

RESEARCH FOR PUBLIC PARTICIPATION TO MAINTAIN RULE OF LAW AND GOOD GOVERNANCE

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Abstract

Public participation, the public's right of people to attend and intervene wisely for creative and volunteering in planning and decision making, as well as monitoring the implementation of the decision. With this phenomenon, everyone to share in the decision-making process to determine the correct real needs and interests of the participants, it promotes effective decision making by decision-makers. Public participation is one of the basic principles of democracy. There participatory interaction with democracy. Today, the concept of a good governance as an appropriate approach for making law of policy considered. On the other hand, this concept is closely related to the human rights and Public law. The purpose of the study is to assess the correlation between the concept of good governance, Rule of law, public participation and the human rights and its effect on the Institutionalization of the public participation. Regarding the nature of the issue, the method of information gathering in the study has been reference to the available texts and also gathering the research recipes and their evaluation. Finally, although it seems there are commons and correlative relations between these concepts, public participation advances and institutionalizes the human rights.

Keywords - Public participation, democracy, the rule of law, Good governance.

Introduction

The level of participation in public affairs, as one of the important factors of development, The cause of strengthening national unity and solidarity as we have seen in the Iranian legal system, acceptance of the people in the government of society, In many of

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the principles of the Constitution of the Islamic Republic of Iran, is predicted public participation (e.g. principles of paragraph 8 of Article 3, Article 6, Article 7, Article 8, Article 26, Article 27, Article 56, Article 58, Article 59, Article 62, Article 100 to 103, Article 104, Article 114, etc.) Of course, some articles of the Constitution of the Islamic Republic of Iran, have limited the full realization of universal participation, therefore, one can say that there is harmony and unity among the articles of the Constitution of the Islamic Republic of Iran. It is widely recognized that good governance is essential to public participate. Well-functioning legal institutions and governments bound by the rule of law are, in turn, vital to good governance. Weak legal and judicial systems where Laws are not enforced and non-compliance and corruption are the norm undermine respect for the rule of law, engender environmental degradation, and undermine progress towards public participation. Practitioners in the participation field have increasingly turned their attention to reforms to improve legal and judicial Institutions and promote the rule of law and good governance. For example, various United Nations agencies such as the United Nations Environment Programme (UNEP) and the United Nations Development Programme (UNDP), as well as the World Bank and other regional development banks, are directing increasing resources to reform legal and judicial institutions. To date, however, most of these efforts have concentrated on developing new laws and creating new institutions, rather than building capacity for ensuring compliance with existing rules. Yet without compliance, laws and regulations are meaningless or worse, they undermine respect for the rule of law – and cannot promote public participation. As a result, many developing countries and countries with economies in transition still suffer from Weak legal and judicial systems, lack investment, and have poor development prospects, sustainable or otherwise. Thus, Donor-driven reform efforts need to ensure that their rule of law efforts include sufficient training and capacity building to establish the institutional foundation for compliance and enforcement, through both instrumental and normative efforts. The first section of this paper reviews the relationship between the rule of law, good governance, and public participation, as those terms are used by the relevant development organizations. It then briefly describes the efforts made by various organizations to promote the rule of law and good governance. Finally, the paper addresses the need to strengthen compliance and enforcement for public participation.

Rule of Law, Good Governance, and Public Participation

There is a political consensus that the rule of law and good governance are a necessary foundation for efforts to achieve Public participation. But these broad concepts carry many meanings and there are many strategies for promoting them. This section provides some brief definitions to illustrate how the concepts are used in the international financial institutions and other donor and capacity-building agencies. It then explores the relationship among the rule of law, good governance, and public participation.

1. Definitions of “Rule of Law”

Rule of law: Many institutions identify a fair, impartial, and accessible justice system and a representative government.

As key elements of the rule of law¹. In this paper, the term “rule of law” is used to mean independent, efficient, and accessible judicial and legal systems, with a government that applies fair and equitable laws equally, consistently, coherently, and prospectively to its entire people.

2. Definitions of “Good Governance”

Good governance: Good governance is generally characterized by accessibility, accountability, predictability and transparency². This paper treats “good governance” as having openness, participation, accountability, and transparency as Key elements.

3. Definitions of “Public Participation”

Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process. Public participation is the process by which an

¹ The World Bank, Initiatives in Legal and Judicial Reform 3, available at <http://ww4.worldbank.org/legal/leglr/> (2004); Christina Biebesheimer & J. Mark Payne, IDB Experience in Justice Reform: Lessons Learned and elements for Policy Formulation 4, available at <http://www.iadb.org/sds/doc/sgc-IDBExperiences-E.pdf> (2001) (Inter-American Development Bank); Organization for Economic Co-operation and Development (OECD), Final Report of the Ad Hoc Working Group on Participatory Development and Good Governance, Part 1, 10, available at <http://www.oecd.org/dataoecd/44/12/1894642.pdf> (1997) (hereinafter Final Report of the Ad Hoc Working Group).

² Asian Development Bank, Elements of Governance, available at http://www.adb.org/Governance/gov_elements.asp; Commission of the European Communities, European Governance: A White Paper, COM (2001) 428 final, available at http://europa.eu.int/eurex/en/com/cnc/2001/com2001_0428en01.pdf.

organization consults with interested or affected individuals, organizations, and government entities before making a decision. Public participation is two-way communication and collaborative problem solving with the goal of achieving better and more acceptable decisions³.

4. Democracy and Public Participation

Democracy is a way of governing a country. The most common definition of democracy is rule by the people. This means, the people consent to the government running the country. Citizens are given an opportunity to choose, through their right to vote and appoint public representatives to represent them in government. They do this in regular, free and fair elections.

However, the democratic practice of citizens doesn't end here. Democracy also means that the people who have been elected are accountable in various ways to the people who voted for them. They have to act and deliver on the promises they made during elections to ensure the participation of local communities in future plans and priorities. All public sector representatives and officials have to be opening (transparent) and show good use of that they were entrusted with (accountable) in their actions and decisions.

When we vote we give the government a mandate to pass and enforce laws on our behalf. In making laws the government has to follow what is written in the constitution and it uses the courts as well as the police and military to enforce the laws.

If the government becomes unpopular or doesn't do what it promised to do then people can vote for another party in the next election and vote the present government out of power. This is essentially how democracy works and why it can be an effective system of government.

The Constitution sets out the principles for how the public service should operate:

- a) A high standard of professional ethics must be promoted and maintained.

³ International Association for Public Participation. (2007). IAP2 Core Values. [On-line], Available: <http://www.iap2.org> and Creighton & Creighton, Inc. (2008). What is Public Participation? [On-line], Available: <http://www.creightonandcreighton.com>.

- b) Efficient, economic and effective use of resources must be promoted.
- c) Public administration must be development-oriented.
- d) Services must be provided impartially, fairly, equitably and without bias.
- e) People's needs must be responded to, and the public must be encouraged to participate in policy-making.
- f) Public administration must be accountable.
- g) Transparency must be fostered by providing the public with timely, accessible and accurate information.
- h) Good human-resource management and career-development practices, to maximize human potential, must be cultivated.

Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation⁴.

Relationship among the rule of law, good governance, and public participation

While many factors play an important role in development, good governance is now recognized as playing an essential role in the advancement of public participation. Good governance promotes accountability, transparency, efficiency, and rule of law in public institutions at all levels. In addition, it allows for sound and efficient management of human, natural, economic, and financial resources for equitable and public participation. Moreover, under good governance, there are clear decision-making procedures at the level of public authorities, civil society participation in decision-making processes, and the ability to enforce rights and obligations through legal mechanisms. These aspects of good governance do not in themselves ensure that society is not run well nor do they guarantee public participation. However, their absence severely limits that possibility and can, at worst, impede it. Without proper functioning institutions of governance based on the rule of law that promote social stability and legal certainty, there cannot be investment and assumption of risk that form the basis of market economy development, let alone public participation. Indeed, the strength of the rule of law is the best predictor of a country's economic success. Furthermore, deficiency in the rule of law encourages high rates of corruption, with further devastating consequences on the confidence of

⁴ <http://www.paralegaladvice.org.za/docs/chap03/02.html>

economic actors. This lack of investment, in turn, slows economic growth and consequently deprives the governments of resources to invest in education, social safety nets, and sound environmental management, all of which are critical for public participation. Introduction of good governance and rule of law, however, cannot be done overnight. The process is often a gradual one, involving changes to long-standing practices, entrenched interests, cultural habits, and social and even religious norms. A significant step was taken in this endeavor in 1998 when countries adopted the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (“The Aarhus Convention”).⁵ The Convention recognizes that public participation can only be achieved through the involvement of all stakeholders and seeks to promote greater transparency and accountability among government bodies by guarantying three pillars for the public:

- 1) The rights of citizen access to information;
- 2) Citizen participation in decision-making and
- 3) Citizen access to justice in environmental matters.

In other words, the Convention guarantees freedom of access to information on the environment, gives citizens a right to participate in environmental decision-making, and provides for recourse to judicial and administrative remedies when these rights are denied by state authorities. Moreover, in 2000, 191 United Nations member States pledged to fulfill a set of key goals (the Millennium Development Goals) for poverty reduction and public participation by the year 2015. In the Millennium Declaration, the member States agreed to “spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development⁶.”

In addition to these international agreements by heads of the States, donor agencies are making significant efforts to promote the rule of law and good governance throughout the world. The following section briefly describes these efforts. Improved governance requires an integrated, long-term strategy built upon cooperation between government and citizens. It involves both participation and institutions. The Rule of Law, Accountability,

⁵ United Nations Millennium Declaration, Res. 55/2, Sept. 8, 2000, available at <http://www.un.org/millennium/declaration/ares552e.pdf>.

⁶ See UNEP, Judges Programme, available at http://www.unep.org/DPDL/Law/Programme_work/Judges_programme/Index.asp.

and Transparency are technical and legal issues at some levels, but also interactive to produce government that is legitimate, effective, and widely supported by citizens, as well as a civil society that is strong, open, and capable of playing a positive role in politics and government. This paper considers goals for better governance, key challenges confronting efforts at reform, examples of successful good-governance efforts, and action steps for improving both participation and institutions.

“Transparency” and “public participation” represent two features of the rulemaking process that can enhance rulemaking quality and legitimacy. Transparency refers to public access to information held by government rule makers as well as information about their decision making. Public participation encompasses varied opportunities for citizens, nongovernmental organizations, businesses, and others outside the federal government to contribute to and comment on proposed rules. Both transparency and public participation can promote democratic legitimacy by strengthening the connections between government agencies and the public they serve. Both can also help improve the quality of agency rulemaking. Transparency helps ensure meaningful and informed public participation, and meaningful and informed public participation informs agency rule makers.

Efforts to Promote the Rule of Law and Good Governance

Recognizing the importance of rule of law and good governance, many donor agencies are actively supporting legal and judicial reforms, including judicial training, development of new laws and legal institutions and capacity-building. For example, UNEP has convened several symposia for judges to facilitate judiciary communication, sharing of legal information, and harmonization of different approaches to the implementation of global and regional instruments⁷. One such symposium was the Global Judges Symposium on public participation and the Role of Law that UNEP organized with the International Network for Environmental Compliance and Enforcement (INECE) as a key partner in 2002. At the Symposium, the participants adopted the Johannesburg Principles on the Role of Law and public participation, in which they affirmed, among other things, “that an independent Judiciary and judicial process is vital for the

⁷ See UNEP, Judges Programme, available at http://www.unep.org/DPDL/Law/Programme_work/Judges_programme/index.asp.

implementation, development and enforcement of environmental law” and that “there is an urgent need to strengthen the capacity of judges, prosecutors, legislators and persons who play a critical role at national level in the process of implementation, development and enforcement of environmental law⁸.” UNDP also has helped promote good governance by focusing on the following six areas⁹:

- 1) Parliamentary development;
- 2) Assistance with electoral systems and processes;
- 3) Improvement of access to justice and human rights;
- 4) Promotion of access to information;
- 5) Support for decentralization and local governance; and
- 6) Reform of public administration and civil service.

Financial institutions and other organizations have also made significant efforts to advance good governance and the rule of law. The World Bank, for example, has several legal and judicial development projects supporting law reform, court modernization, training of judges and court personnel, and legal education. In addition, institutions such as the Organization for Economic Cooperation and Development (OECD) have worked to improve and reinforce the legal, judicial, and law enforcement systems¹⁰. For instance, on February 6-7, 2005, OECD and UNDP, along with the Arab League, the World Bank, the European Union, and a number of organizations working in the region, including those from the private sector and civil society, launched a major program to promote good governance for development in the Arab region¹¹. Called the “Good Governance for Development in the Arab Countries”, the program is designed to address the following six themes:

- 1) Civil service and integrity;
- 2) The role of the judiciary and enforcement of judgments;
- 3) e-government, administrative simplification, and regulatory

⁸ The Johannesburg Principles on the Role of Law and Sustainable Development, adopted at the Global Judges Symposium held in Johannesburg, South Africa, on 18-20 August 2002, available at <http://www.rolac.unep.mx/deramb/publicaciones/GlobalJu.pdf>.

⁹ UNDP, Promoting Democracy through Reform, available at <http://www.undp.org/governance/index.htm>. For other examples of UNDP’s efforts, see Ramaswamy Sudarshan, Rule of Law and Access to Justice: Perspectives from UNDP Experience, 7-9, available at <http://www.undp.org/oslocentre/access.htm>.

¹⁰ The World Bank Group, Annual Report 2002, Themes: Promoting the Rule of Law, available at <http://www.worldbank.org/annualreport/2002/chap0406.htm>.

¹¹ Final Report of the Ad Hoc Working Group, supra note 1, at 6.

reform;

4) The role of civil society and media in reform of the public sector;

5) The governance of public finance; and

6) The public services delivery and private-public partnership.¹²

Importance of Compliance and Enforcement for public participation

Despite a growing body of environmental law both at the national and international levels, environmental quality has been declining in many countries. Furthermore, even after more than ten years and hundreds of millions of dollars in aid, many judicial and legal systems in the world are still functioning poorly. One reason for these trends is the inadequate investment in enforcement and compliance efforts. The need to strengthen enforcement and compliance has been widely recognized.

For example, the participants of the Rio Earth Summit in 1992 recognized this necessity in Chapter 8.21 of AGENDA 21, which established an international mandate to build compliance and enforcement capacity as an essential element of environmental management.¹² Agenda 21 also, empowered UNEP and other organizations to more actively support compliance and enforcement activities, including capacity building.

Moreover, UNEP Executive Director Toepfer has recently highlighted the importance of enforcement and compliance:

We all have a duty to do whatever we can to restore respect for the rule of law, which is the foundation for a fair and sustainable society...public participation cannot be achieved unless laws governing society, the economy, and our relationship with the Earth – both international and domestic – are put into practice and connect with our deepest values. Law must be enforced and complied with by all of society, and all of society must share this obligation¹³. Various institutions' efforts, including those mentioned above, are helping advance rule of law and good governance.

¹² Organisation for Economic Co-operation and Development, OECD to Join Arab States in Launching "Good Governance for Development" Programme, Feb. 2, 2005, available at http://www.oecd.org/document/36/0,2340,en_2649_201185_34368484_1_1_1_1,00.html.

¹³ Declaration of the Initiative on Good Governance for Development in the Arab Countries, Feb. 6-7, 2005, available at <http://www.oecd.org/dataoecd/51/12/34425871.pdf>.

However, it is insufficient to point out a legal obligation and to invest in institutional reforms if the culture of law abidingness has not replaced the culture of corruption. In other words, if the countries receiving the aid do not work to make the internal changes and do not actually implement the legal and judicial reforms, their legal and judicial systems will continue to struggle to improve, their economic development will continue to falter, and there will be no progress towards public participation. Therefore, the donor agencies need to focus more on those reforms aimed at the deeper goal of increasing governments' compliance with the laws. This requires tools that empower citizens to participate in governance, including access to justice, with opportunities to pressure the judicial and legal systems. It is increasingly recognized that the fundamental changes that are needed for rule of law and public participation require the support and commitment of the key people within the system, and this core group needs to be given enabling assistance to help build the essential internal political will these reforms require. Donor assistance is critical, but so is the will to reform, which must be fostered from within. The international community is already beginning to move in this direction. For example, as noted, the Aarhus Convention guarantees the rights of access to information, public participation in decision-making, and access to justice in environmental matters. These rights empower citizens to ensure that environmental laws are properly enforced and complied with. On the capacity building front, institutions such as UNEP, the Global Environmental Facility, and the United Nations Economic Council for Europe (UNECE) have produced guidelines to facilitate implementation and compliance with certain multilateral environmental agreements (MEAs)¹⁴. The UNEP Guidelines, for instance, highlight several compliance assistance strategies, including sharing experiences, evaluating the effectiveness of technology transfer, and drafting model legislation. Drafting model legislation. In addition, public agencies and researchers have begun collecting empirical data to analyze the effectiveness of different policies and strategies in inducing compliance with various environmental regulations. For instance Oran Young, Helmut Breitmeier, Michael Zürn, and others have created the International Regimes Database to empirically analyze.¹⁵ However,

¹⁴ Adenda 21, 8.21, available at <http://www.un.org/esa/sustdev/documents/agenda21/english/agenda21chapter8.htm>.

¹⁵ MAKING LAW WORK: ENVIRONMENTAL COMPLIANCE AND SUSTAINABLE DEVELOPMENT, Preface (Zaelke, Durwood, Kaniaru, Donald & Kružíková, Eva eds., 2005).

the empirical literature on environmental enforcement is still fairly sparse, due to the difficulty of obtaining reliable empirical information about the compliance of particular regulated entities. There is a great need for more well-functioning, reliable, and comprehensive data gathering systems. NGOs and various international networks, including INECE, can play an important role in gathering and validating information for such systems. With better coordination and increased support, all of these efforts those addressing the rule of law and good governance issues, environmental compliance assistance, and empirical data collection and analysis – will help expedite progress towards public participation.

Right to public participation

Public participation is a political principle or practice, and may also be recognized as a right (right to public participation). The terms public participation, often called P2 by practitioners, is sometimes used interchangeably with the concept or practice of stakeholder engagement and/or popular participation. Generally public participation seeks and facilitates the involvement of those potentially affected by or interested in a decision. This can be in relation to individuals, governments, institutions, companies or any other entities that affect public interests. The principle of public participation holds that those who are affected by a decision have a right to be involved in the decision-making process. Public participation implies that the public's contribution will influence the decision.¹⁶ ¹⁷Public participation may be regarded as a way of empowerment and as vital part of democratic governance. In the context of knowledge management the establishment of ongoing participatory processes is seen by some in the facilitator of collective intelligence and inclusiveness, shaped by the desire for the participation of the whole community or society.¹⁸ Public participation is part of “people centered” or “human centric” principles, which have emerged in Western culture over the last thirty years, and has had some bearings of education, business, public policy and international relief and development programs. Public participation is advanced by

¹⁶ AP2 Core Values for the Practice of Public Participation". Iap2.org. Retrieved 2012-08-06.

¹⁷ Principles of Public Participation". Co-intelligence.org. 2008-05-23. Retrieved 2012-08-06.

¹⁸ African Charter for Popular Participation in Development and Transformation Archived May 2, 2008, at the Wayback Machine.

the humanist movements. Public participation may be advanced as part of a “people first” paradigm shift. In this respect public participation may challenge the concept that “big is better” and the logic of centralized hierarchies, advancing alternative concepts of “more heads are better than one” and arguing that public participation can sustain productive and durable change¹⁹.

The role of public participation in economic and human development was enshrined in the 1990 African Charter for Popular Participation in Development and Transformation.

In 1990 practitioners desired the established of the International Association for Public Practitioners in order to respond to the increasing interest in the practice, and in turn established the International Association for Public Participation (IAP2). The practice is well established global and the International Association of Public Participation now has affiliate organizations across the globe²⁰. In some jurisdictions the right to public participation is enshrined by law. The right to public participation may also be conceived of as human right, or as manifestation of the right to freedom of association and freedom of assembly. As such the Netherlands, Germany, Denmark and Sweden, have public participation and freedom of information provisions in their legal systems since before the Middle Ages²¹. Democracy and public participation are closely connected democratic societies have incorporated public participation rights into their laws for centuries. For example, in the US the right to petition has been part of the first Amendment of the US constitution since 1791. More recently, since the 1970s in New Zealand numerous laws (e.g.: health, local government, environmental management) require government officials to “consult” those affected by a matter and take their views into consideration when making decisions.

Effective public participation depends on the public having accessing to accurate and comprehensive information. Hence laws regarding public participation often deal with the issue of the right to know, access of information and freedom of information.

¹⁹ International Association for Public Participation". www.iap2.org. Retrieved 2015-06-04.

²⁰ "International Association for Public Participation - Affiliates". www.iap2.org. Retrieved 2015-06-04.

²¹ "Public participation legislation - Coastal Wiki". Encora.eu. Retrieved 2012-08-06.

The right to participation may also be advanced in the context of equality and group rights, meant to ensure equal and full participation of a designated group in society. For example, in the context of disabled people.

Principles of Public Participation²²

When a government reaches out to private or public organizations or directly to the public to seek their participation in the decision-making process, the government is said to be engaging in public participation. Public participation is sometimes also referred to as public consultation or public engagement. Typically, participants in the process are lobbyists, interest groups and citizens who are most likely to be affected by the matter under consideration. Public participation denotes a range of public involvement, from simply sharing information about a pending decision (informing) through to creating a partnership arrangement, one based on mutual trust, information-sharing and a willingness to agree on a course of action together. Exhibit 1 (on the following page) shows the whole range of participation opportunities and the objectives at each level²³.

The Government appreciates the thought-provoking and interesting report provided by the Office of the Auditor General. Public engagement is a timely topic and one that this Government strongly believes is critical to effectively make decisions. We agree with the characterization of public engagement as being on a continuum, starting from informing the public through to collaboratively identifying solutions to significant public policy issues. Whether it is informing the public of government decisions through publicly available reports, such as B.C.'s Water Plan or

²² Public participation in democratic society is both vital and problematic. Some public meetings are so dysfunctional that observers end up wishing someone in charge would bring an end to the chaos and misery. Sometimes extensive public input is sought in numerous forums, only to have all that input ignored. Two groups -- The International Association for Public Participation and The Community Development Society -- have proposed excellent guidelines for public participation. Both, however, fail to deal with the collective intelligence (and co-stupidity) dimensions of public participation. So I've added a set of principles based on current understandings of co-intelligence. The three lists together provide very powerful criteria for evaluating or improving the status of public participation in any community or project. All three lists are current as of May 23, 2008. http://www.co-intelligence.org/CIPol_publicparticipation.html.

²³ Auditor General of British Columbia | 2008/2009 Report 11: Public Participation: Principles and Best Practices for British Columbia, <https://www.bcauditor.com/sites/default/files/publications/2008/report11/report/public-participation-principles-and-best-practices-british-columbia.pdf>.

the Climate Action Plan, or collaboratively determining the direction of health care through the Conversation on Health, we have and continue to engage the public across a broad range of decisions and policy issues along the continuum. The common principles of public participation outlined in the report are ones that the Government endorses when engaging the public prior to a decision being made. Additionally, the seven steps provide a useful framework for designing a public engagement process. Government will take this guidance into consideration when determining where and how the public will be engaged. Government agrees that a consistent approach to engagement across all agencies is advisable, but believes that this approach is appropriate only in certain circumstances. For example, where government engages as a result of a regulatory or legal requirement, consistency should be the rule. However, as government engages on a wide variety of issues and across the public engagement continuum, flexibility is key to ensure that the engagement design and methods can fit the appropriate circumstances. It is also key for government to be able to determine where public engagement would be most beneficial and cost-effective. In conclusion, Government believes that the Auditor General's report provides useful guidance on how to engage the public. This guidance will be distributed to all ministries as information to consider when designing public engagement process. We thank the Office of the Auditor General for its work.

1. **INCLUDE ALL RELEVANT PERSPECTIVES:** The diversity of perspectives engaged in a wise democratic process will approximate the diversity of the community of people affected by the outcome. In addition, community wisdom and buy-in come from the fair and creative inclusion of all relevant perspectives - all related viewpoints, cultures, information, experiences, needs, interests, values, contributions and dreams. Furthermore, those who are centrally involved peripherally involved or not involved in a situation each have -- by virtue of their unique perspectives -- uniquely valuable contributions to make toward the wise resolution of that situation. Creative inclusion of perspectives generates more wisdom than mechanical inclusion of people.

2. **EMPOWER THE PEOPLE'S ENGAGEMENT:** To the extent people feel involved in the creation or ratification of democratic decisions -- either directly or by recognized representatives -- they will support the implementation of those decisions. This is especially true to the extent they feel their agency and power in the process -- i.e., that they clearly see the impact of their diverse

contributions in the final outcome. Thus, it serves democracy and collective intelligence when expertise and leadership are on tap to -- and not on top of -- the decision-making processes of "We, the People" and anyone democratically mandated by the people to care for the common welfare.

3. INVOKE MULTIPLE FORMS OF KNOWING: Community wisdom arises from the interplay of stories (with their full emotional content), facts, principles, reason, intuition, imagination, inspiration, and compassion or empathy. To the extent any one of these dominates or is missing, the outcome will be less wise.

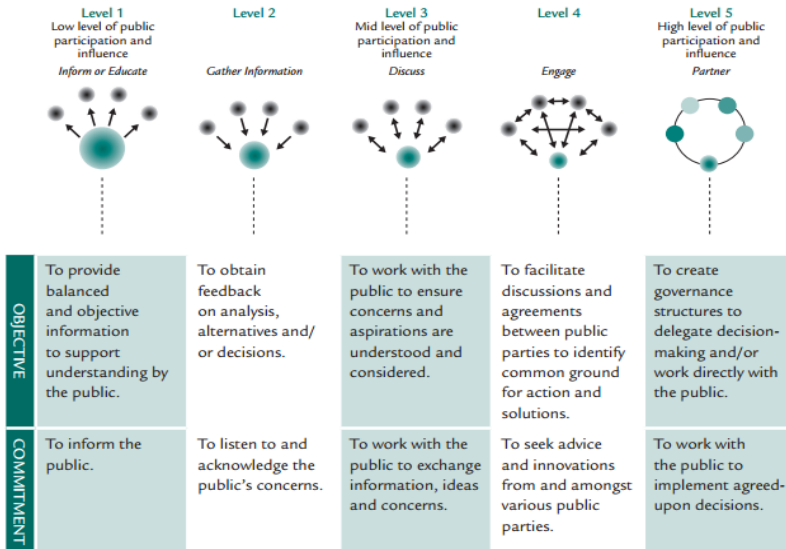
4. ENSURE HIGH QUALITY DIALOGUE: The supreme test of dialogue is its ability to use commonality and diversity (including conflict) creatively. There are three tests for the quality of dialogue towards desirable outcomes: Is it deepening understanding? Is it building relationships? Is it expanding possibilities? Most public forums need good facilitation to ensure high quality dialogue.

5. ESTABLISH ONGOING PARTICIPATORY PROCESSES: Since intelligence is the capacity to learn, and learning is an ongoing process, collective intelligence can manifest most powerfully in democratic processes that are ongoing, iterative, and officially recognized by the whole community or society. One-time events (such as public hearings and conferences that are not part of a larger ongoing democratic process) are limited in their capacity to generate collective intelligence for a whole community or society. The institutionalization of official periodic citizen deliberations according to these principles maximizes collective intelligence. For examples, see "Citizen and, especially, Wisdom Councils.

6. USE POSITIONS AND PROPOSALS AS GRIST: Early focus on positions and proposals can prevent the emergence of the best possible outcomes. In general, collective intelligence is supported by beginning with an exploratory approach which notes existing positions, proposals and solutions as grist for exploring the situations they were created to handle. Exploring the assumptions, interests, needs, values, visions, experiences, etc., which gave birth to these particular proposals, tends to deepen understanding and relationship so that new and better solutions can emerge. See "Beyond Positions: a Politics of Civic Creativity."

7. HELP PEOPLE FEEL FULLY HEARD: To the extent people feel fully heard, they will be able to hear others and, ultimately, join in collaborative deliberation and co-creative problem-solving. Among the approaches to helping people feel fully heard are Active Listening, Nonviolent Communication, and Dynamic Facilitation.

Exhibit 1
The Public Participation Continuum



Source: Adapted from Health Canada and International Association of Public Participation

Conclusions

Effective public participation is becoming an important consideration for government as the public and stakeholder groups increasingly expect to be involved in government decision-making. As well, governments increasingly recognize the value of public participation and its use as a tool for strengthening trust and confidence in the decision-making process. In Iran, government has committed to accomplishing its goals and priority actions in partnership with citizens and stakeholder groups. We therefore undertook this work to: better understand public expectations regarding involvement in government decision-making; develop an appropriate framework of public participation for Iran based on current best practice; determine whether the provincial government is clear about why and where it should use public participation; and establish a reasonable standard to be

used in assessing government's public participation practices. As discussed above, there are a number of reasons why government engages citizens and stakeholder groups before making a decision. In some cases, consultation is mandated by the courts or established through legislation. In other cases, it is adopted as a "discretionary opportunity" to engage and involve a broader audience in shaping the decisions of government. Our review focused on understanding best practices in the latter cases. Our first step was to identify these practices across Iran, and use them to develop a framework for public participation consistent with these findings and other best practices. We then examined existing practices in Iran and have highlighted our observations at the end of the study.

There is a consensus that the rule of law and good governance are the foundation for achieving public participation goals. Various institutions have taken initiatives in promoting the rule of law and good governance throughout the world and have made considerable progress over the years. However, despite these efforts and the growing number of environmental laws and regulations, environmental quality and public health continue to deteriorate due in significant part to lack of implementation, enforcement, and compliance with existing laws. A strengthened focus on compliance and enforcement efforts could overcome these problems and would be a critical investment for advancing public participation.

The influence and expansion of human rights cover more territories. Today, the concepts and respect at all levels would be unacceptable, without regarding other humans' rights. Accordingly, one of the fundamental preconditions of every concept in the correlations of the international community is the recognition and emphasis on the concepts of the human rights. The developmental trend is not also out of this framework. The concept of good governance, with its especial features, emphasizes on the human rights more than anything else. This fact would be revealed through the comparison of the concept of good governance with the concepts of the human rights. In the other word, the human rights have been changed to the substantive concept of good governance. But on the other hand, the correlations between these two are far beyond the one-sided ones and they are cohesively interdependent. In reality, good governance is formed when the principles of the Constitutional Law are institutionalized. As the concept of good governance develops, the other side of this two-sided correlation is revealed.

The concept of good governance makes the officials committed to institutionalize the noble concepts of human rights and take steps to develop them. These measures are conducted through the negative actions to enjoy the law or the positive ones to guarantee the Constitutional Law. The commitment of the officials and the inextricable dependence of the fundamental factors of the concept of good governance on the human rights clearly indicate the wonderful effect of this concept on the institutionalization of the human rights and its fundamental values in the international community.

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