

**The Access Initiative**

**Water Sector Toolkit:**

Combined Documents

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## **Introduction: The Access Initiative Water Module**

The Access Initiative is a global coalition of civil society groups dedicated to ensuring that people everywhere have the right and ability to influence decisions about the natural resources that sustain their communities. With partner organizations in over forty countries, we promote national-level implementation of the three “access rights” enshrined in the 1992 Rio Declaration Principle 10: access to information, public participation and access to justice in decisions that affect the environment.

At the heart of The Access Initiative’s (TAI’s) work is an assessment toolkit that supports civil society groups in telling a complete story about the status of the three access rights in their country. Using TAI research guidelines and indicators, TAI partners conduct a set of case studies that evaluate how well their national law and government efforts uphold citizens’ rights to transparent, participatory, and accountable governance. *The TAI Assessment Toolkit* can be found on-line at <http://research.accessinitiative.org>. Information about joining The Access Initiative can be found at [www.accessinitiative.org](http://www.accessinitiative.org).

### **Using *The TAI Water Module***

In *The Access Initiative Water Module*, TAI provides advice and guidance to civil society groups specifically interested in evaluating access to information, public participation, and access to justice in decisions related to fresh water. The Module assists users in applying the TAI Assessment Toolkit to conduct a survey of water decision-making in their country.

The TAI Water Module is intended for use by civil society coalitions already familiar with the process of conducting a TAI assessment. Typically, TAI civil society coalition members take part in a three-day training to learn the TAI assessment method and practice using the *TAI Assessment Toolkit*. The TAI Water Module must be used together with the Toolkit.

In using the TAI Water Module, TAI coalitions have a choice:

- They can conduct a stand-alone national TAI-Water assessment
- They can conduct a TAI-Water assessment as a component of an overall national TAI assessment.

### **Components of the TAI Water Module**

The Water Module consists of three components:

1. ***National TAI Water Overview Survey***: The first step in a TAI Water Assessment is to obtain fundamental information about water in your country. The National TAI Water Overview Survey covers: physical and ecological characteristics; water use trends; major water-related events and issues; important water-related wellbeing statistics; water-related institutions; water law; and dams.
2. ***TAI Water Case Study Selection Document***: This guidance document outlines water-related case studies in each of the TAI categories (A2I, PP and A2J), and identifies key research issues for each case. TAI coalitions must complete at least 6 Core water case studies, and also must choose at least 6 cases from among a variety of Elective case studies. Case studies should be selected AFTER completion of the National Water Overview Survey, so that findings from the

survey can help you select cases that reflect the most important water issues facing your country.

3. **TAI Water Indicator Research Guidance:** A TAI assessment consists of three major elements: a national law evaluation, a capacity building evaluation, and a set of case studies. Each element is addressed using a set of research questions, or “indicators,” which break Rio Principle 10 into discrete parts or measurable characteristics. For each indicator, the Access Initiative Assessment Toolkit provides research guidelines that assist researchers in conducting interviews, reviewing documents, studying the law, compiling statistics, or visiting sites of relevance to a case study. TAI water research guidance is provided by the Water Module for Core TAI indicators where water-related issues may require a different research approach than other issues. This guidance is integrated into the online assessment toolkit, and complements the standard TAI indicator research guidance. When using the Toolkit for TAI water cases, you will see both the general TAI indicator guidance and the water guidance.

Indicator Set	Indicators With Water Guidance
General Law (1-6, 7-9, 47-49, 91-94, 137-143)	1, 48, 49, 93, 94, 143
General CB (144-148)	144, 148
A2I (10-46)	10, 11, 13, 14, 17, 18, 19, 20, 23, 27, 31, 33, 34, 35, 37, 39, 41, 42, 46
PP (50-90)	52, 53, 56, 58, 59, 60, 62, 67, 68, 71, 73, 75, 76, 77, 79, 86, 90
A2J (95-136)	97, 98, 101, 102, 109, 110, 114, 117, 121, 123, 124, 125, 127, 131, 136

#### What the TAI Water Module Does *Not* Do

The Access Initiative is concerned with three foundational elements of fair and effective environmental governance – Access to Information, Public Participation, and Access to Justice. There are additional elements of good governance – and of good water governance, in particular – that build upon the foundation of ‘access rights’ but which are not squarely within the scope of an Access Initiative assessment. As you plan and conduct your TAI Water Assessment, it is important to keep in mind, for example, that the assessment will not evaluate the efficiency of water use in your country, nor will it explicitly identify the ‘winners and losers’ in the outcomes of water allocation decisions. The assessment is instead concerned primarily with *procedural* equity – the openness of decision-making processes, the availability of information, and the reliability of systems for seeking redress and resolving conflicts.

#### Additional Resources

- The TAI Assessment Toolkit can be found on-line at <http://research.accessinitiative.org>.
- For information about joining The Access Initiative, please see [www.accessinitiative.org](http://www.accessinitiative.org).
- Five TAI Water pilot reports and a findings summary are available online at [http://www.accessinitiative.org/partnerpages/water\\_working\\_group.htm](http://www.accessinitiative.org/partnerpages/water_working_group.htm).

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## **National TAI-Water Overview Survey**

*Use this survey to capture basic information about water in your country. Conduct the overview survey before you select your TAI-Water case studies, so that your case study selection may reflect the most important water issues facing your country.*

*Note that many overview survey questions include footnotes that give research advice and recommended sources. Answers to some questions also may be best presented using a map if geographically based data can be obtained. Questions where maps are recommended are indicated with (M).*

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### **Physical and Ecological Characteristics (M)<sup>1</sup>**

1. Total renewable water resources:
2. Per capita renewable water resources:
3. Precipitation patterns (describe annual amount, seasonal timing, geographic distribution, storm patterns, snow vs. rain, etc.):
4. Provide available statistics on the hydrologic cycle (e.g. percent of fresh water that evaporates, penetrates the soil, becomes stream flow, ice, or snow, etc.):
5. Area of fresh water bodies (km<sup>2</sup>):
6. Indicators of fresh water biodiversity<sup>2</sup>:
7. Number of water basins (indicate how many are trans-boundary basins and what percent of fresh water flows across boundaries):
8. List major fresh water bodies (lakes, rivers, glaciers, etc.):

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### **Water Use Information<sup>3</sup>**

1. Total annual water withdrawals:
2. Per capita annual water withdrawals:
3. Identify the percentage of water withdrawals used for household, agricultural and industrial purposes. (M) If data is available, revise the table to give information on more detailed water use categories (e.g. rural vs. urban households, manufacturing vs. service industries, etc.):

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<sup>1</sup> Information for items 1, 2, 4 and 5 can be found for many countries at [www.earthtrends.org](http://www.earthtrends.org). Additional or more up-to-date information should also be available from your ministry of natural resources, or another national agency.

<sup>2</sup> Depending upon your country's key ecosystems, you may wish to focus on the number of fresh water fish species and/or the distribution of key wetland plant species. Note the number of species listed by IUCN.

<sup>3</sup> Information for items 1, 2, 3, 4, and 5 can be found for many countries at [www.earthtrends.org](http://www.earthtrends.org).

	Ground Water	Surface Water	All Water
Household:			
Agricultural:			
Industrial:			

4. Ground water withdrawals as a percentage of annual recharge rates:
5. Total annual water withdrawals as a percentage of total renewable water resources:
6. Percent of land area under severe water stress (M)<sup>4</sup>:
7. Identify any specific water bodies that serve as important water sources (lakes, rivers, aquifers, reservoirs, etc.) (M):
8. Describe major trends in water use over the past ten years (growth in withdrawal rates, changes in sources, variation in major uses, etc.):
9. Discuss projections for future changes in water use:
10. Discuss waste water treatment in your country (percentage of wastewater treated, geographic distribution of treatment plants, age and type of treatment plants, etc.):

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## Water for Human Life

1. Access to water and sanitation (M)<sup>5</sup>:

	Rural	Urban	Overall
Percent of population with access to an improved water source:			
Percent of population with access to improved sanitation:			

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<sup>4</sup> The *Environmental Sustainability Index (ESI)* (available online at <http://sedac.ciesin.columbia.edu/es/esi/downloads.html#data>) includes an indicator of severe water stress (variable #33) that measures the percent of a country's land area on which water use exceeds 40% of all available water.

<sup>5</sup> The Earthtrends website ([www.earthtrends.org](http://www.earthtrends.org)) provides relevant information for many countries.

2. National scores for the Water Poverty Index (WPI)<sup>6</sup> and its component indices:

WPI	Resources	Access	Capacity	Use	Environment

3. Water-borne disease rates (M)<sup>7</sup>:

4. Indicate how most people in your country get their water. Provide percentage estimates and trends over time if available (M).

	Rural	Urban
Household connection to a piped municipal system		
Community wells		
Private wells		
Streams/rivers/lakes		
Rainwater collection		
Government water trucks		
Private water vendors		
Bottled Water		
Other:		

5. Costs of water for household use (M):

- Typical price per Liter for water in urban areas:
- Typical price per Liter for water in rural areas:
- If relevant, discuss costs of water in terms of the time typically spent obtaining it<sup>8</sup>:

If data is available, discuss trends in costs of household water over time:

<sup>6</sup> The *Water Poverty Index (WPI)* measures the impact of water scarcity and water provision on human populations. WPI is a number between 0 and 100, where a low score indicates water poverty and a high score indicates good water provision. WPI combines both the physical quantities relating to water availability and the socio-economic factors relating to poverty. It is comprised of five component indices: Resources, Access, Capacity, Use, and Environment. WPI scores for 140 countries can be found in: Lawrence, Peter, Jeremy Meigh and Caroline Sullivan. 2002. "The Water Poverty Index: An International Comparison." Keele Economic Research Papers, No. 19. Available on the web at <http://www.keele.ac.uk/depts/ec/wpapers/kerp0219.pdf>

<sup>7</sup> The *Environmental Sustainability Index* includes a standardized age-specific variable measuring deaths from intestinal diseases per 100,000 people (variable #39, available online at <http://sedac.ciesin.columbia.edu/es/esi/downloads.html#data>). Your Ministry of Health may offer additional measures that are more precise or relevant for your country.

<sup>8</sup> In places where water is not purchased, this question may be used in lieu of those above. It is most likely to be relevant in rural areas.

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## Events and Issues<sup>9</sup>

1. Identify the five most important water-related events in your country over the last five years:

1.
2.
3.
4.
5.

2. Identify the five most controversial water-related issues in your country at present:

1.
2.
3.
4.
5.

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## Water-Related Institutions

1. List key government players in decisions that affect how water is used and protected.<sup>10</sup>  
For each:

- briefly describe its role in water issues,
- list a key contact person with title, email, and phone number
- and indicate whether it is a local (L), state/provincial(S/P), national (N) or basin (B) level institution

Add rows to the table if needed.

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<sup>9</sup> TAI teams should identify their key events and issues in a brainstorm or dialogue session together with their advisory committee and/or outside water experts. Ideally, the group will include a range of perspectives (e.g. academic, business, government, locally-based CSOs, urban/rural representatives, etc.).

<sup>10</sup> Include agencies responsible for the primary water-related activities in your country, for example: provision of water for household use, monitoring of water quality, response to floods and droughts, irrigation, dams and hydroelectricity, wetland or forest protection, issuers of water use or pollution permits, regulation of water fees, water management planning, etc.

Agency	Role	Contact	L	S/ P	N	B

2. Typically, local communities play very important roles in water issues. Describe any community-level institutions or water management practices that are important in your country, but which are not captured in the table above:

3. Coordination across government agencies, and between vertical levels of government, is often very important for effective water governance. Note in the table above any agencies responsible for inter-agency coordination. Briefly discuss the nature of this coordinating function(s) and how it may affect access to information, public participation, or access to justice:

4. Percent of basins that have basin management plans (M):

5. Percent of basins that have basin committees (M):

6. What roles are played by basin committees in your country? Check all that apply, then rate the effectiveness of the committees for each function, where 5 is highly effective and 1 is not at all effective:

- | Basin Committee Function  | Effectiveness (1-5) |
|---|---------------------|
| <input type="checkbox"/> Advisory function                            |                     |
| <input type="checkbox"/> Decision-making or planning function         |                     |
| <input type="checkbox"/> Educational and awareness-raising function   |                     |
| <input type="checkbox"/> Adjudicatory or conflict resolution function |                     |
| <input type="checkbox"/> Other:                                       |                     |
| <input type="checkbox"/> N/A  |                     |

For functions that received a rating of 3 or below, briefly analyze the reasons for their ineffectiveness:

7. Describe the composition of the basin committees in your country and the process through which they are constituted<sup>11</sup>:

8. Has a national water resources plan<sup>12</sup> been completed?  Yes  No

<sup>11</sup> Consider, in particular, any mechanisms whereby various basin stakeholders are represented on the basin committee.

9. Describe your country's water quality classification system (if any). Include the percentage of surface water and ground water in each class:

10. Water and sanitation services are provided primarily via:

- Publicly run utilities
- Limited service contracts
- Lease-based systems
- Concessions
- Mix of ownership

Briefly analyze key features of water/sanitation provision in your country,<sup>13</sup> particularly with regard to the extent to which market and non-market mechanisms are at play:

11. Residential water fee systems include (check all that apply):

- Volumetric tariffs
- Fixed charges
- Differential treatment for poor or disadvantages consumers
  - Describe:
- Fees paid stay within the water basin
- Goal is full cost recovery

Discuss fees paid by agricultural and industrial water users:

Do water use fees change frequently?  Yes  No

Discuss the fairness and efficiency of the water fee system in your country:

---

## **Water-Related Law**

1. List major laws applicable to:

- (a) Rights of access to water
- (b) Allocation of water for different uses
- (c) Conservation of water
- (d) Conservation of biological resources in fresh water and wetlands ecosystems
- (e) Water quality for different uses and water bodies

2. List any important regulations, orders, subsidiary legislation, codes, codes of practice etc. under each of the above laws.

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<sup>12</sup> It may also be called a strategy or national policy.

<sup>13</sup> Water and sanitation provision differs greatly from country to country. Consider addressing any recent changes or trends in ownership, age and quality of physical infrastructure, the role of international lending, any related national laws, key private sector players, and typical types of contracts.

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3. List any institutions that are created by or entrusted with the implementation of each of the above laws and regulations.

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## **Dams**

1. Percentage of electricity from hydropower nationally:
2. Percentage of agricultural land that is irrigated:
3. Number of large dams:
4. Land area (km<sup>2</sup>) of reservoirs:
5. Briefly describe any dams currently under construction or in planning phases<sup>14</sup>:

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<sup>14</sup> Include location, size, key investors and contractors, costs, and plans for relocation/compensation of affected residents.

## **TAI Water Module Case Study Selection**

The backbone of any Access Initiative assessment is a set of case studies selected for analysis by a TAI national coalition. This document provides guidance on selecting cases for a TAI Water Assessment. Additional introductory information is provided in the TAI Water Module Introduction, which should be read before this document.

The TAI Water case selection guidance in this document is intended to be complementary to the case selection guidance for a general TAI national assessment. Each TAI Water case you select will fall into one of the TAI Categories (Access to Information, Public Participation, and Access to Justice), and many cases will fall into the same 'case types' within the Categories as general TAI cases. However, in addition to the TAI Categories, the TAI Water Module uses a set of water issues to organize the choice of cases. While some water cases are required in each Category, the TAI Water Module is more flexible than the TAI national assessment guidelines about the distribution of case studies within the three Categories.

For more information about TAI case selection in general, refer to the case selection guidance you obtained at your team's TAI Training Workshop. You may also wish to refer to the Assessment Overview page of the online TAI Assessment Toolkit, where the "Content Help" section provides guidance on case selection and assessment planning.

For examples of water case studies, you may wish to refer to the TAI Water pilot reports, available online at [http://www.accessinitiative.org/partnerpages/water\\_working\\_group.htm](http://www.accessinitiative.org/partnerpages/water_working_group.htm). Water cases will also become available, over time, at the TAI Findings Website, [http://research.accessinitiative.org/?module=findings&set\\_v=a2lsbD1hc3Nlc3NtZW50X2lk](http://research.accessinitiative.org/?module=findings&set_v=a2lsbD1hc3Nlc3NtZW50X2lk). It has a searchable database of recent TAI assessments, where you can find water-related case studies using the "Conduct Analysis" function.

### **Number of Cases**

In using the TAI Water Module, TAI coalitions have a choice:

- They can conduct a TAI Water assessment as a component of an overall national TAI assessment.
- They can conduct a stand-alone national TAI Water assessment

### ***Water Component of a General TAI National Assessment***

When conducting the water assessment as component of a TAI assessment, some of the water cases will fulfill general TAI assessment requirements, but others will not. You should carefully review the case selection guidelines you obtained at your team's TAI Training Workshop, as well as the "Content Help" section of the Assessment Overview page of the online TAI Assessment Toolkit. To incorporate the water component into the overall assessment, the following guidelines apply:

- At least 12 cases must be about water
- At least 6 water cases must be additional to the minimum required 18 TAI case studies (Total cases when conducting water assessment: 24 minimum)
- At least 4 water cases must be in Public Participation

Annex I of this document provides a matrix to help you in identifying a set of cases that meet both the TAI Water and general TAI Assessment case study guidelines.

### ***Stand-Alone TAI Water Assessment***

When conducting the water assessment independent of a TAI national assessment:

- Minimum of 12 water case studies
- At least 4 must be in Public Participation

### **Case Selection Recommendations**

It is strongly recommended that more than the minimum number of case studies be selected to provide a more comprehensive water assessment. Researchers are also encouraged to select an important national issue (such as privatization, dams, or a significant water crisis) for examination from the perspective of all three access rights. This is done by conducting a “cluster” of three related cases using the Access to Information (A2I), Public Participation (PP), and Access to Justice (A2J) indicators. For instance, if dams are of particular interest, a case cluster could include an A2I case about dam release information, a PP case about participation in the development of a dam management plan, and an A2J case in which an inundated community sought compensation for loss of land. For additional examples of case study clusters, please see the Philippines national TAI assessment report.

It is also recommended that your team conduct your TAI Water Overview Survey BEFORE making your final case study selections. The Overview Survey will assist you in gathering important background information and in identifying priority water issues for your country.

### **Specific Case Study Requirements**

The TAI water case studies are divided into Core Case Studies, which all teams must complete, and Elective Case Studies, consisting of nine case study topics from which teams must select at least six. The case studies are summarized here and described in detail in the following pages.

#### ***1. Core Case Studies***

The Core Case Studies are cases relevant to nearly every country, and their inclusion provides an element of consistency across TAI water assessments. Each team must select at least one TAI case study to address each of the following:

- Water Use Information (A2I Case type: Other)
- Water Quality Monitoring System (A2I Case type: Monitoring System)
- Water allocation decision-making (PP Case type: Policy, Regulation or Project)
- Water-related ecological protection decision (PP Case type: Policy or Project)
- Right of Access to Water (A2J Case type: Other)
- Water-related Environmental Harm (A2J Case type: Environmental Harm)

#### ***2. Elective Case Studies***

In addition to the Core Water Case Studies, each team must select at least six additional cases. Many of the water issues covered in these cases are equally – or more – important for many countries than some of the Core Case Studies. However, they are

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not all equally relevant in all countries. Depending upon which water issues are important in your country, choose at least six from among the following:

- Water crisis decision-making (PP Case type: Any)
- Basin-level decision-making (PP Case type: Any)
- Sanitation decision-making (PP Case type: Policy or Project)
- Water tariff setting (PP or A2J Case type: Other)
- Dams and Reservoirs (A2I, PP or A2J; case types will vary)
- Trans-boundary water cases (A2I, PP, or A2J; case types will vary)
- Privatization of water services (A2I, PP, or A2J; case types will vary)
- Water Emergency Information (A2I Case type: Emergency)
- Facility-level Water Information (A2I Case type: Facility Information)

## TAI Water Module Core and Elective Case Study Descriptions

### Water Use Information (Core)

Information about how water is used provides important background for many decisions. Your water use information case study will examine how well your government collects, synthesizes and disseminates water use information.

Key water use categories include:

1. Domestic (residential) use
2. Agricultural use
3. Industrial use (both consumption and pollution)
4. Ecological use
5. Recreational use
6. Use of water for navigation
7. Cultural use
8. Fisheries and Aquaculture

Rates of water use for the first four categories should ideally be available at the basin level, together with indicators of use efficiency, seasonal variability, and leakage or other loss from the system. For categories 5, 6 and 7 above, use rates can be represented by indicators of their contribution to the economy (income generated, value of goods transported) or by numbers of people who participate in a particular activity. Note that information on water use for tourism may need to include both measures of industrial use and of recreational use.

Water use information should also address the sources of water used. For domestic, agricultural, industrial and ecological uses, water information should, in particular, distinguish between groundwater and surface water sources.

In order to be meaningfully interpreted, use rates should be presented together with information about overall water availability, such as groundwater recharge rates, stream flow or reservoir size. For ecological, navigational, recreational and cultural uses, there may also be threshold flow rates that must be met for the use to be viable. A good way of presenting this information for the public is a 'state of our water resources' publication, or in a chapter of a 'state of the environment' report.

***Elective Option:*** Researchers may wish to conduct an additional water use information case study to evaluate access to information about plans or predictions for water use *in the future*. Often, long-term planning processes for agriculture, energy, trade and environmental protection produce independent estimates of future water needs. Ideally, information about these estimates should be available to citizens together in a coherent format that provides a comprehensive picture of anticipated trade-offs among competing uses of water.

- *TAI Category: A2I*
- *A2I Case Type: Other*
- *Example: Water use information for a particular basin, city, or at the national level.*

## **Drinking Water Quality Monitoring Information (Core)**

Citizens' health often depends upon accurate and timely information about the quality of their drinking water. Select a drinking water monitoring system that is representative of monitoring systems of jurisdictions of a similar size. It may be operated by the government or by a private company contracted by the government. If you cannot select a "typical" system, explain why (very few monitoring systems exist, etc.) in the case-level Explanations field.

Water quality information should include interpretive guidance that helps a general audience understand what the findings mean for their health (e.g. Are higher numbers for specific indicators good or bad? Is the water in a category where it needs to be boiled?). Both chemical and biological contaminants should be monitored.

Note that this case study is about the quality of water for human consumption, not the quality of water bodies generally.

- *TAI Category: A2I*
- *A2I Case Type: Monitoring System*
- *Example Case: a municipal water quality monitoring system in a middle-income city (i.e. does not have the most sophisticated infrastructure in the country, but is also not the worst)*

## **Water Allocation (Core)**

Decisions about how to allocate water among competing uses are often difficult to make. Such decisions may take many forms – basin management plans, water use permits, even water sales from one jurisdiction to another. In places where water rights are tied to land rights (i.e. you may use any water on or under land that you own), water allocation decisions are often made *de facto* through land use decisions. Select a water allocation case study in which the process of allocating water is typical for your country.

In decisions about water allocation, participants from different water use categories (see the list under the Water Use Information Case description) often have different levels of access to the decision-making process. In addressing Indicator 51, give a higher value to a decision-making process that involves a wide range of water users. Likewise, for Indicators 62 and 73, consider whether information provided addresses impacts of water allocation plans on the full spectrum of water uses, including ecological uses. Since water plays an important role in maintaining important ecosystems, such as wetlands and lakes, upon which many communities depend for their livelihoods, these communities should be considered as stakeholders in addressing Indicator 51.

- *TAI Category: PP*
- *PP Case Type: Any*
- *Example Cases: a basin committee designs a special water allocation policy for use in case of a drought; a State Department of Environmental Protection revises permitting regulations for industrial water users; the EIA for siting a new power plant includes estimation of water drawdown in the neighboring water table*

## **Water-related Ecological Protection (Core)**

Wetlands, upland forests, stream buffers, and other ecosystems play important roles in maintaining the quality and flow of fresh water. Often, relatively large land areas require protection in order to prevent contamination, siltation, or changes in flow. As such, decisions about ecological protection can have important implications for water quality and quantity downstream.

Select an ecological protection decision with relevance for water provision. You may also wish to consider ecosystem restoration decisions. The decision-making process and type of participation should be typical of similar decisions elsewhere in your country. If more than one case study is selected, they should be at different decision-making scales (national, state/provincial, local).

Note that many ecological protection decisions are made without specific attention to how the ecosystem protects water. For Indicators 62 and 73, consider whether information about impacts on water quality and quantity is incorporated into the decision. For Indicator 51, consider whether the stakeholders engaged in the decision include both those with an interest in the land and the ecosystem being protected and stakeholders who depend upon water provided by the protected area are also engaged. (Sometimes the latter stakeholders are geographically quite distant.)

- *TAI Category: PP*
- *PP Case Type: Any*
- *Example Cases: the National Forest Bureau enacts a new policy to promote upland afforestation; a State Wetlands Regulatory Commission re-writes requirements for streamside buffer zones; a downstream city contracts with an upstream county to prevent deforestation in the area around the city's drinking water source*

## **Right of Access to Water (Core)**

When there is a conflict over water use or water policy, or when someone has been denied use of water, there should be a fair and transparent process for seeking redress and remedy. This may mean going through a formal judicial process in a court of law, or relief may be sought through administrative or alternative dispute resolution mechanisms. In many places, water-related claims are increasingly addressed through new, basin-level institutions and conflict resolution systems.

Select an access to water claim that is typical for your country both in substance and process. The claim should address a water use conflict that is common in your country, and should provide an example of how water claims are typically addressed in your country. It should have occurred in the last five years, and more recently, if possible. If more than one claim is selected, they should involve different types of water use (e.g. agriculture, industry, household use, recreation, etc.)

- *TAI Category: A2J*
- *A2J Case Type: Other*
- *Example Cases: a citizen brings a claim against an industrial facility whose groundwater use has caused her well to dry up; a citizen contests private land use activities that block public access to a lake*

## **Water-related Environmental Harm (Core)**

An environmental harm claim may include past, ongoing, or prospective harms to human health or the environment. It may be addressed through a formal court proceeding, or through administrative or alternative mechanisms. Examples of water-related harms include harms caused by water pollution, salinization, changes in water temperature, floods, droughts, erosion, and decreases in water flow. You may also wish to consider harms to ecosystems that provide water purification and supply. Choose a case study involving a harm that occurs frequently in your country or has an impact on many people.

- *TAI Category: A2J*
- *Case type: Environmental Harm*
- *Example Cases: a farmer sues an upstream dam for inundating his land in an unannounced water release; a CSO petitions to prevent a developer from draining a wetland frequently used by a rural community; a community contests unsustainable logging practices that threaten the forests that protect its water supply*

## **Water Crisis Decision-making (Elective)**

Decisions about how to cope with crises, such as droughts and floods, can have major impacts upon the environment, the economy, and citizens' lives. Sometimes governments use the urgency of a water crisis to justify circumvention of due process and citizen participation.

Choose a crisis-related decision of national importance for your country. It should be a decision about a nature-driven crisis where water causes danger (e.g. a flood), or where access to water is threatened (e.g. a drought). The crisis should have a reasonable chance of future occurrence (i.e. do not choose your country's only flood in 100 years as a case study). The decision examined may be one made during a crisis, or may be a planning decision in relation to possible future crises.

In planning for a possible crisis, information about the likelihood and severity of the crisis is especially important, but often difficult for citizens to understand. When addressing Indicators 62 and 73, consider whether information provided presents the relevant risks and uncertainty in an accurate, balanced, and accessible way, and whether it indicates how the risks were estimated. In addressing Indicator 51, give a higher value to participation opportunities that involve a wide range of stakeholders.

- *TAI Category: PP*
- *PP Case Type: Any*
- *Example Cases: a regional water authority changes its water allocations during a drought; a city develops a flood evacuation plan*

## **Basin-level Decision-making (Elective)**

Many water decisions are best made at the basin (i.e. catchment or watershed) level. In many countries, new basin-level decision-making institutions and mechanisms have recently been established, or are under development. Select a basin-level decision-making process that is typical of those in your country, or which is precedent-setting for other basins. The case study should address a decision that many basins in your country typically need to make, ideally of a type not covered by other case studies.

Note that many other TAI water cases will address basin-level issues, as well, and that basin-level institutions may play a role in many of them. This case study is an opportunity to focus on the basin-level institution itself, rather than on a particular decision type or water issue. In most instances, the case will be a participation case, but if your country has established basin-level redress mechanisms, you may wish to use the A2J indicators.

In places where integrated basin management plans have been developed, you will need to decide whether to treat the development of the plan as a single participation case or as multiple cases. In making this decision, take into account whether the decision-making process was substantially different for different elements of the plan (e.g. institutions, water allocation, sanitation, water quality monitoring, tariff-setting, etc.), or whether the level and type of participation was consistent for all elements.

- *TAI Category: PP or A2J*
- *PP Case Type: Any*
- *A2J Case Type: Other*
- *Example Cases: A basin committee develops a basin management plan (PP); a watershed ombudsman hears a complaint about water allocations (A2J)*

## **Sanitation Decision-making (Elective)**

Decisions about sanitation facilities and treatment of human waste can have a significant impact on water quality, public health, and human development. Select a sanitation decision that is typical in your country. In particular, the decision-making process and type of participation should be similar to decisions elsewhere in your country. If more than one case study is selected, they should be at different decision-making scales (national, state/provincial, local).

In many places, programs and policies for improving sanitation have failed when a sanitation technology proved inappropriate due to its cost, water dependence, maintenance needs, or other factors. For most sanitation case studies, a higher value for Indicator 62 should be given if information is provided to participants about multiple technology options.

Women and girls are often especially important stakeholders in sanitation decision-making because privacy and cleanliness of sanitation facilities typically matter more to them than to men. When assessing Indicators 51, 67, and 73, consider whether women and girls had an opportunity to participate in the decision being examined.

- *TAI Category: PP*
- *PP Case Type: Any*
- *Example Cases: A county government develops a program to provide latrines at the village level; a municipality plans a new sewage treatment system; the Ministry of Health establishes regulatory requirements for sanitation facilities*

## **Water Tariff-setting (Elective)**

Many places have seen recent changes in how the price of water is determined. Principles of equity and engagement of stakeholders are important, both in the development of overall pricing mechanisms and in the periodic revision of water tariffs. Select a water tariff decision that is typical or precedent-setting for your country. If water tariffs are especially important or controversial, you may wish to conduct both a PP case and an A2J case.

For many tariff-setting decisions, your government should conduct a user survey to understand how people use water and to assess how much they are willing to pay for it. The results of such a survey should be available to the public, and should be included among the supporting information on decision options that is assessed in PP cases by Indicator 62. Information provided should also cover:

- any existing policies or principles governing tariff determination
- clear, detailed analysis of the impacts of possible tariff changes
- options for mitigating negative impacts, especially upon less advantaged stakeholders

Availability of information about existing tariff structures and proposed changes to tariff-setting policies should be evaluated in Indicator 73.

- *TAI Case Type: PP or A2J*
- *PP Case Type: Any*
- *A2J Case Type: Other*
- *Example Cases: The National Water Bureau prepares a policy on market-based water pricing (PP); a consumers' union sues a local government for setting water tariffs too high for many residents (A2J)*

## **Dams and Reservoirs (Elective)**

Conflicts related to public participation in decisions about the construction of large dams have received a great deal of international attention. However, all three access principles have relevance to dams, and remain important long after a dam is constructed. You may wish to select more than one dam case study in order to address more than one access principle.

Select a dam case that has relevance for the current and future situation in your country. If your country is unlikely to build significant new dams in the future, select a case relevant to present-day concerns about dam management and accountability, rather than a dam construction case from the past. Key access considerations related to dams include:

***Access to Information:*** Citizens need information about an existing dam that enables them to a) make choices about their lives and activities and b) monitor the dam's effectiveness. Key information includes timing and size of reservoir releases, maintenance plans and costs, safety evaluations, environmental impact monitoring, and electricity production figures. If dam management has been contracted by the government to a private company, citizens should have access to the contract.

***Public Participation:*** Stakeholders should be involved at every stage in the life of a dam: planning (including environmental impact assessment and consideration of alternatives), construction, management, maintenance, and decommissioning. Decisions about mitigating the environmental and social impact of a dam are especially important.

***Access to Justice:*** Citizens affected by the construction or operation of a dam should have the right to make claims for redress or remedy. Sometimes, governments establish special administrative or arbitration bodies to adjudicate dams-related claims. In other cases, the court system or a human rights commission may be the appropriate forum for bringing a claim about a dam.

- *TAI Category: Any*
- *A2I Case Type: Other*
- *PP Case Type: Any*
- *A2J Case Type: Any*
- *Example cases:*
  - *Residents downstream from a dam need comprehensive, timely information about the dam in order hold the government accountable for dam management, and to plan fishing, irrigation, boat travel, and other activities (A2I);*
  - *The government initiates decisions such as the construction of a fish ladder, the establishment of release schedules, or planning for the security of a dam (PP);*
  - *Residents of a community displaced by a reservoir petition the national government for greater compensation for their land (A2J);*

## **Trans-boundary Water Cases (Elective)**

Because water flows across borders, trans-boundary issues are very important for water governance. Water-related decisions often require coordination among jurisdictions that traditionally have had independent governance systems. In some instances, this may mean the creation of new, trans-boundary institutions in the context of international treaties or agreements between sub-national jurisdictions.

Select a trans-boundary case study of national significance for your country. If domestic trans-boundary coordination poses an important current challenge for your country's water management, select a domestic trans-boundary case (e.g. between neighboring states or cities). If your country shares an important watershed with a neighboring country, select an international case.

Language is an important factor for access in the trans-boundary context. For many indicators, researchers should consider whether the law or government practice accommodate the need for translation.

Sub-national government agencies also deserve special attention in trans-boundary water cases. In addressing Indicator 18, 58 or 102, consider whether the law enables local governments to take effective action on behalf of their citizens' rights in the trans-boundary context, or whether problems occur because only national-level agencies have the authority to engage the neighboring country.

Note that other TAI water cases will address trans-boundary issues, and that trans-boundary matters may play a role in many of the cases you research. This case study is not meant to exclude trans-boundary considerations from other case studies; it is instead an opportunity to focus specifically on trans-boundary mechanisms or institutions, rather than a particular decision type or water issue. A number of General Law indicators (#49, #94) also ask about trans-boundary access rights, but you may find that such rights only exist in the context of specific trans-boundary water institutions or decision processes that you can explore through this case study.

- *TAI Category: A2I, PP, or A2J*
- *A2I Case Type: Other*
- *PP Case Type: Any*
- *A2J Case Type: Any*
- *Example Case Studies:*
  - *Mexican farmers request information about Rio Grande water use from the US (A2I)*
  - *Austrian NGOs provide input to an EIA for a planned facility up the Danube in Germany (PP)*
  - *A national water board mediates a dispute about water access between a downstream city and upstream agribusinesses (A2J)*

## Privatization of Water Services (Elective)

While the vast majority of water services remain publicly owned and operated, a trend toward privatization of water services has emerged as a result of growing interest in tariffs as a policy tool for water management. Privatization schemes follow the reasoning that the private sector can provide water services more cost-effectively than publicly owned utilities, ideally enabling the water system to expand to serve populations previously without access to water. However, many privatization efforts have not achieved these goals. Equitable, accountable, transparent water governance remains critical whether services are provided by public or private entities.

Rarely does water privatization mean full transfer of ownership of water resources or utilities to a private company; rather, there is a continuum of partial privatization. In some places, private companies perform *limited service contracts* or manage water delivery only for a particular area. Under *lease-based schemes*, a private entity is contracted for metering, maintenance and revenue collection, while the infrastructure remains publicly owned and financed. More extensive privatization usually takes the form of *concession*, in which a private company manages the entire utility under a longer-term contract, including investments in infrastructure, such as treatment facilities and pipelines. The term “public-private partnership” most often refers to a concession, though it may also be used for a contract or lease.

Select a privatization case study that is typical for your country in terms of the mode of privatization. Depending upon what is most relevant in your country, consider the following privatization case studies:

- a PP case about national policy or regulations related to privatization
- a PP case with reference to the development of a particular water service contract
- an A2I case related to information the public needs to monitor the effectiveness of private contractors (e.g. water use rates, prices, numbers served, number of service disconnections, consumer complaints, contacts for key personnel, performance against contractual obligations)
- an A2J case related to participation in a privatization decision
- an A2J case that tests mechanisms for bringing a claim against a private water service provider

You may also wish to examine a single instance of privatization from the perspective of more than one access right by conducting a cluster of two or three related case studies (e.g. a PP case about the development of a concession and an A2J case in which citizens bring a claim against the concession holder).

**A note about contracts:** For many A2I and A2J privatization case studies, the content of water service contracts should be considered when addressing the TAI Specific Law indicators (A2I #10-13, A2J #95-97), since the contracts are legal documents, and may cover confidentiality limits and redress mechanisms for a public-private partnership. For PP cases, public involvement in the drafting of contracts is key, and public access to draft contracts should be considered when selecting a value for indicators 52, 62, 71, and 73.

- *TAI Category: A2I, PP, or A2J*
- *A2I Case Type: Other*

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- *PP Case Type: Any*
- *A2J Case Type: Any*
- *Example Case Studies:*
  - *Citizens seek information about the performance of a local private water provider (A2I)*
  - *Stakeholders attempt to participate in the selection of a water management firm and the drafting of its lease (PP)*
  - *A municipality brings a claim against a water firm that has quit its concession prior to the contracted termination date (A2J)*

## **Water Contamination Emergency Information (Elective)**

Accidents in which water is contaminated and becomes unsuitable for common uses (drinking, irrigation, fishing, bathing) create an emergency situation in which citizens need immediate access to information in order to protect their health. It may be an emergency caused by industry (e.g. toxic spill), human waste, or natural causes (e.g. flood). For your case study, select an emergency that involved response by national authorities (Ministry of Environment, federal emergency response workers, etc.). The emergency should have a measurable impact on human populations (deaths, injuries, illnesses or evacuation directly caused by incident) and/or measurable impact on the environment (change in quality of air, water, soil, biodiversity). It should be representative of how national authorities handle similar emergencies throughout the country. If time allows, you may also wish to conduct a case study on a smaller, more commonplace emergency handled by local authorities.

- *TAI Category: A2I*
- *A2I Case Type: Emergency*
- *Example Case: National authorities ban fishing in a contaminated lake*

## **Facility-level Water Information (Elective)**

Information about the impact of industrial facilities upon water bodies is important. For each facility-level case study, assess access to the facility's compliance reports and/or pollutant release and transfer register (PRTR) information. Also seek information about their water use.

In many countries, one or both systems of public access to facility-level information may not yet exist. If this is the case in your country, you may assess a single type of reporting (most likely compliance reporting), or you may assess voluntary reporting if any facilities participate in a voluntary reporting scheme.

If your team has the resources to do so, select multiple facilities. Names of facilities and companies that perform compliance or other environmental reporting can be found at the National Chamber of Commerce (or equivalent), the national Ministry of Environment (or equivalent), or at similar organizations representing industrial sectors. Other information sources include: contacts or periodicals from the central statistical office, the stock market registration office or tax offices, organizers of voluntary reporting initiatives, and local agencies responsible for water resources.

For your case study(ies), you should select a facility(ies) that:

- Perform one or more types of reporting (i.e., compliance and/or PRTRs).
- Have at least 10 employees.
- Are representative of their sector in terms of size, environmental performance, and reporting.

If you are conducting your TAI water assessment as part of a TAI national assessment, you should select a facility that falls within economic sector(s) you have elected to focus on for your assessment. If you are conducting a separate TAI water assessment, choose a facility representative of an economic sector that is a major water user in your country, or which has significant impacts upon water quality.

- *TAI Category: A2I*
- *A2I Case Type: Facility Information*
- *Example Case Study: Availability of information about a factory's impacts on a nearby stream, including water use, pollutant emissions*

## **Annex I. TAI Water Case Planning Grid**

This grid is intended to assist TAI researchers who wish to conduct a TAI Water assessment as part of a general TAI assessment. The water case study requirements are listed across the top row and the general TAI case requirements are listed in the left hand column. As you select your water case studies, note which general TAI requirements they also fulfill and write the case name in the appropriate grid cell. Some likely instances where a case study will fulfill two requirements are indicated with blue shading. However, whether and how the requirements overlap will vary depending upon the specific cases you select. You will have some general TAI requirements that will not be fulfilled by water case studies.

As you select your water cases, refer to the case selection guidance you obtained at your team’s TAI Training Workshop. You may also wish to refer to the Assessment Overview page of the online TAI Assessment Toolkit, where the “Content Help” section provides guidance on case selection and assessment planning.

	Water Use Information	Water Quality Monitoring	Water Allocation	Ecological Protection	Access to Water	Environmental Harm	Elective water Case					
A2I - Emergency												
A2I - Air quality												
A2I - water quality												
A2I - facility												
A2I - Any												
A2I - Any												
A2I - Any												
A2I - Any												
PP - Policy												
PP - Project												
PP - Regulation												
PP - Any												
PP - Any												
PP - Any												
A2J - Info												
A2J - Env. Harm												
A2J - Participation												
A2J - Any												

## **TAI-Water Indicator Worksheets**

### **General Law Indicators**

This MSWord Document contains indicator worksheets for the TAI General Law Indicators as follows:

- Constitutional Law (#1-6)
- A2I General Law (#7- 9)
- PP General Law (#47-49)
- A2J General Law (#91 – 94)
- Capacity Building General Law (#137-143)

This document incorporates water-specific guidance into the TAI indicator worksheets. Please note the following:

- Water-specific guidance has been developed for core indicators only.
- Not all core indicators have been given water-specific guidance; those without it were deemed not to need it.
- In this document, the following indicators have water-specific guidance: 1, 48, 49, 93, 94, 142, 143
- Water-specific guidance is indicated on the worksheets in track changes with red and blue coloring.
- This document should NOT be read alone. It assumes basic knowledge of the TAI Assessment Toolkit (<http://research.accessinitiative.org/>) and references the following additional TAI-Water guidance documents:
  - Water Case Description Document
  - Water Overview Survey
  - A2J Case Indicators Water Guidance
  - A2I Case Indicators Water Guidance
  - General CB Indicators Water Guidance
  - General Law - Con\_A2I\_PP\_A2J\_CB Water Guidance
  - PP Case Indicators Water Guidance

## **Indicator Research Worksheet—Indicator 1 \*\*CORE\*\***

**Indicator Research Context:**

**Indicator 1:** How clear and inclusive are constitutional guarantees to the right to a clean and/or safe environment? **Category:** All categories

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access

**Researcher:**

**Research Guidelines:**

The constitutional right to a clean or safe environment is often an important legal foundation for those individuals and groups who wish to exercise public participation rights in environmental decision-making processes. Such a right may be implied from other rights in the Constitution, such as rights to life, property, health, information, family, and home life. It may also be treated or interpreted indirectly in judicial decisions concerning economic development or the obligation of the state to promote public health or protect the environment.

This indicator seeks to assess both the existence of the right to a clean and/or safe environment and the right’s scope and clarity. Whether the right is inclusive depends on factors such as direct or implied constitutional limitations and restrictions on that right. Restrictions would affect the scope of the right. Unclear wording of the right or its restrictions would affect the clarity of the right.

In most cases, this right addresses the right to live free from various environmental harms; a more inclusive interpretation might also include such considerations as access to natural resources, the right to occupy certain lands, or the rights of future generations.

**Water:** The answer to this indicator should address how well your country’s Constitutional (basic) law gives citizens the fundamental rights to clean and safe water and to the ecological services for which water is needed. If your Constitution does not deal explicitly with water rights, research may require exploration of the constitutional basis for allocating water among competing uses (including cultural and ecological uses). A high value indicates a right to water for all citizens and an explicit prioritization of water allocation for basic human needs and for maintenance of ecosystems. A low value will go to constitutional systems that do not acknowledge the water rights of all citizens and which treat all uses of water as legally equivalent.

	Values	Explanation
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**Definitions:** There are no definitions for this indicator.

**Recommended Research Methods and Sources:**

- Legal Research:** Consult the Constitution, bill of rights, court decisions, or equivalent sources.

Strong → Weak Performance	Right denied in the Constitution	
	Right not present	
	Right clear but not inclusive	

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Right inclusive but not clear
Right mostly clear and inclusive
Right clear and inclusive
Not Applicable (N/A)

**Indicator Score and Explanation:**

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 2 \*\*CORE\*\***

### **Indicator Research Context:**

**Indicator 2:** How clear and inclusive are constitutional guarantees to the right of access to information held at public bodies?

**Category:** All Categories

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access

**Researcher:**

### **Research Guidelines:**

A constitutional or equivalent guarantee of the right to monitor government bodies by having access to information held by public bodies is an important ingredient in good governance. Publicly available information is vital for ensuring the transparency and accountability of a country’s system of government. Such a right may be implied from other rights in the Constitution, such as rights to expression, assembly, life, and property.

This indicator seeks to assess both the existence of the right of access to information held by public bodies as well as the right’s scope and clarity. Whether the right is inclusive depends on factors such as direct or implied constitutional limitations and restrictions on that right. For example, exclusions of certain government departments or certain types of information held by government agencies from public access would make access rights less inclusive. However, the existence of a list of specific restrictions on access to public interest information in order to protect important state, administrative, and third-party interests should not in itself be considered a serious exception or restriction. Guarantees of the right in the context of confidentiality (e.g., in chapters dealing with secrecy laws) would affect the right’s scope negatively, while restrictions in the context of openness would imply a broader scope. Unclear wording of the right or its restrictions would affect the clarity of the right.

**Definitions:** “**Public bodies**” include ministries, government departments, statutory bodies, local governments, or other entities, including elected officials, civil service, and the bureaucracy.

### **Recommended Research Methods and Sources:**

1. **Legal Research:** Consult the Constitution, bill of rights, court decisions, or equivalent sources dealing with information held by public bodies.

### **Indicator Score and Explanation:**

	<b>Values</b>	<b>Explanation</b>
<b>Strong → Weak Performance</b>	Right denied in the Constitution	
	Right not present	
	Right clear but not inclusive	
	Right inclusive but not clear	
	Right mostly clear and inclusive	
	Right clear and inclusive	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 3 \*\*CORE\*\***

### **Indicator Research Context:**

**Indicator 3:** How clear and inclusive are constitutional guarantees to the right to direct public participation in government decision-making?

**Category:** All categories

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access

**Researcher:**

### **Research Guidelines:**

Direct public participation in government decision-making is what allows affected communities and concerned citizens to influence those decisions. This indicator measures whether the Constitution, bill of rights, court decisions, or equivalent source include provisions or guarantees for direct participation in processes that lead to decisions by public bodies such as ministries, departments, local governments, or statutory bodies.

The indicator assesses both the existence of the right to direct public participation and the right’s scope and clarity. Whether the right is inclusive depends on factors such as direct or implied constitutional limitations and restrictions on that right. The existence of a list of specific restrictions on participation in decision-making processes in order to protect important state interests, such as in emergency situations or situations involving national defense, should not in itself be considered a serious exception or restriction. Guarantees of the right in the context of confidentiality (e.g., in chapters dealing with national security) affect its scope negatively, while restrictions in the context of openness (e.g., in chapters dealing with the rights of the public) imply a broader scope. Unclear wording of the right or its restrictions would affect the clarity of the right.

**Definitions:** “**Right to direct public participation in government decision-making**” is the right of an individual to be included in the process that leads to a government decision. Note that in the case of electoral bodies involved in decision-making, the right to direct public participation does not signify the right to be part of the electoral body, but the right to have a voice in the decision-making process. A general right to participation may be rare. Rights to participate in specific government processes that lead to decisions (e.g., permitting the siting of an industry or waste disposal facility or the enactment of laws and regulations) are more common. The right to participate includes the right to be notified, submit written or oral comments, question experts and be given reasons for the decision.

### **Recommended Research Methods and Sources:**

1. **Legal Research:** Consult the Constitution, bill of rights, court decisions, or equivalent sources.

### **Indicator Score and Explanation:**

	<b>Values</b>	<b>Explanation</b>
<b>Strong → Weak Performance</b>	Right denied in the Constitution	
	Right not present	
	Right clear but not inclusive	
	Right inclusive but not clear	

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<http://research.accessinitiative.org/>

Right mostly clear and inclusive
Right clear and inclusive
Not applicable (N/A)

**Source(s) Consulted:**

<p><b>Legal Research:</b> Document Title(s):  Responsible Authority(ies):  Chapter/Article/Paragraph:  Document Found at:</p>
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**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
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## **Indicator Research Worksheet—Indicator 4 \*\*CORE\*\***

**Indicator Research Context:**

**Indicator 4:** How clear and inclusive are constitutional guarantees to the right of access to justice, including redress and remedy?

**Category:** All categories

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access

**Researcher:**

**Research Guidelines:**

The constitutional right of access to justice, including redress and remedy, is an important legal foundation for those individuals and groups who wish to enforce their rights to access information and participation or the right to a clean and safe environment. This indicator assesses a right of access to justice in general, not one specific to participation, information, or sustainability. Such a right is usually written into the Constitution, but in rare cases may be implied from other rights or provisions in the Constitution.

This indicator seeks to assess both the existence of the right of access to redress and remedy as well as the right’s scope and clarity. The existence of a list of specific provisions exempting certain politicians or officials from liability or seeking to protect officers acting in emergency situations should not in itself be considered a serious exception or restriction.

**Definitions:** “**Redress and remedy**” refers to the right to ask for relief from a court, tribunal or other institution.

**Recommended Research Methods and Sources:**

1. **Legal research:** Consult the Constitution, bill of rights, court decisions, or equivalent sources.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Right denied in the Constitution	
	Right not present	
	Right clear but not inclusive	
	Right inclusive but not clear	
	Right mostly clear and inclusive	
	Right clear and inclusive	
	Not applicable (N/A)	

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<http://research.accessinitiative.org/>

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 5 \*\*CORE\*\***

**Indicator Research Context:**

**Indicator 5:** How clear and inclusive are constitutional guarantees to the right of freedom of expression?

**Category:** All categories

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access

**Researcher:**

**Research Guidelines:**

The guarantee of freedom of expression is crucial for ensuring free and informed public discussion. The mass media plays an important role in raising environmental awareness and can be a very effective tool for providing environmental information to the public. Furthermore, a free and informed press and public can have a great influence on environmental policy decisions and are vital in ensuring transparency and accountability in a country’s system of government. Such a right is usually written into the Constitution.

This indicator seeks to assess both the existence of the right to freedom of expression as well as the right’s scope and clarity. Whether the right is inclusive depends on factors such as direct or implied constitutional limitations and restrictions on that right. The existence of a list of specific restrictions on the freedom of expression to protect important state, administrative, and individual interests (e.g., laws that prohibit defamation, sedition, or incitement of religious or racial hatred) should not in itself be considered a serious exception or restriction. Other forms of restrictions on the right would affect its scope negatively. Unclear wording of the right or its restrictions would affect the right’s clarity. The breadth of the restrictions would affect the scope of the right. Unclear wording of the right or its restrictions would affect the clarity of the right.

**Definitions:** “Freedom of expression” generally includes the right to freely communicate thoughts and ideas through speech, silence, and non-violent action.

**Recommended Research Methods and Sources:**

1. **Legal research:** Consult the Constitution, bill of rights, court decisions, or equivalent sources dealing with freedom of the press.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Right denied in the Constitution	
	Right not present	
	Right clear but not inclusive	
	Right inclusive but not clear	
	Right mostly clear and inclusive	
	Right clear and inclusive	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 6 \*\*CORE\*\***

**Indicator Research Context:**

**Indicator 6:** How clear and inclusive are constitutional guarantees to the right to freedom of association?

**Category:** All categories

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access

**Researcher:**

**Research Guidelines:**

A guarantee of the right to form and maintain associations (organizations) is essential for effective public participation. Public participation is often more effective when it is carried out or led by associations or organizations rather than by individuals. These organizations can locate independent experts, use environmental information to monitor performance and educate the public, and raise environmental awareness. Such a right is usually written into the Constitution.

This indicator seeks to assess both the existence of the right as well as the right’s scope and clarity. Whether the right is inclusive depends on factors such as direct or implied constitutional limitations and restrictions on that right. The existence of a list of specific restrictions on the freedom of association to protect important state, administrative, and individual interests (e.g., laws that prohibit criminal organizations or gathering for violent demonstrations, or laws that require police permission for meetings in public places) should not in itself be considered a serious exception or restriction. Other forms of restrictions on the right would affect its scope negatively. Unclear wording of the right or its restrictions would affect the clarity of the right.

**Definitions:** “Freedom of association” can have two meanings. It may refer to the right to form organizations and groups in harmony with the basic values of the constitutional order of a given country. Freedom of association may also refer to the right to convene and participate in peaceful meetings or demonstrations, sometimes called the freedom/right of assembly. Both meanings should be considered when applying a value to this indicator. If the constitution addresses or guarantees only one of these meanings, assign the value “right clear but not inclusive” to reflect that there are vague or broad exceptions or restrictions.

**Recommended Research Methods and Sources:**

1. **Legal research:** Consult the Constitution, bill of rights, court decisions, or equivalent sources dealing with forming and maintaining associations.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Right denied in the Constitution	
	Right not present	
	Right clear but not inclusive	
	Right inclusive but not clear	

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Right mostly clear and inclusive
Right clear and inclusive
Not applicable (N/A)

**Source(s) Consulted:**

<p><b>Legal Research:</b> Document Title(s):  Responsible Authority(ies):  Chapter/Article/Paragraph:  Document Found at:</p>
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**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
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## Indicator Research Worksheet—Indicator 7 **\*\*CORE\*\***

### Indicator Research Context:

**Indicator 7:** How clear and inclusive is a framework law supporting broad access to government information?

**Category:** Access to Information

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access

**Researcher:**

### Research Guidelines:

Freedom of Information Acts (FOIAs), or other framework laws allowing access to information, are vital in ensuring transparency and accountability for a country's government. Whether broad access is supported by the law depends on how the right is defined and the clarity of that definition. Access to information is inadequately supported when the right is defined narrowly or can be interpreted narrowly. The focus of this indicator is on the way the right to information is defined. How broad is the class covered by the right? While limitations and exceptions might be relevant to this indicator, they are separately assessed in indicator 10, so that both indicators together give a picture of the full extent and clarity of the right.

**Definitions:** “**Framework law**” refers to a general (framework) law on access to information, such as a “freedom of information” or “right to information” act. Such laws contain general provisions dealing with the right to obtain information from government agencies, procedures for exercising that right, who is entitled to the right, and limits on the right. A framework law can be distinguished from laws that may contain provisions on information rights in special situations. For example, a law dealing with environmental impact assessment might have special provisions about access to EIAs. This indicator does not focus on such laws. “**Broad access**” refers to the situation in which information in all forms (i.e. documents, digital information, films, videos etc), with few clear exceptions, is readily made available. The most inclusive laws provide access to a wide spectrum of information for any person and for civil society organizations. Less inclusive laws might define the right to exclude CSOs or certain sectors of the public, or certain types of information covered.

### Recommended Research Methods and Sources:

1. **Legal research:** Consult Freedom of Information Acts (FOIAs) or equivalent laws

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	Access prohibited	
	No framework law	
	Framework law clear but not inclusive	
	Framework law inclusive but not clear	
	Framework law mostly clear and inclusive	

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Framework law clear and inclusive
Not applicable (N/A)

**Source(s) Consulted:**

<p><b>Legal Research:</b> Document Title(s):  Responsible Authority(ies):  Chapter/Article/Paragraph:  Document Found at:</p>
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**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
---

## Indicator Research Worksheet—Indicator 8 **\*\*CORE\*\***

### Indicator Research Context:

**Indicator 8:** To what extent does the law protect government employees who release information to the public in an effort to expose corruption in government conduct or to protect the public interest?

**Category:** Access to Information

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access

**Researcher:**

### Research Guidelines:

Corruption-free government is an objective of good governance. The freedom to “blow the whistle” when there is foul-play is important if government is to be held accountable to the public. Often, officials who speak the truth about corruption or failure to implement the law either lose their jobs or are harassed in numerous ways. Several countries have passed laws, commonly called “whistleblower protection” laws that protect such officials and encourage them to expose corruption or negligence within government.

This indicator assesses to what degree a government employee is protected by law from loss of employment or other harassment if he/she releases information to the public about abuse, misuse, impropriety or illegality within the government. When extensive protection is provided, the law prohibits a wide range of possible forms of harassment, and specifies avenues for redress and remedy for harassed employees.

**Definitions:** “**Government employees**” refers to individuals serving the government as full or part-time employees and includes full time consultants and casual employees, but does not include individuals contracted to perform independent work (independent contractors). “**Corruption**” includes abuse, misuse, impropriety or illegality. “**Public interest**” refers to the common good; the interest of the people, community. A “**whistle-blower**” is a government employee who releases information in an effort to expose corruption or to protect the public interest.

### Recommended Research Methods and Sources:

1. **Legal research:** Consult laws dealing with freedom of information, whistleblower protection, regulations and codes of conduct for government employees, and decisions of courts and tribunals dealing with employment appeals from government officials.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	The law punishes government employees who “blow the whistle”	
	Law is silent on protection	
	Almost no protection provided by law	
	Some protection provided by law	
	Protection mostly adequate	
	Extensive protection provided by law	

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<http://research.accessinitiative.org/>

Not applicable (N/A)
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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 9 **\*\*CORE\*\***

**Indicator Research Context:**

**Indicator 9:** How limited and clearly defined is the scope of confidential information?

**Category:** Access to Information

**Topic:** Law

**Subtopic:** Quality of the general legal limits on access

**Researcher:**

**Research Guidelines:**

Even when the law recognizes a right to information, that right can be significantly limited if exceptions are created for a body of information that is deemed confidential. To understand the nature and scope of a right to information, we must also know whether its limits are clearly defined and limited.

This indicator assesses how much information is withheld from the public. The interpretation of what constitutes protected “administrative interests” or protected “commercial interests,” and whether these interests are clearly defined, strongly influences how much information is available to the public. “Administrative interests” may include internal communications of government authorities, materials under preparation, information about decision-making processes by committees, or other information designated as administrative secrets. “Commercial interests” may include information on products and services, production processes, business income and expenditures, or other information.

**Definitions:** “**Limited and clearly defined**” refers to whether or not types of confidential information are clearly identified and small in number. When the language used to define confidential information is unclear, a greater amount of information can be withheld. “**Confidential information**” refers to information which is not available to the public.

**Recommended Research Methods and Sources:**

1. **Legal research:** Consult laws and regulations on national security, State or administrative interests and secrets, Freedom of information Acts (FOIAs) and regulations, general administrative procedural laws, court decisions or codes of conduct.

	Values	Explanation
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**Indicator Score and Explanation:**

<b>Strong → Weak Performance</b>	Scope neither limited nor clearly defined	
	Scope not limited but clearly defined	
	Scope limited but not clearly defined	
	Scope mostly limited and clearly defined	
	Scope limited and clearly defined	
	Not applicable (N/A)	

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<http://research.accessinitiative.org/>

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 47 \*\*CORE\*\***

### **Indicator Research Context:**

**Indicator 47.** How well does the law support broad public and civil society organization participation in decision-making by administrative and executive bodies?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality and scope of the general legal framework for environmental protection and access

**Researcher:**

### **Research Guidelines:**

Public participation is essential if the interests of affected and interested parties are to be considered and included in decisions. An overwhelming majority of environmental decisions are issued by administrative bodies according to the rules of general administrative procedural law. These laws, then, must ensure a positive environment for public participation. Ideally, participation should be guaranteed for persons other than clients.

General provisions relating to public participation may be found in laws such as an Administrative Procedure Act. Such a law might contain rules that govern how administrative or executive bodies are to make decisions. Whether broad participation is supported by the law would depend on factors such as direct or implied limitations and restrictions on that right.

In some countries, an evaluation of general administrative or environmental provisions may be adequate for addressing this indicator. In other countries, participation may be addressed primarily through laws specific to such sectors as water management, forestry, energy, mining, construction, and others. In such countries, researchers should note that some sectors will be covered in their assessment's cases through Indicator 51. Research for this indicator (47) should emphasize indicators not addressed in the cases to avoid duplication of work.

Types of provisions ensuring public participation include provisions for public notification at the beginning of a decision, opportunities for the general public (not only affected parties) to advise on the decision, and provisions for publication of the decision. The existence of these types of provisions would increase the value to be assigned.

**Definitions:** “The law” refers to laws and regulations as well as court decisions. “Broad public and civil society organization participation” is present when civil society organizations, as well the individual members of the public, can participate without having to show any qualifications to do so and whether directly affected by the decision or not.

### **Recommended Research Methods and Sources:**

- 1. Legal Research:** Consult administrative procedural rules, court decisions or equivalent sources as well as regulations of relevant agency(ies).

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Participation prohibited	
	No support for broad public participation	
	Almost no support for broad public participation	
	Limited support for broad public participation	
	Mostly adequate support for broad public participation	
	Extensive support for broad public participation	
	Not applicable (N/A)	

**Source(s) Consulted:**

<p><b>Legal Research:</b>  Document Title(s):</p> <p>Responsible Authority(ies):</p> <p>Chapter/Article/Paragraph:</p> <p>Document Found at:</p>
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**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
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## **Indicator Research Worksheet—Indicator 48 \*\*CORE\*\***

**Indicator Research Context:**

**Indicator 48.** How limited and clearly defined is the scope of “closed door” decisions that affect the environment?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality of the general legal limits on access

**Researcher:**

**Research Guidelines:**

This indicator assesses whether decisions made under environmental laws are made with public participation. Are such decisions taken secretly when issues relating to state security or interests, such as international relations, national defense, public security, justice, and other matters are involved?

Research for this indicator will therefore focus on laws and regulations on environmental protection and natural resource extraction and management. Often these provisions are found in sector specific laws (e.g. Forest laws) but could also be contained in laws dealing with official secrets and State security.

Water: Consult the body of law/regulation that governs agencies and procedures relevant to your case studies. Also consider the extent to which information about water has been interpreted as relevant to national security and whether this has had an impact on public participation.

**Definitions:** “**Limited and clearly**” refers to the scope of “**closed door**” decisions: More decisions would be made with broad participation if “**closed door**” decisions are limited. When the language used to define “**closed door**” decisions is unclear or vague, officials may prefer to decide in secret or without participation. “**Closed door**” refers to decisions made in secret or without public participation.

**Recommended Research Methods and Sources:**

1. **Legal Research:** Consult general confidentiality laws and regulations as well as regulations of relevant agency(ies).

**Indicator Score and Explanation:**

	<b>Values</b>	<b>Explanation</b>
<b>Strong → Weak Performance</b>	Scope neither limited nor clearly defined	
	Scope not limited but clearly defined	
	Scope limited but not clearly defined	
	Scope mostly limited and clearly defined	
	Scope limited and clearly defined	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 49 \*\*CORE\*\***

**Indicator Research Context:**

**Indicator 49:** To what extent is “the public” that can participate in decision-making defined to include any interested individual and civil society organizations?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality of the general legal limits on access

**Researcher:**

**Research Guidelines:**

In contrast to indicator 47, this indicator assesses the extent to which the law, by definition, has allowed the public and civil society organizations to participate in decision-making processes. Often, laws will define who can participate in decision-making. Some laws specify that only a person or organization affected by the decision can participate in the process. However, inclusive decision-making requires that not only those directly affected by the decision should be allowed to participate. Ideally, all those who may be interested in it or have something to contribute to the process must also, by definition, be allowed to participate.

Research for this indicator will therefore focus on legal definitions found in environmental and general administrative laws, regulations and court decisions. Additionally, consult official documentation of the decision-making process, which may contain information about who is allowed to participate. Interview two officials of the decision-making authority and three individuals or organizations that sought to participate.

**Water:** Because water flows across borders, fair and effective decision-making may require mechanisms for including people outside your country in decision-making processes. If your country shares basins or water courses with other countries, consider the extent to which “the public” has been interpreted to convey participatory rights in water-related decisions upon governments, citizens or organizations beyond your borders. A more inclusive definition should be given a higher value. Research may require exploration of regional and bilateral treaties, as well as your own country’s laws.

**Definitions:** “Public” refers to the people or any individual, alone, with others or as one of a community.

**Recommended Research Methods and Sources:**

1. **Legal Research:** Consult the Constitution, laws, court decisions, regulations of relevant agencies, or equivalent sources.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Participation is prohibited	
	Interested individuals and CSOs are excluded	
	Interested individuals and CSOs are not mentioned	
	Interested individuals and CSOs are included, but support for their participation is limited	

Support for participation by interested individuals and CSOs is sufficient
Support for participation by interested individuals and CSOs is extensive and explicit
Not applicable (N/A)

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Document Request**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 91 \*\*CORE\*\***

**Indicator Research Context:**

**Indicator 91:** How well does the law support broad public and civil society organization access to redress and remedy?

**Category:** Access to Justice

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access

**Researcher:**

**Research Guidelines:**

Generally, the law allows affected individuals to seek redress and remedy before a court or other independent and impartial body. The indicator assesses to what extent any other member of society – either a concerned individual or organization can ask for relief and remedy. Keep in mind that this indicator is assessing the general legal situation – not just the situation relevant to environmental law.

**Definitions:** “**Access to redress and remedy**” refers to the right to ask for relief from a court, tribunal or other institution. In many countries, this encompasses the concept of “standing.” Access is “**broad**” when a person or organization who has not suffered injury or damage or been threatened with harm or damage can ask for relief.

**Recommended Research Methods and Sources:**

1. **Legal Research:** Consult laws, codes and regulations establishing institutions administering justice and dealing with the procedure relevant to them. Also consult judicial decisions and decisions of related institutions as well as juristic opinions, when relevant, especially in civil law countries. Provisions could also be found in the Constitution.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Access to redress and remedy prohibited	
	Broad access to redress and remedy not supported	
	Almost no broad access to redress and remedy	
	Limited support for broad access to redress and remedy	
	Mostly adequate support for broad access to redress and remedy	
	Extensive support for broad access to redress and remedy	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 92

**Indicator Research Context:**

**Indicator 92:** To what extent does the legal system recognize liability for environmental harm?

**Category:** Access to Justice

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access

**Researcher:**

**Research Guidelines:**

Often, it would be possible to obtain remedies and relief for environmental harm only where the legal system recognizes liability for that harm. Environmental harm often results from specific activities of a person or body of persons. For example a corporation might discharge waste water into a stream and damage that stream. A person might bring a dangerous substance and store it in his house in an unsafe way resulting in injury to neighbours. Relief from such harms can only be sought within a legal system if that system holds these persons and bodies responsible for the resulting harm.

Research for this indicator will therefore focus on laws, regulations and decisions of courts and tribunals that impose legal liability for environmental harm.

**Definitions:** “**Liability for environmental harm**” means attaching legal responsibility to a person or body of persons for adverse impacts on the environment that result from direct or indirect actions of that person or body of persons. Legal responsibility could result in the person or body of persons having to pay the costs of restoring the environment, or paying compensation to people who have been injured or being stopped by a binding order from a court or tribunal from carrying on the harmful activities.

**Recommended Research Methods and Sources:**

1. Legal research
2. Document review

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Liability is prohibited	
	Silent on liability	
	Almost no recognition of liability	
	Limited recognition of liability	
	Adequate recognition of liability	
	Extensive recognition of liability	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Issuing Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 93 \*\*CORE\*\***

### **Indicator Research Context:**

**Indicator 93.** How limited in number and clearly defined is the scope of government bodies that are immune to claims?

**Category:** Access to Justice

**Topic:** Law

**Subtopic:** Quality of the general legal limits of access

**Researcher:**

### **Research Guidelines:**

The indicator assesses to what extent government bodies are protected against or exempted from claims before courts, tribunals and such institutions. In some countries government bodies such as defense agencies, high powered executive agencies (such as the President) are granted immunity before the courts. If the number of such institutions is large or if the law does not clearly define which institutions have that immunity, people’s access to relief would be limited. Keep in mind that the indicator is assessing the general law and not just the environmental law and institutions.

**Water:** Note in the explanations box any exempted government bodies that have significant water-related responsibilities. Select a lower value if these bodies are numerous.

**Definitions:** “**Limited in number and clearly defined**” refers to whether or not the government bodies that are protected from claims are clearly identified and are limited (small) in number. “**Government bodies**”(or “**Public bodies**”) include ministries, departments, statutory, local governments or other entities including both the elected officials and the administration. “**Immune**” refers to protection or exemption from claims – institutions that the law states cannot be brought before a court, tribunal or institution to answer to a claim.

### **Recommended Research Methods and Sources:**

1. **Legal Research:** Consult laws, codes and regulations that grant exemptions and immunities to government bodies from claims. Also consult court and tribunal decisions and juristic opinions that deal with the immunity of government bodies from claims.

### **Indicator Score and Explanation:**

	<b>Values</b>	<b>Explanation</b>
<b>Strong → Weak Performance</b>	Immune bodies neither limited nor clearly defined	
	Immune bodies not limited but clearly defined	
	Immune bodies limited but not clearly defined	
	Immune bodies limited and clearly defined	
	All government bodies subject to claims	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 94 \*\*CORE\*\***

**Indicator Research Context:**

**Indicator 94.** To what extent is standing or the ability to bring a claim defined to include any interested individual and civil society organizations?

**Category:** Access to Justice

**Topic:** Law

**Subtopic:** Quality of the general legal limits of access

**Researcher:**

**Research Guidelines:**

Generally, the law starts with the idea that relief is correlated to rights, and that only those whose rights are violated can ask for relief. Those individuals are considered to have “standing”. While this is adequate in private law where an individual’s rights have been affected, it is inadequate in decisions that concern public goods (such as the air and water and environmental resources), over which no one may have particular rights. In such cases, a broad definition of standing is better for the public (and for the environment), so that any interested individual or group can bring a claim on behalf of a public good.

In contrast to Indicator 91, this indicator looks at standing in environmental and relevant sector-specific laws, not just the general legal framework.

**Water:** Because water flows across borders, access to justice may require mechanisms for providing redress and remedy to people outside your country. If your country shares basins or water courses with other countries, consider the extent to which standing has been interpreted to convey the right to bring a claim in water-related cases upon governments, citizens, or organizations beyond your borders. A more inclusive definition should be given a higher value. Research may require exploration of regional and bilateral treaties, as well as your own country’s laws.

**Definitions:** “**Standing (sometimes called legal standing)**” is a party's legal right to make a claim before a forum.

**Recommended Research Methods and Sources:**

1. **Legal Research:** Consult laws, codes and regulations governing the bringing of claims – especially environmental claims. Also consult judicial decisions dealing with standing.

**Indicator Score and Explanation:**

	<b>Values</b>	<b>Explanation</b>
<b>Strong → Weak Performance</b>	Standing excludes most interested individuals and civil society organizations	
	Standing excludes civil society organizations	
	Standing is unclear or open to interpretation	
	Standing includes most interested individuals (but not ANY) and civil society organizations	

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	Standing includes both any interested individual and civil society organizations	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 137 \*\*CORE\*\***

### **Indicator Research Context:**

**Indicator 137:** How well do laws and rules for registration and operation of civil society organizations promote an enabling environment for CSOs?

**Category:** Capacity-Building

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access.

**Researcher:**

### **Research Guidelines:**

CSOs often play a pivotal role in bringing attention to problems and holding government accountable. It is therefore vital that effective registration and unencumbered operation of CSOs be facilitated by a country's laws and rules.

This indicator focuses on learning whether the legal framework supports CSOs' ability to operate. Key components of an enabling environment include (but are not limited to):

- consistent rules for all CSOs
- reasonable registration costs
- clear registration, incorporation and reporting procedures
- appropriate timeframes
- open (not selective) eligibility criteria

**Definitions:** “CSOs - Civil Society Organizations” include organizations that are neither part of the private (for profit) nor governmental sectors. “Laws and rules” include the laws of the relevant geographic area (country, province, city, etc) and/or the rules and policies that govern the ministries or other government institutions that have jurisdiction over CSOs. “Enabling environment” includes consistent rules for all CSOs, reasonable registration costs, clear registration procedures, appropriate timeframes, and open (not selective) eligibility criteria.

### **Recommended Research Methods and Sources:**

1. **Legal Research:** Review laws and rules establishing the procedures, costs, registration, reporting and other requirements for CSOs registration and operation
2. **Document review:** Review statistics regarding average income in the country and GDP to determine what qualifies as “reasonable registration costs.” Include the data in your assessment report and/or the Explanation for this indicator.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	The law prohibits registration and operation of CSOs	
	The law is silent on registration and operation of CSOs	
	Almost no provisions to promote an enabling environment for CSOs	
	Limited provisions to promote an enabling environment for CSOs	
	Mostly adequate provisions to promote an enabling environment for CSOs	
	Strong provisions to promote an enabling environment for CSOs	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

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<http://research.accessinitiative.org/>

Document Found at:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Additional Information:**

Record any additional information relevant to this indicator here.

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## Indicator Research Worksheet—Indicator 138

**Indicator Research Context:**

**Indicator 138.** To what extent does the law create diverse legal and regulatory incentives supporting financial independence of civil society organizations?

**Category:** Capacity-Building

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and justice.

**Researcher:**

**Research Guidelines:**

Civil society organizations (CSOs) often play a pivotal role in promoting and protecting the interests of the public. They frequently serve as an important vehicle through which citizens promote transparency and accountability of the government. Laws that enhance the capacity of CSOs improve CSOs’ ability to play such a role.

In particular, the capacity of CSOs to maintain their financial independence often hinges on the laws that govern their financial operation. When CSOs are dependent upon any one source for their funding, they are more likely to become biased, and to lose sight of the public interest. Laws that give CSOs access to a diversity of funding sources make such circumstances less likely.

**Definitions:** “**Legal and regulatory incentives**” refers to laws that create incentives for citizens to create CSOs, and for individuals and organizations to donate money to them. They often include the types or laws listed above.

**Recommended Research Methods and Sources:**

**Legal Research:** Evaluate laws governing the registration and financial operation of CSOs, including:

- Laws that exempt CSOs from paying taxes
- Laws that reduce taxes for citizens and corporations who make financial donations to CSOs
- Laws enabling CSOs to gain access to funding from abroad
- Laws enabling the creation of charitable foundations
- Legislation that allocates government funding to CSOs
- Rules and regulations that enable CSOs to register for bank accounts

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Incentives are prohibited	
	The law is silent on incentives	
	Almost no incentives created	
	Some incentives created	
	Adequate incentives created	

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<http://research.accessinitiative.org/>

Extensive incentives created
Not applicable (N/A)

**Source(s) Consulted:**

<p><b>Legal Research:</b> Document Title(s):  Responsible Authority(ies):  Chapter/Article/Paragraph:  Document Found at:</p>
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**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
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## **Indicator Research Worksheet—Indicator 139 \*\*CORE\*\***

**Indicator Research Context:**

**Indicator 139:** How well do laws and rules for registration and operation of media organizations support press freedom?

**Category:** Capacity-Building

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and access.

**Researcher:**

**Research Guidelines:**

The media often plays a pivotal role in bringing attention to problems and holding government accountable. It is therefore vital that effective registration and unencumbered operation of media organizations be facilitated by a country’s laws and rules.

This indicator focuses on learning whether the legal framework supports media organizations’ ability to operate independently.

**Definitions:** There are no definitions for this indicator.

**Recommended Research Methods and Sources:**

1. **Legal Research:** Review laws and rules establishing the procedures, costs, registration, reporting and other requirements for media registration and operation.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Independent press is banned	
	Laws are silent on press freedom	
	Almost no provisions to support press freedom	
	Limited provisions to support press freedom	
	Mostly adequate provisions to support press freedom	
	Strong provisions to support press freedom	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

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**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 140**

### **Indicator Research Context:**

**Indicator 140:** How well do laws and regulations enable media organizations to have diverse sources of funding?

**Category:** Capacity-Building

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and justice.

**Researcher:**

### **Research Guidelines:**

The media plays a crucial role in providing information to the public, and is also an important tool in the activities of CSOs, government and other stakeholders. Laws that enhance the capacity and independence of media organizations underpin the media's ability to promote transparency and an informed citizenry. This indicator assesses whether the law enables a variety of funding options for media organizations.

The funding available to media organizations often depends upon the registration options available to them. If media organizations may only take government funding, or if they may not register as a CSO, the range of options will be compromised. Likewise, if all media organizations must register as for-profit organizations, the overall independence of the press may be compromised.

**Definitions:** “**Media organizations**” include radio and TV broadcasters, newspapers, magazines, and organizations that maintain Internet news sources. “**Diverse sources of funding**” include:

- Sale of advertisements
- Government financial support or in-kind support (e.g. low-cost access to radio or TV transmission infrastructure, etc.)
- Charitable donations
- The full range of funding sources (loans, private capital, etc.) available to for-profit companies
- International support

Note that rules governing registration of organization will probably prevent any one organization from accessing all types of funding. However, the availability of the full diversity of sources to the media as a whole promotes the freedom and independence of the media.

### **Recommended Research Methods and Sources:**

1. **Legal Research:** Examine laws regulating the registration and operation of media organizations.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Diversity in funding is prohibited	
	Law is silent on diversity of funding	
	Almost no diversity of funding enabled by the law	
	Some diversity of funding enabled by the law	
	Adequate diversity of funding enabled by the law	
	Extensive diversity of funding enabled by the law	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 141 \*\*CORE\*\*

**Indicator Research Context:**

**Indicator 141:** To what extent does the law require the public school system to provide civic education?

**Category:** Capacity-Building

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and justice.

**Researcher:**

**Research Guidelines:**

In order to exercise their access rights, the public needs, as a foundation, awareness and understanding of those rights. Civic education, which teaches students about citizen rights and duties, can play an important role in providing this foundation.

This indicator assesses the degree to which the law requires the education system to provide civic education. Researchers should examine legal requirements at all levels of the education system (primary, secondary, higher education) to understand the extent and quality of the civic education requirements.

**Definitions:** “**Public school system**” refers to the system of schools open to the general public and supported by government funding. “**Civic education**” includes courses that educate students about their country’s system of government, their rights within the law, and their duties as a citizen.

**Recommended Research Methods and Sources:**

1. **Legal Research:** Consult laws or regulations governing mandatory public school curriculum.
2. **Interview:** An interview with Education Ministry officials or a knowledgeable teacher may be helpful in identifying the relevant laws and understanding their requirements.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Civic education is prohibited	
	Law is silent on the provision of civic education	
	Almost no civic education in public schools required by law.	
	Some no civic education in public schools required by law.	
	Adequate civic education in public schools required by law.	
	Extensive civic education in public schools required by law.	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 142

**Indicator Research Context:**

**Indicator 142:** To what extent does the law require the public school system to provide environmental education?

**Category:** Capacity-Building

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and justice.

**Researcher:**

**Research Guidelines:**

In order to effectively engage in decisions that affect or relate to the environment, the public needs, as a foundation, a basic awareness and understanding of the environment around them. Environmental education, which teaches students about ecological principles and functions, can play an important role in providing this foundation.

This indicator assesses the degree to which the law requires the education system to provide environmental education. Researchers should examine legal requirements at all levels of the education system (primary, secondary, higher education) to understand the extent and quality of the environmental education requirements.

**Water:** Assess whether education about water is explicitly included in any environmental education requirements.

**Definitions:** “**Public school system**” refers to the system of schools open to the general public and supported by government funding. “**Environmental education**” includes courses that educate students about the function of ecosystems, the threats they face, and actions that can protect the environment.

**Recommended Research Methods and Sources:**

1. **Legal Research:** Consult laws or regulations governing mandatory public school curriculum.
2. **Interview:** An interview with Education Ministry officials or a knowledgeable teacher may be helpful in identifying the relevant laws and understanding their requirements.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Environmental education is prohibited	
	Law is silent on the provision of environmental education	
	Almost no environmental education required in public schools.	
	Some environmental education required in public schools.	
	Adequate environmental education required in public schools.	

Extensive environmental education required in public schools.
Not applicable (N/A)

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 143 \*\*CORE\*\*

**Indicator Research Context:**

**Indicator 143:** To what extent does the law require the government to provide free legal aid?

**Category:** Capacity-Building

**Topic:** Law

**Subtopic:** Scope and quality of the general legal framework for environmental protection and justice.

**Researcher:**

**Research Guidelines:**

Free legal aid is fundamental to ensuring equal protection to all citizens under the law. Without free legal aid the poor and dispossessed are at a significant disadvantage in fighting for their rights and can easily be outmaneuvered by corporations or individuals with financial resources.

Research into this indicator will therefore focus on whether the government allows, supports and has created a network of free legal council for access to information, participation and justice.

Note that this indicator is a general indicator, about the country. The rest of the capacity-building mandate questions must be answered in reference to a TAI case or case type.

**Water:** If many water-related decisions in your country are decided by administrative mechanisms or alternative forums, such as basin councils, consider the extent to which free legal aid systems can support claimants before these forums. Select a higher value if the law makes free legal aid broadly applicable to relevant forums.

**Definitions:** “Free legal aid” includes attorney services and legal advice provided by a government-funded agency or office available to the public at no cost.

**Recommended Research Methods and Sources:**

1. **Legal Research:** Review laws and rules establishing the free legal aid, the budget allocation and the procedures for its use.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Legal aid is prohibited	
	The law is silent on legal aid	
	Almost no legal aid required by the law	
	Limited legal aid required by the law	
	The law is mostly adequate on legal aid	
	Extensive legal aid required by the law	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information**

Record any additional information relevant to this indicator here.

## **Access to Information Indicators**

Case-based Indicators # 10-46

**(A2I General Law indicators located in the General Law Document)**

This document incorporates water-specific guidance into the TAI indicator worksheets. Please note the following:

- Water-specific guidance has been developed for core indicators only.
- Not all core indicators have been given water-specific guidance; those without it were deemed not to need it.
- In this document, the following indicators have water-specific guidance: 10, 11, 13, 14, 17, 18, 19, 20, 23, 27, 31, 33, 34, 35, 37, 39, 41, 42, 46
- Water-specific guidance is indicated on the worksheets in track changes with red and blue coloring.
- This document should NOT be read alone. It assumes basic knowledge of the TAI Assessment Toolkit (<http://research.accessinitiative.org>) and references the following additional TAI-Water guidance documents:
  - Water Case Description Draft 1.doc
  - Water Overview Survey Draft 1.doc
  - A2J Case Indicators water guidance draft 1.doc
  - A2I Water guidance 0704 draft1.doc
  - General CB water guidance 0704 draft1.doc
  - General Law - Con\_A2I\_PP\_A2J\_CB Water guidance 0704 draft1.doc
  - PP Case Indicators Water guidance 0704 draft1.doc

## Indicator Research Worksheet—Indicator 10 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 10:** To what extent does the law support public access to comprehensive information about the environmental area (water, air, forest, etc.) concerned in the selected case?

**Category:** Access to Information

**Topic:** Law

**Subtopic:** Quality and scope of specific legal framework

**Researcher:**

### Research Guidelines:

The public must have a right to obtain environmental information because environmental conditions affect their day-to-day lives. Having comprehensive information allows the public to make relevant, necessary and informed decisions.

**Note:** You may refer to the legal definition of “environment” if it is used to form a practical interpretation of “environmental area.”

**Water:** Note that the findings for this indicator may be similar across TAI case studies related to water quality, water use and emergency information. For dams, privatization or trans-boundary cases, however, the information in question may not be about an “environmental area” per se; rather, these cases may instead be about information contained in contracts or plans. Access in these cases may be covered in water law, or it may depend upon other areas of law, including the policies of sub-national government bodies. See the TAI Water Case Study Descriptions document for additional discussion of relevant issues.

**Definitions:** “**Comprehensive**” information includes information on the state of the environmental area (water, air forests, etc.) being investigated, factors that influence it, impacts on human health and safety, and measures to prevent negative impacts.

### Recommended Research Methods and Sources:

- Legal research:** The body of environmental laws, regulations specific to environmental information, regulations specific to a relevant economic sector, and regulations on statistical data collection.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong →</b> <b>Weak</b> <b>Performance</b>	Access to information prohibited	
	Law is silent on access to information	
	Law provides very little access to information	

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Law provides some access to information
Law provides access to most information
Law provides access to comprehensive information
Not applicable (N/A)

**Source(s) Consulted:**

<p><b>Legal Research:</b> Document Title(s):  Responsible Authority(ies):  Chapter/Article/Paragraph:  Document Found at:</p>
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**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
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## Indicator Research Worksheet—Indicator 11 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

  
  

**Case Type:**

  
  

**Indicator 11:** To what extent does the law require a government agency to generate or report regular and diverse information of the selected type?  
**Category:** Access to Information  
**Topic:** Law  
**Subtopic:** Quality and scope of specific legal framework

**Researcher:**

**Research Guidelines:**

If public participation is to be meaningful and government decisions are to be rational and informed, relevant information must be gathered and put into an understandable form. Government agencies responsible for managing various aspects of the environment are best placed to do this.

This indicator is applied to each information type being assessed. The purpose of the indicator is to assess to what extent the law obligates government agencies to gather and produce information and make it available. There could be more than one piece of legislation, each requiring generation of reports from different agencies. Laws sometimes require third parties (e.g. corporations and local authorities) to report information to an agency, and the agency then compiles these. In other cases, laws require agencies to collect data (e.g. ambient air quality data or data about emissions from a factory) and prepare reports on a regular basis.

**Water:** With many types of water information, more than one agency will be involved. Note in the explanation box if one agency is mandated to play a coordinating role among others involved in the generation and reporting of information. In cases where coordination is needed, but not provided for by law, a lower value should be given.

**Definitions:** “Generate or report” includes the collection, production, or compilation of information and data.

	Values	Explanation
--	--------	-------------

**Recommended Research Methods and Sources:**

<b>Strong → Weak Performance</b>	The law prohibits generating/reporting the selected information	
	Law is silent on generating /reporting the selected information	
	Almost no generation / reporting required	
	Some generation / reporting required	

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Adequate generation / reporting required
Extensive generating / reporting required by law
Not applicable (N/A)

1. **Legal research:** Consult laws, governmental decrees, ministerial decrees, public and internal official guidelines on the selected information type (e.g. emergencies, and emergency management requirements or provisions establishing requirements for monitoring). General environmental laws could also include relevant rules.

**Indicator Score and Explanation:**

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 12 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 12:** To what extent does the law require a government agency to publicly disseminate all generated or reported information of the selected information type?

**Category:** Access to Information

**Topic:** Law

**Subtopic:** Quality and scope of specific legal framework

**Researcher:**

### Research Guidelines:

This indicator is applied to the different information types being assessed. A requirement to make information and data collected or produced available helps ensure that all parties concerned are accountable for their environmental performance. Those concerned are primarily the government agency and those regulated or controlled by the agency.

The indicator attempts to assess to what extent the law promotes government efforts to provide the public with access to the selected information type. A general requirement to disseminate reports may be too weak to qualify as an adequate requirement. Some legislation declares simply that reports will be disseminated; better mandates specifically address such issues as timeliness, content, and means of dissemination. In some cases, no specific legislative provision for report dissemination exists, but resources are regularly earmarked for such dissemination; this might constitute a legal requirement.

**Definitions:** “Publicly disseminate” refers to actively making information available to the public at large. “Generated or reported information” refers to information and data collected, produced or compiled.

### Recommended Research Methods and Sources:

1. **Legal research:** Consult the body of environmental laws; requirements for the selected information type to be reported, collected or compiled or equivalent; and agreements with regulated entities, government agencies and international bodies.

	Values	Explanation
--	--------	-------------

### Indicator Score and Explanation:

<b>Strong → Weak Performance</b>	The law prohibits dissemination	
	Law is silent on information dissemination	
	Almost no information dissemination required	
	Some information dissemination required	
	Adequate information dissemination required	
	Extensive information dissemination required	

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Not applicable (N/A)

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 13 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

  

**Case Type:**

  

**Indicator 13:** How clear and narrow are the limits on claims of confidentiality of the selected information type?  
**Category:** Access to Information  
**Topic:** Law  
**Subtopic:** Quality of specific legal limits on access

**Researcher:**

**Research Guidelines:**

Claims of confidentiality are one of the main restrictions on availability of environmental information. Assessing the limits of confidentiality gives us a better understanding of the scope and nature of the right to information. This indicator focuses on the scope of confidential information within the selected information type.

**Water:** You may need to research different bodies of law for different case studies. For water use and privatization cases, protection of commercial interests is likely to drive claims of confidentiality. For trans-boundary, emergency or dams cases, national security may be a factor.

**Definitions:** “Clear and narrow limits” refers to the trend that more information would be available if confidentiality is confined by narrow limits. When the language used to define confidentiality is unclear, officials may interpret a larger body of information as confidential. “Confidential information” refers to information which is not available for release to the public.

**Recommended Research Methods and Sources:**

1. **Legal research:** Consult the body of environmental laws; requirements for the selected information

	Values	Explanation
--	--------	-------------

type to be reported, collected or compiled or equivalent; and agreements with regulated entities, government agencies and international bodies.

**Indicator Score and Explanation:**

<b>Strong → Weak Performance</b>	Limits neither clear nor narrow	
	Limits not narrow but are clear	
	Limits are narrow but not clear	
	Limits are mostly narrow and clear	
	Limits are narrow and clear	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 14 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

  

**Case Type:**

  

**Indicator 14:** To what extent does the law require the agency responsible for the selected information type to build the capacity of its staff on access to information?  
**Category:** Access to Information  
**Topic:** Law  
**Subtopic:** Quality and scope of legal requirements to build capacity of government agencies

**Researcher:**

**Research Guidelines:**

Government officials can obstruct public access to information when they misunderstand or disagree with the value of transparency. Training for staff can help prevent this problem. Training must be fairly recent to be effective and reach all staff. The indicator attempts to assess whether the law requires government agencies to build the capacity of their officials. The indicator is applied to each information type being assessed.

**Water:** Use this indicator to evaluate both capacity-building with regard to the value of transparency and capacity-building on specific mechanisms for providing information in your selected case study. Especially in transboundary and privatization cases, training on access to information may be especially important because processes for obtaining, managing and disseminating water-related information may be new or unusual.

**Definitions:** “**Build the capacity**” refers to efforts to improve a country's human, scientific, technological, organizational, institutional, and resource capabilities. According to Agenda 21, capacity building consists of mechanisms, efforts, or conditions which enhance effective and meaningful public participation in decisions affecting the environment. Types of capacity building include educating civil servants to implement access rights, creating a supportive legal and administrative situation for non-governmental organizations, and ensuring Internet access for the general public.

**Recommended Research Methods and Sources:**

1. **Legal research:** Consult the body of environmental laws; requirements for the selected information

	Values	Explanation

type to be reported, collected or compiled or equivalent; and agreements with regulated entities, government agencies and international bodies.

2. **Document review:** Consult guidelines, internal regulations and/or any administrative regulations, which require the agency (agencies) responsible for the selected information type to build the capacity of its staff ensure access to information by the public.

**Indicator Score and Explanation:**

<b>Strong</b> → <b>Weak</b> ↓ <b>Performance</b>	Law prohibits building capacity	
	Law silent on building capacity	
	Law inadequate on building capacity	

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Law somewhat adequate on building capacity
Law adequate on capacity building
Law strong on capacity building
Not applicable (N/A)

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 15

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 15:** To what extent does the law require the agency responsible for the selected information type to build the capacity of its staff on the environment?

**Category:** Access to Information

**Topic:** Law

**Subtopic:** Quality and scope of legal requirements to build capacity of government agencies

**Researcher:**

### Research Guidelines:

This indicator is applied to the different information types being assessed. Government officials who don't appreciate the importance and impacts on the environment may not have the capacity to identify information of the selected type or apply that information in a constructive and useful way to decisions relating to the environment. Government officials who are responsible for making decisions that relate to the environment need to have the right level of knowledge about that aspect of the environment to be able to make rational and informed decisions. Training for staff can help prevent this problem. Training must be fairly recent to be effective and reach all staff.

The indicator attempts to assess whether the law requires government agencies to build the capacity of their officials on the environment.

**Definitions:** “**Build the capacity**” refers to efforts to improve a country's human, scientific, technological, organizational, institutional, and resource capabilities. According to Agenda 21, capacity building consists of mechanisms, efforts, or conditions which enhance effective and meaningful public participation in decisions affecting the environment. Types of capacity building include educating civil servants to implement access rights, creating a supportive legal and administrative situation for non-governmental organizations, and ensuring Internet access for the general public. “**The environment**” is used here to suggest general environmental awareness as well as, where relevant, in depth knowledge about disciplines that are required for a good understanding of ecological processes.

### Recommended Research Methods and Sources:

1. **Document review:** Consult the agency's guidelines and training manuals, if available.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong</b> → <b>Weak</b> Performance	Law requires limited capacity building	
	Law requires adequate capacity building	
	Law prohibits building capacity	
	Law selects on building capacity building	
	Law requires almost no capacity building	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 16

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 16:** To what extent does the law require the agency responsible for the selected information type to maintain the infrastructure needed to provide the public access to the information?

**Category:** Access to Information

**Topic:** Law

**Subtopic:** Quality and scope of legal requirements to build capacity of government agencies

**Researcher:**

**Research Guidelines:**

A government agency may require copying equipment, data storage areas, etc., as well as the necessary staff to make the selected information type available to the public on a regular ongoing basis. The indicator attempts to assess if the law requires the responsible agency to maintain that infrastructure.

**Definitions:** “**Infrastructure**” includes venues, equipment, organization, staff, funding, etc.

**Recommended Research Methods and Sources:**

1. **Legal Research:** The law that establishes the responsible agency, general information laws as well as environmental laws. Requirements might also be inferred from budgetary allocations of the responsible agency.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Law prohibits maintenance of infrastructure	
	Law silent on maintenance of infrastructure	
	Law requires almost no maintenance of infrastructure	
	Law requires limited maintenance of infrastructure	
	Law requires adequate maintenance of infrastructure	
	Law requires extensive maintenance of infrastructure	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 17 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 17:** To what extent does the law require the government to offer the public technical assistance, guidance or training on how to access and use the selected information type?

**Category:** Access to Information / Capacity Building

**Topic:** Law

**Subtopic:** Quality and scope of the legal requirements to build capacity of the public

**Researcher:**

**Research Guidelines:**

The public cannot gain access to environmental information of the selected type unless the government makes active efforts to tell it how to do so. Formats that can be counted as efforts to disseminate guidelines on information include websites, pamphlets available at government offices or libraries, leaflets, and other materials for broad dissemination.

This indicator is applied to each information type being assessed. The indicator attempts to assess the extent to which the law requires government agencies to aid the public to gain access to and use the selected information type.

**Water:** For most types of water information, technical assistance and guidance should assist the public in interpreting scientific language that may be used in the information. For privatization, dams-related, or trans-boundary information, the public may also need assistance in understanding contracts and legal terms.

**Definitions:** “**Technical assistance**” refers to assistance given to the public to understand and learn about electronic and other sophisticated forms of information storage and recovery, as well as about how to understand and use the information obtained.

**Recommended Research Methods and Sources:**

1. **Legal Research:** Consult the body of environmental laws; requirements for the selected information type to be reported, collected or compiled or equivalent; and agreements with regulated entities, government agencies and international bodies.
2. **Document Review:** Consult guidelines, internal regulations and/or any administrative regulations, which require the agency responsible for the selected information type to provide technical assistance to the public to obtain, understand and use the selected information type.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong</b> ↑ <b>Weak</b> ↓ Performance	Law inadequate on offering technical assistance etc	
	Law somewhat adequate on offering technical assistance etc	
	Law adequate on offering technical assistance etc	

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Law strong on offering technical assistance etc
Not applicable (N/A)

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<http://research.accessinitiative.org/>

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number:

Researcher:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 18 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 18:** To what extent does the law mandate the government to build the capacity of sub-national governments to provide access to the selected information type?

**Category:** Access to Information / Capacity Building

**Topic:** Law

**Subtopic:** Quality and scope of the legal requirements to build capacity of the public

**Researcher:**

### Research Guidelines:

Officials of sub-national governments can obstruct access to the selected information type when they misunderstand or disagree with the values and purpose of access. Training and other technical assistance to staff at local and state/provincial levels of government will help prevent this problem. Training and assistance must be fairly recent to be effective and reach all staff responsible for giving access to the selected information type.

This indicator is applied to each information type being assessed. The indicator attempts to assess whether the law requires national government to build the capacity of sub-national government agencies.

**Water:** Focus upon the level of sub-national government that is most involved in the gathering or provision of information in your case study. Often, local governments are on the “front lines” of access to information in emergencies and in efforts to provide water services to citizens. State or provincial governments may play key roles in water quality and use information. Also keep in mind that budgets passed by the national legislature are important areas of law when it comes to capacity-building.

**Definitions:** “**Sub-national government**” refers to levels of government below the national level. Often these include State, regional and local governments and administrative authorities of autonomous regions.

### Recommended Research Methods and Sources:

**1. Legal Research:** Consult the body of environmental laws; requirements for the selected information type to be reported, collected or compiled or equivalent; and agreements with regulated entities, government agencies and international bodies.

**2. Document Review:** Consult guidelines, internal regulations and/or any administrative regulations, which require from government agencies, including the agency responsible for the selected information type, to provide technical assistance to sub-national government regarding public access to information and related responsibilities of sub-national governments.

### Indicator Score and Explanation:

		Explanation
<b>Strong →</b> <b>Weak</b> <b>Performance</b>	Law somewhat adequate on building capacity	
	Law adequate on capacity building	
	Law prohibits building capacity	
	Law silent on building capacity	
	Law strong on capacity building	
	Law inadequate on building capacity	

Not applicable (N/A)

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 19 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 19: Does the law establish a reasonable timeframe** within which the responsible agency must make information of the selected type available to the public?

**Category:** Access to Information

**Topic:** Law

**Subtopic:** Legal requirement for timeliness

**Researcher:**

### Research Guidelines:

If information is to be relevant, it must be made available in a timely fashion. If there is danger from a source of toxic pollution, that information must be made available to people who might be affected in time for them to take mitigatory and preventive action.

This indicator attempts to assess the reasonableness of timeframes established by law for releasing the information. The relevant law that requires the agency (agencies) to make the selected information type available should be examined. Timeframes may also be found in regulations, rules or guidelines.

Water: Timeliness is important not only for water quality and emergency information, but also for information about dam releases. Note that this indicator aims primarily at timeliness of information needed by citizens to protect their health and property. Information that supports public participation is covered in indicators 62 and 68.

**Definitions: “Reasonable timeframe”** refers to a timeframe within which the selected information type could be acted upon or used effectively by the public (including affected parties). With respect to information that is not time sensitive, reasonableness should be assessed with reference to general timeframes established by law in like situations as well as with reference to the resources, personnel etc. available to the agency and country. **“Reasonable timeframe”** has different meanings for different types of information. For example, a reasonable timeframe for information in an environmental emergency means that the information is disseminated immediately as it is generated. A reasonable timeframe for monitoring information might be weekly information, while requirements for information about the performance of facilities could be on an annual basis.

### Recommended Research Methods and Sources:

- Legal Research:** Consult laws (e.g. a framework Environmental protection law, FOIA, or laws dealing with the selected information type) as well as guidelines or administrative regulations, which set timeframes for release of selected information type by the agency (agencies) responsible for it.

### Indicator Score and Explanation:

	The law establishes an unreasonable timeframe	<b>Explanation</b>
	The law establishes a somewhat reasonable timeframe	
<b>Strong</b> → <b>Weak</b> <b>Performance</b>	The law prohibits dissemination of the information	
	The law establishes a reasonable timeframe	
	The law does not establish a timeframe	

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The law establishes an reasonable timeframe and establishes incentives for rapid dissemination
Not applicable (N/A)

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 20 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 20(s):** How good is the system for data collection and integrated management of the selected information type?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Scope of quality and effort

**Researcher:**

### **Research Guidelines:**

This indicator assesses the existence, scope, and quality of a system to manage the selected information type. Such a system brings comprehensive and relevant information together and ensures that the public can find it in one place, in a form that is understandable, and with content that supports informed decisions. In other words, a good system is comprehensive (scope) and integrates and manages information in such a way that it is relevant (quality).

**Water:** Integrated systems for managing information are especially important for water. Since what happens upstream can affect water quality and availability downstream, information often needs to flow effectively among administrative jurisdictions. Likewise, different government agencies may be responsible for gathering information about different uses (industrial, domestic, agricultural, etc.) of water and different water quality threats. Note in the explanations box particular information excluded from water information systems and the agencies responsible for them. Exclusion of local government agencies from information systems will be an especially problematic gap.

**Definitions:** “**System**” refers to a clearinghouse mechanism or other arrangement for data and information management. “**Integrated management**” is an approach that brings together relevant data, information, and analysis from different sources to identify, reveal the causes for, explain, and propose solutions to complex problems. A system for integrated management of environmental information includes information on the state of the environmental element (e.g., water, air, forests) being investigated, factors that influence the quality of the element, any related threats to human health and safety, and measures to prevent possible harms.

#### **Recommended Research Methods and Sources:**

1. **Document Review:** Consult government websites to review the system description to determine whether the system provides for integrated management. Check the system itself to determine the scope of information contained.
2. **Document Request:** Request information on the state of the environmental element (e.g., water, air, forests) being investigated, factors that influence the quality of the element, any related threats to human health and safety, and measures to prevent possible harms.
3. **Interviews:**
  - a. At least 1 government official who manages the selected information type to determine the existence and quality of such a system.
  - b. At least 2 CSOs to obtain an external opinion on the quality and usefulness of the system.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Integrated information management system not present	
	Rudimentary integrated information management system	
	Integrated information management system limited in scope and quality	
	Integrated information management system of adequate scope and quality	
	Integrated information management system of excellent scope and quality	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Document Request:**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

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<http://research.accessinitiative.org/>

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 21

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 21(s):** To what extent does an agency or system generate and/or collect information about the environmental area (water, air, forest, etc.) concerned in the selected case?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Quality and scope of effort

**Researcher:**

**Research Guidelines:**

The government’s role in setting up a system to generate and / or collect environmental information may have a significant impact on the public’s ability to stay informed about their environment. This indicator measures the strength of the steps taken by the government to regularly generate and collect different types of environmental information.

More specifically, this indicator assesses the government’s efforts to generate and collect environmental information on:

1. The state/quality of environment or a selected element (e.g. water)
2. Factors that influence the selected environmental element
3. Impacts on human health and the environment cause by the factors
4. Policies, measures and/or actions to reduce, alleviate, remove negative impacts

A high value is selected only when information is collected in all 4 groups above.

**Definitions:** “**System**” refers to a clearinghouse mechanism or other arrangement for data and information management. The system may be housed within a single agency, or it may facilitate data collection and integration across agencies. Also note that the distinction between “**generation**” and “**collection**” of information is not always clear. In some cases, the government may use its own data to **generate** original information; in other instances it may **collect** existing information from external sources (corporations, universities, etc.) for integration and/or dissemination.

**Recommended Research Methods and Sources:**

1. **Media Review:** Review media sources for coverage of environmental information generated and collected by the government.
2. **Document Requests:** Request information on the 4 elements of information listed above.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Perform</b>	Information not generated or collected	
	Almost no information generated or collected	

	Information generated or collected in only one of the 4 areas (specify)	
	Information generated or collected in 2 of 3 of the 4 areas (specify)	
	Information generated or collected in all 4 of the 4 areas	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Document Request:**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Additional Information:**

Record any additional information relevant to this indicator here.

[Link to examples of document requests](#)

## Indicator Research Worksheet—Indicator 22

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 22(s):** To what extent is there a monitoring system and/or penalties for non-compliance to ensure the agency meets its obligations to disclose information?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Quality and scope of effort

**Researcher:**

**Research Guidelines:**

This indicator builds on indicators #20 and #21 to measure the enforcement of the government’s obligations to disclose information. This indicator considers: (a) whether a monitoring system exists and the quality of that monitoring system; and (b) whether there are penalties for non-compliance to government disclosure requirements. Both monitoring and penalties potentially provide incentives for governments to comply with requirements.

**Definitions:** “**Monitoring system**” refers to a mechanism which checks the compliance of government disclosure of information on an on-going and regular basis. It may be either internal or external to the government, but should be independent of the agency responsible for disclosure of the selected information. “**Penalties for non-compliance**” could include financial, as well as regulatory sanctions in cases where the government has failed to disclose information as obligated under law or policy.

**Recommended Research Methods and Sources:**

1. **Document review:** Consult government documents which report on the monitoring and compliance of government disclosure. If no such document is made available by the government, please note this in your explanation of the value chosen.
2. **Media review:** Consult websites, radio and television records for reports which announce the findings of a monitoring system.
3. **Interviews:** Interview two officials from the appropriate agency who are responsible for monitoring.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No monitoring system or penalties for non-compliance	
	Almost no monitoring system or penalties for non-compliance	
	Limited monitoring system or penalties for non-compliance	
	Adequate monitoring system or penalties for non-compliance	

	Extensive monitoring system and penalties for non-compliance	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

Link to sample interview questions

## **Indicator Research Worksheet—Indicator 23 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 23:** How complete, relevant, and accurate were responses to requests for information in the selected case?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Scope of quality and effort

**Researcher:**

### **Research Guidelines:**

Adequate access to information includes the assurance that the public will be able to receive requested information from government agencies.

**Water:** Completeness is often an especially challenging issue for water information. Sometimes information is unavailable for particular jurisdictions or water uses. When it comes to relevance, consider especially whether water information is available at a variety of scales (village, city, basin, etc.), and whether it is presented in a way understandable to the general public. For example, maps may help citizens quickly find water information of relevance to them.

See the TAI Water Case Study Descriptions document for specific elements to consider for each water information case.

**Definitions:** There are no definitions for this indicator.

### **Recommended Research Methods and Sources:**

1. **Document Request:** On behalf of persons not known to the agency, send 3 requests for information asking for different levels of detail and complexity. Requests should ask about one or more of the following:
  - a. The state/quality of the environment or a selected element of it (e.g., water)
  - b. Factors that influence the selected environmental element
  - c. Effects on human health and the environment caused by the factors
  - d. Any policies, measures, and actions taken or proposed to reduce, alleviate, or remove negative effects

Responses should also be assessed whether they provide:

- a. The different levels of detail requested
- b. Information that will enable the recipient to act if necessary

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No responses to requested provided	
	Almost no responses to request provided	
	Response satisfied only ONE criterion (complete, relevant OR accurate) (specify)	
	Response satisfied TWO criteria (complete, relevant, accurate) (specify)	
	Response satisfied all THREE criteria (complete, relevant AND accurate)	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Request:**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Document Request:**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Document Request:**

Request Made To:

Agency where Above Person Works:

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Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 24**

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 24:** How complete, relevant, and accurate was the information disseminated to the public in the selected case?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

### **Research Guidelines:**

This indicator further builds on the findings of indicators #21 and #22. The value assigned for this indicator will depend primarily on the priorities and main interests of the public in obtaining information. Accordingly, completeness, relevance and accuracy will need to be considered while taking into account the broader context and expected function of the information disseminated by the government.

In addition to the case-specific factors to be assessed, researcher may also wish to consider the 4 key elements considered in indicator #21:

1. The state/quality of environment or a selected element (e.g. water)
2. Factors that influence the selected environmental element
3. Impacts on human health and the environment cause by the factors
4. Policies, measures and/or actions to reduce, alleviate, remove negative impacts

Assess the information also on whether it:

- Is presented in forms that could be used by different audiences (e.g. scientists or old people)
- Tells readers whether they should take any steps and what

**Definitions:** “**Complete**” means that no necessary element is missing. “**Relevant information**” includes appropriate information to address the information needs of the recipient, and excludes extraneous information that might confuse users or distract from the central message. “**Accurate**” means free from mistakes or errors.

### **Recommended Research Methods and Sources:**

#### **1. Document Review:**

Check websites, newsletters, information boards, libraries or other relevant channels/outlets where selected information can be found by the general public and assess whether it contains information about the 4 elements listed above.



## **Indicator Research Worksheet—Indicator 25 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 25:** To what extent did the public have access to information in the selected case at little or no cost?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Cost and affordability

**Researcher:**

### **Research Guidelines:**

**Definitions:** “Little or no cost” refers to an amount of money that a typical citizen would be able to pay for obtaining information, such as costs for copying or costs for producing information as well as associated costs such as travel, long-distance phone calls, mail, etc., if such expenses are necessary to obtain the information.

#### **Recommended Research Methods and Sources:**

##### **1. Site visits:**

- Visit the agency (agencies) responsible for the selected information type. A researcher should visit the responsible agency and identify himself or herself only as an ordinary citizen interested in reading reports. Record all costs.
- Visit four other institutions to check for the availability of free reports and/or for costs associated with obtaining those reports. Examples include a public authority responsible for the SOE report, a national library, a national repository of environmental information (such as UNEP Infoterra), a university library, a public community library or other information outlets. Request reports, through interlibrary loan if necessary. Document which volumes/series are available and how much each outlet charges for the same report/series. Record all costs.

##### **2. Document review:**

- Search the website of the responsible agency to learn the cost of obtaining information of the selected type.
- Conduct a general Internet search for the information (the full text of the report must be available online for this to be considered satisfactory).
- Check statistical sources for the average costs of the selected type of information.

### **Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Information very expensive	
	Information somewhat expensive	
	Information available at medium cost	
	Information inexpensive	
	Information available for free	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Site Visits**

Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Researcher:

**Additional Information:**

Record any additional information relevant to this indicator here.

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## Indicator Research Worksheet—Indicator 26

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Researcher:**

**Indicator 26:** How comprehensive and planned were efforts to reach a wide range of stakeholders with information in the selected case?  
**Category:** Access to Information  
**Topic:** Effort  
**Subtopic:** Fairness and equitability

**Researcher:**

**Research Guidelines:**

Fairness demands that all stakeholders have equal access to information. To reach a wide range of stakeholders, government dissemination efforts may need to utilize a variety of communications tools, including different languages. Efforts must be planned so as to address the full spectrum of relevant audiences throughout the country.

**Definitions:** “**Comprehensive and planned effort**” refers to a thorough, pro-active effort to help information reach a wide range of audiences. A variety of communications tools and outreach tactics may be needed to engage the full spectrum of stakeholders. Single, isolated efforts are not considered “comprehensive and planned.”

**Recommended Research Methods and Sources:**

1. **Document:** Consult materials distributed by responsible agency(ies) and agency(ies) rules for dissemination of the information.
2. **Media Review:** Consult websites of responsible agency(ies)
3. **Interviews:** Two officials of the responsible agency(ies) and five representatives of various target audiences.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No effort	
	Limited effort made to reach a wide range of stakeholders	
	Effort mostly adequate, but with room for improvement	
	Comprehensive and planned effort to reach a wide range of stakeholders	
	Exemplary effort to reach a wide range of stakeholders	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

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Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

Link to sample interview questions

## **Indicator Research Worksheet—Indicator 27 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 27:** How well did the responsible agency make a planned and systematic effort to disseminate information to a minority or disadvantaged group (identified in the explanation to this indicator) in the selected case?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Fairness and equitability

**Researcher:**

### **Research Guidelines:**

Environmental changes often affect socioeconomic or cultural groups with little power to react or respond. Providing these marginalized groups with environmental information increases the fairness and effectiveness of the information dissemination system, and enables these groups to better address environmental harms or changes that may affect their lives. This indicator addresses the question “Who is informed?”

Different groups are disadvantaged in different countries. TAI research teams should select one or more groups of significance in their country that are relevant for the case. Specify the group(s) in the Explanation box and indicate why they were chosen. Frequently relevant groups include women, ethnic minorities, the poor, children, the elderly, linguistic minorities, the illiterate, rural residents, or members of particular communities.

**Water:** Researchers may wish to select women as the target group for this indicator. In many places, women and girls hold primary responsibility for household water gathering and use, and planned and systematic efforts to reach them are critical to the success of any effort to disseminate water quality or emergency information. Researchers may also wish to focus on a group that has particular difficulty accessing water, or that is especially vulnerable to water emergencies. Rural residents and the urban poor are frequently important groups from this perspective.

**Definitions:** “Planned and systematic effort” include steps to help information reach the relevant target groups in different ways appropriate for that audience. The communications tools and level of language used should be appropriate for the audience. Such efforts could include a special contact person(s) to work with the target group, information sessions held at a site accessible to the group, and/or informational

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<http://research.accessinitiative.org/>

materials in the language/dialect of the group. Single, isolated efforts are not considered “planned and systematic.”

**Recommended Research Methods and Sources:**

1. **Media Review:** Check various media for relevant announcements by the responsible agency (agencies).
2. **Document Review:** Consult websites of the responsible agency (agencies), materials distributed by the responsible agency (agencies), and agency rules for the dissemination of the selected information type.
3. **Interview:** At least 2 officials of the responsible agency (agencies) and at least 5 representatives of the selected target audience.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No effort to reach the target audience	
	Limited effort to reach the target audience	
	Effort to reach the target audience mostly adequate, but with room for improvement	
	Planned and systematic effort to reach the target audience	
	Plans and system for reaching the target audience well-designed and comprehensive	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Researcher:

**Interviews:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interviews:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interviews:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interviews:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interviews:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interviews:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interviews:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

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Location of interview(s):

Date interview(s) took place

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 28

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 28(s):** To what extent does the government generate/collect the selected information type at regular time intervals and in a timely fashion?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Timelines

**Researcher:**

**Research Guidelines:**

Environmental information is only fully effective if it is generated and collected in a timely fashion.

Research for this indicator will therefore focus on the government’s efforts to generate and collect information in such a way that enables the public to stay adequately informed and take decisions based on the information in a timely manner. The key element of timeliness measures whether or not the public had the information early enough to adjust their behavior (i.e. refrain from drinking polluted water). Please note that indicators #39 and #40 speak to the effectiveness of the information in impacting the public’s behavior. This indicator is limited to the timeliness of the government’s efforts to generate and collect environmental information.

**Definitions:** “**Regular time intervals**” should be considered as at least once a year; depending of the nature of the information and the frequency with which it fluctuates. “**Timely fashion**” refers to the overall timeframe of information generation and collection – the timeliness should also take into account the intended use of the information and whether other sectors generate and collect comparable information within a compatible timeframe. Also note that the distinction between “**generation**” and “**collection**” of information is not always clear. In some cases, the government may use its own data to **generate** original information; in other instances it may **collect** existing information from external sources (corporations, universities, etc.) for integration and/or dissemination.

**Recommended Research Methods and Sources:**

- Interview:** Interview one media/public relations official of the responsible agency - ask how quickly the information type in this case was generated and collected. You may also wish to interview local populations such as NGO leaders, community leaders, or educators.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong</b> → <b>Weak</b> <b>Performance</b>	No information generated or collected at regular time intervals or in a timely fashion	
	Almost no information generated or collected at regular time intervals or in a timely fashion	

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Some information regularly generated or collected in a timely fashion
Adequate information regularly generated or collected in a timely fashion
Extensive information regularly generated or collected in a timely fashion
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 29 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 29:** With what level of timeliness does the government disseminate the selected information type? (s)

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Timeliness

**Researcher:**

### **Research Guidelines:**

If information is to be useful and relevant, it must be made available in a timely fashion. This indicator assesses whether the selected information was disseminated in time for the public to use it and/or whether the relevant agency (agencies) implements legal timeliness requirements for the selected information type, if such requirements exist. This indicator compares practices to the legal framework assessed in Indicator 19.

**Definitions:** “Disseminate” refers to deliberate actions taken by the government to effectively share information with the public. “Timeliness” may be different for different types of information. For example, timely dissemination of information in an environmental emergency means that the information is disseminated as soon as it is generated, timely monitoring information might be weekly information, and information about the performance of facilities may be disseminated on an annual basis. Timeliness of the selected information type may also be determined by legal requirements.

### **Recommended Research Methods and Sources:**

1. **Document Review:** Consult the internet to determine when the information appeared.
2. **Media Review:** Consult press releases by the responsible agency (agencies) or party (parties), and back issues of at least two newspapers.
3. **Interview:**
  - At least 1 relevant official from the responsible agency (agencies)/party (parties), such as a media or public relations official.
  - At least 2 NGOs who use the selected information type to determine whether the selected information is made available in a timely fashion and regularly enough to serve their needs.

### **Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Dissemination not performed	
	Dissemination not timely or regular	
	Some delay in dissemination / sometimes regular dissemination	
	Minimal delay in dissemination / frequently regular dissemination	
	Dissemination on time or regular	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

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**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 30

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 30:** How prompt was the response to a request for information in the selected case?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Timelines

**Researcher:**

### Research Guidelines:

Adequate access to information includes the assurance that the public will be able to receive requested information within a reasonable timeframe. Whereas indicators #28 and #29 considered the regularity and timeliness of government information dissemination and collection, this indicator considers only the government’s response time to a specific request for information from the public.

**Definitions:** “**Prompt**” is considered 4 weeks or less in the context of this assessment. You may specify in your notes if information is received after more than 4 weeks have passed. “**Request for information**” includes public requests via a phone call, formal letter, or a visit to the agency, depending on the protocol of your country and the agency. A “**response**” may take the form of a phone call, letter, e-mail, or face-to-face conversation, and may include the provision of documents or referral to other information sources.

### Recommended Research Methods and Sources:

1. **Information Request:** Request information about the case study (a particular media product, article, summary of impacts, etc.) from the responsible agency. The researcher should identify himself or herself only as an ordinary citizen in search of information.
  - Information can be requested with a phone call, formal letter, or a visit to the agency, depending on the protocol of your country and the agency. The request should be specific to ensure a response. Record the amount of time that passes between the date that the request is received by the agency and the date that the information is received by the researcher.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	No response	
	Extensive delay in response to request	
	Some delay in response to request	
	Prompt response to request	
	Immediate response to request	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Document Request:**

Request Made To:

Agency Where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 31 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 31.** To what extent was all relevant information in the selected case found in many different outlets in different locations?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Channels of Access

**Researcher:**

### **Research Guidelines:**

Disseminating information through a variety of outlets (e.g., libraries, internet, radio, etc.) in different cities and villages helps ensure that diverse audiences have access to it. This indicator assesses whether effective and relevant information was released to a sufficient diversity of outlets.

**Water:** Research should assess whether upstream and downstream residents within a watershed both have channels for access to watershed-wide information. In transboundary cases, channels of access should be checked on both sides of the border.

**Definitions:** “**All relevant information**” includes sufficient information to address the information needs of the recipient, and excludes extraneous information that might confuse users or distract from the central message. It does not need to be totally comprehensive, but should include telephone numbers, internet address, or other resource information for individuals who wish to know more. “**Outlets**” include the internet, libraries, radio and television stations, information centers, schools, and other places where people feel free to go and ask for information. The geographic distribution of such places should be taken into consideration when assigning this value (i.e., that people in distant locations or outside the main metropolitan areas can also obtain the selected environmental information).

### **Recommended Research Methods and Sources:**

#### **1. Interviews:**

- At least 1 media or public relations official of the responsible agency to determine where communications materials or information were disseminated and how the outlets are distributed geographically.
- At least 2 NGOs that operate nationally or in several different locations to determine where they find the selected information at the various locations in which they work.

- #### **2. Site visits:**
- Visit the agency (agencies) responsible for the selected information type and four other institutions to check for the availability of reports. Examples include a public authority responsible for the SOE report, a national library, a national repository of environmental information (such as UNEP Infoterra), a university library, and a public community library. A researcher should visit the responsible agency and identify himself or herself only as an ordinary citizen interested in reading reports. Request reports, through inter-library loan if necessary. Document which volumes are available within a 2-week period, dated from the first visit or request to the institution.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Information available only in one outlet in one location.	
	Some relevant information found in EITHER different outlets OR different locations (not both)	
	Most relevant information found in EITHER different outlets OR different locations (not both)	
	Most relevant information found in different outlets AND in different locations	
	All relevant information found in many different outlets AND in different locations	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Site Visits**

Name of Site Visited:

Site Location:

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Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Site Visits**

Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Site Visits**

Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Site Visits**

Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Site Visits**

Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Additional Information:**

Record any additional information relevant to this indicator here.

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## **Indicator Research Worksheet—Indicator 32**

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 32(s):** To what extent does the agency that manages the selected information type have staff explicitly responsible for disseminating information and responding to requests?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Efforts to build capacity of government agencies

**Researcher:**

### **Research Guidelines:**

This indicator is applied to each selected information type. If the public are to have access to the selected information type, they need to know which staff member in the agency is responsible for making that information available and how and where to contact them. Without this basic information being freely and easily available to the public, much time, energy and effort could be wasted both by the public and the agency in attempts to locate the correct staff member.

Research for this indicator will therefore focus on whether the agency has designated an adequate number of staff members to be responsible for disseminating information and responding to public requests for the selected information type. Such designations are usually found in agency websites, regulations, rules, guidelines, circulars and orders. Research must also focus on whether the agency has adequately notified the public of the name, designation, contact details and role of such staff members. Notifications might have been by newspaper advertisements, posting on websites, notifications at agency offices and pamphlets etc.

**Definitions:** “**Staff explicitly responsible**” means staff members who have been designated by the agency as being responsible for disseminating the selected information type and responding to requests from the public. Additionally, the agency ought to have made the names, contact details and mandate of those staff members available to the public in an accessible form.

### **Recommended Research Methods and Sources:**

1. **Document Review:** Consult agency websites, regulations, rules, guidelines, circulars and orders. Consult agency websites and published literature (brochures, etc). Look for email addresses, phone numbers, or other contact information that identifies staff or office responsible for dealing with requests from public for environmental information.
2. **Media Review:** Check newspapers and official government journals (e.g. gazettes, registers etc)
3. **Interviews:** Interview agency officers about who has been designated and how this has been notified to the public. Record whether information is received, what was received, how it was received, and how long it took to receive a response.
4. **Document Requests:** Requests for designations and notifications may be required. If no information is available from websites or literature, call or write institution explaining that you are a citizen
5. **Site visits:** A visit to the agency office to view notifications might be required.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Agency has no staff explicitly responsible	
	Agency has almost no staff explicitly responsible	
	Agency has some staff explicitly responsible	
	Agency has adequate staff explicitly responsible	
	Agency has extensive staff explicitly responsible	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

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Date interview(s) took place:

**Document Request:**

Request Made To:

Agency Where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Site Visits:**

Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 33 \*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 33:** To what extent were guidelines or training on access to information offered regularly over the last 3 years to staff in the agency managing the selected information type?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Efforts to build capacity of government agencies

**Researcher:**

**Research Guidelines:**

This indicator assesses whether good practices of capacity building exist and whether capacity building regulations, if such exist, are being implemented. This indicator compares practices to the legal framework assessed in Indicator 14. Training must be fairly recent to be effective and reach all staff.

**Water:** Training requirements should specifically address sharing and integration of information at the water basin level. In transboundary and privatization cases, processes for obtaining, managing and disseminating water-related information may be new or unusual, making staff training all the more important.

**Definitions:** “Offered regularly” refers to guidelines or training offered as part of an on-going series or program. A single, isolated instance of training is not considered as being “offered regularly.”

**Recommended Research Methods and Sources:**

2. **Interviews:** At least 2 officials at the responsible agency to determine whether any training on access to information has been given in the last three years. In the Explanations section, specify the type and content of training given.
3. **Document review:** Consult guidelines and training manuals for the responsible agency, if such exist.

**Indicator Score and Explanation:**

	<b>Values</b>	<b>Explanation</b>
<b>Strong → Weak Performance</b>	No guidelines or training in the past three years	
	Almost no guidance or training in the past three years	
	Limited and irregular training in the past three years	
	Somewhat regular training in the past three years	
	Extensive and regular training in the past three years	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 34**

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 34(s):** To what extent were guidelines or training on the environment offered regularly over the last 3 years to staff in the agency managing the selected information type? (s)

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Efforts to build capacity of government agencies

**Researcher:**

### **Research Guidelines:**

Government officials who don't appreciate the importance and impacts on the environment may not have the capacity to identify information of the selected type or apply that information in a constructive and useful way to decisions relating to the environment. Government officials who are responsible for making decisions that relate to the environment need to have the right level of knowledge about that aspect of the environment to be able to make rational and informed decisions. Training for staff can help prevent this problem. Training must be fairly recent to be effective and reach all staff

Research for this indicator will therefore focus on the training given to agency staff as well as on the guidelines issues to them. Researchers need to focus on the immediate past three years and ask if the trainings have been regular. Guidelines should be evaluated for their thoroughness, accessibility and relevance to the work of agency staff.

**Water:** In some cases, government staff will be environmental experts, while in others they will be engineers and utilities managers with little environmental knowledge. This indicator is especially important for the latter. Their training should promote basin-level thinking, help officials understand threats to water quality and availability, and raise awareness of and respect for the multiple ways in which water is important (human health, ecosystem function, cultural use, agriculture, etc.).

**Definitions:** “Offered regularly” refers to guidelines or training offered as part of an on-going series or program; not a single, isolated instance. “The environment” is used here to suggest general environmental awareness as well as, where relevant, in depth knowledge about disciplines that are required for a good understanding of ecological processes

### **Recommended Research Methods and Sources:**

3. **Document review:** Consult the agency's guidelines and training manuals, if available. Also consult internal circulars and staff notices about the agency(ies) training programs, their content, schedules, guidelines.
4. **Interview:** Two officials at compliance, information, legal, or public relations officers at the chosen agency. Inquire whether any training on environment has been given in the past 3 years (any workshops, lectures, distribution of printed materials on the environment). Assign value accordingly. Specify the type and content of training given
5. **Document Requests:** Requests for training manuals, guidelines and training schedules may be required.

### **Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No guidelines or training in the last 3 years	
	Almost no guidelines or training in the last 3 years	
	Limited and irregular guidelines or training in the last 3 years	
	Somewhat regular guidelines or training in the last 3 years	
	Extensive and regular guidelines or training in the last 3 years	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Request:**

Request Made To:

Agency Where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Additional Information:**

Record any additional information relevant to this indicator here.

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## Indicator Research Worksheet—Indicator 35 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 35:** How adequate is the government budget allocation for facilitating the collection and dissemination of the selected information type? (s)

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Efforts to build capacity of government agencies

**Researcher:**

**Research Guidelines:**

This indicator assesses whether the government as a whole recognizes the importance of public access to information and whether the agency (agencies) responsible for the selected information type has adequate resources to ensure public access and implement laws and regulations, if such exist.

**Water:** Evaluation of budgets allocated to access to information should take into account costs associated with the need to integrate information from a variety of sources, agencies, and locations. Check that budgets accommodates appropriate dissemination to the full range of stakeholders at the basin level.

**Definitions:** “**Government budget allocation**” includes all funding given by the government to support public access to selected information. “**Adequate**” means able to fund all necessary activities related to public access to selected information.

**Recommended Research Methods and Sources:**

1. **Document review:** Consult the budget of the agency (agencies) responsible for the selected information type to determine what share of the overall budget goes to generating information, managing it, and making it available either upon request or through active dissemination.
2. **Interviews:** At least 2 officials from the agency (agencies) responsible for the selected information type to determine how the budget for information access is used and whether it is adequate.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No funds allocated	
	Budget inadequate	
	Budget about 50-75% of what is needed	
	Budget mostly adequate	
	Extensive budget allocated	

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	Not applicable (N/A)	
--	----------------------	--

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 36

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 36:** How regularly did relevant sub-national government officials receive guidelines or training on access to the selected information type over the last 3 years?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Effort to build capacity of sub-national governments

**Researcher:**

**Research Guidelines:**

This indicator assesses whether good practices of capacity building exist and/or whether capacity building regulations, if such exist, are being implemented at the sub-national level. This indicator compares practices to the legal framework assessed in indicator 18. Training must be fairly recent to be effective and reach all staff.

**Definitions:** “Offered regularly” refers to guidelines or training offered as part of an on-going series or program; not a single, isolated instance. “Sub-national government” refers to levels of government below the national level. Often these include State, regional and local governments, and administrative authorities of autonomous regions.

**Recommended Research Methods and Sources:**

1. **Interviews:** Two officials at the responsible sub-national government. Inquire whether any training on access to information has been given in the last three years. Assign value accordingly. Specify the type and content of training given.
2. **Document review:** Consult guidelines and training manuals for the responsible sub-national government, if applicable.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No guidelines or training in the last 3 years	
	Almost no guidelines or training in the last 3 years	
	Limited and irregular guidelines or training in the last 3 years	
	Somewhat regular guidelines or training in the last 3 years	
	Extensive and regular guidelines or training in the last 3 years	

Not applicable (N/A)
----------------------

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

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## Indicator Research Worksheet—Indicator 37 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 37:** How clear and easily accessible are the public guidelines on how to obtain the selected information type? (s)

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Effort to build the capacity of the public

**Researcher:**

**Research Guidelines:**

The public cannot gain access to environmental information unless the government actively makes efforts to tell it how to do so.

This indicator assesses whether the agency (agencies) responsible for the selected information type informs the public about, for example, procedures to obtain environmental information, places where the information is available, and contact information for a staff member who can be reached for help.

**Water:** For dams and privatization case studies, information given to the public should also cover rights and procedures for accessing information held by private entities. For information that may be available at the basin level via a new or non-traditional mechanism, take citizens’ unfamiliarity with it into account when evaluating the clarity of guidelines provided to the public.

**Definitions:** “Clear” refers to simple language easily understood by the average citizen. “Easily accessible” includes the availability of public guidelines in more than one public format and source.

**Recommended Research Methods and Sources:**

1. **Document Review:** Consult websites, pamphlets, and other materials published by the agency responsible for the selected information type to determine whether they include information about procedures to obtain information, places where the information is available, contact information about a staff member who can be reached for help, and a timeframe for response or dissemination of information. Consult materials that give the public instructions or guidelines on how to access information.
2. **Interviews:** At least 2 NGOs to determine whether information about how to access information is easily accessible and understandable to them.

**Note:** Formats for disseminating guidelines on information include websites, pamphlets available at government offices or libraries, leaflets, radio/TV spots, and other materials for broad dissemination.

**Indicator Score and Explanation:**

	Values	Explanation
Str on	No guidelines can be found	

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	Guidelines are present, but difficult to find and understand	
	Guidelines are either clear or easily accessible, but not both	
	Guidelines are clear and easily accessible	
	Exemplary provision of guidelines could serve as a model for other agencies	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 38

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 38(s):** How regularly have activities to build the capacity of the public in the selected information type been conducted over the last three years?

**Category:** Access to Information

**Topic:** Effort

**Subtopic:** Effort to build capacity of the public

**Researcher:**

### Research Guidelines:

The public cannot gain access to environmental information of the selected type unless the government makes active efforts to tell it how to do so. Activities that can be counted as efforts to build public capacity on access to the selected information type include making trainings, guidelines, handbooks, websites, pamphlets, leaflets, and other materials for broad dissemination available at government offices, libraries, and other public places and through the media. Activities may address the capacity of the public to obtain, understand, or use the selected type of information.

This indicator is applied to each information type being assessed. Indicator 17 attempts to assess the extent to which the law requires government agencies to aid the public to gain access to and use the selected information type. This indicator attempts to assess the extent to which such a requirement is actually practiced.

**Definitions: “Regularly”** refers to capacity building activities offered as part of an on-going series or program; not a single, isolated instance

### Recommended Research Methods and Sources:

1. **Interviews:** Two officials at the responsible agency. Inquire whether any capacity building activities on access to information has been offered to the public in the last three years. Assign a value accordingly. Specify the type and content of the activities offered. Also interview 2-4 NGO representatives about capacity building activities offered by the responsible government agency.
2. **Document review:** Consult guidelines, training manuals, handbooks, websites, pamphlets, leaflets, and other materials on access to the selected information type made available for broad dissemination at government offices, libraries, and other public places and through the media.

### Indicator Score and Explanation:

	Values	Explanation
Strong → Weak Performance	No activities conducted in the last 3 years	
	Almost no activities conducted in the last 3 years	
	Limited and irregular activities conducted in the last 3 years	
	Somewhat regular activities conducted in the last 3 years	

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Extensive and regular activities conducted in the last 3 years
Not applicable (N/A)

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 39 \*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

  

**Case Type:**

  

**Indicator 39:** To what extent did the relevant information in the selected case reach the relevant public in time?  
**Category:** Access to Information  
**Topic:** Effectiveness  
**Subtopic:** Impacts of access

**Researcher:**

**Research Guidelines:**

This indicator assesses the extent to which government information dissemination efforts succeeded in getting needed information to members of the public. Timeliness is an important element of effectiveness in this indicator, since in most instances, citizens need information for a particular purpose within a particular timeframe.

**Water:** This indicator evaluates the result of the effort assessed in Indicator 29 and the legal framework assessed in Indicator 19.

**Definitions:** “**Relevant information**” includes sufficient information to address the information needs of the recipient, and excludes extraneous information that might confuse users or distract from the central message. It should include telephone numbers, internet address, or other resource information for individuals who wish to know more. “**Relevant public**” includes individuals and groups interested in or affected by information in the case study.

**Recommended Research Methods and Sources:**

1. **Interviews:**

- At least 3 members of the relevant public.
- At least 2 government representatives responsible for disseminating the type of information addressed in the case study.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No relevant information reached the relevant public in time	
	Almost no relevant information reached the relevant public in time	
	Some relevant information reached the relevant public in time	

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	Most relevant information reached the relevant public in time	
	All relevant information reached the relevant public in time	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 40

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 40:** To what extent did individual choices and behavior change because of information?

**Category:** Access to Information

**Topic:** Effectiveness

**Subtopic:** Outcomes of Access

**Researcher:**

**Research Guidelines:**

This indicator seeks to assess the effectiveness of the government’s efforts to provide information by measuring the extent to which the information made available by the government impacts individuals’ choices in their daily lives. In selecting a value, researchers might consider what role the information played in people’s actions and decisions. Did people or organizations who received the information act upon it? In hindsight, would they have made different decisions if the information had been presented differently, or on a different timeframe? Do people who did not receive the information say they would have acted differently if they had received it?

**Definitions:** “**Individual choices and behavior changes**” includes measurable changes, such as members of a village who decide to stop eating fish from a near-by polluted river in response to water quality information distributed by the government. The types of measurable choices and changes will vary between A2I case types.

**Recommended Research Methods and Sources:**

1. **Interview:**
  - a. Conduct interviews with at least 3 individuals impacted by the case study
  - b. Conduct interviews with at least 2 government representatives responsible for collection and dissemination of the information in question
2. **Media review:** Search the internet and local newspapers for reports on changed behavior based on information provided and circulated by the government.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No change in choices or behavior	
	Almost no change in choices or behavior	
	Very limited change in choices or behavior	
	Some change in choices or behavior	

Extensive change in choices or behavior
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

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Location of interview(s):

Date interview(s) took place:

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 41 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 41:** To what extent did information lead to deliberate actions to prevent or reduce negative impacts on the environment or human health?

**Category:** Access to Information

**Topic:** Effectiveness

**Subtopic:** Outcomes of access

**Researcher:**

**Research Guidelines:**

This indicator seeks to measure the influence the information may have had on deliberate actions of the public, the private sector, or the government. It is distinct from Indicator 40 in that it focuses on institutional decisions, citizen activism, and changes in government requirements or enforcement of laws, not on personal choices and individual behavior.

**Water:** Consider some examples of “deliberate actions” that could be taken based on water information:

- A CSO uses water use information to choose targets for a water conservation campaign.
- A city chooses the location of a new water treatment facility based on trends in drinking water quality.
- A tourism company invests in a new whitewater rafting business that utilizes publicly available dam release information.
- A community uses findings from an ex post flood investigation to improve their flood response system.

**Definitions:** “Deliberate actions” include actions by government agencies, CSOs, individual citizens, a facility, or other organization. They may be a change in practice with regard to information disclosure, a change to reduce the emissions of pollutants, the initiation of a citizen campaign, censure of particular facilities, etc.

**Recommended Research Methods and Sources:**

1. **Interviews:**
  - At least 3 individuals (from the public or from the relevant private sector) affected by the case study
  - At least 2 government representatives responsible for collecting and disseminating the information in question
2. **Media review:** Search the internet and local media for reports on deliberate actions taken based on information provided and circulated by the government.
3. **Document review:** Obtain statistical information that might reflect a change of practices and/or behavior.

**Indicator Score and Explanation:**

	Values	Explanation
Str on g	No deliberate actions taken	

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Almost no deliberate actions taken	
Limited deliberate actions taken	
Some deliberate actions taken	
Extensive deliberate actions taken	
Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

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<http://research.accessinitiative.org/>

Media Piece Found at:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 42 \*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 42:** How well did staff/officials execute their information provision and management responsibilities in the selected case?

**Category:** Access to Information

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for government agencies

**Researcher:**

**Research Guidelines:**

The purpose of capacity-building for government agencies is to provide staff and officials with the skills, tools, knowledge, attitudes, and resources needed to effectively gather, manage, and disseminate public information. Stakeholder satisfaction with officials’ performance provides a valuable indication of how well capacity-building activities have succeeded.

**Water:** For most water information cases, you should interview stakeholders who represent a range of water use categories (e.g. farmers, residential users, industrial users, recreational users, etc.). For transboundary cases, be sure to include interviewees from both sides of the border. For cases where integration of information across government agencies is especially important, you should interview government officials from all relevant agencies.

**Definitions:** “**Information provision and management responsibilities**” refers to an official’s activities to gather, analyze, organize and disseminate information.

**Recommended Research Methods and Sources:**

1. **Interviews:**

- At least 5 different stakeholders who were involved in the case or who have an interest in the selected information type. Potentially relevant stakeholders include citizens, CSOs, media representatives, academics, corporations, and government agencies that collaborate with the agency responsible for the selected information type. Ask about stakeholders’ level of satisfaction with the performance of agency staff. In the Explanation section, note particular areas of dissatisfaction or of especially good performance.
- At least 1 official at the agency (agencies) responsible for the selected information type. Inquire whether any training on Access Principles has been given in the past 2 years (e.g., workshops, lectures, distribution of printed materials on the principles of public information and participation). In the Explanation section, specify the type and content of training given.

**Indicator Score and Explanation:**

	<b>Values</b>	<b>Explanation</b>
<b>Strong → Weak Performance</b>	Staff/officials did not interact with stakeholders at all	
	Stakeholders were consistently dissatisfied with the performance of staff/officials	
	Stakeholder impression of staff/officials’ performance was	

	mixed	
	Most stakeholders were satisfied with staff/officials' performance most of the time	
	Stakeholders unanimously agreed that performance was good	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

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Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

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**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 43

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 43:** In the selected case, to what extent did stakeholders have the skills and knowledge to obtain the information they needed?

**Category:** Access to Information

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for the public

**Researcher:**

**Research Guidelines:**

The purpose of capacity-building for the public is to provide citizens with the skills and knowledge needed to effectively obtain, understand, and utilize information that they seek. This indicator evaluates capacity-building activities by assessing the skills and knowledge that stakeholders gained because of the capacity-building.

**Definitions:** “Skills and knowledge” may include any of a broad range of abilities or facts, such as the ability to interpret particular information types (maps, graphs, etc.), awareness of the location and dissemination process for the information, or access to technical assistance in using the information. It may also include relevant background knowledge about the environment, or basic abilities such as literacy and arithmetic.

**Recommended Research Methods and Sources:**

1. **Interview:** At least 5 different stakeholders who used guidelines or participated in training related to the selected information type. Potentially relevant stakeholders include individual citizens and members/staff of CSOs or corporations. Ask about:
  - The content and format of the capacity-building activities.
  - Stakeholders’ knowledge of how to obtain information of the selected type.
  - Stakeholders’ experience attempting to access information of the selected type, including any barriers encountered.
  - Stakeholders’ satisfaction with the capacity-building activities.
  - Stakeholders’ background understanding of environmental issues related to the selected information type.
  - Stakeholders’ need for and ability to obtain expert advice on interpreting the selected information type.

Researchers should also evaluate whether the relevant stakeholders were reached by the capacity-building activities. In the selected case, were stakeholders with certain characteristics (language, ethnicity, gender, socio-economic status, etc.) unable to obtain and use the information because they were left out of capacity-building activities?

**Indicator Score and Explanation**

	Values	Explanation

<b>Strong → Weak Performance</b>	No stakeholder skills and knowledge	
	Almost no stakeholder skills and knowledge	
	Limited stakeholder skills and knowledge	
	Adequate stakeholder skills and knowledge	
	Extensive stakeholder skills and knowledge	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

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<http://research.accessinitiative.org/>

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 44

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 44:** How well did sub-national government agencies facilitate access to information in the selected case?

**Category:** Access to Information

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for sub-national government

### Research Guidelines:

Sub-national governments are frequently at the front lines when it comes to gathering, managing and disseminating information related to the environment. When sub-national officials are unfamiliar with or do not value the principle of public access to information, they may create barriers to citizens obtaining information that they need. Training for sub-national government officials on information systems, the benefits of transparency, and citizens' right to information can help alleviate such problems.

This indicator assesses the effectiveness of national programs to build sub-national government capacity by evaluating how well sub-national officials helped citizens obtain, understand, and utilize information in the selected case. Stakeholder satisfaction with officials' performance provides a valuable indication of how well capacity-building activities have succeeded. In cases where sub-national government officials have not received capacity-building on access to information, choose "not applicable" as the indicator value.

**Definitions:** "Sub-national government" refers to levels of government below the national level. Often these include State, regional and local governments and administrative authorities of autonomous regions.

### Recommended Research Methods and Sources:

#### 2. Interviews:

- At least 5 different stakeholders who were involved in the case or who have an interest in the selected information type. Potentially relevant stakeholders include citizens, CSOs, media representatives, academics, corporations, and government. Ask about stakeholders' level of satisfaction with the performance of sub-national government staff. In the Explanation section, note particular areas of dissatisfaction or of especially good performance.
- At least 1 official at a sub-national government agency (agencies) involved in the case. Inquire whether any training on access to information has been given in the past 2 years (e.g., workshops, lectures, distribution of printed materials on the principles of public information and participation). In the Explanation section, specify the type and content of training given.

### Indicator Score and Explanation:

	Values	Explanation
Strong ↑ Weak	Sub-national government officials played a negative role with regard to access to information	

Sub-national government officials played no role
Sub-national government officials had limited effectiveness in enhancing access to information
Sub-national government officials had moderate effectiveness in enhancing access to information
Sub-national government officials played a strong role in enhancing access to information
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 45

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 45:** To what extent did media involvement facilitate access to information in the selected case?

**Category:** Access to Information

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for the media

**Researcher:**

**Research Guidelines:**

The media plays a crucial role in providing information to the public, and is also an important tool in the activities of CSOs, government and other stakeholders. Laws and government efforts that enhance the capacity and independence of media organizations underpin the media’s ability to promote transparency and an informed citizenry. This indicator assesses the effectiveness of laws and efforts to promote the independence of the media by evaluating how well the media helped citizens obtain, understand, and utilize information in the selected case.

**Definitions:** There are no definitions for this indicator

**Recommended Research Methods and Sources:**

1. **Interviews:** At least 5 different stakeholders interested in the selected information type. Potentially relevant stakeholders include individual citizens, media representatives, members or staff of CSOs, corporations and government officials. Ask for their perspectives on the role played by the media in the selected case. Did the media release information to the public? Did requests from the media force the government to release information? Did the media interpret or integrate information that was publicly available but difficult to understand? In some cases, the media may also play a negative role, by misinterpreting or inaccurately presenting information, or because of inappropriate bias in reporting.

2. **Media Review:** Review relevant news reports and information available on the Internet to obtain information about the role of the media in the case.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	The media played a negative role with regard to access to information	
	The role of the media was neutral	
	The media had limited effectiveness in enhancing access to information	
	The media had moderate effectiveness in enhancing access to information	

The media played a strong role in enhancing access to information
Not applicable (N/A)

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Request:**

Request Made To:

Agency Where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Site Visit**

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Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 46 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 46:** To what extent did civil society organization involvement facilitate access to information in the selected case?

**Category:** Access to Information

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for civil society organizations

### Research Guidelines:

Civil society organizations (CSOs) play a crucial role in promoting and protecting the interests of the public. They frequently serve as an important vehicle through which citizens promote transparency and obtain information. Laws and government efforts that enhance the capacity of CSOs may improve CSOs' ability to play such a role. This indicator assesses the effectiveness of laws and efforts that build CSO capacity by evaluating how well CSOs helped citizens obtain, understand, and utilize information in the selected case.

**Water:** For most water information cases, you should interview stakeholders who represent a range of water use categories (e.g. farmers, residential users, industrial users, recreational users, etc.). For transboundary cases, be sure to include interviewees and news reports from both sides of the border. For cases where integration of information across government agencies is especially important, you should interview government officials from all relevant agencies.

**Definitions:** no definitions for this indicator

### Recommended Research Methods and Sources:

3. **Interviews:** At least 5 different stakeholders interested in the selected information type. Potentially relevant stakeholders include individual citizens, media representatives, members or staff of CSOs, corporations and government officials. Ask for their perspectives on the role played by CSOs in the selected case. Did CSOs release information to the public? Did requests from CSOs force the government to release information? Did CSOs interpret or integrate information that was publicly available but difficult to understand? In some cases, CSOs may also play a negative role, by misinterpreting or inaccurately presenting information, or because of inappropriate bias.
4. **Media Review:** Review relevant news reports and information available on the Internet to obtain information about the role of CSOs in the case.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong</b> ↑ <b>Weak</b> ↓ <i>Performance</i>	CSOs played a negative role with regard to access to information	
	No involvement by civil society organizations	

CSOs had limited effectiveness in enhancing access to information
CSOs had moderate effectiveness in enhancing access to information
CSOs played a strong role in enhancing access to information
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

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Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Public Participation Indicators**

### **Case-based Indicators # 50-90**

**(PP General Law indicators located in the General Law Indicators Document)**

## **Final Draft**

**8/5/2007**

This document incorporates water-specific guidance into the TAI indicator worksheets. Please note the following:

- Water-specific guidance has been developed for core indicators only.
- Not all core indicators have been given water-specific guidance; those without it were deemed not to need it.
- In this document, the following indicators have water-specific guidance: 52, 53, 56, 58, 59, 60, 62, 67, 68, 71, 73, 75, 76, 77, 79, 86, 90
- Water-specific guidance is indicated on the worksheets in track changes with red and blue coloring.
- This document should NOT be read alone. It assumes basic knowledge of the TAI Assessment Toolkit (<http://research.accessinitiative.org/>) and references the following additional TAI-Water guidance documents:
  - Water Case Description Document
  - Water Overview Survey
  - A2J Case Indicators Water Guidance
  - A2I Case Indicators Water Guidance
  - General CB Indicators Water Guidance
  - General Law - Con\_A2I\_PP\_A2J\_CB Water Guidance
  - PP Case Indicators Water Guidance

## Indicator Research Worksheet—Indicator 50 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 50:** To what extent does the law require a government agency to provide relevant information to the public about the intention to start the selected decision-making process?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality and scope of the general legal framework for environmental protection and access

**Researcher:**

### Research Guidelines:

The public needs lead time (advance notice) so that they may participate early in the process when options are still open and change is possible. The public can meaningfully participate only if they are provided with relevant information before the process begins. This indicator assesses to what extent the law requires the government agency responsible for the process to notify the public prior to the start of a decision-making process. This can include posting on bulletin boards, advertising in the newspaper, or sending targeted letters to the affected community members.

**Definitions: “Relevant information”** includes: 1. Explanation of the background of the decision, policy, strategy, plan, program, or legislation; 2. Description of options and their implications for the environment; 3. Complete text of the draft decision or the envisaged procedure (commencement, opportunities to participate, time and venue of any envisaged public hearing, etc.); 4. Information on when, where, and how further information will be available; 5. Information on when and how members of the public can submit comments or questions; 6. Information on what kind of environmental information is available, etc.

### Recommended Research Methods and Sources:

- 1. Legal Research:** Consult the laws establishing the relevant agency(ies) and the laws under which the decision-making process was conducted.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	The law prohibits provision of information	
	The law is silent on provision of information	
	The law requires almost no provision of information	
	The law requires provision of limited information	
	The law requires provision of adequate information	

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The law requires provision of extensive information
Not applicable (N/A)



## **Indicator Research Worksheet—Indicator 51 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 51:** To what extent does the law require the government to provide opportunities for public involvement in the selected decision-making process?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality and scope of the general legal framework for environmental protection and access

**Researcher:**

### **Research Guidelines:**

This indicator assesses the extent of opportunities provided to the public for getting involved in the selected decision-making process. The greater the number of opportunities provided, the greater the chance that the public will be fully included in the decision-making process.

Research for this indicator focuses on the laws under which the selected decision is being made, as well as the practice of the agency. Consult agency documents concerning the decision-making process to assess how many requests for involvement were made and how many were allowed/denied. Consult the documentation to assess whether the agency took positive and proactive steps to provide opportunities for public involvement. Interview at least two affected parties to assess if they had an adequate opportunity to participate in the decision-making process. Interview two officials to assess whether they took steps to provide opportunities for public participation.

**Water:** Refer to the TAI Water Case Study Descriptions document for specific guidance on this indicator for the following cases:

- Water Allocation – p. 5
- Water-related Ecological Protection – p. 6
- Water Crisis Decision-making – p. 9
- Sanitation – p. 11

**Definitions:** “Public involvement” may include numerous avenues for obtaining input, such as interviews, negotiations, mediation, consultations, hearings, opportunities for written comments, appeals and judicial challenges.

### **Recommended Research Methods and Sources:**

2. **Legal research:** Consult laws, governmental decrees, ministerial decrees, public and internal official guidelines that address the selected decision-making process. General environmental laws could also include relevant rules.

### **Indicator Score and Explanation:**

	<b>Values</b>	<b>Explanation</b>
<b>Strong → Weak Perform</b>	The law prohibits provision of opportunities	
	The law is silent on provision of opportunities	

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The law requires almost no provision of opportunities
The law requires limited provision of opportunities
The law requires adequate provision of opportunities
The law requires extensive provision of opportunities
Not applicable (N/A)

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<http://research.accessinitiative.org/>

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 52 \*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 52:** How clear and narrow are the limits on claims of confidentiality of relevant information about the selected decision-making process?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality of specific legal limits on access

**Researcher:**

**Research Guidelines:**

Confidentiality places limits on the availability of information that may be needed for an effective decision-making process. Assessing the limits of confidentiality gives us a better understanding of whether members of the public can obtain the information needed to participate meaningfully.

Research for this indicator will therefore focus on the laws under which such claims to confidentiality are made, agency practices pertaining to such claims and the way in which such claims affected the decision-making process.

**Water:** You may need to research different bodies of law for different case studies. For water allocation, tariff-setting, sanitation, and privatization cases, protection of commercial interests is likely to drive claims of confidentiality. (See p. 15 of the TAI-Water Cases Description Document for additional guidance on this indicator for privatization cases.) For trans-boundary, water crisis, or dams cases, national security may be a factor. You may also need to explore laws and regulations governing the actions of sub-national governments.

**Definitions:** “**Confidential information**” refers to information which is not available for release to the public. When limits on confidentiality are “**clear and narrow**,” the law clearly names a small amount of specific information that may be kept from the public and ensures that all other information is publicly available. When the language used to define confidentiality is broad or unclear, officials may interpret a larger body of information as confidential.

**Recommended Research Methods and Sources:**

1. **Legal Research:** Consult the laws and regulations under which the decision-making process was conducted.

**Indicator Score and Explanation:**

	<b>Values</b>	<b>Explanation</b>
<b>Strong → Weak Performance</b>	No limits exist	
	Limits neither clear nor narrow	
	Limits are either narrow or clear (not both)	

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	Limits are mostly narrow and clear	
	Limits are narrow and clear	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 53 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 53:** To what extent does the law require the agency responsible for the selected decision-making process to build the capacity of its staff with regard to public participation?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality and scope of legal requirements to build capacity of government agencies.

**Researcher:**

### Research Guidelines:

Uninformed government personnel, through misunderstanding or actively rejecting the value of public participation, can create obstacles to access. Training for staff can help prevent this problem. Training must be fairly recent to be effective and reach all staff.

Research for this indicator focuses on the government agency responsible for making the decision. Look for requirements related to staff qualifications and training.

**Water:** Training requirements in the law should specifically address basin-level participation processes.

**Definitions: “Build the capacity”** The term refers to efforts to improve a country's human, scientific, technological, organizational, institutional, and resource capabilities. According to Agenda 21, capacity building consists of mechanisms, efforts, or conditions which enhance effective and meaningful public participation in decisions affecting the environment. Types of capacity building include educating civil servants to implement access rights, creating a supportive legal and administrative situation for non-governmental organizations, and ensuring Internet access for the general public. **“Public participation”** is the act of the public taking part or sharing in something. "participation" refers to informed, timely, and meaningful input and influence in decisions environmental impacts.

### Recommended Research Methods and Sources:

- 1. Legal Research:** Consult the law establishing the agency as well as the laws under which the decision-making process was conducted.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	Law prohibits building capacity	
	Law silent on building capacity	
	Law requires almost no capacity building	
	Law requires limited capacity building	
	Law requires adequate capacity building	
	Law requires extensive capacity building	

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Not applicable (N/A)
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<http://research.accessinitiative.org/>

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 54

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 54:** To what extent does the law require the agency responsible for the selected decision-making process to build the capacity of its staff with regard to the environment?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality and scope of legal requirements to build capacity of government agencies

**Researcher:**

**Research Guidelines:**

This indicator is applied to each selected decision-making process being assessed. Government officials who don't appreciate the importance and impacts on the environment may not have the capacity to make the decisions that the process requires or apply information in a constructive and useful way to decisions relating to the environment. Government officials who are responsible for making decisions that relate to the environment need to have the right level of knowledge about that aspect of the environment to be able to make rational and informed decisions. Training for staff can help prevent this problem. Training must be fairly recent to be effective and reach all staff.

Research for this indicator will therefore focus on whether the law requires government agencies to build the capacity of their officials on the environment.

**Definitions:** “**Build the capacity**” refers to efforts to improve a country's human, scientific, technological, organizational, institutional, and resource capabilities. According to Agenda 21, capacity building consists of mechanisms, efforts, or conditions which enhance effective and meaningful public participation in decisions affecting the environment. Types of capacity building include educating civil servants to implement access rights, creating a supportive legal and administrative situation for non-governmental organizations, and ensuring Internet access for the general public. “**The environment**” suggests general environmental awareness as well as, where relevant, in depth knowledge about disciplines that are required for a good understanding of ecological processes.

**Recommended Research Methods and Sources:**

2. **Document review:** Consult the agency’s guidelines and training manuals, if available.
3. **Interview:** Two officials at compliance, information, legal, or public relations offices at the chosen agency. Inquire whether any training on Access Principles has been given in the past 2 years (any workshops, lectures, distribution of printed materials on the principles of public information and participation, for instance). Assign value accordingly. Specify the type and content of training given

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong →</b> <b>Weak</b> <b>Performance</b>	Law prohibits building capacity	
	Law silent on building capacity	
	Law requires almost no capacity building	

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<http://research.accessinitiative.org/>

Law requires limited capacity building
Law requires adequate capacity building
Law requires extensive capacity building
Not applicable (N/A)

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 55

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 55:** To what extent does the law require the agency responsible for the selected decision-making process to maintain infrastructure to support public participation?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality and scope of legal requirements to build capacity of government agencies

**Researcher:**

**Research Guidelines:**

This indicator is applied to each decision-making process being assessed. A government agency requires documentation, meeting venues, public address systems areas etc as well as the necessary staff to service public participation in the selected decision-making process on a regular ongoing basis. The indicator attempts to assess if the law requires the responsible agency to have that infrastructure in place.

**Definitions:** “**Infrastructure**” includes venues, equipment, organization, staff, funding, etc. . In cases where there has been no infrastructure in the past, requirements “**to maintain infrastructure**” should be understood to also address the establishment of infrastructure. “**Decision-making process**” refers to both formal and informal proceedings leading to decisions affecting environment made by government officers, agencies or the executive branch of government.

**Recommended Research Methods and Sources:**

2. **Legal Research:** The law that establishes the responsible agency, general information laws as well as environmental laws. Requirements might also be inferred from budgetary allocations of the responsible agency.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Law prohibits maintenance of infrastructure	
	Law silent on maintenance of infrastructure	
	Law requires almost no maintenance of infrastructure	
	Law requires limited maintenance of infrastructure	
	Law requires adequate maintenance of infrastructure	
	Law requires extensive maintenance of infrastructure	
	Not applicable (N/A)	

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<http://research.accessinitiative.org/>

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 56 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 56:** To what extent does the law require the government to offer the public technical assistance, guidance or training on participation in the selected decision-making process?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality and scope of the legal requirements to build capacity of the public.

**Researcher:**

### **Research Guidelines:**

This indicator is applied to the selected decision-making process being assessed. The indicator attempts to assess the extent to which the law requires government agencies to aid the public to fully participate in the selected process.

Research for this indicator focuses on the law establishing the agency, as well as the laws under which the process is conducted.

**Water:** In many countries, new basin-level decision-making institutions and processes have recently been established, or are under development. Citizens’ unfamiliarity with these new mechanisms makes capacity-building for public participation all the more important. If the decision in your case study involves a new or alternative mechanism, take citizens’ unfamiliarity with it into account when evaluating requirements for technical assistance, guidance or training on participation. For Tariff-setting and Privatization cases, technical assistance that builds the capacity of the public to understand economic aspects of water management is also important to evaluate under this indicator.

**Definitions: “Technical assistance”** This term refers to assistance given to the public to understand and learn about how it can participate in the decision-making process. This includes assistance in accessing information, presenting material and understanding the process itself. **“Guidance or training”** Guidance and training when given appropriately helps a person to participate actively and effectively in the decision-making process and to take full advantage of the opportunities for participation.

### **Recommended Research Methods and Sources:**

- 1. Legal Research:** Consult the laws establishing the agency as well as the laws under which the process was conducted.

### **Indicator Score and Explanation:**

	<b>Values</b>	<b>Explanation</b>
<b>Strong → Weak Performance</b>	Law prohibits offering of technical assistance etc.	
	Law silent on offering of technical assistance etc.	
	Law requires government to offer almost no technical assistance etc.	
	Law requires limited offering of government technical assistance etc.	

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Law requires government to offer adequate technical assistance etc.
Law requires government to offer extensive technical assistance etc.
Not applicable (N/A)

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<http://research.accessinitiative.org/>

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 57

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 57:** To what extent does the law require the government to offer the public guidance or training on how resulting decisions affect the environment?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality and scope of the legal requirements to build capacity of the public

**Researcher:**

### Research Guidelines:

This indicator is applied to each decision-making process being assessed. The indicator attempts to assess the extent to which the law requires government agencies to aid the public to gain knowledge of the selected decision-making process.

The public cannot fully participate in the selected decision-making process unless the government makes active efforts to tell it how to do so. Formats that can be counted as efforts to provide guidance on public participation include websites, pamphlets available at government offices or libraries, leaflets, and other materials for broad dissemination.

**Definitions:** “guidance or training” refers to assistance given to the public to understand and learn about the decision making process, the various stages of that process and how they can participate in it. It includes information about how the resulting decisions of that process affect the environment. For example, if the process leads to a permit for an industry to discharge waste water into a public river, the information provided must explain how that permit will affect that river environment.

### Recommended Research Methods and Sources:

3. **Legal Research**
4. **Document Review:** Consult guidelines, internal regulations and/or any administrative regulations, which require agency responsible for the selected information type to provide technical assistance to the public to obtain, understand and use the selected information type.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	Law prohibits offering guidance or training.	
	Law silent on offering guidance or training	
	Law requires government to offer almost no guidance or training	
	Law requires government to offer limited guidance or training	

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<http://research.accessinitiative.org/>

Law requires government to offer adequate guidance or training
Law requires government to offer extensive guidance or training
Not applicable (N/A)

**Source(s) Consulted:**

<p><b>Legal Research:</b> Document Title(s):  Responsible Authority(ies):  Chapter/Article/Paragraph:  Document Found at:</p> <p><b>Document Review:</b> Document Title(s):  Responsible Authority(ies):  Page Number(s):  Document Found at:</p>
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**Additional Information:**

Record any additional information relevant to this indicator here.
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## Indicator Research Worksheet—Indicator 58 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 58:** To what extent does the law require the government to build the capacity of sub-national governments with regard to participation in the selected decision-making process?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Quality and scope of the legal requirements to build capacity of the public.

**Researcher:**

### Research Guidelines:

This indicator is applied to the selected decision-making process being assessed. Officials of sub-national governments can obstruct participation in the selected process when they misunderstand or disagree with its values. Training for staff at operational levels of grassroots government officials will help prevent this problem. Training must be fairly recent to be effective and reach all staff responsible for ensuring public participation in the selected decision-making process. The indicator attempts to assess whether the law requires national government to build the capacity of sub-national government agencies.

Research for this indicator will focus on the laws establishing agency responsible for the selected decision-making process, as well as the laws under which the process is conducted. Laws related to the authority of the sub-national government agency(ies) in question may also be relevant.

**Water:** Focus upon the level of sub-national government that is most involved in facilitating participation in your case study. Keep in mind that budgets passed by the national legislature are important areas of law when it comes to capacity-building. For dams, privatization, or trans-boundary case studies, there may be a lot of interaction between local and national government bodies. Use this indicator to evaluate whether your national laws help keep those interactions fair, and allow the different levels of government to jointly make decisions.

**Definitions: “Build the capacity”** refers to efforts to improve a sub-national government’s human, scientific, technological, organizational, institutional, and resource capabilities. According to Agenda 21, capacity building consists of mechanisms, efforts, or conditions which enhance effective and meaningful public participation in decisions affecting the environment. Types of capacity building include educating civil servants to implement access rights, creating a supportive legal and administrative situation for non-governmental organizations, and ensuring Internet access for the general public. **“Sub-national government”** Levels of government below the national level. Often these include State, regional, and local governments and administrative authorities of autonomous regions.

### Recommended Research Methods and Sources:

- 1. Legal Research:** Consult the laws establishing the agency and the sub-national government agency as well as the laws under which the process was conducted.

### Indicator Score and Explanation:

	Values	Explanation
<b>Stron</b> ↑ Weak	Law prohibits building capacity	
	Law silent on building capacity	

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<http://research.accessinitiative.org/>

Law requires almost no capacity building
Law requires limited capacity building
Law requires adequate on capacity building
Law requires extensive capacity building
Not applicable (N/A)

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 59 \*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 59:** How clearly does the law establish a reasonable timeframe for participation in the selected decision-making process?

**Category:** Public Participation

**Topic:** Law

**Subtopic:** Legal requirement for timeliness

**Researcher:**

**Research Guidelines:**

This indicator attempts to assess the reasonableness of timeframes established by law for public participation in the selected decision-making process. Reasonableness may have to be assessed after reviewing individual timeframes set for different points of the decision-making process. For instance, timely notification of the commencement of the process, timely notification of the final decision, timely notification of hearings and adequate time for preparation, adequate time at the hearing to participate etc. The indicator assesses all these individual timeframes as a whole.

Research for this indicator will therefore focus on the relevant law that requires the agency to provide the public with opportunities to participate in the selected decision-making process. Timeframes may also be found in regulations, rules or guidelines as well as established by agency practice not inconsistent with the law.

**Water:** For many cases, participation timeframes should take into account the extra time often needed to facilitate decision-making at the basin level.

**Definitions: “Reasonable timeframe:”** A timeframe would be reasonable where the selected decision-making process was opened to public participation (including affected parties) in a timely manner. The timeframe would also be unreasonable if the decision-making process was opened too late for meaningful participation. With respect to participation that is not time sensitive, reasonableness should be assessed with reference to general timeframes established by law in like situations as well as with reference to the resources, personnel etc available to the agency and country.

**Recommended Research Methods and Sources:**

- 1. Legal Research:** Consult the laws establishing the responsible agency, as well as those covering the decision-making process.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong →</b> <b>Weak</b> <b>Performance</b>	The law prohibits participation	
	The law is silent on timeframe	
	The law establishes an unreasonable timeframe for participation	

The law establishes a somewhat reasonable timeframe for participation
The law establishes a reasonable timeframe for participation
The law requires the timeframe to be established with public input.
Not applicable (N/A)

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 60 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

  
  

**Case Type:**

  
  

**Indicator 60:** To what extent does the responsible agency make available to the public a clear description of its decision-making processes, including opportunities for participation?  
**Category:** Public Participation  
**Topic:** Effort  
**Subtopic:** Quality and scope of effort

**Researcher:**

**Research Guidelines:**

Members of the public cannot meaningfully take part in decision-making unless they have advance notice of the steps and timeline of the decision-making process.

This indicator assesses the degree to which the responsible authority provides information regarding its decision-making processes, including opportunities for participation, and how much effort the government makes to publicize the decision-making process to the public.

**Water:** In many countries, new basin-level decision-making institutions and processes have recently been established, or are under development. Citizens’ unfamiliarity with these new mechanisms makes government efforts to publicize and clearly explain rules, procedures, timelines and contact points all the more important. If the decision in your case study involves a new or alternative mechanism, take citizens’ unfamiliarity with it into account when evaluating the clarity of the public description of the decision-making process.

**Definitions:** “Clear description” includes sufficient detail (timing, location, stages, and opportunities) for the public to engage in the decision-making process. It is important that this information is made available to the public in advance of the start of each process.

**Recommended Research Methods and Sources:**

1. **Document Review:** Review documents prepared by the responsible agency describing its decision-making processes, including opportunities for participation.
2. **Interview:**
  - At least 2 members of the public to determine the extent to which they are aware of how they can contribute to the agency’s decision-making processes.
  - At least 2 representatives of the responsible government agency regarding the steps taken by the agency to inform the public of how individuals can engage and contribute to the agency’s decision-making processes.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong</b> ↑ Weak	No public description available	
	Almost no public description available	

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	Limited or unclear public description available	
	Relatively clear public description available	
	Clear and detailed public description available	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 61

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 61:** To what extent is there a monitoring system and/or penalties for non-compliance to ensure the agency meets its obligations to facilitate public participation?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Quality and scope of effort

**Researcher:**

**Research Guidelines:**

Research for this indicator will focus on determining whether there is a system designed to track whether agencies are adhering to their obligations to provide avenues for public participation, and whether there is a mechanism for penalizing agencies that do not.

**Definitions:** “**Monitoring system**” in this context refers to any type of system which checks and reports on the government’s fulfillment of its obligations to facilitate public participation. “**Penalties for non-compliance**” could include financial penalties or administrative punishment directly at the agency which failed to comply with the required to facilitate public participation.

**Recommended Research Methods and Sources:**

1. **Document review:** documents prepared by the responsible authority which report on its compliance in facilitating public participation.
2. **Media Review:** Internet and library sources, as well as records available at the decision-making authority.
3. **Interviews:** Interview two representatives of the decision-making authority. They can help lead you to records demonstrating monitoring and / or compliance.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No monitoring system or penalties for non-compliance	
	Almost no monitoring system or penalties for non-compliance	
	Limited monitoring system or penalties for non-compliance Practice inadequate	
	Adequate monitoring system and penalties for non-compliance	
	Extensive monitoring system and penalties for non-compliance	

Not applicable (N/A)
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**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 62 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 62:** To what extent did the responsible agency provide relevant information to the public about decision options and their environmental and health impacts in the selected case?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Quality and scope of effort

**Researcher:**

### **Research Guidelines:**

The public cannot meaningfully take part in a decision-making process unless they have adequate and relevant information about the full range of options and those options' environmental and health effects. If less than the full set of options are under discussion, or if the public has insufficient information about one or more options, the decision process may be biased.

**Water:** Refer to the TAI Water Case Study Descriptions document for specific guidance on this indicator for the following cases:

- Water Allocation – p. 5
- Water-related Ecological Protection – p. 6
- Water Crisis Decision-making – p. 9
- Sanitation – p. 11
- Water Tariff-setting – p. 12
- Privatization of Water Services – p. 15

**Definitions:** “**Relevant information**” includes sufficient information to address the information needs of the recipient, and excludes extraneous information that might confuse users or distract from the central message. It does not need to be exhaustive, but should include telephone numbers, internet address, or other resource information for individuals who wish to know more. It should make clear what decision options are in question and the consequences of each one. Moreover, for information to be fully relevant, it must be provided at the start of the decision process. “**Environmental and health impacts**” refer to the negative influences of human actions on the environment, which in turn lead to negative effects on human health and the environment (e.g., high levels of air pollution and associated respiratory conditions or other outcomes, contaminated drinking water and incidences of stomach problems, chemical leaks from facilities and poisoning of people).

### **Recommended Research Methods and Sources:**

1. **Document Review:** Review documents prepared by the responsible agency in support of the proposed decision. Assess the extent to which the documents available inform the public of the various decision options and the potential environmental and health effects of each.
2. **Interview:**
  - At least 1 representative of the responsible government agency.
  - At least 1 individual who participated in at least 1 stage of the public participation process for the decision.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No information provided	
	Information provided but not relevant and not sufficient	
	Some relevant information provided, but not sufficient	
	Information provided is relevant and generally sufficient	
	Extensive relevant information provided	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Researcher:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

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## Indicator Research Worksheet—Indicator 63 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 63:** To what extent did the responsible agency hold public participation sessions at all stages of the decision-making process in the selected case?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Quality and scope of effort

**Researcher:**

**Research Guidelines:**

Government decisions about important issues frequently take place over an extended time and go through a number of stages. Opportunities for public input at all stages are important for ensuring meaningful public participation in the final outcome of the decision.

**Definitions:** “**Public participation sessions**” include any oral or written public comment period which may be convened by the responsible agency. “**Stages of the decision-making process**” include steps for proposal, drafting, implementation, evaluation, and renewal.

**Recommended Research Methods and Sources:**

1. **Interviews:** At least 2 officials at the relevant decision-making agency who can provide information on where to find records and how many consultations were held.
4. **Document Review:** Consult websites, files and records of consultations of the relevant decision-making agency.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No public participation sessions held at any stage	
	Public participation sessions held at only one stage	
	Public participation sessions held at only a few stages	
	Public participation sessions held at most but not all stages	
	Public participation sessions held at all stages	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Researcher:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 64

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 64.** To what extent did the agency organize consultations so as to actively solicit and capture public input in the selected case?  
**Category:** Public Participation  
**Topic:** Effort  
**Subtopic:** Quality and scope of effort

**Researcher:**

**Research Guidelines:**

This indicator builds on indicator #63 and focuses primarily on the government’s proactive efforts to convene public consultation sessions which succeed in gathering input from the public. Public consultation sessions generally serve two primary purposes: (1) to inform the public; and (2) to solicit input from the public and consider it in a meaningful way. This indicator measures the steps taken by the government to facilitate an interactive public session which results in public input into the decision-making process.

**Definitions:** “**Consultations**” could include town hall meetings, community gatherings, and smaller, individually- focused interviews with members of the public. “**Actively solicit and capture**” refers to the government’s efforts to launch a meaningful dialogue with the public which results in public input which is afforded due consideration.

**Recommended Research Methods and Sources:**

1. **Interview:**
  - a. Interview at least 2 members of the public who participated in public consultation sessions for the selected case
  - b. Interview at least 1 government official responsible for facilitating the public consultation session.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No efforts to actively solicit and capture public input	
	Almost no efforts to actively solicit and capture public input	
	Limited efforts to actively solicit and capture public input	
	Adequate efforts to actively solicit and capture public input	
	Extensive efforts to actively solicit and capture public input	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 65 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

  
  

**Case Type:**

  
  

**Indicator 65:** To what extent did the responsible agency keep costs of participation low for participants in the selected case?  
**Category:** Public Participation  
**Topic:** Effort  
**Subtopic:** Cost and affordability

**Researcher:**

**Research Guidelines:**

Costs can present a significant barrier to public participation in decision-making, and can exclude important stakeholders. Government efforts to reduce or mitigate costs are an important step in promoting broad participation in decision-making. For example, holding multiple public consultation sessions at different locations promotes participation by preventing citizens from having to spend a lot of money on travel to meetings.

**Definitions:** “Costs of participation” refers to expenses incurred by participants in a decision-making process. They may include costs of obtaining documents, travel expenses, expert fees, staff time (for CSOs), long-distance phone calls, mail, etc., if such expenses are necessary for participation. “Low” costs are those that can reasonably be paid by a typical citizen.

**Recommended Research Methods and Sources:**

1. **Document review:**
  - To better understand what qualifies as “little or no cost,” review statistics on GDP and average income in the country, and in the community in the selected case (if applicable). Use this data in selecting the value for the indicator. Include it in your report and/or in the Explanation section.
  - Check records of the decision process for evidence measures taken by the agency to minimize the costs of participation.
2. **Interview:**
  - At least 1 representative of the relevant agency (agencies) to ask about specific measures taken to keep down the costs of participation.
  - At least 1 member of the public who participated in the decision process, to ask about the costs incurred.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong</b> ↑ <b>Weak</b> ↓ <b>Performance</b>	Costs of participation high. No action by agency to minimize costs.	
	Costs medium. Agency action to reduce costs limited	

	Costs of participation reasonable. Agency action mostly adequate.	
	Agency action adequate	
	Costs negligible or participation free. Agency action exemplary.	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Researcher:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 66

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 66:** How comprehensive and planned were the responsible agency’s efforts to include a wide range of stakeholders in the selected case?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Fairness and equitability

**Researcher:**

**Research Guidelines:**

Fairness demands that all stakeholders have equal opportunity to participate in decision-making. To engage a wide range of stakeholders, government dissemination efforts may need to utilize a variety of communications tools, and make pro-active efforts to involve representatives of a variety of groups. Efforts must be planned so as to address the full spectrum of citizens who have a stake in the decision.

**Definitions:** “**Comprehensive and planned effort**” refers to a thorough, pro-active effort to enable and encourage a wide variety of stakeholders to participate. A variety of communications tools and outreach tactics may be needed to engage the full spectrum of stakeholders. Single, isolated efforts are not considered “**comprehensive and planned.**” Special attention should be paid to efforts to ensure that the target audience receives notification of the decision process when it is first initiated.

**Recommended Research Methods and Sources:**

4. **Document Review:**

- Consult websites of responsible agency(ies), materials distributed by responsible agency(ies), and agency(ies) rules for dissemination of the information.
- Review statistical information about access of the population to different types of media (newspapers, TV, radio, internet, etc.) to determine which of them reach the population. Use this data in selecting the value for the indicator. Include it in your report and/or in the Explanation section for this indicator.

5. **Interviews:** Two officials of the responsible agency(ies) and five representatives of various target audiences.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No effort is made to reach the target audience	
	Limited effort is made to reach the target audience	
	Effort to reach the target audience is mostly adequate, but with room for improvement	
	Planned and systematic effort to reach the target audience exists	

Plans and system for reaching the target audience are well-designed and comprehensive
No effort is made to reach the target audience
Not applicable (N/A)

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 67 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 67:** How well did the responsible agency make a planned and systematic effort to involve a minority or disadvantaged group (identified in the explanation to this indicator) in decision-making in the selected case?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Fairness and

**Researcher:**

### **Research Guidelines:**

Environmental decisions often affect socioeconomic or cultural groups with little power to react or respond. Incorporating these marginalized groups into decision-making processes increases the fairness and effectiveness of the public participation system. This indicator addresses the question “Who is involved?”

Different groups are disadvantaged in different countries. TAI research teams should select one or more groups of significance in their country that are relevant for the case. Specify the group(s) in the Explanation box and indicate why they were chosen. Frequently relevant groups include women, ethnic minorities, the poor, children, the elderly, linguistic minorities, the illiterate, rural residents, or members of particular communities.

**Water:** Researchers may wish to select women as the group to be examined using this indicator. In many places, women and girls hold primary responsibility for obtaining and using water, and planned and systematic efforts to involve them are critical to the success of many water-related decisions. This is particularly true for sanitation decision-making (see the TAI-Water Cases Description Document p. 11 for additional guidance). Researchers may also wish to focus on a group that has typically been unserved or under-served by water and sanitation service providers. Rural residents and the urban poor are frequently important groups from this perspective.

**Definitions:** “**Planned and systematic efforts**” by the decision-making agency include steps to reach the relevant target groups and make their participation possible throughout the decision-making process. Such efforts could include a special contact person(s) to work with the target group, consultations held at a site accessible to the group, and/or consultations conducted in the language/dialect of the group, etc. The communications tools and level of language used should be appropriate for the audience. Single, isolated efforts are not considered “**planned and systematic.**” Special attention should be paid to efforts to ensure that the target audience receives notification of the decision process when it is first initiated.

### **Recommended Research Methods and Sources:**

#### **1. Interviews:**

- At least 3 members of the selected target group who participated or could have participated in the case.
- At least 1 representative of the relevant agency (agencies) to ask about specific measures taken to engage the selected group.

**2. Document Review:**

- Consult materials produced expressly to inform and encourage the participation of the target group. Check also for records of outreach activities conducted in person or via radio/television.
- Review statistical information about access of the population to different types of media (newspapers, TV, radio, internet, etc.) to determine which of them reach the selected group. Use this data in selecting the value for the indicator. Include it in your report and/or in the Explanation section for this indicator.
- Review statistical information about key characteristics of the selected group. How significant is the group in size, geographic distribution, or socioeconomic status, relative to the overall national population? Use this data in selecting the value for the indicator. Include it in your report and/or in the Explanation section for this indicator.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No effort is made to reach the target audience	
	Limited effort is made to reach the target audience	
	Effort to reach the target audience is mostly adequate, but with room for improvement	
	Planned and systematic effort to reach the target audience exists	
	Plans and system for reaching the target audience are well-designed and comprehensive	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

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Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Researcher:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 68 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 68:** Did notification of the start of each stage in the decision-making process in the selected case provide reasonable lead time for effective public participation?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Timeliness

**Researcher:**

**Research Guidelines:**

Timing is an important factor in public participation. Members of the public need to receive notification of a decision with adequate lead time (advance notice) so that they can review materials, consult with others, prepare positions, and provide useful comments that reflect their views and interests.

**Water:** In many countries, new basin-level decision-making institutions and processes have recently been established, or are under development. Citizens’ unfamiliarity with these new mechanisms makes government efforts to give advance notification of decisions all the more important. If the decision in your case study involves a new or alternative mechanism, notification should provide more lead time for participants than in decision-making processes with which citizens are already familiar. Also consider the legal requirements for timeliness (Indicator 5) when selecting a value for this indicator.

**Definitions:** “**Notification**” refers to active efforts by the government to tell the public about an upcoming decision. This may include posting on bulletin boards, advertising in the newspaper, other media efforts, or sending targeted letters to the affected community members. “**Stages of the decision-making process**” include steps for proposal, drafting, implementation, evaluation, and renewal. “**Reasonable lead time**” may be different for different decision-making processes. For instance, reasonable lead time for policies, strategies, or programs is longer than for project-level decision-making because the former are much more complex documents and require more knowledge. For project-level decision-making, the public should be effectively notified at least 4 weeks prior to the start of each stage of the decision-making process. Public notification of less than 4 weeks before the beginning of the process should be considered insufficient.

**Recommended Research Methods and Sources:**

1. **Document Review:** Consult agency websites and files relating to the selected decision-making process for a memorandum or other document recording notification.
2. **Media Review:** Notification in the media can be determined by consulting back issues of newspapers on the Internet or in libraries. Check the dates of the notification and of the consultation session and assess whether the time given to the public was reasonable.
3. **Interview:** At least 3 affected residents or community leaders to inquire how and when they received notification of intent from the responsible agency, and at least 2 officials responsible for the selected case.

**Indicator Score and Explanation:**

	Values	Explanation

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<b>Strong → Weak Performance</b>	No lead time provided	
	Insufficient lead time provided	
	Reasonable lead time provided at only a few stages	
	Reasonable lead time provided at most stages	
	Reasonable lead time provided at all stages	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 69

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 69:** How reasonable was the length of the public comment period in the selected case?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Timeliness

**Researcher:**

### Research Guidelines:

The duration of the public comment period for a proposed policy, strategy, plan, program, or legislation has an important impact on the potential effectiveness of public participation and, if necessary, public protest. Laws can provide the conceptual basis for participation, but in practice must be accompanied by timely notification and adequate duration of opportunities to participate. If the public comment period is less than 2 weeks, the public may not be able to engage in a meaningful and informed manner (particularly if the information made available is technical and dense). If the public comment period is much more than 4 weeks, the public may not have the resources to remain engaged in the long term.

**Definitions:** “Reasonable” is considered 2-4 weeks for a public comment period. The reasonableness will also depend on the length and level of technicality of the information to be reviewed by the public. If the length of the public comment period in your case was at least 4 weeks, then select value “Length of public comment period adequate.”

### Recommended Research Methods and Sources:

1. **Document review:** Consult Files of decision-making authority to find the guidelines for the length of public comment periods.
2. **Interview:**
  - a. Officials at the decision-making authority,
  - b. Members of the public who participated in consultation in the selected case.

### Indicator Score and Explanation:

	Values	Explanation
Strong → Weak Performance	No public comment period	
	Almost no public comment period	
	Length of public comment period mostly reasonable	
	Reasonable length of public comment period	
	Very reasonable length of public comment period as informed by public input	

Not applicable (N/A)

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 70 \*\*CORE\*\*

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 70:** How well does the responsible agency maintain a publicly accessible registry of past and pending decisions?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Channels of Access

**Researcher:**

### Research Guidelines:

Public registries of past decisions make it easy for members of the public to learn about the decision even if they did not participate in the decision-making process. The agency should have an established system for maintaining public registries, which should be applied consistently to various decisions.

**Definitions:** “**Public registries/records**” are standing collections of policies, strategies, plans, programs, laws, permits and other decisions. An “**accessible registry**” is one that provides public access without undue burdens or limits. A public registry may be available through a range of channels such as the internet, a library, or a government office. “**Past and pending decisions**” refer to policies, laws, plans, permits, etc., that have already been adopted, approved, or issued.

### Recommended Research Methods and Sources:

1. **Interview:** At least 1 representative of the decision-making authority to determine whether the authority maintains a registry and how to access the registry.
2. **Document review:** Consult records and procedures of the decision making authority. Evaluate how registries have dealt with a number of different decisions.
3. **Document Request:** Request a list of past decisions of the selected type.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	No access to registry provided	
	Registry access and registry information both limited.	
	Registry access and registry information mostly adequate	
	Registry access and registry information consistently adequate	
	Registry access and registry information extensive	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Document Request:**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 71

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 71:** How well does the responsible agency maintain a publicly accessible registry of relevant supporting documentation for decisions?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Channels of Access

**Researcher:**

### Research Guidelines:

Public registries/records are standing collections of information important to the public—in this case supporting materials decision-makers used in coming to a decision about a policy, law, zoning decision, etc. The existence of public registries is important because such collections make it easy for the public to find data even if they did not participate in the decision-making process.

Research for this indicator will therefore aim to learn whether the responsible maintains and provides access to a registry of materials that provide background and information about alternatives for participants in decision-making processes. Researchers will attempt to gain access to registries or records in order to ascertain the level and ease of access provided.

**Water:** See p. 15 of the TAI-Water Case Description Document for guidance on using this indicator for privatization cases.

**Definitions:** “**Supporting documentation**” includes proposed decisions, information about alternatives, and environmental and health impact assessments. A “**registry**” is an organized collection of documents. An “**accessible registry**” is one that provides public access without undue burdens or limits.

### Recommended Research Methods and Sources:

1. **Interviews:** One or more representatives of the decision-making authority. They should be able tell you whether the authority maintains a registry and how to access the registry.
2. **Document Review:** Consult Internet and library sources, as well as records at decision-making authority. Depending upon how the registry is maintained,
3. **Site Visit:** Depending upon how the registry is maintained a visit may be required to access the registry.
4. **Information Request:** Depending upon how the registry is maintained an information request may be required to access the registry.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	No access to registry provided	
	Almost no access to registry provided	
	Limited access to registry provided	
	Adequate access to registry provided	

Extensive access to registry provided
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Site Visits:**

Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Document Request:**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Additional Information:**

Record any additional information relevant to this indicator here.

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## Indicator Research Worksheet—Indicator 72

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 72:** In the selected case, to what extent did records of decisions and the decision process enable the public to stay informed of developments in the decision, other related decisions, and upcoming decisions and consultations?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Channels of Access

**Researcher:**

### Research Guidelines:

The public cannot meaningfully take part in a decision-making process unless they have adequate and relevant information about existing and proposed policy, strategy, plan, program, or legislation. Robust and effectively distributed records of decision are vital to the public being able to fully participate.

Your research for this indicator will therefore investigate the records of decision issued to the public by the responsible authority around the proposed decision relevant for the case you have chosen.

**Definitions:** “Records of decision and the decision process” keep the public generally abreast of proposed actions or policies, and steps and developments in the decision-making processes.

### Recommended Research Methods and Sources:

1. **Document Review:** Analyze the records of decision document issued by the responsible authority and assign a value accordingly. Elements that determine quality are listed below. (This list is illustrative rather than exhaustive; if you identify other elements of notification that add to quality, count them and explain in the Justification section.) "Elements of quality" include:
  - Explanation of the background of the policy, strategy, plan, program, or legislation;
  - Description of options and their implications for the environment;
  - Complete text of the draft decision or the envisaged procedure (commencement, opportunities to participate, time and venue of any envisaged public hearing, etc.);
  - Information on when, where, and how further information will be available;
  - Information on when and how members of the public can submit comments or questions;
  - Information on what kind of environmental information is available, etc.
2. **Interview:** At least two participants in the decision process, to learn about the utility of records and announcements about the decision process. Did it help them be effective participants in the decision?

### Indicator Score and Explanation

	Values	Explanation
<b>Strong →</b> <b>Weak</b> <b>Performance</b>	Responsible authority did not issue any records of decision.	
	Very poor records of decision issued	
	Poor records of decision issued	

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<http://research.accessinitiative.org/>

Adequate records of decision issued
Excellent records of decision issued
Not applicable (N/A)

**Source(s) Consulted:**

<p><b>Document Review:</b> Document Title(s):  Responsible Authority(ies):  Page Number(s):  Document Found at:</p>
---

**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
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**Indicator Research Worksheet—Indicator 73    **\*\*CORE\*\*****

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 73:** To what extent was relevant supporting documentation available through public registries for the selected decision-making process?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Channels of Access

**Researcher:**

**Research Guidelines:**

Members of the public cannot meaningfully take part in a decision-making process unless they have adequate and relevant information about existing and proposed policy, strategy, plan, program, legislation or project-level decisions, such as permits, concessionary agreements, etc. Public registries and records are important because such collections make it easy for the public to find data even if they did not participate in the decision-making process.

This indicator assesses the degree of access the public is given to documents that supported the selected decision (e.g., policy, strategy, plan, program, or permit). The value for this indicator will be driven by the degree of difficulty in finding or gaining access to registries or records, and the existence (or lack thereof) of supporting documentation relevant to the selected decision-making process.

**Water:** Refer to the TAI Water Case Study Descriptions document for specific guidance on this indicator for the following cases:

- Water Allocation – p. 5
- Water-related Ecological Protection – p. 6
- Water Crisis Decision-making – p. 9
- Sanitation – p. 11
- Water Tariff-setting – p. 12
- Privatization of Water Services – p. 15

**Definitions:** “**Public registries**” are publicly accessible standing collections of policies, strategies, plans, programs, laws, permits, and other decisions. They may be located at public institutions such as libraries, agency offices, courthouses, government websites, and other relevant outlets. “**Supporting documentation**” includes proposed decisions, information about alternatives, environmental and health impact assessments, and other relevant information.

**Recommended Research Methods and Sources:**

1. **Interviews:** At least 2 individuals interested in the decision to learn about their experience obtaining access to registry information.
2. **Document Review:** Consult Internet and library sources, as well as records at the decision-making authority.

**Indicator Score and Explanation:**

	Values	Explanation

<b>Strong → Weak Performance</b>	No access to registry provided	
	Access to and extent of supporting documentation available in registry limited	
	Access to and extent of supporting documentation available in registry mostly adequate	
	Access to and extent of supporting documentation available in registry consistently adequate	
	Access to and extent of supporting documentation extensive	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**  
 Person(s) Interviewed and Title:  
 Agency/company Affiliation:  
 Location of interview(s):  
 Date interview(s) took place:

**Document Review:**  
 Document Title(s):  
 Responsible Authority(ies):  
 Page Number(s)  
 Document Found at:

**Additional Information**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 74

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 74:** To what extent does the agency that leads the selected decision-making process have staff explicitly responsible for public participation?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Efforts to build capacity of government agencies

**Researcher:**

**Research Guidelines:**

This indicator is applied to each selected decision-making process. If the public are to participate fully in the selected decision-making process, they need to know which staff member in the agency is responsible for ensuring public participation. Without this basic information being freely and easily available to the public, much time, energy and effort could be wasted both by the public and the agency in attempts to locate the correct staff member.

Research for this indicator will therefore focus on whether the agency has designated an adequate number of staff members to be responsible for public participation in the selected decision-making process. Such designations are usually found in agency websites, regulations, rules, guidelines, circulars and orders. Researches must also focus on whether the agency has adequately notified the public of the name, designation, contact details and role of such staff members. Notifications might have been by newspaper advertisements, posting on websites, notifications at agency offices and pamphlets etc.

**Definitions:** “staff explicitly responsible” means staff members who have been designated by the agency as being responsible for public participation. Additionally, the agency ought to have made the names, contact details and mandate of those staff members available to the public in an accessible form.

**Recommended Research Methods and Sources:**

6. **Document Review:** Consult agency websites, regulations, rules, guidelines, circulars and orders. Consult agency websites and published literature (brochures, etc). Look for email addresses, phone numbers, or other contact information that identifies staff or office responsible for public participation in the selected decision-making process.
7. **Media Review:** Check newspapers and official government journals (e.g. gazettes, registers etc)
8. **Interviews:** Interview agency officers about who has been designated and how this has been notified to the public. Record whether information is received, what was received, how it was received, and how long it took to receive a response.
9. **Document Requests:** Requests for designations and notifications may be required. If no information is available from websites or literature, call or write institution explaining that you are a citizen.
10. **Site visits:** A visit to the agency office to view notifications might be required.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak</b> Performance	Agency has no staff explicitly responsible	
	Agency has almost no staff explicitly responsible	

Agency has some staff explicitly responsible
Agency has adequate staff explicitly responsible
Agency has extensive staff explicitly responsible
Not applicable (N/A)

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Request:**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Site Visits:**

Name of Site Visited:

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<http://research.accessinitiative.org/>

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 75 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 75:** To what extent were guidelines or training on public participation offered regularly over the last 3 years to officials in the agency that leads the selected decision-making process?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Efforts to build capacity of government agencies

**Researcher:**

**Research Guidelines:**

Uninformed government personnel, misunderstandings, or active rejection of the value of participatory decision-making can create obstacles to effective public participation. Staff training can help prevent this problem. Training must be fairly recent to be effective and reach all staff. Ideally, it is part of a systematic, long-term plan for human resources development.

**Water:** Training requirements should specifically address facilitation of participation at the basin level, as basin-level processes for decision-making may be new or unusual. Special attention should also go to the engagement of local communities, as they play especially important roles in many aspects of water management.

**Definitions:** “**Guidelines or training**” includes workshops, lectures, and distribution of printed or electronic materials.

“**Regularly**” refers to training that is part of an ongoing series or program. A single, isolated instance of training is not considered as being “offered regularly.”

**Recommended Research Methods and Sources:**

1. **Document Review:** Consult guidelines and training manuals for the responsible agency, if such exist. Check human resource development plans and budgets for personnel training.
2. **Interview:** At least 2 officials at the responsible agency to determine whether any training on public participation has been given in the last three years. in the Explanation section, specify the type and content of training given.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No training in the last 3 years	
	Almost no training in the last 3 years	
	Limited and irregular training in the last 3 years	
	Somewhat regular training in the last 3 years	
	Regular and systematic training in the last 3 years	

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	Not applicable (N/A)	
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**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 76

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 76:** To what extent were guidelines or training on the environment offered regularly over the last 3 years to officials in the agency that leads the selected decision-making process?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Efforts to build capacity of government agencies

**Researcher:**

**Research Guidelines:**

This indicator is applied to each selected decision-making process being assessed. Government officials who don't appreciate the importance and impacts on the environment may not have the capacity to make the decisions that the process requires or apply information in a constructive and useful way to decisions relating to the environment. Government officials who are responsible for making decisions that relate to the environment need to have the right level of knowledge about that aspect of the environment to be able to make rational and informed decisions. Training for staff can help prevent this problem. Training must be fairly recent to be effective and reach all staff.

Research for this indicator will therefore focus on the training given to agency staff as well as on the guidelines issues to them. The indicator attempts to assess whether the law requires government agencies to build the capacity of their officials on the environment. Researchers need to focus on the immediate past three years and ask if the trainings have been regular.

**Water:** In some cases, government staff will be environmental experts, while in others they will be engineers and utilities managers with little environmental knowledge. This indicator is especially important for the latter. Their training should promote basin-level thinking, help them understand threats to water quality and availability, and raise awareness of and respect for the multiple ways in which water is important (human health, ecosystem function, cultural use, agriculture, etc.).

**Definitions:** “Offered regularly” refers to guidelines or training offered as part of an on-going series or program; not a single, isolated instance. “The environment” is used here to suggest general environmental awareness as well as, where relevant, in depth knowledge about disciplines that are required for a good understanding of ecological processes

**Recommended Research Methods and Sources:**

1. **Document review:** Consult the agency’s guidelines and training manuals, if available. Also consult internal circulars and staff notices about the agency(ies) training programs, their content, schedules, guidelines.
2. **Interview:** Two officials at compliance, information, legal, or public relations officers at the chosen agency. Inquire whether any training on environment has been given in the past 3 years (any workshops, lectures, distribution of printed materials on the environment). Assign value accordingly. Specify the type and content of training given
3. **Document Requests:** Requests for training manuals, guidelines and training schedules may be required.

**Indicator Score and Explanation:**

	Values	Explanation

<b>Strong → Weak Performance</b>	No guidelines or training in the last 3 years	
	Almost no guidelines or training in the last 3 years	
	Limited and irregular guidelines or training in the last 3 years	
	Somewhat regular guidelines or training in the last 3 years	
	Extensive guidelines or training in the last 3 years	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**  
Document Title(s):  
Responsible Authority(ies):  
Page Number(s):  
Document Found at:

**Interview:**  
Person(s) Interviewed and Title:  
Agency/company Affiliation:  
Location of interview(s):  
Date interview(s) took place:

**Interview:**  
Person(s) Interviewed and Title:  
Agency/company Affiliation:  
Location of interview(s):  
Date interview(s) took place:

**Document Request:**  
Request Made To:  
Agency where Above Person Works:  
Request Made by:  
Law Mandating Response:  
Date Sent:

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<http://research.accessinitiative.org/>

Date of Response if Received:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 77 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 77:** How adequate is the government budget allocation for effectively facilitating public participation in the selected decision-making process?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Efforts to build the capacity of government agencies

**Researcher:**

**Research Guidelines:**

This indicator assesses whether the government as a whole recognizes the importance of public participation and whether the agency (agencies) responsible for the selected decision-making process have adequate resources to ensure public participation. Questions that will inform the value for this indicator include:

- Are there specific funds identified for facilitating public participation?
- Are salaries for the responsible staff adequate and secure?
- Over the past three years, have relevant budgets increased, decreased, or remained stable?
- How do the relevant budgets compare to the budgets of other agencies?
- How do the relevant budgets compare with typical costs in your country for printing, communications, travel, convening meetings, and other activities involved in participatory processes?

**Water:** In most cases, evaluation of budgets allocated to public participation should take into account costs associated with the engagement of stakeholders at the basin level.

**Definitions:** There are no definitions for this indicator.

**Recommended Research Methods and Sources:**

1. **Document Review:** Consult budget allocations to and within the agency responsible for the selected decision-making process.
2. **Interview:** At least 2 relevant staff members at the responsible agency to determine which areas of their work are sufficiently funded and which lack funds. Consider what additional funds would enable them to do with regard to the decision-making process.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong →</b> <b>Weak</b> <b>Performance</b>	No funds allocated	
	Budget inadequate	
	Budget about 50-75% of what is needed	

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	Budget mostly adequate	
	Extensive budget allocated	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 78

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 78:** How regularly did relevant sub-national government officials receive guidelines or training on public participation in the selected decision-making process over the last 3 years?  
**Category:** Public Participation  
**Topic:** Effort  
**Subtopic:** Efforts to build capacity of sub-national governments

**Researcher:**

**Research Guidelines:**

Uninformed sub-national government personnel, misunderstandings or active rejection of the value of participatory decision-making can create obstacles to effective public participation. Training for staff can help prevent this problem. Training must be fairly recent to be effective and reach all staff.

**Definitions:** “**Guidelines or training**” include workshops, lectures, distribution of printed materials, etc. “**Regularly**” refers to training that is part of an on-going series or program; not a single, isolated instance.

**Recommended Research Methods and Sources:**

3. **Document Review:** Consult guidelines and training manuals for the responsible sub-national government, if applicable.
4. **Interview:** Two officials at the responsible sub-national government. Inquire whether any training on public participation has been given in the last three years. Specify the type and content of training given.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No guidelines or training in the last 3 years	
	Almost no guidelines or training in the last 3 years	
	Limited and irregular guidelines or training in the last 3 years	
	Somewhat regular guidelines or training in the last 3 years	
	Extensive guidelines or training in the last 3 years	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 79 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

  

**Case Type:**

  

**Researcher:**

**Indicator 79:** How clear and easily accessible are the public guidelines on how to participate in the selected decision-making process?  
**Category:** Public Participation  
**Topic:** Effort  
**Subtopic:** Effort to build the capacity of the public

**Researcher:**

**Research Guidelines:**

The public cannot take part in decision-making unless the government actively makes efforts to tell it how to do so. This indicator assesses how well the agency (agencies) responsible for the selected decision-making process provides the public with information about how to participate in the decision.

Disseminating guidelines through a variety of outlets (e.g., libraries, internet, radio, etc.) helps ensure that diverse audiences will know how to participate.

**Water:** In many countries, new basin-level decision-making institutions and processes have recently been established, or are under development. Citizens’ unfamiliarity with these new mechanisms makes government efforts to publicize and clearly explain rules, procedures, timelines and contact points all the more important. If the decision in your case study involves a new or alternative mechanism, take citizens’ unfamiliarity with it into account when evaluating the clarity of the public participation guidelines.

**Definitions:** “Clear” refers to simple language easily understood by the average citizen. “Easily accessible” includes the availability of public guidelines in more than one public format and source.

**Recommended Research Methods and Sources:**

1. **Document review:** Consult the website, pamphlets, or files of the decision-making authority for information about how to participate. Consult materials that give the public instructions or guidelines on how to participate.
2. **Interviews:** At least 2 NGOs to determine whether information about how to participate in the decision-making process is easily accessible and understandable to them.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong</b> ↑ <b>Weak</b> ↓ <b>Performance</b>	No guidelines can be found	
	Guidelines are present, but difficult to find and understand	
	Guidelines are either clear or easily accessible, but not both	

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Guidelines are clear and easily accessible	
Exemplary provision of guidelines could serve as a model for other agencies	
Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document found at:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 80

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 80:** How regularly have activities to build the capacity of the public to participate in the selected decision-making process been conducted over the last three years?

**Category:** Public Participation

**Topic:** Effort

**Subtopic:** Efforts to build capacity of the public

**Researcher:**

**Research Guidelines:**

The public cannot participate fully in the selected decision-making process unless the government makes active efforts to tell it how to do so. Activities that can be counted as efforts to build public capacity to participate in the selected decision-making process include making trainings, guidelines, handbooks, websites, pamphlets, leaflets, and other materials for broad dissemination available at government offices, libraries, and other public places and through the media.

This indicator is applied to each selected decision-making process being assessed. Indicator 56 attempts to assess the extent to which the law requires government agencies to aid the public to build its capacity to access and effectively participate in the selected decision-making process. This indicator attempts to assess the extent to which such a requirement is actually practiced.

**Definitions:** “Regularly” refers to capacity building activities offered as part of an on-going series or program; not a single, isolated instance

**Recommended Research Methods and Sources:**

3. **Interviews:** Two officials at the responsible agency. Inquire whether any capacity building activities on public participation has been offered to the public in the last three years. Assign a value accordingly. Specify the type and content of the activities offered. Also interview 2-4 NGO representatives about capacity building activities offered by the responsible government agency.
4. **Document review:** Consult guidelines, training manuals, handbooks, websites, pamphlets, leaflets, and other materials on access to and participation in the selected decision-making process made available for broad dissemination at government offices, libraries, and other public places and through the media.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No activities conducted in the last 3 years	
	Almost no activities conducted in the last 3 years	
	Limited and irregular activities conducted in the last 3 years	
	Somewhat regular activities conducted in the last 3 years	
	Extensive and regular activities conducted in the last 3 years	

Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 81 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 81:** To what extent was a public record kept in a reasonably accessible format detailing comments made, comments incorporated in the selected decision, and reasons for any rejection of comments?

**Category:** Public Participation

**Topic:** Effectiveness

**Subtopic:** Impacts of access

**Researcher:**

### Research Guidelines:

Public notice regarding public comments received and the treatment of citizen input enables the public to assess their government’s responsiveness and helps citizens to decide on a course for their further participation in the decision-making process. It also helps the public learn how to participate effectively and play a constructive role in shaping final decisions.

This indicator seeks to assess the degree to which decision-making authorities inform the public of comments received during the decision-making process, and of how citizen input was considered, evaluated, and incorporated in final decisions.

**Definitions:** “**Public records**” are standing collections of information. For the purposes of this indicator, a “record” includes the final decision, records of consultations and comments, and actions taken to respond to comments. A public record could be available through a range of channels, such as the internet, a library, or a government office.

A “**reasonably accessible format**” is one that provides public access without undue burdens or limits. The accessibility of the format may affect the public’s ability to get information. Language, level of technicality, and presentation (through explanations, tables, graphs, etc.) may all affect the public’s ability to stay informed via the public record.

### Recommended Research Methods and Sources:

**1. Document review:**

- Consult the website or files of the decision-making authority for a list of comments and explanations of which comments were accepted, which rejected, and why.

**2. Interview:**

- At least 2 individuals who submitted comments to find out how informed that individual was in terms of the status of comments submitted.
- At least 2 government officials regarding: (1) the process followed in this case for publicly sharing information about the comments submitted, and (2) how comments were considered and taken into account in the final decision.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong</b> ↓ <b>Weak</b> → <b>Perform</b>	No record kept	
	Record kept, but no public access to it provided	

Access provided to one of the three elements (details to comments made, comments incorporated, or reasons for rejection of comments)
Access provided to two of the three elements
Access provided to all three elements
Not applicable (N/A)

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

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Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 82 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 82:** How promptly did the public receive information about the dispensation of comments in the selected case?

**Category:** Public Participation

**Topic:** Effectiveness

**Subtopic:** Impacts of access

**Researcher:**

**Research Guidelines:**

Information about the impact of public input on a decision is important for the public to decide on a course of action. The timeliness of this notification strongly influences how effectively the public can respond.

**Definitions:** “**Promptly**” may be considered a response time of 4 weeks or less. “**Dispensation of comments**” refers to the process through which the responsible agency decides whether to incorporate public comments into the final decision.

**Recommended Research Methods and Sources:**

1. **Document review:** Consult website or files of the decision-making authority.
2. **Media review:** Information about the dispensation of comments may be released via newspapers or other media.
3. **Interview:**
  - At least 1 official at the decision-making authority.
  - At least 3 local concerned citizens who participated in the consultation.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No information regarding public comments promptly dispersed to the public	
	Almost no information regarding public comments promptly dispersed to the public	
	Limited information regarding public comments promptly dispersed to the public	
	Some information regarding public comments promptly dispersed to the public	
	Extensive information regarding public comments promptly dispersed to the public	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 83

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 83:** How extensive was the public input provided in the selected case?

**Category:** Public Participation

**Topic:** Effectiveness

**Subtopic:** Outcomes of Access

**Researcher:**

**Research Guidelines:**

This indicator seeks to measure the effectiveness of the government’s efforts to gather public input in the selected case. Accordingly, researchers should consider how many groups and individuals provided input, and whether that input represented a broad spectrum of stakeholders. In a case where extensive public input was provided, consider what factors contributed to the high level of involvement and how such a process might be further encouraged and replicated in the future. In a case where only limited public input was provided, explore what measures the government might have taken to produce a different outcome.

**Definitions:** There are no definitions for this indicator.

**Recommended Research Methods and Sources:**

1. **Interviews:**

- Conduct interviews with at least 2 individuals of the public who engaged in at least one stage of the public participation process in this case
- Conduct interviews with at least 1 government official responsible for the public comment process to gain information on the number of comments received and people attending public comment period sessions.

2. **Media Review:** consult the internet and newspapers for reports on how many sets of comments were received and how many people attended the public consultation sessions

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No public input provided	
	Almost no public input provided	
	Some public input provided	
	Adequate public input provided	
	Extensive public input provided	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 84 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 84:** To what extent did public participation influence the final decision in the selected case?

**Category:** Public Participation

**Topic:** Effectiveness

**Subtopic:** Outcomes of access

**Researcher:**

### Research Guidelines:

Participation can only be effective if it has an influence upon a decision. This indicator assesses whether and how public comments were incorporated into a decision. It assesses whether the public was able to create change.

**Definitions:** The “**final decision**” is the official decision released by the government, which forms the basis for government action.

### Recommended Research Methods and Sources:

**1. Document review:**

- Consult website or files of the decision-making authority for the text of the final decision.
- Obtain any available records of public comments and check them against the text of the final decision.

**2. Interview:** At least 2 members of the public who participated in the decision. Ask them to tell the story of their participation and to describe the influence they had on the final decision.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong</b> → <b>Weak Performance</b>	Public participation had no influence on the final decision.	
	Public participation had almost no influence on the final decision.	
	Public participation had limited influence on the final decision.	
	Public participation had some influence on the final decision.	
	Public participation had extensive influence on the final decision.	
	Not applicable (N/A)	

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<http://research.accessinitiative.org/>

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 85

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 85:** To what extent was the final decision more protective of the environment or human health than the initial draft in the selected case?

**Category:** Public Participation

**Topic:** Effectiveness

**Subtopic:** Outcomes of Access

**Researcher:**

**Research Guidelines:**

There is a growing body of international evidence which illustrates that more transparent and participatory processes lead to more environmentally sound final decisions. This indicator seeks to measure the impact that public participation in this case may have had on the ultimate decision’s protection of the environment and human health.

**Definitions:** There are no definitions for this indicator

**Recommended Research Methods and Sources:**

1. **Interviews:** Conduct interviews with at least 2 members of the public who contributed comments
2. **Media Review:** consult website or files of decision-making authority for text of final decision/plan.  
 Analyze content for changes from the initial draft.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No more protection in the final decision	
	Almost no more protection in the final decision	
	Some more protection in the final decision	
	More protection in the final decision	
	Final decision significantly more protective	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**  
 Person(s) Interviewed and Title:

Agency/company Affiliation:

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<http://research.accessinitiative.org/>

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 86 \*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 86:** How well did staff/officials execute their participation responsibilities in the selected case?

**Category:** Public Participation

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for government agencies

**Researcher:**

**Research Guidelines:**

The purpose of capacity-building for government agencies is to provide staff and officials with the skills, tools, knowledge, attitudes, and resources needed to effectively facilitate public participation in decision-making. Stakeholder satisfaction with the officials’ performance provides a valuable indication of how well capacity-building activities have succeeded.

**Water:** Interview stakeholders who represent the full range of range of water use categories (e.g. farmers, residential users, industrial users, recreational users, etc.) relevant to the case study. For transboundary cases, be sure to include interviewees from both sides of the border. If the decision in the case study took place at the water basin level, be sure to include interviewees from throughout the basin.

**Definitions:** No definitions for this indicator.

**Recommended Research Methods and Sources:**

2. **Interview:**

- At least 5 different stakeholders who were involved in the case. Potentially relevant stakeholders include citizens, CSOs, media representatives, corporations, local governments, academics and national government agencies that collaborate with the agency responsible for the selected decision-making process. Ask about stakeholders’ level of satisfaction with the performance of agency staff. In the Explanation section, note particular areas of dissatisfaction or of especially good performance.
- At least 1 official at the agency (agencies) responsible for the selected decision-making process. Inquire whether any training on Access Principles has been given in the past 2 years (e.g., workshops, lectures, distribution of printed materials on the principles of public information and participation). In the Explanation section, specify the type and content of training given.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Staff/officials did not interact with stakeholders at all	
	Stakeholders were consistently dissatisfied with the performance of staff/officials	
	Stakeholder impression of staff/officials’ performance was mixed	

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	Most stakeholders were satisfied with staff/officials' performance most of the time	
	Stakeholders unanimously agreed that performance was good	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

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**Additional Information**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 87

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 87:** In the selected case, to what extent did stakeholders have the skills and knowledge they needed to participate effectively?

**Category:** Public Participation

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for the public

**Researcher:**

### Research Guidelines:

The purpose of capacity-building for the public is to provide citizens with the skills and knowledge needed to effectively participate in decision-making. This indicator evaluates capacity-building activities by assessing the skills and knowledge developed by stakeholders through those activities.

**Definitions:** There are no definitions for this indicator.

### Recommended Research Methods and Sources:

3. **Interview:** At least 5 different stakeholders who used guidelines or took part in training related to participation in the selected decision-making process. Potentially relevant stakeholders include individual citizens and members/staff of CSOs or corporations. Consider interviewing stakeholders who elected not to participate in the decision, or who participated minimally, in addition to those who were actively engaged. Ask about:
  - The content and format of the capacity-building activities.
  - Stakeholders' knowledge of how to participate in the decision-making process.
  - Stakeholders' experience attempting to participate in the decision-making process, including any barriers encountered.
  - Stakeholders' satisfaction with the capacity-building activities.
  - Stakeholders' background understanding of environmental issues related to the selected decision-making process.
  - Stakeholders' need for and ability to obtain expert advice related to their participation.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong</b> → Weak Performance	No stakeholder skills or knowledge developed	
	Almost no stakeholder skills and knowledge	
	Limited stakeholder skills and knowledge	

Adequate stakeholder skills and knowledge
Extensive stakeholder skills and knowledge
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

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<http://research.accessinitiative.org/>

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 88

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 88:** To what extent did sub-national government agencies facilitate public participation in the selected case?

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for sub-national government

**Research Guidelines:**

Sub-national government officials are often the government representatives who interact most directly with citizens and are in the best position to hear citizen voices. However, when sub-national officials are unfamiliar with or do not value the principle of public participation in decision-making, they may create barriers to citizen involvement. Training for sub-national government officials on citizens’ rights and on procedures for facilitating participation can help alleviate such problems.

This indicator assesses the effectiveness of national programs to build sub-national government capacity by evaluating how well sub-national officials helped citizens engage in the selected decision-making process. Stakeholder satisfaction with officials’ performance provides a valuable indication of how well capacity-building activities have succeeded. In cases where sub-national government officials have not received capacity-building on participation, choose “not applicable” as the indicator value.

**Definitions:** There are no definitions for this indicator.

**Recommended Research Methods and Sources:**

**Interviews:**

- At least 5 different stakeholders who were involved in the case or who have an interest in the selected decision-making process. Potentially relevant stakeholders include citizens, CSOs, media representatives, academics, corporations, and government officials. Ask about stakeholders’ level of satisfaction with the performance of sub-national government staff. In the Explanation section, note particular areas of dissatisfaction or of especially good performance.
- At least 1 official at a sub-national government agency (agencies) involved in the case. Inquire whether any training on access to information has been given in the past 2 years (e.g., workshops, lectures, distribution of printed materials on the principles of public information and participation). In the Explanation section, specify the type and content of training given.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>		
	No participation	
	Poor facilitation of public participation	
	Mostly adequate facilitation of public participation	

Adequate facilitation of public participation
Exemplary facilitation of public participation
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

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<http://research.accessinitiative.org/>

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 89

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 89:** To what extent did media involvement facilitate public participation in the selected case?

**Category:** Public Participation

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for the media

**Researcher:**

**Research Guidelines:**

The media plays a crucial role in many decision-making processes, since it provides the public with both information about the decision and background information that is valuable for informed participation. Laws and government efforts that enhance the capacity and independence of media organizations can strengthen the media’s ability to support the public participation system. This indicator assesses the effectiveness of laws and efforts to promote the independence of the media by evaluating how well the media helped citizens participate in the selected case.

**Definitions:** There are no definitions for this indicator

**Recommended Research Methods and Sources:**

5. **Interviews:** At least 5 different stakeholders interested in the selected decision-making process. Potentially relevant stakeholders include individual citizens, media representatives, members or staff of CSOs, corporations and government officials. Ask for their perspectives on the role played by the media in the selected case.
6. **Media Review:** Review relevant news reports and information available on the Internet to obtain information about the role of the media in the case.
7. **Document Review:** Review statistical information about access of the population to different types of media (newspapers, TV, radio, internet, etc.) to determine which types reach the stakeholders in the selected case. Use this data in selecting the value for the indicator. Include it in your report and/or in the Explanation section.

**Indicator Score and Explanation**

	Values	Explanation
<b>Strong → Weak Performance</b>	The media played a negative role with regard to public participation	
	The role of the media was neutral	
	The media had limited effectiveness in enhancing public participation	
	The media had moderate effectiveness in enhancing public participation	

The media played a strong role in enhancing public participation
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

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<http://research.accessinitiative.org/>

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 90

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 90:** To what extent did civil society organization involvement facilitate public participation in the selected case?

**Category:** Public Participation

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for the media

**Researcher:**

### Research Guidelines:

Civil society organizations (CSOs) play a crucial role in promoting and protecting the interests of the public. They frequently serve as an important vehicle through which citizens participate in decision-making. Laws and government efforts that enhance the capacity of CSOs may improve CSOs' ability to play such a role. If laws and government efforts enable CSOs to enhance their capacity, then CSOs may be more successful at serving as a vehicle for public involvement in decisions. This indicator assesses the effectiveness of laws and efforts that build CSO capacity in a very general way – by evaluating how well CSOs helped to enable public participation in the selected case.

**Water:** Interview stakeholders who represent the full range of range of water use categories (e.g. farmers, residential users, industrial users, recreational users, etc.) relevant to the case study. For transboundary cases, be sure to include interviewees from both sides of the border. If the decision in the case study took place at the water basin level, be sure to include interviewees from throughout the basin.

**Definitions:** There are no definitions for this indicator.

### Recommended Research Methods and Sources:

1. **Interviews:** At least 5 different stakeholders interested in the selected decision-making process. Potentially relevant stakeholders include individual citizens, media representatives, members or staff of CSOs, corporate representatives and government officials. Ask for their perspectives on the role played by CSOs in the selected case.
2. **Media Review:** Review relevant news reports and information available on the Internet to obtain information about the role of CSOs in the case.
3. **Document Review:** Review statistical information about the number of CSOs in the country, total CSO membership, average budget (or paid staff) to determine how active CSOs are and how significant their involvement could be. Use this data in selecting your value, and include it in your report and/or the Explanation for this indicator.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong</b> ↑ <b>Weak</b>	CSOs played a negative role with regard to public participation	

No involvement by civil society organizations
CSOs had limited effectiveness in enhancing public participation
CSOs had moderate effectiveness in enhancing public participation
CSOs played a strong role in enhancing public participation
Not applicable (N/A)

**Source(s) Consulted:**

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

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<http://research.accessinitiative.org/>

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

# **T**

## **Access to Justice Indicators**

### **Case-based Indicators # 95-136**

**(A2J General Law indicators located in the General Law Indicators Document)**

This document incorporates water-specific guidance into the TAI indicator worksheets. Please note the following:

- Water-specific guidance has been developed for core indicators only.
- Not all core indicators have been given water-specific guidance; those without it were deemed not to need it.
- In this document, the following indicators have water-specific guidance: 97, 98, 101, 102, 109, 110, 114, 117, 121, 123, 124, 125, 127, 131, 136
- Water-specific guidance is indicated on the worksheets in track changes with red and blue coloring.
- This document should NOT be read alone. It assumes basic knowledge of the TAI Assessment Toolkit (<http://research.accessinitiative.org/>) and references the following additional TAI-Water guidance documents:
  - Water Case Description
  - Water Overview Survey
  - A2I Water Guidance
  - General CB water Guidance
  - General Law - Con\_A2I\_PP\_A2J\_CB Water Guidance
  - PP Case Indicators Water Guidance

## **Indicator Research Worksheet—Indicator 95 \*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

  
  

**Case Type:**

  
  

**Indicator 95:** To what extent does the law require a forum to hear the selected claim type and issue a decision?  
**Category:** Access to Justice  
**Topic:** Law  
**Subtopic:** Scope and quality of the specific legal framework

**Researcher:**

**Research Guidelines:**

This indicator assesses to what extent a forum is required to hear the selected claim type. Researchers should consider if there is a forum to which the selected claim type can be brought and whether the law requires that forum to deal with that claim. In some situations, the existence of courts and tribunals may be misleading if they are not legally authorized to hear and decide the selected claim type.

**Definitions:** There are no definitions for this indicator.

**Recommended Research Methods and Sources:**

- Legal Research:** Consult laws, codes and regulations of courts, tribunals and such institutions relevant to the selected claim type. Also consult judicial decisions concerning the power of the forum to hear such claim types. Also consult juristic opinions where relevant.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	The law prohibits forums from hearing and deciding this claim type	
	The law is silent on who should hear and decide this claim type	
	The law provides inadequate requirements	
	The law provides some requirements	
	The law provides adequate requirements	
	The law provides extensive requirements	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 96 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 96:** To what extent does the law enable a party to seek review or appeal of selected claim type to an independent body with the power to reverse a decision?

**Category:** Access to Justice

**Topic:** Law

**Subtopic:** Scope and quality of the specific legal framework

**Researcher:**

### Research Guidelines:

Review and appeal are safeguards against wrong or illegal decisions made by courts, tribunals and other such institutions. Where a forum decides wrongly or illegally, a claimant must have a way to challenge that decision before another independent forum which has power to change or cancel that decision. Keep in mind that this indicator is applied to the selected claim type.

**Definitions:** “**Review or appeal**”, although similar, refer to two different ideas. When a decision is “**reviewed**” the questions asked are whether it is in keeping with the law and whether it was made according to procedure set down by the law. When a decision is considered in “**appeal**” the questions asked are whether the decision is correct on the material placed before the forum and also whether it is legal and in keeping with procedure. An **appeal** is wider in scope. “**Independent body**” refers to a different forum from that which heard the original claim. The extent of independence of the body depends on factors such as how the members of the body are appointed, whether they have security in their position, whether their salary and other benefits are fixed, and how they can be removed from office. (See Indicator 108.)

### Recommended Research Methods and Sources:

- Legal Research:** Consult laws, codes and regulations that deal with review and appeals from decisions of the forum to which the selected claim type is first taken. Also consult judicial decisions concerning the right of review and appeal as well as juristic opinions if relevant.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	Appeals and reviews are both prohibited	
	The law is silent on appeals and reviews	
	Appeals and reviews are inadequately enabled	
	Appeals and reviews are mostly adequately enabled	
	Appeals and reviews are adequately enabled	

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Appeal and reviews are extensively enabled
Not applicable (N/A)

**Source(s) Consulted:**

<p><b>Legal Research:</b> Document Title(s):  Responsible Authority(ies):  Chapter/Article/Paragraph:  Document Found at:</p>
---

**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
---

## **Indicator Research Worksheet—Indicator 97 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 97:** How clear and narrow are the limits on claims of confidentiality regarding information relevant to selected claim type?

**Category:** Access to Justice

**Topic:** Law

**Subtopic:** Quality of specific legal limits on access

**Researcher:**

### **Research Guidelines:**

Claims of confidentiality can be made by a party to a judicial claim as well as by government agencies and third parties (including corporations) that are asked to provide information to the forum hearing the claim or the parties. In the former case, a party to the claim will seek to exclude information, while in the latter, government officer(s) or third parties summoned to give evidence or produce a document could refuse to do so based on a claim of confidentiality. In both cases, the forum and the parties are deprived of the benefit of relevant information that would allow the claim to be correctly and legally decided. In some instances, the forum itself might refuse to part with information about the claim, in which event the public would be denied that information. Clear and narrow limits on such claims of confidentiality increase accountability and transparency and make the process less vulnerable to misuse and abuse.

**Water:** You may need to research different bodies of law for different case studies. For access to water, environmental harm, tariff-setting, and privatization cases, protection of commercial interests is likely to drive claims of confidentiality. For trans-boundary, water crisis, or dams cases, national security may be a factor. You may also need to explore laws and regulations governing the actions of sub-national governments. In countries that have an Access to Public Information Act or similar law, limits on claims of confidentiality should be stipulated in this law.

**Definitions:** “**Claims of confidentiality**” refers to information that the government or a party to the claim asserts ought not to be released for one or another reason. When limits on confidentiality are “**clear and narrow**,” the law specifies what may be kept from the public and ensures that all other information is publicly available. When the language used to define confidentiality is broad or unclear, officials tend to withhold information.

### **Recommended Research Methods and Sources:**

- 1. Legal Research:** Consult laws, codes and regulations that deal with claims of confidentiality in claims of the selected claim type. Also consult judicial decisions concerning claims of confidentiality of information relevant to the selected claim type.
- 2. Document Review:** Consult the official record of the selected judicial claim to assess any claims of confidentiality and how they were decided.

### **Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Limits neither narrow nor clear	
	Limits not narrow but are clear	
	Limits are narrow but not clear	
	Limits mostly narrow and clear	
	Limits are narrow and clear	
	Not applicable (N/A)	

**Source(s) Consulted:**

<p><b>Legal Research:</b>                  Document Title(s):                   Responsible Authority(ies):                   Chapter/Article/Paragraph:                   Document Found at:</p> <p><b>Document Review:</b>                  Document Title(s):                   Responsible Authority(ies):                   Page Number(s)                   Document Found at:</p> <p><b>Document Request:</b>                  Request Made To:                   Agency where Above Person Works:                   Request Made by:                   Law Mandating Response:                   Date Sent:                   Date of Response if Received:</p>
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**Additional Information:**

Record any additional information relevant to this indicator here.
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## Indicator Research Worksheet—Indicator 98 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 98:** To what extent does the law require the selected forum to build the capacity of members with regard to access to justice?

**Category:** Access to Justice

**Topic:** Law

**Subtopic:** Quality and scope of the legal requirements to build capacity of the government agencies

**Researcher:**

### Research Guidelines:

Uninformed members of the forum, through misunderstanding or by actively rejecting the value of access to justice, can create obstacles to access. Members of the forum who are unfamiliar with relevant laws and procedures can also obstruct justice. The capacity of the forum members can be built in a variety of ways, including training, information about recent changes of legislation relevant to access/environmental rights, etc. Capacity building efforts must be fairly recent to be effective and reach all staff.

**Water:** Training requirements in the law should specifically address basin-level rules, laws and processes.

**Definitions:** “**Build the capacity**” refers to efforts to improve a country’s human, scientific, technological, organizational, institutional, and resource capabilities. According to Agenda 21, capacity building consists of mechanisms, efforts, or conditions which enhance effective and meaningful public participation in decisions affecting the environment. Types of capacity building include educating civil servants to implement access rights, creating a supportive legal and administrative situation for non-governmental organizations, and ensuring Internet access for the general public. “**Access to justice**” refers to the right to ask for just and fair relief from a court, tribunal or other independent institution.

### Recommended Research Methods and Sources:

1. **Legal Research:** Consult laws, regulations, and general administrative codes and guidelines relating to the forum. Review recruitment requirements to check whether forum members are required to have basic legal education and experience at recruitment.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	Law prohibits building capacity	
	Law silent on building capacity	
	Law requires almost no capacity building	
	Law requires limited capacity building	
	Law requires adequate capacity building	
	Law requires extensive capacity building	

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Not applicable (N/A)
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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 99**

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 92.** To what extent does the law require the selected forum to build the capacity of members with regard to the environment?

**Category:** Access to Justice

**Topic:** Law

**Subtopic:** Quality and scope of legal requirements to build capacity of government agencies

**Researcher:**

### **Research Guidelines:**

This indicator is applied to each selected forum granting relief or remedy that is being assessed. Forum members (such as judges or assessors) who don't appreciate the importance and impacts on the environment may not have the capacity to understand and appreciate impacts on the environment or to apply relevant information in a constructive and useful way to decisions relating to the environment. Forum members who are responsible for making decisions that relate to the environment need to have the right level of knowledge about that aspect of the environment to be able to make rational and informed decisions. Training for forum members can help prevent this problem. Training must be fairly recent to be effective and reach all forum members.

The indicator attempts to assess whether the law requires government agencies or the forum to build the capacity of forum members.

The indicator attempts to assess whether the law requires government agencies or the forum to build the capacity of forum members on the environment.

**Definitions:** “**Build the capacity**” refers to efforts to improve a country's human, scientific, technological, organizational, institutional, and resource capabilities. According to Agenda 21, capacity building consists of mechanisms, efforts, or conditions which enhance effective and meaningful public participation in decisions affecting the environment. Types of capacity building include educating civil servants to implement access rights, creating a supportive legal and administrative situation for non-governmental organizations, and ensuring Internet access for the general public. “**The environment**” in the context of this indicator - the term is used to suggest general environmental awareness as well as, where relevant, in depth knowledge about disciplines that are required for a good understanding of ecological processes.

### **Recommended Research Methods and Sources:**

4. **Document review:** Consult the forum's guidelines and training manuals, if available.
5. **Interview:** Two officials or forum members at the chosen forum. Inquire whether any training on environment has been given in the past 2 years (any workshops, lectures, distribution of printed materials on the environment, for instance). Assign value accordingly. Specify the type and content of training given

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Law prohibits building capacity	
	Law silent on building capacity	
	Law requires almost no building capacity	
	Law requires limited no building capacity	
	Law requires adequate no building capacity	
	Law requires extensive no building capacity	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

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## Indicator Research Worksheet—Indicator 100

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 100:** To what extent does the law require the selected forum to maintain the infrastructure needed for conducting proceedings?

**Category:** Access to Justice

**Topic:** Law

**Subtopic:** Quality and scope of legal requirements to build capacity of government agencies

**Researcher:**

**Research Guidelines:**

This indicator is applied to each forum being assessed. A forum requires copying equipment, case information and evidence storage areas, venues for hearing the case etc as well as the necessary staff to service the selected forum and make it accessible to the public on a regular ongoing basis. The indicator attempts to assess if the law requires the forum to have that infrastructure in place.

**Definitions: “Infrastructure”** The term includes venues, equipment, organization, staff, funding, etc. . In cases where there has been no infrastructure in the past, requirements “**to maintain infrastructure**” should be understood to also address the establishment of infrastructure.

**Recommended Research Methods and Sources:**

3. **Legal Research:** The law that establishes the forum, general information laws as well as environmental laws. Requirements might also be inferred from budgetary allocations of the forum.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Law prohibits maintenance of infrastructure	
	Law silent on maintenance of infrastructure	
	Law requires almost no maintenance of infrastructure	
	Law requires limited maintenance of infrastructure	
	Law requires adequate maintenance of infrastructure	
	Law requires extensive maintenance of infrastructure	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Issuing Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 101 \*\*CORE\*\*

**Indicator Research Context:**

**Case Title:**

  

**Case Type:**

  

**Indicator 101:** To what extent does the law require the government to offer the public technical assistance, guidance or training on how to use the selected forum?  
**Category:** Access to Justice  
**Topic:** Law  
**Subtopic:** Quality and scope of the legal requirements to build capacity of the public

**Researcher:**

**Research Guidelines:**

The indicator assesses the extent to which the law requires government agencies to aid the public to gain access to the selected forum. The public cannot use the selected forum unless the government makes active efforts to tell it how to do so. Formats that can be counted as efforts to disseminate guidelines and/or information about using the forum include websites, pamphlets available at government offices or libraries or the forum itself, leaflets, and other materials for broad dissemination.

**Water:** In many countries, new basin-level institutions, environmental courts, and other alternative water-related forums for providing redress and remedy have recently been established, or are under development. Citizens’ unfamiliarity with these new institutions makes capacity-building all the more important. If the claim in your case study involves a new or alternative forum, assess whether capacity-building efforts have covered it.

**Definitions:** “**Technical assistance**” refers to assistance given to the public to understand and learn how they can use the selected forum and where they can receive relevant help.

**Recommended Research Methods and Sources:**

2. **Legal Research:** Consult the laws establishing the forums as well as the laws under which the recourse / remedy process was conducted.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Law prohibits offering of technical assistance etc.	
	Law silent on offering of technical assistance etc.	
	Law requires government to offer almost no technical assistance etc.	
	Law requires limited government offering of technical assistance etc.	

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Law requires government to offer adequate technical assistance etc.
Law requires government to offer extensive technical assistance etc.
Not applicable (N/A)

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 102 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 102:** To what extent does the law mandate the government to build the capacity of sub-national government officials to understand and facilitate citizens' rights within the justice system?

**Category:** Access to Justice

**Topic:** Law

**Subtopic:** Quality and scope of the legal requirements to build capacity of sub-national governments

**Researcher:**

### **Research Guidelines:**

Sub-national governments are frequently at the front lines in responding to problems and conflicts related to resource use and the environment. When sub-national officials are unfamiliar with or do not value the justice system, they may create barriers to citizens seeking redress or remedy. Training for sub-national government officials on the justice system and citizens' rights within it can help alleviate such problems.

This indicator assesses whether the law requires the national government to build the capacity of sub-national government agencies with regard to the justice system and citizens' rights within it. Training must be fairly recent to be effective and reach all relevant staff. Research should focus on a sub-national agency involved in or related to the claim at issue in the selected TAI case.

**Water:** In many countries, new basin-level institutions, environmental courts, and other alternative water-related forums for providing redress and remedy have recently been established, or are under development. Citizens' unfamiliarity with these new institutions makes capacity-building for sub-national governments all the more important. If the claim in your case study involves a new or alternative forum, assess whether capacity-building efforts have covered it.

**Definitions:** “**Build the capacity**” refers to efforts to improve a country's human, scientific, technological, organizational, institutional, and resource capabilities. According to Agenda 21, capacity building consists of mechanisms, efforts, or conditions which enhance effective and meaningful public participation in decisions affecting the environment. Types of capacity building include educating civil servants to implement access rights, creating a supportive legal and administrative situation for non-governmental organizations, and ensuring Internet access for the general public. “**Sub-national government**” includes levels of government below the national level. Often these include State, regional, and local governments and administrative authorities of autonomous regions. “**Citizens' rights within the justice system**” refers to rights to go before courts, tribunals and other such forums, present claims, participate in the process fully and receive just and fair decisions and relief.

### **Recommended Research Methods and Sources:**

- 2. Legal Research:** Consult the laws establishing the sub-national government agency and any laws specifying the qualifications for agency staff. Laws relating to citizen rights in the justice system may also be relevant, as may past judicial decisions involving the agency.

### **Indicator Score and Explanation:**

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	Values	Explanation
<b>Strong → Weak Performance</b>	Law prohibits building capacity	
	Law silent on building capacity	
	Law requires almost no capacity building	
	Law requires limited capacity building	
	Law requires adequate capacity building	
	Law requires extensive capacity building	
	Not applicable (N/A)	

**Source(s) Consulted:**  
**Legal Research:**  
 Document Title(s):  
  
 Responsible Authority(ies):  
  
 Chapter/Article/Paragraph:  
  
 Document Found at:

**Additional Information:**  
 Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 103 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 103:** How clearly does the law establish a reasonable timeframe for forum decisions?

**Category:** Access to Justice

**Topic:** Law

**Subtopic:** Legal requirement for timeliness

**Research Guidelines:**

This indicator attempts to assess the reasonableness of timeframes established by law for the selected forum to give a decision. For example, a forum decision that stops pollution may be useless if it comes too late to prevent irreversible ecological damage. Reasonableness may have to be assessed after reviewing individual timeframes set for different points of the claim process leading to the forum decision. For instance, timely notification of the commencement of the claim process, timely notification of the final decision, timely notification of hearings and adequate time for preparation, adequate time at the hearing to participate, etc. The indicator assesses all these individual timeframes as a whole.

**Definitions:** “**Reasonable timeframe**” is based on what will enable effective action on the part of parties to the claim or the public. The timeframe would be unreasonable if the forum decision came too late to be meaningful to the claimants or the public or both.

**Recommended Research Methods and Sources:**

2. **Legal Research:** Consult the relevant law that requires the forum to give a decision within a certain timeframe. Timeframes may also be found in regulations, rules, procedures or guidelines.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	The law is silent on timeframe	
	The law establishes an unreasonable timeframe for forum decisions	
	The law establishes a somewhat reasonable timeframe for forum decisions	
	The law establishes a reasonable timeframe for forum decisions	
	The law establishes the timeframe to be established with public input	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Responsible Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Additional Information**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 104**

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 104:** To what extent is there a forum with adequate capacity to deal with the selected claim type?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

### **Research Guidelines:**

A question that immediately arises when a party wants to bring a claim is whether there is an appropriate forum available to bring the claim. If an appropriate forum does exist, a second question that arises is whether that forum has adequate capacity to deal with the claim. Take the case of someone who is unhappy about a road development project and wants to challenge the project and have it stopped. Which forum, if any, would that person go to? In many legal systems, there could be more than one appropriate forum that can be approached. In the case we described, the challenge might be brought in a regular court on legal grounds or the challenge might be brought before an administrative officer who has power to hear the claim and stop the project. Whether all or only some of these available forums have adequate capacity to deal with the claim is an additional question to consider.

Research for this indicator will therefore focus on the number of forums available to bring the selected claim type and on whether any one of them has adequate capacity to deal with the claim. In assessing the capacity of each forum, researchers need to examine the skills and qualifications of forum members, its staff and its ability to obtain scientific and technical data from other independent entities. Researchers should examine whether the forum has the ability to access relevant laws and obtain legal advice and opinions to assist it in applying the law.

**Definitions:** “Adequate Capacity” means where the forum has legal power to entertain, hear and dispose of the claim fully and also has the capacity (by way of adequate procedures and trained staff etc) to receive and make sense of the information (evidence) that is brought before it by the parties and of its own motion.

### **Recommended Research Methods and Sources:**

- 5. Legal Research:** Consult the laws, regulations and rules relating to the legal competence (powers/jurisdiction) of available forums.
- 6. Interviews:** Interview a forum member or staff member about the training and other capacities required to process the selected claim type
- 7. Document Review:** Review claim documents to see how the forums capacity affected the processing or outcome of the claim.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No forum with adequate capacity	
	Almost no forum with adequate capacity	
	Limited forums with adequate capacity	
	Adequate forums with adequate capacity	
	Extensive forums with adequate capacity	
	Not applicable (N/A)	

**Source(s) Consulted:**

<p><b>Legal Research:</b>  Document Title(s):</p> <p>Issuing Authority(ies):</p> <p>Chapter/Article/Paragraph:</p> <p>Document Found at:</p> <p><b>Interview:</b>  Person(s) Interviewed and Title:</p> <p>Agency/company Affiliation:</p> <p>Location of interview(s):</p> <p>Date interview(s) took place:</p> <p><b>Document Review:</b>  Document Title(s):</p> <p>Issuing Authority(ies):</p> <p>Page Number(s)</p> <p>Document Found at:</p>
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**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
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## **Indicator Research Worksheet—Indicator 105 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 105:** How strong are the forum’s standards, regulations or formal policy to ensure independence and impartiality of the forum?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

### **Research Guidelines:**

Independence and impartiality of judicial forums help to ensure that parties obtain a fair and unbiased hearing of their claim. This indicator assesses the existence of formal standards, regulations, and policies dealing with issues of ethics, impartiality, and independence of the forum as well as the clarity and scope of these standards. Whether the standards, regulations, and policies ensure independence and impartiality depends on how they treat issues such as corruption, appointments to the forum, conflict of interest, tenure, compensation, and appearance of impropriety.

The value for will be driven by the presence of a range of standards or policies that promote or discourage independence or impartiality. Restrictions on independence and impartiality would affect the value negatively. In assigning a value, consider whether:

- Forum members act as decision-makers in a permanent, full-time capacity, or are drawn to the forum on a part-time basis.
- Where the forum members are permanent, full-time decision-makers, such as judges, they have life tenure or other assurance that their livelihood is not threatened as a result of their decisions.
- Where the forum members are permanent, full-time decision-makers, such as judges, they are compensated at a rate (in light of the national economy) that would tend to minimize their interest in outside financial influences (such as bribes).
- Standards for ethical conduct by forum members limit relationships and/or contact with the parties to a claim.
- Forum members are expected to recuse themselves from a decision where they might have a conflict of interest.
- Forum members report to, or depend for compensation or advancement upon, a person or constituency that has a stake in the outcome of a claim.
- The forum members are drawn from a sector that has a clear stake in the outcome of a claim. (For example, government may have a stake in an official’s refusal to turn over information; members of an industrial sector will have a stake in claims about that sector’s environmental conduct.)
- Forum members are elected or appointed by an official or constituency that has a stake in the outcome of a claim.

**Definitions:** “Standards, regulations, or formal policy” include stated rules covering appointments to the forum, conflict of interest, tenure, compensation, appearance of impropriety and other norms for constituting and maintaining the forum.

### **Recommended Research Methods and Sources:**

- 1. Document Review:** Consult forum documents to determine the existence and strength of forum standards, regulations or formal policy to ensure independence and impartiality. Strength should be measured by the scope and clarity of the forum’s standards, regulations, or formal policy.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No standards, regulations or formal policy in place	
	Almost no standards, regulations or formal policy in place	
	Weak standards, regulations or formal policy in place	
	Some adequate standards, regulations or formal policy in place	
	Strong standards, regulations or formal policy in place	
	Not applicable (N/A)	

**Source(s) Consulted:**

<p><b>Document Review:</b>                  Document Title(s):                   Responsible Authority(ies):                   Page Number(s)                   Document Found at:</p>
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**Additional Information**

<p>Record any additional information relevant to this indicator here.</p>
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## Indicator Research Worksheet—Indicator 106

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 106:** To what extent is information regarding rules of procedure and types of claims to be heard by the forum made publicly available?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

### Research Guidelines:

A forum that has legal power to entertain, hear and decide a claim usually has rules of procedure. Different types of claims have to be brought before forums that have legal power to entertain them. Rules of procedure and the legal competence of forums are found in laws, regulations and rules and a usually known to lawyers. The public may or may not have access to such laws, regulations and rules and even if they do, may not understand them because they are written in legal language. Making rules or procedure and information about the legal competence of the forum available to the public will enhance access to redress and remedy. Merely making the laws, rules etc available may not serve the purpose unless they are in simple language that the public can understand.

Research for this indicator will therefore focus on both the extent to which information regarding rules of procedure and types of claims are made available to the public as well as the extent to which that information is written in language that is easily understood by the public.

**Definitions:** “**Rules of procedure**” means rules governing the manner in which the forum will entertain, hear and decide the claim. Such rules include the format in which claims must be filed, how to give notice of the claim to parties, how to present evidence, scheduling the hearing of the claim etc. “**Types of claims**” refers to the different kinds of claims the forum is legally competent to entertain, hear and decide. For example some forums can decide claims for compensation for environmental harm, others can decide claims to stop a factory operating, and still others can decide whether to grant or refuse a permit for a development project.

### Recommended Research Methods and Sources:

1. **Interviews:** Interview members of the public and parties to claims to assess if information is easily available and is in language that is understood.
2. **Document Review:** Consult documents of the forum made available in the form of information brochures, pamphlets, notice boards and websites.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	Information is not available	
	Almost no information is available	
	Limited information is available	
	Adequate information is available	

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	Extensive information is available	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 107

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 107:** To what extent is a publicly funded independent entity available to provide redress in the selected claim type?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

**Research Guidelines:**

This indicator will be applied to each selected claim type. Many countries have established publicly funded independent entities as an additional and alternative way to bring relief and redress to claimants. Sometimes these entities specialize in particular areas such as human rights or media freedom or environment. Sometimes the entity is established to give relief and redress against government action. Claimants seeking relief and redress in the selected claim type can sometimes go before such entities and obtain justice.

Research for this indicator will therefore focus on additional and alternative independent entities that are available to provide redress and remedy for the selected claim type. Researchers must focus on the facts of the selected claim type and ask if there are other independent entities that could, in law, grant relief and remedy to the claimants.

**Definitions:** “Independent entity” includes publicly funded ombudsmen, inspectors, commissioners, and public defenders.

**Recommended Research Methods and Sources:**

1. **Legal Research:** Consult laws and regulations governing independent entities, their constitution, powers, procedures and functions and the relief they can grant.
2. **Interviews:** Interview the claimants/parties to the claim and their legal advisers.
3. **Document Review:** Consult the claim documentation to assess the facts in the claim and if they would provide a basis to bring the claim before another independent entity.
4. **Document Request:** Document requests for the above documents may be needed.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No independent entity available	
	Almost no independent entities available	
	Limited independent entities available	
	Adequate independent entities available	
	Extensive independent entities available	

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	Not applicable (N/A)	
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**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Issuing Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Document Found at:

**Document Request:**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 108 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 108:** To what extent was the forum independent and impartial in the selected case?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

### **Research Guidelines:**

Independence and impartiality of judicial forums help to ensure that parties obtain a fair and unbiased hearing of their claims. This indicator assesses the independence and impartiality of the forum's activities in deciding the selected claim.

The value for this indicator will be driven by a range of factors that promote or discourage independence or impartiality. Practices that restrict independence and impartiality will affect the value negatively. Any difference between the value for this indicator and the value in the same TAI case or indicator 105 suggests a gap between forum policy and practice.

In assigning the value, consider whether:

- Forum members act as decision-makers in a permanent, full-time capacity, or are drawn to the forum on a part-time basis.
- Where the forum members are permanent, full-time decision-makers, such as judges, they have life tenure or other assurance that their livelihood is not threatened as a result of their decisions.
- Where the forum members are permanent, full-time decision-makers, such as judges, they are compensated at a rate (in light of the national economy) that would tend to minimize their interest in outside financial influences (such as bribes).
- Forum members limited their relationships and/or contact with the parties to a claim.
- Forum members recused themselves from a decision where they might have had a conflict of interest.
- Forum members' conduct appropriately minimized any "appearance of impropriety."
- Forum members reported to, or depended for compensation or advancement upon, a person or constituency that had a stake in the outcome of the claim.
- Forum members were drawn from a sector that had a clear stake in the outcome of a claim. (For example, government may have a stake in an official's refusal to turn over information; members of an industrial sector will have a stake in claims about that sector's environmental conduct.)
- Forum members were elected or appointed by an official or constituency that had a stake in the outcome of a claim.

**Definitions:** There are no definitions for this indicator.

### **Recommended Research Methods and Sources:**

1. **Document Review:** Consult transcriptions of forum proceedings and other descriptive forum documents to gain an understanding of whether the forum members applied written or informal standards ensuring independence and impartiality.
2. **Interview:** At least 2 individuals who were parties to the claim.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No independence or impartiality demonstrated by the forum in the selected case	
	Almost no independence or impartiality demonstrated by the forum	
	Some independence or impartiality demonstrated by the forum	
	Adequate independence or impartiality demonstrated by the forum	
	Strong independence or impartiality demonstrated by the forum	
	Not applicable (N/A)	

**Source(s) Consulted:**

<p><b>Document Review:</b>  Document Title(s):</p> <p>Responsible Authority(ies):</p> <p>Page Number(s):</p> <p>Document Found at:</p> <p><b>Interview:</b>  Person(s) Interviewed and Title:</p> <p>Agency/company Affiliation:</p> <p>Location of interview(s):</p> <p>Date interview(s) took place:</p> <p><b>Interview:</b>  Person(s) Interviewed and Title:</p>
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Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 109 \*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 109:** To what extent were both parties able to gain access to information and conduct fact finding in the selected case?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

**Research Guidelines:**

The process of obtaining information during a proceeding is sometimes called “discovery.” Discovery can take place in a number of ways. For example, the forum may ask questions and seek information, or the parties may have the right to do so directly.

This indicator assesses whether the parties were in fact able to obtain relevant information through the forum’s discovery process, and whether parties had access to all information (including documents, interviews, witness statements, tape recordings, etc.) that was relevant to the proceeding or that could have led to the discovery of relevant information. Restrictions on a party’s ability to obtain information would affect the value negatively.

**Water:** In most instances, there will be few water-specific issues to consider for this indicator. However, if the claim you are examining involves parties from different countries, or different jurisdictions within your country, you may wish to consider some of the issues discussed for Trans-boundary Water Cases in the TAI Water Case Study Descriptions document.

**Definitions:** There are no definitions this indicator.

**Recommended Research Methods and Sources:**

1. **Interview:** Both parties to make sure they were equally able to obtain information in the proceedings.
2. **Document Review:** Consult documents that describe the discovery procedures by which the forum is expected to abide.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No fact finding or access to information possible for parties	
	Almost no fact finding or access to information	
	Limited fact finding or access to information	
	Some fact finding or access to information	

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<http://research.accessinitiative.org/>

Extensive fact finding and access to information
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Additional Information**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 110 \*\*CORE\*\*

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 110:** To what extent was the process transparent to the public in the selected case?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

**Research Guidelines:**

For a procedure to be fair and equitable it should also be transparent. This indicator focuses on the ability of non-parties to obtain information about the substance and progress of a claim.

The value for this indicator will be driven by a range of factors that indicate whether or not the proceedings were transparent to the public. In assigning the value, consider whether:

- Members of the public were able to obtain timely updates at key stages in the proceedings.
- Members of the public were allowed to attend the proceedings.
- Members of the public were able to obtain enough information about the proceedings to understand why the final decision was reached.

**Water:** In most instances, there will be few water-specific issues to consider for this indicator. However, if the claim you are examining is relevant to the public in different countries, or different jurisdictions within your country, you may wish to consider some of the issues discussed for Trans-boundary Water Cases in the TAI Water Case Study Descriptions document.

**Definitions:** There are no definitions for this indicator.

**Recommended Research Methods and Sources:**

1. **Interview:** At least 2 individuals who followed the proceedings but were not parties to the claim.
2. **Media review:** If the case was followed by the media, review two back issues of relevant press to identify whether the facts of the case were reflected accurately.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No public transparency of process	
	Almost no public transparency of process	
	Limited public transparency of process	
	Some public transparency of process	

*Not for citation without permission of the author. For citation purposes, please refer to the TAI 2.0 Toolkit.*  
<http://research.accessinitiative.org/>

Extensive public transparency of process
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 111**

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 111:** To what extent did the forum consider all appropriate law and facts, including scientific and technical data, relevant to the selected case?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

### **Research Guidelines:**

When dealing with a claim, the expectation is that the forum would act professionally – i.e. carefully consider all the appropriate law as well as the facts in forming its conclusions and granting or refusing relief or remedies. A forum that ignores or through carelessness fails to consider a relevant law, regulation or rule might make a decision that is not in keeping with the law. Similarly, a forum that fails to take into account all the relevant facts might form an opinion that is erroneous or factually incorrect. In both these cases, the decision on the claim would be adversely affected and flawed.

Research for this indicator will therefore focus on the selected claim and the manner in which the forum came to its conclusions on that claim. Research will have to focus on the forum’s record of the claim, its proceedings and its final and interim decisions. Research might also need to examine proceedings and decisions of a higher court/tribunal that might have heard an appeal or review from the decision of the forum. Research must also consider juristic opinions and academic articles that might have been written about the case. Parties to the claim and their legal advisors as well as forum members and staff may have views worth seeking out.

**Definitions:** “**Appropriate law**” refers to all the laws, regulations, rules, guidelines and judicial precedents (if relevant) and includes ancestral and indigenous knowledge.

### **Recommended Research Methods and Sources:**

- 1. Interviews:** Interview as many forum members, staff, parties to the claim and their legal advisors.
- 2. Document Review:** Review the claim record, proceedings, forum decisions and records and decisions of a higher forum that might have reviewed the first decision. Also review academic articles and juristic opinions about the claims.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Appropriate law and facts were not considered at all	
	Appropriate law and facts were inadequately considered	
	Appropriate law and facts were somewhat considered	
	Appropriate law and facts were adequately considered	
	Appropriate law and facts were extensively considered	
	Not applicable (N/A)	

**Source(s) Consulted:**

<p><b>Interview:</b>                  Person(s) Interviewed and Title:                   Agency/company Affiliation:                   Location of interview(s):                   Date interview(s) took place</p> <p><b>Document Review:</b>                  Document Title(s):                   Issuing Authority(ies):                   Page Number(s)                   Document Found at:</p>
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**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
---

## Indicator Research Worksheet—Indicator 112 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 112:** To what extent did the forum keep the costs of bringing a claim low for the parties in the selected case?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Cost and affordability

**Researcher:**

**Research Guidelines:**

The cost of bringing a claim can pose a significant barrier to citizens’ ability to successfully seek redress and remedy. Efforts by the government to keep costs low can enhance access to justice.

**Definitions:** “Costs of bringing a claim” include administrative fees, legal fees, and the eventual costs of losing a claim. “Low” costs should be judged in relation to the typical annual salary of an average citizen.

Questions that will inform the value of the indicator include:

- Are forums available in a range of locations to avoid citizens incurring travel costs?
- How high are judicial, administrative or alternative forum fees compared to average salaries?
- Is there a requirement for legal or other representation?
- Are there free services for the selected type of claim?

**Recommended Research Methods and Sources:**

- a. **Interview:** The parties to the claim to ask about actual costs incurred related to the claim.
- b. **Legal Research:** Research the laws and regulations that set fees, representation requirements, availability of free services, and the location of the courts.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No action by forum to minimize costs	
	Forum action to reduce costs limited	
	Forum action to reduce costs mostly adequate	
	Forum action to reduce costs adequate	
	Extensive forum action to reduce costs	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 113

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Researcher:**

**Indicator 113:** How comprehensive and planned were the forum’s efforts to enable a wide range of stakeholders to access the forum in the selected case?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Fairness and equitability

**Researcher:**

### Research Guidelines:

Fairness demands that all stakeholders have equal access to forums for resolving grievances. To make a forum accessible to a wide range of stakeholders, government may need to utilize a variety of communications tools, including different languages, when publicizing the forum’s function and providing guidelines for its use. In addition, the language, rules, protocol, location, hours, staffing, and other specifics of the forum’s function itself should be designed to make it possible for all citizens to use the forum.

**Definitions:** “**Comprehensive and planned effort**” refers to a thorough, pro-active effort to enable and encourage a wide variety of stakeholders to use the forum. A variety of communications tools and outreach tactics may be needed to reach the full spectrum of stakeholders, together with careful planning of the forum’s activities and function. Single, isolated efforts are not considered “comprehensive and planned.”

### Recommended Research Methods and Sources:

6. **Document Review:**

- Review statistical information about access to different types of media (newspapers, TV, radio, internet, etc.) to determine which of them reach different stakeholder groups. Use this data in selecting a value. Include it in your assessment report and/or in the Explanation section for this indicator.
- Consult documents from the forum, materials distributed by the forum, and rules for dissemination of forum information.

7. **Media Review:** Consult websites of the forum, materials distributed by the forum, and rules for dissemination of forum information.

8. **Interviews:** Two officials of the forum and five representatives of various stakeholder groups.

9. **Site visit:** A site visit to observe forum proceedings may be useful in assessing the level of access that various stakeholders have to the forum.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong</b> ↓ <b>Weak</b> Performance	No effort made to reach a wide range of stakeholders	
	Limited effort	

	Effort mostly adequate, but with room for improvement	
	Comprehensive and planned effort to make the forum accessible to wide range of stakeholders	
	Exemplary effort to make the forum accessible to wide range of stakeholders	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Document Found at:

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Site Visits**

Name of Site Visited:

Site Location:

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<http://research.accessinitiative.org/>

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 114 \*\*CORE\*\***

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 114:** How well did the forum take steps to make the forum accessible to a minority or disadvantaged group (identified in the explanation to this indicator) in the selected case?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Fairness and Equitability

**Researcher:**

### **Research Guidelines:**

This indicator assesses the extent to which the government has taken proactive measures to provide access to justice to marginalized communities. Enabling marginalized or disadvantaged groups to use the system may require targeted efforts on the part of the judicial, administrative, or alternative forum.

Different groups are disadvantaged in different countries. TAI research teams should select one or more groups of significance in their country that are relevant for the case. Specify the group(s) in the Explanation box and indicate why they were chosen. Frequently relevant groups include women, ethnic minorities, the poor, children, the elderly, linguistic minorities, the illiterate, rural residents, or members of particular communities.

Select “N/A” if the role of marginalized or disadvantaged groups was not relevant in this case.

**Water:** Researchers may wish to select women as the group to be examined using this indicator. In many places, women and girls hold primary responsibility for obtaining and using water, and their ability to use mechanisms for redress and remedy is vital to achieving justice in matters related to water. Researchers may also wish to focus on a group that has typically been unserved or under-served by water and sanitation service providers. Rural residents and the urban poor are frequently important groups from this perspective.

**Definitions:** “Accessible” means easy to approach, understand, enter and use.

#### **Recommended Research Methods and Sources:**

1. **Interviews:** At least 3 members of the selected target group. Choose individuals who participated in the claim, and at least one who did not.
2. **Document Review:**
  - Consult documentation of the claim’s proceedings, which may contain information about the steps taken or resources provided (e.g., court interpreters, subsidized transportation, social workers, instructions in minority languages, targeted outreach materials) to better enable the target group to use the forum.
  - Review statistical information about key characteristics of the selected group. How significant is the group in size, geographic distribution, or socioeconomic status, relative to the overall national population? Use this data in selecting the value for the indicator. Include it in your report and/or in the Explanation section for this indicator.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No effort is made to reach the target audience	
	Limited effort is made to reach the target audience	
	Effort to reach the target audience is mostly adequate, but with room for improvement	
	Planned and systematic effort to reach the target audience exists	
	Plans and systems for reaching the target audience are well-designed and comprehensive	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 115

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 115.** To what extent did intimidation prevent stakeholders from effectively bringing a claim in the selected case?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Fairness and equitability

**Researcher:**

**Research Guidelines:**

Access to justice requires that a stakeholder should be free to bring a claim without fear of negative consequences. On the other hand intimidation may in fact not have prevented the bring of a claim.

Research for this indicator will therefore focus on whether the stakeholders delayed in or refrained from filing the claim because of fears from intimidation. Researches would need to examine the facts relating to the claim and assess when it was ready to be brought to the forum. If there was delay or if the claim was not brought at all, stakeholders would have to be interviewed to look for evidence of intimidation. If the interviews disclose intimidation, stakeholders will have to be interviewed to identify whether that fear resulted in the delay or failure to bring the claim.

**Definitions:** “**Intimidation**” of a stakeholder can take many forms such as violence to the stakeholder or his/her family, threats of violence, loss of employment, loss or reduction in economic benefits or rights such as compensation etc.

**Recommended Research Methods and Sources:**

1. Legal Research: Consult laws and judicial decisions relating to time limits for filing claims and rules about when a claim must be filed.
2. Document Review: Examine the claim documents to find out when the claim was filed and if any of the parties raised the issue of delay or failure to file and what reasons were given to explain or challenge the delay or failure.
3. Interviews: Interview at least 2 stakeholders, preferably from different backgrounds specifically about the nature and extent of intimidation, if any, and if they entertained fears as a result.
4. Document Requests: Documents relating to acts of intimidation may have to be requested from agencies, including the Police.
5. Site visits: Interviews with stakeholders may require site visits.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong</b> ↑ <b>Weak</b> ↓ <b>Performance</b>	Intimidation prevented stakeholders from bringing claim	
	Intimidation significantly prevented stakeholders from bringing claim	

	Intimidation somewhat prevented stakeholders from bringing claim	
	Intimidation played very limited role in preventing stakeholders from bringing claim	
	Intimidation played no role in preventing stakeholders from bringing claim	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Issuing Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Request:**

Request Made To:

Agency where Above Person Works:

Request Made by:

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<http://research.accessinitiative.org/>

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Site Visits:**

Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 116**

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 116:** To what extent did the allocation of the burden of proof support access and/or environmental protection?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Fairness and equitability

**Researcher:**

### **Research Guidelines:**

In most legal systems, a person bringing a claim must provide proof of the facts necessary to establish the claim and obtain redress or relief. This obligation to submit proof is called the “burden of proof”. Generally, where a claimant states that a right to access to information or public participation has been denied, the claimant will have to submit proof that the right exists and that it was denied. Likewise, where a claimant states that the environment has been negatively affected, proof of these facts will have to be submitted by the claimant before relief can be granted.

However, laws and judicial decisions sometimes allocate or shift the burden of proof to the alleged wrongdoer. For example in some countries, where a claimant can show that an industry is discharging waste into a public waterway, the forum will assume that the environment is negatively affected. As a result the industry will have to show that its waste is not affecting the environment negatively. In such cases, the burden of proof is allocated or shifted from the claimant to the alleged wrongdoer.

Research for this indicator will therefore focus on how the forum acts in the selected claim. How much of the burden of proof was placed on the claimant? How much of the burden of proof was allocated or shifted to the alleged wrongdoer? Was relief or redress granted as a result of the allocation or shifting of the burden of proof to the alleged wrongdoer and did this result in better access and/or environmental protection?

**Definitions:** “**Burden of proof**” means the legal obligation to submit proof in support of a claim. The legal obligation is generally on a claimant.

### **Recommended Research Methods and Sources:**

1. Legal Research: Consult the laws and procedures governing the burden of proof for the selected claim type
2. Document Review: Examine the claim record to discover if and how the forum allocated the burden of proof in the selected claim.
3. Interviews: Occasionally, interviews with the parties or their lawyers to the case could help clarify the claim record.
4. Document Requests: Claim records and related documents may have to be obtained from the forum, parties to the claim and other related agencies.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No support for access or environment through allocation of the burden of proof	
	Almost no support for access or environment through allocation of the burden of proof	
	Limited support for access or environment through allocation of the burden of proof	
	Adequate support for access or environment through allocation of the burden of proof	
	Extensive support for access or environment through allocation of the burden of proof	
	Not applicable (N/A)	

**Source(s) Consulted:**

<p><b>Legal Research:</b>                  Document Title(s):</p> <p>Issuing Authority(ies):</p> <p>Chapter/Article/Paragraph:</p> <p>Document Found at:</p> <p><b>Document Review:</b>                  Document Title(s):</p> <p>Issuing Authority(ies):</p> <p>Page Number(s)</p> <p>Document Found at:</p> <p><b>Interview:</b>                  Person(s) Interviewed and Title:</p> <p>Agency/company Affiliation:</p> <p>Location of interview(s):</p> <p>Date interview(s) took place:</p>
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<http://research.accessinitiative.org/>

**Document Request:**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 117 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 117:** How broadly was legal standing interpreted by the forum in the selected case?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Fairness and Equitability

**Researcher:**

**Research Guidelines:**

This indicator assesses who had the legal right (called “standing” by lawyers in many countries) to pursue a claim in the case. It also asks about the basis on which a forum grants standing: for example, does one have to prove economic harm or another type of loss in order to seek justice, or is it sufficient to be interested in the outcome of a case?

Generally speaking, broader interpretations of standing enable greater access to the forum for interested or affected parties. However, there are reasons consistent with the access to justice principle that a forum might want to limit standing. If researchers believe that standing has been constrained in the case, but that the constraint is consistent with the interests of justice, then a higher value may be given.

Water: To give a high value for this indicator in transboundary cases, standing must not be limited on account of a citizen or group’s location with regard to the boundary.

**Definitions:** “Standing” is the legal right to pursue a claim before the forum.

**Recommended Research Methods and Sources:**

1. **Document Review:** Records of court proceedings to determine the extent of standing acknowledged by the forum, requirements for proof of interest/harm/loss, and whether different standards were applied to individuals, CSOs, corporations, or others in this case.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Standing was denied to all parties (so the claim could not proceed)	
	Standing was extensively constrained	
	Standing was moderately constrained	
	Standing had only a few limitations	

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<http://research.accessinitiative.org/>

Standing granted to all interested or potentially interested parties
Not applicable (N/A)

**Source(s) Consulted:**

<p><b>Document Review:</b> Document Title(s):  Responsible Authority(ies):  Page Number(s):  Document Found at:</p>
---

**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
---

## Indicator Research Worksheet—Indicator 118

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 118:** To what extent were the forum’s restraining rules or limits supportive of environmental and “access” interests in the selected case?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Fairness and equitability

**Researcher:**

**Research Guidelines:**

A forum dealing with a claim will usually have rules about how material (evidence) should be submitted, whether the source of that evidence should be disclosed, and when and how parties to the claim can participate in the various stages of the proceedings. For example a forum might require that the source of the evidence be disclosed. In a case involving industrial pollution, the information might have come to the claimant from an employee of the industry. Disclosing the source may result in the employee losing his/her job. In the long term, such a rule will prevent frank disclosure of wrongdoing and erode support for access and the environment. Other rules might prevent a party from participating in all stages of the proceedings or might limit a party to making written statements as opposed to oral presentations.

Research for this indicator will therefore focus the laws, regulations, rules, decisions and practices of the forum where the selected claim was brought. Where the rules place restrictions or limits, the research must examine how these affected environmental and access interests in the selected claim. Decisions of the forum in the selected claim as well as in similar cases decided previously might throw light on the forums practices. Interviewing forum members or staff and parties to the claim as well as their legal advisors might also help clarify how the forum approaches these issues.

**Definitions:** “**Restraining rules or limits**” should focus on the content of the rules and include the use of evidence without disclosing source and the participation of the party claiming access/environmental rights to participate in all stages of the case.

**Recommended Research Methods and Sources:**

1. Legal Research: Consult laws, regulations and rules governing the forum and the processing of the selected claim.
2. Document Review: Examine the claim record as well as decisions and records of similar cases decided previously by the forum.
3. Interviews: Interview a forum member or staff member of the forum. Also interview at least one party to the claim and a legal advisor who was involved in the claim.
4. Document Requests: Document requests may be needed to obtain information from the forum.

**Indicator Score and Explanation:**

	Values	Explanation
Strong ↑ Weak ↓	No support of access or environmental interests through forum rules	

Almost no support of access or environmental interests through forum rules	
Limited support of access or environmental interests through forum rules	
Adequate support of access or environmental interests through forum rules	
Extensive support of access or environmental interests through forum rules	
Not applicable (N/A)	

**Source(s) Consulted:**

<p><b>Legal Research:</b>  Document Title(s):</p> <p>Issuing Authority(ies):</p> <p>Chapter/Article/Paragraph:</p> <p>Document Found at:</p> <p><b>Document Review:</b>  Document Title(s):</p> <p>Issuing Authority(ies):</p> <p>Page Number(s)</p> <p>Document Found at:</p> <p><b>Interview:</b>  Person(s) Interviewed and Title:</p> <p>Agency/company Affiliation:</p> <p>Location of interview(s):</p> <p>Date interview(s) took place:</p> <p><b>Document Request</b>  Request Made To:</p> <p>Agency where Above Person Works:</p> <p>Request Made by:</p> <p>Law Mandating Response:</p> <p>Date Sent:</p> <p>Date of Response if Received:</p>
---

**Additional Information:**

Record any additional information relevant to this indicator here.

**Indicator Research Worksheet—Indicator 119**

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 119:** To what extent did the proceedings have a clear schedule and provide both parties with adequate notice and a reasonable amount of time to act?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

**Research Guidelines:**

This indicator focuses on the timeliness of the process itself (as opposed to the outcome or resolution – see indicator 120). In essence, the indicator asks whether interested parties can bring a concern before a forum and pursue it in a timely manner.

Timeliness is important because, as time passes, documents are lost or destroyed and memories fade, thus making meaningful processes more difficult. In some cases, circumstances may change if the process is delayed, thus rendering the process useless, especially in cases where the goal of public participation is to prevent actions or events that are environmentally harmful or dangerous.

The value assigned will be driven by a range of factors that influence the timing of a case – both the time necessary to bring a claim and the time necessary to complete the process and obtain a resolution.

Researchers should take into consideration issues such as:

- The subject matter of the case;
- Whether an injunction was awarded to maintain the status quo pending outcome;
- Whether delays were reasonable under the circumstances;
- Relative delays or relatively advanced speed of process compared to other similar cases at similar authorities/courts/bodies.

**Definitions:** “**Proceedings**” include the process facilitated by the court, forum, panel, office or ombudsman of filing a claim, responding to requests for additional information and providing the claimant updates as the process progresses. “**Clear schedule**” includes a schedule which is made available at least two weeks in advance to parties involved and which is sufficiently detailed to inform parties of when information, appearances and actions will be required of them. “**Adequate notice**” means at least 2 weeks. If notice of more or less than 2 weeks is considered adequate by the researchers, please justify this in the “explanations” section; adequate notice should also taken into account the channel of communication – if notice was given in an ineffective medium (i.e. in a language not spoken or read by the receiving party or via a channel not accessed by the receiving party) then notice should be considered inadequate and not timely.

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<http://research.accessinitiative.org/>

**Recommended Research Methods and Sources:**

- 1. Interviews:** Interview an individual or NGO engaged as one of the parties in the claim / complaint; inquire regarding the clarity and advance notice of the schedule, focusing on the ability of the party to respond based on the notice given.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No schedule available and reasonable notice not given	
	Schedule and notice not reasonably timely	
	Some delay in schedule and notice	
	Minimal delay in schedule and notice	
	Reasonable schedule and adequate notice given based on guidance (on schedule and notice) from public	
	Not applicable (N/A)	

**Source(s) Consulted:**

<p><b>Interview:</b>                  Person(s) Interviewed and Title:                   Agency/company Affiliation:                   Location of interview(s):                   Date interview(s) took place:</p>
--

**Additional Information:**

<p>Record any additional information relevant to this indicator here.</p>
---

## Indicator Research Worksheet—Indicator 120 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 120:** To what extent did the forum minimize delays in processing and reviewing the claim and in issuing a decision?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Timeliness

**Researcher:**

**Research Guidelines:**

This indicator focuses on the timeliness with which the review and ultimate decision of the claim were made, rather than the process itself (which is covered by Indicator 119).

The value for the indicator will be driven by whether the final outcome was obtained in time to resolve the principal concern of the parties bringing the claim. In assigning the value, consider whether:

- The status quo changed adversely pending the outcome.
- Whether the special needs and circumstances of the claim required a more timely decision.
- Reaching a decision in the claim took longer than in similar claims.

**Definitions:** “Minimize delays” means that the forum took actions to avoid delays, such as returning intermediate decisions or distributing documents in a timely manner. “Processing and reviewing” includes the steps taken by the forum towards issuing a final decision. These steps will vary among forums.

**Recommended Research Methods and Sources:**

1. **Interview:** At least 2 individuals involved in the claim to determine:
  - a. Any steps taken by the forum to minimize delays.
  - b. Any special needs and circumstances of the claim that may have required a more timely decision.
2. **Document review:** Review reports of the proceedings to ascertain the duration of the claim.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Forum took no action to minimize delays	
	Processing & reviewing of claims not timely	
	Some delay in processing & reviewing of claims	
	Minimal delay in processing & reviewing of claims	

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Processing & reviewing of claims without any delay
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 121 **\*\*CORE\*\***

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 121:** To what extent was there a choice of forums which could consider the selected claim?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Channels of Access

**Researcher:**

### Research Guidelines:

The availability of a choice of forums enhances access to justice, since different forums will have different levels of expertise, convenience, etc. with regard to a particular claim. This indicator assesses the number of forums in which the selected claim could have been filed.

**Water:** Consider the full range of possibly relevant forums, including new watershed governance bodies, courts, and administrative mechanisms that may be specific to your country’s processes for oversight of water and sanitation services provision, dams, water allocation. Trans-boundary institutions, international agencies, human rights commissions, or traditional community-level mechanisms may also be relevant to some cases.

**Definitions:** There are no definitions for this indicator.

### Recommended Research Methods and Sources:

1. **Interview:** At least 1 individual who was involved in the initial process of bringing the claim.
2. **Document Review:** Review forum documents that establish and describe the scope of work of different forums.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	No choice of forums available	
	Almost no choice of forum (due to lack of relevance, cost or convenience of alternative forum options)	
	Multiple forums but of limited relevance or only one forum but of high relevance.	
	Multiple forums some of which were of high relevance.	

Multiple forums all of high relevance.
Not applicable (N/A)

**Source(s) Consulted:**

<p><b>Interview:</b> Person(s) Interviewed and Title:  Agency/company Affiliation:  Location of interview(s):  Date interview(s) took place:</p> <p><b>Document Review:</b> Document Title(s):  Responsible Authority(ies):  Page Number(s):  Document Found at:</p>
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**Additional Information:**

Record any additional information relevant to this indicator here.
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## **Indicator Research Worksheet—Indicator 122**

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 122:** To what extent does the forum have staff explicitly responsible for responding to inquires from citizens wishing to bring claims and of providing relevant information to the public?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Efforts to build capacity of government agencies

**Researcher:**

### **Research Guidelines:**

This indicator is applied to each selected claim. If the public are to make optimum use of the forum where the selected claim is brought, they need to know which staff member in the forum is responsible for responding to inquires from citizens wishing to bring claims and of providing relevant information to the public . Without this basic information being freely and easily available to the public, much time, energy and effort could be wasted both by the public and the forum in attempts to locate the correct staff member.

Research for this indicator will therefore focus on whether the forum has designated an adequate number of staff members to be responsible for responding to inquires from citizens wishing to bring claims and of providing relevant information to the public. Such designations are usually found in forum websites, regulations, rules, guidelines, circulars and orders. Researches must also focus on whether the forum has adequately notified the public of the name, designation, contact details and role of such staff members. Notifications might have been by newspaper advertisements, posting on websites, notifications at forum offices and pamphlets etc.

**Definitions:** “staff explicitly responsible” means staff members who have been designated by the forum as being responsible for responding to inquires from citizens wishing to bring claims and of providing relevant information to the public. Additionally, the forum ought to have made the names, contact details and mandate of those staff members available to the public in an accessible form.

### **Recommended Research Methods and Sources:**

- 1. Document Review:** Consult forum websites, regulations, rules, guidelines, circulars and orders. Consult forum websites and published literature (brochures, etc). Look for email addresses, phone numbers, or other contact information that identifies staff or office responsible for responding to inquires from citizens wishing to bring claims and of providing relevant information to the public.
- 2. Media Review:** Check newspapers and official government journals (e.g. gazettes, registers etc)
- 3. Interviews:** Interview forum officers about who has been designated and how this has been notified to the public. Record whether information is received, what was received, how it was received, and how long it took to receive a response.
- 4. Document Requests:** Requests for designations and notifications may be required. If no information is available from websites or literature, call or write institution explaining that you are a citizen.
- 5. Site visits:** A visit to the forum office to view notifications might be required.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Agency has no staff explicitly responsible	
	Agency has almost no staff explicitly responsible	
	Agency has some staff explicitly responsible	
	Agency has adequate staff explicitly responsible	
	Agency has extensive staff explicitly responsible	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Document Found at:

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Document Request**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

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<http://research.accessinitiative.org/>

Date Sent:

Date of Response if Received:

**Site Visits**

Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 123 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 123(s):** To what extent were guidelines or training offered regularly over the last 3 years to forum members on access to information, participation?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Efforts to build the capacity of government agencies

**Researcher:**

**Research Guidelines:**

Access to justice requires that forum members be familiar with and understand laws, procedures or common practices relating to claims that they review. Training for forum members on access to information and participation can help build capacity for claims related to the access principles. Training must be fairly recent and involve all relevant staff to be effective.

**Water:** Training should address any basin-level processes for decision-making and information sharing. Forum members should be aware of citizens’ rights to participate and to obtain information. Special attention should also go to the rights of local communities, as they play especially important roles in many aspects of water management.

**Definitions:** “**Guidelines or training**” can include workshops, lectures, distribution of printed materials, etc. “**Regularly**” means that the guidelines or training are part of an on-going series or program; not a single, isolated instance.

**Recommended Research Methods and Sources:**

1. **Document review:** Consult guidelines and training manuals for the forum, if such exist.
2. **Interview:** At least 2 officials or members of the forum to determine whether any training on access to information or public participation has been given in the last three years. In the Explanation section, specify the type and content of training given.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No guidelines or training in the last three years	
	Almost no guidelines or training in the last three years	
	Limited and irregular guidelines or training in the last three years	
	Somewhat regular guidelines or training in the last three years	

Extensive and regular guidelines and training in the last three years
Not applicable (N/A)

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## **Indicator Research Worksheet—Indicator 124**

### **Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 124:** To what extent were guidelines or training on the environment offered regularly over the last 3 years to forum members?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Efforts to build capacity of government agencies

**Researcher:**

### **Research Guidelines:**

This indicator is applied to each selected forum granting relief or remedy that is being assessed. Forum members (such as judges or assessors) who don't appreciate the importance and impacts on the environment may not have the capacity to understand and appreciate impacts on the environment or to apply relevant information in a constructive and useful way to decisions relating to the environment. Forum members who are responsible for making decisions that relate to the environment need to have the right level of knowledge about that aspect of the environment to be able to make rational and informed decisions. Training for forum members can help prevent this problem. Training must be fairly recent to be effective and reach all forum members.

Research for this indicator will therefore focus on the training given to forum members and staff as well as on the guidelines issues to them. The indicator attempts to assess whether the law requires the forum to build the capacity of their members and staff on the environment. Researchers need to focus on the immediate past three years and ask if the trainings have been regular.

**Water:** Forum members' training should promote basin-level thinking, improve understanding of threats to water quality and availability, and raise awareness of and respect for the multiple ways in which water is important (human health, ecosystem function, cultural use, agriculture, etc.). It should also cover recent changes in water-related laws and regulations.

**Definitions:** "Offered regularly" refers to guidelines or training offered as part of an on-going series or program; not a single, isolated instance. "The environment" is used here to suggest general environmental awareness as well as, where relevant, in depth knowledge about disciplines that are required for a good understanding of ecological processes

### **Recommended Research Methods and Sources:**

- 1. Document review:** Consult the forum's guidelines and training manuals, if available. Also consult internal circulars and staff notices about the forum(s) training programs, their content, schedules, guidelines.
- 2. Interview:** Two members of the forum or public relations officers at the chosen forum. Inquire whether any training on environment has been given in the past 3 years (any workshops, lectures, distribution of printed materials on the environment). Assign value accordingly. Specify the type and content of training given
- 3. Document Requests:** Requests for training manuals, guidelines and training schedules may be required.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No guidelines or training in the last 3 years	
	Almost no guidelines or training in the last 3 years	
	Limited and irregular guidelines or training in the last 3 years	
	Somewhat irregular guidelines or training in the last 3 years	
	Extensive and regular guidelines or training in the last 3 years	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Request**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

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Date Sent:

Date of Response if Received:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 125 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 125:** How adequate is the government budget allocation to support the forum’s justice functions?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Efforts to build capacity of government agencies

**Researcher:**

**Research Guidelines:**

This indicator assesses whether the government as a whole recognizes the importance of public access to information and participation, and whether the forum dealing with the selected case has sufficient resources to perform its judicial functions. Are salaries for the responsible staff adequate and secure? Over the past three years, have budgets increased, decreased, or remained stable? How do they compare to the budgets of other forums?

**Water:** For transboundary cases there may be extra costs associated with translation or cross-border travel.

**Definitions:** “Government budget allocation” means all funding given by the government to support the work of the forum. “Adequate” refers to whether or not the budget is sufficient to fund all the forum’s functions.

**Recommended Research Methods and Sources:**

1. **Document Review:** Consult budget allocations to the selected forum.
2. **Interview:** At least 2 relevant staff at the forum. Ask about areas of their work where funds are sufficient and those where funds are lacking. What would additional funds enable them to do?

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No funds allocated	
	Budget inadequate	
	Budget about 50-75% of what is needed	
	Budget mostly adequate	
	Extensive budget allocated	

Not applicable (N/A)

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 126

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 126:** How regularly did relevant sub-national government officials relevant to the selected case receive guidelines or training on access to justice over the last 3 years?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Efforts to build capacity of sub-national governments

**Researcher:**

**Research Guidelines:**

Intro Here Uninformed sub-national government personnel, misunderstandings or active rejection of the value of access to justice can create obstacles to effective public access to remedy and redress. Training for staff can help prevent this problem. Training must be fairly recent to be effective and reach all staff.

**Definitions:** “**Guidelines or training**” include workshops, lectures, distribution of printed materials, etc. “**Regularly**” refers to training that is part of an on-going series or program; not a single, isolated instance.

**Recommended Research Methods and Sources:**

1. **Document Review:** Consult guidelines and training manuals for the responsible sub-national government, if applicable.
2. **Interview:** Two officials at the responsible sub-national government. Inquire whether any training on access to justice has been given in the last three years. Specify the type and content of training given.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No guidelines or training in the last 3 years	
	Almost no guidelines or training in the last 3 years	
	Limited and irregular guidelines or training in the last 3 years	
	Somewhat irregular guidelines or training in the last 3 years	
	Extensive and regular guidelines or training in the last 3 years	
	Not applicable (N/A)	

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**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 127 \*\*CORE\*\*

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 127:** How clear and easily accessible are the public guidelines on how to use the forum?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Effort to build the capacity of the public.

**Researcher:**

**Research Guidelines:**

Members of the public will have difficulty asserting their right to justice unless the government actively informs them how to use the available forums for redress and remedy. This indicator assesses whether there are guidelines or information that educate the public about available forums; procedures to submit a claim; rules regarding standing, representation, etc.; fees and other relevant expenses; and contact information about a staff member who can be reached for help.

**Water:** In many countries, new basin-level decision-making forums have recently been established, or are under development. In addition, processes for seeking redress and remedy related to water tariffs or privatization may have been recently established. Citizens’ unfamiliarity with these new mechanisms makes government efforts to publicize and clearly explain rules, procedures, timelines and contact points for bringing a claim all the more important. If the claim in your case study involves a new or alternative mechanism, take citizens’ unfamiliarity with it into account when evaluating the public guidelines on how to use the forum.

**Definitions:** “Clear” means in simple language easily understood by the average citizen. “Easily accessible” means available in more than one public format and source.

**Recommended Research Methods and Sources:**

1. **Document review:** Consult websites, pamphlets, and other materials published by or about the selected forum. Consult materials that give the public instructions or guidelines on how to use the forum.
2. **Interviews:** At least 2 parties to the case to determine whether information about how to access and use the forum was easily accessible and understandable to them.

**Note:** Formats that can be counted as efforts to disseminate guidelines on how to use the forum include websites, pamphlets available at government offices or libraries, leaflets, radio/TV spots, and other materials for broad dissemination.

**Indicator Score and Explanation:**

	Values	Explanation
St ro ng	No guidelines can be found	

Guidelines are present, but difficult to find and understand
Guidelines are either clear or easily accessible, but not both
Guidelines are clear and easily accessible
Exemplary provision of guidelines could serve as a model for other forums
Not applicable (N/A)

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

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## Indicator Research Worksheet—Indicator 128

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 128:** How regularly have activities to build the capacity of the public on how to use the forum been conducted over the last three years?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Efforts to build capacity of the public

**Researcher:**

**Research Guidelines:**

The public cannot gain access to and use the selected forum unless the government or the forum makes active efforts to tell it how to do so. Activities that can be counted as efforts to build public capacity on access to and use of the selected forum include making trainings, guidelines, handbooks, websites, pamphlets, leaflets, and other materials for broad dissemination available at government offices, libraries, and other public places and through the media.

This indicator is applied to each information type being assessed. Indicator 101 attempts to assess the extent to which the law requires government agencies to aid the public to gain access to and use the selected forum. This indicator attempts to assess the extent to which such a requirement is actually practiced.

**Definitions:** “Regularly” refers to capacity building activities offered as part of an on-going series or program; not a single, isolated instance

**Recommended Research Methods and Sources:**

5. **Interviews:** One official each from the responsible agency and forum. Inquire whether any capacity building activities on access to and use of the forum has been offered to the public in the last three years. Assign a value accordingly. Specify the type and content of the activities offered. Also interview 2-4 NGO representatives about capacity building activities offered by the responsible government agency or forum.
6. **Document review:** Consult guidelines, training manuals, handbooks, websites, pamphlets, leaflets, and other materials on access to and use of the selected forum made available for broad dissemination at government and forum offices, libraries, and other public places and through the media.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No activities conducted in the last 3 years	
	Almost no activities conducted in the last 3 years	
	Limited and irregular activities conducted in the last 3 years	
	Somewhat regular activities conducted in the last 3 years	
	Extensive and regular activities conducted in the last 3 years	

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	Not applicable (N/A)	
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**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Researcher:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 129 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

  
  

**Case Type:**

  
  

**Indicator 129:** To what extent was the forum decision implemented in the selected case?  
**Category:** Access to Justice  
**Topic:** Effectiveness  
**Subtopic:** Impacts of access

**Researcher:**

**Research Guidelines:**

This indicator assesses the extent to which the forum’s decision prompted change on the ground. In assigning a value, consider factors such as:

- Did the party of whom compliance was required provide sufficient information to establish compliance to either the forum or the complaining party on a timely basis?
- Did the party whose conduct was dealt with in the forum decision actually change behavior in a manner that was supportive of the environment or access to information or public participation?
- Did the complaining party, or a responsible official, have to bring compliance failures to the attention of the forum (or another responsible office) in an effort to enforce the forum decision?
- Was there beneficial change to the environment, community or public who were affected prior to the forum decision?
- Did the forum retain continuing jurisdiction/oversight over a case, or conduct periodic reviews of compliance?

**Definitions:** “Implemented” means enforced in this context.

**Recommended Research Methods and Sources:**

1. **Document review:**
  - a. Consult reports/records or other public information maintained by the forum about compliance by parties and the evolving state of the affected environmental resource.
  - b. Consult compliance reports by parties.
2. **Interviews:** Interview both parties to the case to determine effectiveness their efforts to ensure compliance.
3. **Site visits:** A visit to the facility, community or location affected by the decision may provide the best information about the impact of the decision.

**Indicator Score and Explanation:**

	Values	Explanation
St ro ng	No implementation of forum decision	

Minimal implementation of forum decision
Some implementation of forum decision
Adequate implementation of forum decision
Complete implementation of forum decision
Not applicable (N/A)

**Source(s) Consulted:**

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s):

Document Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Site Visits:**

Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

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**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 130

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 130:** To what extent did the forum decision lead to change in the behavior of any of the participants in the case?

**Category:** Access to Justice

**Topic:** Effort

**Subtopic:** Outcomes of access

**Researcher:**

**Research Guidelines:**

This indicator builds on indicator #129 (which measures implementation of the decision) to measure the actual change in behavior of the parties in response to the outcome of the selected case. For example, did the defendant change its public reporting policies after losing a case for a claim of a denial of a right to information? Or, in the case of an environmental harm claim, did the defendant cease to cause the environmental harm?

**Definitions:** “Change in behavior” includes changes in policies and practice on the part of either the claimant or the respondent (defendant).

**Recommended Research Methods and Sources:**

1. **Interviews:** conduct interviews with at least 2 individuals involved in the claim (ideally, at least one person from each side of the claim)
2. **Media review:** consult the internet and newspapers for reports on how parties to the claim responded to the final result and how, if at all, they may have changed their behavior in response.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No change in behavior	
	Almost no change in behavior	
	Limited change in behavior	
	Some change in behavior	
	Extensive change in behavior	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 131 \*\*CORE\*\*

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 131:** To what extent did the forum decision in this case lead to measures to avoid or reduce negative impacts on the environment or human health or improve access or participation?

**Category:** Access to Justice

**Topic:** Effectiveness

**Subtopic:** Outcomes of access

**Researcher:**

**Research Guidelines:**

This indicator assesses the change in behaviors, policies or activities that resulted from the forum decision.

**Water:** Consider some examples of measures that could be taken in response to forum decisions:

- An industrial facility develops a new production process that uses less water.
- A developer funds the construction of an artificial wetland to compensate for wetlands destroyed during construction of a housing project.
- A water basin committee changes its formula for calculating water allocations to farmers.
- A regulatory body institutes a water pricing policy that reduces the cost of water for poor residents.

**Definitions:** “Measures” may include specific actions, activities, or policies that respond to the final decision taken by the forum.

**Recommended Research Methods and Sources:**

1. **Interviews:** At least 2 individuals involved in the claim (ideally, at least one person from each side of the claim)
2. **Media review:** Consult the internet and newspapers for reports on how parties to the claim responded to the final result and how, if at all, they have taken measures to reduce negative impacts on the environment or human health or to improve access or participation.
4. **Document review:**
  - As applicable, review relevant statistical information (e.g. statistics on air pollution at relevant facilities, rates of activism on relevant issues, rates of information disclosure by relevant companies, etc.).
  - As applicable, review policies that may have changed in response to the case (e.g. corporate policies, laws, agency regulations, guidelines, best practice documents, etc.)

**Indicator Score and Explanation:**

	Values	Explanation
Strong ↑ Weak	No measures taken	
	Almost no measures taken	

Very limited measures taken
Some measures taken
Extensive measures taken
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.

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<http://research.accessinitiative.org/>

## **Indicator Research Worksheet—Indicator 132 \*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 132:** How well did forum members and staff execute their access to justice responsibilities in the selected case?

**Category:** Access to Justice

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for government agencies

**Researcher:**

**Research Guidelines:**

The purpose of capacity-building for government agencies is to provide staff and officials with the skills, tools, knowledge, attitudes, and resources needed to effectively facilitate access to justice in claims related to access or the environment. Stakeholder satisfaction with the officials’ performance provides a valuable indication of how well capacity-building activities have succeeded.

**Definitions:** There are no definitions for this indicator.

**Recommended Research Methods and Sources:**

1. **Interview:**

- a. At least 5 different individuals who were involved in the case or who have a stake in its outcome. Potentially relevant stakeholders include claimants, defendants, witnesses, legal or environmental professionals involved in the case, representatives of monitoring or enforcement agencies, and media representatives. Ask about stakeholders’ level of satisfaction with the performance of forum staff and officials. In the Explanation section, note particular areas of dissatisfaction or of especially good performance.
- b. At least 1 official at the forum responsible for the selected case. Inquire whether any training on Access Principles has been given in the past 2 years (e.g., workshops, lectures, distribution of printed materials on the principles of public information and participation). In the Explanation section, specify the type and content of training given.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	Staff/officials did not interact with stakeholders at all	
	Stakeholders were consistently dissatisfied with the performance of staff/officials	
	Stakeholder impression of staff/officials’ performance was mixed	

Most stakeholders were satisfied with staff/officials' performance most of the time
Stakeholders unanimously agreed that performance was good
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

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<http://research.accessinitiative.org/>

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 133

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 133:** In the selected case, to what extent did stakeholders have the skills and knowledge they needed to use the forum effectively?

**Category:** Access to Justice

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for the public

**Researcher:**

**Research Guidelines:**

The purpose of capacity-building for the public is to provide citizens with the skills and knowledge needed to effectively bring a claim within the selected forum. This indicator evaluates capacity-building activities by assessing the skills and knowledge developed by stakeholders through those activities.

**Definitions:** N/A

**Recommended Research Methods and Sources:**

4. **Interview:** At least 5 different stakeholders who used forum guidelines or participated in training related to use of the selected forum. Potentially relevant stakeholders include individual citizens and members/staff of CSOs or corporations. Consider interviewing stakeholders who elected not to bring a claim, or whose claim was denied a hearing, in addition to those who brought one successfully. Ask about:
  - The content and format of the capacity-building activities.
  - Stakeholders’ knowledge of how to bring a claim.
  - Stakeholders’ experience attempting to access bring a claim, including any barriers encountered.
  - Stakeholders’ satisfaction with the capacity-building activities.
  - Stakeholders’ background understanding of environmental issues related to the selected claim.
  - Stakeholders’ need for and ability to obtain expert advice related to the selected claim.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong → Weak Performance</b>	No stakeholder skills or knowledge developed	
	Almost no stakeholder skills or knowledge developed	
	Limited stakeholder skills or knowledge developed	
	Adequate stakeholder skills or knowledge developed	
	Extensive stakeholder skills or knowledge developed	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

*Not for citation without permission of the author. For citation purposes, please refer to the TAI 2.0 Toolkit.*  
<http://research.accessinitiative.org/>

Location of interview(s):

Date interview(s) took place:

## Indicator Research Worksheet—Indicator 134

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 134:** To what extent did sub-national government agencies facilitate access to justice in the selected case?

**Category:** Access to Justice

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for sub-national government

**Researcher:**

**Research Guidelines:**

Sub-national government officials can play a central role in fostering access to justice in decisions that affect the environment. However, when sub-national officials are unfamiliar with or do not value the justice system and citizens’ rights within it, they may create barriers to citizens seeking redress and remedy. Training for sub-national government officials on citizens’ rights and on how claims are pursued in relevant forums can help alleviate such problems.

This indicator assesses the effectiveness of national programs to build sub-national government capacity by evaluating the role played by sub-national governments in the selected TAI case. Stakeholder satisfaction with officials’ performance provides a valuable indication of how well capacity-building activities have succeeded. In cases where sub-national government officials have not received capacity-building on access to justice, choose “not applicable” as the indicator value.

**Definitions:** There are no definitions for this indicator.

**Recommended Research Methods and Sources:**

3. **Interviews:**

- At least 5 different stakeholders who were involved in the selected claim or who have an interest in its outcome. Potentially relevant stakeholders include citizens, CSOs, media representatives, academics, corporations, and government officials. Ask about stakeholders’ level of satisfaction with the performance of sub-national government staff. In the Explanation section, note particular areas of dissatisfaction or of especially good performance.
- At least 1 official at a sub-national government agency (agencies) involved in the case. Inquire whether any training on access to justice has been given in the past 2 years (e.g., workshops, lectures, distribution of printed materials on the principles of public information and participation). In the Explanation section, specify the type and content of training given.

**Indicator Score and Explanation:**

	Values	Explanation
Stro ng ↑ Weak	Sub-national government officials played a negative role with regard to access to justice	

Sub-national government officials played a neutral role
Sub-national government officials had limited effectiveness in enhancing access to justice
Sub-national government officials had moderate effectiveness in enhancing access to justice
Sub-national government officials played a strong role in enhancing access to justice
Not applicable (N/A)

**Source(s) Consulted:**

**Legal Research:**

Document Title(s):

Issuing Authority(ies):

Chapter/Article/Paragraph:

Document Found at:

**Document Review:**

Document Title(s):

Issuing Authority(ies):

Page Number(s)

Document Found at:

**Media Review:**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Source Name if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

Media Piece Found at:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

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<http://research.accessinitiative.org/>

**Document Request:**

Request Made To:

Agency where Above Person Works:

Request Made by:

Law Mandating Response:

Date Sent:

Date of Response if Received:

**Site Visits:**

Name of Site Visited:

Site Location:

Date Visited:

Non-TAI People Present During Visit:

Reason Site Chosen:

**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 135

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 135:** To what extent did media involvement facilitate access to justice in the selected case?

**Category:** Access to Justice

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for the media

**Researcher:**

**Research Guidelines:**

The media can play a crucial role in access to justice, since it provides the public with both information about the progression and outcome of many claims, as well as background information that is valuable for citizens use in bringing a claim. Laws and government efforts that enhance the capacity and independence of media organizations can strengthen the media’s ability to support the public’s access to justice. This indicator assesses the effectiveness of laws and efforts to promote the independence of the media by evaluating how well the media supported access to justice in the selected case.

**Definitions:** There are no definitions for this indicator

**Recommended Research Methods and Sources:**

8. **Interviews:** At least 5 different stakeholders interested in the selected claim. Potentially relevant stakeholders include individual citizens, media representatives, members or staff of CSOs, corporations and government officials. Ask for their perspectives on the role played by the media in covering or supporting the claim.
9. **Media Review:** Review relevant news reports and information available on the Internet to obtain information about the role of the media in the claim.
10. **Document Review:** Review statistical information about access of the population to different types of media (newspapers, TV, radio, internet) to determine whether and which of them reach the population relevant to the selected case. Use this data in selecting a value, and include it in your assessment report and/or Explanation for this indicator.

**Indicator Score and Explanation**

	Values	Explanation
<b>Strong → Weak Performance</b>	The media played a negative role with regard to the claim	
	The role of the media was neutral	
	The media had limited effectiveness in enhancing access to justice	
	The media had moderate effectiveness in enhancing access to justice	

The media played a strong role in enhancing access to justice
Not applicable (N/A)

**Source(s) Consulted:**

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Name of medium, if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Additional Information:**

Record any additional information relevant to this indicator here.

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## Indicator Research Worksheet—Indicator 136

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 136:** To what extent did civil society organization involvement facilitate access to justice in the selected case?

**Category:** Access to Justice

**Topic:** Effectiveness

**Subtopic:** Effectiveness of capacity building for civil society organizations

**Research Guidelines:**

Civil society organizations (CSOs) play a crucial role in promoting access to justice. They frequently serve as an important vehicle through which citizens pursue claims related to environmental harms or decisions that affect the environment. Laws and government efforts that enhance the capacity of CSOs may improve CSOs’ ability to play such a role. This indicator assesses the effectiveness of laws and efforts that build CSO capacity by evaluating how well CSOs helped to promote access to justice in the selected TAI case.

**Water:** Interview stakeholders who represent the full range of water use categories (e.g. farmers, residential users, industrial users, recreational users, etc.) relevant to the case study. For transboundary cases, be sure to include interviewees from both sides of the border. If the claim could affect a whole water basin, be sure to include interviewees from throughout the basin.

**Definitions:** no definitions for this indicator

**Recommended Research Methods and Sources:**

**11. Interviews:** At least 5 different stakeholders interested in the selected judicial claim. Potentially relevant stakeholders include individual citizens, media representatives, members or staff of CSOs, corporate representatives and government officials. Ask for their perspectives on the role played by CSOs in the selected claim.

**12. Media Review:** Review relevant news reports and information available on the Internet to obtain information about the role of CSOs in the claim.

**Indicator Score and Explanation**

	Values	Explanation
<b>Strong → Weak Performance</b>	CSOs played a negative role with regard to access to justice	
	CSOs played a neutral role	
	CSOs had limited effectiveness in enhancing access to justice	
	CSOs had moderate effectiveness in enhancing access to justice	
	CSOs played a strong role in enhancing access to justice	

Not applicable
----------------

**Source(s) Consulted:**

**Media Review**

Type(s) of Media reviewed (Newspaper, radio, television, etc.):

Name of medium, if relevant (e.g. Daily Nation):

Date Media Piece Issued:

Date Media Piece Reviewed:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Person conducting Interview(s):

Location of interview(s):

Date interview(s) took place

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<http://research.accessinitiative.org/>

**Additional Information:**

Record any additional information relevant to this indicator here.

## **General Capacity Building Indicators**

INDICATORS 144 - 148

**(Case-specific CB indicators located in the A2I, PP and A2J case-based indicators documents. CB General Law indicators are located in the General Law Indicators document.)**

# **Final Draft 5 August 2007**

This document incorporates water-specific guidance into the TAI indicator worksheets. Please note the following:

- Water-specific guidance has been developed for core indicators only.
- Not all core indicators have been given water-specific guidance; those without it were deemed not to need it.
- Water-specific guidance is indicated on the worksheets in track changes with red and blue coloring.
- This document should NOT be read alone. It assumes basic knowledge of the TAI Assessment Toolkit (<http://research.accessinitiative.org/>) and references the following additional TAI-Water guidance documents:
  - Water Case Description
  - Water Overview Survey
  - A2J Case Indicators Water Guidance
  - A2I Water Guidance
  - General Law - Con\_A2I\_PP\_A2J\_CB Water Guidance
  - PP Case Indicators Water Guidance

## Indicator Research Worksheet—Indicator 144 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 144:** How well does the government provide training or curriculum resources on access rights to public school teachers?

**Category:** Capacity Building

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

**Research Guidelines:**

In order to exercise their access rights, the public needs, as a foundation, awareness and understanding of those rights. Civics education that covers access rights plays an important role in providing this foundation.

This indicator assesses the degree to which the government builds the capacity of teachers to educate the public about their access rights.

**Water:** If access to water is protected as a right under your constitution, check to see whether this is covered in civics teacher training or curriculum resources.

**Definitions:** “Training or curriculum resources” may include teacher workshops, textbooks, pamphlets, websites or other materials designed to help teachers teach about access rights.

**Recommended Research Methods and Sources:**

**3. Interviews:**

- a. At least 1 official from the education ministry (or equivalent).
- b. At least 2 educators from publicly funded schools.

**4. Document Review:**

- a. Consult materials published by the education ministry (or equivalent) regarding access rights.
- b. Consult the curriculum for one selected educational grade or level. In the Explanations section, note why you chose that grade or level.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong ↑</b> <b>Weak ↓</b> <b>Performance</b>	No government training/ curriculum resources cover access rights	
	Access rights poorly addressed AND training/curriculum resources scarce	

	Access rights poorly addressed OR training/curriculum resources scarce	
	Access rights adequately covered OR training/curriculum resources frequently available	
	Strong access training/curriculum resources regularly available to any teacher	
	Not applicable (N/A)	

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Document Review:**

Document Title(s):

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<http://research.accessinitiative.org/>

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Additional Information**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 145

### Indicator Research Context:

**Case Title:**

**Case Type:**

**Indicator 145:** How well does the government provide opportunities and incentives for public school teachers’ professional development in environmental education?

**Category:** Capacity-Building

**Topic:** Effort

**Subtopic:** Scope and quality of effort

**Researcher:**

### Research Guidelines:

Environmental education provides the public with background knowledge needed for effective participation in decisions that affect the environment. Public schools represent an important venue for such education, since they reach a broad spectrum of citizens. This indicator assesses the extent to which the government encourages environmental education through the training of teachers.

**Definitions:** “**Opportunities or incentives for public school teachers’ professional development**” may include curriculum in university education departments, continuing education programs for teachers, opportunities for collaboration between teachers and NGOs or government agencies, environmental awards programs for teachers or students, scholarships or other financial incentives, testing requirements, curricular structures that create time for environmental education, or others. Opportunities may differ between teachers who specialize in environmental education and those who involve environmental elements in a more general curriculum.

### Recommended Research Methods and Sources:

#### 1. Interviews:

- a. At least one official at the Education Ministry knowledgeable about environmental education programs
- b. At least one public school teacher engaged in environmental education
- c. It may also be appropriate to interview a professor at a university education department or an environmental studies department

2. **Document Review:** Examine materials advertising or describing government-supported teacher training courses or other professional development activities.

### Indicator Score and Explanation:

	Values	Explanation
<b>Strong → Weak Performance</b>	No effort to provide teachers with opportunities and incentives	
	Limited effort to provide teachers with opportunities and incentives	
	Moderate effort to provide teachers with opportunities and incentives	

	Adequate effort to provide teachers with opportunities and incentives	
	Extensive effort to provide teachers with opportunities and incentives	
	Not applicable (N/A)	

**Source(s) Consulted:**

<p><b>Interview:</b>                  Person(s) Interviewed and Title:                   Agency/company Affiliation:                   Location of interview(s):                   Date interview(s) took place:</p>
<p><b>Interview:</b>                  Person(s) Interviewed and Title:                   Agency/company Affiliation:                   Location of interview(s):                   Date interview(s) took place:</p>
<p><b>Interview:</b>                  Person(s) Interviewed and Title:                   Agency/company Affiliation:                   Location of interview(s):                   Date interview(s) took place:</p>
<p><b>Document Review:</b>                  Document Title(s):                   Responsible Authority(ies):                   Page Number(s):                   Document Found at:</p>

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**Additional Information:**

Record any additional information relevant to this indicator here.

## Indicator Research Worksheet—Indicator 146

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 146:** How equitably does the government implement rules and regulations for registration and operation of CSOs?

**Category:** Capacity-Building

**Topic:** Effort

**Subtopic:** Fairness and equitability

**Researcher:**

**Research Guidelines:**

CSOs often play a pivotal role in bringing attention to problems and holding government accountable. It is vital that government practice facilitate fair and effective registration of CSOs, as well as their unencumbered operation.

This indicator assesses whether government agencies implement rules for CSO registration and operation in a way that is equitable across different localities and different types of NGOs.

**Definitions:** There are no definitions for this indicator.

**Recommended Research Methods and Sources:**

1. **Interviews:** Interview at least 5 representatives of CSOs in different locations and types of organizations. Ask about their experience interacting with the government, as well as stories they have heard from colleagues at other organizations.
2. **Document Review:** Consult lists of organizations registered over the past five years. Obtain any information available about organizations that were not granted registration, or which encountered government censure after they became operative
3. **Media Review:** It may be useful to review any news stories regarding CSOs that were closed down by the government, or which had to fight legal battles to maintain their registration.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong</b> → <b>Weak Performance</b>	Government consistently presents barriers to the registration and operation of CSOs.	
	Government is inconsistent and unpredictable	
	Government is moderately equitable toward CSOs	
	Government is generally equitable but could still improve	
	Government creates a strong enabling environment for the full spectrum of CSOs	

	Not applicable (N/A)	
--	----------------------	--

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

*Not for citation without permission of the author. For citation purposes, please refer to the TAI 2.0 Toolkit.*  
<http://research.accessinitiative.org/>

Document Title(s):
Responsible Authority(ies):
Page Number(s):
Document Found at:
<b>Media Review:</b>
Type(s) of Media reviewed (Newspaper, radio, television, etc.):
Source Name if relevant (e.g. Daily Nation):
Date Media Piece Issued:
Date Media Piece Reviewed:
Media Piece Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.
--

## Indicator Research Worksheet—Indicator 147

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 147:** How equitably does the government implement rules and regulations for registration and operation of media organizations?

**Category:** Capacity-Building

**Topic:** Effort

**Subtopic:** Fairness and equitability.

**Researcher:**

**Research Guidelines:**

The media plays a pivotal role in bringing attention to problems and holding government accountable. It is vital that government practice facilitate fair and effective registration of media organizations, as well as their unencumbered operation.

This indicator assesses whether government agencies implement rules for the registration and operation of media organizations in a way that is equitable across different localities and different types of media.

**Definitions:** There are no definitions for this indicator.

**Recommended Research Methods and Sources:**

1. **Interviews:** Interview at least 5 representatives of different media organizations in different locations. Ask about their experience interacting with the government, as well as stories they have heard from colleagues at other media organizations.
2. **Document Review:** Consult lists of organizations registered operating in the country. Obtain any information available about organizations that were not granted registration in the last five years, or which encountered government censure after they became operative
3. **Media Review:** It may be useful to review any news stories regarding media organizations that were closed down by the government, or media representatives who have been arrested.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong</b> → <b>Weak Performance</b>	Government consistently presents barriers to the registration and operation of media organizations.	
	Government is inconsistent and unpredictable	
	Government is moderately equitable toward the media	
	Government is generally equitable but could still improve	
	Government creates a strong enabling environment for the full spectrum of media organizations	

	Not applicable (N/A)	
--	----------------------	--

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place:

**Document Review:**

Document Title(s):
Responsible Authority(ies):
Page Number(s):
Document Found at:
<b>Media Review:</b>
Type(s) of Media reviewed (Newspaper, radio, television, etc.):
Source Name if relevant (e.g. Daily Nation):
Date Media Piece Issued:
Date Media Piece Reviewed:
Media Piece Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.
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## Indicator Research Worksheet—Indicator 148 **\*\*CORE\*\***

**Indicator Research Context:**

**Case Title:**

**Case Type:**

**Indicator 148.** To what extent does the government provide free legal aid?

**Category:** Capacity Building

**Topic:** Effort

**Subtopic:** Fairness and Equitability

**Researcher:**

**Research Guidelines:**

Free legal aid is fundamental to ensuring equal protection to all citizens under the law. Without free legal aid the poor are at a significant disadvantage in fighting for their rights and can easily be outmaneuvered by corporations or individuals with financial resources. Research into this indicator will therefore focus on whether the government allows, supports and has created a network of free legal council.

This indicator looks at the practice and availability of free legal aid, as well as the scope and extent of free legal aid programs. Countries where programs have a broad scope (i.e. are applicable to a variety of forums and claim types, and available to a wide range of claimants) will score higher than those where eligibility for legal aid is more restrictive. Likewise, the indicator score should take into account the extent of legal aid programs in both financial terms and geographic distribution, as well as whether they are adequate to meet existing demand.

**Water:** If many water-related decisions in your country are decided by administrative mechanisms or alternative forums, such as basin councils, consider the extent to which free legal aid is available for claimants before these forums. Select a higher value if free legal aid is broadly in relevant forums.

**Definitions:** “Free legal aid” includes attorney services and legal advice provided by a government-funded agency or office available to the public at no cost.

**Recommended Research Methods and Sources:**

1. **Interviews:** At least 3 providers of free legal services. Ask about the number of clients served, the length of waiting lists, and the adequacy of government funding.
2. **Document Review:** Consult pamphlets, websites, newspapers, phonebooks, and other locations where free legal aid services might be advertised.

**Indicator Score and Explanation:**

	Values	Explanation
<b>Strong</b> ↑ <b>Weak</b> ↓ <i>Performance</i>	No free legal aid is provided	
	Scope and extent of free legal is very limited	
	Scope and extent of free legal aid is modest	

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<http://research.accessinitiative.org/>

Scope and extent of free legal aid is adequate
Scope and extent of free legal aid is very broad
Not applicable (N/A)

**Source(s) Consulted:**

**Interview:**

Person(s) Interviewed and Title:

Agency/company Affiliation:

Location of interview(s):

Date interview(s) took place

**Document Review:**

Document Title(s):

Responsible Authority(ies):

Page Number(s)

Document Found at:

**Additional Information:**

Record any additional information relevant to this indicator here.