MULTI-STAKEHOLDER POLICY PROCESSES

LESSONS
FOR
GENETIC RESOURCES POLICY DEVELOPMENT

Prepared for

International Development Research Centre

March 2002

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1 BACKGROUND

Large societal forces are changing the landscape for policy making at the national and international levels. Decentralization by governments of the responsibilities for natural resources management and for social programmes, coupled with demands by civil society for increased participation in government decision-making, are causing governments to involve other sectors of society – from communities, to business interests, to NGOs – in policy dialogue to inform policy and legal decision making, and to formulate action plans to implement policies. At the global level, international organizations are finding their legitimacy questioned and are reaching out to interest groups from civil society, academia and industry to gain their perspectives on, and occasionally seek their involvement in, the formulation of guidance to the international community of states.

As a result, more open and inclusive policy processes have evolved over the last ten years. Up until the beginning of the 1990s, the main models for informing public policy making at the national and international level were: 1) commissioning academic studies; 2) public opinion polling; 3) formal eminent person commissions or inquiries; or, 4) one-time consultation meetings with interested parties. Beginning in the late 1980s, in Canada with the "round table" processes of multi-stakeholder dialogue on issues at the interface between environment and economy, and in the early 1990s with national and international preparations for the UN Conference on Environment and Development, new processes were added to this policy-making toolkit – processes which involved multiple and diverse interests convened at the same table, working through a variety of forms of facilitated process.

Since, then, these innovative, multi-interest approaches have been applied at both the international and national levels to address complex policy issues where positions are polarized and dialogue is ineffective or broken off. Collectively, these processes have come to be called "multi-stakeholder" policy initiatives, or more recently "tri-sector policy networks".

In the field of plant genetic resources, both phase of the Crucible Project have used innovative approaches to identify issues, explore a range of (at times opposing) perspectives on these issues, and identify a spectrum of policy options which may be considered to resolve them. The experiences gained from the Crucible Project and other international stakeholder initiatives, along with those from a range of national experiences, warrant an assessment as a basis for developing better stakeholder engagement processes to address the controversial area of genetic resources policy.

A multi-stakeholder process can be described as a fixed-life process, typically of 1-to-2 years' duration, designed to scope out a problem of global, national or more local dimension by using a combination of research and analysis, dialogue, and stakeholder engagement to identify the way forward on priority policy issues. In some cases, the process may lead to agreement on specific actions to be taken, while in others it may limit itself to the elaboration of the perspectives of different

stakeholders on the agreed priority issues. Such processes are often supported and managed by existing organizations, or by temporary secretariats. [1]

Multi-stakeholder processes can be applied to develop a broad set of norms, such as those under the UN Global Compact, which aims to establish broadly agreed principles for corporate responsibility encompassing environment, labour and human rights practices. They can address a specific set of complex policy issues such as the IDRC Crucible Project on intellectual property rights for plant genetic resources. Or, they can address the full set of key issues faced by a specific economic sector at a crisis point, such as large dams or mining and sustainable development.

2 STUDY OBJECTIVES AND RESEARCH METHODS

2.1 OBJECTIVES

In the context of IDRC's experience of with the Crucible Projects, and its launching of the Genetic Resources Policy Initiative which is focused on policy-making capacity and processes at the national level, this report has the following objectives:

- Assess the IDRC Crucible Project as a potential model for application at the national level
- Prepare a comparative analysis of the lessons learned from the Crucible Project, as well as a representative set of multi-stakeholder policy initiatives in Canada and other countries, and similar initiatives at the international level
- Provide recommendations for processes to address genetic resources policy, legislation and other measures, primarily at the national-level, in the implementation of the IDRC Genetic Resource Policy Initiative.

2.2 METHODS

A list of potential multi-stakeholder processes at the international, regional and national-levels was prepared for consideration in the study. Criteria for selection of a representative and manageable number of case studies were established:

- Complex or controversial policy issues were at hand
- Several different sectors of community interest were involved
- Duration of at least 6 months
- Relevance to the GRPI in content
- Relevance to the GRPI in nature of process.

[1] For further discussion on multi-stakeholder processes, see *Planning for Outcomes: A Framework for the Consideration of Options.* Stratos Inc. (published as *Working Paper 1* by the MMSD Project)

Six multi-stakeholder policy processes were selected for analysis - 3 international policy processes, 1 regional/bilateral process and 2 national processes. Considered by topic, 3 addressed genetic resource and broader questions of biotechnology, and 3 addressed other policy fields in mining, large dams and industrial environment-economy relationships.

The analysis involved a review of primary documents that identified the mandate and objectives as well as the nature of the process and the resulting product(s), through hard copy and web site searches. When possible, further information was gathered from independent reviews and synthesis documents of the relevant stakeholder process.

In addition to the literature search, information was compiled through interviews with key individuals, who were selected on the basis of their participation in the process or their demonstrated expertise in the area of interest.

An analytical framework involving 14 criteria was developed for the assessment of the different processes. For the purposes of analysis, the criteria were grouped into three categories: Characteristics, Results & Outcomes, and Lessons. The analysis also included a discussion of the important and unique elements of these processes.

2.3 CHARACTERISTICS

Purpose: Multi-stakeholder processes can be used to achieve a range of generic purposes including:

- Providing expert or stakeholder advice on specific issues
- Providing a 'safe or neutral forum" for definition and exploration of contentious policy issues
- Providing a platform of informed and credible research for debate of the issues and identification of options for their resolution
- Setting a framework and criteria for policy or investment-specific decision-making
- Setting and building support for global or national process or performance norms, for voluntary adoption by stakeholders and/or to inform public policy.

Who initiates: Multi-stakeholder processes can be initiated both formally (e.g. by government decision or by an international organization) and informally (e.g. by a group of individuals or two or more different organizations outside government identifying a need).

Who Funds: Multi-stakeholder initiatives usually require a package of funding sources or sponsors. These may vary from contributions by a set of bilateral and/or multi-lateral donors, to corporate sponsorship, to more complex mixed-source funding strategies.

Mandate: The mandate describes the "charge" i.e. the intended nature and scope given to the process, including its goals and objectives, scope and boundaries of the intended work, and duration.

Structure/composition: Typically, multi-stakeholder processes involve a multi-interest body comprising a range of stakeholders from, at minimum, two constituencies (e.g. business and NGO). In some cases, these processes also involve some form of "secretariat" support; and a broader stakeholder "forum" or other consultation mechanism.

Aboriginal involvement Many of the issues that are typically the subject of multi-stakeholder processes have major implications for indigenous peoples. This criterion assesses the degree to which indigenous peoples have been involved in the process, as well as the approaches used for engagement.

Governance: This criterion involves three key elements: 1) decision-making – who makes decisions and how; 2) reporting – to whom do the structures created report (in any formal sense), and who receives its products (both in a formal and informal sense); and, 3) accountability – under what formal or informal authority does the body operate (i.e. what is its authorizing environment).

2.4 RESULTS & OUTCOMES

Product and Outputs: Most processes result in a report, monograph or other publication presenting an analysis of the key issues around the policy debate, as well as recommendations for addressing them. Other outputs include establishing follow-up processes or identifying specific institutions to act on the recommendations.

Stakeholder Views: After-the-fact views on achievements and shortcomings. of both those stakeholders who participated and other stakeholders who might be affected by the outcome. Few processes provide mechanisms to capture these.

Uptake/Response by Stakeholders: For most processes to have a lasting impact beyond the dialogue and analysis undertaken, action must be taken by stakeholders – individually, or collectively. The degree of uptake is an important result area.

Uptake/Response by Government: Since stakeholder policy processes in most cases inform but do not set policy, the degree of government response and uptake of recommendations is another essential result area.

2.5 LESSONS

Effectiveness Factors: A range of factors – both contextual and those related to the details of how the process was carried out, influence the effectiveness of multi-stakeholder processes.

Constraints: No process operates under perfect conditions, and much can be learned from the constraints faced, as well as the measures taken to overcome them.

Innovative Elements: New multi-stakeholder processes often learn from the experience of past ones, and identify innovative ways to improve or make the process more effective in the particular context.

3 REVIEW OF MULTI-STAKEHOLDER POLICY INITIATIVES

3.1 CRUCIBLE I

Characteristics

The first Crucible Group was launched in 1993 by a small but diverse group of individuals who shared a common concern for the conservation and enhancement of plant genetic resources. The mandate of Crucible 1 was to identify key issues and options for addressing intellectual property related to the management of plant genetic resources, in the context of national food security, agricultural and rural development, and environmental conservation. The members of the Crucible Group were self-selected from a diverse range of institutions and organizations. The Group's activities were funded by bilateral donors and international development research organizations.

Members of the first Crucible Group included grassroots organizers, trade diplomats, agricultural research scientists, science managers, intellectual property specialists, and agricultural policy analysts, from a range of interests including governments, NGOs, and business. No Indigenous representatives were involved in this Group. The 28 individuals came from 19 different countries, and contributed a diverse range of geographical, scientific, economic and cultural perspectives to the process.

The process was managed and administered using a three-tier structure: the multi-stakeholder Crucible Group; a 10-person Management Committee; and a Coordinator providing a "secretariat" to support the work of these bodies. The meetings of the Group were chaired by IDRC, which also provided the secretariat. The process was overseen by the Management Committee, which was composed of representatives from the donor agencies, three members from civil society organizations, and the Group's IDRC Chair and Coordinator.

The Management Committee was responsible for managing the Crucible process, maintaining a steady flow of information among Group members, and participating in the writing, reviewing and deliberation of the final report. The Committee also ensured that all Crucible Group stakeholder opinions were represented in the text of the final publication.

Viewpoint

Is intellectual property protection for indigenous knowledge and rights appropriate?

Not appropriate
The notion of retroactive protection for old ideas that may, or may not, have originated from one or more communities (or even countries) is absurd. IPRs has always offered a limited monopoly for new ideas. In general, ideas that have already been commercialized, or even published, cannot be protected. If protected, the protection lasts only for about two decades — not two millennia. We'll have the discoverers of indigo dye suing Leonardo da Vinci for the Mona Lisa while the descendants of da Vinci sue Madonna for trademark infringement!

Legal recognition of knowledge is always appropriate
Ideas and/or the expression thereof should be protected, irrespective of their being originated by indigenous and/or local people or multinational corporations. The legal regimes may be differentiated, in order to be adapted to their respective subject matter, but the economic and ethical principles are the same.

Evolutionary innovation
No one is trying to patent fire. Modern IPRs are merely acknowledging that different forms of innovation can exist and that, with respect to biological materials, individuals and communities are continuing to innovate medicines, preparations and agricultural varieties.

'Evolutionary innovation' implies that each generation of the bio-material has been improved over the previous generation in the same way that a commercial breeder establishes a key cross and then develops successive varieties from the cross over many years. The levels of protection for these different levels of innovation can also vary significantly.

Intellectual integrity — no exclusive monopoly
The task is not to protect specific communities but to safeguard the free flow of ideas and biological resources within global society. Therefore, intergovernmental bodies must ensure the intellectual integrity of those who claim innovations. Such persons must be able to 'prove' beyond reasonable doubt that they have actually contributed something new and useful to humanity. Under no circumstances should inventors be allowed exclusive monopoly over their inventions for any period of time. Life forms should not be subject to exclusive monopoly claims. After all, these are not inventions but discoveries.

The Group worked on the basis of good faith and best effort to produce a well-balanced and informative report. While the Group did not seek consensus on all issues – electing instead to present both widely accepted and strongly divergent views – there was a surprising degree of agreement on some of the recommendations. Publishing viewpoints that were in contrast to the broader recommendations of the final text (see the Viewpoint in Textbox 1, left) allowed the Group to demonstrate the vast range of interests and stakeholder concerns. One of the strengths of the Crucible Group's final product was the fact that the recommendations did not reflect the lowest common denominator – rather, they represented the viewpoints of all members of the broad stakeholder group.

Having been established by a limited multi-stakeholder group, with facilitation and support by IDRC and other donor agencies, the Crucible Group had no formal accountability except to the donors to produce a report. There was an informal accountability among Group members to work toward constructive dialogue, and an implicit accountability to the constituencies from which they came – although all members participated in their individual capacities. The report of Crucible 1, which was targeted at public policy decision-makers, was published in the public domain, without being submitted formally to any institution or bodies.

Results and Outcomes

The formal result of Crucible I was a published monograph, "*People, Plants and Patents.*" A less tangible but equally important outcome was the establishment of informal networks of experts and

stakeholders with a genuine interest in and wide range of views on genetic resources policies. The publication itself served as an information source for policy-makers and the informed public alike, and elaborated the broad range of issues and players involved with genetic resources policies. The work also raised the profile of IPR issues related to genetic resources for policy makers and international negotiators.

Feedback from stakeholders involved in the process was generally positive, but there was some concern expressed over the composition of the Management Committee, which some saw as unbalanced in terms of north-south representation (it appeared to lean towards the north). It was also suggested that the number of people participating in the Management Committee's activities was too low, affecting the integrity of its outputs.

The Crucible project highlighted the difficulty in bringing a truly diverse and representative membership to the table. It demonstrated that individuals from developing countries need additional funding to participate if their voices are to be integrated into the end product.. Others felt that the final report lacked direction, but this is perhaps attributable to the intended non-consensus nature of the decision-making process. And, despite the fact that members "agreed to disagree", some were not in the end ready to show solidarity with the process they had just participated in, and at least one member refused to sign on to the recommendations presented in the final publication.

Crucible Recommendation 14

An intellectual property 'ombudsman'

The Crucible Group recommends, as a partial contribution to issues relating to indigenous and local people, that:

- WIPO and UPOV establish an ombudsman's office, accessible to indigenous and rural communities to address their queries and concerns regarding issues that arise within the competence of those organizations. The ombudsman should be empowered to achieve resolution of any issues that the office regards as pertinent to pursue;
- in further recognition of the importance attached to the participation of indigenous and local communities by the CBD and the support expressed for Farmers' Rights in FAO, a permanent ombudsman's office be created in the United Nations (possibly as part of a permanent Forum for Indigenous Peoples) to address a broader range of knowledge-related concerns than can properly be addressed under WIPO or UPOV;
- such offices should receive adequate financial resources and technical support to ensure that they are effective and functional.

3.2 CRUCIBLE II

Characteristics

Building on the relative success of the first Crucible Group, a second Group was initiated in 1998 with a larger but similar cross-section of stakeholder and expert interests. The second group hoped to take up the unfinished agenda of the first Group, and was launched to move the international policy

agenda forward. Crucible II addressed issues related to genetic resources in the context of changed international, political and environmental conditions, as well as rapid advances in science and technology.

The mandate for Crucible II was to debate the issues, and to outline policy and legislative options related to the use, trade and ownership of genetic resources, and the conservation of genetic diversity. Attention was focused on the issues related to farmers and indigenous people's rights, and international food security.

The approximately 45 members of the second Group came from four broad interest groups: private sector/industry, public sector, academic community, and civil society organizations (which included participants from indigenous peoples groups). Indigenous representatives were compensated for their travel, but not for their time, a factor which prevented some members from fully participating in the activities of the Group. Members from private industry were typically compensated for their time by their respective firms, making their participation more feasible.

Crucible II had a four-tier structure: the multi-stakeholder Crucible Group, the Management Committee, the Negotiating Committee, and a Coordinator provided by IDRC. A separate Panel of Legal Experts served as an ad hoc committee that completed text revisions after each meeting of the Crucible Group. The process was administered by the Management Committee, which managed the process and participated in writing, reviewing and deliberating over the text. A Coordinator maintained a steady flow of information among the Group members, the Management Committee, and the Negotiating Committee.

Like Crucible I, the second Crucible Group produced a report that presented the range of views on the debated issues. It also contained a set of 14 recommendations for further action. In addition to this, the Group produced a set of legislative and policy options, and has made a formal submission to the Convention on Biological Diversity.

Results & Outcomes

The formal result of Crucible II was published monographs, *"Seeding Solutions – Volume 1 Policy options for genetic resources: People, Plants and Patents revisited"*, and *"Volume 2 Options for national laws governing access to and control over genetic resources."* Volume 1 was a publication consisting of "policy primers" on a range of key issues, and included the 14 agreed recommendations directed at policy makers and opinion leaders, as well as numerous viewpoint boxes presenting a spectrum of non-consensus views. Volume 2 provided a range of technical and legal options that could be used by national policy-makers to inform their own thinking about how issues identified in Volume 1 could be addressed.

Lessons – Crucible I and II

- **Common interest/common concern** – the range of stakeholders who initiated and participated in Crucible came together over a common interest in conservation and use of plant genetic resources, and a common concern for emerging policy directions which could negatively affect the future availability of plant genetic resources, - despite strongly held and different views on the subject area
- **Non-consensus decision-making** – the early agreement to recognize and report the range of stakeholder views, and the innovative use of "viewpoint" boxes presenting a spectrum of non-consensus views, permitted those recommendations which did emerge to be clear and strong and without presumption of attribution; this contrasts with recommendations often emerging from consensus-based processes which may work to a low but acceptable common denominator
- **Mixed composition** of the Crucible Groups – involving experts and stakeholder interests – brought to the table both diverse policy views and expertise needed for informed, frank debate
- **Balance of interests** – the significant effort made to ensure a well-balanced group "membership" in terms of diversity of views and coverage of key stakeholder constituencies made for more robust and credible results, particularly in Crucible II
- **Neutral party Chair and Coordination** – the unbiased role played by IDRC, including in coordinating the process, and providing a knowledgeable chairi/moderator, built trust and credibility among participants and aided their work
- Key **constraints** were:
    - Limited participation by indigenous peoples due to lack of funding/resources
    - Wide range of strongly held views meant inconsistent buy-in from some individuals and stakeholders at the end of the process
    - Insufficient southern/developing country participation in the inner management group which "held the pen" (Crucible I)

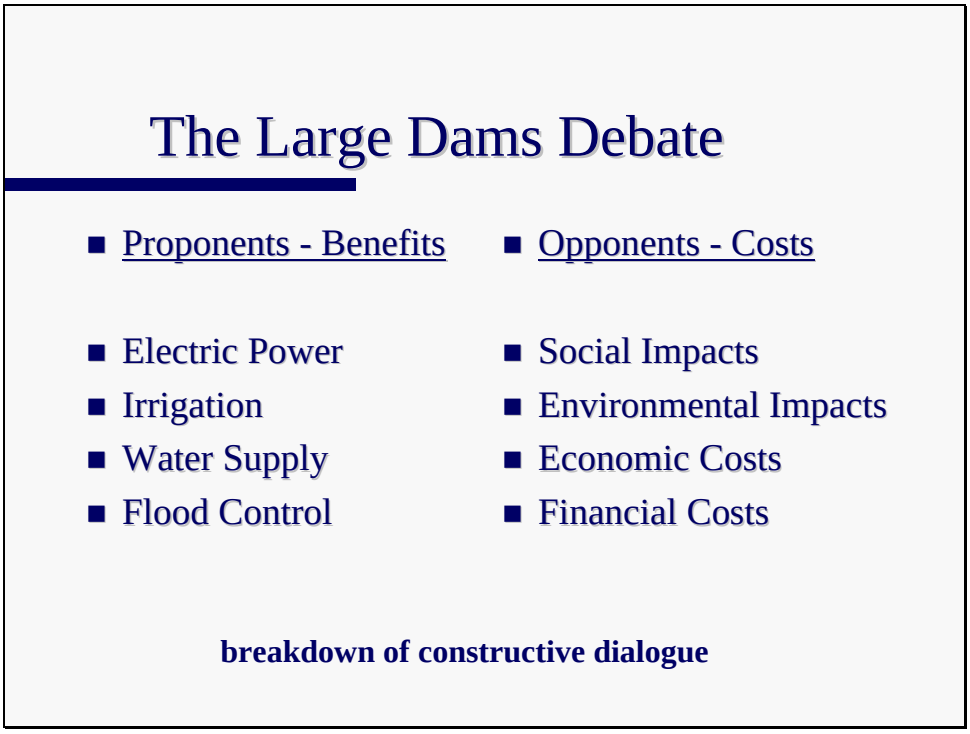
3.3 WORLD COMMISSION ON DAMS (WCD)

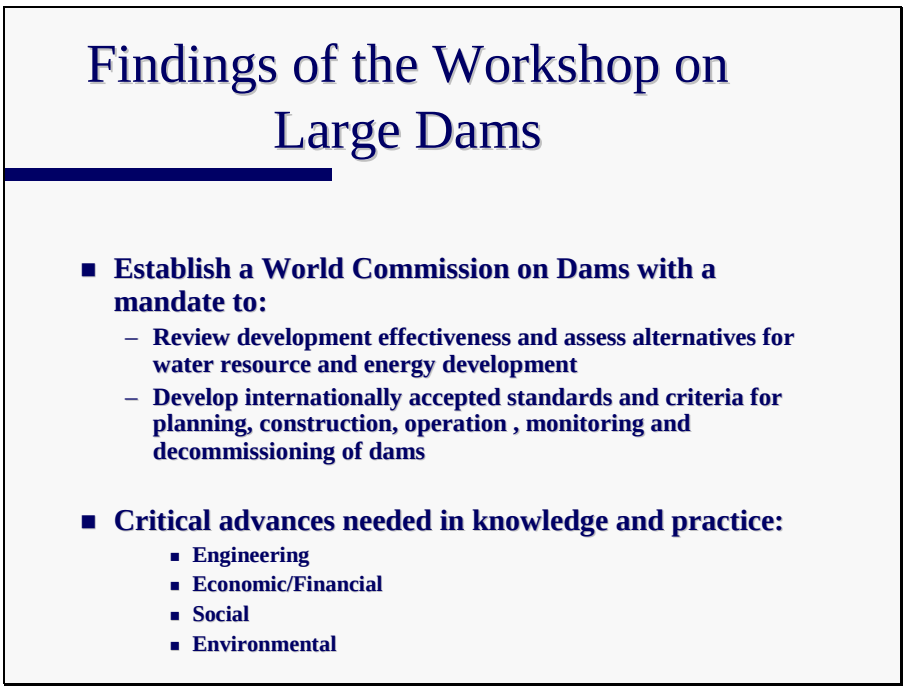
The World Commission on Dams holds useful lessons both in its initiation/design phase and in its implementation phase.

Characteristics

The WCD was established to negotiate the way forward on the question of how decisions are taken on large dams, following a breakdown in constructive dialogue at both the international and project-specific levels. The idea and decision to create the World Commission on Dams came from 40 participants at a multi-stakeholder workshop convened by IUCN - The World Conservation Union

and the World Bank in 1998. The workshop provided for a review and discussion of the contentious issues and experiences related to dam development. The diverse range of participants included affected community organizations opposed to new dams, dam constructors and suppliers, international financiers, and proponents of alternative energy. Much to their surprise, and with expert facilitation, the participants agreed on the parameters for a way forward in just two days – including formulation of the main mandate and elements for the Commission.





The design work and launch of the Commission was undertaken by a 7-person Interim Working Group Co-Chaired by IUCN and the World Bank. The Working Group comprised one participant from each key stakeholder constituency, which included affected communities, environmental NGOs, dam constructors and suppliers, governments, and alternative technology institutions. A Reference Group of stakeholders, comprising the participants at the initial workshop, provided the "authorizing environment" for work of the design group. Within the group, decisions on mandate and composition of the Commission were taken on a "negotiated consensus basis". Two basic conditions were set for the initial process: 1) all stakeholders at either end of the dam-opposed/dam-proponent spectrum were invited to participate; and, 2) the mandate for the work would include the question of *if and when* dam development should occur, as well as *how* dams should be developed.

The Commission's work was funded through a mixed-source funding strategy, where targets were set for contributions by bilateral development agencies, multilateral agencies, national governments, the business community, foundations and NGOs. The model assured that no one group of sponsors was perceived to have undue influence on the Commission. All contributions were made on a strictly untied basis.

The Commission of 12 members comprised a mix of experts and key stakeholders, each with international standing. Members participated in their personal capacities. The Commission comprised a southern minister of water resources, as Chair, the head of an affected peoples' organization, the president of the world's largest dams equipment supplier, the head of the professional association of dam builders, a river basin authority CEO, individuals from environment and from development NGOs, and a southern indigenous peoples' foundation.

One of the distinguishing features of the Commission, contributing to its legitimacy and comprehensiveness, was the existence of a stakeholder Reference Group or "Forum." The Forum, which as its predecessor Reference Group had established the mandate for the Commission, was composed of over 60 stakeholders from international institutions, bilateral and export credit agencies, national government agencies, environmental and alternative energy NGOs, affected communities, private sector firms in the dam building industry including constructors and equipment suppliers, and utilities. Although the decisions regarding the report and recommendations were made by members of the Commission, through a process of negotiated consensus, the Forum provided an essential sounding board and stakeholder authorizing environment for the work of the Commission. The Commission and Forum were supported by a Secretariat, which operated for a 2½-year period.

Through consultation with the Forum and a small multi-stakeholder Working Group, the Commission adopted a set of principles to guide the process, and established a mechanism to ensure that it would be accessible to all affected communities. Public consultation and access to the Commission was a fundamental component of the process, with a special emphasis placed on the inclusion of views from indigenous and traditional communities.

Results and Outcomes

The Commission produced its report "*Dams and Development – A New Framework for Decision-Making*" which provided: a global review of technical, economic, social and environmental performance of large dams; options for water and energy resources development; and most importantly principles, criteria and guidelines for decision-making processes on large dams. The report was formally submitted to the President of the World Bank and the Director General of IUCN who had jointly launched the Commission. More significantly, the report was distributed for the use of a wide range of stakeholders and was the subject of the final stakeholder Forum meeting.

Prior to completion of its work, the Commission also made efforts to identify possible institutional mechanisms to carry forward its recommendations, and in particular the international guidelines. The Commission did not, however, give sufficient effort early enough to gain stakeholder a support for its recommendations as a basis for a coordinated follow up. The final meeting of the WCD Forum did put in place a Dams and Development Forum to continue dialogue and interaction on the Commission's recommendations. It also agreed to the establishment of a small Dams and Development Unit placed in UNEP, with a 2-year mandate to facilitate the exchange of information among stakeholders, to discuss outcomes related to dams and development, and to coordinate future meetings of the Forum and the Governance Group, a group formed by the WCD Liaison Group and UNEP.

In terms of uptake and action, there has been mixed acceptance by the dam building industry and governments. A number of leading companies have committed to apply the recommended guidelines, as have certain governments, including the United Kingdom and Germany. Other governments

including major developing country governments, such as China and India, have stated that they will not adopt the guidelines, on grounds of heavy transaction costs and concerns over maintaining sovereign right to decisions on dams development. There has been mostly strong support for the use of the guidelines from NGOs and affected communities

Stakeholder views on the process and the results of the Commission vary. Despite efforts to consult with all groups of affected people, some stakeholders voiced concern over the under-representation of women in the process. Of additional concern was the weak role of governments. Although there is a growing trend to include the views of non-governmental groups in the development of government policy, the WCD process exhibited far more independence than most processes. It was thought that a greater effort could have been made to court the political will of elected officials to build support for recommended changes authority, especially given the Secretariat's non-negotiated composition.

One serious stumbling block in this process, especially during public consultation, was language. Not only did language prevent some stakeholders from having their opinions brought to the table, it also prevented some from being made aware of both the process and its outcomes. In addition, several communities of interest did not have the resources necessary to participate in the consultative sessions or to undertake outreach activities in grassroots regions, further reducing their ability to voice their views and provide invaluable input. Another concern expressed by some stakeholders was that the Secretariat was seen to have played too large a role in decision making, and in the drafting of its report. The Commission deliberated behind closed doors – which was good for achieving a substantive, high level consensus among its members, but weakened buy-in by critical stakeholder groups.

Overall what was learned from the WCD was that a consensus-driven process can be successful without diminishing the integrity of the outcome. The transparent nature of the Commission's work, as well as the extensive multi-stakeholder consultative process, which was a fundamental component of the WCD's activities, ensured that the final recommendations well reflected the concerns and needs of affected groups and organizations. The Commission's final report has been well received and has sparked numerous organizational responses. An independent assessment of the WCD process and its final report recognized the uniqueness of the Commission and its Forum, and focused on the fact that it managed to gain legitimacy and credibility through its transparent, inclusive and independent process.

Overall, the processes and methodologies used by the WCD have been considered by many as exemplary in terms of attention paid to balanced involvement of stakeholders, and effective in reaching consensus on clear recommendations for change.

Lessons

- **Clear starting premise –** a diverse and competing set of stakeholder interests, each with the inability to move forward on its own, provided the necessary conditions for the Commission to be created
- **Clear stakeholder interests**
  - dams industry – avoid delays, set ground rules for better dams
  - governments as proponents – better climate for financing, advice on standards
  - NGOs – regain influence in context of rapidly privatizing investment situation
- **High-profile, credible initiating organizations** – the World Bank/IUCN partnership which facilitated negotiation of the process and launched it, provided the necessary confidence for divergent interests to participate – at times through strong pressure brought by one or the other; the sponsors then stepped back to let the Commission operate independently
- **Negotiated mandate and Commission composition –**giving strong voices a seat at the table in designing the commission provided legitimacy and increased the involvement of divergent but important stakeholder groups
- **Inclusion of diverging interests** – the extremes among stakeholders were all invited to participate – from those completely opposed to large dams to strong proponents
- **Working within an "authorizing environment"** – the WCD benefited from the input of a broader stakeholder group - initially as a Reference Group of 40 and then in the form of a larger Stakeholder Forum of major interests; this Forum served as a "sounding board" for the work of the Commission, and engaged larger networks of stakeholders
- **3-tiered governance structure –** small expert/stakeholder decision-making group, larger stakeholder authorizing group, competent secretariat in support
- **Negotiated consensus on results** – by Commission members resulted in a more robust set of recommendations with support from a range of stakeholders, leading companies and some governments
- **Substantive research/analysis** – factual issues papers, detailed thematic and project-specific surveys and reviews of performance set a sound basis for stakeholder dialogue and for the Commission's deliberations
- **Focus on incorporation of indigenous peoples' views -** added legitimacy and improved the result.
- **Constraints**
  - insufficient government involvement limited acceptance of results by key dam-building countries. Governments need to be involved in the process of establishing international norms for application to development priorities in sovereign countries
  - language limited the ability of stakeholders in some regions and countries to participate, despite efforts to translate documents.

3.4 MINING, MINERALS AND SUSTAINABLE DEVELOPMENT PROJECT

Characteristics

The MMSD Project was initiated by a group of mining companies who had come together to consider the future of their industry under a "Global Mining Initiative". The MMSD purpose was to undertake an independent two-year participatory analysis to help the mining industry and other stakeholders understand how the mining and minerals sector can best contribute to the global transition to sustainable development.

MMSD was funded by a group of large mining corporations, through the World Business Council on Sustainable Development. MMSD also was supported by smaller contributions from multilateral organizations.

Its broad mandate was to develop elements of a sustainable development action plan for the sector, and to build a framework for ongoing cooperation and participation between the mining industry and key stakeholder groups. Specifically, the MMSD Project objectives were to:

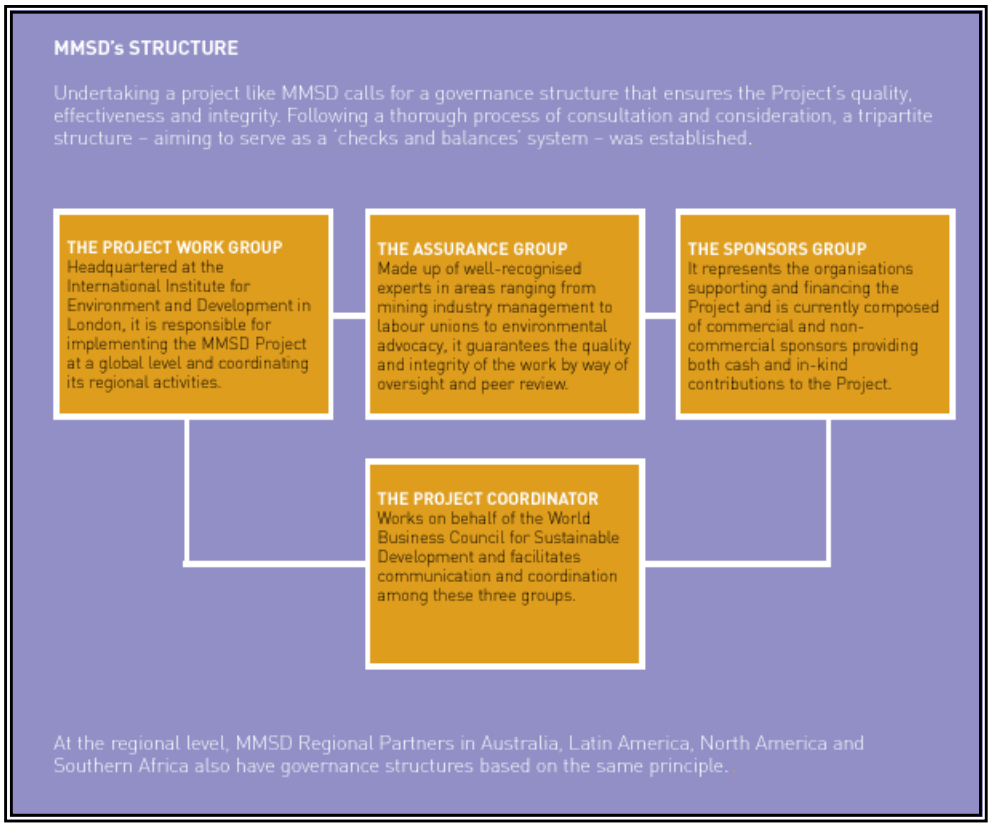
- assess global mining and minerals use in terms of the transition to sustainable development — its track record in the past and its current contribution to and detraction from economic prosperity, human well-being, ecosystem health and accountable decision-making
- identify if and how the services provided by the minerals' system can be delivered in accordance with sustainable development in the future
- propose key elements of an action plan for improvement in the minerals system
- build a platform of analysis and engagement for ongoing cooperation and networking between all stakeholders.

One of the more distinctive aspects of MMSD was its structure, which included a global governance system and parallel regional bodies and partnerships. It had a three-element global structure comprising a Sponsor Group, an Assurance Group and a Work Group.

The 36 members Sponsor Group with members from both the commercial sector (transnational and national mining companies) and non-commercial sector (international organizations, NGOs and labour organizations), was responsible for oversight and broad direction of the project, and provided the financial support for its work.

The 25 member Assurance Group was made up of individuals from key stakeholder groups, serving in their individual capacities, who came from the academic community, mining and metals industry, labour organizations, environmental and social development NGOs, aboriginal peoples groups, government agencies, private investment community, and multilateral organizations The Assurance Group guided the work of the project, guaranteed the quality and integrity of the work by way of peer review of its research and reports, and was intended to endorse the final project report. It also brought valuable stakeholder perspectives to inform the work of MMSD.

The Work Group was responsible for planning and management of the MMSD Project, executing research and outreach activities at a global level, as well setting the conditions for regional activities. The Sponsors commissioned the International Institute for Environment and Development (IIED), under contract, to put in place the Work Group, which had responsibility for preparation of the project report. The Sponsor Group committed to not influence the content of the project report, having been involved earlier in commenting on the project scope. A Project Coordinator facilitated communication and coordination among the three groups to ensure coherence and comprehensiveness. Decisions on the analysis and recommendations rested with the Project Director (head of the Work Group) and Project Coordinator, with guidance and quality assurance provided by the Assurance Group. The Work Group made a consultation draft widely available for comment. It formally submitted its report to the Sponsor Group, and more broadly to the wide set of interests involved in or affected by the mining and metals industry.



At the regional level, MMSD established regional partnerships, by contract or memoranda of agreement, with external organizations to carry out parallel regional MMSD multi-stakeholder processes. The Latin American process was coordinated jointly by the IDRC Latin American Office and the University of Santiago – both as MMSD regional partners.

The Regional processes were developed according to a set of requirements established by the global MMSD Work Group. These processes included the development of a multi-stakeholder Regional

Advisory Group, a Regional Sponsors Group and a peer review mechanism, paralleling the global structure. Regional processes were required to uphold the fundamental principles of MMSD by ensuring the process is accessible to all relevant stakeholders, that the project gains widespread acceptance, and that the process maintains its transparency. In three regions (South America, North America and Oceania), national-level stakeholder groups were brought together to provide further specificity and engage additional stakeholders.

The project organized a substantial series of stakeholder and expert meetings around research activities addressing key issues of mining and sustainability, ranging from environmental issues, to national wealth creation to the contribution to of mining to community development. Principles of stakeholder engagement, were developed to guide consultation activities, to promote an equitable, constructive, secure and transparent set of processes for engagement of all interested stakeholders.

Results & Outcomes

Notwithstanding these efforts, Aboriginal involvement in the work of MMSD was difficult to engage, in part because of concerns by some Aboriginal groups about the environmental and social impact of current mining activities by some of the sponsoring companies. In the latter stages of the project, regional meetings of aboriginal groups were able to provide substantial input into framing issues of concern.

Similar concerns were also shared by some southern NGOs. A key group of environmental NGOs involved in mine policy remained on the margins of the process, in part over concerns that the project governance structure was weighted heavily to industry, with its dominance on the Sponsor Group, and because the project was conceived and initiated by industry with little stakeholder involvement. These groups also have other channels of influence to communicate their concerns and to work with the mining industry, and did not wish these channels to be subsumed under MMSD.

MMSD produced an independent report analyzing the major sustainable development challenges facing the mining and minerals sector. The report presented desirable outcomes to address these challenges, and made recommendations on both specific issues arising out of its research and analysis, and on broader initiatives in the mining and metals sector to improve efforts in support of sustainable development. MMSD also developed a series of research working papers on the key issues. Stakeholders were consulted extensively throughout the process, with their views and incorporated into the final report.

MMSD made efforts to identify and analyze possible outcomes at an early stage - desirable results for improved industry and other interests' contribution to sustainable development. This was based on the experience of other multi-stakeholder processes whose recommendations have not been acted upon because of a lack of initial groundwork, stakeholder involvement, and coordinated research.

With the MMSD project just being completed at the time of writing of this report, it remains too early to assess the level of uptake of its recommendations. However, the mining industry has begun to organize itself to respond by creating a new global industry association based on sustainable development principles. In addition, the regional MMSD processes have been designed to lead to more permanent regional processes to address region-specific issues after the project ends.

Lessons

- **global/regional/national structures** – regional processes in parallel with a global process, each with multi-stakeholder involvement in governance and decision making, provided for bottom-up issue identification, linking of global with regional and national concerns, and engagement of regional stakeholders on issues of highest priority to them
- **3-tier governance –** Sponsor group (project initiation, scoping and funding) with multi-stakeholder Assurance Group to provide peer review of MMSD reports and outcomes crafted by a full-time Works Group (secretariat) improved legitimacy with stakeholders, and improved the potential for serious uptake of results
- **principles of stakeholder engagement** – served to guide consultative activities and provide clarity and build confidence with stakeholders having long interest in mining and sustainable development which preceded the MMSD project
- **transparency** – the project made every effort to have its processes conducted transparently and to openly share ideas and research findings with a broad network of stakeholders
- **research partnerships** - research partnerships with mining research institutions, expert consultants and other organizations helped build an informal network of competent organizations, with a potential to play a role in follow up to the project
- **researchers in training** – the Work Group used junior research fellows from around the world to help coordinate the MMSD research, building a core group of individuals knowledgeable about mining and sustainable development
- **Constraints**
    - industry initiation alone created the perception among some stakeholders of industry control over results, notwithstanding the agreed independence of the Work Group responsible for the report, and quality oversight by the multi-stakeholder Assurance Group; this was exacerbated by the dominance of industry in funding the project
    - past, and in some cases current, concerns over mining industry operations limited the involvement of some aboriginal groups and southern NGOs
    - the structure of the industry (heavily northern owned with large operations in the south) and the strong voice of northern stakeholders raised concerns about possible global solutions, which are not appropriate for southern needs.

3.5 EU-US CONSULTATIVE FORUM ON BIOTECHNOLOGY

Characteristics

The EU-US Consultative Forum focused on biotechnology in the context of agriculture, with a particular emphasis on plants. The Forum's 6-month mandate, which ended in December 2000 with the release of its final report, was to discuss the benefits and risks associated with biotechnology as well as the opportunities for collaboration and agreement between the United States and the European Union.

The Forum was funded by both the European Commission and the USA government. Members of the Forum included eminent scientists, ethicists, environmentalists, farmers, businessmen, consumer representatives, and development experts, with half of the members being from the USA, and half from the European Union. Lacking from the list of stakeholders was any direct participation of indigenous or traditional communities, although the final recommendations asserted that traditional and indigenous agricultural and medical knowledge must be respected, and that these communities should be fairly considered when determining the distribution of royalties or other rewards based on this knowledge. The Forum was co-chaired by a European and a USA representative, and a Secretariat was jointly provided by the USA and the EU.

Despite a government-provided Secretariat and administrative support, the process itself was driven by participants, giving them a significant sense of ownership over the final report. The Forum was also strengthened by efforts to create a balanced membership (e.g. if there was an ethicist from the EU, there would also be an ethicist from the US). Using two Chairs – one from the US, and one from the EU – also created balance during the proceedings, and contributed to the integrity of the final document.

Although the Forum's mandate was to develop a set of recommendations based on the input of its members, some participants sought additional input from outside stakeholders to verify their positions on highly contentious issues. Although this was not done consistently, it demonstrated the flexibility that was afforded to members of the Forum throughout the process.

The process benefited extensively from an abundance of contextual information, which made discussion of key issues possible. The Forum was able to draw on the supporting documents to guide discussions and to avoid debate over contentious issues related to scientific findings or social phenomenon. Those involved in the Forum found that it was clear why the issues were being discussed, and what the benefits of collaboration and exchange could be. This, along with the short time frame, enabled participants to streamline their discussions and focus on the clearly defined issues at hand.

Results and Outcomes

The final report, " *The U.S. – E.U. Consultative Forum Final Report"* provided recommendations on regulatory approaches for biotechnology and outlined the necessary next steps and conditions for implementation. The recommendations were formed by consensus, with the Forum meeting four times in a six-month period to discuss pertinent topics and debate contentious issues. Despite the diversity represented in the membership, widespread agreement was reached on several key issues, including the need to integrate the needs and concerns of stakeholders into the regulatory development process, as well as recognizing the need for increased public funding for scientific research and training of developing country nationals.

Feedback from the process and the final report revealed that the Forum was well received, largely because it was viewed as a balanced, comprehensive process. A statement issued by Carol Tucker Foreman (Consumer Federation of America) stated that "the report of the EU/US Consultative Forum on Biotechnology is a landmark document in the global debate on genetically engineered food products. Twenty nongovernmental experts representing diverse interests reached consensus on issues that continue to separate our governments." Since the goal of the process was to form recommendations based on consensus, there was no attempt to publish divergent views.

It is too early to evaluate the impact of the report. Neither the U.S. nor EU governments have as yet acted on the report's recommendations. It should be noted that the EU continues to take a cautionary approach to biotechnology, and has yet to adopt or implement any of the recommendations as domestic policy. It was noted, however, that the messages delivered in the final report carry far more legitimacy with the EU public than the recommendations offered by a single consumer group, whose recommendations on GM foods are often regarded as self-serving rather than informative. Both parties have submitted responses to the report.

Lessons

- **Experts forum** – members of the Forum were chosen for their expertise in a range of relevant disciplines; external stakeholders were consulted occasionally by some members to verify positions
- **Consensus reporting –** the recommendations in the final document were agreed to in-principle by all participants, and participants felt that the statements in the report accurately reflected the input of all members; this was a major achievement given the substantial divisions in US and European expert positions on biotechnology
- **Openness and balance -** the balanced representation of membership (by region and type of interest) and the civil way in which the Forum members conducted themselves enhanced the process, as participants felt they could contribute equally and fairly to the Forum's discussions.

- **Contextual/supporting information** – the availability of substantial contextual information and supporting documentation provided an essential basis for deliberations, particularly given the short time frame for the Forum's work
- **Constraints**
  - lack of government participation and no effort/time to consider how recommendations could be implemented led to a good report with no momentum for action
  - expert-only mode, with little stakeholder involvement, produced clear recommendations but may limit the report's impact.

3.6 CANADIAN BIOTECHNOLOGY ADVISORY COMMITTEE (CBAC) – GM FOOD PROJECT

Characteristics

The Canadian Biotechnology Advisory Committee (CBAC(was established by the federal government of Canada in 1999 as a government-appointed, independent expert body to provide advice on biotechnology issues, taking into account a broad range of perspectives including from the public and stakeholders. CBAC is funded by the government of Canada.

CBAC has an on-going mandate to provide independent advice to federal (national) government ministers on the full range of policy issues related to the ethical, social, regulatory, economic, environmental and health aspects of biotechnology in Canada. This includes providing advice on the regulation of Genetically Modified Food. For its work on the regulation of GM Food, a subcommittee of CBAC members focusing specifically on this public policy issue, decided to create a further external body, a Reference Group, to provide advice and to help integrate stakeholder perspectives into its work.

CBAC is made up of 21 Canadian experts drawn from the scientific, business, general public, ethics, and environmental communities with a wide range of expertise and backgrounds, participating in the committee in their personal capacities. It is supported by a full-time Secretariat provided by the Federal department of Industry. Sub-committees called Project Steering Committees develop, oversee and prepare reports on special topics, one of which is GM Food Regulation.

Within this sub-mandate on GM food, CBAC established the Reference Group of 11 people from stakeholder groups, acting in their individual capacities, to act as a "sounding board" on its work – and in particular on CBAC's stakeholder and public consultations. The Reference Group's mandate was to:

- Review the CBAC GM Foods Project's research agenda, research reports and other relevant materials; and to advise CBAC on gaps in research and coverage of issues of importance to Canadians, and the use of research results for consultations
- Provide comment on CBAC's proposed consultation approach and specific consultation instruments, with a view to advising on which are most appropriate to engage key target

audiences
- Review and comment on draft consultation documents prepared by CBAC prior to their distribution
- Provide comment on CBAC's communications approach, including its public awareness and education programme.

This mandate was refined and endorsed by the Reference Group members.

The Reference Group's composition attempted to reflect a range of interests and diversity of views on GM food and sub-regional distribution across the country, including aboriginal peoples. Specifically, it comprised 2 people from the biotechnology industry, 1 food manufacturer, 2 farm producers, 1 dietician, 3 individuals from the NGO community (including one from RAFI, a Crucible participant) and 2 consumer advocates.

The Reference Group was supported by a facilitator hired by, but independent from CBAC, who helped the group define its mandate and to agree on principles and modes of operation, and also provided secretariat support to the Reference Group. Government representatives from the Secretariat supporting CBAC participated as observers.

A formal stakeholder consultation process was designed and carried out by CBAC to provide input to the formulation of its recommendations to government. A consultation document was used for discussion in multi-stakeholder workshops in 5 subregions of the country, and was posted on the CBAC website for public comment, along with a detailed questionnaire. The Reference Group's main role was to advise the Steering Committee on the conduct of and interpretation of the results from these consultations.

CBAC has no indigenous people in its membership. The Reference Group was intended to have one aboriginal person (out of 11) but the networking process used to identify candidates did not lead to a participant being identified. Indigenous peoples' organizations were invited to participate in the national consultations, however involvement and participation was very limited.

Both CBAC and the Reference Group are advisory bodies – CBAC to the government, the Reference Group to CBAC. Each body was responsible for taking decisions on the advice it provided. In the case of the expert body, CBAC, this was done on the basis of negotiated consensus among members. The Reference Group, however, worked on the basis of presentation of a range of views, with no presumption of consensus. In practice, common advice was provided on some subjects – mainly on issue characterization, consultation and public involvement processes. Different interpretations of research results and policy options by members often caused the Group to provide differing and even conflicting advice on matters of policy.

The Reference Group had no formal accountability, except to fellow members and to members of CBAC who participated in its meetings. It had an informal accountability to the stakeholder

communities from which the individual members came. In the case of industry members of the Reference Group, they were identified by two industry associations, and were expected to bring their constituency's voice to the table and to report back informally to the association. The "authorizing environment" for the NGO members was weak because of a decision by the Canadian NGO movement to boycott the formal CBAC consultations on GM food regulation.

Results & Outcomes

CBAC has produced an Interim Report on *Improving the Regulation of Genetically Modified Foods and other Novel Foods in Canada* which has been released for public and stakeholder comment.

The Reference Group prepared reports of its 3 meetings, providing CBAC with comments on research findings, approaches to public and stakeholder consultation, and policy options for the regulation of GM food. There was substantial consensus in the process advice provided by members, while views and advice on interpretation of research results and policy implications fell along predictably stakeholder interest lines. The groups' advice positively influenced CBAC's consultation plans by clarifying and focusing its objectives, and by separating stakeholder consultations from public information in the conduct of its work.

The Group completed its work by agreeing – between NGOs and industry participants and with support from a consumers' group member – to design a process for stakeholder dialogue on a key element of the CBAC interim recommendations on GM food regulation.

Potential participants in the Reference Group from both the NGO and industry community were wary of participation, largely because of past failed experiences at dialogue on related issues in Canada. However, having agreed to participate, the members worked constructively during meetings, for the most part. The strictly advisory role frustrated some participants from both NGOs and industry who wished to have a clearer role in providing input and influencing the CBAC recommendations to government, notwithstanding the clear mandate specifying an advisory role to CBAC.

Continuing serious concerns about the overall work of CBAC on GM foods, and skepticism about its impact on government policy caused 50 NGOs to sign a petition to boycott the very consultations on which the Reference Group, including its 3 NGO members, had provided advice. The boycott was strictly observed, but with an unexpected result: 2 of the NGO members continued to participate in the Reference Group process at the table with CBAC and stakeholders of opposing views on GM food regulation; and, the 2 NGOs undertook discussions behind the scenes with CBAC to identify possible ways of re-engaging the NGO community in the work of CBAC. One NGO pulled out of the Reference Group, in solidarity with the NGO boycott.

Following the release of the Interim Report it is still too early to gauge the extent to which different interests will respond to the results and recommendations. However, one of its recommendations, which is for an "Acceptability Spectrum" to catalyze discussion and debate on GM food policy, has

led to a second round of stakeholder involvement. Building on the Reference Group, a small "Exploratory Committee" has been launched, comprising individuals from biotechnology producers, environmental and faith NGOs, consumer groups and food producers (farmers), food processors and retailers. Each of these constituencies is also holding workshops within its own group to test the acceptability spectrum model.

In terms of influence on government policy, it is too early for a political and policy response from the government, given the interim nature of CBAC's report and of the on-going stakeholder follow up process.

Lessons

- **Expert forum with stakeholder advisory body –** as an expert advisory body to government, CBAC has benefited from advice provided by a small, focused multi-stakeholder Reference Group, particularly with regard to advice on consultation and public involvement processes
- **Independent facilitation –** a skilled facilitator aided the process and at times served to 'separate the sides", fostering and at times helping to maintain a willingness of members to work together
- **clear research documentation** and willingness by the initiator (CBAC) to have it's research results reviewed and added to when deemed insufficient by some participants provided a good and open basis for deliberations of the Reference Group
- **clear mandate and rules of engagement,** and willingness of all participants to abide by them was important given the contentious nature of the subject and strongly differing and long-held views
- **balanced composition –** ensuring members came from across the wide spectrum of stakeholder views on the subject, particularly between NGO and industry, with farm producers and consumers between the two on the spectrum – led to more balanced and credible advice to CBAC than one-on-one stakeholder involvement would have provided
- **goodwill** – there was a willingness of individuals from strongly opposing perspectives, on an emotional subject, to come to the table made the work possible
- **Constraints**
    - lack of time availability of members/stakeholders and limited resources for some stakeholders to test back with their constituencies
    - an NGO boycott of the wider consultation process threatened the continuance of the Reference Group, but only 1 of 3 NGO members resigned
    - slowness in paying costs for some stakeholders who fronted the bill almost lead to their withdrawal; smooth administration is essential to build confidence among participants.

3.7 NEW DIRECTIONS GROUP - CANADA

Characteristics

The New Directions Group (NDG) was formed to provide a non-adversarial setting where the NGO and business community in Canada could seek to bridge the gap that separated them on various issues. The Group was initiated by three key Canadian figures from the corporate, ENGO and academic communities, and has been in existence since 1990, periodically convening leaders of the business and NGO communities.

The work of the Group is overseen by a Steering Committee comprising major corporate sponsors and NGO representatives. The NDG is also supported by a secretariat and a part-time coordinator. The Group members were selected by identifying competent and respected representatives from the NGO and business community who would be able to contribute positively and effectively to the Group's activities and discussions. To encourage industry buy-in, members selected from the business community are typically senior vice-presidents, or Vic-Presidents responsible for environment, although in the beginning the goal was to attract CEOs. ENGO representatives are typically in a leadership role in their respective organizations (e.g. executive director, president).

Although the group established policies and procedures to guide discussions and activities, the Group essentially operates on an ad hoc basis. Members work to a goal of consensus in discussions and decisions taken, but they recognize that not all recommendations will be unanimously supported.
In some ways, the NDG represents more of a business-NGO partnership than a multi-stakeholder process. It is noteworthy that this basic model has been adopted by others to address several sector-specific environment-development issues in Canada, such as the British Columbia understanding on protected areas and forest management, and the coalition of ENGOs and industry associations to support endangered species legislation in Canada.

Another distinguishing characteristic of the NDG is its independence from government. The Group was established without government influence, and continues to operate with an independent agenda. Despite this, it frequently provides unsolicited advice and recommendations to the federal government by communicating common concerns and shared needs between ENGOs and industry for action by governments.

A broader group of stakeholders beyond the NDG members is typically not included in its work. In part, this is a recognition of the fact that such a partnership will never be supported by all members or stakeholders of the respective business and NGO communities. Direct input from traditional and indigenous communities is not a part of the NDG's work to develop policy recommendations.

Results and Outcomes

The New Directions Group has produced two main products: 1) a challenge program to reduce the amount of toxics released into the environment; and, 2) a set of principles and criteria for voluntary

non-regulatory initiatives (VNRIs). The challenge program led to the development of ARET – a highly visible and successful government-industry voluntary initiative aimed at the reduction of environmental toxics. The principles and criteria developed for establishing VNRIs eventually led to the Environmental Voluntary Agreements policy framework adopted by government and industry.

The NDG's rolling agenda leads to the identification of emerging as well as current issues for further work. The group has recently identified biotechnology development as one of the issues for its work.

Recommendations from the New Directions Group have been well received by both the government and the business and ENGO communities. The NDG's ability to influence government policy in areas that were traditionally marred by divisive and conflicting viewpoints demonstrates the strength of the Group's policy development process in an environment typically characterized by polarized viewpoints. It has also established an on-going forum for dialogue between the two constituencies.

Lessons

- **Context and timing** – the NDG has shown that the right conditions, often reaching crisis proportions for the business sector, need to be in place for stakeholders, who are typically strongly opposed, to come together in common cause
- **Leadership and critical mass** – there needs to be a critical mass of leaders who have the personal capacity and risk taking qualities to work in non-traditional cooperation with those with whom they may not share core values
- **On-going flexible mandate, ad hoc operation –** specific policy issues are identified and addressed over time, in a rolling agenda
- **Corporate-NGO partnership** – can be a successful model to influence or even initiate change in public policy; however, it should be noted that some environmentalists have raised concerns that their peers in the group are being co-opted by business interests
- **Credible and committed membership** - the participants who come from the senior executives ranks of their respective organizations are able to speak with an authoritative voice, and have a strong basis for dialogue which helps them to identify common solutions to divisive issues.

4 LEARNING AND APPLYING THE LESSONS - FACTORS FOR EFFECTIVE PROCESSES

A simple comparison of the main characteristics and results achieved in the processes reviewed in Section 3 provides a useful starting point for consideration of lessons learned.

Summary Characteristics

Process	Purpose	Structure	Duration
Crucible	Debate, discuss issues related to plant genetic resources, intellectual property rights	Multi-interest body, Secretariat	1 year
WCD	Review existing dam policies, assess alternatives, develop set of international guidelines	Multi-interest body, Secretariat, Stakeholder forum	2 years +5 month preparatory phase
MMSD	Review/assess mining sector's SD-related performance, propose elements of SD action plan, develop networks	Industry/intern'l organization steering body, Stakeholder quality assurance Forum, hired Work Group, Global and Regional bodies	2 years
U.S.- EU	Discuss biotechnology, develop recommendations for regulatory approaches	Expert/stakeholder body, Secretariat	1 year
CBAC Reference Group	Provide stakeholder advice to expert advisory body on consultation process	Expert Body supported by Stakeholder Group, + Secretariat	ongoing
NDG	Bridge gap between ENGO and business community; discuss key issues affecting both groups in non-adversarial setting	Bi-interest body, Secretariat	ongoing

Summary Results Achieved

Process	Publications/Key Recommendations	Research	Resulting Actions	Other Outcomes
Crucible I	*People, Plants and Patents*; – analysis and policy options	Limited research component (background reports)	Little government or stakeholder response, but publication provided valuable source of information	Established network of experts, interest groups
Crucible II	*Seeding Solutions* – 1st Vol. on policy options; 2nd Vol. on legislative models	Limited research component (background reports)	Governments using results in policy and legislative formulation	Expanded Established network of experts; contribution to international debate
WCD	*Dams and Development: A New Framework for Decision-making* –set of principles, and guidelines for decision-making processes	Strong research support before and during Commission's work (e.g. case studies, assessment of alternatives, scientific verification)	Report submitted to heads of IUCN and World Bank; mixed level of commitments made by government industry to follow recommendations	Established network of experts, interest groups; Formal body in UNEP established for follow up
MMSD	Draft final report on mining, minerals and	Use of research partnerships with	Work not yet completed;	Research networks

Process	Publications/Key Recommendations	Research	Resulting Actions	Other Outcomes
	sustainable; wide range of research papers	experts/institutions; extensive stakeholder input into research	Industry, NGO groupings working on response	established; regional processes facilitated
U.S.- EU	Final report, recommendations on regulatory approaches	Strong research support prior to launching of Forum and during Forum	Governments commented to recommendations (EU and US), but no recommendations have been implemented	
CBAC Reference Group	Interim report on GM Foods; comments on research; report on approaches to stakeholder consultation	Clear research documentation subject to comment by participants or outside groups	No influence yet on public policy (interim report only)	2nd phase of stakeholder dialogue in form of multi-stakeholder exploratory committee
NDG	Developed challenge program to reduce toxic releases; developed principles and criteria for VNRIs	Limited research conducted on an ad hoc basis	NDG reports led to the development two government-industry voluntary action programs	Improved lines of commun'n between ENGOs, business community

There is no single model or template for a multi-stakeholder policy process; each case needs to be thought through, designed and carried out in the specific context of underlying conditions which create the need for some form of stakeholder engagement; the nature of the issues at hand; and, the range of stakeholders with direct or indirect interests. Nonetheless, the six multi-stakeholder policy processes that have been reviewed in Section 3 provide substantial and coherent lessons on how to improve future public policy processes. These lessons can be grouped as presented below.

4.1 RECOGNIZING DRIVERS FOR ENGAGEMENT

The multi-stakeholder policy processes reviewed generally were born of the breakdown or fear of breakdown of dialogue and communication over strongly held, conflicting views. In this context, whether to start a process depends on the basic calculus of willingness of key individuals and stakeholder groups to participate. Will each of them:

1. see a direct benefit to their constituency?
2. have a reasonable likelihood of influence over the process?
3. have a reasonable likelihood of achieving a desired result?

WCD drivers for engagement

- *Investors and dam building industries* - to avoid delays and have clearer ground rules for acceptable or better dams
- *Governments* - to find a better climate for financing and to have advice on acceptable standards
- *NGOs* - to regain influence in a changing investment situation
- *Affected communities* - to have greater attention paid and importance given to their situations

4. not have better bilateral options for influencing policy?
5. gain advantage from longer-term relationships?

4.2 STARTING ON THE RIGHT FOOT

The initial stages are critical to laying the groundwork for a successful process. It should be recognized that the approach to the design/start-up phase might differ from the implementation/work phase. Those with the idea to initiate a process need to be sensitive to the needs of stakeholders they would like to involve, and open to the views and perceptions of those with a possible interest. Perceptions are very important in the early stages of putting a multi-stakeholder policy process together.

Timing is also an essential consideration. Getting a multi-stakeholder process off the ground can't be rushed. There is a "maturation" period during which the different interests need to weigh their potential participation, contribute to the definition of conditions for participation and become comfortable with the objectives and scope of the process and its proposed work approach. However, once initiated, experience has shown that deadlines, including a fixed-term mandate, are important to keep participants active and focused.

Examples are the Crucible projects, where a small group of diverse individuals, recognizing, the need and designing the process for Crucible 1, engaged in a process involving a relatively small number of participants. The success of the first process created favourable conditions – shared purpose, trust, and confidence in being able to achieve a satisfactory result –which enabled the same individuals and institutions to launch Crucible 2, and to engage a wider array of stakeholders, addressing even more complex and contentious issues.

Two other examples are revealing. MMSD was conceived and initiated by the CEOs of a small number of transnational mining companies who had a strong need to act (i.e. threats to the future viability of their industry), a good idea, and a genuine multi-stakeholder process in mind. The failure to involve other key stakeholders at the conception of the initiative, in the initial scoping work and in designing the process, however, created the need for substantial "repair work" to engage stakeholders, including labour, NGOs and indigenous peoples. By contrast, the WCD initiators – IUCN and the World Bank – recognized the need to allow the initial group of stakeholders to have input during the beginning stages of the process. Before making a collective decision to proceed, the IUCN and the World Bank convened a one-time workshop to determine: if the necessary will and conditions to engage were present; what the objectives of any initiative should be; and, how to proceed. Forty participants at the workshop decided to create an independent commission, and developed objectives which endured through 21/2 years of the Commission's work.

4.3 APPROPRIATE GOVERNANCE AND WORK STRUCTURE

Many of the processes applied to date have had two or three levels of bodies which differentiate the functions of: 1) oversight and decision-making; 2) quality assurance and testing acceptability with

stakeholders; and, 3) initiative management and execution. These bodies are for the most part ad hoc, with a fixed period life. (i.e. do not involve creation of a formal, new institution). Establishing clearly defined roles is an essential part of putting in place these structures.

Typically, such a *tiered structure* comprises:

- a small, focused stakeholder body which guides the scope and process of the work, considers the research and analytical results, and formulates recommendations (Crucible's Management Committee, WCD's Commission, CBAC as an expert body)
- a wider stakeholder body providing the authorizing environment for this inner work and providing a platform for uptake of the process's results (The Crucible Group, WCD's and CBAC's Reference Group)
- a Secretariat (the IDRC Coordinator for Crucible, the purpose-built WCD Secretariat, CBAC's Secretariat).

In a number of cases these structures are supported by *a wider stakeholder consultation* process and contract researchers or research institutions.

Regional parallel structures is an innovation which was introduced by MMSD. Drawing on the credibility and expertise of independent institutions (of government, industry, NGOs and academia) in each region, regional governance and working group structures provide for identification and analysis of issues of priority to a region and countries in the region, and involve stakeholders more directly from the region and country.

4.4 CREDIBLE PARTICIPATION

4.4.1 Composition

There are two basic "types" of participants – experts and stakeholders. Of course these are somewhat arbitrary categories, but composition of the main governing body may be targeted to include experts in the key disciplines or issue areas within the mandate of the process (e.g. CBAC is an expert body), and/or to stakeholders covering the range of critical interests from "pro" to "con" (e.g. MMSD Assurance Group). In most cases it is a deliberate mix (e.g. the 12 WCD members were a mix of issue experts and knowledgeable stakeholders) or individuals who are in fact both expert and stakeholder (e.g. the Crucible Groups, the U.S.-EU Forum). Earlier forms of these processes attempted to seek eminent persons, but the trend has moved away from this, except in the position of chairpersons (e.g. the eminent human rights lawyer and South African minister who headed the WCD). One other essential factor in composition is both actual and perceived balance – among competing interests (for e.g. industry and NGO), among members from the North and the South, and across regions. Such balance may require different arithmetic in each case, based on actual and perceived balance of power.

4.4.2 Terms of participation

In the central governance bodies of most multi-stakeholder policy processes, members serve in their individual capacities, in order that they have the flexibility to participate creatively beyond the bounds of often-fixed positions of their home institutions or organizations. However they are usually selected, in part, for their credibility with their constituencies, so that they can "carry the voice of" these stakeholders *to* the table and test *with* their constituencies what is being debated and considered in the process.

4.4.3 Selection

Early in many processes this is the most sensitive and critical activity, and one which may represent a make or break stage for the initiative, as was the case in an inner group of stakeholders negotiating the composition of the WCD. In other cases, this stage may have an important bearing on whether or not a strong authorizing environment is created for the initiative and whether key actors decide to opt in (e.g. some NGOs in the CBAC Reference Group) or out (some NGOs and aboriginal peoples in the MMSD process).

Selection needs to be done in a transparent way, with clear criteria and a process which is made known to and can be justified with the range of potentially interested stakeholders. Stakeholder analysis to identify the range of constituencies is an essential starting point. Telephone networking with leaders of major constituencies is usually a useful early activity. For some constituencies, a single body may serve the purpose of selecting participants (e.g. an industry association which will help identify credible candidates). In other constituencies, some form of "triangulation" may be necessary to poll different perspectives on suitable candidates and determine comfort levels with possible candidates, as with the academic or NGO communities.

The effort made in selection of WCD members provided a credible and competent membership of the Commission, as did the selection of members of the U.S.-EU Forum. The selection of members to the MMSD Assurance Group proved problematic in part, with certain constituencies not adequately represented. A second round of additions, with a clearly communicated process, added to the credibility of the Group.

4.4.4 Indigenous participation

Identifying and ensuring adequate participation by indigenous peoples remains a challenge for reasons ranging from the relatively simple (resources and time, language) to the difficult (suspicion of participating with government or business interests which have impacted them negatively) to the complex (cultural differences in the way dialogue and negotiation is undertaken). Indigenous people working in cash economies or professional institutions are often more likely to participate in stakeholder processes than those who are more rooted in their communities.

4.4.5 Rules of engagement

An important aid for the work of a focused stakeholder group is the early establishment of clear rules of engagement (e.g. CBAC Reference Group mandate and ways of working, MMSD "charters" for its various global bodies and "guidelines for regional partnerships"); broader consultation processes are greatly assisted through the development of consultation protocols or principles (e.g. WCD and "MMSD Principles of Stakeholder Engagement").

4.5 RESOURCES AND SUPPORT

4.5.1 Cost

Multi-stakeholder processes are by their very nature expensive and heavy in transaction costs – the time and effort which participants give often on a volunteer basis, the human resource and financial needs for their management and support, and the expenses to make the process work. The WCD process cost $ 9 million in 2.5 years; the MMSD has cost approximately the same over a similar period. The need to respond to changing circumstances during the life of an initiative adds unpredictability and means that there is a need for contingency financing to be accessible. Initiators, potential sponsors and participants in such processes need to do hard analysis to weigh likely benefits and results against costs in financial and effort terms.

4.5.2 Stakeholder support

Support to cover expenses for participation of stakeholders with minimal resources (e.g. individuals from southern institutions, NGOs, academics) is essential. Even when selected, stakeholders in need will have difficulty in participating unless support is firm and predictable – failure to cover out-of-pocket expenses of participants –or bureaucracy in reimbursement – has proven to be one sure way to undermine process credibility. Other stakeholders are not in need and will often bear their own costs. Resources available need to be balanced with ability to pay and with maintaining equitable conditions for participation. Further, honoraria at reasonable levels, to cover the time costs of participants who have choices to make about where to put their time, may also be important.

4.5.3 Competent secretariat

For initiatives having a duration of more than 6 months, a professionally strong and well-managed, full-time secretariat has proven essential to support the process. These may be provided by existing organizations (e.g. the IDRC-hosted Crucible Coordinator), created within existing institutions (e.g. MMSD Work Group in IIED), or purpose-built with a fixed-term life (e.g. WCD Secretariat). None of the cases reviewed involved a permanent secretariat, although successful initiatives may spin off or lay the conditions for permanent institutional follow up. For example, the Global Reporting Initiative, a multi-stakeholder effort on corporate sustainability reporting not reviewed here, recently has transformed to a permanent institution.

4.5.4 Expert facilitation

Third-party, independent facilitation, by an expert in both group processes and knowledgeable in the subject area of the initiative, is often essential to allow stakeholders to be given equal voice and to help strongly opposed voices work together. Most often this is helpful at the design phase in getting the interests to agree that there is value in participating in a process, in creating neutral space, maintaining balance of power among stakeholders, and in avoiding "preconceived notions" – all essential starting points for participation.

In the process implementation phase, there is instead a need for a highly respected and credible Chair, chosen from within the governance body itself, who possesses the necessary skills to lead, facilitate, mediate, and negotiate results (e.g. WCD Chair, NDG Co-chairs, EU-US Forum Co-Chairs).

4.6 RESEARCH AND ANALYSIS: PROVIDING AN AGREED BASIS FOR CONCLUSIONS, RECOMMENDATIONS

Most successful initiatives have benefited from a good body of background and supplemental information being made available to members (e.g. U.S. – EU Forum), or from credible research and analysis which provides a basis for debate. This provides a starting point of agreed issues and data – such as the in-depth case studies from around the world for the WCD, or in MMSD a series of expert research papers with expert stakeholder input, on the major challenges facing the mining industry.

4.7 MOVING FROM PROCESS TO POLICY

The products of most multi-stakeholder processes are a report analyzing the key policy issues and underlying experience/practices that have lead to either the dialogue breakdown or need to move the policy agenda forward. In addition, the reports often provide recommendations on future policy and practice, and in some cases on stakeholder roles in promoting and carrying out the changes deemed necessary. Furthermore, in most cases the "process is also the message". Results include the sharing of knowledge and experience; the formation of networks of institutions and new relationships among individuals previously (and substantively continuing to be) at odds; and the creation of a body of knowledge and information, usually in a well synthesized form, that serves as a useful source for future public policy making and for on-going improvements in practice by stakeholders.

However, the final products, no matter how compelling a case they make on paper (and in electronic form) may not be sufficient on their own to directly influence decision-makers. Stakeholder acceptance/buy-in, even for well-designed and - run processes, will show a range of responses and willingness to act on recommendations. This can be for personal reasons (disciplinary bias, threat inherent in changed ways of doing things), institutional reasons (entrenched power in governments or even professional societies), and other factors (alternative channels by which NGOs or business can exert influence).

With a few notable exceptions, the immediate and direct impact on policy has been limited. Based on the 6 processes reviewed, one clear example and other partial examples have emerged. The NDG

process led to the design and adoption of a Canadian voluntary initiative to reduce toxic emissions. The WCD *principles, criteria and guidelines for decision-making processes on large dams* have been adopted by a few governments, some large companies, and two multi-lateral development banks. Crucible 2 has provided a basis for issue definition at the national level along with policy and legislative options for action, and for identification of capacity building needs.

4.7.1 Outcomes planning

There has been a clear evolution in multi-stakeholder processes toward giving increased attention to the *how* of implementation of recommendations during the life of the initiative. This involves identifying and analyzing possible outcomes in some detail (desirable results in terms of changed policy and practice); defining options for follow up processes, and specific instruments to achieve the desired result; and, working with key stakeholders from the early stages of the initiative to build momentum for their commitment to act. The MMSD project provides a good example of substantial effort having been made to identify and plan for the uptake of the recommended policy results, and to foster understandings of who will act on them.

5 CONCLUSIONS AND RECOMMENDATIONS

The essential role of stakeholders has been recognized by the Convention on Biological Diversity. Draft International Guidelines on Access to Genetic Resources and Benefit Sharing . These state the importance of involving relevant stakeholders in the development and implementation of access and benefit sharing arrangements, and identify means for supporting their active involvement through provision of information and capacity building activities.

At the national level, an increasing number of governments now recognize the essential nature of stakeholder, community and, in some cases, indigenous peoples' involvement in the formulation of policy, law and voluntary measures for access to genetic resources and related issues of intellectual property rights. Examples of recent efforts in this regard include the Andean Pact and its member countries such as Bolivia, as well as South Africa, and Australia.

The Andean Pact Decision on a Common Regime over Access to Genetic Resources acknowledges a range of stakeholder categories from government authorities, to applicants for access genetic resources, to the owner/holder/manager of the biological resource containing the genetic resources of interest, and the owner/holder/manager of the site where the biological resources and contained genetic resources are contained. Bolivia's process to formulate national policy and strategy in this regard involved a National Advisory Committee of government agencies, a Technical Committee including experts and representatives of the national NGO network, and consultations with civil society organizations and the private sector.

In 2000, South Africa established a Steering Committee of government representatives, and a multi-stakeholder Reference Group of national and provincial government representatives, NGOs and

relevant statutory boards to guide the design of national policy and strategies on biodiversity, including the question of access to genetic resources.

Australia has made substantial efforts to address and involve the interests of aboriginal peoples in its formulation of national policy and law on access to biological and genetic resources on government lands. A 2000 Public Inquiry included detailed consultations with indigenous peoples and their organizations, as well as with environmental, industrial and research communities. The results of this process have now been turned into legislation on access and benefit sharing on commonwealth lands (lands under the control of the national government).

5.1 ADAPTING CRUCIBLE TO GRPI

The "crucible" metaphor- "a boiling pot used to distill diverse elements" - is an apt one not just for initiatives related to intellectual property rights and genetic resources for which it was appropriated. It has relevance to multi-stakeholder policy processes more generally. Whether such distilled results create a product of value, or simply evaporate, is a matter determined by how such processes are designed and executed, building on the collective experience and lessons of past processes in both the domains of genetic and broader biological resources and other domains. The following sections provide suggestions and recommendations on adapting these lessons to the IDRC Genetic Resources Policy Initiative (GRPI).

GRPI has stated the following objectives.

- to assess the demands made by developing countries for research and capacity building services in the field of genetic resources
- to act as a 'knowledge broker' linking demand with existing resources
- to support participatory action research
- to support capacity strengthening for national policy makers
- to facilitate and strengthen national and regional networks.

The expected results of the project are to:

- create national intellectual property laws pertaining to genetic resources that take into account the specific situations and policy orientations of their own countries or regions, including plant variety protection laws, patent laws, and *sui generis* laws to protect the knowledge of indigenous and local peoples
- create national laws regulating access to the countries' genetic resources, taking into account their particular domestic concerns and resource base
- assess the relationship of these laws to other policies that would contribute to the conservation of genetic resources and simultaneously advance the countries' development priorities.

The GPRI has adopted a style for its activities which can be considered to be based on a set of principles which are compatible with and provide a useful starting point for adapting and acting on the lessons learned from the Crucible Project and other multi-stakeholder processes:

- "southern" demand driven
- multi-stakeholder led (in both its governance and its execution)
- linking top-down approaches with local constituents' practices and needs.

Possible approaches for GRPI may include "mini Crucibles" at the national and regional levels. This will require adaptation of the Crucible approach to be consistent with the GRPI "principles" above. It will be necessary to adapt the North-South balance of crucible to ensure that the country and its stakeholders' needs are at the center of projects, and to link top-down national or regional policy debate with local realities and needs of communities. Further, it will be important to provide a clear role for governments, one which is often lacking from multi-stakeholder processes.

A number of the elements of the Crucible approach are directly applicable to the GRPI, including the involvement of a mix of stakeholder interests and experts, working with a common cause but bringing a wide diversity of perspectives. The multi-stakeholder governance model of the Crucible Group may also be useful at the national level, adapted as necessary to take account of national conditions and local realities. And the provision of a "neutral" secretariat –by IDRC or a trusted national organization, may also be applicable.

Other elements of the Crucible model will require more adaptation or reconsideration. The successful non-consensus decision-making approach, which recognizes diversity of opinion, will need to be balanced with consensus decision-making approaches if GRPI projects are to move policy agendas forward. Substantial effort will need to be given to fostering equal "power" among stakeholder interests, and between stakeholder and government participants in the processes which are used. And there will need to be differentiated roles for government representatives than is the case in "informal" international processes such as Crucible.

While Crucible had the luxury of "selecting" its own participants, on its own terms, efforts at the national level will require full transparency in the selection of participants, and outreach to a broader set of stakeholders involved in and impacted by national decisions on genetic resource use and intellectual property rights. Finally on participation, it will be even more necessary at the national and regional levels to provide sufficient resources for participation of disadvantaged groups and to take affirmative actions to involve indigenous peoples.

5.2 RECOMMENDATIONS ON NATIONAL ACTIVITIES

Scope and Content

1. **Application:** Multi-stakeholder approaches for GRPI will have application: i) to efforts addressing access and benefit sharing (ABS) policy and law, including those related to

intellectual property rights, as well as to other arrangements such as model contracts for ABS, and; ii) to policy development on broader issues of genetic resource conservation.

2. **Objectives and scope:** It will be essential at the outset of each GRPI project to set clear objectives and establish the mandate for the process within a well-defined scope of activity. The stakeholders invited to participate need to be involved in setting objectives and mandate so as to own them – both during their participation in the process and in acting on its results.

3. **Outcomes:** Multi-stakeholder policy processes for GRIP can be designed to provide input to and influence on the development of policy and law. Where no policy agreement is possible, a useful outcome can be a set of process criteria for "decision-making" which address critical questions and provide for the necessary involvement of stakeholders. The Crucible concept of "balancing rights, responsibilities and resources" provides a sound conceptual basis for such process criteria.

Process Design

1. **Balancing national with local needs:** National-level policy needs to be grounded in local reality. For GRPI projects, it may be useful to put in place parallel and converging bottom-up and national-level initiatives, for example community dialogues or local stakeholder processes which mirror the national multi-stakeholder policy process.

2. **Broadening participation:** The design and implementation of multi-stakeholder processes run the risk of being "exclusive" of certain interests or segments of the population, in particular those who may be negatively impacted by the resulting policies. Balanced multi-stakeholder groups such as used by Crucible, will need to be augmented for GRPI projects with other mechanisms to ensure broader stakeholder participation, for example through national or sub-national stakeholder forums which feed into the multi-stakeholder group overseeing the process.

3. **Allowing time for initiatives to mature:** The initial stages of any intended national stakeholder process under GRPI will need sufficient time for potential participants to coalesce around the idea, agree on participation and then shape the project collaboratively– typically 6 months to a year. However, once initiated, clear and relatively tight milestones and a fixed term for the process to run will be needed to keep all participants focused.

4. **Giving voice to indigenous peoples:** The subject area of GRPI demands affirmative action to ensure the active participation of indigenous peoples. This will require: measures to build their confidence in participating, for example by demonstrating they have an equal voice at the table; process adaptations to take account of indigenous cultures which build consensus and take decisions in ways which differ from other segments of society; and, sufficient

financial resources to ensure their participation, from travel support to translation of documents.

5. **Research partnerships:** GRPI projects can usefully design into national multi-stakeholder policy processes the development of national research partnerships, with international collaboration as appropriate. Mechanisms such as commissioning background analyses and issues papers from a range of national and sub-national research groups, and involving their experts directly in the stakeholder process, will aid the development of such partnerships.

6. **Integrating capacity building:** Multi-stakeholder processes can used to build national capacities through appropriate project design. Rather than separating out capacity building, the involvement of stakeholders in the oversight and work bodies of policy processes can be used to build the capacities of their organizations. This can be done, for example, by providing resources to their organizations to undertake their own background analysis, and to build their research staff. Another approach is the hiring of junior research fellows from local institutions and organizations into the "secretariat" supporting the stakeholder process.

5.3 RECOMMENDATIONS ON INTERNATIONAL ACTIVITIES

1. **Building south-south networks:** Government and non-government groups working on genetic resource and IPR issues in developing countries would benefit greatly from opportunities to exchange information and collaborate on issues of common interest in this complex field. Building on networks of individuals established in the Crucible Projects, GRPI can usefully support the establishment of south-south policy research networks by linking researchers in countries where GRPI activities are taking place. This will help build capacities for domestic policy and law-making, and contribute to strengthening international negotiating capacities in participating countries.

2. **Building north-south networks:** Many of the issues around genetic resources and IPR remain contentious at the international level, particularly in the context of on-going international negotiations. Yet at the level of individuals and groups engaged in related policy research, there are common interests which can be usefully linked. GRPI can foster the establishment of networks between southern and northern policy researchers working on such issues as *sui generis* IPR regimes, including for the protection of indigenous knowledge. Such networks could build on the former CBD Expert Panel of Experts on Access and Benefit Sharing, which had balanced representation from different regions of the world.

3. **Bringing an authoritative policy voice to international negotiations:** The Crucible projects developed a reputation for frank, balanced and in-depth policy debate on contentious issue. Building on this, IDRC, together with its partners, has earned an authoritative "seat at the table" in international forums addressing genetic resources and IPR issues.. Analysis and recommendations from Crucible, augmented over time by

GRPI results at the national level, need to be brought to bear on on-going international negotiations, including those on:

- access and benefit sharing in the Convention on Biological Diversity
- intellectual property for genetic resources and traditional knowledge, in the World Intellectual Property Organization
- plant genetic resources for food and agriculture in theFood and Agriculture Organization,
- the relationship between international trade law and biodiversity-related agreements, in the World Trade Organization, including in its negotiations on Trade-Related Aspects of Intellectual Property Rights (TRIPs).

4. **Encouraging new forms of governance:** Multi-stakeholder policy processes inform policy-making by governments and other decision makers, but rarely make policy which is directly adopted by governments. Through its work in Crucible, the GRPI, and a range of other initiatives in such countries as South Africa, which have actively engaged stakeholders to input to government policy processes, IDRC developed a platform for analyzing and promoting new forms of governance which provide for multi-interest policy making. Governance structures in such organizations as IUCN – The World Conservation Union (with a membership comprising states and NGOs), and the ILO (with a membership comprising states and labour interests) provide a useful starting point.

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