

The Partnership for Principle 10

EXPECTED DATE OF INITIATION: August 29, 2002

EXPECTED DATE OF COMPLETION: The institutionalization phase of the Partnership for Principle 10 will end in September, 2003. The first implementation phase will be reviewed on an ongoing basis and is expected to conclude in 2012.

PARTNERS (as of August 12, 2002)*

Government Agencies

European Union
Government of Hungary
Government of Italy, Ministry of Environment and Territories
Government of Uganda
Government of the United Kingdom
Government of Tanzania, National Environmental Management Council

International Organizations

United Nations Development Programme

NGOs

Corporación Participa, Chile
Centro de Investigación y Planificación Ambiental (CIPMA), Chile
Fundación TERRAM, Chile
Centro Mexicano de Derecho Ambiental (CEMDA), Mexico
Cultura Ecológica, Mexico
Presencia Ciudadana, Mexico
Comunicación y Educación Ambiental, Mexico
World Resources Institute
Thailand Environment Institute
Advocates Coalition for Development and Environment, Uganda
Uganda Wildlife Society
Agricultural Cooperative Development International
Environmental Management and Law Association, Hungary
Participatory Research in Asia, India
King Prajadhipok's Institute, Thailand
Silicon Valley Toxics Coalition, United States
Citizens Policy Center, United States
Indonesian Center for Environmental Law, Indonesia

Financing institutions

World Bank

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*Partners continue to join the Partnership for Principle 10. For the most updated list of partners, please see our website at www.pp10.org.

OBJECTIVES

The Partnership for Principle 10 seeks to improve national public participation

systems to ensure access to information, public participation, and justice in decision-making that affects the environment. Improved public access to information, participation, and justice in decision-making makes decisions more fair, legitimate, and sustainable. At the national level, a working public participation system enables individuals and groups to make informed choices and integrate social and environmental objectives in decisions on economic policies and specific development activities. By integrating social and environmental concerns in economic decisions, a public participation system is an essential mechanism for the promotion of a sustainable development agenda.

National systems for public participation have many common elements, including policies, supporting legislation, institutional infrastructure, methods of dissemination, and timing of participation. Diverse national systems of public participation share areas of achievement as well as weaknesses and gaps. Recent assessments, conducted by The Access Initiative, of national public participation systems in nine countries as diverse as Uganda, Indonesia and the United States, Thailand, Hungary and Mexico, or India and Chile indicate the following common achievements and needs.

Implementation is uneven across the three access principles: In most of the countries assessed, governments perform best in law and in practice in providing access to information; they perform less well in facilitating participation and least well in providing access to justice. The interdependence of the three principles makes this finding highly significant. Each access principle is essential to the overall effectiveness of the system; weakness in the implementation of any one principle can compromise the entire system of public participation. The Partnership for Principle 10 will work for the development of the integrated system.

Legal frameworks supportive of the access principles are rapidly evolving. Indeed, **Mexico, Chile, South Africa, Thailand** and many other countries passed Freedom of Information Acts in the last 10 years. Environmental Impact Assessment laws with provisions for public participation have become common during the same time. Development of legislation to make facility-level information on pollutant emissions available to the public is progressing steadily in many countries and regions. This dynamic evolution indicates the need to track progress and identify areas for improvement in an on-going process. The Partnership for Principle 10 will work to track progress at national level and address weaknesses.

Improvements in practice lag behind improvements in law. The institutional infrastructure necessary to implement the access principles often is insufficient. For example, among the nine countries assessed, only two provide an explicit constitutional right to public participation in decision-making. In many cases, laws and regulations concerning environmental impact assessment lack provisions guaranteeing timely notice and comment. In other cases, a persistent "culture of secrecy" pervades the bureaucracy, undermining information disclosure policies. This weakness can be addressed by:

- Development of provisions and regulations supporting implementation and enforcement. Such provisions should range from broad interpretation of environmental information in the public domain to procedures for timely and inclusive participation in decision-making affecting the environment.
- Improved capacity by the government: training, institutional coordination mechanisms, staff and other elements of institutional infrastructure.
- Stronger capacity and role of civil society in supporting improvement of the system and promoting demand for information, participation and justice.

The Partnership for Principle 10 will work to strengthen capacity and to improve the practice of access.

The public lacks access to specific information types, decision-making processes, or mechanisms for justice. Much more needs to be done to improve access to some types

of information, overall conditions for meaningful participation in decisions that matter and for access to justice. Specific action is needed to improve:

- Access to information about the environmental performance and compliance of industrial facilities.
- Meaningful participation in policy-making in "real" rather than only "environmental" sectors and in project-level decision-making.
- Access to justice for the public and the affordability of judicial processes.

The Partnership for Principle 10 will work to address these implementation gaps and strengthen public access in areas identified as weaknesses. Based on independent assessments of national public participation systems, the Partnership will provide a vehicle through which stakeholders can make specific commitments that will contribute to the strengthening of those areas in which there are weaknesses.

PARTNERSHIP FOR PRINCIPLE 10 AND SUSTAINABLE DEVELOPMENT

Principle 10 of the Rio Declaration asserts that at the national level, each individual shall have access to information, the opportunity to participate in decision-making, and access to redress and remedy. The Partnership for Principle 10 is built to promote implementation of the Declaration, translating Principle 10 into specific guidelines, action strategies, capacity-building, and infrastructure for implementation.

Agenda 21 promotes sustainable development through mobilizing the energy of the people for informed decisions about their future. The Partnership for Principle 10 strengthens the implementation of Agenda 21 goals for inclusive and informed decision-making for sustainable development.

The Millennium Report of the Secretary General of the United Nations underscores the importance of greater participation coupled with accountability. The report outlines three main challenges: freedom from want, freedom from fear, and an environmentally sustainable future. To succeed at these goals requires better decisions on development and better governance of natural resources so that they can both support sustained growth and be preserved for the future. The Partnership and its founding coalition, the Access Initiative, are designed to improve national level governance through access to information, participation, and justice in decisions affecting the environment so policies or single development activities incorporate peoples' environmental concerns and support sustainable development. Such governance leads to environmentally sound and socially acceptable decisions on development.

The Partnership for Principle 10 draws on the work of the Access Initiative and its partners, who have identified the common elements of a public participation system, developed a set of indicators to measure progress, and summarized accomplishments and areas that need further action. Finally, the Partnership proposes commitments by stakeholders for specific national-level action to further improve implementation of Principle 10 of the Rio Declaration and Agenda 21.

EXPECTED RESULTS

The Partnership will result in an acceptance of the common elements of national public participation systems as benchmarks in the implementation of Principle 10 of the Rio Declaration, the relevant chapters of Agenda 21, and the Millennium Development Goals. It will also result in increased and more effective public access to information, participation, and justice in environmental decision-making through national-level monitoring, implementation of the common guidelines for national public participation systems, and media and policy attention.

Guided by these common elements, and taking into account national conditions, the Partnership will promote the improvement of national public participation systems and will contribute to improved governance for sustainable development. We expect that the efforts of the partners will produce the following outcomes.

- A network of institutions - governments, multilateral development banks, regional and global institutions, national and international NGOs - capable of and committed to improving the law and practice of access to information, participation and justice in decision-making affecting the environment and in facilitating the integration of environmental concerns in development decisions.
- Demonstrated improvements in national public participation systems, as measured by independent civil society assessments over time, based on specific commitments to improve both practice and policy at the national level.
- Increased capacity of governments to implement their commitments to access to information, participation, and justice in decision-making that affects the environment.
- Improved capacity of civil society groups in member countries to track progress by using common indicators, identifying main challenges that need to be addressed, and proposing national-level strategies for improvement of performance in access to information, participation, and justice in decision-making that affects the environment.

STRATEGY OF THE PARTNERSHIP FOR PRINCIPLE 10

The Partnership for Principle 10 is built around a set of common commitments, to which all partners agree. These common commitments serve as a statement of the Partnership's values and principles. The common commitments set the parameters for the scope of work of the Partnership. **All partners, by joining the Partnership for Principle 10, commit to support the accelerated implementation of Principle 10 in their country and/or organization.** They also:

- Recognize that national public participation systems have common elements, and should be regularly and independently assessed by civil society organizations using a common framework of indicators—such as those developed by The Access Initiative—to identify strengths and weaknesses in implementation.
- Commit to collaborate across sectoral boundaries to identify implementation gaps, prioritize needed actions, and implement programs to strengthen capacity and improve performance.
- Commit to promote implementation of Principle 10 internationally through engagement with regional and international organizations, international trade agreements, and financial institutions, as appropriate.

Each partner also commits to a specific set of action items, as appropriate to its own resources and abilities. These specific commitments are based on the common principles of the Partnership and are based around the following set of illustrative guidelines. The specific commitments are designed to capitalize on the strengths and resources of each individual partner in remedying the implementation gaps in national public participation systems as identified by independent assessments.

Illustrative specific commitments for Government Agencies include:

- Support independent assessment and monitoring, and collaborate with other stakeholders to identify gaps and set priorities for improvement.
- Balance efforts to improve law and practice across all three principles.

- Once a legal framework is in place, focus on closing gaps between law and practice through development of institutional infrastructure and staff capacity.
- Invest in improving the capacity of the public to access the public participation system.
- Create favorable enabling conditions for public interest groups and the media.
- Collaborate with other partners to disseminate information about progress and learn about best practices in other countries.

Illustrative specific commitments for NGOs include:

- Undertake independent assessment and regular monitoring using common frameworks and methods
- Collaborate with government and other stakeholders to identify gaps and set priorities for improvement
- Stimulate and channel public demand for access to information, participation, and justice
- Build their own capacity, and that of affected communities and the general public, to access the public participation system

Illustrative specific commitments for Businesses include:

- Adopt best practices in facility-level reporting on environmental performance and compliance.
- Collaborate with governments and civil society to design and build the necessary infrastructure for public access to facility-level reports on environmental performance and compliance.
- Develop appropriate emergency plans and the capacity for early warning of the public about fires and explosions in facilities.

Illustrative specific commitments for Financing Institutions include:

- Incorporate provisions to stimulate the upward harmonization of implementation of the access principles in participating countries.
- Model best practices of information disclosure, participation, and accountability in their own deliberations.

Illustrative specific commitments for Media include:

- Investigate and call attention to lapses in performance by governments in providing access to information, participation, and justice
- Provide high-quality coverage of environmental issues and a forum for diverse views on environmental decisions

Illustrative specific commitments for Donors include:

- Support continuous improvement of a common assessment methodology
- Provide financial, institutional, and political support for development of national public participation systems
- Support capacity building on both the supply and demand sides
- Model best practices of information disclosure, participation, and accountability in their own operations
- Provide financial, institutional, and political support for the development of the Partnership for Principle 10 at the national, regional, and global levels.

Some examples of specific commitments are as follows:

- A national-level civil society organization might commit to undertaking a national assessment every two years.
- A Ministry of Environment might commit to promoting improved legislation, developing a new public information system, and/or implementing a program of staff training related to public participation.

- A donor agency might commit to providing a specific level of funding to support the Partnership for Principle 10 itself, and/or to support capacity building in specific countries. The agency might also commit to improving its own performance in implementing the access principles in its own operations.

SPECIFIC TARGETS OF THE PARTNERSHIP FOR PRINCIPLE 10 AND TIMELINE FOR COMPLETION

We expect that in the next ten years:

- We will improve the national public participation systems and institutional infrastructure of the countries involved in the Partnership by addressing 50% of the major gaps and weaknesses that have been identified.
- We will expand to include twenty more countries that will join the Partnership for Principle 10, conduct regular assessments of their national public participation systems, identify areas needing work, and undertake action to address weaknesses.
- The Partnership will produce three global reports and 45 national assessments (including both original assessments from new partners and repeated assessments from current partners.)
- The Partnership will deliver \$25 million USD in aid to meet specific implementation gaps, capacity-building needs, and other priorities as identified by independent assessments.

In the next five years:

- Partners will have made commitments to address at least 50% of the major gaps and weaknesses that have been identified.
- We will expand the Partnership to include ten additional countries that will join the Partnership, conduct regular assessments of their national public participation systems, identify areas needing work, and undertake action to address weaknesses.
- The Partnership will produce one global report and twenty national assessments (including both original assessments from new partners and repeated assessments from current partners.)
- The Partnership will deliver \$10 million USD in aid to meet specific implementation gaps, capacity-building needs, and other priorities as identified by independent assessments.

In the next year:

- The Partnership will have reached consensus on a flexible, transparent, participatory, and accountable governance structure.
- The Partnership will have developed models for reporting systems.
- The Partnership will have ensured that its work complements the outcomes of the World Summit on Sustainable Development.
- The Partnership will have identified priorities for action in at least five countries and will have undertaken initial activities towards the implementation and improvement of access to information, participation, and justice.
- All partners will have finalized their specific commitments to the Partnership for Principle 10.

COORDINATION AND IMPLEMENTATION MECHANISM

In its first year, the Partnership for Principle 10 will build on the governance structure of the Access Initiative (TAI). TAI is led by a Core Team composed of the World Resources Institute (WRI, USA), the Environmental Management and Law Association (EMLA, Hungary), Corporación Participa (Chile), the Thailand Environment Institute (TEI, Thailand), and the Advocates Coalition for Development and Environment (ACODE, Uganda). Civil society groups from nine countries form The Access Initiative itself. An Advisory Group (AG) of 250 representatives of NGOs, academia, governments, and key United Nations agencies,

including UNEP, UNDP, CSD, and United Nations regional economic commissions, provides guidance to the Core Team on scope, policies, and strategy, and evaluates the organisational development of TAI.

The Core Team will serve as an interim coordination and implementation mechanism while the Partnership for Principle 10 expands to include new stakeholders and while the partners are developing specific commitments to the Partnership. Implementation will primarily happen at the country and the organization levels. Current and new NGO members and government agencies at the national level will collaborate in defining national priorities for action based on assessments of national public participation systems and will track progress against these priorities.

The current Core Team will expand its coordinating functions and will assume new, primarily regional functions to provide institutional support for the Partnership and on-going technical assistance to partners. The Core Team member-organizations will act as regional secretariats for Europe, Africa, South America, Asia, and North America. The secretariats will be responsible for providing support and coordinating the work of the countries in their regions. Secretariats will also work with each other to ensure global coordination, learning, and information sharing.

The Core Team will be assisted by ad-hoc working groups of experts from the member organisations and institutions to address specific issues and provide guidance.

Within the first eight months after the Partnership is launched, a meeting of all partners will be convened. At the meeting, partners will assess the governance mechanism provided by the Core Team, reach consensus on the accountability of the Partnership, and design a long-term governance mechanism for the Partnership. The meeting will also serve as an opportunity for partners to review the status of their specific commitments. Specific issues that will be considered include:

- Internal arrangements for monitoring of progress and accountability.
- Independent external assessments of progress.
- Ensuring transparency and participation in internal activities.
- Ongoing complementarity with negotiated intergovernmental agreements, particularly those that emerge from the World Summit on Sustainable Development process.
- Arrangements for implementation.

CURRENT FUNDERS*

Swedish International Development Agency
 Netherlands Ministry of Foreign Affairs
 Spencer T. and Ann W. Olin Foundation
 United Kingdom Foreign Commonwealth Office
 Bauman Foundation
 Italian Ministry of the Environment and Territories
 Trust for Mutual Understanding
 United States Agency for International Development
 Government of Denmark
 Wallace Global Fund
 United States Department of State
 C.S. Mott Foundation

*This list includes those funders who have supported The Access Initiative and/or the Partnership for Principle 10. Future funding will come from specific commitments made by members of the Partnership as well as additional fundraising from traditional sources such as foundations, bilateral aid agencies, and other donors.

CAPACITY BUILDING

Partners are expected to make specific commitments to support the implementation of Principle 10, based on the common commitments and the findings of independent assessments of national status. One of the findings of the national assessments is that the implementation of Principle 10 is resource- and capacity-constrained. As such, we expect that those partners that are able—for example, donor agencies, international financing institutions, and some governments—will provide specific financial support targeted towards building the capacity of national-level governments to implement the kinds of programs and policies that are necessary to support the dissemination of information and the practice of participation. We also expect that specific commitments will be made towards building the capacity of civil society to conduct independent assessments, monitor progress, and engage with government agencies.

The Partnership will also provide capacity-building assistance targeted towards NGOs and civil society organizations interested in conducting assessments of government implementation of Principle 10. A “How-To Guide”, which will provide step-by-step guidance to monitoring government performance, will be made available. The “How-To Guide” will provide common tools for assessments as well as guidance for methodological development. Partners will also be supported through information and knowledge-transfer facilitated through list-servs and websites.

LINKS WITH ON-GOING SUSTAINABLE DEVELOPMENT ACTIVITIES

The Partnership for Principle 10 builds on the work of the Access Initiative (TAI). The Initiative is a coalition of civil society groups who have:

- Conducted national assessments of the public participation systems and identified strategic needs in nine countries.
- Developed a set of common indicators to measure access to information, participation, and justice in environmental decision-making.
- Produced a global synthesis report identifying main accomplishments and gaps in governance for better and more sustainable decision-making.

We have established collaborations with UNECE and the Secretariat of the Aarhus Convention and with ECLAC in promoting public participation in Latin America. We are discussing opportunities for collaboration with UNESCAP in promoting public participation in Asia.

MONITORING ARRANGEMENTS

The partners assume specific commitments and responsibilities aimed at improving the infrastructure and capacity in their countries or organizations for access to information, participation, and justice in decision-making affecting the environment. As such, different partners become accountable to each other in implementing their commitments. Progress towards achieving the general goals of the partnership and the specific commitments by the partners will be monitored by:

Regular updates on activities. These will be compiled by the secretariats and disseminated through list-servs and a website:

- a) Quarterly reports of progress will be posted on the Partnership for Principle 10 website and will be disseminated through the list-serv.
- b) A list-serv for all members of the Partnership will be developed and maintained. It will be used primarily for updates and information dissemination.

Website:

The Partnership for Principle 10 has a dedicated website at www.pp10.org. The website provides basic information about the Partnership, lists the partners and their specific commitments to PP10, and provides information about the events and activities of the Partnership. The website will also serve as the principal mechanism to ensure transparency and disseminate information. It will feature extensive reports on the activities of the Partnership, including information on the workplans that each partner will develop, and will report on progress made. Finally, the website provides links to other resources. These additional resources include the Access Initiative website, www.accessinitiative.org, which hosts the detailed assessment reports that have been produced by civil society organizations to monitor the strengths and weaknesses of national public participation systems.

Reports:

The Partnership will design three mechanisms for internal and external accountability.

Annual Reports: **Partners** will report to their peers for activities undertaken under the auspices of the Partnership. Such reports will be presented at annual meetings and will track progress and activities against the specific commitments of each partner. Reports will be posted on the website and will track the implementation of commitments.

Assessments of National Public Participation Systems: These will be produced by the national NGO coalitions at a minimum of once every three years and will be based on the common research framework and common indicators developed by The Access Initiative. They will be reviewed by panels including government representatives and other qualified individuals. The reports will be made available through the Access Initiative website, www.accessinitiative.org. Summaries will be available at the Partnership for Principle 10 website, www.pp10.org.

Global Reports: These reports will build on national data from the indicators and track overall progress in improving the systems for public participation in member countries. The reports will not compare countries but will track changes and improvement in discrete elements of the national public participation system. They will also include analysis of regions by specific elements such as facility-level reporting, information about water quality, Environmental Impact Assessment, and performance by international institutions. The reports will be reviewed by a broad constituency and will be available both in print and on the web. An example of this type of report can be seen in *Closing the Gap: Information, Participation, and Justice in Decision-Making for the Environment* (2002). Petkova et al. World Resources Institute: Washington, DC.

OTHER RELEVANT INFORMATION

The Partnership for Principle 10 builds on the Access Initiative (TAI). TAI is a global coalition of 25 civil society groups that seeks to promote public access to information, participation and justice in environmental decision-making. It is led by a core team composed of the World Resources Institute (USA), the Environmental Management and Law Association (Hungary), Corporación Participa (Chile), the Thailand Environment Institute (Thailand), and the Advocates Coalition for Development and Environment (Uganda).

Since its inception in November 2000, The Access Initiative has:

- Developed indicators to assess the performance of countries in building their national systems for public participation.
- Pilot-tested the indicators in nine countries, undergone national review, and produced national assessments identifying country-specific accomplishments and weaknesses.
- Based on national assessments, identified the common elements of a public participation system. Governments should strive to build these elements to support implementation of Principle 10 and the relevant commitments in Agenda 21.

- Published *Closing the Gap: Information, Participation, and Justice in Decision-Making for the Environment*, a global summary report that identifies common accomplishments and weaknesses of national public participation systems, global demand for and satisfaction with access to information and participation, and the performance of global and regional institutions.
- The Access Initiative supports three list-servs and a website.

Website: www.accessinitiative.org

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