

# The Access Initiative

## *THE CORE TEAM REPORT TO THE TAI NETWORK*

Paris, FRANCE 2014-2016



PRINCIPIO 10

#SOMOS PRINCIPIO10

Busca asegurar que toda persona tenga **acceso a la información**, **participe** en la toma de decisiones y **acceda a la justicia** en asuntos ambientales, con el fin de garantizar el derecho a un medio ambiente sano y sostenible de las generaciones presentes y futuras.



# Introduction

The Access Initiative is the largest civil society network in the world dedicated to ensuring that citizens have the right and ability to influence decisions about the natural resources that sustain their communities. Our mandate to achieve “A right to know, A space to participate and A demand for environmental justice” continues to grow more relevant in very troubling times. Use of natural resources and conflicts arising from their demand and use, is evident in an increasing number of countries around the world. Attacks on environmental defenders who stand up to those in power continue both in the forms of threats, harassment, closing down of institutions and intimidation but also murder. The cry for environmental justice around the world is increasing in vigor in relation to climate change, pollution and waste, mega infrastructure development and depletion of natural resources.

The network continues to operate at the international, regional and national level. TAI has sought to become a growing network in establishing rights to information, participation and justice through law and practice, launching the Environmental Democracy Index in 2015, one of our most ambitious projects to date, ranking and rating countries’ performance. In the Latin America and Caribbean region, partners are participating in perhaps their greatest ever advocacy campaign seeking the creation of a strong legally binding regional agreement on access to information, participation and justice (Principle 10) similar to the Aarhus Convention in the United Nations Economic Commission for Europe region. TAI work through the Strengthening the Right to Information Project works in Indonesia, Thailand, Tunisia and Morocco to demand rights to information in relation to air and water pollution for local citizens. However members indicate:

- A struggle to get buy in by governments to prioritize reforms on access rights in key large influential countries e.g. India, Colombia, Brazil, Indonesia ;
- A pervasive view that our messaging of “Principle 10 reform and environmental democracy “needs to be more creative to attract funders and champions to our work;
- A crowded space of open government reformers looking at a diverse set of issues some with distinct overlap to our work e.g. EITI reforms including environmental disclosure requirements
- A difficulty in the secretariat’s ability to raise centralized funds for network wide activities from bilateral funders or foundations as we fall between governance and environment silos
- A demand for TAI to enter into new spaces including to work on the Sustainable Development Goals and to respond to demand in new sectoral areas including climate and forest governance.

With these challenges, TAI is still a thought leader, seeding new ideas across the network and beyond

- The formation of the first Gender Working Group in the networks’ history, this year 2016 is something we are very proud of, and an important seed to be nurtured. The Gender Working Group is seeking to understand how access rights can support the empowerment of women in natural resource decision-making.
- The strength of the network in the Latin America and Caribbean Principle 10 regional agreement has been recognized by Governments and partners, including emerging work on protection of environmental defenders and strong communication campaigns including the Our Voice, Our Environment and #somosprincipio10 campaigns.
- New work on Open Government for Climate Action, the theme of the TAI Global Gathering celebrating the Paris Agreement, calling on the need to develop a movement that holds Governments to account for the promises they have made through open government reforms.

This report seeks to celebrate some of TAI's proudest achievements over the last two years while highlighting some of our future challenges. It provides a report of the Core team's activities over the last two years, including administrative, funding and strategic decision-making processes.

## Looking back at the Bogota, Colombia Global Gathering

The Fifth Global Gathering was held in 2014 in Bogota Colombia focused on using information data and technology to improve the way we manage our natural resources, protect forests and strengthen the rights of forest-dependent communities. It convened representatives from civil society, communities, and indigenous groups to share experiences, build expertise, and expand networks for more impactful use of digital tools to protect forests, strengthen land rights, and promote forest information transparency. In addition, it included hands-on training to strengthen participants' skills in geospatial analysis, protection of digital security of activists, crowd-sourcing, and the use of data and technology for environmental advocacy. A final report of the Gathering was published including some key findings:

- *Participatory Tool Development*

Constraints that affect people's ability to use digital tools can be individual (e.g., knowledge, literacy, technical skills, financing and time) and/or systemic (e.g., electricity and internet access). Involving communities and CSOs at the development stage can help ensure that these kinds of constraints are

- *Increasing Capacity*

Online mapping platforms are increasingly used for environmental protection. However, many Global Gathering participants reinforced the importance of working collaboratively with communities in documenting land and natural resources, both to strengthen the accuracy of mapping and to ensure that communities have ownership over the information.

- *Crossing the Digital Divide*

Internet access issues — including if and how communities can get online — hold huge implications for the uptake of digital tools. New initiatives may tailor their tools to work within a community's constraints, or they may strive to overcome constraints by supporting infrastructure development.

- *Integrating Governance*

The wealth of environmental and spatial information from digital tools is a starting point, but it is often not enough to create change. Tools that [diagnose governance strengths and weaknesses](#) can help identify legal reforms, monitor how policies are being implemented, or understand capacity needs for government institutions to address environmental problems.

- *Building Communities of Practice*

One of the most significant lessons to come out of the Global Gathering was the importance of building communities of practice. Bringing together diverse groups of advocates and researchers can help developers gain feedback on their work, reach a greater audience, and share insights into how technology can improve social and environmental outcomes.

## **Follow up from the 5th Global Gathering**

TAI partners committed to continue to invest in ensuring outcomes from the 5<sup>th</sup> Global Gathering based on the outcomes of the regional meetings and decisions made as priority from Bogota. These included

### **Africa: Augustine Njamnshi (BDCPC, Cameroon)**

The priorities for collaboration in Africa are primarily focused on joint fundraising and research. The regional priorities are:

- Rejuvenating the TAI Africa network with new funding and activities. This will begin with creating a concept note for joint fundraising.
- Gender and access rights
- Legal empowerment
- Capacity building around GIS and other mapping tools
- Using the Environmental Democracy Index results at the national level
- Foreign investment in oil/gas projects and their environmental impacts and the related issue of procedural and property rights protections

### **Europe: Andrew Jackson (An Taisce, Ireland)**

The regional priorities for collaboration within TAI Europe:

- Share experiences of making environmental regulation data publicly available in an integrated way (through EIA, PRTR, IPC etc.), with special emphasis on incorporating multiple layers of data (national, regional, local) as well as connections to broader open data and e governance portals
- Develop indicators for an Aarhus Convention Index (ACI); identify pilot countries for ACI; and identify researchers and reviewers for ACI. Investigate Aarhus accountability mechanisms as effective and viable arena for raising access rights challenges in specific countries.
- Share experiences of using access rights in different sectors (mining, forests, water etc.), including a discussion of both the experiences of NGOs as well as overall capacity building skills. This will also include an analysis of the broader connection to the regulation of international corporations.

### **Latin America and the Caribbean: Daniel Barragán (CEDA, Ecuador), Olimpia Castillo (Comunicación y Educación Ambiental, Mexico)**

The priorities for the LAC region center on several key areas:

- The LAC P10 process, specifically involving new countries in the process and strengthening the existing activities
- Fundraising, for country-specific and regional work.
- Thematic work, which covered a wide range of topics, from OGP and Development Alert to legal analysis and environmental conflicts.
- Capacity-building around access to information, environmental monitoring, data visualization, mapping and project planning.
- Strengthening TAI as a network and the collaboration between LAC members.
- GFW - learning to use it and improving the data on the platform.
- Expand research on the financing of large-scale infrastructure projects by financial institutions.

### **Southeast Asia Arvin Jo (Ateneo School of Government, Philippines)**

The four priorities for Southeast Asia are:

- Collaboration on forestry issues as they relate to access rights. Specifically, the regional members are looking for one inclusive project on access rights for forestry will unite the TAI members of SE Asia, helping to reactivate the network in the region.
- ASEAN convention on access rights
- Using the Environmental Democracy Index results to push for national reforms
- General knowledge-sharing

### **South Asia: Ritwick Dutta (LIFE, India)**

There are three main priorities for collaboration among the partners in South Asia:

- Transboundary water issues. Some work has already been done on this topic, but there is a need for further collaboration.
- Capacity-building around the use of EIAs for transboundary projects.
- Forest rights and protection. Partners identified GFW as a tool to strengthen potential collaboration in this area. The goal of these collaborations is to bring together existing TAI partners and new groups, especially in Bangladesh, Bhutan and Nepal.

Other key areas of priority across the network were

- A mechanism to support regional fundraising
- inactive TAI members, expanding network membership , A new policy to deal with “dead branches” in TAI that is NGOs that are not active
- Ensuring that EDI has impact once it is launched.
- Providing guidance as to what is a TAI activity ( Branding)
- A rigorous response system to defend partners who are involved in controversial work
- New mechanisms to energize the network

## **Partner Outcomes 2015-2016**

Since the Fifth Global Gathering in 2014 in Bogota, Colombia, the TAI Network has achieved significant outcomes in access law, institutional and practice reforms. TAI partners continue to have tremendous success. Below are highlights from some of our most outstanding outcomes provided by our partners that are

- Shaping the future of the Network,
- Providing lessons to partners on innovative new access work, and
- Addressing access rights in sectors.

### **Significant Progress made in the Negotiations of the LAC P10 Regional Agreement**

TAI partners in the LAC Region have participated actively in the negotiations of the P10 regional agreement in 2015-2016 attending negotiation meetings and leading the development of a negotiation and communications strategy. A strategy meeting to prepare for negotiations in the Dominican Republic was successfully held in Panama before the negotiations. During 2015-2016 a significant number of proposals from the public were accepted by the Governments during the negotiations meetings. A grant was raised from OSF foundation by Andrea



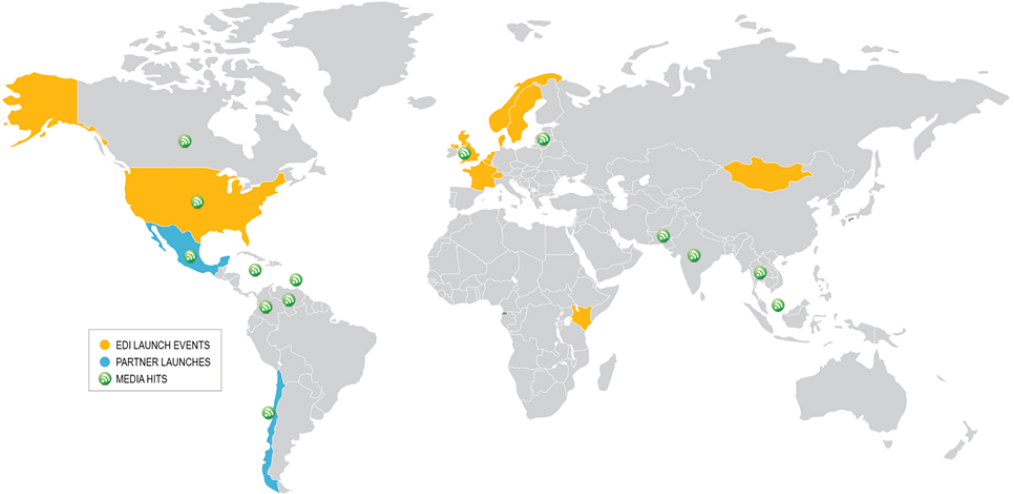
Sanhueza and Carole Excell to support the negotiation process. This included a small grants facility fund which was also successfully launched to support TAI partners in increasing awareness of the negotiations in the regional agreement. The number of persons registered in the regional mechanism has almost doubled since TAI activities began to promote this process.

### Environmental Democracy Index Launched

The Environmental Democracy index was successfully launched in Washington DC in 2015. During this period separate launches also took place in a number of other countries including Kenya, Chile, and Mexico. Significant press and social media occurred in the months following the launch. At least 20 governments responded to the outcome of the assessment and civil society have raised gaps in the legislation and practice based on the index. The index has been used by the TAI partners in LAC to advocate for stronger language in the LAC regional P10 Agreement.



EDI Launch Events and Media Coverage Around the World



### Pilots of Aarhus Convention Index

As part of a project led by An Taisce (Ireland), EMLA (Hungary) and the TAI Secretariat, TAI Europe developed legal and practice indicators to test countries' compliance with the Aarhus Convention, with funding from the government of the Netherlands. A workshop of invited experts was held in Dublin, Ireland, in summer 2015 to help shape the process, and the TAI team received detailed written input on the draft indicators from participants, including from the Aarhus Secretariat. As at December 2016 the draft indicators are being pilot tested in five countries





(Armenia, the Czech Republic, Serbia, the UK and Ukraine). A report will be produced in light of the pilot testing exercise, and TAI hopes to roll out the indicator testing to all 47 Aarhus Parties, subject to securing funding."

## **The Open Government partnership: Countries make Commitments on environmental democracy through the OGP**

Partners' OGP successes in obtaining commitments in 2015-16 built on similar earlier successes. E.g. Irish NGOs' success in securing environmental democracy commitments in [Ireland's first OGP action plan](#) in 2014. In addition as TAI's project Director chairs the Natural Resources and Openness Working Group this allowed increased access to influence National Action Plans. The OGP Natural Resource and Openness Working Group was able to assist in the making of commitments from a number of countries with the support of partners. Support was provided to Chile to make a starred commitment on the LAC P10 process by TAI Chile partners. Mexican Civil society supported commitments to support new environmental disclosures and climate commitments. Support was also given for commitments to be developed in Sri Lanka including key amendments to the public comment procedures for EIAs and IEEs. The effect of these legal reforms when presented to and approved by Parliament will be to expand access to information and participation to IEEs dealing with smaller more local projects and greater accountability for how public comments are dealt with. All of those reforms are directly based on findings in the EDI and will raise Sri Lanka's EDI scores when enacted. Commitments were also supported in Paraguay for development of a commitment based on little or no publication of information related with reports of environmental impact assessment, air quality, water resources, land use plans and related to the forest sector which hampers the possibilities of control and citizen participation. The new commitments seeks to contribute to the accountability, citizen participation and transparency through access to information related to the environment. Open data and public information available on environment and natural resources, such as assessments of environmental projects, reports on quality of air and water resources, as well as the national forest inventory.

## **National level Outcomes from Thailand, Argentina, Hungary, Ireland, Peru & Jamaica**

**Thailand:** King Prajadhipok's Institute were able to have included public participation in the public policy process in the Bill for the National Reform Steering Committee (NRSC). This bill has already passed the agreement of NRSC. They also worked on establishing a curriculum and training manual on public participation in community planning for local government including gender responsive participatory budgeting (GRP) in local government. Additional work was undertaken under an "Empowerment for People" project that aimed at disseminating knowledge about constitutional rights and accessibility for the public sector. KPI also facilitated the process for community to design their own local rules. They are publishing lessons learned in the Thai language from the project entitled "To the Right of Community and People on Voting and Participating in Natural Resource and Environment".

**Hungary:** Two separate litigation cases were taken to uphold citizens views on EIA and participation. Near the River Danube, the Swiss Company, HOLCIM wanted to build a new cement factory. NGOs and nearby villages opposed the idea, partly because of the need to cut a forest for the conveyor belt. EMLA represented a few of them, and while EMLA did not win the case, the process took so long that the permit expired and the Company. announced that it does not intend to build the facility any more. The second case was near Budapest, a former military air base served as a sport airfield. Investors wanted to upgrade it into a major airport. They did not complete an EIA and tried to omit that obligation by setting the length

of a runway to 799 meters (obligation starts at 800 meters). The Supreme Court applied EU law directly and ordered the investor to do a full scale EIA.

**Ireland:** Ireland: TAI partner An Taisce relied on access to justice rights pursuant to the Aarhus Convention (in particular protective costs rules) to successfully challenge the permission granted to a peat-fired power station in Edenderry, County Offaly, to continue operating beyond the end of 2015. The challenge was based on the fact that the EIA for the project did not consider the environmental effects of extracting peat to fuel the power station. Given that this power station co-fires peat and biomass (including palm oil husks imported from Asia) to generate electricity, the environmental footprint of this project extends well beyond Ireland.

**Argentina:** La comunidad de Chacras de la Merced ve sus derechos vulnerados por la deficiente operación de la planta municipal de Estación Depuradora de Aguas Residuales (EDAR) Bajo Grande, que es causante de contaminación, con sus respectivos impactos sanitarios y ambientales. El contexto de desigualdad agrava la situación y con el objetivo de empoderar a los y las habitantes del barrio en su derecho al acceso a la información y a la participación, trabajamos en talleres para crear capacidad dentro de la comunidad. El objetivo actual de la comunidad es contar con información oficial sobre el estado y funcionamiento de la planta de tratamiento de líquidos cloacales y la situación ambiental y sanitaria de la zona afectada por la contaminación. A partir de la capacidad creada en los talleres, se logró que las mujeres que lideran el grupo que reclama por sus derechos ambientales presenten pedidos de información pública a diferentes reparticiones de la Municipalidad de Córdoba (Secretaría de Salud, Subsecretaría de Ambiente, Subsecretaría de Transporte y a la Estación Depuradora de Líquidos Residuales) y de la Provincia de Córdoba (Ministerio de Inversión y Financiamiento y Secretaría de Ambiente). La herramienta de acceso a la información fue además utilizada por la comunidad para requerir información a la empresa de transporte Coniferal SACIF. Esto se realizó para obtener evidencia del relegamiento del barrio en la prestación del servicio de transporte público, que se enmarca en las desigualdades estructurales que afectan su población. De esta manera, se produjo la apropiación de la herramienta de acceso a la información por parte de las mujeres de Chacras de la Merced como un método para obtener información oficial y poder reclamar por sus derechos vulnerados.

En la ciudad de Córdoba se está planeando construir un emprendimiento inmobiliario de importante magnitud, en el predio Ex Batallón 141, que constituyen 22 hectáreas de espacio verde, anteriormente públicas, pero vendidas a Corporación América en 2007. El procedimiento exigía realizar una audiencia pública, que se realizó el 29 de abril de 2016 para cumplir con los requisitos formales, aunque su escasa concurrencia -por su mala organización y poca difusión- no permitió la participación de los sectores interesados. A partir de esto, solicitamos expresamente que se convoque a una nueva audiencia conforme lo prescripto por la Ley de Política Ambiental N° 10.208, para así deliberar como corresponde un emprendimiento que implicaría fuertes impacto al ambiente urbano de la ciudad de Córdoba. Esto se fundamentó en que la autoridad de aplicación debe garantizar la más amplia y plural participación de la ciudadanía en general, por lo que finalmente se convocó una nueva audiencia el 14 de junio del mismo año.



**Peru:** SPDA recibió Premio Nacional Ambiental por serie de publicaciones sobre derechos de acceso en materia ambiental El Ministerio del Ambiente del Perú calificó a la SPDA como ganadora del “Premio Nacional



Ambiental” en la categoría publicaciones por las “9 herramientas para ejercer los derechos de acceso en el Perú”, el cual será entregado este este jueves 15 de diciembre. Tras un trabajo constante, este reconocimiento ambiental a nivel nacional demuestra la importancia que viene tomando el tema de los derechos de acceso en materia ambiental en el Perú, motivándonos a seguir trabajando por implementación

del Principio 10 a nivel nacional e internacional.



**Jamaica:** TAI Jamaica coalition were able to save Goat Island by demanding transparency and participation in the decision-making process. The TAI coalition included Jamaica Environment Trust. (<http://www.jamentrust.org/>) Caribbean Coastal Area Management Foundation and Windsor Research Center (<http://wrc.cockpitcountry.com/>). They campaigned to oppose a Chinese harbor development using their TAI assessment as evidence of lack of transparency and also facilitated the launch of Development

Alert <http://www.developmentalert.org/jamaica/> that gives Jamaicans an opportunity to participate in infrastructure decision-making through civic tech.

## Key Network Activities

- **Membership**

During 2015 -2016 15 new members joined TAI, bringing the total network membership to 248. During this period the following members were added:

Country	Organization/Name
Republic of Congo	Institut Cerveau Vert 2063
Israel	Association of Environmental Justice in Israel
Colombia	GIZ
Jamaica	University of the West Indies
Brazil	Fundação Getúlio Vargas
Ecuador	Sofia Suarez
Colombia	Universidad del Rosario
Jamaica	Danielle Andrade
Malaysia	Universiti Tunku Abdul Rahman
Ecuador	Daniel Barragan
Italy	National University of Ireland (NUI), Galway
Panama	University of Melbourne
Thailand	Integritas
Georgia	Association Green Alternative
Lebanon	Lebanese Oil and Gas Initiative

- **CT Election Process**

Elections were held in February 2016 for two new positions on the core team. One from LAC with the resignation of Ecuadorian Group CEHDA and one from Anglophone Africa with the retirement from the position of ILEG. The Latin American Region strongly supported the Election of Ambiente Y Sociedad (Colombia) which began membership on the core team from May 2016. While the African Anglophone election was open twice there were no TAI partners that responded to the election. By round robin ZELA from Zimbabwe was co-opted on to the core team in accordance with the Core team rules. Shamiso Mitsio now sits as lead for Anglophone Africa.

- **Network activities**

Latin America and the Caribbean region was the only one to hold regional meetings to design an advocacy and strategy meeting for the Principle10 regional agreement. In addition TAI partners were able to both engage in international and regional events as well as work to advance Access rights through a number of means. This included through holding meetings at the UNEP African Environmental law seminar, ACI pilot Index development meeting, Eye on Earth events, OGP summit and regional events as well as working with a wide range of partners to complete a report for UNEP on the assessment of the status of laws that ban lead in paint.

- **OGP – Mexico Summit**

TAI partners were able to hold a panel at the Mexico OGP summit on the LAC P10 process. The summit included presentations on the importance of the regional process to advance OGP goals and also included the support of ECLAC's president. The regional process was also highlighted in high level panels through the event. A workshop on EDI was also held and a list of OGP countries and their ranking in EDI communicated to the OGP audience.

- **New Website**

TAI's new website was launched in June of 2016. So far the analytics indicate that there have been over 7739 sessions with 6313, users and 80 % new visitors, Major user's age between 25-34 with 54% Male and the main countries visiting the page are USA, India, Colombia, Ecuador, and France. Partners are encouraged to sign in to allow use of the website to post network important material and to use campaign pages.

## Finances

The tables below outline the fundraising for Secretariat activities and TAI related project activities from 2015-2016. Fundraising efforts represented a wide variety of projects and regions. Overall, the TAI Secretariat raised over \$1.2 million US for joint TAI projects around the world. Of this, over \$209,000 US was allocated to TAI partners for work on various projects. The TAI Secretariat also contributed around \$71,000 US of the \$104,644.5 budget for the 2015 Global Gathering in Paris.

<u>Network Funds Raised by the Secretariat for Network Activities 2015-2016</u>			
Project	Funder	Year granted	Amount (USD)
STRIPE III	OSF	2015	\$ 388,288.00
Lead in Paint Research	UNEP	2015	\$ 112,000.00
Lac P10	OSF	2016	\$ 160,100.00
TAI network activities	Bilateral funds (WRI)	2016	\$ 319,049.00
TAI network activities	Bilateral funds (WRI)	2015	\$ 300,000.00
		TOTAL	\$ 1,279,437.00
<u>Funds allocated to partners</u>			
Project/Partner	Year granted	Amount (USD)	
CEPF	2015	\$ 36,398.00	
STRIPE II	2015	\$ 28,035.37	
EDI	2015	\$ 42,900.00	
Lead in Paint	2015	\$ 28,150.00	
STRIPE III	2015-2016	\$ 77,271.29	
Aarhus Convention Index	2015-2016	\$ 74,550.81	
LacP10	2016	\$ 85,217.40	

		TOTAL	\$372,522.87
Funds for conferences, global learning, operations and publications			
<b>Project</b>	<b>Year granted</b>	<b>Amount (USD)</b>	
TAI Global Gathering	\$ 104,644.50	Note: WRI contributed 71,000; Open Government Partnership contributed 20,000; Transparency International contributes EU 10,000	

### Conclusion

TAI has many challenges ahead both in terms of ensuring strong leadership from all regions of the world, fundraising with partners to carry out regional and national level activities, and determining campaigns to pursue together across the network . Keeping partners together as a strong network requires long term commitment. Ensuring that the Secretariat of TAI is strong, requires dedicated and committed staff and organization. The Core team support over 2017 to work through how to accomplish some of these structural and framework needs of the network will be critical to TAI's continued growth and success.