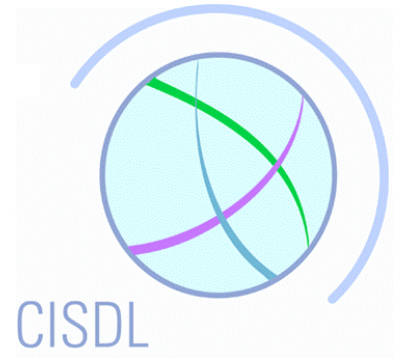


CISDL Doc. #: R3-QN-E	Session: Plenary Roundtable Three
Date & Time: 2002-06-13 16h15	Speaker: Question Period
Rapporteur: [S.Saha]	Language: English



Plenary Roundtable Three: Transparency, Participation and Access to Justice in ISDL Montreal, 13 June 2002

NB NOTES ARE INCOMPLETE

Questions/comments were taken from the floor first and then the panellists were given a chance to respond. These are noted in point format below.

1. Comment:

The challenges are huge to counteract the difficulties around environmental issues and increase broad-based participation in government and in other areas. There are a majority of benefits (supposed) in the ISDL framework for people who experience degradation. People worse affected by degradation are best placed to active participation in international instruments involving environmental degradation. The people who are part of physical separation are also on the wrong side of the digital divide/ educational divide and are against institutions that have let them down Therefore how to reach these people? The vast majority of people who [legislate] the access to justice issues, need to think who it is reaching: the people who need it most are furthest from the debate.

2. Question from the Green Campaign for Earth

The MOSOP Secretary General [states] that Shell Nigeria has developed a Corporate Social Responsibility plan which has been put forward [as a corporate model]. Shell are now part of the Nigerian official delegation to WSSD.

Questions are

1. How can a globally sanctioned independent review take place of [Shell s activities]?
2. [Will there be] an independent assessment of [Shell s plan] in relation to the Ogoni people.

3. (Question notes are incomplete) There needs to be greater civil society involvement. There is a requirement for rights based development, not just a development package handed to the state from the international level. (It is fundamental to know what sustainable development [means]).

4. The level in elections of public participation is less than 50%. What level of public participation can there be in poor countries where people are focussing on survival, will there be if they don't participate in elections.

5. The Aarhus Convention is a Convention for the environment. Can there also be a mechanism for International Sustainable Development, not just for Environment and have a broader concept.

Responses:

- 1. The panellist explained that he did not have the complete details of the Shell case. He stated that it was difficult to analyse a case without an independent approach. From experience, most cases from private NGOs did not go through the domestic framework. The independent approach depends on the will of the State...**
- 2. Jeremy Wates: If you look at why the Aarhus Convention was created and look at the definition of public authorities. The definition is broad and covers a lot of departments. Also, the environmental information covered is broad. Covers any factors or activities that affects the environment. The point is that you look at the national level, and [the effect] goes to the local level through national steps.**
- 3. William Pace: International Sustainable Development Law includes international law, which is made by Member States in their sovereign capacity.... Direct law making capacity will take a number of years yet.**