COMMUNITY OUTREACH PROGRAM
REPORT PREPARED FOR THE
NORTH AMERICAN DEVELOPMENT BANK
BY
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Project: Community Outreach Program

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1   DESCRIPTION OF PROJECT

As a new and unique international organization, the North American Development Bank ("NADB") must develop novel methodologies and procedures for binational community outreach. It is now advisable for the NADB to adopt a standard, consistent, effective, transparent and predictable process for consultations in which information can be provided to all publics interested in the NADB's mission in a timely fashion. In addition, this standard perspective should ensure adequate means of communications to and from civil society are available which are culturally sensitive and which encourage strong interaction, discussion and concrete results. The process must result in effective and real two-way consultation, not mere outlines of avenues for pro forma public comment.

Why is this important? The results are well documented:
- Greater project success and sustainability
- Reduces unfounded criticism of decisions and decision-making
- Helps produce more, better prepared, better educated bank clients and project beneficiaries
- Improves opportunities for creative solutions

Stated in the opposite fashion, "often, a lack of information and local community participation has resulted in poorly planned and executed projects that have caused social displacement, economic hardship and irreparable environmental damage." (Red Bancos 1997:5). The best example is the famous Wapenhans Report in which Willi Wapenhans' internal review team evaluated 1800 World Bank projects in 113 countries valued at $138 billion. The report documented the extensive failure of the sustainability of World Bank water supply and sanitation projects and was based in part on 400 pages of testimony largely complaining that the World Bank had ignored, or had been ignorant of, local interests. The reason for this ignorance was the World Bank's emphasis on rewarding rapid project processing (World Bank Effective Implementation 1992).[1]

Fortunately the NADB is young enough to avoid the downsides of ignoring civil society and local interests, and can still reap the benefits of community outreach. It was to seek

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[1] The World Bank did not significantly change its policies and has remained under attack ever since.

ways to achieve these goals that the NADB requested this report on community outreach strategy recommendations.

2   DEFINITIONS

<u>Community Outreach</u> – includes transparency and public consultation. It takes the form of information sharing and education; data gathering, including assessments, surveys and appraisals; NGO workshops and academic research.

<u>Transparency</u> - increasing the amount of information available about the rules and parties' performance under them. Transparency improves both the availability and the accuracy of information. Transparency directly relates to accountability, or holding the NADB (or any agency) responsible for its actions. Decentralization, participation and competition can reinforce transparency or accountability.

<u>Public Consultation</u> – is the seeking out of expert opinion, and the seeking out of affected publics' opinion. Public Consultation has developed over time and implies the public should be consulted and can make a contribution. It requires democracy and due process, including the acceptance of voices for local people such as non-governmental organizations (NGOs), unions, church leaders, etc. It includes demands for greater accountability and for access to information. It means joint decision-making and collaborative project preparation. On the other hand, it means the abandonment of centralized economic decision-making. It is exciting because studies indicate that projects undertaken with the consultation of the public are more successful than other projects (e.g. my 1993 review of IDB social sector loans).

"Public participation" or "public involvement" usually mean something less than community outreach. Public participation often is a one-time event, or a scatter approach of inviting the public to a meeting and letting them listen and speak. It often lacks true consultation. This said, other development banks use the term public participation in place of community outreach and some quotes in this paper include this language.

There are many challenges to community outreach, transparency or public consultation. Who is the public? Which publics are appropriate for which projects or consultations? When does it become too much? When can/should we reply upon elected officials? How can we tell if the participation is informed? Is it invalid if it is not?

3   METHODOLOGY

This document constitutes our final report detailing a set of recommendations for further community outreach activities as a result of the scoping meetings, interviews and research activities conducted during the execution of this services contract.

3.1   *SCOPING MEETINGS*

On behalf of the NADB, we held a series of three meetings along the US-Mexican border to provide outreach to communities including NGOs. These outreach meetings, while not limited in any way, were intended to inform participants about the NADB, its functions and its programs. In addition, we sought to obtain input and feedback from communities and NGOs regarding their needs, suggestions and any other relevant contributions to NADB programs and projects. This said, the meeting invitations made the following objectives clear:

> After an update on the status of the NADB, we will discuss the following questions:
> - What is the role of the public at the NADB?
> - What is the role of public consultation and transparency?
> - What are the options for mechanisms for public consultation and transparency?
> - And, any other issues you wish

We undertook these three meetings with interested representatives of the public and with NADB staff. In consultation with the NADB, we assisted in the identification and invitation of those who would attend these meeting, and we assisted in making arrangements for the meetings, including the selection of sites, reservations, supply of equipment, etc. In addition to those specifically invited to ensure quality of participation, the three scoping meetings were advertised as open to the public via BECCnet.

The author of this report acted as an independent moderator and facilitator for the meetings. The NADB put together a folder of handouts for those unfamiliar with its activities and operations, and for background.

Unfortunately, in part, the meetings did not provide the intended depth of discussion as is indicated by the following quote from one person who attended the meeting in San Diego on 18 June 1998: *"This meeting did not explore the role of the public*

participation, consultation and transparency at NADBank. Instead, it was used as a vehicle by attendees to discuss other issues relating to upcoming and certified projects. Although this feedback is important to NADBank, the meeting did not accomplish what it originally intended."

For each meeting we submitted a report, which included the list of participants, topics presented, issues raised by the participants, conclusions and agreements reached, and an opinion of the overall effectiveness of the meeting (see Appendix A for summaries). The issues raised by the public at each meeting were made public via BECCnet following each meeting (in the same form as shown in Appendix A).

3.2 INTERVIEWS

Interviews included contacts at The Bank Information Center, Trasparencia, Friends of the Earth, Bread for the World, the Environmental Defense Fund, and a few other NGOs interested in transparency and the public consultation activities of multilateral development banks. In addition, we solicited and received written comments from the subscribers to BECCnet and from the scoping meeting participants.

3.3 RESEARCH

To bolster the results of the public scoping meetings, interviews and solicited written comments, we also undertook some broad research on public consultation and transparency. We did some Internet searches using standard search engines, we requested documents from interviewee organizations and from development banks, and we conducted a basic library literature search (see Appendixes B and C). In doing this, we attempted to evaluate the existing community outreach mechanisms used by other international organizations, especially other development banks. We specifically researched and reviewed key criticisms of other development banks for lack of transparency and public consultation with an eye toward developing recommendations for the NADB that will help it avoid such criticisms.

4   THE OTHER DEVELOPMENT BANKS

In the early 1980s, it slowly became clear that the multilateral development banks were not succeeding in the alleviation of poverty, or in promoting successful development strategies and were in fact producing projects with disastrous environmental and social consequences. By 1983, a part of the environmental community (representing over 5 million voters) convinced the US House Subcommittee on International Development Institutions and Finance to hold hearings on the multilateral development banks and the environment. The US Department of Treasury corroborated the damning testimony, and the environmental NGOs laid siege to the banks and broke them open, demanding they adopt environmental review policies, and correct serious problems regarding transparency and public consultation. After five more hearings, the Subcommittee issued in 1984 its recommendations for the reform of the multilateral development banks. The recommendations included a call for increased environmental staffing of the banks, a requirement for consultations with health and environmental ministries, and to

involve and share information with NGOs. The Treasury Department agreed with the recommendations. In 1985, the recommendations were enacted into law (for a more detailed account, please see Rich 1994). Most importantly, this was just the beginning because civil society has continued to have difficulty accessing information that it has a right to view.

This report is in part intended to advise the NADB on taking measures to improve its transparency and public consultation to avoid the fate of the other development banks. Any attempts to withhold information, or make policy without consultation of the public and its NGO voices will undoubtedly result in a public and political rebuke.

For example, the World Bank was besieged with over 20 House hearings by 1987, front page coverage by the *New York Times* and the *Wall Street Journal* as well as environmental criticism from *Nature* and from *Science*, two respected scientific journals, as well as a "60 Minutes" exposé. Congress members competed to produce stronger and stronger "reform" bills to address the World Bank's serious problems. The bank was called to account for its actions and its own evasive answers lead it to lose credibility (again see Rich 1994).

"The accountability question is the most important one . . . There can be no accountability without transparency. . . Full freedom of information is a prerequisite for any international public institution worthy of the name. This means public access to Bank documents . . . it is no longer viable for governments to withhold information on development projects from the people who will be affected, and . . . from the taxpaying citizens of the countries that fund and guarantee Bank projects." (Rich 1994: 306)

Each multilateral development bank now has numerous publications on transparency and public consultation. For example, from the IDB, one can obtain the Resource Book on Participation (http://www.iadb.org/exr/english/policies/participate/forew.htm), and its publication on community consultation guidelines. The World Bank has the Sourcebook on Participation (http://www.worldbank.org/html/edi/sourcebook/sb0001.htm) and a big colorful box of materials called, "A Resource Kit for Participation and Social Assessment". Neither Bank has a broad participation policy which means that most of the participation action is voluntary. However, within their Environmental Assessment

Policies, consultation is required.[2] So one can also obtain copies of the EA policies off of the web to see what it is that they require. Both Banks have a significant quantity of material and rhetoric and intentions, etc. The IFC also just put together a draft Best Practice Guide for participation.

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[2] For example "Involvement of Affected Groups and Nongovernmental Organizations. The [World] Bank expects the borrower to take the views of affected groups and local NGOs fully into account in project design and implementation, and in particular in the preparation of environmental assessments. This is important in order to understand both the nature and extent of any social or environmental impact, and the acceptability of proposed mitigation measures." (World Bank Operational Manual – OD 4.00 – Annex A paragraph 12)

5 DISCUSSION OF COMMUNITY OUTREACH

"[D]eliver timely, reliable, targeted and relevant information to policy-makers and the public so as to activate and stimulate the creative energies and support of the broad range of civil society . . ." there is a need for the *"provision of an appropriate level of information ensuring that those empowered to make choices can do so on an informed basis"* [Klaus Toepfer, UNEP Executive Director, Press Release, 26 June 1998]

The US-Mexican border is a unique place with different legal, cultural, political, and structural differences on each side of the border, but is often interestingly at odds with the federal government of each nation. There are clearly shared ecosystem problems. Cooperation is increasing, at the federal government level and local levels including the private and NGO sectors. Less good is state-to-state cooperation, particularly in the Californias.

5.1 APPORTIONMENT BETWEEN BECC AND NADB

What is the appropriate apportionment of responsibility between the BECC and the NADB on the issues of transparency and public consultation?

"In order to preserve and promote the health and welfare of border residents and their environment, NADB and BECC must work together to ensure effective public participation. Being true partners in this difficult process will be a determining factor in the success of both entities. Although BECC is delegated with ensuring community participation to determine environmental priorities and solutions, this function needs to be shared between BECC and NADBank. At the meeting, Victor Miramontes stated that the role of public participation belongs to BECC. If this is the case, what was the point of the meeting in San Diego?   Addressing the problems associated with water supply, wastewater treatment, and municipal solid waste management in the border region require the involvement of both institutions in public participation activities." (Participant's written comments following the 18 June 1998 scoping meeting. Copy on file with the author.)

The NADB was not designed with community outreach in mind. It lacks the structures and mission. In part because of this design, it relies upon the BECC's public consultation process; however, it is currently developing its own program. The lack of

public representation on the NADB board is one of the key elements that are a challenge to public participation.

In the BECC's area of responsibility there should be community outreach at three key levels. First, the project proponent (e.g. a public utility) should consult the public in reaching a needs assessment before developing a project. "The essence of the environmental assessment process involves public access to information and participation in meaningful open hearings to consider alternatives before development decisions proceed." (Rich 1994: 306) Second, the BECC public steering committees should be involved in design consultation, solutions evaluations and the development of a true, local public, outreach program. Third, there should be, through the BECC's public meetings, a broader public consultation of border-wide interests, which should offset any local tunnel vision, or unfair results. This third level should also promote sharing of alternative solutions and technologies.

At the NADB, we need to think more in terms of transparency of decision-making to improve and maintain credibility. In addition, public consultation is important to the NADB's role in regard to **its** programs and policies. The public should be consulted by the NADB as it develops any new policies and programs or makes any key decisions in which the public has a vital interest. This is especially true of any distribution decisions regarding grant funds administered by the NADB such as its IDP and BEIF funds (see boxed quote below). However, public consultation may also come into play in post-BECC certification communications with the public. For example, the public should be consulted when a project has to be changed if financing viability depends upon it (the NADB would probably need to take responsibility for this if the change falls short of a redesign that would trigger a new BECC certification review).

A written comment on grant funding, the NADB and community outreach:

> *The Border Environment Cooperation Commission must certify any project -- with public input and notification requirements -- before it can receive any grants or loans from the NADBANK. However, there is no public notice or input requirements for the NADBANK funding decision itself. This may not be important in all cases since the BECC process provides that public opportunity, but the NADBANK has set up new funds to help communities improve their management capabilities and fix small-scale problems in existing systems. Thus, NADBANK is in essence making funding decisions without a BECC certification process and -- by extension -- without any public input.*

> *If BECC certification is not required for management improvements (largely to prepare systems to apply formally to the BECC), then NADBANK should develop public input and participation criteria for these special funds. For example, NADBANK could establish a public notice and a comment period for capacity building assistance funds being spent by NADBANK under the Institutional Development Program. In this way, NADBANK would make sure that they were receiving all relevant information before deciding to spend loans and grants on systems and avoid wasting the limited available IDP grants on controversial projects or programs that lack public support. Also, the public may be able to suggest different approaches to fixing small-scale problems.*

5.2 TRANSPARENCY

In addressing transparency we must focus on two aspects of the problem: How transparent is the decision-making at the NADB? And, what is the NADB doing to improve transparency and accountability of governments (known as public sector management improvement) in the areas of public financial management or public utility expenditures?

To date, the NADB has one area of solid transparency development – public procurement. NADB has succeeded in developing a procurement policy which incorporates transparency to promote the integrity of the process and to provide fair and equal treatment of all finance and consulting service contractors and product suppliers while not undercutting competition.

A potential area for improving client transparency is the IDP. Modernizing accounting and auditing improves the potential for accountability as long as it is required that the results be made public.

"Expanded public participation in decisions on matters of policy has implications far beyond the World Bank. The Bank's stated support for NGOs has probably already expanded the space for nongovernmental bodies' participation in national policy deliberations and implementation in some borrowing countries. An earnest effort from the Bank to enlarge that effect, including persistent pressure in policy dialogue with governments, could help level the political and economic playing fields and boost the vitality and effectiveness of public deliberation and action." (Nelson 1995: 191).

In 1993, while considering the appropriations for the World Bank, it was clear that the U.S. Congress' approval process closely linked the issue of 'accountability' (in particular through the inspection function) with the issue of 'transparency' (i.e. disclosure of information) (Shihata 1994: 306). "Renewed threats of the U.S. Congress to withhold funding prompted the Bank to issue new information policy in September 1993." (Rich 1994:306). A similar policy regarding the Disclosure of Information was adopted by the Inter-American Development Bank in September 1994 (See Operative Policy 102) and went into affect on January 1, 1995:

- Under the heading of "Basic Principles" the Operative Policy states that "In any member country of the Bank there should exist access to all the public information of the institution . . . [and that] the information offered to the public with the goal of allowing and fostering dialogue, should be made available at a time and in a format which permit the reader to gain a substantial insight into the projects and to have ample time to comment on them." (p.1)
- "The responsibility for the final decision concerning what information will be made public will continue to lie with the bank"; and
- "The Institution will not allow free access to information that is considered confidential or delicate, or other information deemed confidential or delicate by one of the Bank's member countries or co-financing institutions."

The Information Disclosure Policy applies to all loans made by the Bank, whether they are Ordinary Capital loans or from Special Operations Funds, and whether the loans are made to a government, or to the private sector. (Red Bancos 1997: 8)

Although the IDB policy has been criticized as insufficient, at the very least, it is agreed that the IDB Information Disclosure Policy applies to and requires the release of:
- Project Profiles and Updates
- Loan Proposals, Small Project Proposals and Technical Cooperation Plans
- Sectoral Studies
- Environmental Briefs, Environmental Impact Assessments and Environmental Analyses
- Operative Policies
- Evaluation Reports

The World Bank experience

- "[T]ransparency is a prerequisite for successful beneficiary participation in program design and implementation."
- "Secrecy and nontransparent decisionmaking provide an opportunity for private gain or for political arrangements against the public interest."
- "Transparent financial reporting by both the private and public sectors is essential for a well-functioning market economy. It lowers transaction costs, reduces misuse of funds and theft, and improves decisionmaking. In the public sector, transparency

helps enforce policymakers' accountability. In the private sector, adherence to internationally accepted reporting standards is necessary to attract foreign investors and lenders, and it facilitates the growth of financial markets."

- "The direct focus on transparency in this report marks a new direction in World Bank's economic and sector work and emphasizes the Bank's commitment to addressing governance issues. This commitment also provides the basis on which to develop lending operations that support greater transparency."

- The World Bank identifies its emerging lessons as follows: "Transparency in government policies and programs is important if progress is to be made with participatory approaches to project design. By the same token, transparency is crucial for effective environmental policies and to combat corruption."

- "Finally, transparency and accountability are closely linked. Thus, efforts to strengthen accountability are likely also to involve parallel measures to increase transparency. To be accountable, the activities of government agencies need to be visible." (World Bank Governance 1994: 29-36)

5.3 PUBLIC CONSULTATION

The challenge in drafting public consultation guidelines is twofold: (1) to identify appropriate institutional venues for constructive dialogue and consultation concerning differing points of view and conflicting interests, and (2) to establish common terms of reference that permit interested parties to examine common problems in mutually comprehensible terms. In other words, you must have public consultation at the right place and time, and you must have transparency for it to be credible.

Participatory approaches to the design and implementation of development bank-financed projects has been shown to greatly improve community ownership of the projects, and thus their relevance and sustainability. One example of this was the Matruh Natural Resource Management Project in Egypt in which public participation "was identified early as a means of gaining local support for an action program and has been encouraged from the outset." (World Bank Governance 1994: 21)

NADB should seek affected publics views, priorities and wishes and incorporate them, otherwise the public's full commitment to the project will not occur.

The Inter-American Development Bank experience

- For starters, the lessons of the past several decades have clearly demonstrated that **participation in development is closely linked to effectiveness**. Development initiatives are more likely to achieve their objectives if they have been identified, designed, implemented and evaluated with the participation of the people most affected by them. Moreover, it is also clear that participation in development **contributes not only to such long-standing goals as increased equity, but also to less traditional objectives such as good governance, respect for human rights and democratization**.

- It is also apparent that participation in development **leads to greater sustainability**. In fact, with its emphasis on capacity-building, self-reliance and ownership, it is virtually a pre-condition of sustainability.

- Finally, participation in development is gaining strength because **the environment for it has never been more fertile**. Throughout the world, there has been a dramatic trend towards democratization and the decentralization of power from central to local governments. Accompanying this has been the striking growth in civil society organizations, giving voice to individuals and communities and integrating them into the decision-making processes which shape their lives.

- Participation empowers and mobilizes people as actors and overseers of their own development; it is one of the ends of development as well as one of the means. It can help create and maintain stable democracies and good governance as well as economic growth. When poor and marginalized people participate in development projects, they acquire skills and develop attitudes which may facilitate their integration into the wider society. From the Bank's viewpoint, participation also improves the financial and developmental sustainability of projects, thereby enhancing portfolio performance.

- Participation **improves project design** by reducing the cost of obtaining accurate and site-specific data on environmental, social and cultural factors as well as stakeholders' felt needs and priorities. Also, project managers can get input from all groups, including people often marginalized in the development process.

- A well-designed participatory process **can help resolve or manage conflict** by identifying common ground or a negotiating structure which will allow benefits to accrue to all sets of interests. By discovering and resolving potential conflicts early in the project cycle, participation can reduce the cost of supervision later.

- Participatory processes **can generate social learning and invention**, which in turn can create commitment to social change. First, stakeholders identify a common purpose by generating, sharing, and analyzing information, establishing priorities, and developing strategies. Then, they create new ways of doing things in order to accomplish their common goal. That is, they come to see how each of them individually and collectively will have to change their behavior to make their new priorities work. Greater ownership helps stakeholders remain committed to projects that run into difficulties. Participation also gives

Bank staff a better opportunity to assess the level of commitment to change. (Inter-American Development Bank Resource Book on Participation 1996, Introduction and Section I, emphasis in the original)

6 COMMUNITY OUTREACH STRATEGY RECOMMENDATIONS

Based upon the scoping meetings, interviews and research described above, I have prepared an outline of recommendations for review and comment. Overall, it should be remembered that a community outreach strategy should be solid enough for predictability, but also fluid enough to respond to ever-changing needs. The strategy must recognize the differences between the two nations (and tribal peoples), think of all elements of civil society (not just environmental NGOs), consider all levels and sectors of government, consider each country's culture of participation, and be inclusive (of minorities, women and local communities). While the three areas of water, wastewater and municipal solid waste are common problems that should unify communities in seeking common solutions; it must be remembered that many communities are highly fractionalized and highly stratified and that a balancing of interests is required. This balancing must be done in an open fashion so that all feel comfortable with the outcome. Perhaps most importantly, the NADB and the BECC must continue to establish and implement inter-agency coordination mechanisms for community outreach.

6.1 GENERAL

Because there are incremental overhead costs associated with fostering public consultations and transparency, and because we can assume no additional funding, some tradeoffs on staff budgets and programs may be required.

Create positions for civil society representatives within the NADB. Ideally, one full-time staff person for Mexico and one for the US should be hired. The NADB must have sufficient staff to promptly respond to inquiries regarding projects and for information. Regardless, **all** NADB staff must be well trained and thus be sensitive to the concept of its community outreach policies. NADB management must instill a culture of openness and neutrality. The NADB should set a standard for its borrowers, which puts an end to the jealous guarding of information solely to create artificial political power.

Only an informed public can effectively participate in public consultations. Thus education about NADB policies and procedures is key and should be pursued vigorously on both sides of the border. For example, the following suggestions were made during the scoping meetings:

- The NADB should host a number of workshops for NGOs, Community Based Organizations and others from both sides of the border to review NADB programs including BEIF, IDP, hookup programs, loans, and guarantees
- The bank should consider developing an additional set of workshops with engineers, wastewater experts, designers, ecology experts and any other disciplines to explore alternative technologies that cost less and do a better job at environmental protection
- There should be public outreach meetings conducted in Mexico

6.2 TRANSPARENCY

Establish an accountability mechanism to ensure that NGO and community views and interests are taken into account.

There must be rules for access to information. Actions adopted must be concrete enough to allow for monitoring and thus accountability.
- Publish all non-confidential documents and make sure they are publicly available in an accessible place in the affected community. This includes requiring Internet and hard copy access in Spanish and English
- If not already done, publish an organizational chart
- If not already done, publish annual audits of the NADB
- Identify and strengthen existing networks of information and the systematic exchange of information
- Ensure that access to documents and other information is also timely

Define what is confidential and what is not. Adherence to a well-supported definition will go a long way toward creating public confidence in the NADB. There is a recognition that some information is confidential. However, there must be transparent rules that define what is confidential and why. We would suggest the NADB limit what is confidential to the following list:
- Intellectual property of the NADB
- Privileged information, such as legal advice
- NADB employee personnel file information
- Information that might impact US or Mexican National Security
- Information generated by a NADB client/customer or co-financing institution for which they have requested confidentiality based on a trade secret or other privileged

commercial or financial information basis (and only then with a solid explanation which can be shared with the public). Make it clear that otherwise the NADB will not need to request permission to disclose information which it considers to be crucial to the public interest. NADB should also establish an independent appeals mechanism that enables the public to dispute claims of confidentiality on a case-by-case basis

• Information regarding internal deliberative processes

Adoption of a confidentiality policy must be very carefully done. There is an assumption that the NADB is a public institution operating with taxpayer dollars, financing projects for public utilities, local governments or communities and that there is thus very little which should be withheld from the public as confidential. For example, the confidentiality clause used by the IDB is viewed as seriously jeopardizing effective participation of civil society and the transparency of government (Red Bancos 1997:20). For the most part, public utilities have no trade secrets and as public agencies do not have any privileged commercial or financial information that can reasonably be withheld from the public. Further, it would strain credibility if "national security" concerns formed the basis of a confidentiality claim.

Err on the side of disclosure: If there is no reason to maintain a document or other information in a confidential manner, the information should be made public.

6.3 PUBLIC CONSULTATIONS

NADB should provide guidelines on how to carry out public consultations to its customers/clients. The NADB should also have guidelines for its own consultations with the public. These two sets of guidelines should describe a methodology for consultation, as well as the expectations for participation, and how NGO views will be considered in final policies adopted or projects under consideration.

• Define areas in which the NADB needs public consultation (e.g. policy development and grant-making decisions) to ensure constituent buy-in on those decisions
• Solicit comments early and often from civil society and from NADB customers/clients
• The NADB should attempt to hold information exchanges in the future on a regular basis and at different locations on both sides of the border
• Where possible, participatory processes should involve tripartite dialogue between civil society, government (the project sponsor) and the NADB, not just between the NADB and the project sponsor, or between the NADB and civil society

- Identify ways to promote NADB customer/client culture that is expressly open to and tolerant of civil society input
- Create a small grants program to support government and civil society participation in consultations. This grant program could also be used to develop the capacity of civil society organizations to participate effectively and responsibly in tripartite activities with the governments and the BECC/NADB institutions
- Consider the establishment of an advisory committee similar to the "NGO-World Bank Committee" which has been in operation since 1984, is funded by the Bank, consists of 26 NGOs, and meets semi-annually with World Bank staff to discuss disclosure of information, Bank policies, and participatory development strategies" (Nelson 1995:56)
- Examine the role and functions of the IDB's "State and Civil Society Division" which was recently created to increase the participation of, and resources available to, civil society regarding IDB projects. This unit is reportedly pursuing education; tripartite IDB, government, civil society consultations; and directing some funding to civil society

Institutionalize the publication of NADB policies in advance of adoption and request public comments during a set review period. One potential outline for this activity is as follows:
- Do appropriate advance work, including the identification of interested publics
- Give timely notice of any consultation meetings or opportunities to review documents (in accord with the Pelosi Amendment, this should probably be 120 days)
- Give timely notice of dates for intended action on consultation documents
- Use the US Federal Register and the Mexican Diario Oficial to get the word out.
- Establish an effective calendar conflict avoidance mechanism
- Confirm the publics' participation in the consultations
- Provide funding for participation in consultations for affected publics without adequate means of their own
- Provide timely distribution and/or availability of documents and relevant information
- Identify appropriate means for distribution of documents and information, and for ensuring their reliability (outreach via radio was suggested as very effective in South Texas and throughout the Mexico side of the border)
- Adopt both professional and facile means for the submission of the public's interventions

- Ensure transparency of process, especially in the consideration and integration of, or response to, public comments regarding the matter under consultation
- Adopt clear and stable deadlines
- Follow-up and follow-through on the process

Appendix A: SUMMARY OF SCOPING MEETINGS

The following are the summaries of the three scoping meetings. Nearly all suggestions related to community outreach have been incorporated into this report. This said, while many of the meeting suggestions did not relate to community outreach, I have included them all here, as many should be useful to the NADB. I have added bracketed comments on the status of some of the items.

Brief review of the results of <u>April 2, 1998 Tucson</u> meeting:

1) There will be at least 2 more such scoping meetings to discuss the NADB and the role of the public, one along the Rio Grande Valley and one in the San Diego-Tijuana area. [These meetings were held in May and June]
2) The NADB will then host a number of workshops for NGOs, CBOs and others from both sides of the border to review NADB programs including BEIF, IDP, hookup programs, loans, and guarantees. Such workshops will need to be developed over the next couple of months and out of suggestions at the scoping meetings noted in Item 1.
3) NADB committed to place an accessible, understandable version of its briefing book (which is currently technical and designed for utility managers and city managers) in each Border XXI information post. (EPA Region 9's information posts are well developed; they will need to check on the status of the EPA Region 6 and the SEMARNQ sites)
4) NADB will do better to provide notice of its meetings with communities; this will include, among other things, the creation of a calendar/schedule of meetings on its web site. [Calendar system has been added to the NADB web site]
5) It was suggested that a video might be helpful for outreach.
6) The bank will consider developing an additional set of workshops with engineers, wastewater experts, designers, ecology experts and any other disciplines to explore alternative technologies that cost less and do a better job at environmental protection.
7) It was suggested that a computer game be made up and taken to local fairs for public education on water and wastewater issues and their relation to water systems (along the lines of a NAQ interactive game called "build your own spaceship").

Brief review of the results of <u>May 26, 1998 Brownsville</u> meeting:

1) BECC/NADB must find a way to work with colonias. The promises made to the colonias in relation to the FINSA certification have not been fulfilled. Something needs to be done which is consistent with the promises made regarding water treatment.
2) FINSA should be removed from the matrix of BECC/NADB projects, or at least the colonias should not be mentioned. [This has been done]
3) There needs to be some way for rich communities to share with poor communities. Fee-for-services basis for financing is okay, however, we must look for regional financing not just community by community - some cannot afford to pay for the infrastructure they need.
4) The NADB needs a second outreach person to visit Mexican communities.
5) General and long term planning is needed in border communities and regions. It must be binational and include public participation.
6) BECC/NADB water projects should not be used to attract new investment, resulting in more population and thus more environmental problems. Also such projects should not be biased against agriculture uses of water.
7) Community participation must be started before the project is designed. Community consultation after the design phase is too limited.
8) Direct communication with communities needs to be improved. The NADB needs a more formal process.
9) The NADB should have a binational public advisory committee.
10) Calendaring of meetings to avoid conflicts should be improved. [Calendaring system added to web site]
11) Investigate potential metering problems in relation to the Donna, TX project. [These issues have been resolved].
12) When the BECC and the NADB work on water supply systems projects, they must look into toxics and other contamination of water sources. They should also consider reforestation in areas in which deforestation plays a key role in limiting water supplies. [Efforts already made to find donors and other means to undertake reforestation in the Brownsville/Matamoros region].

Brief review of results of <u>18 June 1998 San Diego</u> meeting:

1) Public participation is needed for project monitoring, development of NADB programs/policies, and for general transparency. However, there must be a balance to avoid delays.
2) There is a need to keep the public informed on the status of BECC/NADB projects. [This will be a key part of the NADB web site]
3) Do more to reach out to utilities.
4) There is a perception that the emphasis is shifting away from California to Arizona, New Mexico and Texas. California should get its fair share (based on its population).
5) San Diego's water reclamation project should get the highest priority. It is recycling.
6) Tijuana's environmental infrastructure needs are huge, and they must be addressed.
7) Do a monthly web page update regarding ongoing projects. [This is contemplated as part of the NADB web site]
8) If the NADB is open to the public, the public will help ensure the quality of projects, and this in turn will cause the public to support the NADB politically - thus improving its funding.
9) There should be public outreach meetings conducted in Mexico.
10) There is a problem with the BECC/NADB site-by-site approach. We need a watershed approach that will impact more people's quality of life. People respond well to watershed approaches.
11) The public is an untapped resource. If they are educated and allowed to participate, they can make a big impact.
12) Use the US Federal Register and the Mexican Diario Oficial to get the word out.
13) The new web page looks great. Please work to maintain it, and also see that the link to the NADB web page is registered with all the key search engines and that links are listed on the key pages of other border related institutions
14) Develop a good mailing list.
15) Do a regular mailing for those without Internet access. This can be an insert into BECC's BECC News mailer.

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Appendix C: SOME INTERNET RESOURCES

Center for International Environmental Law (CIEL)
http://www.igc.apc.org/ciel

Environmental Defense Fund
http://www.edf.org

Friends of the Earth
Multilateral Development Banks
http://www.foe.org/ga/ifi.html

Greenpeace
World Bank Fact Sheets
http://www.greenpeace.org/~ozone/wbfacts

The Inter-American Development Bank
Resource Book on Participation
http://www.iadb.org/exr/english/policies/participate/forew.htm

International Rivers Network
http://www.irn.org

The NGO Working Group on the World Bank
http://www.ngowgwb.org

Organization of American States
Unit of Sustainable Development and Environment
http://www.oas.org/EN/PROG/1unit.htm
Inter-American Strategy for Participation in Sustainable Development
http://www.oas.org/EN/PROG/isp.htm

Trasparencia
http://www.laneta.apc.org/trasparencia/

United Nations Environment Programme
Division of Environmental Information and Assessment
http://www.unep.org/unep/eia

United States Agency for International Development (USAID)
Strategies for sustainable development (environment and democracy)
http://www.info.usaid.gov/environment/strategy.htm
http://www.info.usaid.gov/democracy/strategy.htm

Washington Office on Latin America
on NGO's and the Inter-American Development Bank
http://www.wola.org/ngo_idb.htm

The World Bank
The World Bank Participation Sourcebook
http://www.worldbank.org/html/edi/sourcebook/sb0001.htm