



# **Process Rights Fundamental to Precautionary Government**

Lalanath de Silva  
Director, The Access Initiative  
& The Partnership for Principle 10  
World Resources Institute

# Background: Relevant International Commitments

## 1992

178 governments sign the **Rio Declaration**. **Principle 10** deals with basic environmental governance and **Principle 15** deals with precautionary action.

## 2002

**WSSD Plan of Implementation** calls on governments to implement Principle 10 and 15.

# The Tale of Two Principles

- Principle 15 of the Rio Declaration:  
In order to protect the environment, the **precautionary approach** shall be widely applied by States according to their capabilities.....
- Principle 10 of the Rio Declaration:  
Environmental issues are best handled with **participation of all** concerned citizens...Individuals shall have **access to information**...Effective **access to [justice]** shall be provided.

# The Two Principles in Practice...

- You could have a water quality assessment on the Baltimore water supply – but no one will know about it unless you have access.
- You can have an EIA on a Highway in Sri Lanka – but better alternatives may not be considered unless affected people have an influential voice and a seat at the table.
- You can have precautionary policies and laws – but they are ineffective without access to justice.

# Access is fundamental for precaution to work well...

- Principle 10 & 15 are inextricably linked.
- The process rights guaranteed in Principle 10 are basic for good environmental governance.
- This presentation focuses on Principle 10 and two projects to accelerate its implementation worldwide.



The  
**A**ccess  
Initiative

and

Partnership  
*for* Principle  
10

# The Access Initiative

A global civil society coalition promoting access to information, participation, and justice in national decision-making that affects the environment.

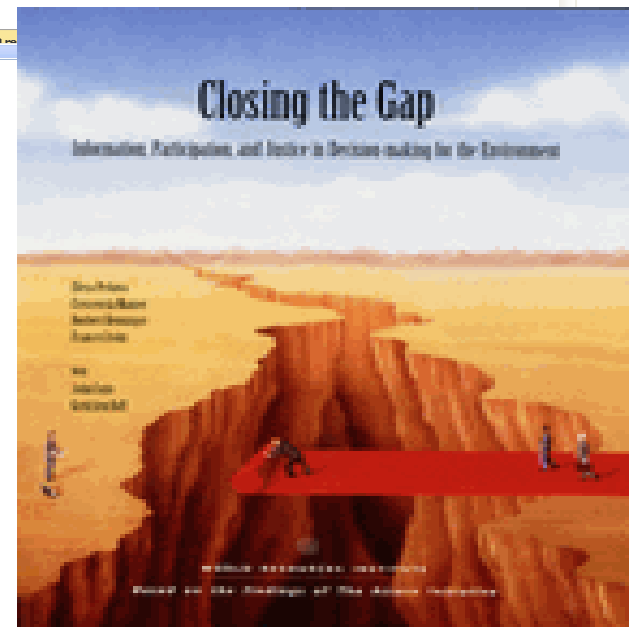
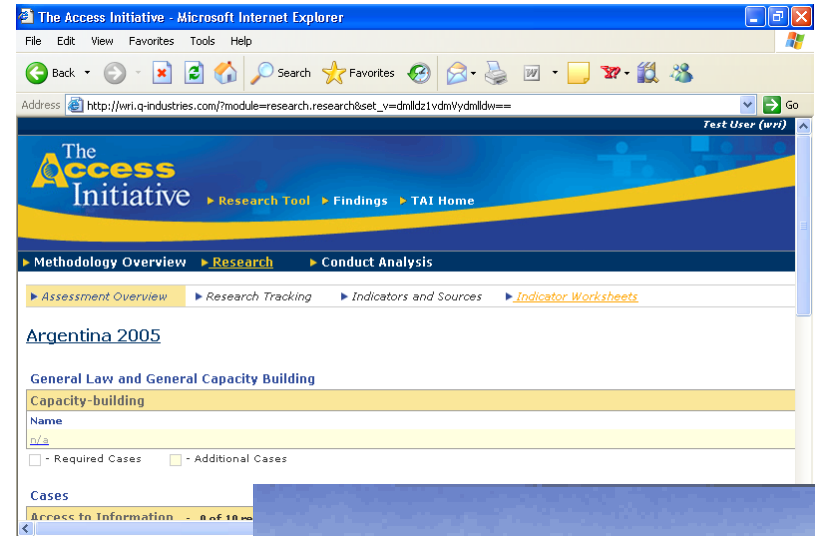
**6 organizations jointly lead The Access Initiative**



[www.accessinitiative.org](http://www.accessinitiative.org) and [www.iniciativadeacceso.org](http://www.iniciativadeacceso.org)

# The Access Initiative's strategy is to...

- Develop and continuously refine an **indicator-based tool** to assess government performance
- Support **civil society teams** in an increasing number of countries to conduct assessments
- Utilize the **results of assessments** to engage governments to act on assessment results





# What does TAI attempt to assess?

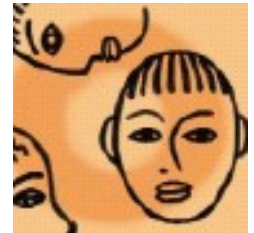
Both law and practice related to:

- Access to information
- Public participation
- Access to justice
- Capacity building



# With what results?

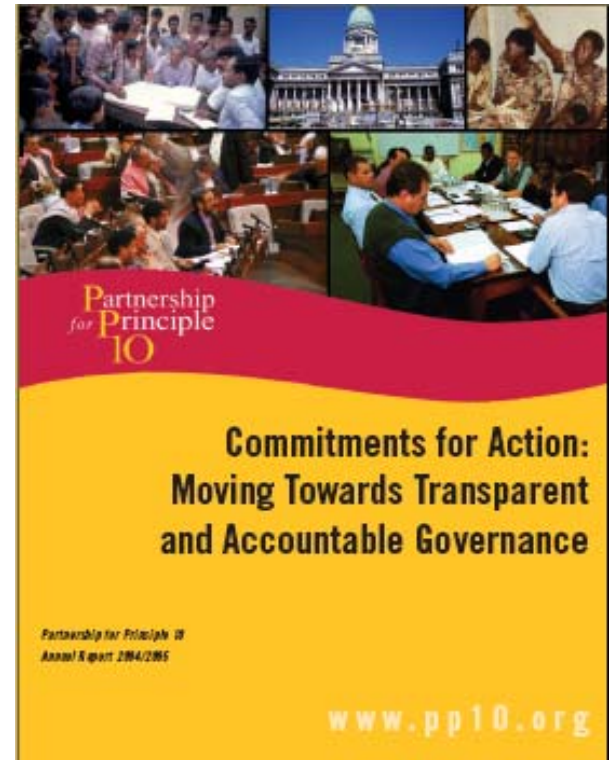
- Enhanced credibility for civil society critiques
- Platforms for constructive government-civil society dialogue and collaboration
- Explicit commitments from all participants to improve law, practice, and capacity



# Partnership for Principle 10

- Platform for Principle 10 activities worldwide
- PP10 Partners: governments, NGOs and international organizations committed to Principle 10
- More than 25 Partners and growing

[www.pp10.org](http://www.pp10.org)



# Partnership for Principle 10

## History of PP10

- Launched at WSSD, 2002
- First Meeting of Partners in Lisbon, 2003
- Second Meeting of Partners in Washington DC, 2004
- Third Meeting of Partners in London, 2005



## PP10 Strategy

- Develop strategies to implement Principle 10 at the national level
- Serve as a mechanism for monitoring and self-evaluation
- Exchange information, share best practice & produce collective outputs
- Mobilize financial resources for Principle 10 implementation

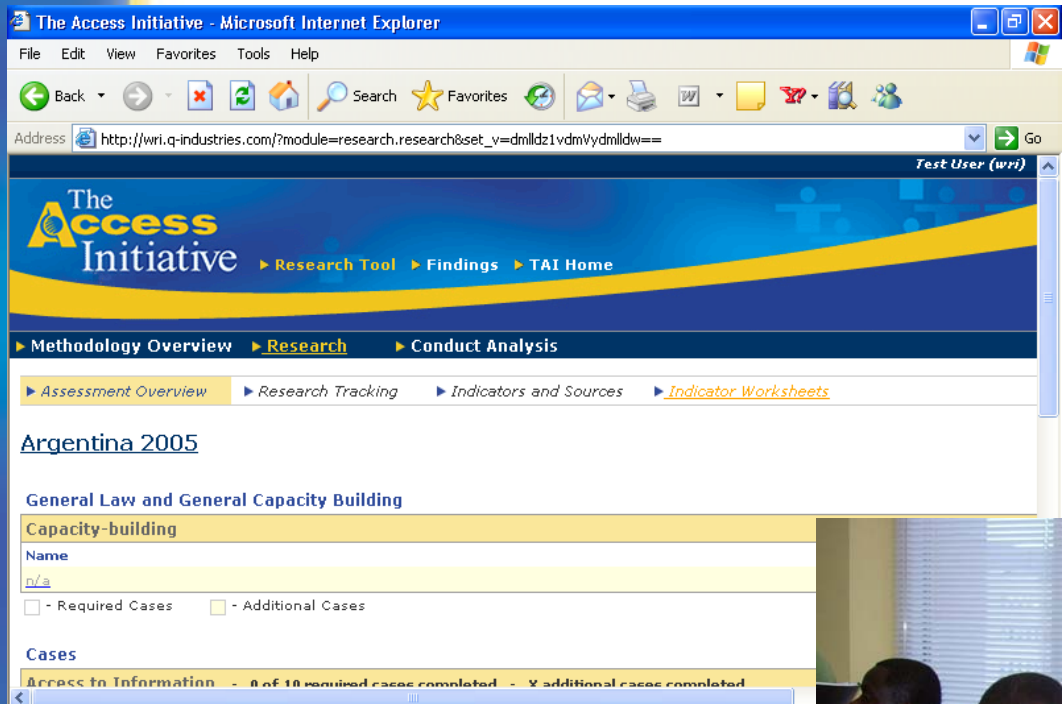


# Partnership for Principle 10



## PP10 Commitments

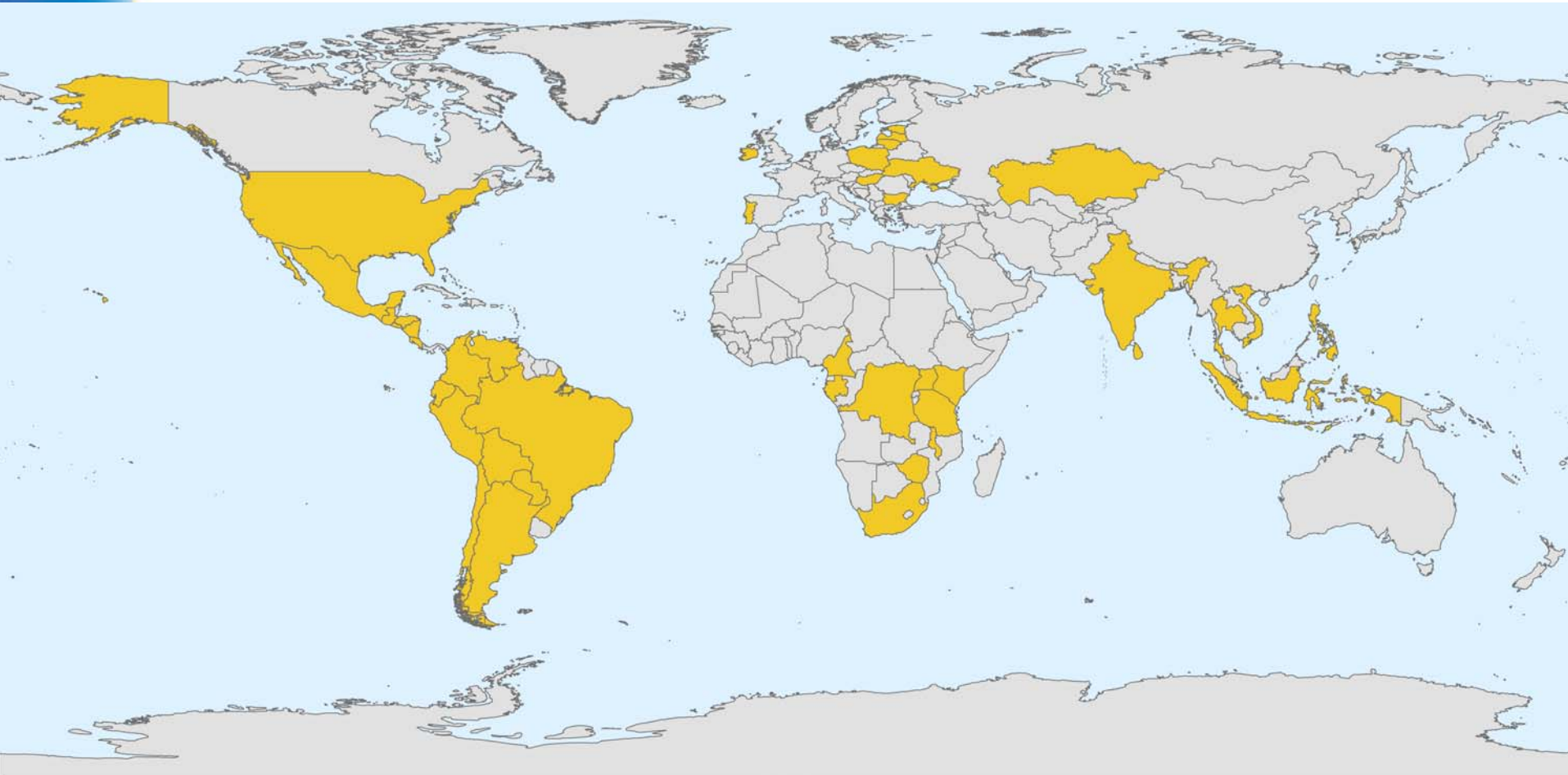
- **Shared Commitments**
- **Action-Oriented Specific Commitments**



# TAI Assessment Methodology and Training



# Global Growth of TAI Network





# Some recent TAI Outcomes

- Indonesia announces it will join PP10
- Uganda passes FOI Law
- TAI spawns village toolkits in Thailand
- Citizen guidebook increases FOI requests in Chile
- Thailand Government changes Seafood Bank rules because of TAI assessment
- UNDP adopts TAI method to assess governance in Indonesia

# TAI and PP10 in Mexico



**Iniciativa de Acceso  
México**



Comunicación y Educación



# TAI and PP10 in Mexico

## TAI assessments

- Pilot test national assessment in Mexico (2001)
- Second national assessment in Mexico (2004)
- State level assessments in Baja California, Chiapas and Jalisco (2004)
- Water case studies (2006)

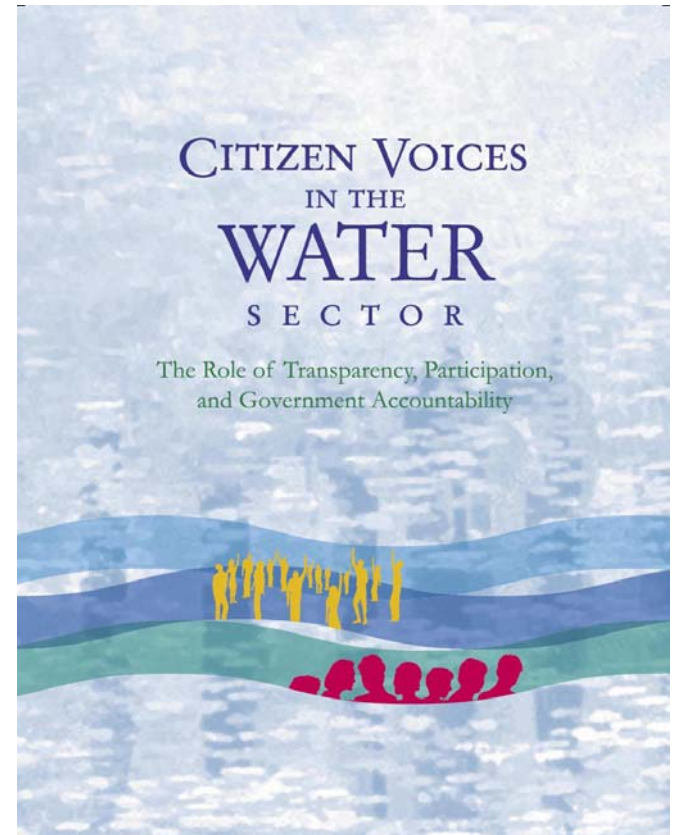
## Results of process

- Development of National Action Plan
- Collaboration between Government (SEMARNAT) and national coalition
- Engagement of other Latin American NGOs and governments
- Development of a regional advocacy strategy for PP10

# TAI and PP10 in Mexico

## Case Studies: Access in Water Sector

- Findings: Water is least open sector in environmental policy, limited meaningful participation.
- Results of case studies presented at 4th World Water Forum in March 2006.
- Building a Mexican network to promote a new culture of water to improve national policy.
- Published 2 citizen guides on access to information on water policy.



# TAI and PP10 in Uganda

*"Effective governance based on transparent decision-making and public access to government decisions is the foundation for fair, legitimate, sustainable economic and development choices."*

- Godber Tumushabe, ACODE



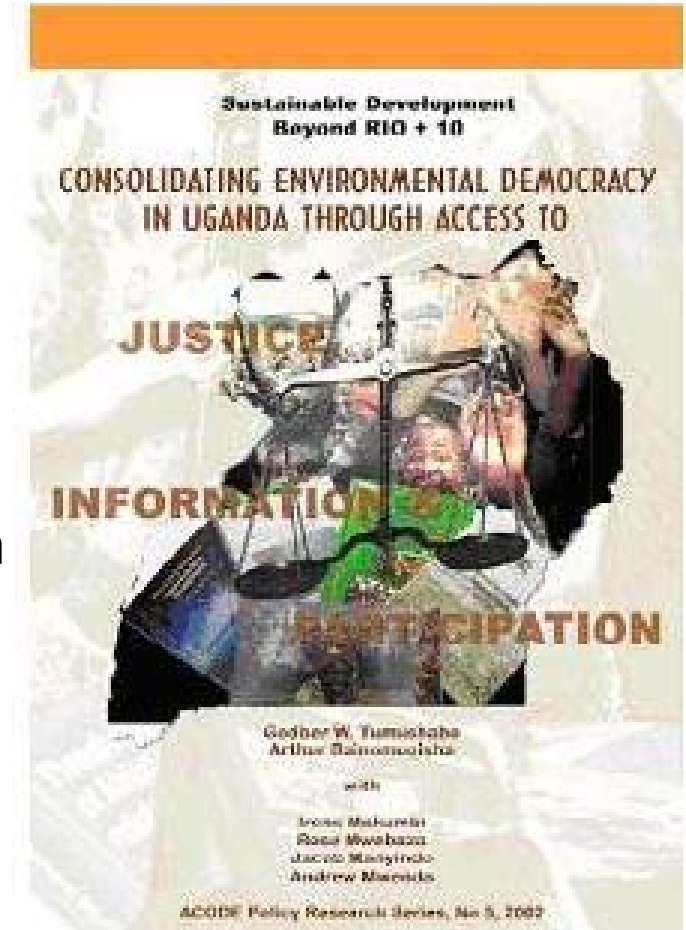
# TAI and PP10 in Uganda

## TAI assessments

- Pilot test national assessment in Uganda (2002)
- Second national assessment in Uganda (under review)

## Results of process

- Government agencies work closely with NGOs
- Government and ACODE (NGO) work together to submit commitments to the Partnership for Principle 10



# TAI and PP10 in Uganda



**Collaboration:**  
Freedom of Information Act

- TAI Assessment noted highlighted lack of Freedom of Information Act (2002)
- Government commitments to PP10 included a commitment to table new Freedom of Information Legislation with NGO support (2005)
- Parliament passed FOIA legislation in April 2005



# TAI US?

- WRI is currently working on bringing together a coalition of US NGOs.
- There is no comprehensive TAI assessment of the US. There is a pilot assessment for two states.
- Many events such as Katrina and 9/11 make such an assessment important.



# For more information...

- [www.accessinitiative.org](http://www.accessinitiative.org)
- [www.pp10.org](http://www.pp10.org)
- [access@wri.org](mailto:access@wri.org)

TAI / PP10 Secretariat  
c/o World Resources Institute  
10 G St, NE, Suite 800  
Washington, DC 20002