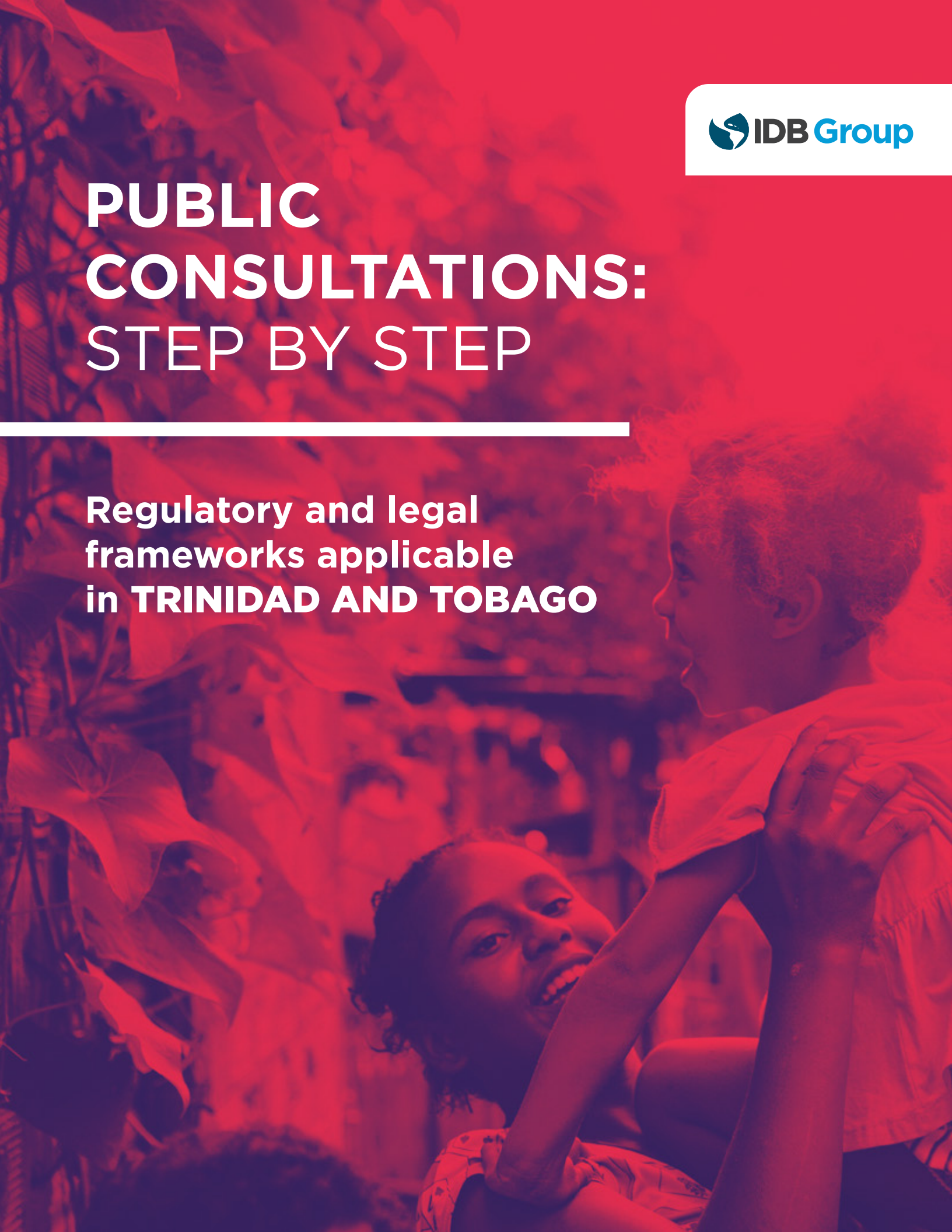

PUBLIC CONSULTATIONS: STEP BY STEP

Regulatory and legal frameworks applicable in **TRINIDAD AND TOBAGO**

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PUBLIC CONSULTATIONS: STEP BY STEP

Regulatory and legal frameworks applicable in **TRINIDAD AND TOBAGO**

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The following is an update to the original publication "Public Consultations with Civil Society: Guidelines for Public and Private Executing Agencies" of the Vice Presidency for Countries of the Inter- American Development Bank (IDB), and is part of the various initiatives promoted under the New IDB Group-Civil Society Engagement Strategy.

In this edition, we would like to thank Jonathan Dromgoole for his valuable contributions to the section on online consultations, and Volker Frank from Smart Regulation Peru for his efforts collecting national sectoral frameworks.

We are also extremely grateful of government representatives, companies, civil society organizations and communities for their interest in the first edition of this publication and for their feedback, which has been enormously helpful in the preparation of this publication. We sincerely hope you will find it practical and easy to use.

Contents:

Team and Acknowledgements ii
What, How and Why 2

THE 4 KEYS TO EFFECTIVE PUBLIC CONSULTATIONS 4

KEY No. 1: KNOW THE CONTEXT 6
KEY No. 2: INFORM, HOLD DIALOGUES, MAP YOUR STAKEHOLDERS: 6
KEY No. 3: PLAN, PLAN, PLAN. 8
KEY No. 4: THE THREE PHASES OF PUBLIC CONSULTATION 11

ONLINE CONSULTATIONS: THE LESSONS OF COVID-19 16

KEYS TO CONCEIVE ONLINE PUBLIC CONSULTATIONS. 19
BASE KEY: PROCEED WITH KEYS No. 1, 2, 3 AND 4! 19
KEY No. 5: FOCUS ON THE AUDIENCE 19
KEY No. 6: USE GRAPHIC RESOURCES. 20
KEY No. 7: COMBINE METHODOLOGICAL ALTERNATIVES FOR THE ONLINE CONSULTATION. 20

REGULATORY AND LEGAL FRAMEWORKS IN TRINIDAD AND TOBAGO 22

Regulatory and Legal Frameworks by Sector 24
Regulatory and Legal Frameworks for Indigenous Populations 27

ANNEXES 31

ANNEX I: Executing agencies and idb-financed projects: references regarding the application of IDB operational policies for public consultations 32
ANNEX II: Executing Agencies and Projects Financed by IDB-Invest: References regarding the application of IDB-Invest Operational Policies for public consultations 33
ANNEX III: Template for the consultation plan to be shared with the audience in conjunction with the call for consultation.. 34

WHAT, HOW AND WHY:

According to some studies[1], the majority of the complaints raised by communities and/or stakeholders regarding a certain project, strategy or policy have to do with the lack or insufficiency of a public consultation. Experience tells us that the darts of criticism not only aim at the consultation per se, but at the process as a whole. In fact, along our reviews of different projects, we have found that many consultations that were perfectly compliant with the applicable legislation and good practice standards were also fraught with the misconception that consultations are a single, one-time event instead of a continuous process.

Often times, the reason for these complaints can be traced to the absence of a preparatory stage held prior to the consultation, a period where relevant information can be elicited from all stakeholders concerned through instances of dialogue that bring actors together and create mutual trust in a more informal context than a public consultation, which, as we shall see, must adhere to strict legal and regulatory mandates. A preparatory stage can also help to better mitigate the associated risks and create opportunities.

Evidence shows that public consultations[2] conducted after an information and dialogue process are indeed more effective[3], since the early provision of relevant information and the identification of stakeholder perceptions and concerns[4] enable a better understanding of the public's stance regarding a certain operation. Preparation also increases the effectiveness of dialogue processes by anticipating conflicts and/or resolving aspects that, despite being peripheral to the main issue, can have a negative impact if unaddressed. Preparatory actions held in advance of a consultation process facilitate the mutual knowledge of all interested parties, therefore promoting relationships of trust between them. Building trust is also key to ensure that the decisions adopted at the end of the consultation will be based on a broader understanding of each other's perspectives.

1 See Graham Watkins, Sven-Uwe Mueller, Hendrik Meller, Maria Cecilia Ramirez, Tomás Serebrisky, Andrea Georgoulias, Lecciones de 4 décadas de conflictos en torno a proyectos de infraestructura en América Latina y el Caribe, Inter-American Development Bank, 2017. See also Análisis de cartera de solicitudes 2010-2017: una revisión estadística: Programa de Reflexiones Institucionales, Victoria Márquez Mees, Esteban Tovar, Eva Heiss, Inter-American Development Bank, 2018.

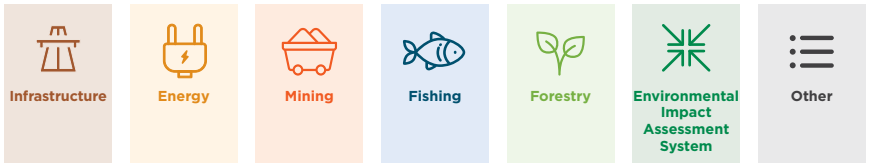
2 For information on good engagement practices of the IDB group, see the following case studies: manejo de fuentes de agua; mercados laborales; adaptación al cambio climático; datos abiertos e infraestructura vial. Also check IDB's CIVICO 2020 available as from the second semester 2020 at WiConnect.

3 For effective planning with communities, civil society and the public, check a ver la IDB-Civil Society Engagement Strategy.

4 For experiences aimed at capturing the public's concerns and perceptions using Artificial Intelligence (AI) visit CiviClytics. Also see the CIVICO publication ut supra.

In 2017, we came to realize the need for a document that would support the organization of effective public consultations in line with universal good practices and applicable legal and regulatory frameworks by sector in the different countries of Latin America and the Caribbean. To advance in this task, we made a compilation of the applicable legislation of Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay and Venezuela[5].

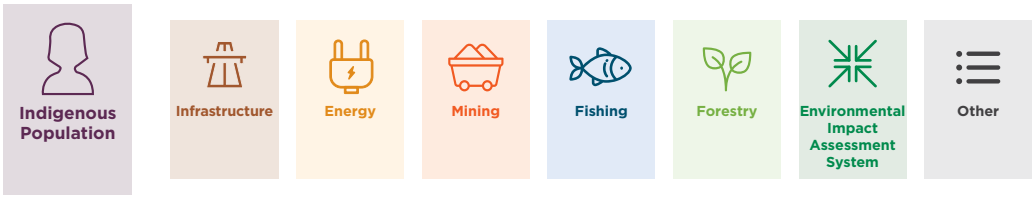
Special focus was placed on the legislation and regulations pertaining to the sectors that are most heavily criticized and therefore affect a larger portion of the population, i.e. the mining, fishing, forestry, infrastructure and energy sectors, as well as the environmental impact assessment system[6]. In an effort to facilitate and contribute to the preparation and holding of a consultation, we include a short description of the main points referred to in the relevant norms. All this information has been organized in Section 3 under the following icons:



Free, prior and informed consultation with indigenous peoples:

A special section has been devoted to the legislation and regulations regarding free, prior and informed consultation in the framework of ILO Convention 169 for indigenous peoples. Specific legislation was thus examined for the mining, fishing, forestry, infrastructure and energy sectors, as well as the environmental impact assessment system[7].

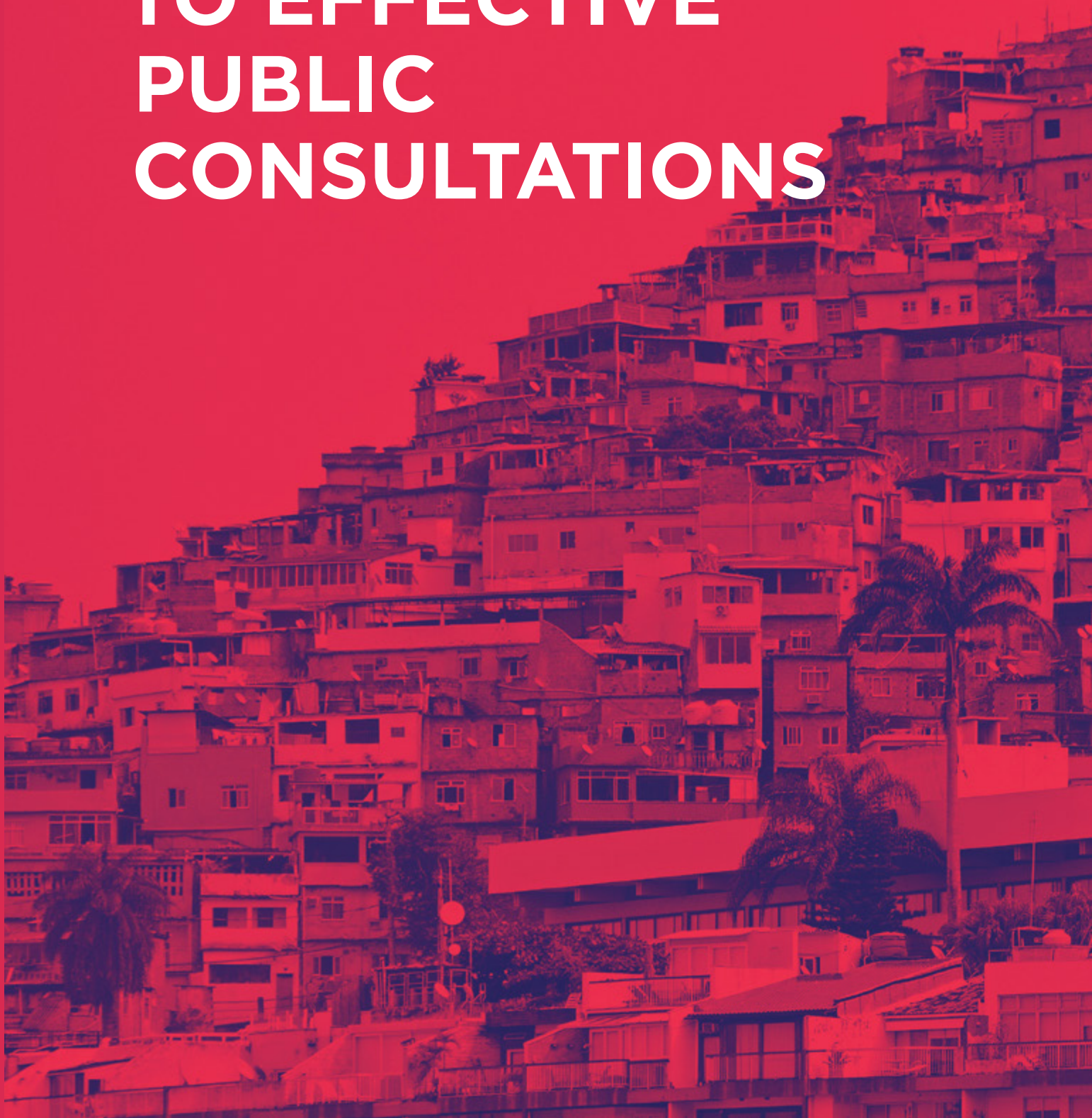
Finally, and in order to help organize good public consultations, we present the applicable regulation with a brief description of the main points referenced, together with special cases that should be considered. All this information has been systematized in Section 3 under the following icons:

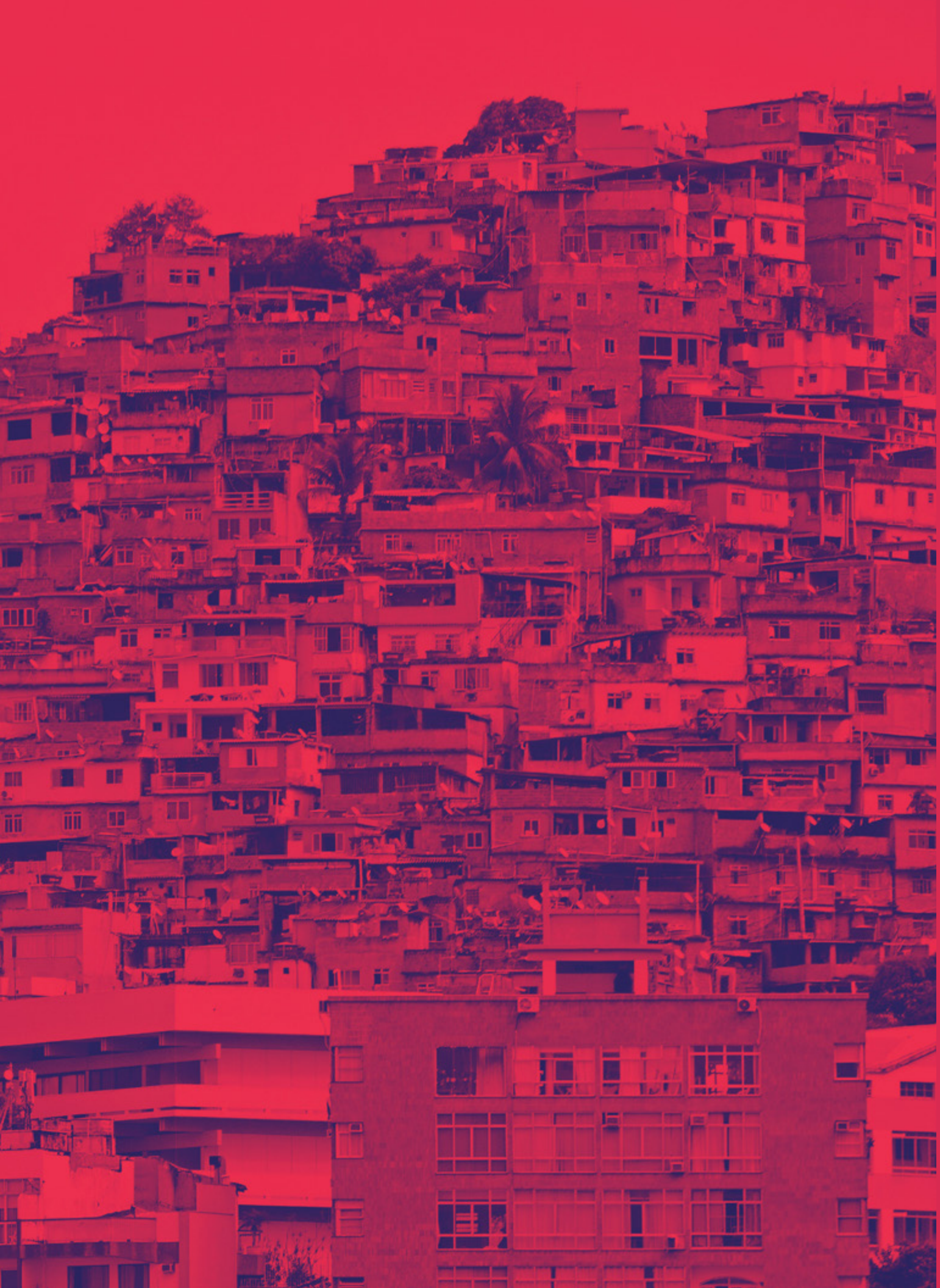


5 All these countries are borrowing member countries of the IDB Group.
6 All data for this publication has been updated as of March 2020 at the national legislation level (not subnational).
7 All data for this publication has been updated as of March 2020 at the national legislation level (not subnational).

CHAPTER 1:

THE 4 KEYS TO EFFECTIVE PUBLIC CONSULTATIONS





THE 4 KEYS TO EFFECTIVE PUBLIC CONSULTATIONS

KEY No. 1: KNOW THE CONTEXT

Faced with the region's generally volatile economic contexts, much aggravated by the COVID-19 health emergency, citizens are less likely to prefer future benefits (like large-scale infrastructure projects) to programs that bring positive results in a shorter time span. Such an approach is also valid for vulnerable populations or groups without significant economic resources, whose main concerns tend to revolve around their present and immediate needs and not around a distant medium or long-term vision[8].

In the same vein, public consultations do not operate out of context, but under specific political, social and economic circumstances that must be taken into account and where transparency plays a pivotal role. In order to better understand the local context, we use and provide artificial intelligence (AI) tools to access information sources in real time, such as CiviClytiCs, and identify groups of interest using geo-referenced live and public maps like WiConnect and other sources such as previous surveys[9].

KEY No. 2: INFORM, HOLD DIALOGUES, MAP YOUR STAKEHOLDERS:

The case studies mentioned in the introduction[10] reaffirm the importance of preparatory due diligence actions as a passport to effective public consultations. We can distinguish three specific processes that must take place prior to a public consultation:

Provide and obtain information:

Provide information: Communicating the objectives and results expected from the projects, policies and/or strategies under consultation clearly and periodically is a widely recognized good practice. More often than not, mistrust between communities, institutions and/or executing agencies is mutual. Sometimes, the communities affected suspect the quality of the information provided to them and other times the executing agencies underestimate the capacity of these communities to give valuable inputs. It is therefore crucial to provide the communities concerned with the information they need to know without falling into vague descriptions or overly technical/specific concepts.

8 See Alejandro Izquierdo, Carola Pessino and Guillermo Vuletin (editors), Mejor gasto para mejores vidas. Cómo América Latina y el Caribe puede hacer más con menos, Inter-American Development Bank, 2018.

9 According to AmericasBarometer, the level of trust in public institutions in 2019 was one of the lowest since 2004. On average, trust in the Government was 22%, in the Legislature 21%, in the Judiciary 24%, and in political parties 13%. For its part, the Latinobarómetro report for 2018 indicated that trust in the central institutions of democracy was one of the lowest since 1996, with a drop in trust in the private sector too. On average, 38% of the Latin American and Caribbean population trust national companies and 34% trust foreign companies.
In this respect, see Zechmeister, Elizabeth J., and Noam Lupu (editors) Pulse of Democracy. Nashville, TN: LAPOP, 2019 and visit Latinobarómetro here.

10 For information on good engagement practices of the IDB group, see the following case studies: water source management; labor markets; climate change adaptation; open data and road infrastructure. Also see Graham Watkins, et al. Ut supra.

Collect information: Evidence shows[11] that eliciting feedback from the stakeholders concerned and understanding their stance (and perceptions) about a certain issue increases the chances of explaining and clarifying doubts (instead of limiting our discourse to what we initially had in mind), thus enabling the construction of a shared agenda.

We have seen that those groups whose needs are genuinely valued and considered tend to change their perceptions and are more willing to enter into a relationship of trust with the other party, a critical and intangible value for the sustainability of any operation. Feedback can be collected by means of surveys during onsite visits or artificial intelligence (AI) tools during large-scale interventions. AI enables the analysis and processing of millions of data shared online for a better systematization of the public's perceptions, concerns and/or needs[12], which will ultimately have a major impact on the result of the consultation. In line with the above, the IDB Group has launched Civiclytics[13], an online platform which, among other functionalities, allows obtaining aggregated, structured and real-time information about the perceptions and concerns citizens post and share through the Internet.

Hold dialogues (not to be confused with consultations):

Once relevant information about the operation/policy/strategy is shared with the communities affected and feedback on perceptions and concerns is collected via field studies, surveys or AI tools, the next step is to organize thematic dialogue tables in preparation for an effective public consultation.

to smooth out any potential rough edges and improve communication between the parties, since they are not governed by strict legal or regulatory frameworks. Still, it must be remembered that dialogues are informal instances so it is also necessary to prepare a formal agenda with the topics set for discussion. Unlike public consultations, dialogues do not have as their main purpose to produce a concrete or actionable outcome or result, regardless of how desirable this may be. Their goal is to enable spaces for open, frank exchanges to present the different positions about the relevant topics. The fact that dialogues are voluntary contributes to building relationships of trust.

Map your stakeholders:

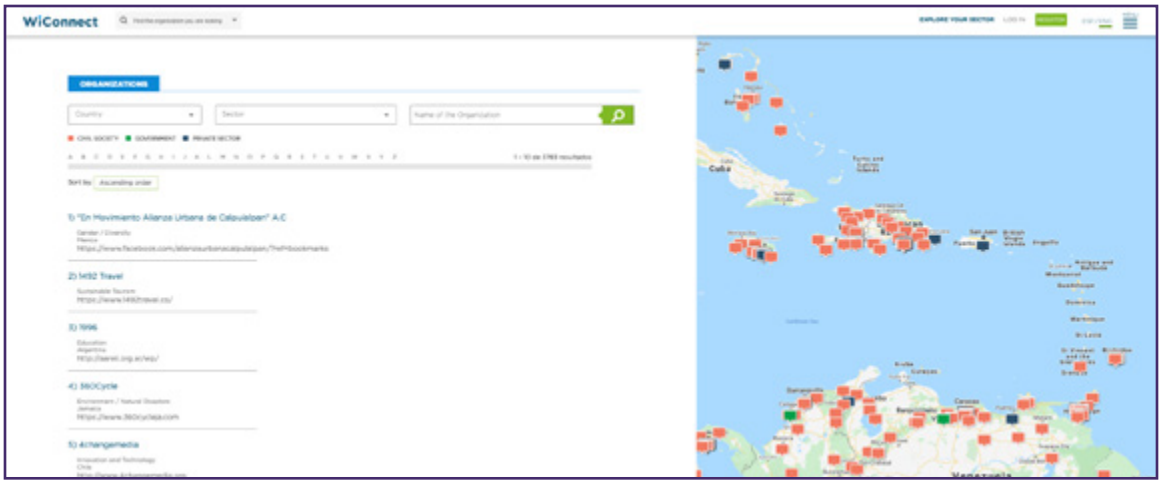
During both preparatory moments, stakeholder mapping is a dynamic process, as the initial information is continually updated with new inputs received during the stages of information and dialogue. In an effort to have a live, georeferenced map by country, the IDG Group has launched its WiConnect[14] platform, which is regularly updated by its thousands of members. The platform helps to understand who is doing what, where and how in the region by providing access to the profiles of organizations and relevant group representatives.

11 A recent study determined that 68% of the infrastructure projects associated to social and/or environmental conflict had not been transparent in the way information was provided and decisions were made. The same study revealed that many of the communities interviewed were not initially hostile to the project, but changed their position after realizing they were not considered in the decision-making stage or information about the project was simply not shared with them. In this respect, see Graham Watkins, et al. Ut supra.
A more recent study established that in 47% of the claims received by the IDB's Independent Consultation and Investigation Mechanism (MICI) the claimants reported the information on the project was insufficient or untimely or that they simply did not have access to it. In this respect, see MICI et al. Ut supra.

12 For experiences aimed at capturing the public's concerns and perceptions using Artificial Intelligence (AI) visit CiviClytics. Also check the CIVICO publication ut supra.

13 See https://covid19-civiclytics.citibeats.com/#/

14 See https://wiconnect.iadb.org/en/



KEY No. 3: PLAN, PLAN, PLAN[15]

As stated above, public consultations are an integral part of planning for effective citizen/community participation, and therefore should be addressed with a systemic approach. Public consultations may be held when (a) a regulatory framework is in place for different sectors (energy, fishing, extractive industries, etc.); (b) a regulatory and legal framework concerning indigenous peoples mandates so; (c) a donor operational policy establishes mandatory compliance in order to move forward with an operation, strategy or policy.

Once the mapping, information and dialogue actions have been planned and conducted, the public consultation is held following a consultation plan shared with participants. Unlike information and dialogue actions that are (or should be) ongoing, public consultations are carried out at specific moments specified in the legislation or applicable operating policy, with objectives such as:

- Share the points/questions subject to consultation in order to elicit inputs on which decisions will be made.
- Obtain new inputs previously not considered during the information and dialogue preparatory stages.
- Validate and verify the data obtained during the preparation stage, as well as new data.
- Identify potential risks and opportunities that contribute to the sustainability of the issue consulted and were previously unknown.

BOX 1: POINTS AND PRINCIPLES OF MEANINGFUL PUBLIC CONSULTATIONS[16]

- Preparation: Conduct previous mapping and information actions (both to give and obtain information) as well as dialogues with stakeholders in an ongoing and recurrent manner along the entire project cycle, starting as early as possible.
- Representativeness/equality: Ensure different stakeholder groups are represented and participate. To do that: a. determine which actors potentially affected and benefited by the project should be part of the public consultation, including minorities and vulnerable groups; b. disaggregate data by gender; c. ensure consultation methodologies have been considered to guarantee a voice for vulnerable groups (seniors, LGBTIQ community, minorities, Afro-descendant and/or indigenous peoples, etc.).
- Fair timing: Hold the consultation before making any final decisions, when people still have the power to influence them with their inputs and participation.

15 See Flavia Milano and Andrea Sanhueza, Public Consultations with Civil Society: Guidelines for Public and Private Executing Agencies, Inter-American Development Bank, 2016.
16 See Flavia Milano and Andrea Sanhueza, ut supra.

- Resources: Assign human and financial resources (the former especially in the case of cultural mediators engaged in consultations with indigenous peoples).
- Transparency: Share the different stages and scheduling of each step, including the nature, scope and timeliness of stakeholders to influence the decisions regarding the issue being consulted.
- Accessibility: Ensure accessibility: (a) physical (transportation[17] for cases of rural areas or vulnerable groups, special transportation for people with disabilities); (b) jargon (technical or non-technical); and (c) language (in case of indigenous languages without a written tradition).
- Legitimacy: To ensure the legitimacy of the process, provide access to the inputs received and the list of participants, even to people alien to the process, unless the regulation prohibits so. Only the author of each specific input is kept confidential to guarantee the freedom and continuity of comments.
- Documentation: Keep meeting minutes to record and document each step of the consultation process. Given their legal nature, public consultations must be systematically documented in minutes agreed for public dissemination by all participants. The method chosen to document the process – audio, video, written minutes, etc. – must also be determined.

COSTS DUE TO SOCIAL CONFLICT AFFECTING LARGE-SCALE INFRASTRUCTURE AND EXTRACTIVE OPERATIONS

Data on infrastructure investments suggests that this type of investment contributes to higher levels of per capita income in many countries of the region[18]. Within this category of large-scale operations, the extractive sector[19] constitutes 4% of the region's GDP, similar to the income from agriculture.

In this scenario, the role of public consultations is critical. In fact, all large-scale infrastructure or extractive projects entail the deployment of heavy machinery across large plots of land, and with it a process of competition with local inhabitants for the use of local resources like water or energy for extended periods of time (often several years). This type of project usually causes a major impact on the environment and territorial social arrangements. Assuming that these operations will be free of conflict can seriously undermine the overall success of the project.

continued

17 Ensuring local transportation is critical in the case of consultations held in remote areas and for people without the resources to travel to the consultation venue. See Flavia Milano and Andrea Sanhueza, ut supra.

18 In Argentina, Bolivia, Chile, Costa Rica, Jamaica and Peru, the lack of investment in infrastructure, as well as delays and standstills in infrastructure investments, have a 1% impact on the country's GDP during the first year. This cost may even reach 15% of lost growth if the lack of investment persists for a period of 10 years. In this respect, see Eduardo Cavallo and Andrew Powell (coordinators), Construir oportunidades para crecer en un mundo desafiante, Inter-American Development Bank, 2019.

19 See Flavia Milano, Extractive Sector and Civil Society: When the Work of Communities, Governments and Industries Leads to Development, Inter-American Development Bank, 2018.

Case studies have shown that operations in the order of 5 billion dollars lose as much as 20 million dollars per week due to social conflicts[20]. Also, conducting consultations without adequate planning (including preparatory mapping, information and dialogue actions) is a chancy business, as it may increase the risks of an operation.

A study by the IDB[21] on the nature and consequences of conflict in infrastructure projects[22] identifies the origin of conflicts as a multidimensional phenomenon that is more dynamic than traditionally thought. 81% of the projects reviewed experienced delays, with cost overruns in 58% of the cases examined[23]. Similarly, researchers verified that 46% of the conflicts arise during the feasibility, planning and design phase, while 44% arise during the construction phase[24]. This confirms the strategic importance of planning the mapping, information and dialogue actions from the very onset in order to clear the way for effective public consultations.

Investing time and resources early on in order to identify local opportunities for supporting the sustainability of the operation or to anticipate potential conflicts is part of the risk mitigation strategy. A study conducted by the IDB[25] showed that in 69% of the projects affected by some sort of conflict the developer had held the public consultation after the conflict had already broken out and delays and cost overruns had been incurred[26].

It is important to consider that the advent and lower cost of new transaction technologies have given the public a new role as actors of change, and the communities adjacent to a certain project are no exception. In the past, consulting the population concerned was seen more as a formal procedure than a substantive one, so many public consultations were held with no other purpose than to satisfy the requirement. While meeting this obligation helps to move on with the project, the drastic change in the public's role and their hyper-connectivity dramatically increase the risks of ignoring their voice..

20 See Daniel M. Franks, Rachael Davis, Anthony J. Bebbington, Saleem H. Ali, Deanna Kemp and Martin Scurrah, ¨Conflict translates environmental and social risk into business costs¨, vol. 111, number 21, Proceedings of the National Academy of Sciences of the United States of America (PNAS), 2014.

21 See Graham Watkins, et al. Ut supra.

22 The study includes an analysis of 200 infrastructure projects affected by conflicts in the natural resource extraction, energy, waste, water, transportation and urban infrastructure sectors. The cases were taken from experiences in 20 countries of Latin America and the Caribbean.

23 The delays recorded in the literature consulted were 5 years on average. Also, it was determined that the cost incurred by those projects for which information was publicly available (not in all the cases) overran the original budget by 69.2%, equivalent to US$ 1.170 billion.

24 The data presented is consistent with a survey applied to actors involved in infrastructure projects, who reported that 32% of conflicts begin during the planning stage and reach their peak during the construction stage (49% of the cases).

25 See Graham Watkins, et al. Ut supra.

26 The factors that can precipitate hostilities include the failure to reply to concerns expressed by the community; technical personnel dismissing community concerns as "unscientific" or "lacking evidence"; the presence of militant organizations that paint the situation as "either black or white"; and the government's failure to mediate impartially between opposing stances and perspectives.

KEY No. 4: THE THREE PHASES OF PUBLIC CONSULTATION

1 PHASE PREPARATION

Actions required for preparing a public consultation	Due Diligence
Review the applicable legal framework	Ensure compliance with applicable regulatory frameworks (see Section 3), as well as environmental or other operational safeguard policies (applicable to operations funded by donors or financing entities like the IDB Group[27]).
Elicit perceptions and concerns	See Key No. 1 and Key No. 2 above.
Inform about the main concerns	
Organize thematic dialogue tables to delve further into the concerns identified	
Map the actors concerned	
Confirm the integration of principles applicable to public consultations	See Box 1: Points and Principles of Meaningful Public Consultations.
Prepare the consultation plan	See Annex III Consultation Plan Model For online consultations, see Section 2.
Decide on the strategy for publicizing the public consultation	Determine the frequency and means utilized during each phase of the consultation (invitation, results, monitoring).

27 In the case of operations financed by the IDB and/or IDB Lab, the following operational policies will apply: access to information (OP-102); environment and safeguards compliance (OP-703); natural disaster risk management (OP-704); public utilities (OP-708); involuntary resettlement (OP-710); gender equality in development (OP-761); and indigenous peoples (OP-765).
In the case of operations financed by IDB Invest, the following policies will apply: disclosure of information and environmental and social sustainability.
At the time of preparing the present publication, the IDB is in the process of modernizing its environmental and social policies. In consequence, we strongly suggest reviewing any updates made during the process.

2 PHASE INVITATION AND IMPLEMENTATION[28]

Actions required for inviting to and implementing a public consultation	Due Diligence
Invite interested parties to participate in the public consultation at least 15 days in advance.	Once the mapping, information and dialogue phases have been completed, invite the stakeholders concerned at least 15 days in advance. Consider that the applicable legislation may require the consultation to be applied to pre-established groups (See Section 3 for the applicable legislation for each sector). For further details about experiences with indigenous peoples, see Box 2 "Consultation to Indigenous Peoples".
Determine the format of the public consultation (in person and/or online)	Under normal circumstances, in-person consultations appear to be more effective, as they tend to observe local customs. If this is the case, when deciding whether the consultation will be in person or online, consider both geographical accessibility (easy access to the consultation venue) and/or online accessibility (ease of use and frequency of Internet access). Before the COVID-19 epidemic, online consultations were targeted at specific groups, mainly to obtain inputs on topics easily addressed online. After the COVID-19 crisis, consultations must consider alternative options. For more details, see Section 2.
Disseminate the Public Consultation Plan + the document under consultation + Conduct the Public Consultation	Call for and conduct the Public Consultation after disseminating the Consultation Plan, which includes the document under consultation. See Annex III Consultation Plan Model

BOX 2: CONSULTATIONS TO INDIGENOUS PEOPLES

Context: With a population of over 45 million individuals, indigenous peoples are one of the most neglected groups in the region[29]. The loss of identity and culture, coupled with a bigger exposure to disease[30], are still major challenges for these peoples. Recognizing the state of vulnerability indigenous peoples have to face underscores the importance of prioritizing their fundamental rights according to the United Nations Declaration on the Rights of Indigenous Peoples[31].

Process: The success of a consultation with indigenous peoples will largely depend on its compliance with the obligation of observing the right to Free, Previous and Informed Consent (FPIC)[32] and the existence of a preparatory phase (See Key No. 1 and Key No. 2). Observing FPIC protocols ensures indigenous people will participate voluntarily in the consultation process and that community members will have the freedom to consult with each other[33] before making a decision. Involving indigenous peoples during the preparatory

28 For a Public Consultation Model, see Annex IV.
29 See IDB Environmental and Social Policy Framework 2019
30 See IDB Environmental and Social Policy Framework 2019
31 See the United Nations Declaration on the Rights of Indigenous Peoples 2006
32 See IDB Environmental and Social Policy Framework 2019
33 See IDB Environmental and Social Policy Framework 2019

stage not only boosts participation. It also helps to develop a sense of inclusion[34] and ownership. Consultation organizers are just as important as the people who participate in it and therefore must have the capacity to negotiate and decide[35].

Participant diversity may be hampered if the jargon or the language of the materials under consultation are not appropriate (See Box 1, paragraph 6 "Accessibility"). So, despite the fact that consultations may resort to technologies enabling the translation of an official language, some indigenous communities with a purely oral tradition may still lack access to them. In this context, recruiting culturally experienced translators, including members of the community, is a helpful resource to avoid leaving sub-groups and individuals[36]out. Also, it is important to identify locally appropriate ways to include women and youth[37].

3 PHASE FEEDBACK AND CLOSURE

Actions during the provision of feedback and Public Consultation closure	Due Diligence
Documentation of the phases, assistants and systematization of inputs	Prepare minutes with a list of the inputs received at the end of each phase to ensure transparency (See Box 1, paragraph 9 "Documentation"). Keep a record of participants[38] (See Box 1, paragraph 8 "Legitimacy"). Systematize inputs and identify those that were incorporated and those that were dismissed.
Feedback on inputs and closure	During the input feedback phase, distinguish between the contributions that were incorporated and those that were dismissed. Once feedback is provided (generally via email), the consultation process closes and the operation, strategy and policy are circulated among stakeholders.[39]

34 See Operational Policy on Indigenous Peoples and Strategy for Indigenous Development 2006
35 See Indigenous Corporate Training Inc Meaningful Consultations with Indigenous Peoples, 2018.
36 See Harvard Journal of Law and Technology Volume 25 # 1 Fall 2012. III. Lets Not Make it Worse: Issues to Consider in Adopting New Technologies (Bonnie Rose Hughes).
37 See World Bank Indigenous Latin America in the 21st Century, 2015.
38 "Consultations with stakeholders must be systematically documented, retaining the evidence and the contributions leading to the decisions made during each phase of the consultation. This is especially true for situations of potential difficulties or opposition to a certain project where stakeholders claim they were not consulted appropriately." See Flavia Milano and Andrea Sanhueza, ut supra. Also see Kvam, Reidar, ut supra, specifically Section 9 on "Documentation and public disclosure".
39 See Flavia Milano and Andrea Sanhueza, ut supra. Also see Kvam, Reidar, ut supra, especially Section 9 on "Documentation and public disclosure" and Section 7 on "Feedback to stakeholders and transparency in decision-making".

BOX 3: BEWARE THE CONSULTATION FATIGUE SYNDROME

Consultation fatigue occurs mainly when the objective of the public consultation becomes blurred, transforming it into a collection of dialogues. Below are four problems, with their corresponding solutions to avoid the fatigue syndrome:

- Too many unplanned consultations: Whether because there are too many or too few, the number of public consultations affects the final result. The number of consultations must adhere to the applicable legal and regulatory framework. To avoid excess, preparing the process with information and dialogue is key (See Key No. 2 above).
- Lack of clarity and poor dissemination of the Consultation Plan: Failure to inform the phases and the next expected steps may lead to unrealistic expectations and conflicts. This may be avoided by conducting information and dialogue actions and by disseminating the Consultation Plan on a timely basis (See Key No. 4, especially phases 1 and 2).
- Blurred consultation objective: Consultations are sometimes used as mere information or dialogue platforms, without addressing the main goal of collecting inputs for decision-making. To avoid this, the preparation, implementation and closure phases must be clearly separated (See Key No. 3 and Annex III).
- Lack of feedback to the inputs contributed by the public: Receiving inputs without providing feedback about the use or the impact of those inputs usually fuels a feeling of being disrespected and distrusted among participants. To avoid this, follow the steps in Phase 3 of the consultation process (See Key No. 4 and Annex III).

BOX 4: GRIEVANCE REDRESS MECHANISM

It is a good practice to establish a grievance redress mechanism on site for large-scale infrastructure operations, especially in rural areas or zones inhabited by indigenous communities. This fact was also recognized by the IDB's Environmental and Social Policy Framework (EDPF). The mechanism was established to give communities the opportunity to express their concerns and suggestions in an anonymous and protected way during project implementation. This due diligence practice is a good way to anticipate problems that may lead to potential conflicts[40].

40 See Flavia Milano and Andrea Sanhueza, ut supra. Also see Kvam, Reidar, particularly Annex II on "Grievance Redress Mechanisms at Project Level".

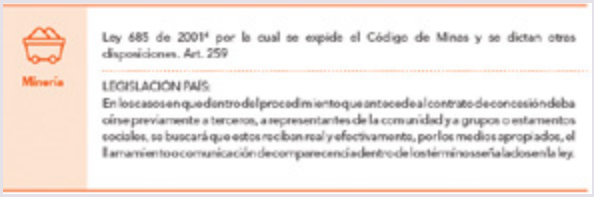
BOX 5: SUMMARY OF THE STEPS TO FOLLOW

1. Begin the consultation process

See "The 4 keys to Effective Public Consultations" in Section 1 and the Consultation Plan Model in Annex III.

2. Include applicable regulatory and legal frameworks by country and sector.

Section 3 "National Regulations on Public Consultations".



3. Include the principles of good practice and specific cases.

See Box 1: "Points and Principles of Meaningful Public Consultations"

4. Incorporate specific regulations regarding indigenous peoples.

See Section 3 "National Regulations on Public Consultations".

5. Apply IDB and IDB Invest applicable operational policies.

In case of discrepancies with the national regulations, the most stringent regulation shall prevail. See Annexes I and II for operations related to IDB and IDB Invest, and Annex III for operations with other Multilateral Development Banks.

IDB ▶ IDB | Invest

CHAPTER 2:

ONLINE CONSULTATIONS: THE LESSONS OF COVID-19

ONLINE CONSULTATIONS: THE LESSONS OF COVID-19

The COVID-19 health emergency has signified new challenges to the realization of public consultations on operations, policies and strategies with representatives of indigenous peoples and communities in rural and/or low-connectivity areas. The challenge has also created an opportunity to delve more deeply into a system of online consultations already in use with specific audiences, although just as a temporary resource. The pandemic, however, has paved the way for its full integration into the public consultation process.

The actual effects and scope of new technologies applied to effective public consultations are still unknown. On the one hand, we believe nothing will replace in-person public consultations, but on the other we are convinced that eliciting meaningful inputs from the public is crucial to advance in development issues. Faced with an emergency or disaster scenario, all resources available must be activated so that nobody is left behind. This includes studying and promoting online consultations using the best technological platforms.

BOX 1: THE CHALLENGES OF ONLINE CONSULTATIONS

The challenge of distance: Although the challenge of physical distance may be mitigated by resorting to technological tools like videoconferences and the like, digital literacy and Internet Access still constitute a major barrier[41]. These challenges are not exclusive to indigenous and rural communities, but disregarding their negative impacts will only help to magnify them. For this reason, in these contexts the recommendation is to collect inputs using a combination of digital tools, including telephone calls, text messaging, and traditional mail.

The challenge of digital access: In most countries of the region, more than 50% of the population has access to a mobile phone, except Haiti, where access is only 43%[42]. But even if access is not an issue, the quality of the connection is not always reliable. Therefore, those consultations that rely purely on the use of the Internet run the high risk of leaving a sizeable portion of the population out[43]. With this in mind, it is important to ensure the online consultation plan includes asynchronous communication modes that are not exclusively dependent on an Internet connection, such as telephone calls or text messaging.

41 See Harvard Journal of Law and Technology Volume 25 # 1 Fall 2012. III. Lets Not Make it Worse: Issues to Consider in Adopting New Technologies (Bonnie Rose Hughes).
42 See Fabricio D'almeida; Diego Margo La Evolucion de las telecomunicaciones movil 2018
43 See ITU The State of Broadband 2017: Broadband Catalyzing Sustainable Development 2017.

The challenge of digital gaps: Technology gaps in marginalized or vulnerable communities cause a direct impact on the diversity of the groups represented in online consultations. While the use of smartphones is effectively increasing in all demographic segments, it is more frequent among younger individuals[44], though not always in the same proportion. In Brazil, for instance, the number of youth using a smartphone grew by 24%, while the number of adult users over 50 years only grew by 16%[45]. For its part, in Mexico the number of youth and seniors over 50 who use a smartphone grew by 12 and 20% respectively[46]. Age is therefore a more important differentiating attribute than gender with respect to smartphone access and use[47]. For this reason, the recommendation is to design online consultations that also include traditional participation mechanisms, such as landline calls.

KEYS TO CONCEIVE ONLINE PUBLIC CONSULTATIONS

BASE KEY: PROCEED WITH KEYS No. 1, 2, 3 AND 4!

Online consultations require the same actions presented in Section I for in-person consultations, i.e. understanding the reasons for the consultation[48], preparation[49] (information, dialogue, mapping)[50], implementation and closure[51].

KEY No. 5: FOCUS ON THE AUDIENCE

In order to successfully carry out an online consultation, it is important to consider the following four factors about the audience:

- **Availability:** For whom the technology is (not) available? How can we make it available?
- **Accessibility:** For whom the technology is (not) affordable? How can we offset those expenses?
- **Knowledge:** Who is (not) familiar with the technology considered? How can we make tutorials to facilitate understanding?
- **Ability and Influence:** Who has (no) digital knowledge to use the technology effectively and "make their voice heard"? Which simple mechanisms can be made available to make stakeholder voice heard and/or provide basic digital training?

The design of in-person and online public consultations will vary depending on the audience. Ensuring the accessibility, representativeness and equality of online consultations from the very beginning is also possible[52]. Today, technology allows including people with disabilities (blindness, visual and hearing impairment, deafness, dumbness) by providing increased details about the functionalities offered by the software and/or platform used.

During the preparation phase, it is particularly important to consider that most indigenous peoples have a purely oral tradition and that there may be major access restrictions in areas of low connectivity. For this reason, it is advisable to provide and elicit information via telephone calls. During this stage, one important challenge is to implement toll free numbers for participants and to document the inputs received orally.

One of the lessons we have learned is to spread the same online consultation in real time over different days[53]. The reason for this is to respect the participants' personal time constraints and external obligations and to prevent potential connection issues due to the lack of technological infrastructure.

44 See Pew Research. Smartphone Ownership is Growing Rapidly Around the World Not Always Equally. 2019
45 See Pew Research. Smartphone Ownership is Growing Rapidly Around the World Not Always Equally. 2019
46 See Pew Research. Smartphone Ownership is Growing Rapidly Around the World Not Always Equally. 2019
47 See Pew Research. Smartphone Ownership is Growing Rapidly Around the World Not Always Equally. 2019
48 See Key No.1 in Section I of this publication.
49 See Key No.3 in Section I of this publication.
50 See Key No.2 in Section I of this publication.
51 See Key No.4 in Section I of this publication.
52 See Box 1: Principles of Effective Public Consultations, in Section I above.
53 See Flavia Milano and Andrea Sanhueza, ut supra. Public Consultations with Civil Society: Guidelines for Public and Private Executing Agencies, Inter-American Development Bank, 2016.

The most effective manner we could find was to allocate the first 30 to 60 minutes of the consultation to present the matter of discussion and to answer technical questions before participants can exchange their points of view in real time. The remaining 60/90 minutes were devoted to the classroom or chat group (sessions had a total duration of two hours).

Also, spreading the online consultation in real time over multiple days proved to be a good decision because it gave indigenous representatives the opportunity to return to their communities and consult with them. This is a point that we will continue studying with a sight on future consultations.

KEY No. 6: USE GRAPHIC RESOURCES

Another challenge we had to face was to convert as much information as possible into graphs. To do this, we focused on using graphic resources like images, diagrams, charts and even explanatory videos.

KEY No. 7: COMBINE METHODOLOGICAL ALTERNATIVES FOR THE ONLINE CONSULTATION

The inability to predict the COVID-19 health crisis and its magnitude made it impossible for us to fully test the effectiveness and real scope of the methodologies we developed during this emergency. Therefore, it is important to remember that they are still in an incipient phase of development and under permanent study and follow-up. However, in a trial-and-error effort, we propose three possible alternatives to in-person consultations for use when in-person consultations are not an option, or, as stated above, as a lesson learned to continuously improve future public consultation processes:

1. Online public consultations (in real time): During our tests of different methodologies, we invited people to participate online and in real time in our virtual classrooms using an experimental tool developed by the IDB and other popular platforms like Teams or Zoom. During this preparatory stage, we designed a simple training program conceived as a basic introduction to the use of technological tools. Also as preparation, we exchanged prior information (emails with the document set for consultation and related questions), designed surveys to identify participant stances, considered the use of AI in those areas where we were already collecting citizen perceptions and concerns regarding the issue at hand. For the consultation itself, we considered virtual classrooms/video calls with groups of 30 to 50 participants lasting 2 hours each to obtain their inputs.

   As mentioned before, and given the unforeseeable magnitude of the global health emergency, we acted as soon as we could to respond to every new challenge as it arose. We also considered extending the consultation period by dividing it into two rounds or two hours each, separated by one week to prevent the exhaustion produced by online meetings.

2. Online public consultations (in non-real time): As a Bank, we had already tested different experiences, creating ad hoc virtual platforms. Faced with the COVID-19 scenario, we maintained the same approach and held online public consultations in real time. We made an invitation to a large number of participants to join these ad hoc virtual platforms where the audience could provide inputs regarding the strategy/policy document by answering the same questions asked during online public consultations in real time.

   The advantage of consultations in non-real time is that the audience had the flexibility to respond at their convenience[54]. **Online consultations in non-real time are a non-exclusive complement to public consultations in real time (or in-person public consultations prior to the COVID-19 pandemic),** since they allow a larger number of stakeholders to contribute their inputs and influence the decision-making process.

3. Exploring public consultations via telephone (in real time): The oral tradition of most indigenous peoples and the restrictions to technology access in low-connectivity areas led us to explore the effectiveness of telephone consultations. Following all the steps mentioned in this publication, a Consultation Plan was designed that could be shared with local

54 The recommendation is to hold online consultations in non-real time over a minimum of two weeks. See Flavia Milano and Andrea Sanhueza. Public Consultations with Civil Society: Guidelines for Public and Private Executing Agencies, Inter-American Development Bank, 2016.

authorities representing the communities involved. As part of the preparation for the consultation (information and dialogue, see Key No. 1 in Section I) text messages were sent in order to receive simplified answers.

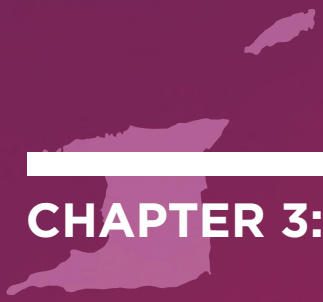
However, we realized that conducting public consultations over the phone has a number of limitations. They may be appropriate during the preparation of the process to provide guidance around the topics that will be addressed during the consultation, but text messages are simply not viable in a consultation that seeks to obtain higher levels of recommendations to decide on a certain course of action.

Some of the difficulties we encountered were the inability to implement toll free numbers without associated costs for the participant or requiring an Internet connection, and the difficulty to document the inputs received verbally.

Holding online public consultations in real time and online public consultations in non-real time has been the most effective way to obtain meaningful inputs, the impacts of which are still under study. Finally, we believe telephone exchanges cannot be considered public consultations (since they do not secure the principles of representativeness, equality, transparency and legitimacy)[55] although they may be very useful during the consultation preparation phase.

Format	Benefits	Limitations
Online Public Consultations (in real time)	1. Direct exchange between stakeholders with knowledge of the main topic to receive high-quality inputs/recommendations. 2. Lower cost than in-person consultations.	1. Little knowledge and/or access to digital platforms, especially in certain urban areas, rural, indigenous or low-connectivity areas. 2. Participation is hampered by the quality of connectivity. This is particularly true for consultations that utilize streaming. 3. More days required to prepare and conduct the consultation.
Online Public Consultations (in non-real time)	1. Greater diversity and inclusion of stakeholders (geographical reach, special needs). 2. Schedules may be adapted for increased participation.	1. Inputs not always relevant for the issue consulted. 2. Little knowledge and/or access to online platforms. 3. Participation is hampered by the quality of connectivity.
Telephone Exchanges	1. Immediate, far-reaching and simple communication to prepare the consultation. 2. Greater direct inclusion of stakeholders (geographical reach, special needs), unlimited number of participants.	1. Specific software required to document the inputs received, including specific budget. 2. Limits imposed by the service plan regarding the minutes available for calls and messaging. 3. Limited scope, not broad enough to be considered a public consultation.

55 See Box 1 in Section I above: "Points and Principles of Meaningful Public Consultations".



CHAPTER 3:

REGULATORY AND LEGAL FRAMEWORKS IN TRINIDAD AND TOBAGO

Model for public consultations with civil society[1] in the framework of the national legislation of **Trinidad and Tobago,** the IDB Group's operational policies, guiding principles and good international practices

This public consultation model identifies the requirements for consultations conducted in adherence to the legislation of Trinidad and Tobago, as well as the principles for good practices currently applicable to these matters. All Executing Agencies must abide by these requirements when undertaking a project in Trinidad and Tobago.

In addition, if this is a joint operation with the IDB Group and legal gaps are identified regarding one or more principles of good practice, the relevant Operating Policy (OP) provisions should be applied. See Annex I and II.

The Authority may hold a public hearing if it determines there is sufficient public interest in discussing the proposed action. The level of public interest may be determined by the number of verbal comments received from members of the public.

LEGAL FRAMEWORK FOR PUBLIC CONSULTATIONS IN TRINIDAD AND TOBAGO[2]: Laws and regulations regarding participation and/or consultation on environmental matters

Environmental Impact Assessment System

Environmental Management Act of 2000[3] (updated to 2014). Articles: 27; 28; 29; 35.5; 36; 69.2.

Certificate of Environmental Clearance Rules.[4] Articles: 5.2; 3; 9.

Environmentally Sensitive Areas Rules of 2001.[5] Art. 5.4.

COUNTRY LEGISLATION:

Step 1 ▶ The environmental authority must prepare the draft Terms of Reference (TOR) for the Environmental Impact Assessment (EIA) and give them to the applicant for review. The applicant will, where appropriate, conduct consultations with relevant agencies, non-governmental organizations and other members of the public on the draft TOR.

Step 1 ▶ The applicant will have 28 days to submit written representations to the Authority with comments about the TOR and a report of the consultations with relevant actors.

Step 1 ▶ Once the EIA enters into the Environmental Impact Assessment System (EIAS), the Authority must publish a notice in the Gazette and at least one daily newspaper of general circulation. The notice must provide a description of the matter under consideration, identify the location where the register is being maintained, state the length of the public comment period, and advise where the comments are to be sent.

Step 1 ▶ The Authority must maintain an administrative record regarding the proposed action and make such administrative record available to the public at one or more locations[6].

Step 1 ▶ The public may submit written comments and hold a public hearing if the Authority determines it appropriate. The public may submit written comments for no less than thirty days from the date of notice in the Gazette. If the Authority determines there is sufficient public interest, it may hold a public hearing for discussing the proposed action and receiving verbal comments.

Specifically in the case of oil drilling projects, any person may object to the issue of a license on the ground that it is inconsistent with, or would interfere with, rights held by that person under the Petroleum Act. All objections must be lodged with the Ministry of the Environment within thirty days of the publication of the notice of application for license.

Other

Noise Pollution Control Rules, of 2000.[7] Art. 16.4.

Petroleum Act, of 1969.[8] Art. 8.

No specific legislation on the matter was identified:

Good Practices for the Consultation Plan

See Guiding Principles and Good Practices applicable to Consultations in Chapter 1, except for the specific modifications presented below.

Timeliness:

a. The hearing must be summoned prior to the final decision phase regarding the proposed action.
b. The hearing must be summoned at least 2 weeks in advance, indicating the date, location and time.
c. The public may submit written comments for no less than thirty days from the date of notice in the Gazette.[9]

IDB ▶ IDB | Invest

Operations with the IDB Group

The first thing to do is to determine the classification given to the project by the IDB. Each project type has its own particular requirements. See Annex I and II.

Model for public consultation with indigenous peoples in the framework of the national legislation of **Trinidad and Tobago,** the IDB Group's operational policies, guiding principles and good practices

This model for public consultation with indigenous peoples contains the requirements for consultations in adherence to the legislation of Trinidad and Tobago as well as the principles for universal good practices currently applicable to these matters. All Executing Agencies must abide by these requirements when undertaking a project in Trinidad and Tobago.

In addition, if this is a joint operation with the IDB Group, the relevant Operating Policy (OP) provisions should be applied. See Annex I and II.

LEGAL FRAMEWORK FOR INDIGENOUS CONSULTATIONS IN TRINIDAD AND TOBAGO: Laws, regulations and other measures concerning the implementation of Convention 169

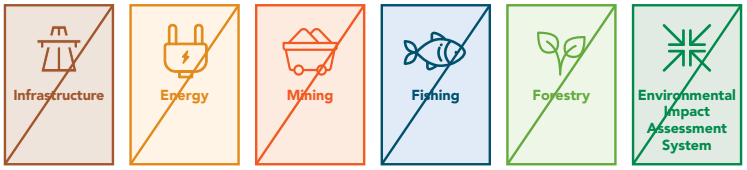
Indigenous Population

Trinidad and Tobago has not ratified ILO Convention 169.

COUNTRY LEGISLATION

This country has not ratified ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries. Also, it does not have a legislation regarding indigenous consultations.

No specific legislation on the matter was identified:



CHAPTER 1

Good Practices for the Indigenous Consultation Plan

See Guiding Principles and Good Practices applicable to General and Indigenous Consultations in Chapter 1.

IDB ▶ IDB | Invest

Operations with the IDB Group

The Bank has established consultation and agreement processes for four (4) types of operations. See Section Annex I and II.

References

1 All individuals and legal entities have the right to access and inspect the physical or electronic copy of the project evaluation, make comments within the timeframe established and receive a well-reasoned reply to them.

2 This legal framework does not include regional and local government regulations. The Executing Agency must determine whether this regulation contains obligations regarding citizen consultations.

3 See https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/35.05.pdf. Last accessed on March 2, 2020.

4 See http://extwprlegs1.fao.org/docs/pdf/tri105177.pdf. Last accessed on March 2, 2020.

5 https://www.cbd.int/doc/case-studies/lr/lr-tt-rule-area-en.pdf

6 The administrative record must include a written description of the proposed action, the major environmental issues involved in the matter, copies of documents or other supporting materials which the Authority believes would assist the public in developing a reasonable understanding of those issues, and a statement of the Authority's reasons for the proposed action.

7 See https://www.ema.co.tt/images/Files/pdf/noise_pollution_control_rules_2001.pdf. Last accessed on March 2, 2020.

8 See http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/62.01.pdf. Last accessed on March 2, 2020.

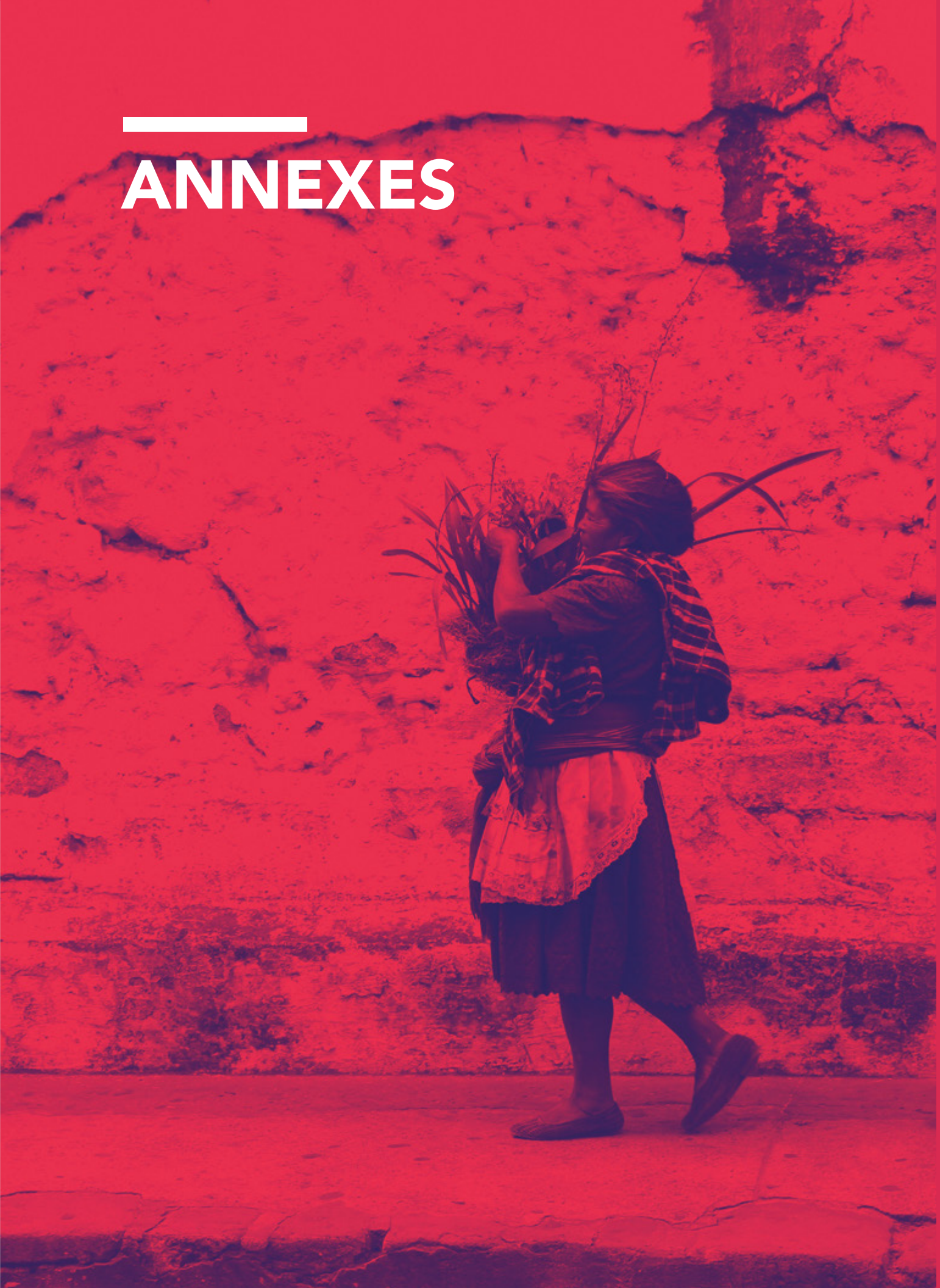
9 Provision included in the national legislation.

To learn about other regulatory and legal frameworks applicable in Latin America and the Caribbean

Visit https://wiconnect.iadb.org/en/category/publicaciones-en/

WiConnect

ANNEXES



Annex I: Executing Agencies and IDB-Financed Projects: References regarding the application of IDB Operational Policies for public consultations

The link https://www.iadb.org/en/mpas contains the updated version of the IDB Environmental and Social Policies.

Important aspects of the Environmental and Social Policy Framework to consider:

Environment

- Priority is placed on the protection of biodiversity, allowing the use of biodiversity offsets as mitigation measures, except in instances of critical habitat.
- Borrowers must undertake a regular assessment of the vulnerability of their projects to natural hazards and climate change.

Social

- The IDB makes an explicit, long-term commitment to respect Indigenous Peoples, Afro-descendent and other traditional people's collective rights.
- Mechanisms for promoting non-discrimination and inclusion of vulnerable groups are established; gender equality has been included as a separate performance standard; workers and their rights must be protected in a manner consistent with international agreements.
- Measures are established to avoid or minimize risks and impacts on community health, safety and security, including the risks exacerbated by the local context.
- Stakeholder engagement and information disclosure constitute a central aspect addressed in a separate performance standard.

Institutional

- The policy establishes a dynamic approach to manage environmental and social risks throughout project implementation. In other words, it is recognized that risk ratings may change during a project's lifespan and therefore require continuous monitoring and supervision.
- Capacity strengthening through effective environmental and social management systems, with continuous technical monitoring and supervision, and IDB training for its clients. Support for capacity building must be provided in a manner that is proportionate to the needs of the borrower to meet specific project requirements.
- A common approach is adopted for operations co-financed with other financial institutions to facilitate project design and implementation, where possible.

Updates on the Modernization of the IDB Environmental and Social Policies are available at https://www.iadb.org/en/mpas

Annex II: Executing Agencies and Projects Financed by IDB-Invest: References regarding the application of IDB-Invest Operational Policies for public consultations

The new IDB Invest Environmental and Social Sustainability Policy became effective on December 15, 2019. In it, the following changes stand out:

- Greater emphasis on human rights and stakeholder engagement, including the implementation of an engagement and grievance mechanism aimed at proactively addressing client complaints before they escalate into problems.
- Increased focus on gender and gender identity issues.
- Enhanced protection for indigenous peoples, especially those in voluntary isolation.
- New section on disaster risk management and greater focus on climate change and low carbon development.
- More clarity regarding IDB Invest's role and client responsibilities.
- More clarity and improvements to the contents on financial institutions.

To access the policy, visit https://www.idbinvest.org/en/consultation/environmental-and-social-sustainability-policy

ANNEX III: TEMPLATE FOR THE CONSULTATION PLAN TO BE SHARED WITH THE AUDIENCE IN CONJUNCTION WITH THE CALL FOR CONSULTATION.

The fields IN GRAY are indications that must be completed by the Calling/ Executing Agency.

Project/Policy/Strategy XXX
Pursuant to the guidelines established by INDICATE THE NAME OF THE AGENCY AND/OR SOURCE OF APPLICABLE LAW/REGULATION regarding public consultations TO INDIGENOUS PEOPLES AND/OR CONSULTATIONS ON MINING, FISHING, NATURAL RESOURCES, SOCIAL AND ENVIRONMENTAL IMPACT ASSESSMENTS, NUMBER XXX, as well as INDICATE ALL OTHER APPLICABLE CODES OR REGULATIONS, we present the following Plan for Consultation with INDICATE AUDIENCE AND/OR NAME OF THE COMMUNITY OR LOCALITY in relation to INDICATE DOCUMENT(S)/PROCESS(ES) UNDER CONSULTATION.

1. **Consultation objective:**
To elicit opinions and obtain relevant perspectives and inputs from stakeholders for use in the preparation of INDICATE DOCUMENT(S)/PROCESS(ES) UNDER CONSULTATION.

2. **Points to consider:**
This consultation is INDICATE WHETHER GUIDING OR BINDING (depending on the applicable regulation) for AGENCY/APPLICANT RESPONSIBLE FOR CONDUCTING THE CONSULTATION, who reserves the right to evaluate the inputs received during each phase indicated herein for inclusion in the final document or dismissal.

3. **Consultation components:**
   - 3.1. **Initial information**: This Consultation Plan is shared with INDICATE AUDIENCE AND/OR NAME OF THE COMMUNITY AND/OR LOCALITY, and is accompanied by the announcement of virtual consultation opening (INDICATE WHETHER THERE ARE PLANS TO CREATE AN AD-HOC WEBPAGE). This plan is part of the invitations to in-person meetings that have as their purpose to inform about the objective, scope and methodology of the consultation and the tentative dates for each phase. The initial information also includes questions about which the INDICATE AGENCY/APPLICANT CARRYING OUT THE CONSULTATION seeks guidance from the participating audience.
   - 3.2. **Duration of the consultation:** The consultation will be held in three phases: call for consultation, holding of the consultation, feedback to the inputs received. The phases will include BRIEFLY DESCRIBE THE OBJECTIVES OF EACH PHASE. The three phases will remain open for INDICATE PERIOD, starting on the date of consultation opening, scheduled for INDICATE DATE.
   - 3.3. **Types of consultation:**
     - 3.3.1. **Virtual consultation in non-real time (open without invitation):** During the XXX days the public consultation will remain open, a dedicated site will be available at INDICATE WEB ADDRESS

to keep the public updated on the progress of the formulation of INDICATE DOCUMENT(S)/PROCESS(ES) SUBJECT TO CONSULTATION, the time limit for receiving inputs during each phase of the consultation, and an indication of the expected in-person meetings, as per paragraph 4 below.

3.3.2. In-person and virtual consultations in real time (by invitation): A total of INDICATE NUMBER in-person sessions will be held at INDICATE ADDRESS (VENUE AND/OR LINK TO ACCESS THE VIRTUAL PUBLIC CONSULTATION IN REAL TIME) to discuss the topics under consultation in greater detail. Sessions will last at least 2 hours. Following the presentations by the representatives of AGENCY/APPLICANT RESPONSIBLE FOR CONDUCTING THE CONSULTATION, a consultation will be held to obtain an in-depth perception of attendees' opinions and to collect inputs. To systematize the main ideas discussed, participants may be divided into working groups. The idea is to promote broader participation and increase the opportunities for exchanging and collecting inputs regarding the topics suggested by the facilitator, in line with the main pillars and/or questions of the consultation. Each group will designate a secretary responsible for taking notes of the inputs that will be later recorded in the minutes of each consultation phase.

4. Phase I: Preparation

4.1. Call for consultation:

4.1.1. A dissemination campaign will be conducted to advertize and provide information on the consultation of INDICATE DOCUMENT(S)/PROCESS(ES) UNDER CONSULTATION, as well as the opening date for each phase and the expected timeline of the process.

4.1.2. Invitations to in-person and/or virtual meetings in real time will be made at least 15 days in advance and will be accompanied by this Consultation Plan.

4.1.3. In addition, the working document for each phase of INDICATE DOCUMENT(S)/PROCESS(ES) UNDER CONSULTATION will be shared, together with a guide with questions aimed at facilitating the elaboration and processing of comments received in relation to the topics of the consultation.

4.1.4. The comments obtained during in-person and virtual consultations will be submitted to AGENCY/APPLICANT RESPONSIBLE FOR CONDUCTING THE CONSULTATION within the deadlines established for analysis and consideration.

4.2. Consultation team: The entire consultation process and the in-person and virtual meetings in real time will be organized by INDICATE THE NAMES AND FUNCTIONS OF TEAM MEMBERS.

4.3. Actor mapping:

4.3.1. Audience by type of consultation:

4.3.1.1. Online public consultations (in non-real time): The page INDICATE WEB ADDRESS will provide access to virtual consultations in order to receive inputs from various stakeholders, such as INDICATE THE PROFILE OF ORGANIZATIONS, AGENCIES, COMMUNITY

REPRESENTATIVES, INDIGENOUS PEOPLES REPRESENTATIVES, etc.

4.3.1.2. In-person and online public consultations (in real time): In-person consultations will be held to further delve into the topics open for inputs. The dates and venues for the consultation will be published at INDICATE WEBPAGE and other information channels. Due to space and logistics constraints, participation will be by invitation and/or previous registration through INDICATE WEBPAGE. The criteria for selection will consider factors such as having INDICATE REPRESENTATIVES FROM ORGANIZATIONS/ ASSOCIATIONS/ UNIONS/ COMPANIES/ GOVERNMENT involved in one or more of the topics under consultation. Special attention will be given to equitable gender representation and diversity in the audience. An annex will provide details of the institutions and individuals invited to participate, with a matrix indicating the inputs received and analyzed. However, individual authors will remain anonymous (See paragraph 6 below).

4.3.1.3. In addition to paragraph 3.1 and in order to ensure transparency in both types of consultation, updates will be regularly published at INDICATE WEBPAGE.

4.4. Consultation team responsible for processing the information:

4.4.1. The Consultation Team will carry out both the preparation phase and the processing of the information received from each type of consultation (in-person and virtual in real time, and online in non-real time), regarding the different phases to be considered, analyzed and possibly incorporated into the final document.

5. Phase II: Holding the consultation:

5.1. Opening, with dissemination of topics/documents and questions regarding INDICATE DOCUMENT/PROCESS UNDER CONSULTATION

5.1.1. During this phase, which is scheduled for opening on INDICATE DATE, INDICATE DOCUMENT/PROCESS UNDER CONSULTATION will be shared online, together with questions from the audience. They will be identical to those used during in-person or virtual consultations in real and non-real time.

5.1.2. For both consultation modalities (in-person and virtual), the time limit for receiving inputs will be indicated. At the end of the period established for receiving inputs, the Consultation Team will process the inputs submitted by the audience.

5.1.3. During this phase, a total of INDICATE NUMBER in-person and virtual consultations will be held according to the following timeline: INDICATE CONSULTATION TIMELINE.

5.1.4. The list of guests and participants in this phase will be provided in a separate annex delivered with the final version of DOCUMENT/ PROCESS UNDER CONSULTATION.

5.2. Advances after processing the first inputs received during the opening phase1 for INDICATE (SECOND) DOCUMENT/PROCESS UNDER CONSULTATION:

5.2.1. During this second phase, INDICATE (SECOND) DOCUMENT/PROCESS UNDER CONSULTATION with the changes introduced after processing the inputs will be shared.

5.2.2. This phase regarding INDICATE (SECOND) DOCUMENT/PROCESS UNDER CONSULTATION will be available at INDICATE WEB ADDRESS and is scheduled for INDICATE DATE. The same page will inform on the inputs received during the previous phase, the sections where they were incorporated, and the list of participants (without attribution of any individual comments or suggestions).

5.2.3. The virtual consultation for this phase will remain open for inputs for a period of INDICATE PERIOD.

5.2.4. All inputs received in person and online during this Phase will be posted at INDICATE WEBPAGE. See paragraph 4.1.1.

5.2.5. In-person consultations will be attended by the Consultation Team, who will address the changes between INDICATE (FIRST) DOCUMENT/PROCESS UNDER CONSULTATION and INDICATE (SECOND) DOCUMENT/PROCESS UNDER CONSULTATION; the topics related to INDICATE TOPICS TO BE ADDRESSED DURING THE CONSULTATION; as well as specific questions to obtain inputs from participants. The following is a list of the tentative dates and venues for the consultations. INDICATE SCHEDULE

5.2.6. The list of guests and participants in this phase will be informed in a separate annex provided with the final version of INDICATE DOCUMENT/PROCESS UNDER CONSULTATION.

6. Phase III: Closure and feedback on inputs provided with the final version

6.1. The page INDICATE WEBPAGE and other media accessible to the audience will publish the inputs received during both phases, distinguishing those that have been incorporated from those that have not, and sharing the final version of INDICATE DOCUMENT(S)/PROCESS(ES) SUBJECT TO CONSULTATION after approval by INDICATE AGENCY/DEPARTMENT RESPONSIBLE FOR FINAL APPROVAL.

7. Outputs

7.1. The Consultation Team will prepare a summary of the topics discussed with the attendees to in-person and virtual consultations, as well as the comments received during each phase. The summary will be included in the final version of INDICATE DOCUMENT(S)/PROCESS(ES) UNDER CONSULTATION in the form of a weblink. The document will include:

- A consolidated matrix with all relevant observations and recommendations to INDICATE DOCUMENT(S)/PROCESS(ES) SUBJECT TO CONSULTATION contributed by participants in Phase I of the consultation on INDICATE (FIRST) DOCUMENT/PROCESS

1 Once the initial inputs have been received, conducting a second consultation in order to share with the audience the changes to the first draft of the document/process under consultation is a good due diligence practice. This second part of the consultation may also be used to discuss other documents different from the one(s) reviewed during the first phase. In general, this applies to process that require public consultations on multiple documents associated to one operation/initiative.

SUBJECT TO CONSULTATION (in person or online), specifying the inputs considered when preparing the policy draft.

- A consolidated matrix with all relevant observations and recommendations to INDICATE DOCUMENT(S)/PROCESS(ES) SUBJECT TO CONSULTATION contributed by participants in Phase II of the consultation on INDICATE (FIRST) DOCUMENT/PROCESS SUBJECT TO CONSULTATION (in person or online), specifying the inputs considered when preparing the policy draft.
- Aspects deserving special attention by INDICATE AGENCY/APPLICANT RESPONSIBLE FOR CONDUCTING THE CONSULTATION thanks to the contributions received from civil society.

An Annex with the final list of all organizations invited to participate in the consultation (both in person or virtual), with details of the participants in each session, including disaggregation by INDICATE RELEVANT CRITERIA FOR DISAGGREGATION (e.g. region, gender, sector of labor, etc.).

IDB Group

PUBLIC CONSULTATIONS: STEP BY STEP

Regulatory and legal frameworks applicable in TRINIDAD AND TOBAGO