

Environmental tools in EC development cooperation

Transparency and public availability of documentation | a review



September 2007

Contacts



WWF European Policy Office
Avenue Tevuren 36, Box 12, B-1040 Brussels, Belgium
email: snicholson@wwfepo.org
internet: www.panda.org/eu



FERN
4 Avenue de l'Yser, B-1040 Brussels, Belgium
email: info@fern.org
internet: www.fern.org



BirdLife
Avenue de la Toison d'Or 67, B-1060 Brussels, Belgium
email: Tatiana.nemcova@birdlife.org
internet: <http://europe.birdlife.org>

Authors: Sally Nicholson and Iola Leal Riesco
Design: Daan van Beek, Utrecht, Netherlands

Cover photo: Iola Leal Riesco, FERN

Refugee camp in Liberia, October 2006. The civil war in Liberia, in which more than a quarter of a million people died and during which some 1.3 million people were displaced, is a blunt example of conflicts funded by looting environmental resources.

Contents

Contacts	2
Acronyms	4
Foreword	5
Acknowledgements	6
1. Objective of this study	7
1.2. Analytical framework and methodology	7
A brief summary of EC environmental mainstreaming efforts	9
2. Environmental protection and development cooperation in EU policy: an overview	11
2.1. The environment as an integral element of EU development cooperation	11
Box 1 <i>Environmental tools in development cooperation</i>	13
2.2. Transparency in EC development cooperation policy	14
Box 2 <i>Provisions for civil society participation in the EIA and SEA processes</i>	17
3. Findings and analysis: Public availability of EC environmental data	18
3.1. Findings	18
Table 1a <i>Overview of findings – countries</i>	19
Table 1b <i>Overview of findings/Regions (from Regional Desks in Brussels)</i>	20
3.2. Analysis	20
Table 2 <i>Existing CEPs per region</i>	22
Box 3 <i>The case of the Andean Region and the Central America Region</i>	23
Table 3 <i>Spectrum of responses on public availability of CEP/EIA/SEA</i>	24
Box 4 <i>Examples of good practice in terms of Civil Society dialogue</i>	28
3.3. Examples of good practice and poor practice	29
Box 5 <i>Guidelines for good administrative behaviour</i>	30
Table 5 <i>Examples of unsatisfactory responses</i>	31
Box 6 <i>Delegation to Tanzania (ACP) – Example of good practice CEP</i>	32
Box 7 <i>Example of good practice Regional Environmental Profile Eastern/Southern Africa region desk</i>	33
Table 6 <i>Further examples of good practice</i>	33
4. Conclusions and Recommendations	35
Annex A Letters sent to delegations and regional desks	38
Annex B Complete findings	42
Annex C Joint NGO letter to, and reply from, Commissioner Louis Michel on CEPs	46
Annex D List of EC delegations and desk officers contacted	49

Acronyms

AIDCO	EuropeAid Cooperation Office
ACP	African, Caribbean and Pacific
ALA	Asia, and Latin America
CEP	Country Environmental Profile
CSP	Country Strategy Paper
DAC	Development Assistance Committee (of OECD)
DRC	Democratic Republic of the Congo
EC	European Community
EDF	European Development Fund
EIA	Environmental Impact Assessment
ENPI	European Neighbourhood and Partnership Instrument
EU	European Union
FERN	Forests and the European Union Resource Network
GTZ	Gesellschaft für Technische Zusammenarbeit/German Technical Cooperation
IDB	Inter-American Development Bank
MEA	Multilateral Environment Agreements
MDGs	Millennium Development Goals
NIP	National Indicative Programme
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
PRSP	Poverty Reduction Strategy Paper
RAO	Regional Authorising Officer
REP	Regional Environment Profile
RIP	Regional Indicative Programme
RSP	Regional Strategy Paper
SEA	Strategic Environmental Assessment
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
WWF	Worldwide Fund for Nature

Foreword

The potential impact of European Union development policies and expenditure on sustainable development is considerable. According to the latest figures given by the OECD, the 15 Development Assistance Committee (DAC) countries that are members of the European Union (EU) increased their combined official development assistance (ODA) by 2.9% in 2006 and currently provide about 57% of the world total ODA (US dollar 58.9 billion). The European Community (EC) alone manages one fifth (or \$10.2 billion) of this.¹

There is increasing evidence that environmental degradation is a liability which will undermine progress towards many of the Millennium Development Goals (MDGs), not least Goal 7 which aims to reverse the loss of natural resources and put in place sustainable development plans at a national level.

Just as protecting the environment is a vital component of sustainable development, civil society consultation and participation are key principles of the EU development strategy. However, civil society also needs access to the relevant information to ensure a truly useful dialogue and to improve accountability of EC aid expenditure in practice.

Public availability of environmental documentation produced by the European Commission, such as Country Environmental Profiles (CEPs), Regional Environmental Profiles (REPs), Environmental Impact Assessments (EIAs) and Strategic Environmental Assessments (SEAs), is critical to facilitating the informed participation of civil society in the mainstreaming of the environment in EU cooperation policy and activities.

As the new financial perspectives (2007-2013) enter into force in the context of a new joint EU Consensus on Development (2005) and within a new legal framework for EC cooperation with developing countries (Development Cooperation Instrument 2006), WWF, FERN and BirdLife have undertaken a survey of EC delegations to establish the importance given to the provision of environmental information and its public availability for consultation and scrutiny.

This report is a “snapshot” in time of the availability of environmental information held by 60 EC delegations or regional contact points who are responsible for programming and disbursing EC aid. It does not look at environmental integration in bi-lateral EU funding through the delegations and embassies of EU Member States.

The authors from WWF, FERN and BirdLife hope that the publication of this report will contribute to achieving greater transparency and improved communication, involvement and ownership of civil society in promoting environmental sustainability in EC aid.

1 OECD Press Release 3 April 2007

Acknowledgements

The authors would like to thank the EC delegations, DG Development and the Environmental Information Help Desk for their time in responding to our requests for information and for reviewing the draft report. We would also like to thank Angeline Dubois for her work on compiling and collating the information and to Kim Bizzari Tatiana Nemcova and Joanna Phillips for additional analysis and contributions.



1. Objective of this study

FERN, BirdLife and WWF carried out research during a five month period to ascertain the existence and public availability of environmental profiles, strategic environmental assessments, environmental impact assessments, environmental evaluations, etc, in EC delegations across Africa, Caribbean, Pacific, Asia and Latin America.²

The extent to which the EC is implementing the requirements for environmental integration into its cooperation activities at country level will be the subject of subsequent studies. The objective of this report is limited to:

- An analysis of the state of play regarding the public availability of the existing environmental tools (CEPs/REPS/EIAs/SEAs) in EC cooperation and aid plans (CSPs/RSPs);
- Examples of good and poor practice; and
- Recommendations.

BirdLife International, FERN and WWF believe that the public nature of the documents is not only in line with EU regulations and principles of good governance, but it is a crucial prerequisite for allowing civil society in-country to participate effectively in policy-making processes and to improve governance issues relating to the use and misuse of natural resources

1.2. Analytical framework and methodology

On 2 November 2006, a formal letter from WWF, FERN and BirdLife International (*see Annex A*), addressed to the Heads of delegations was sent by WWF to 63 EC delegations around the world, in ACP, ALA and ENPI countries and copied to their corresponding Brussels-based desk officers in DG Development and DG External Relations, plus seven regional desk offices in Brussels (*see Annex D for list of delegations contacted*). The following information was, requested:

2 Covering the EC development and external relations regions of the ACP, ALA and ENPI.



^

Chutes de la Lobe,
Kribi, Cameroon

Photo: Iola Leal
Riesco, FERN

1. The Country Environmental Profile (CEP) or Regional Environmental Profile (REP)
2. Environmental Impact Assessments (EIAs) and Strategic Environmental Assessments (SEAs) undertaken since 1996
3. Any in-house or external evaluations on the integration of environmental issues within the framework of EC cooperation in the country in question
4. When and how this information will be publicly available

The letters were sent by both email and post, and copies sent to the country desk officers in the European Commission in Brussels. In addition, seven regional desk officers³ were contacted on 22 November 2006. Reminder letters or emails were sent to those who had not responded on 15 January 2007 (and on 16 January 2007 for the regional desks).

The objective of the letter was to analyse the state of play regarding the public availability of the existing environmental tools in EC cooperation and aid plans (CSPs/RSPs) following the formal findings of the European Court of Auditors. The experiences of some of our civil society colleagues in the south revealed a disparity in the availability of environmental information from EC delegations, including environmental profiles where they exist.

The analytical objective of the request was not explained in the letter in order to ensure the most genuine response by the recipient and thus to assess “real-time” availability, accessibility and transparency of documentation. Replies were assessed against the following questions:

3 Central-Africa (Regional); Eastern Africa and Indian Ocean – IGAD; Relations COMESA (Common Market for Eastern & Southern Africa), East African Community (EAC), Regional cooperation for the ESA region; SADC and Southern Africa; West-Africa (Regional); The Caribbean (EPA and EU/LAC process); Pacific ACP Regional Cooperation and Integration.

- How many EC delegations replied?
- How many replies were signed by Heads of delegation?
- How many EC delegations provided a complete answer (i.e. addressed all points raised)?
- What was the response time (i.e. within the recommended guidelines of 15 working days)?
- Do EC delegations acknowledge their responsibility in providing the information requested?
- How many delegations have developed a CEP?
- How many delegations have published a CEP?
- How many delegations have provided EIAs and SEAs?
- How many delegations have either CEP, SEA or EIA in pipeline?
- How many delegations have none and/or do not foresee any?
- How many mention access to the information via their website?
- How many refer to environmental assessments or evaluations?
- Are the documents provided in the most appropriate language of the country concerned?

In addition, answers were evaluated against the following two criteria which, although not directly related to questions put forward, tend to highlight good practices through additional voluntary information provided by EC delegations:

- Do the replies from EC delegations show willingness for collaboration with civil society? For example, mention of civil society dialogues, collaboration, future plans for working with civil society?
- Do any of the replies provide additional information (i.e. details about the delegations' duties, work-plans, commitment towards environmental integration in cooperation activities)?

It should also be noted that during the time this study was being carried out, the European Commission Help Desk for environmental integration in development cooperation was also collecting data of a similar nature from delegations as part of an on-going exercise.

A draft version of the report was circulated to all the contributors from EC delegations and regional desks before the report was finalised in order to ensure that their contributions had been accurately represented and comments received have been incorporated where appropriate in the final version.

A brief summary of EC environmental mainstreaming efforts

As well as legal obligations and numerous policy commitments on environmental mainstreaming into development cooperation, the Commission produced a Strategy in 2001 on “Integrating the Environment into EC Economic and Development Cooperation”⁴ which sets out expectations, practical steps and indicators. However, various reports and

4 SEC(2001) 609 | http://www.environment-integration.org/Download/E12a_DevelopmentCooperation/sec_2001_609_en.pdf

evaluations have pointed out the lack of progress, including reviews by the Commission itself, Non Governmental Organisations (NGOs), and the ACP-EU Joint Parliamentary Assembly.⁵

Most recently, the European Court of Auditors looked at the progress of the environmental aspects of the Commission's development cooperation (Special Report 6/2006). Of particular interest to this survey, the Court of Auditors made the following observations:

- Although the Commission promotes Country Environmental Profiles (CEPs) as an important tool for environmental integration, a review of 60 CSPs in 2002 found that only 6 CEPs had been produced.⁶ However, in 2005, the Commission started preparing CEPs for the next generation of Country Strategy Papers for Asia, Latin America and the Mediterranean aid beneficiary countries as well as taking steps to put these in place for ACP countries.
- Very little use had been made of Strategic Environmental Assessments (SEAs) and no guidelines exist either on when or how to use SEAs and how to carry out more limited environmental appraisals where SEAs are not considered appropriate. In no country was an appraisal made of the possible environmental impact of government policies and programmes supported by budgetary aid.
- Environmental Impact Assessments (EIAs) had not been done for many projects deemed environmentally sensitive including large infrastructure and mining projects, and no system to ensure that mitigating measures identified in the course of EIAs had been carried out. The Commission has no central register of EIAs which have been carried out for development projects which presents obstacles to public access to information.

WWF research in East Africa in 2005 (WWF EC-PREP⁷ 2005) drew, in addition, the following conclusions:

- Inadequate guidelines to assist efforts to integrate the environment as a cross-cutting issue
- Ambiguity regarding the mandatory nature of environmental integration
- Serious lack of clarity regarding the division of roles and responsibilities between EC staff regarding environmental integration

5 Non-exhaustive List: DNR, ADE, NCG, ECO (2004) Evaluation of the Environmental and Forests Regulations 2493/2000 and 2492/2000; FERN (2002) Forests at the Edge: A review of EC aid spending; FERN (1999) The EU and Tropical Forests: on a new track; ECO (1998) Evaluation of the forestry component of EC programmes in Developing Countries; Rain Forest Foundation (1998) Out of Commission; ERM (1997) Evaluation of the Environmental Performance of EC Programmes in Developing Countries (B7-5091/95).

6 Dávalos ME (2002) Mainstreaming Environment in the Country Strategy Papers: a review of 60 countries, DG Development, European Commission. Unpublished report.

7 Streamlining poverty-environment linkages in the European Community's development assistance, EC-PREP research project, EP/R05/15, December 2005



2.

Environmental protection and development cooperation in EU policy: an overview

2.1.

The environment as an integral element of EU development cooperation

Protecting the environment is essential to achieving sustainable development. The EC Treaty as amended by the Treaty of Amsterdam includes in Article 6⁸ a commitment to integrate environmental concerns into all Community policy areas; while Article 177⁹ states that sustainable development is an objective of development cooperation.

The 2000 **European Community Development Policy**¹⁰, recognised that environmental protection should be reflected in all aspects of development cooperation. The **European Development Policy Consensus**¹¹, agreed between the European Commission, the EU Member States and the European Parliament in December 2005 and replacing the 2000 European Community Development Policy, explicitly acknowledges the link between environmental sustainability and poverty reduction. Indeed, Millennium Development Goal 7 (MDG 7) aims at reversing the current trends in the loss of environmental resources.

The European Consensus on development identifies support for the environment and natural resources as an objective of Community development cooperation and a focal sector for funding: *“The Community will support the efforts undertaken by its partner countries to incorporate environmental considerations into development, [giving] particular attention to initiatives ensuring the sustainable management and preservation of natural resources, including as a source of income, and as a means to safeguard and develop jobs, rural livelihoods and environmental goods and services.”* (Para. 75)

As well as being an objective in its own right, the environment is described as one of the vital factors in enhancing the impact and sustainability of cooperation and thus it requires

8 Article 6 of the EC Treaty: ‘Environment protection requirements must be integrated into the definition and implementation of the Community policies and activities referred to in Article 3, in particular with a view to protecting sustainable development’.

9 Article 177 of the EC Treaty: ‘Community policy in the sphere of development cooperation, which shall be complementary to the policies pursued by the Member States, shall foster the sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them’.

10 COM (2000) 212 final | http://ec.europa.eu/external_relations/asia/doc/com00_212.pdf

11 Official Journal C 46/01 of 24 February 2006 | http://ec.europa.eu/development/body/publications/docs/consensus_en_total.pdf



^

A group of Temuan Orang Asli women walking home to Gerachi village with bundles of firewood collected from the forest fringing the oil palm estate where they provided waged labour. In 2001, the Temuan were displaced and resettled by the Sungai Selangor Dam.

Photo: Carol Yong

a strengthened approach to integrating environmental perspectives in all Community development activities. The Consensus identifies the use of Strategic Environmental Assessments (SEAs) on a systematic basis in both budget and sectoral aid as one of the tools at its disposal. It also undertakes to support the efforts by partner countries (governments and civil society) to incorporate environmental considerations into development, including implementation of multilateral environmental agreements (such as those concerning climate, biodiversity, desertification, waste and chemicals).

The European Consensus pays considerable attention to policy coherence for development, recognising the interdependence between EU internal and external actions and their potential for both positive and negative impacts on progress towards the Millennium Development Goals. All EU Member States and the Commission have agreed a work programme of twelve policy areas which include the environment: "The EU will assist developing countries in implementing the Multilateral Environmental Agreements (MEAs) and will work to ensure that the capacities of developing countries are taken into account during MEA negotiations. The EU will continue to promote pro-poor environment related initiatives and policies and will strengthen the integration of environmental and climate change concerns into its own policies."¹²

The frameworks for EC Country and Regional Strategy Papers (CSPs/RSPs) have been revised in the light of the European Consensus and require the preparation of country and regional environmental profiles, summaries of which should be annexed to the final cooperation strategies. In turn, these profiles inform the environmental assessments

which form part of the analysis along with political, economic and social assessments (See Box 1). The new frameworks have been used for the programming in ACP countries of the 10th European Development Fund (EDF). The current CSPs and RSPs for Asia and Latin America were prepared before the new framework and guidelines were agreed.

Box 1 | Environmental tools in development cooperation

- Programming of EC aid is centred on EC cooperation strategies for a given country or region. These strategies, known as **Country and Regional Strategy Papers (CSPs/RSPs)**, set strategic frameworks for the EC's main priorities in a given country or region, and are agreed with the beneficiary government(s). Each strategy paper contains a **National or Regional Indicative Programme (NIP/RIP)** giving more detail on how resources will be spent and managed.
The 2006 revised **Common Framework for Country and Regional Strategy Papers** takes into account the new EU commitments on sustainable development and environmental integration. The new CSPs/RSPs will incorporate an analysis of the environmental situation of the country or region based on the environmental profile. This analysis will give an overview of trends in the availability and use of environmental resources and the links with poverty and food security, institutional capacity and the legislative framework including international agreements, and problems and needs arising from climate change.
- **Country Environmental Profile (CEP):** According to the European Commission's Handbook for Environmental integration for Development Cooperation (2007)*, the CEP is the “*key tool*” for addressing environmental issues from the start of the cooperation process. The CEP “*is a report that contains a description and broad assessment of a country's environmental situation, policy and regulatory framework, institutional capacities and environmental cooperation.*” A summary of the environmental profile is annexed to the Strategy Paper and relevant points are used for the assessment of the environmental situation in the country diagnosis.
- **Environmental Impact Assessment (EIA):** The assessment of a project evaluating the potential environmental impacts of the project, and its alternatives, prior to the project being carried out. EIAs are not *automatically* carried out; their use dependent on the type of project and the category within which the project falls. The outcome of an EIA is typically an *Environmental Management Plan* defining the mitigation measures to be carried out in order for the project to be approved.
- **Strategic Environmental Assessment (SEA):** The European Consensus on Development established a commitment to systematically carry out SEAs including in relation to budget and sectoral aid. An SEA is a forward looking assessment of the potential environmental impacts of implementing a policy, plan or programme in order to devise measures to avoid/reduce negative impacts on the environment and optimize positive ones.

For the purpose of this study, only CEPs, EIA and SEAs will be considered in the analysis.

* European Communities (2007) Environmental Integration Handbook for EC development cooperation. Brussels, January 2007. http://www.environment-integration.org/Download/Accueil/Environmental_Handbook.pdf

“One of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making”
 Agenda 21, Chapter 23

2.2. Transparency in EC development cooperation policy

The EC has widely acknowledged that increased transparency and public participation improves the quality of decisions impacting the environment. This development was reflected by the **Aarhus Convention**¹³ – signed up to by all EU Member States and the European Community in 1998, and the subsequent adoption of regulation (EC) No 1367/2006 providing for public participation and public access to environmental information. It will apply to all EC institutions and bodies¹⁴ as of 28 June 2007.

In addition, the European Council of 31 May 2001 concluded, as a priority action on the **Strategy for the integration of environmental considerations into development policy to promote sustainable development**, “*procedures for effective stakeholder participation should be developed and environmental information made more easily accessible to the public. Public access to environmental screening results and the summaries of Strategic Environmental Assessments and Environmental Impact Assessments is particularly important*”.

These conclusions endorse the ideas in the Commission Staff Working Paper of April 2001 on ‘**Integrating the environment into EC Economic and Development Cooperation**’ which listed a number of pertinent objectives and activities in order to achieve integration. For example:

- To increase “transparency and visibility in the field of environment”, the Commission will:
 - provide through general information system access to EC commitments and disbursements on primary environment projects
 - provide public access to all environmental screening results and summaries of EIA and SEA
- To ensure that “environmental aspects (*are*) fully integrated at project level”, the Commission proposes the following activities:
 - EIA or SEA or all EC cooperation projects that meet the criteria for high environmental risk of environmental screening conducted
 - Hold public consultations as part of any EIA/SEA
 - Establish accessible record keeping (as part of Project Identification sheets and as annex to the Financing Proposal)

¹³ <http://www.unece.org/env/pp/> and Official Journal L 264 of 25 September 2006

¹⁴ Article 2.1 (c) of Regulation 1367/2006 defines ‘Community institution or body’ as: “any public institution, body, office or agency established by, or on the basis of, the Treaty [...]” This means that the regulation covers not only the institutions listed in Article 7 of the EC Treaty (the Commission, the Council, etc...) but also other bodies, such as the European Investment Bank (art. 9) or subordinate agencies, such as the European Environment Agency.

The **2002 Communication on the Participation of Non-State Actors in EC Development Policy**¹⁵ states that EC policy aims to further strengthen and involve civil society in the development process. The Communication specifies that civil society “*ought to be permanently and systematically involved across the definition of country strategies and the programming process.*”

The **2005 EU Consensus on Development** reiterates the EU’s support for the participation of all stakeholders and underlines the role of the Commission to “*put into effect the principle of participation of civil society.*”¹⁶ The involvement of civil society actors is one of the programming principles of the **Common Framework for Country Strategy Papers**. This document states that the “*partnership must be extended to include [civil society], which should be involved in discussing policy, drawing up the cooperation strategy and implementing programmes. Other players, particularly local authorities and parliaments, should also be involved.*”¹⁷ In addition to the above recommendations, in ACP countries the requirements for mandatory consultation with civil society are defined under the **Cotonou Agreement**¹⁸ and, similarly for Asia and Latin America countries, under the **Development Cooperation Instrument**.¹⁹

Availability of environmental profiles and assessments? In order to support a useful and informed civil society dialogue during the drafting of development cooperation strategies, documents such as environmental profiles should be publicly available. But until recently, and as noted above, environmental profiles were not being systematically produced and the guidelines for the publication were unclear. A letter sent to EC Commissioner Louis Michel clarified the situation – on 20 November 2006, Louis Michel wrote to FERN agreeing that CEPs **should be public documents**. He specified that CEPs “*for ACP states will be published as soon as possible in order to feed into the public dialogue now due to begin. Those for other countries, for which the programmes is already almost completed and for which the Strategy Papers and associated Environmental Profiles are awaiting discussion with the European Parliament very soon, will be published as early as possible in 2007.*”²⁰

This has been interpreted as meaning that CEPs for ACP countries are readily available from November 2006 onwards, whilst those for ALA countries would first need to be approved by the European Parliament and the European Council (co-decision) and therefore expected in the first quarter of 2007.

The **Development Cooperation Instrument** (EC Regulation 1905/2006) states “*Appropriate environmental screening shall be undertaken at project level including environmental impact assessment (EIA) for environmentally sensitive projects, in particular for major new infrastructure. Where relevant, strategic environmental assessments (SEA) shall be used in the implementation of sectoral programmes. The*

15 COM/2002/0598 final | <http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/ce076/ce07620040325en04470453.pdf>

16 Official Journal C 46/01 of 24 February 2006 | http://ec.europa.eu/development/body/publications/docs/consensus_en_total.pdf

17 Guidelines for implementation of the Common Framework for Country Strategy Papers, D (2001) Brussels, 4 May 2001

18 Official Journal L 209 of 11 August 2005 | http://ec.europa.eu/development/Geographical/CotonouIntro_en.cfm

19 Official Journal L 378 of 27 December 2006 | http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/L_378/L_37820061227en00410071.pdf

20 See Annex C



^

Logging is prevalent in the Ecuadorian tropical forests, providing lumber for building, export and wages for people. Increasing illegal chainsaw logging is seriously undermining the sustainability of this resource.

Photo: Iola Leal Riesco, FERN

*involvement of interested stakeholders in environmental assessments and public access to results shall be ensured*²¹ (our emphasis).

The legal framework that should be used to carry out EIAs and the public nature of these documents has not yet been, to our knowledge, defined formally by the European Commission. The Handbook recommends²² that where adequate EIA legislation exists at national level, EIAs of projects should be carried out under the terms of national legislation and on EC criteria.²³ Where this is not possible or where additional safeguards are considered necessary, a guide to good practice is provided in the Handbook. Civil society participation and consultation is strongly recommended (*see Box 2*) and to make available to the public the information obtained through an EIA.

For example, an OECD case study²⁴ describes a comparison of donor and governmental environmental safeguard practices relevant to infrastructure projects in Vietnam. The

21 DCI, Article 22.4

22 European Communities (2007) Environmental Integration Handbook for EC development cooperation. Brussels, January 2007 | http://www.environment-integration.org/Download/Accueil/Environmental_Handbook.pdf

23 That is, to determine whether and EIA is required for an EC funded project, guidance is provided in the EU EIA Directive (Directive 85/337/EEC as amended by Directives EC/97/11 and 2003/35/EC) should be used in combination with national lists.

24 Harmonisation, Alignment, Results; Progress Report on Aid Effectiveness – ISBN 92-64-03673-3 – OECD 2005

review found procedures and practices to be very well harmonized except in the requirements for public consultation and information disclosure where, in general, the standards used by donors were more rigorous than the Vietnamese legislation. Discussions on how best to address the differences were initiated.

In terms of SEAs, the EC's Handbook on environmental integration does not make any reference to the legislative framework that should be used but, through the OECD, the EC has participated in developing guidelines. These could be considered the current best practice to be followed and emphasise the involvement of stakeholders.

In the interests of transparency, public participation in decision making and good environmental governance, the EC should be actively promoting wide access to documentation. It is understood that EC Regulation No 1367/2006 provides for disclosure of environmental information which *is held by (or for)* the EC institutions and bodies, regardless of who has produced this information, including EU Member States or third parties, unless legitimate reasons can be claimed for confidentiality.

Box 2 | Provisions for civil society participation in the EIA and SEA processes

Participation and consultation of stakeholders must be integrated in [the EIA] process within the local institutional framework. Particular care should be taken to (a) make full use of the experience and know-how of the population living in the environment being studied, (b) take into consideration the needs, values and interests of the population concerned, including women and marginalised social groups. Public participation should be provided for from the earliest stages of the process.

The involvement of stakeholders in the SEA process is a key success factor. Environmental impacts cannot be dissociated from their relationship to social, economic and cultural factors. Engaging stakeholders in an SEA, including women and other traditionally less represented groups, is important in order to adequately integrate their knowledge and concerns in assessing the impact, significance and acceptability of proposed actions and mitigation measures.

Source: European Communities (2007) Environmental Integration Handbook for EC development cooperation. Brussels, January 2007. http://www.environment-integration.org/Download/Accueil/Environmental_Handbook.pdf



3. Findings and analysis: Public availability of EC environmental data

The first section of this chapter presents an overview of the spectrum of responses received to the requests in the letter of 2 November 2006. The second section of this chapter provides an analysis of the data retrieved. The third section of this chapter offers examples of good practice and unsatisfactory practice on the basis on the findings obtained.

3.1. Findings

Tables 1a and 1b below provide overviews of the responses with reference to: (a) the response time; (b) the respondent; (c) the content of the reply; (d) the availability of the documents; (e) the evaluation of the integration of environmental issues within the framework of EC cooperation in the country or region in question. The complete set of findings can be found in Annex B.

Most responses were in the form of emails and letters and sometimes electronic copies of documents were sent by post. Two desk officers in Brussels rang in response to our questions and suggested meetings. One desk officer gave the replies in a phone conversation and one delegation from South America rang in response to the letter and discussed the information over the telephone.

Some EC delegations are responsible for, and replied on behalf of, more than one country, even though some of these countries also responded individually.²⁵ Information as to multi-country and regional responsibilities is difficult to ascertain from the EC's central website. Some delegations have the additional responsibility of providing a regional strategy and regional environmental profile and in two instances – Central America and Andean Region – these were provided by the relevant delegation with the regional responsibility.

25 For example, the EC delegation to the Pacific covers 11 countries and 4 overseas countries or territories, one EC delegation covers Nicaragua, Costa Rica, El Salvador, Guatemala, Honduras and Panama.

Table 1a | Overview of findings – countries

General						
Total # delegations contacted	# delegations which replied	Replied within 15 working days	# delegations did not reply	Replies by Head of delegation	# replies addressing all questions	
63	57	12	6	15	11	
With reference to CEPs						
# delegations do not have/will not have CEP	Unclear if have/ will have CEP	# delegations have/will have CEP*	Of these: # delegations provided their CEP**	Of these: # delegations which stated that the CEP was in the pipeline/foreseen	Of these: # publicly available/ publication foreseen	
4	9	44	24	20	26	
<p>* These include delegations which referred to 2 REPs in which short country environmental profiles appear. Regional environmental profiles provided were those of Central America (Nicaragua, Costa Rica, El Salvador, Guatemala, Honduras and Panama) and for the Andean Region (Bolivia, Colombia, Ecuador, Peru and Venezuela).</p> <p>** Ibid</p>						
With reference to EIAs/SEAs						
# delegations have EIAs	# delegations have SEAs	# delegations where EIAs are foreseen	# delegations where SEAs are foreseen	# delegations state EIAs/SEAs are public	# delegations state EIAs/SEAs are not public	# delegations state EIAs/SEAs are on website
15	4	5	4	14	1	4
With reference to evaluations of environmental integration in EU cooperation						
47 did not respond but 10 did address the issue						
# delegations stated that an evaluation was available	# delegations stated that no evaluation was available	# delegations mentioned the Court of Auditors report	# delegations did not address the issue at all			
6	19	4	37			
Additional information						
Made reference to cooperation with civil society (of the 57 replies)	Sent documents written in appropriate language (of the 36 delegations which sent documents)	Mentioned an EC database of CEPs				
13	22	6				

Table 1b | Overview of findings/Regions (from Regional Desks in Brussels)

General					
Total # regional desk officers contacted	# regional desk officers which answered	# regional desks replied within 15 working days	# regional desk officers which have not replied	# replies addressing all questions	
7	3	1	4	0	
With reference to REPs					
# regional desks have/will have REP	# regional desks do not have/will have REP	Unclear if have/ will have REP	# regional desks believe REPs are public	# regional desks state REP is on website	# regional desks provide link
2	0	1	3	0	0
With reference to EIAs/SEAs					
# regional desks have EIAs	# regional desks have SEAs	# regional desks will have EIAs		# regional desks will have SEAs	
0	0	0		1	
With reference to cooperation with civil society – voluntary additional information					
Mentioned cooperation with civil society	Sent documents written in appropriate language		Mentioned of an EC database of CEPs/REPs		
0	1		0		

The response from Commissioner Louis Michel regarding the public availability of environmental profiles was sent to FERN on 20 November 2006 – after the first letter to delegations requesting information. The letter noted environmental profiles for ACP countries should be made available as soon as possible and for ALA countries once the CSPs or RSPs are approved. It is not clear when the delegations themselves were officially informed of this new guidance, some responses suggest that the headquarters in Brussels did not send instructions to all delegations until late January 2007.

3.2. Analysis

The following analysis draws on the data collected from the replies received from the delegations and desk officers, illustrated in the previous section.

The analysis focuses on the public availability of CEPs/EIAs/SEAs and finds:

- Important improvements in the systematic approach to carrying out CEPs
- General agreement on the public nature of CEPs/EIAs/SEAs
- Several positive approaches to civil society involvement

But also:

- Lack of consistency in facilitating public access to documents
- No systematic approach to carrying out EIAs/SEAs
- No systematic approach to the publishing of the CEPs/EIAs/SEAs
- Disregard of the guidelines to respond to a letter within 15 working days
- Limited knowledge of evaluations of the integration of environmental issues within the framework of EC cooperation

These are described in detail below.

3.2.1 **Important improvements in the systematic approach to carrying out CEPs (or REPs)**

It is clear that the majority of EC delegations are now cognizant of the need to develop environmental profiles. Out of the total number of 60 responses received by end of March 2007, 24 provided an environmental profile for the next period or provided an electronic link to the profile and 20 stated that an environmental profile was in preparation. The number of profiles that have been produced, or will be produced in coming months, contrasts starkly with the situation in the previous programming period. For example, out of 60 countries surveyed by the Commission in 2002²⁶ only six countries had undertaken a CEP. By 31 January 2007, the EC's environmental integration Help Desk had identified that 48 (80%) of these countries had developed CEPs.²⁷ According to the Help Desk, most existing CEPs are short as opposed to detailed documents which might suggest that not all the issues and analysis expected in the Commission terms of reference for a CEP have been included.²⁸ Of the 115 ACP and ALA countries that have cooperation programmes with the EU, a total of 97 (84%) have CEPs but only 40 (35%) of them are detailed documents (*see Table 2*).²⁹ Of course the length of the document does not necessarily equate with its quality which will be the subject of further study.

Summaries of the CEPs are annexed to finalised Country Strategy Papers – it was emphasised by some delegations³⁰ that such annexes do not effectively constitute full country environmental profiles.

26 Dávalos ME (2002) Mainstreaming Environment in the Country Strategy Papers: a review of 60 countries, DG Development, European Commission. Unpublished report.

27 Help Desk Environment (2007) Inventaire des profils environnementaux. Mise à jour : 31 January 2007.

28 European Communities (2007) Environmental Integration Handbook for EC development cooperation. Brussels, January 2007 | http://www.environment-integration.org/Download/Accueil/Environmental_Handbook.pdf

29 By 11 July 2007 a further 12 complete CEPs had been completed (Communication DG DEV DGA B 2)

30 For example, Mexico.

Table 2 | Existing CEPs per region

Region	# countries	# countries have CEP	% on total of countries	# countries have detailed CEP	% on total of countries
ACP	79 (69%)	66	57	22	19
ACP Africa	48	43	37	18	16
ACP Caribbean	16	11	10	2	2
ACP Pacific	15	12	10	2	2
ALA	36 (31%)	31	27	18	16
ALA Latin America	17	12	10	4	3
ALA Asia	19	19	17	14	12
Total	115	97	84	40	35

Source: Help Desk Environment (2007) Inventaire des profils environnementaux. 31/01/2007

In terms of the way CEPs are developed, four approaches can be observed from the information received:

- 1) A delegation develops the environmental profile internally
- 2) A consultant carries out such exercises on behalf of the delegation
- 3) The delegation “relies on the work of more specialized agencies (UNEP, IDB, World Bank, etc)”³¹ for environmental assessment in the host country, and does not carry them out itself
- 4) The delegation provides technical assistance to the country government “in the execution of all necessary studies/surveys and assessment to develop policies and introduce measures to implement them”,³² and does not carry them out itself

Although some delegations have taken on the responsibility for production of CEPs themselves, the commissioning of consultants to produce environmental profiles seems to be a regular occurrence and is likely to take place when there is little or no expertise or resources within the EC delegation. It would be expected that such advisors would be in-country experts who would work with local civil society organisations and indigenous peoples in order to ensure that the profiles reflect the situation on the ground and identify the current and potential environmental issues.

As pointed out in the EC Environmental Integration Handbook, where recent and comprehensive environmental profiles have been produced by others – e.g. UNEP, UNDP or World Bank – it would not normally be necessary to repeat the exercise but would be an effective use of resources to re-use these.

³¹ Reply from EU delegation to Mexico. Delegations in Cape Verde and Togo have also made similar statements with reference to this practice.

³² Reply from EU delegation to Malawi.

A Regional Environmental profile for Eastern and Southern Africa³³ was provided by the relevant regional desk officer in Brussels and two Regional Environmental Profiles came from delegations (for Central America and for the Andean Region). Some delegations pointed to the existence of a REP as the document that provided the necessary environmental information at a country level and that there was a good logic for conducting regional profiles as opposed to national profiles. However, one delegation pointed out that there was just one page of country information in the Regional Environmental Profile which s/he did not deem adequate for the necessary analysis but did not have the resources to produce an individual CEP.

Box 3 | The case of the Andean Region and the Central America Region

The Regional Environmental Profile (REP) of the Andean region³⁴ was finalized in February 2005. The EC delegations in each of the five Andean countries,³⁵ contacted for this study, show differences in their understanding of the existence/status of environmental profiles:

- 2 delegations mentioned the Regional Environmental Profile: Peru, which sent the REP mentioning that it was *“not yet published by [them]”* (2 February 2007), and Ecuador, which was unclear on their right to provide this document to the public: the delegation has written to us saying *“please let me know if you do not have a copy of the Andean Environmental Profile done by ORGUT Consulting and if we have permission from our headquarters I will send you an electronic copy”* (24 January 2007)
- 3 delegations (Bolivia, Colombia and Venezuela) did not mention the Regional Environmental Profile. For Venezuela, a CEP will be published in 2007 – the only one of the five Andean countries to have a separate country environmental profile

The existence of a Regional Profile for Central America was mentioned and later provided by the delegation for Nicaragua, Costa Rica, El Salvador, Guatemala, Honduras, and Panama, but no individual country profiles.

The Help Desk mentions brief CEPs (between 2 and 9 pages each) for Costa Rica, Honduras and Nicaragua which are annexed to their CSPs. Guatemala, Panama and El Salvador do not have CEPs.

3.2.2 No systematic approach to carrying out EIAs/SEAs

The existence and knowledge of EIAs and SEAs is far more sparse – just 15 (24%) delegations stated that they have carried out at least one EIA, 4 (7%) a SEA and 2 (3%) both an EIA and a SEA. Given the emphasis by the Commission on the use of EIAs and

33 10th EDF RSP/Annex 2 – Environmental (REP) context of the ESA IO (Eastern and Southern African Region – Indian Ocean)

34 ec.europa.eu/external_relations/andean/doc/env_rep_0205.pdf

35 Covering Bolivia, Colombia, Ecuador, Peru and Venezuela.

SEAs as the critical tools to support environmental integration in EC aid programming, this level of response points to ongoing failures to initiate and review environmental issues during programming and implementation. The reasons for the lack of EIAs and SEAs may be twofold: lack of awareness at delegation level on the need to undertake such analyses or low political interest to follow such commitments. An additional reason in the case of SEAs is that they are relatively new tools in terms of development cooperation and their development and implementation is still evolving. The Commission has pointed out that training on SEAs will be stepped up following the adoption of the European Consensus and an effort will be made to closely coordinate this with other donors.³⁶

3.2.3 Lack of consistency in facilitating public access to documents

EC delegations agree, for the most part, on the public nature of EC environment-related documents,³⁷ but there is little consistency regarding the public distribution of these documents. A sample of the spectrum of responses received is shown in Table 3 below.

Table 3 | Spectrum of responses on public availability of CEP/EIA/SEA

Philippines (ex ALA)	<i>"Our key environmental information is accessible to the public since the very moment that we approve the documents – which, of course, are elaborated always in a participatory manner."</i>
Nicaragua (ex ALA)	<i>"As to the availability of these documents to the public, this delegation has no objections to their disclosure."</i>
Bangladesh (ex ALA)	<i>"Please find enclosed an electronic copy of the Country Environmental Profile on Bangladesh, noting that it is an internal document of the Commission, which I would ask you not to circulate widely."</i>
Pakistan (ex ALA)	<i>"You have requested Country Environment Profile and other public documents which I am trying to get the electronic version from the Ministry of Environment and forward to you [...]."</i>
Brazil (ex ALA)	<i>"The documents requested can only become public once they complete the process of consultation with Member States of the European Union and the European Parliament."</i>
Peru (ex ALA)	<i>"On my first view I can clearly recognise that the issue of publishing the environmental profiles belongs not to our tasks. This is definitely an activity which we Delegation is not enabled to. Please keep the regional profile I sent to you as informal input until an official statement from DG Relex or AIDCO is available."</i>
Mexico (ex ALA)	<i>"Project related Environmental Impact Assessments are not generally made available to the public by the Commission."</i>
Senegal (ACP)	<i>"For EIAs and SEAs please contact the relevant helpdesk within the European commission."</i>

³⁶ Email communications from DG DEV DGA B 2, 11 July 2007 and 27 July 2007

³⁷ Two delegations stated that CEPs were not public documents and one delegation stated that EIAs were not public documents.

Malawi (ACP)	<i>"These documents are the property of the government and the respective beneficiary line Ministries. The documents you mention are generally not public unless the Government of Malawi wishes to make them public."</i>
Tchad (ACP)	<i>"The CEP has not been validated by the Tchad government and hence should not be taken as an official document but as the product of a consultancy."</i>
Papua New Guinea (ACP)	<i>"This document is freely available, with copies having been distributed to WWF, Greenpeace, Eco Forestry Forum and all other environmental NGOs in Papua New Guinea."</i>
Niger (ACP)	<i>"The Niger Environmental Profile is now available on the delegation website and, hence, is public (...) Files of all EIAs made by the Delegation and available at the date of December 2005 have been sent to the EC Environment Helpdesk. Please, contact (them) and ask for a copy of these files."</i>
Kenya (ACP)	<i>"We are enclosing herewith a copy of the Kenya CEP completed in May 2006. However, the other information requested will be forwarded to you after consultation with the Government of Kenya."</i>
South Africa (ACP)	Although the letter was not sent until 13 February, the respondent provided two pages of detailed information on environmental projects and cooperation on environmental issues between South Africa and EU. However on the use of SEAs as a tool to improve environmental integration, the letter informed that <i>"SEA is a tool that is not widely used in South Africa and the South African EIA is considered to fulfil best international standards"</i> .
Namibia (ACP)	<i>"These studies and reports will be available from the National Planning Commission"</i>

From the responses received, it appears that the distribution of documents to the public is left to the good will of the delegation official in charge. Only 24 delegations, or 42% of the delegations that answered the letter, provided either their country CEP or a web link to the document. 19 CEPs received were from ACP delegations, where CEPs should have been public at the time that this study was made (see Annex C), and 5 from ALA countries, where CEPs were not public at the time of this evaluation. Some of the replies from ACP countries suggest that the internal Commission directions following the 20 November 2006 letter of Louis Michel had not reached the civil servants in charge. Some EC delegations in ALA countries, although aware of the requirement for a CSP to be approved by the European Parliament and the Council of Ministers before making the CEPs publicly available, offered nevertheless a wide range of approaches of access to information.

Only one delegation stated that EIAs are not public documents. 11 delegations sent EIAs or SEAs and 2 gave web site addresses to access these documents. Some answers (see Table 3 above) showed lack of clarity as to who is responsible for distributing these documents, suggesting that it is at the discretion of the government ministry concerned. It is to be hoped that the application of the new Regulation No 1367/2006 will clarify the responsibility of EC bodies to provide any information held by them to civil society, regardless of who has produced it, including EU partner governments (see section on transparency in EC development cooperation above).



^

There are presently nearly 400,000 Sierra Leone refugees in camps in Guinea and Liberia. The environmental impact of refugee activities on the local forest resources and agricultural land, has in many cases been adverse and therefore a source of conflict between the refugees and host communities. This programme in Liberia aims to help inform about and reduce the environmental problems associated with civil conflicts.

Photo: Iola Leal Riesco, FERN

3.2.4 **No systematic approach to the publishing of the CEPs/EIAs/SEAs**

There also appears to be some confusion as to who is responsible for making the documents public. Whilst most delegations assume the responsibility for publishing the information, others do not and believe that the responsibility falls within EuropeAid, DG External Relations and/or the EC environment Help Desk.

For those EC delegations who recognise their responsibility for publishing the documents, no common approach can be identified, for some delegations have placed such documents on the delegation's website, whilst others have not, but make nonetheless the documents readily available in electronic format. Others again have only hard copies and, although public, are unable to provide copies of them apparently due to lack of time or resources.

For a number of replies received it was not possible to ascertain whether the documents were available on the delegation's website since no web addresses were provided on the correspondence.

According to three respondents, it is *“the intention of the European Commission to create a centralised web database for all Country and Regional Environmental Profiles in order to facilitate the access to the information for all interested”*.³⁸ It is also understood that the EC environmental integration Help Desk is compiling a register of EIAs carried out since 1999 but no internal decision has yet been taken as to the most appropriate place to host this information.

A centralised register would be a welcome initiative, and one which many civil society organisations have long campaigned for, but it is not yet foreseen when this will take effect. In terms of environmental profiles it will not be active in time to allow public involvement and scrutiny for the current 2007-2013 cooperation programme. The current lack of a systematic collection of EIAs and SEAs creates obstacles towards the inclusion of civil society in EC development cooperation policy. Lack of access to such environmental assessments limits the ability of civil society to actively participate in the policy process and to scrutinise and monitor implementation of programmes and projects.

3.2.5 The EC's environmental integration Help Desk

The environment Help Desk regularly compiles information on the development of country environmental profiles. The information is published on the Help Desk's website, including type of document (detailed, annex to CSPs, etc.), publishing date and number of pages.³⁹

The Help Desk is an external contracted service for EC delegations and Commission officials. It is not an official source of information and cannot give out information of the type requested by this survey without the EC's permission. Therefore, although some delegations directed requests for information to the Help Desk, this in itself will not facilitate public access to information unless the delegation expressly asks the Help Desk to provide the documents.

Comparisons with the information compiled by the Help Desk were only made for CEPs/REPs as only the list of these documents is available on their website.

3.2.6 Limited knowledge of evaluations of the integration of environmental issues within the framework of EC cooperation

Only 42% (or 25) of the replies received answered the question of evaluations of the integration of environmental issues within the framework of EC cooperation. The lack of

38 Information from the reply from the EC Delegation in Paraguay, 20th December 2006

39 Help Desk Environment (2007) Inventaire des profils environnementaux. Mise à jour : 31/01/2007

systematic approach within the delegations to environment related issues might explain why only six respondents stated that an evaluation was available, only four were aware of the Court of Auditors' 2006 report, and just one of a WWF assessment from 2004,⁴⁰ whilst the rest were not aware of any evaluations having taken place. This limited knowledge suggests that the findings and recommendations put forward by the European Court of Auditors were not widely disseminated, even to delegations in those countries specifically named in the report.

3.2.7 Approaches to civil society involvement

Despite the key role attributed to civil society actors in the EU cooperation policy, only 13 replies voluntarily mentioned the involvement of civil society actors within the delegations' activities. While recognising that this question was not asked directly, the inclusion of various details about involvement with civil society in their countries indicates openness and willingness to engage on the part of delegations, and, of course, good practice.

Box 4 | Examples of good practice in terms of Civil Society dialogue

Colombia (ex ALA)	Although the delegation provided no direct response to our request for information, we have been informed by civil society representatives in Colombia that the delegation recently held consultations for the first time with civil society in the country, including three regional workshops and one at national level on the topic of the Country Strategy Paper. The delegation also provided a presentation in Spanish on how they are integrating the environmental aspects into the focus of "Peace and stability in Colombia and economic development in the Andean Region"
Argentina (ex ALA)	<i>"During the drafting process of the CEP this Delegation consulted a wide range of Argentine NGOs involved in environmental protection"</i>
Côte d'Ivoire (ACP)	<i>"De notre côté, nous vous saurions gré de bien vouloir nous informer des activités du WWF, BirdLife International et FERN en Côte d'Ivoire ainsi, éventuellement, des activités de vos partenaires locaux dans ce pays"</i>

3.2.8 Use of appropriate language

Sixty one percent (61%) of the documents (CEPs, REPs, EIAs or SEAs) received were in the language most appropriate to the country in question (English, French, Spanish).

40 WWF December 2005, Streamlining poverty-environment linkages in the EC's development assistance, EC-PREP research project.

The use of the EU language most commonly spoken in the country in question facilitates access to information by local civil society or the population at large.⁴¹

The availability of documents in the most relevant language for the country facilitates local civil society involvement.

3.3. Examples of good practice and poor practice

Drawing on the data collected and the issues discussed above, the following sections provide an overview of particular examples of good practice, with reference to the EC delegations' approach to the public availability of environmental information. For the sake of comparison, reference is made to poor or less than satisfactory responses.

3.3.1 Less than satisfactory – “Could do better!”

- **No Response**

Of the 63 EC delegations and 7 Regional desk officers which were contacted by letter and email, 10 (6 countries and 4 regional desks) failed to provide a reply altogether. The delegations were not contacted by phone and so it is possible, albeit unlikely, that letters and emails, and the second reminder emails, were never successfully received by the delegations.

- **Response Time**

Only 12 (or 19%) delegations and one regional desk officer replied within the time period set by the Commission's guidelines of 15 working days (*see Box 6 below*). Forty-five (or 71%) delegations replied beyond the limit set by EC guidelines of which 27 (or 42%) were received following a reminder (sent on 15 January 2007). Some were finally received 3 months after the initial contact had been made in November 2006.

The response time is important because a tardy response will invariably put limitations on possibilities for civil society to engage in a timely manner before decision-making is completed

41 By the most appropriate language we mean the language in which the majority of local actors have communicative competence. For countries where an EC official language is the local language, this was considered the 'most appropriate language'. For countries where an EC official language does not correspond to the local language, the most used EU official language was chosen. A list of languages chosen is available under request.

Box 5 | Guidelines for good administrative behaviour

Requests for documents: if a document has already been published, the person making the enquiry is directed to the Office for Official Publications of the European Communities or to the documentation or information centres (Info-Points, European documentation centres, etc.).

Correspondence: the Commission replies to letters in all the official Community languages. Replies to letters addressed to the Commission are sent within **15 working days of the date of receipt of the letter by the department responsible**. If a reply cannot be sent within this time period, the member of staff responsible should send a holding reply, indicating a date by which the addressee may expect to be sent a reply. These rules do not apply to correspondence which can reasonably be regarded as improper, for example because it is repetitive, abusive and/or pointless.

Electronic mail: staff should reply to e-mail messages promptly following the guidelines on “telephone communication”. However, where the e-mail message is equivalent to a letter, it should be handled according to the guidelines for handling correspondence.

Source: Official Journal OJ L 308 of 8 December 2000
http://ec.europa.eu/civil_society/code/guidelines_en.htm

- **Position of respondents**

It is common practice that the letter is signed by the addressee to whom the letter has been sent, which in this case was the Head of delegation. Although one would not necessarily expect the Head of delegation to draft the letter, one would certainly expect them to sign it – which would imply that s/he has been informed on the issue, read the response and agreed to it. However, only 15 (or 26%) responses were signed by Heads of delegations. The signatory of the other answers varied broadly: Five were signed by desk officers (who were in copy to the original letter), 21 replies were provided by other staff, 14 were signed by the person of the delegation in charge of environment/agriculture/rural development or relations with civil society, and in two replies no title was provided.

- **Addressing the questions**

The responses received often failed to answer the questions. These included failing to read, understand and/or address the content of the letter, and/or not following up the requests when they had promised to do so. Many replies failed to address all of the issues raised in the letter. Just 11 delegations (or 19%) answered all questions. Three replies failed altogether to address any of the issues raised.

- **Political context and resource constraints**

A possible explanation for these types of response may be due to genuine understaffing and/or work over-load in the delegation at the time the request was received by them. Moreover, the particular political conditions affecting the country in which a delegation

operates may also have impinged on the ability of the delegation to actively engage on environmental matters. For example, the EC delegation to the Democratic Republic of Congo (DRC) informed that no CEP has yet been carried out due to the 30-year war afflicting the country.

Although these limitations are acknowledged, we understand that for an effective EC cooperation programme they should be the exception and not the norm. However, the fact that out of 70 delegations and regional desks contacted, 10 failed to provide a reply and that only 11 answered all the questions is far from being satisfactory – see Table 5.

Table 5 | Examples of unsatisfactory responses

India, Bhutan and Nepal (ex ALA)	"We however trust that meanwhile you have been made aware of the fact that the access to the documents mentioned in your letter is managed by headquarters (AIDCO). We were informed that some of the requested documents will be available on the EC's website in a near future".
Malaysia (ex ALA)	<i>"It is confirmed that your letter – addressed more widely to the European Commission – has been replied to by Commissioner Louis Michel on 20/11/2006. His reply was sent to Ms Iola Leal Riesco, from FERN".</i> The response did not address any of the other points we asked in our letter and did not address the question of document availability within the Malaysian delegation.
Pacific (ACP)	<i>"I am sure that the information you refer to is available in the Delegation as far as it exists, and certainly available to the public. I shall have to check the documentation going back to 1996 in co-operation with the Infrastructure Section at the Delegation and it may require some time".</i> We heard nothing more.

3.3.2 In comparison – Good Practice

Good practice is here taken to denote replies that: (a) were sent in a timely fashion; (b) were signed by the addressee of the original letter; (c) addressed all points raised in the letter (status of CEP, of EIAs/SEA, the public availability of the documents, and evaluation of environmental integration in cooperation activities of the delegation); (d) provided the information requested (i.e. the CEP/EIA /SEA) either in hard copy or via web links; (e) provided an explanation as to why the information might not be available. Some examples are given in Boxes 7 and 8 and Table 6.

Box 6 | Delegation to Tanzania (ACP) – Example of good practice | CEP

The reply from the EC delegation to Tanzania was signed by the Head of delegation and received within the time period set by EC regulation. It sent the CEP in a CD-ROM and provided a web link to the delegation's website.

The reply provided information of how and why the environment is being integrated in the delegation's cooperation programmes: *"Following the absence of the environment in Tanzania's first Poverty Reduction Strategy Paper in 2001, the development of the second PRSP was an opportunity to better integrate the environment. This resulted in 14 environment indicators being mainstreamed across the PRSP cluster areas of growth, social protection and governance."* Details of cooperation between the delegation and the government on environmental matters complemented were also provide: *"In 2005 the EC provided support to the Division of Environment in the Vice President's Office to develop a State of Environment Report. The EC actively participates in the Environment Working Group which is led by the Government. The EC has assisted in the production of three policy briefings whose purpose was to raise awareness of governance related issues in natural resources."*

The answer explains whose responsibility it is to conduct EIAs and SEAs: *"The responsibility for monitoring and enforcement are given to the National Environmental Management Council (NEMC) which conducts audits, research and reviews of EIA and SEAs."* And it also provides information about the CEP and its focus: *"The CEP provides recommendations on EC programming to mainstream the environment. These recommendations have been included in the environment section of the CSP for 2007-13. The CSP focus will be macro-economic support, transport, regional market integration. These will be subject to scrutiny under [the Tanzania's Environmental Management Act]."*

It addresses the issue of external evaluation of the integration of environment in cooperation policy: *"We are of course aware of the WWF study in 2003 and the study of the Court of Auditors in 2005."* Moreover, it explains how the delegation monitors environmental integration in the country programmes carried out under EC financial support: *"In order to measure annually the government's performance in relation to direct budget support, the Performance Assessment Framework was developed. The framework has an environment indicator which refers to the State of Environment reporting system."*

The letter represents an excellent example of a full and informative reply to the request for information.

Box 7 | Example of good practice | Regional Environmental Profile Eastern/Southern Africa region desk

"We are in the process of finalising, with the four regional organisations concerned (COMESA, EAC, IGAD and IOC), the 10th EDF regional strategy and indicative programme. The document is still in draft stage, and contains a regional environmental profile as an annex, also in draft form. Consultations are ongoing to finalise the document in the four countries where the RIOs have their secretariats through our delegations in Zambia, Tanzania, Ethiopia and Mauritius. Once finalised, I can forward you the document. This document will, I believe, also contain information on SEAs as far as implemented at regional level. I'm not aware of any assessment in particular as most SEAs are done at the national level, except perhaps for the marine resources in the Indian Ocean."

The preliminary draft Regional Environmental Profile (in French and English) was sent shortly afterwards for our information.

A number of other delegations' replies also showed goodwill and provided detailed information, albeit failing on one or more of the best practice criteria. Table 6 provides a collection of examples.

Table 6 | Further examples of good practice

Indonesia (ex ALA)	<p>This was one of the earliest answers, on 11 November 2007, and it was signed by the Head of delegation. The letter provided an explanation as to why EIAs and SEAs were not available: <i>"The reason is that the main focus of our cooperation has been the forestry sector. It is commonly considered that EIA and SEA are more relevant for sectors such as energy or infrastructures than for sectors for which environment sustainability is precisely the objective (which was the case for our forestry projects)."</i> The delegation went on to explain that EIAs are foreseen in the future and what their focus and structure would be: <i>"For our work in Aceh however, which was out of our CSP 2002-2006, we do have several infrastructures related projects for which EIA are particularly relevant. Three projects funded by the Multi Donors Trust fund, to which the EC is the main contributor, are currently undertaking or planning to undertake EIA. The World Bank is responsible for this [...]"</i></p> <p>A timely and informative response. Nevertheless the assumption that forestry projects do not need an EIA or SEA should be challenged. The potential impacts of, for example, plantation forestry are well documented.</p>
China (ex ALA)	<p>Provided an electronic source for every document it mentions in its fax. <i>"I attach the documents as indicated in our fax regarding our relevant projects in the environment/poverty sector and EIAs carried out during the preparation phase of our projects. I hope this is useful to WWF in collecting documents of EC Aid programmes and policies"</i>.</p>
Papua New Guinea (ACP)	<p>States, for example, that it <i>"has an excellent working relationship with the environmental NGOs operating in the country."</i> 16 other replies also mentioned cooperation, of some kind, with civil society organisation.</p>

Mauritania (ACP)	The reply offered an overview of the delegation's work in Mauritania, stating that <i>"The EC Delegation's input in the environmental sector includes also active involvement in donor coordination in the form of participation and contribution to a thematic environmental donor coordination group chaired by the GTZ. Furthermore, the Delegation is preparing to carry out a profound environmental analysis with the assistance of an external expert(s) to produce a Country Environmental Profile for Mauritania in 2007. In comparison to the current EDF, where environment is seen only as a cross-cutting theme, the current draft programming for the 10th EDF for Mauritania foresees an envelope of 5 million EUR for environmental projects including public institutional and capacity building to the newly established State Secretary for Environment (currently having only limited capacities)"</i>
Mozambique (ACP)	The reply provided a summary of the key findings of the different EIAs carried out and, although the assessments had been carried out by the Mozambique government, and not the delegation itself, the delegation official said <i>"Will try and get electronic copies"</i> and <i>"Recognises the importance of placing the documents on the web"</i> (as opposed to simply stating that the documents were not available or that the relevant government office should be contacted directly). The CEP was circulated electronically.
The Philippines (ex ALA)	<i>"Our key environmental information is accessible to the public since the very moment that we approve the documents – which of course are elaborated always in a participatory manner"</i> <i>"Please find the Review of Environmental Actions funded by the EC Commission and the EU Member States in the Philippines" produced in 2005, at ..."</i> (electronic link provided).
Namibia (ACP)	<i>"The CEP was finalised only recently in February 2007 [...]. It will be published on the web in due course [...]. EIAs for the Roads and Water components are in the process. Under the Demand Driven Action Component of the [Rural Poverty Reduction Programme] grant contracts are awarded to local NGOs. A strict environmental screening policy was used during the selection process and about one third of the selected projects have to undertake an EIA before signing of contract"</i>
Botswana (ACP)	<i>"The Delegation is regularly in contact with the Government and other stakeholders to ensure that environmental concerns are taken into account in the country's policies as well as in the EC Country Strategy Paper. I would like to underline that the Delegation is regularly in contact with environmental organizations in Botswana for discussions on specific environmental issues and has shared relevant documents with them."</i> <i>"You will also find enclosed the Country Environmental Profile (2006) of Botswana (shortly on our Web site)"</i> (link provided).
Mali (ACP)	<i>"... je vous prie de trouver ci-joint:</i> <ul style="list-style-type: none"> • <i>Le profil environnemental du Mali</i> • <i>Le Plan National d'Action Environnemental du Mali</i> • <i>Un rapport d'étude sur l'impact environnemental de la route Gao-Ansongo</i> <i>J'attends le retour de mission du collègue chargé des dossiers environnementaux pour vous envoyer la liste des évaluations réalisées depuis 1996 et celles programmées. »</i>

Conclusions and Recommendations

This study has provided an overview of the current approach of the majority of EC delegations to ACP and ALA countries with reference to the public availability of environmental documentation (CEPs, EIAs, SEAs).

The analysis has found that overall there appears to be little clarity, and a variety of approaches and attitudes, amongst the EC delegations surrounding the status of environment-related data.

Some conclusions can be drawn from the different amounts of information and detail obtained from 57 EC delegations or their related desk officers in Brussels, and from 3 regional desk officers (60 replies in total):

On the positive side:

- Important improvements in the systematic approach to carrying out CEPs
- For the most part, agreement on the public nature of the documents
- Some positive approaches to civil society involvement

But also:

- Lack of consistency in facilitating public access to documents
- No systematic approach to carrying out EIAs and SEAs
- No systematic approach to the publishing of the CEPs/EIAs/SEAs
- Disregard of the guidelines requiring a response to a letter within 15 working days
- Limited knowledge of evaluations of the integration of environmental issues within the framework of EC cooperation

Based on these findings, and given the commitment of the European Union to (a) integrating environmental protection in EU cooperation, and (b) ensuring civil society participation in EU development cooperation policy and programming, we put forward the following recommendations:

Environmental Profiles

1. A high quality Environmental Profile that follows EC guidelines should be in place for every country and/or region falling within the EC development cooperation programmes. Clearly enormous progress has been made in this particular requirement since earlier (2002) evaluations since, for the most part, environmental profiles exist or are planned in the near future.
2. The existence of a Regional Environmental Profile should not replace the need for an individual Country Environmental Profile – they provide different perspectives and data. A focus on shared and transboundary resources, agreements, opportunities and challenges in a regional profile whereas at the country level detailed information can be provided on poverty-environmental linkages, vulnerability, national legislation and environmental issues in economic development plans.

Information access and dissemination

3. An unambiguous approach to the public availability of CEPs/REPs, EIAs and SEAs should be agreed within the European Commission, EU Member States, partner countries and other international agencies (UNDP, World Bank, etc). The EC is in an ideal position to promote this coordinated approach.
4. A centralised database of all publicly available documents should be set up immediately, accessible via the internet, in order to allow civil society organisations to actively engage in the programming and implementation. This database should hold all CEPs/REPs, EIAs, SEAs and other environmental screening or evaluation documents.
5. EC delegations should ensure that these documents are published on their national websites, as a matter of course, and the website is updated as soon as new documents become available.
6. EC delegations could support a culture of openness and encourage participation through the active dissemination of information, including environmental information.

Environmental Impact Assessments

7. The Commission should clarify procedures for carrying out EIAs which encourage transparency and wide stakeholder participation. Public participation and accessibility of documents should be standard: therefore where the national legislation for EIAs is inadequate in this regard, the Commission should encourage improvements.

Strategic Environmental Assessments

8. SEAs should be used on a systematic basis as described in the European Consensus. They should be designed according to current good practice, for example, following OECD guidelines and support given for to build capacity in SEA development in partner countries.

Procedures

9. An environmental focal point should be appointed in every delegation. This person may also cover other thematic issues but their terms of reference and mandate should define the expectations in terms of the use of environmental tools, access to environmental information and reporting back on environmental mainstreaming. An environmental focal point should also be in a position to provide expertise in the context of political dialogues between the delegation and the government where environmental issues would normally be raised.
10. Training in environmental integration into EU cooperation should be compulsory for all delegation officials and headquarters staff working on development cooperation in order to ensure wide understanding of the requirements, expectations, guidelines and tools required for this cross-cutting issue.
11. The Commission, through the Inter-Service Quality Support Group, should ensure that findings of evaluations are shared amongst delegations and lessons learned and recommendations acted upon.

Environmental Integration across all EU development cooperation

12. The current survey focussed on accessibility to environmental information within EC delegations and did not cover environmental tools for integration in the bi-lateral EU aid. A study of the availability of environmental information and processes for integration in EU Member States' delegations would provide useful and complementary information. Current commitments towards greater coordination, harmonisation and division of labour amongst EU donors would be enhanced by coordination of environmental mainstreaming tools and environmental information sharing.
13. An expert group of Member States, relevant Commission staff and civil society representatives should be set up to facilitate environmental mainstreaming across all EU development cooperation, share analyses and monitor progress.

Revision of 2001 mainstreaming strategy

14. The Commission's revision of its environmental mainstreaming strategy should promote clarity and a common approach to the publication of information.
15. The Commission's revision of its environmental mainstreaming strategy should identify roles and responsibilities for the management and active dissemination of environmental information.
16. The Commission's revision of its environmental mainstreaming strategy should include indicators to show progress on all the above recommendations (1-15) and these should be reviewed on an annual basis.

Annex A | Letters sent to delegations and regional desks



Brussels, 2nd November 2006

Dear Sir/Madam,

Re: Environmental documents of EC aid programmes and policies

Our organisations are highly concerned with the fact that poor environmental governance and environmental degradation are hampering the achievement of the MDGs and sustainable development in the South. As you are aware, two in three of the world's poor live in rural areas and depend on natural resources for their livelihoods,⁴² forests support the livelihoods of 90% of the 1.2 billion people living in extreme poverty,⁴³ and over a billion people worldwide, mostly poor communities, depend on fish to supply at least 30% of their animal protein.⁴⁴

The EC acknowledges the close linkages between poverty and environment and has therefore chosen the 'fight against poverty in the context of sustainable development' as the overarching aim of its development policy (2006/C 46/01). The integration of environmental issues is moreover a requisite for EC aid programming [COM(2006)88 final].

Due to their close dependency on natural resources, the rural poor are the best advocates for achieving effective integration of environmental issues in governments' and donors' policies and programmes. The EC's recognition that increased transparency and public participation improves the quality of decisions impacting the environment was reflected at the 'The Aarhus Convention' – signed up to by all EU Member States and the European Community in 1998 providing for public participation and public access to environmental information.

With the aim of working alongside our Southern partners in their efforts to ensure that good environmental governance is strongly integrated in EC aid programming, we are currently collecting environmental documents being developed in EC delegations. We would like to ask you to kindly send us (or let us know the website where they are available) the following public documents:

42 FAO (2004) Smallholders, globalization and policy analysis. FAO, Rome, Italy

43 World Bank (2002) A Revised Forest Strategy for the World Bank Group, 31.10.2002

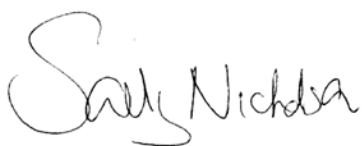
44 FAO (2002) The State of World Fisheries and Aquaculture. FAO, Rome, Italy

- The Country Environmental Profile;
- The Environmental Impact Assessments (EIAs) and Strategic Environmental Assessments (SEAs) undertaken in your EC delegation since 1996;
- A list of all finalised and foreseen EIAs and SEAs in your EC delegation;
- In-house or external evaluations on the integration of environmental issues within the framework of EC cooperation in your country.

Moreover, we would like to know from you when this information will be made publicly available. This is a crucial prerequisite to allow civil society in-country to participate in the policy-making process and to improve governance issues related to the use and misuse of natural resources.

We are looking forwards to your response.

Yours sincerely,

A handwritten signature in black ink, reading "Sally Nicholson". The signature is written in a cursive, flowing style.

Sally Nicholson

EU International Relations
Senior Policy Officer

WWF European Policy Office
36 Avenue de Tervurenlaan Box 12
1040 Bruxelles
Belgium

Tel: +32 2 743 8800
Direct: +32 2 740 0937
snicholson@wwfepo.org
www.panda.org/eu



Brussels, 22nd November 2006

Dear Sir/Madam,

Re: Environmental documents of EC aid programmes and policies

Our organisations are highly concerned with the fact that poor environmental governance and environmental degradation are hampering the achievement of the MDGs and sustainable development in the South. As you are aware, two in three of the world's poor live in rural areas and depend on natural resources for their livelihoods,⁴⁵ forests support the livelihoods of 90% of the 1.2 billion people living in extreme poverty,⁴⁶ and over a billion people worldwide, mostly poor communities, depend on fish to supply at least 30% of their animal protein.⁴⁷

The EC acknowledges the close linkages between poverty and environment and has therefore chosen the 'fight against poverty in the context of sustainable development' as the overarching aim of its development policy (2006/C 46/01). The integration of environmental issues is moreover a requisite for EC aid programming [COM(2006)88 final].

Due to their close dependency on natural resources, the rural poor are the best advocates for achieving effective integration of environmental issues in governments' and donors' policies and programmes. The EC's recognition that increased transparency and public participation improves the quality of decisions impacting the environment was reflected at the 'The Aarhus Convention' – signed up to by all EU Member States and the European Community in 1998 providing for public participation and public access to environmental information.

With the aim of working alongside our Southern partners in their efforts to ensure that good environmental governance is strongly integrated in EC aid programming, we are currently collecting environmental documents being developed in EC delegations. We have already contacted the country EC delegations in the ACP countries and in Latin America and Asia. We are now seeking information held at the regional level and for regional strategies. We would like to ask you to kindly send us (or let us know the website where they are available) the following public documents:

⁴⁵ FAO (2004) Smallholders, globalization and policy analysis. FAO, Rome, Italy

⁴⁶ World Bank (2002) A Revised Forest Strategy for the World Bank Group, 31.10.2002

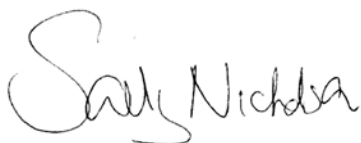
⁴⁷ FAO (2002) The State of World Fisheries and Aquaculture. FAO, Rome, Italy

- The Regional Environmental Profile;
- Strategic Environmental Assessments (SEAs) undertaken in your region since 1996;
- A list of all finalised and foreseen SEAs for your region;
- In-house or external evaluations on the integration of environmental issues within the framework of EC cooperation in your region.

Moreover, we would like to know from you if and when this information will be made publicly available. This is a crucial prerequisite to allow civil society in-region to participate in the policy-making process and to improve governance issues related to the use and misuse of natural resources.

We are looking forwards to your response.

Yours sincerely,

A handwritten signature in black ink, reading 'Sally Nicholson'. The signature is written in a cursive, flowing style.

Sally Nicholson

EU International Relations
Senior Policy Officer

WWF European Policy Office
36 avenue de Tervurenlaan Box 12
1040 Bruxelles
Belgium

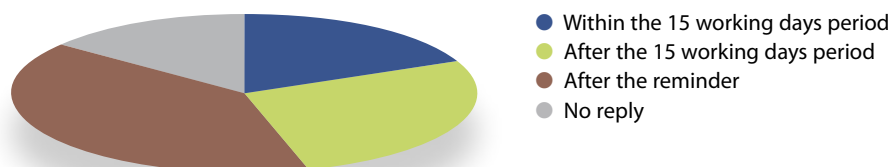
Tel: +32 2 743 8800
Direct: +32 2 740 0937
snicholson@wwfepo.org
www.panda.org/eu

Annex B | Complete findings

I Response time

Of the total 63 delegations contacted, 57 replied. Plus 3 regional desks responded out of 7 contacted. Of these:

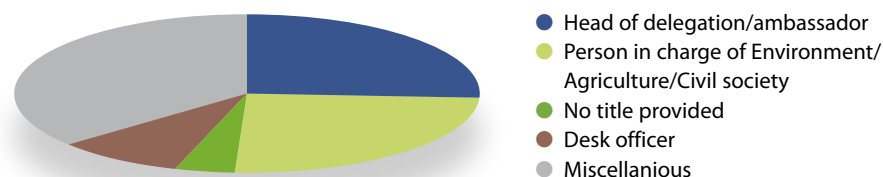
- 12 EC delegations/desk officers replied within the 15 working days period
- 1 Regional desk officers replied within the 15 working days period
- 27 EC delegations/desk officers replied after the reminder sent in January 2007
- 1 Regional desk officer replied after the reminder sent in January 2007



II Position of respondent

All letters, emails and faxes were addressed to the Head of delegation. Replies came from the following:

- 15 Head of delegation
- 5 Desk officer
- 14 Person in charge of environment / agriculture / rural development / relations with civil society
- 21 Miscellaneous
- 2 No title provided

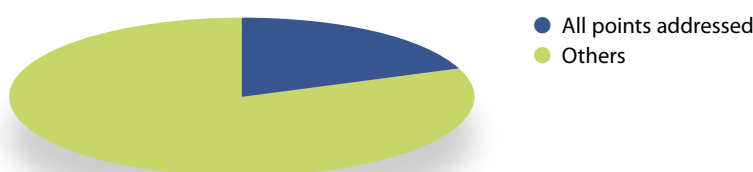


III

Content of the reply

Of the 57 EC delegations/or country desk officers replies obtained:

- 11 Addressed all 4 points raised in the letter
- 44 Made reference to the CEP (published/foreseen)
- 8 Made reference to a SEA (published/foreseen)
- 20 Made reference to an EIA (published/foreseen)
- 6 Addressed the point about evaluations on the integration of environmental issues within the framework of EC cooperation in the country



Of the 3 regional desk officers replies obtained:

- 0 Addressed all 4 points raised in the letter
- 2 Made reference to a REP, and/or SEA or EIA and one sent the Regional Environmental Profile
- 0 Addressed the point about evaluations on the integration of environmental issues within the framework of EC cooperation
- 1 Did not address any of the points raised in the letter

With reference to CEPS or REPs, of the replies received:

- 24 Delegations/desk officers provided the CEP for their country for the next period or provided a web link to the CEP
 - 19 ACP countries (of a total of 32 ACP countries)
 - 5 ALA countries (of a total of 24 former ALA countries)
 - 0 ENPI countries (of a total of 1 ENPI country)
- 20 Stated that their CEP was in the pipeline/foreseen (at the time of the reception of the letter)
- 9 Delegations did not provide a clear answer
- 4 Delegation stated that no CEP had been carried out, nor would be carried out in the future
- 3 Made reference to REP

With reference to SEAs and EIAs:

For the EC delegations/desk officers:

- 15 Delegations stated that they have carried out at least one EIA
- 4 Delegations stated that they have carried out a SEA

- 2 Delegations stated that they had carried out both an EIA and and SEA
- 12 Delegations stated that no EIAs had been carried out since at least 1996
- 13 Delegations stated that no SEA had been carried out since at least 1996
- 7 Delegations stated that neither an EIA nor an SEA have been carried out since at least 1996
- 5 Delegations stated that at least one EIA was foreseen in the near future
- 4 Delegations stated that an SEA was foreseen in the near future
- 23 Delegations did not state whether either EIAs and SEAs had been carried out

For the regional desk officers:

- 1 Desk officer stated that they have carried out at least one EIA
- 1 Desk officer stated that possibly a SEA had been carried out

IV **Public availability of the requested documents (CEP/EIA/SEA)-at the time of the reception of the letter**

- 40 Respondents stated that the CEPs/REPs are public documents
- 2 Respondents stated that the CEP was not a public document
- 1 Respondent stated that EIAs/SEAs were not public documents

Of these:

- 11 Respondents stated their CEPs/REPs are already available on the delegations' website ;
- 15 Respondents stated their CEPs/REPs will be available on the delegations' website ;
- 18 Respondents did not specify whether their CEPs/REPs is/will be available on the delegations' website
- 4 Respondents stated that their EIAs or SEAs were available on the delegation's website
- 14 Respondents stated that the EIAs/SEAs were not available on the website

V **On evaluations of the integration of environmental issues within the framework of EC cooperation in the country of question**

Of the 60 replies received from the EC delegations/their related desk officers and from the Regional desk officers:

- 2 Respondents stated that an evaluation was available
- 4 Mentioned the Court of Auditors report
- 19 Stated there was NO evaluation
- 37 Did not address the issue at all.

VI **Mention of Civil Society**

- 13 Explicitly mentioned civil society in the context of cooperation or information sharing (some named the civil society organisations in question).

VII **Documents in appropriate language⁴⁸?**

- 22 Delegations sent documents written in the official EC language most appropriate to the country or region
- 12 Delegations sent documents not written in the official EC language most appropriate to the country or region
- 1 Delegation sent several documents – some in an appropriate language and some not

VIII **Mention of EC database on CEPs**

- 6 Delegations mentioned the fact that an EC database was being set up as a repository for the documentation

⁴⁸ By the most appropriate language we mean the language in which the majority of local actors have communicative competence. For countries where an EC official language is the local language, this was considered the 'most appropriate language'. For countries where an EC official language does not correspond to the local language, the most used EU official language was chosen. A list of languages chosen is available under request.

Annex C | Joint NGO letter to, and reply from, Commissioner Louis Michel on CEPs



Commissioner Louis Michel
DG Development
European Commission
B-1049 Brussels

Brussels, 27 September 2006

Re: Country Environmental Profiles and environmental integration in CSPs and RSPs.

Dear Commissioner Louis Michel,

I am writing to you as your services are busy with preparing CSPs/RSPs, which will determine how 22.8 billion Euros of EU external aid under the 10th EDF will be spent. An important element of the programming process is the analysis of the environmental situation in the recipient country or region. This analysis should be based on the recommendations made in the "Country and Regional Environmental Profiles" (CEPs/REPs), a summary of which should be annexed to the CSP/RSP.

Despite one of the principles of effective programming underlined in the "Common Framework for Drafting Country Strategy Papers and Joint Multiannual programming" [COM(2006)88 final] being the involvement of civil society in defining the cooperation strategy, CEPs/REPs are not, as a general rule, available to the public in time to inform the consultations. As the drafting of the CSPs/RSPs must build upon this environmental analysis, the lack of availability of these documents brings into question the effectiveness of in-country dialogue and the EC's support for efforts by civil society to incorporate environmental considerations into development (underlined in the "The European Consensus" (2006/C 46/01). It also call into question whether the CEPs/REPs are timely enough to ensure the EU is meeting its own commitments to support sustainable development and MDG7

There are several important reasons for making CEPs/REPs available to the general public as a standard procedure. We would particularly like to draw your attention to the following:

- The EC has widely acknowledged that increased transparency and public participation improves the quality of decisions impacting the environment. This development was reflected by the 'The Aarhus Convention' – signed up to by all EU Member States and the European Community in 1998, and the subsequent adoption of Directives 2003/4/EC and 2003/35/EC providing for public participation and public access to environmental information.

- Given the importance of public participation and attentive monitoring in relation to maximising the positive social, environmental or economic impacts of EC development co-operation, increased transparency will inevitably lead to better informed decisions, thereby contributing to improving the quality of EC aid. The programming process is a unique opportunity to advance the consultation on environmental issues with civil society in EC partner countries.

In view of the above, we urge you to make Country and Regional Environmental Profiles public at the Commission webpage without any delay. We would also welcome the opportunity to discuss these issues more in detail.

We are looking forwards to your response. We are also writing Commissioners Margot Wallström and Benita Ferrero-Waldner.

Yours sincerely,



Iola Leal Riesco
Development campaigner
FERN

On behalf of the undersigning organisations,

WWF European Policy Office - Sally Nicholson, EU-International Relations

Birdlife International - Tatiana Sutiakova, EU Institutions Officer

IFAW – Lesley O'Donnell, Director

ICCO - Paul van den Berg, Policy advisor

FERN works to achieve greater environmental and social justice, focusing on forests and forest peoples' rights in the policies and practices of the European Union.

4 Avenue de l'Yser, B-1040 Brussels, Belgium.
Phone: +32 (0)2 733 36 53 Fax: +32 (0)2 736 80 54
email: iola@fern.org - web: www.fern.org

LOUIS MICHEL
MEMBER OF THE EUROPEAN COMMISSION

20 NOV. 2006

Bruxelles, le
KG/cs/A 3533 (06) D 1665

Subject: Country Environmental Profiles and environment integration in CSPs and RSPs, your letter of 27 September on behalf of several organisations.

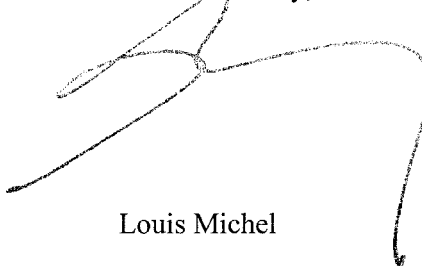
Dear Mrs. Leal Riesco,

Thank you for drawing my attention and that of my colleagues Benita Ferrero-Waldner and Margot Wallström to this important aspect of our work.

We agree that the Country Environmental Profiles should be made public, while of course respecting the fact that they are independent professional opinions, based on a technical analysis. They do not necessarily reflect the opinion of the Governments of the partner countries concerned nor of the Commission.

As regards timing, those for the ACP states will be published as soon as possible in order to feed into the public dialogue now due to begin. Those for other countries, for which the programming is already almost completed and for which the Strategy Papers and associated Environmental Profiles are awaiting discussion with the European Parliament very soon, will be published as early as possible in 2007.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'LM', with a long horizontal stroke extending to the right and a curved line underneath.

Louis Michel

Ms Iola Leal Riesco
Development campaigner
FERN
iola@fern.org

OFFICIAL RESPONSIBLE :

Annex D | List of EC delegations and desk officers contacted

List of delegations contacted

Afghanistan
 Angola
 Argentina
 Bangladesh
 Barbados and the Eastern Caribbean
 Bolivia
 Botswana
 Brasil
 Cabo Verde
 Cameroon
 Central African Republic (CAR)
 Chile
 China
 Colombia
 Congo (DRC)
 Cuba
 Ecuador
 Egypt
 Eritrea
 Gabon
 Ghana
 Guyana, Suriname, Trinidad & Tobago, Aruba and
 Netherlands Antilles
 Haïti
 India, Bhutan and Nepal
 Indonesia, Brunei Darussalam and East Timor
 Ivory Coast
 Jamaica, Belize, The Bahamas, Turks and Caicos
 Islands and the Cayman Islands
 Kenya
 Republic of South Korea
 Liberia
 Madagascar
 Malawi
 Malaysia
 Mali
 Mauritania
 Mauritius, Comoros and the Republic of Seychelles
 México
 Mozambique
 Namibia

Nicaragua, Costa Rica, El Salvador, Guatemala,
 Honduras y Panamá
 Niger
 Nigeria
 Pacific (Delegation Cook Islands, Kingdom of Tonga,
 Kiribati, Federated States of Micronesia, Fiji, Nauru,
 Niue, Palau, Samoa, Republic of the Marshall Islands
 and Tuvalu)
 Pakistan
 Papua New Guinea, Solomon Islands & Vanuatu
 Paraguay
 Perú
 Philippines
 Sénégal
 Sierra Leone
 Somalia
 South Africa
 Sri Lanka and the Maldives
 Tanzania
 Tchad
 Thailand - Burma/Myanmar , Lao PDR, Cambodia
 Togo
 Uganda
 Uruguay
 Venezuela
 Vietnam
 Zambia
 Zimbabwe, Lesotho and Swaziland

List of regional desk officers contacted

Central-Africa (Regional)
 Eastern Africa & Indian Ocean – IGAD
 Relations COMESA, EAC, Regional cooperation for
 the ESA region
 SADC and Southern Africa
 West-Africa (Regional)
 The Caribbean (EPA and EU/LAC process)
 Pacific ACP Regional Cooperation and Integration

Resourced by:

FERN, the Forests and the European Union Resource Network, Brussels, Belgium

WWF, World Wide Fund for Nature (Formerly World Wildlife Fund),
Brussels, Belgium

The Royal Society for the Protection of Birds (RSPB), the UK Partner of Birdlife
International (Registered Charity England and Wales no 207076,
Scotland no SC037654)

ICCO, Interchurch Organization for Development Cooperation, Utrecht,
The Netherlands

September 2007