultation effort. Involve consultants and permanent staff with appropriate qualifications.
4. *Involve senior and local managers:* their direct participation will make the entire company understand the importance of integrating the stakeholders concerns.
5. *Hire and train the right personnel:* a community liaison advisor with direct access to management and certain negotiation capacity should be appointed and would be responsible for hearing the local concerns. The advisor could also work with community liaison officers, depending on the size of the project.
6. *Maintain overall responsibility:* manage carefully consultants and subcontractors to avoid bad feelings from affected people who will not differentiate contracted personnel from the company itself.
7. *Coordinate all related activities:* to provide consistency in the information conveyed by all company staff to all outside stakeholders.
8. *Build dialogue and trust:* develop two channels of communication, preferably in the local language. Particular attention should be given to women and less powerful groups, and actively include them in a culturally appropriate way into the dialogue. It is important to maintain the personnel that interacts with the stakeholders. As in personal relationships, continuity and familiarity build trust.

9. *Manage expectations:* avoid unrealistic expectations. Be clear in describing the project impact and what it could deliver, trying not to overstate the benefits.
10. *Work with governments:* inform and consult with relevant government departments regarding the activities, risks, and opportunities of the project and the required permits. Work closely with local authorities who often have long-established relations with the local communities and who could delineate responsibilities between the local municipalities, the community leaders, and the project sponsor.
11. *Work with NGOs and community-based organizations:* identify and liaise, particularly with those who represent the affected people. NGOs have vital expertise, local knowledge, and could be sounding boards for project design and mitigation efforts. Initial research is important to understand local power dynamics and to ensure that NGOs truly represent and convey the community interests.
12. *Prepare an action plan:* consolidate in an action plan the agreed projects, including timing and indicators for monitoring.

Government responsibilities: Government responsibilities within the process of consultation could be grouped in the following list:

1. To set adequate regulations
2. To provide land tenure rights
3. To keep a database with sociocultural information available to interested companies
4. To carry out the first consultation
5. To contract areas allowing enough time for preparing adequate environmental impact assessments involving effective public consultations
6. To facilitate the process of consultation between industry and indigenous peoples, ensuring due representation of the parties and providing validity to the agreements reached
7. To establish proper links between the companies' community relations program, the communities' *Planes de Vida*¹ and the regional development plans with respect to education, health, infrastructure, defense, and the activities of other productive sectors in the region
8. To supervise the execution of agreed plans and audit accounts
9. To mediate in case of conflicts.