Disclosing environmental information in the natural resource sector

OGP Openness in Natural Resources Working Group | Issue Brief | February 2016

A product of the close collaboration of the working group's co-anchors: the governments of Mexico and Indonesia, the World Resources Institute, and the Natural Resource Governance Institute

I.   Why disclose environmental information?

Local communities can suffer from negative social and environmental impacts associated with the establishment and operation of oil, gas, and mining projects. These impacts include land use conflicts, lack of water availability, water and soil contamination, air pollution, erosion, involuntary displacement, and social problems. Studies[1] have found that the **"extent and severity [of] impacts depend largely on how mining operations are regulated and managed."** Nevertheless, governments often do not provide communities with timely and useful information on the industry in terms of siting, mitigation, permitting, monitoring, and reclamation. Opportunities for public consultation during the regulatory process and the ongoing provision of information over time is also often lacking.

The Open Government Partnership (OGP) offers an opportunity for governments to mitigate these negative impacts by making commitments on the proactive disclosure of social and environmental information related to the extractive industry. This issue brief aims to provide an overview of current standards and practices, and outline concrete examples of environmental disclosure commitments for consideration by governments and civil society organizations.

II.   Environmental disclosures in the regulation of oil, gas, and mining operations

What information do governments have?

Governments utilize a range of administrative actions to regulate or oversee industry behavior, and generate a number of documents that demand performance of operations according to national and international standards. **Public access to these documents provides a wealth of information about the operations of the industry, requirements for control of potential impacts, and monitoring and compliance conditions.** The table below provides a sample of the documents and processes that governments usually require as part of the regulation process.

Document	Purposes
Licenses to explore for extractive resources	Allow the exploration of land for extractive resources
Contracts or concessions for the right to use land for extractive purposes	Indicate intention to extract or use, or provide rights for extraction or use, of the land for extractive purposes
EIAs and social impact assessments	Describe the anticipated impacts and mitigation measures of the permitted activity
Environmental licenses or permits for oil, gas, or mining operations	Indicate the conditions under which the activity is permitted, including the international or local standards to be complied with
Air, water, and hazardous waste release or storage permits	Describe the types, amounts, quantities, and conditions under which waste must be discharged or stored
Environmental Management Plans	Outline the mandatory requirements for managing operations and standards to be complied with
Permits to use water or forest timber	Allow the use of natural resources by mining facilities
Processes	

Reporting on the management of the operation and compliance with national standards
Reporting on the impact of mining activity on air, water, and land
Reporting on remediation and reclamation requirements for how the industry must ensure cleanup of the sites, including bonds for restoration to previous conditions
Reporting on actions taken when there is non-compliance and enforcement by the State

What information do communities need?

Communities need specific types of information in relevant forms to engage in community monitoring, and to demand remedies or relief where there is damage to land, natural resource use rights, or health. For instance, the World Resources Institute's (**WRI**) forthcoming publication on work in Indonesia, Mongolia, and Thailand will show that communities seek information about the specific facilities in their area, including the type of pollution being released, the efforts companies are taking to remediate environmental problems, company ownership and contact details, and public health risks associated with waste discharges. Community members also need easily accessible forms of information, such as signages or documents available at local government offices, without having to make requests for information. Not all local people have access to the internet, especially in rural areas, making databases available through websites or information contained only at national offices very difficult to obtain.

What information is actually disclosed?

In a 2015 study, WRI's [Environmental Democracy Index](#)[2] (**EDI**), found that **governments generally do not provide easy access to comprehensive information on mining operations or related environmental and social impacts.** The research, which assessed 70 countries, indicates that while almost half of the countries legally require all government agencies to monitor performance and compliance of activities that could harm the environment, 64% of these countries were not making point-source (such as a factory or mine) pollution information publicly available in any form. EDI also found that a majority of countries provided limited or no access to Environmental Impact Assessments (**EIAs**) and extractive industry licenses/permits.

III.   Environmental disclosure standards and practices

International and regional standards

Regional standards have been developed for environmental information disclosure in [Europe](#)[3], and are currently being developed in [Latin America and the Caribbean](#)[4]. Other non-environment related standards have also encouraged environmental transparency. For instance, while the current [Extractive Industries Transparency Initiative](#)[5] (**EITI**) [Standard](#)[6] only focuses on the disclosure of tax payments, licenses, contracts, and production, **countries have gone beyond the EITI standard and disclosed environmental information in their EITI reports.** For instance, Mongolia's 2012 EITI report included information on (a) expenses by extractive companies for environmental protection, and (b) [findings](#) from the survey on environmental protection and remediation activities.

Proactive disclosure of environmental information

Good standards that expand proactive disclosure of specific types of environmental information can be found in freedom of information laws, and could provide models for natural resource commitments. Countries with such legal provisions include Brazil, China, Indonesia, and Thailand.

Country	Legal provision
Brazil	Access to Information law (Lei no. 10.650, de 16 de Abril de 2003), Article 4
China	Measures on Open Environmental Information (for Trial Implementation) (Adopted by the State Environmental Protection Administration of China on February 8, 2007; Effective May 1, 2008), Articles 11, 19, and 20
Indonesia	Environmental Protection and Management Act (EPMA) No. 32 of 2009; Article 62, Article 65(2)
Thailand	Section 9(8) of the Official Information Act B.E. 2540 (1997)

Proactive release of data on portals

As technology advances, providing environmental information through data portals is becoming more common. Releasing EIAs, mining concessions, and information on enforcement and compliance with national standards could be important commitments to be considered. Canada, Chile, Jamaica, US, and the UK release data on their compliance and enforcement actions by the government against corporations. Mexico and Liberia have portals that release mining concession information.

Country	Data portals
Canada	http://open.canada.ca/data/en/dataset
Chile	http://sinia.mma.gob.cl/
Jamaica	http://www.nepa.gov.jm/new/legal_matters/legal_framework/legal_issues.php; http://www.nepa.gov.jm/new/services_products/subsites/air_quality/emissions.php
Mexico	http://transparencia.energia.gob.mx/; http://www.siam.economia.gob.mx
Mongolia	http://www.eic.mn; http://geodata.mne-ngic.mn/
US	http://www3.epa.gov/
UK	https://www.environmentaldataexchange.org.uk/

Development of performance assessment standards

Environmental Performance Rating and Disclosure (EPRD) systems provide the public with general company performance information or ratings on their environmental discharges. Countries with EPRDs include China, Ghana, Indonesia, India, Philippines, South Korea, Ukraine, and Vietnam. These existing systems offer another opportunity for countries to modify requirements and disclose the specific environmental information collected and used to make rating determinations.

Country	Performance standard
China	GreenWatch Program
Ghana	AKOBEN Program
India	Green Rating Program
Indonesia	Program for Pollution Control, Evaluation, and Rating (PROPER)
Philippines	EcoWatch Program
South Korean	Monthly Violations Report Program
Ukraine	PRIDE SYSTEM
Vietnam	Black and Green Books Initiative

IV.   OGP Commitments on Environmental Disclosure

Several OGP countries have incorporated pioneering environmental disclosure commitments in their action plans, which are examples of practical and implementable environment-related commitments:

a. **Integrating information systems of various government agencies**, as in Colombia. Colombia committed to improve the inter-operability of information subsystems of the National System of Environmental Information.

b. **Release environmental information relevant to oil, gas and mining**, as in Mexico. Mexico committed to jointly develop with civil society a diagnosis of the existence, quality, accessibility and gaps in geographical[7], statistics, socio-environmental, fiscal[8], financial, and administrative information related to the mining industry[9]. They have also committed to release the information in a transparent way, taking into account open data principles. As a result, there is now a public registry[10] for mineral rights and titles, and concessions, enforcement inspections, production statistics[11], along with geological and geochemical[12] information, are now open and available to the public.

c. **Creation of a separate body responsible for collecting, analyzing, and publishing data, statistics, and indicators about the environment**, as in Tunisia. Tunisia committed to build an agency dedicated to information collection and dissemination relevant to the extractive sector.

Governments may also (a) enhance their freedom of information or other environmental laws to provide proactive disclosure of environmental information; (b) work with and enhance the capacity of local ministry offices to ensure access at the local level; and (c) utilize non-traditional avenues, such as SMS, signages, radio, and TV, for dissemination and feedback loops. For easy access, use, and redistribution of information, the information should be disclosed in line with the International Open Data Charter.[13]

RESOURCES

- For tools that help measure how open and participatory environmental laws and practices are in 70 countries, see the Environmental Democracy Index.[14]
- For a measurement of the quality of governance in the oil, gas, and mining sectors in 58 countries, see the Resource Governance Index.[15]

ABOUT THE OPENNESS IN NATURAL RESOURCES WORKING GROUP

The OGP Openness in Natural Resource Working Group,[16] co-chaired by the governments of Indonesia and Mexico, the Natural Resource Governance Institute[17] (**NRGI**) and the World Resources Institute[18] (**WRI**), is a community that fosters the creation and implementation of concrete and impactful natural resource-related commitments. It seeks to be a platform for peer exchange, and to be a safe space for discussion among stakeholders who are more often than not seen to sit on opposite sides of the table. For peer learning and support, idea exchange, and grounded discussions on your natural resource commitments, contact the working group through:

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To access the sites hyperlinked in this brief, go to:

1) http://siteresources.worldbank.org/INTOGMC/Resources/largemineslocalcommunities.pdf
2) http://www.environmentaldemocracyindex.org/
3) http://www.unece.org/info/ece-homepage.html
4) http://www.cepal.org/en/principio-10
5) http://www.eiti.org/
6) https://eiti.org/document/standard
7) http://www.datos.gob.mx/
8) http://www.datos.gob.mx/
9) http://tablero.gobabiertomx.org/
10) http://www.economia.gob.mx/
11) http://www.siam.economia.gob.mx/
12) http://www.sgm.gob.mx/
13) http://opendatacharter.net/principles/
14) http://www.environmentaldemocracyindex.org/map
15) http://www.resourcegovernance.org/rgi
16) http://www.opengovpartnership.org/node/5717
17) http://www.resourcegovernance.org/
18) http://www.wri.org/