

**SITUATION OF ACCESS
TO ENVIRONMENTAL INFORMATION
PARTICIPATION, AND JUSTICE IN LATIN AMERICA**

2004-2005

BOLIVIA • COSTA RICA • CHILE • ECUADOR
EL SALVADOR • MÉXICO • PERÚ • BRAZIL
COLOMBIA • VENEZUELA

The
 **Access**
Initiative

La Iniciativa de
 **Acceso**
en América Latina

Coordinación:
INICIATIVA DE ACCESO MÉXICO
(Centro Mexicano de Derecho Ambiental,
Comunicación y Educación Ambiental,
Cultura Ecologica, Presencia Ciudadana Mexicana)
Y CORPORACIÓN PARTICIPA

Compilación:
Isabel Bustillos
Juan Carlos Carrillo
Olimpia Castillo
Daniel Marín
Tomás Severino

Diseño Gráfico:
Judith Meléndrez Bayardo

This study is based on the methodology developed by The Access Initiative (TAI)¹. The results and the interpretations presented are the responsibility of the members of the Access Initiative Latin America (Iniciativa de Acceso América Latina - IAAL) in each of the participating countries and of the Regional Coordinators of the Access Initiative Mexico (IA-Mex) and Corporación PARTICIPA (Chile).

1. TAI is a global coalition of civil society organizations created in November of 2000 in order to promote national commitments over the three Access Principles. TAI has a core team made up of the following organizations: Advocates Coalition for Development and Environment (Uganda), Environmental Management and Law Association (Hungry), Thailand Environment Institute (Thailand), World Resources Institute (USA), Corporación PARTICIPA (Chile), and The Access Initiative México (IA-MEX). There are actually more than 30 participating groups worldwide

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COALICIONES PARTICIPANTES

MÉXICO

INICIATIVA DE ACCESO MÉXICO

- CENTRO MEXICANO DE DERECHO AMBIENTAL A.C./Juan Carlos Carrillo Fuentes/Laura Morales.
- COMUNICACIÓN Y EDUCACIÓN AMBIENTAL S.C. Gloria Olimpia Castillo Blanco/Eduardo Limón Aguirre Berlanga.
- CULTURA ECOLÓGICA A.C. Tomás Severino Ortega/Emilia E. de la Sierra Servín.
- PRESENCIA CIUDADANA MEXICANA A.C. Isabel Bustillos Quiñonez/Avelina Ruiz Vilar.
- Coaliciones de Baja California, Jalisco y Chiapas ver pag. 80.

CHILE

- CENTRO DE DERECHO AMBIENTAL DE LA UNIVERSIDAD DE CHILE. José Miguel Burmeister/Valentina Durán/Verónica Palma/José Ignacio Pinochet/Carolina Riquelmen/Marcos Ríos.
- CONSORCIO PARA EL DESARROLLO SOSTENIBLE DEL SUR. Kate Casey/Raquel Gutiérrez Soto/Marcia Morales Gómez/Eugenia Paéz García/Aldo Palacios Courret/Carola Salazar Serpa.
- CORPORACIÓN PARTICIPA. Lea Newfarmer/Daniel Marín/Pedro Mujica/Andrea Sanhueza.
- RECURSOS E INVESTIGACIÓN PARA EL DESARROLLO SUSTENTABLE. Angélica Cayazzo/Andrés Marín/Valeria Torres.

ECUADOR

- CENTRO ECUATORIANO DE DERECHO AMBIENTAL. Daniel Barragán/María Elena Corral/Karla Andrade/Paúl Tufiño.
- COALICIÓN ACCESO. Ramiro Ávila/María Gabriela Espinosa/Carla Patiño/Walter Rivera.
- FUNDACIÓN ESQUEL. Jacqueline Contreras/María Cristina Puente/Santiago Vallejo.

EL SALVADOR

COALICIÓN ACCESO EL SALVADOR

- ASOCIACIÓN AMIGOS DEL MEDIO AMBIENTE DE SONSONATE. Cidia Cortes.
- ASOCIACIÓN VAMOS. Balmore Amaya.
- OIKOS SOLIDARIDAD. Giovanni Magaña.
- UNIDAD ECOLÓGICA SALVADOREÑA. Lourdes Palacios.

BOLIVIA

- ASOCIACIÓN BOLIVIANA PRO DEFENSA DE LA NATURALEZA (PRODNA). Jorge Aguirre Eduardo/Sandra Andrade Rivero/Lisette Arduz Campero/Danitza Defilippis Chávez/Daniel Mariaca Michicao/José Pacheco Camargo/Edwin Rodríguez Mier/Oswaldo Salcedo Rada/Giovanna Salinas Murillo/Normando Valdivia del Castillo.

- ASOCIACIÓN ECOLÓGICA ORIENTE (ASEO). Ana Quevedo Justiniano.
- LIGA DE DEFENSA DEL MEDIO AMBIENTE (LIDEMA). Jenny Gruengerger Pérez.
- SOCIEDAD POTOSINA DE ECOLOGÍA (SOPE). Rosario Tapia Montesinos.

COSTA RICA

INICIATIVA DE ACCESO COSTA RICA

- COOPE SOL I DAR R. L. Patricia Madrigal/Vivienne Solis.
- FUNDACIÓN PARA LA PAZ Y LA DEMOCRACIA. Cecilia Cortés/Ricardo Sol.
- JUSTICIA PARA LA NATURALEZA. Ruth Solano/Eileen Torres.

PERÚ

INICIATIVA DE ACCESO PERÚ

- ASOCIACIÓN PERUANA DE CONSUMIDORES Y USUARIOS. José Purizaca.
- CARE PERÚ. Raúl Ho/Julio Tresierra.
- CENTRO DE INVESTIGACIÓN EN GEOGRAFÍA APLICADA DE LA PONTIFICIA UNIVERSIDAD CATÓLICA DEL PERÚ. Nicole Bernex.
- CONSEJO DE LA PRENSA PERUANA. Edwin García/Kela León/Francisco Meléndez.
- SOCIEDAD PERUANA DE DERECHO AMBIENTAL. Ada Alegre/Isabel Calle/Iliana Urtecho.

VENEZUELA

- ASOCIACIÓN CIVIL CONSORCIO DESARROLLO Y JUSTICIA. Alexandra Freitas/Carlos E. Ponce.
- ASOCIACIÓN CIVIL JUSTICIA ALTERNATIVA. Wigberto Socorro.
- FUNDACIÓN PARA LA CONSERVACIÓN DE LOS ÁRBOLES (FUNDARBOL). Alcira Ascanio/Lexys Rendón.
- FUNDACIÓN JUSTICIA DE PAZ MONAGAS. Marlene Rodríguez.

BRASIL

- ASOCIACIÓN BRASILEÑA PARA EL DESARROLLO DE LIDERAZGO (ABDL). Sergio Talocchi/Juana Cury/Paula Camargo.
- INSTITUTO SOCIOAMBIENTAL (ISA). James Huang/Rafael Fillipin/Raul Silva Telles.

COLOMBIA

INICIATIVA DE ACCESO COLOMBIA

- COLEGIO VERDE VILLA DE LEYVA. Martha Matamoros.
- GRUPO SEMILLAS. Catalina Toro.
- INSTITUTO LATINOAMERICANO DE SERVICIOS LEGALES ALTERNATIVOS (ILSA). Margarita Flores/Judith Montoya/Sharon Pulido.

INTRODUCTION

Over the course of 18 months, coalitions of civil society organizations from 10 different countries carried out local studies with a common methodology in order to evaluate the current state of access to information, participation, justice, and capacity building.

The presumption of the project is simple: if citizens have the possibility of knowing the actual conditions of the environment, of expressing their opinion, and of demanding accountability in the performance of public officials, then society will be capable of preventing poor environmental management and even greater environmental damages. This is the fundamental importance of the implementation of the practice of the Access Principles and will therefore contribute to better environmental governance.

The more and the better informed a population, the better are the possibilities for participation and involvement in the design processes and implementation of public policy and development projects. Governmental environmental information is that information which is held by government authorities and that provides knowledge, data, and evidence about environmental issues and about the official agencies that protect and manage the natural capital of a nation, as well as connected problems, and even strategies for their solution. The distribution and availability of this type of information is fundamental for the populace to have an opportunity to participate in decision making processes and public policy related to the environment.

In order that this might happen, one has to assure the existence and practicality of participation mechanisms, which are the actual where and how the people would be able to express their opinion, defend their interests, call to into question decisions, and to modify policy that could impact their communities and natural surroundings. Participation, together with access to information, are enormously valuable rights that inspire the building of more just and equitable societies, societies that are conscious of and take responsibility for the imperative necessity of designing sustainable plans for their nation's development. Governments must guarantee access to information and participation on environmental questions, as these are two of the pillars that make up the base of a better informed, more participatory, and aware public.

The third pillar of access in terms of access implies that the two previous pillars will have been given value. This pillar describes access to environmental justice, of the possibility of turning to a resource of instruments and mechanisms that would permit the citizenry to look for some type of solution when they are denied access to public information or to the mechanisms of citizen participation in the decision making that affects their environment.

As well, it is necessary to consider a fourth essential element for the proper functioning of a countries information system: capacity building, as much as of the government itself as of the society in its whole, in order to make the rights to access effective.

In this study, access to governmental environmental information, to the mechanisms of participation, and to mechanisms of environmental justice, will be recognized as the Access Principles. The Rio Declaration on Environmental and Sustainable Development, signed in 1992 by more than 180 governments during the Earth Summit in Rio de Janeiro, establishes in Principle 10 that:

“Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided”.

The legal embodiment of these principles has become apparent in the national and international instruments that in the last years have begun to appear all over the world; particularly noteworthy is the proliferation of laws and mechanisms facilitating access to public information. In realizing this process of change in social and governmental structures, as well as in ways of thinking and acting, it is important that governments establish the necessary elements and freedoms in order to make access to information possible. At the same time, it will be necessary for society to take advantage of the legislation and begin to participate in a responsible and constructive manner in the decision making processes that affect their development as much as the environment that surrounds them. Only with this integration will it be possible to generate a mature and permanent social and cultural change.

Organized civil society now has a great challenge: to distribute, to learn, and to utilize the legislative mechanisms, to actually apply them, and in doing so to document their experiences and therefore generate knowledge and locally based decision making processes that will permit an improvement in community action in support of a healthy environment and an improved quality of life.



This current effort of 36 civil society organizations from Chile, Bolivia, Peru, Ecuador, Costa Rica, El Salvador, México, Brazil, Colombia, and Venezuela is framed in this sense. In order to make the Access Principles operational these groups coordinated the application of a methodology that evaluates the performance of their governments in these issues.

En este informe regional se presentan desglosados por categorías los principales resultados de la aplicación de la metodología y agrupados con un mapa general del cual se desprenderá un análisis general en torno a los avances y desafíos comunes. La legislación vigente y diversos estudios de caso constituyen los principales objetos de análisis, y permiten establecer una línea base común en los países estudiados. Al final del documento se exponen las principales conclusiones señalando las fortalezas y debilidades identificadas.

To finish, appendices are included with a listing of the laws related to the Access Principles in the ten different countries, as well as a reference with all of the case studies utilized by the coalitions in order to complete the studies. The appendices are included as they were originally composed in Spanish.

We hope that this review of the actual state of the Access Principles in the participating countries of Latin America serves not only as a panoramic view, but that it is also useful in bringing about medium and long-term actions and processes. The involvement of actors of civil society, governments, academics, and the private sector, amongst others, in interpreting the results obtained in this study will help us to design, implement, and unite actions in order to contribute to a strengthening and improvement of the Access Principles that reflects both a diversity of participants and a convergence of their interests. ■

REGIONAL CONTEXT

Latin America is made up of 21 countries on the North and South American continents combined with the countries that make up the Central American archipelago of the Antilles². It is an amazing and culturally rich region that includes 525 million people that speak Spanish, Portuguese, English, French, and around 400 indigenous tongues. Three-fourths of the population lives in cities or their surroundings, which converts it into the most urbanized region in the world, although the natural resources and agriculture are very important for the economy.

In terms of biodiversity, Latin America is a highly rich and vital place because it reaches from the tropical zones to the sub-Antarctic. It has marine coasts, and it has glacier covered mountain ranges³ that ascend to nearly 7000 meters over sea level. The spectrum of vegetation in Latin America goes from tropical forest, incredibly rich in species, to the arid deserts practically without vegetation; it spans from the unique flora and fauna of the coasts, with mangroves and corral reefs, to the species varieties adapted to the high mountain ranges. Almost half of the tropical forests of the world are concentrated in the region, and it hosts 7 of the 25 richest ecosystems in the world—fully 40% of the planets' animal and plant species found in Latin America⁴. Six countries in the region (Brazil, Colombia, Mexico, Peru, and Venezuela) are considered Mega-Diverse, in that they host great numbers of endemic species.

Nevertheless, although the natural ecosystems are important sources of resources for diverse uses in local communities, the prices for these raw materials are often so low that they do not adequately contribute to local economies, which is a root of the cause for the high intensity practices that result in over-exploitation.

In this manner, when one speaks of global environmental problems, few subcontinents grab headlines like Latin America does⁵, mentioning only a few facts such as:

- The destruction of the Amazon and Lacandon forests, principally for changes in land use in order to develop agriculture and grazing activities, with the accompanying affects in global climate and losses of biodiversity.

2. Programa de las Naciones Unidas para el Medio Ambiente. Oficina Regional para América Latina y El Caribe. GEO América Latina y el Caribe: Perspectivas del Medio Ambiente 2003. México DF, 2003: <http://www.choike.org/documentos/geo2003.pdf>.

3. Banco Mundial. Regiones y Países. América Latina y El Caribe. Panorama Regional: <http://web.worldbank.org/wbsite/external/bancomundial/extspaises/lacinspanishext/0,contentMDK:20405717~menuPK:583917~pagePK:146736~piPK:226340~theSitePK:489669,00.html>.

4. Rainforest Alliance. Adopt-A-Rainforest: <http://www.rainforest-alliance.org/programs/aar/neotropics.html> and LASON Estudios Latinoamericanos Online. Espacios Naturales de Latinoamérica: desde la Tierra del Fuego hasta El Caribe. Axel Borsdorf, Carlos Dávila, Hannes Hoffert, Carmen Isabel Tinoco Rangel. Capítulo 5: Biodiversidad en Latinoamérica: <http://www.lateinamerika-studien.at/content/natur/naturesp/natur-1248.html>.

5. Comisión Económica para América Latina y El Caribe. Objetivos de Desarrollo del Milenio: una mirada desde América Latina y el Caribe. Coordinadores: José Luis Machinea, Alicia Bárcena, y Arturo León: <http://www.eclac.cl/cgi-bin/getProd.asp?xml=/publicaciones/xml/1/21541/P21541.xml&xsl=/tpl/p9f.xsl&base=/tpl/top-bottom.xsl>.

- Evident overexploitation and degradation in marine ecosystems
- The loss of three fourths of the genetic diversity of agricultural strains.
- Although the region boasts tremendous hydrological resources, they are distributed in an irregular manner and there are large discrepancies in their availability. As well, the pollution of water by industrial waste, of sewage systems, and agricultural run-off is a limiting factor in the availability of quality water.
- The growth and advance of urban stains has been particularly accelerated in the region, as the urban population grew nearly 240% between 1970 and 2000⁶.
- Urban growth has generated grave problems such as sprawl, contamination of the air, water, and soils, insecurity, and "precariousness," all of which lower the quality of life of the urban inhabitants.
- Accelerated industrial development with out-dated technology.
- The adaptation of inadequate consumer patterns and a lack of education and of an environmental culture.

Through the long process of research in this project we found that the sensitive and common themes of these countries are diverse, as is the degree of development of environmental institutions. For example, the adequate diffusion of environmental information generated by the governments is still a challenge in various countries, whether it is that it is not distributed, because the language is too technical, or because it does not get produced by the responsible authorities. Another example is in the case of the strengthening of capacity, where there is commonly a lack of training programs in environmental material for the public officials, particularly in what is related to judges.

One of the most important challenges for the countries from Latin America is to achieve economic, political, and social development with a degree of environmental sustainability. The problem is complex but the necessity of a holistic conception, where the environment is an intrinsic element of humanity, is fundamental⁷.

The Latin American region continues moving towards scenarios that are more and more representative and democratic. In spite of the existence of great disparity in the level of development of countries in the region and even within these same countries, there also exist a great number of common characteristics such as the persistence of great social, economic, political, and environmental challenges.

Environmental issues have installed themselves on the agenda of these countries in a definitive manner, principally due to international events such as the Rio Earth Summit in 1992 and the World Summit for Sustainability and Development in Johannesburg ten years later. Although the response has been unequal and different according to the country in question, the development of institutions and instruments for working on environmental issues has lived a clear and dynamic process of growth.

6. La sostenibilidad del desarrollo en América Latina y el Caribe: desafíos y oportunidades CEPAL/PNUMA/ORPALC.

The most urgent and prioritized environmental themes, if they well have permeated the national and regional agendas, must also compete for attention, human resources and financial support with the pressing needs of all the countries of the region in confronting poverty, marginalization, mal-nutrition, violence, illiteracy, and unequal development, all results of decades of instability due to regional and national conflicts, dictatorships, foreign debt, scarcity of services, population growth, to mention a few of the principle problems that the subcontinent is facing.

Today, more than ever, the region must look to recover its ecological equilibrium and take advantage of its natural resources while guaranteeing that the well being of future generations as a consideration. The governments must develop legal instruments and strengthen the promotion, the diffusion, and the consulting of environmental information. They must develop and promote mechanisms of participation, as well as the establishment of an impartial environmental justice which is constantly more specialized, timely, and expeditious. These are the ingredients of making information, participation, and justice key elements in the establishment of holistic and sustainable environmental management.■

THE PROJECT

The project was simultaneously initiated in February 2004 in Bolivia, Chile, Costa Rica, Ecuador, El Salvador, Peru, and Mexico (including as well three states in this country--Baja California, Jalisco, and Chiapas). The coordination was undertaken by The Access Initiative Mexico and Corporación Participa from Chile, whose staff made visits to each country in order to transfer the methodology to the participating civil society organizations.

To be able to carry out the assessments, a coalition of organizations was formed in each country, with the aspiration to put together an interdisciplinary work team.

Seven months later, in September of this same year, an Intermediate Workshop was organized in Santiago, Chile, in order to evaluate the general advances of the project. Representatives of all the coalitions responsible for the ten assessments (seven countries and the three states) were in attendance.

In June of 2005, each coalition turned into the Regional Coordination their Final report on the assessment carried out in their country (or state). These reports are the source of this Regional Report. In July of the same year the Final Seminar of the project took place in Mexico City, where information and experiences were exchanged to take advantage of collective experience with the ends of looking for niches and opportunities for continuing to work on the implementation of Principle 10 in each country.

The Access Initiative Mexico carried out their second national assessment and supervised the work of the national coalitions of Baja California, Chiapas, and Jalisco (whose results are included in an annex for the states), as well as the international coalitions of El Salvador and Costa Rica. For their part, the Corporación Participa of Chile carried out their second national assessment as well, and supervised the work of the international coalitions in Ecuador, Bolivia, and Peru.

In March of 2005, thanks to the support of the Global Opportunity Fund, the national coalitions of Brazil, Colombia, and Venezuela were integrated into the project. Their Intermediate Workshop took place in July, and in December the Final Seminar took place in Sao Paulo. The results of these coalitions have also been included in this report.

ADVISORY PANEL

The methodology of TAI requires the creation of an Advisory Panel by each coalition that should be made up of people who have recognized experience and trajectory in the subject (be they coming from academia, governments, private sector, independent, media, other civil society organizations, etc.), whose primary purpose should be to bring objectivity and certainty to the results of the research, participating constantly in providing orientation and consultation and supervising the process of elaborating the national reports. ■

METHODOLOGY

In order to assess the performance of authorities in providing access to governmental environmental information, to the mechanisms of participation, and to environmental justice, it is to say, to guarantee the Access Principles as a whole, this project is based in a methodology that was designed by the Access Initiative.

The principle procedure consists in resolving an ensemble of interrogative phrases (indicators) whose responses generate numerical values that permit an assessment of the performance of the governmental authorities, as much as in the legal framework (legislative indicators) as in the real life case studies (practical indicators), as weak, intermediate, or strong. The responses assigned to each indicator constitute a qualitative declaration in the following criteria:

FOR THE LEGISLATIVE INDICATORS

Existence.

This refers to the presence of a legal foundation that guarantees the effective exercise of the rights related to the Access Principles.

FOR THE INDICATORS OF PRACTICES

Quality

This refers to the ability and the efforts on the part of the government to generate information. What is evaluated is:

- How information is obtained and systematized.
- How the information about mechanisms of participation or the legal framework is presented.
- The regularity with which information is generated, and the fulfillment of time limits.

Accessibility

This refers to the degree to which the public is able to obtain information. What is evaluated is:

- How easy is it for the public to have access to information/participation/justice/capacity building.
- How timely (punctual and precise) is the response to petitions for information, to participation mechanisms, or judicial procedures.

The body of the indicators reviews the strengths, the deficiencies, and the general functioning of the mechanisms that guarantee the Access Principles in each agency where they are applied. They evaluate each country in access to information, to mechanisms of participation, and to justice, and specifically for environmental issues.

Figure 1 demonstrates the structure of the assessment of government performance:

WHO ARE THE INDICATORS APPLIED TO?	WHO EVALUATES THE INDICATORS?	WHAT ARE THE AREAS COVERED BY THE INDICATORS?
Legal Framework	Guarantees	Justice
	Guarantees	
Governmental Institutions	Information Systems	Information
	Participation mechanisms	
	Resolutions Systems	Participation
	Institucional Capacity	
	Communication and Education	Capacity Building

FIG. 1. GOVERNMENT PERFORMANCE ASSESSMENT DIAGRAM.

STRUCTURE

Figure 2 shows a structure with the four categories of the methodology.

CATEGORY I	CATEGORY II	CATEGORY III	CATEGORY IV
Access to Information	Access to Participation	Access to Justice	Capacity Building
SUBCATEGORY			
A: LEGISLATION	A: LEGISLATION	A: CONTEXT	A: LEGISLATION
Subcategories B - E (use practical indicators in case studies)			
B. Emergency	B. Policy	B. Denial of Information	B. Government
C. Monitoring	C. Project	C. Denial of Participation	C. Public
D. Reports		D. Environmental Damages	
E. Industry			

FIGURE 2. TAI METHODOLOGY DIAGRAM

Category I. ACCESS TO INFORMATION. In the first subcategory (A) the legal frame work concerning access to information is analyzed, and the remaining four categories review the quality and the accessibility of information in specific case studies: (B) environmental emergencies; (C) water and air quality monitoring systems; (D) reports covering the state of the environment; and (E) environmental information that is generated and emitted by industry.

Category II. PARTICIPATION. The first subcategory (A) analyzes the guarantees and the rights of participation. The following two categories evaluate the quality and the accessibility of the mechanisms that promote participation in: (B) the process for elaborating and implementing policies, plans, programs, laws, and government environmental strategies and (C) the processes that accompany projects.

Category III. - ACCESS TO JUSTICE. This category analyzes the sufficiency of the national legal framework for assuring access to justice in environmental decision making. It is divided into four subcategories: the first (A) offers a frame of reference related to access to justice in each country; the following three (B - C) analyze case studies which were actually referred to a tribunal, or its equivalent, in order to resolve controversies related with each one of the three Access Principles. It is important to note that the studies from this project were the pilot cases for the TAI indicators that were applied in this category.

Category IV. - CAPACITY BUILDING. This category has three categories that evaluate: (A) the legal framework that should guarantee capacity building within the government; (B) the capacity building with government institutions; (C) the capacity building provided for the citizens. The concept of "capacity building" is described in greater detail in Chapter 4 of this report.

NOTE ON METHODOLOGY

It is important to consider that this methodology was designed in order to be applied in different countries with distinct economic development and institutional characteristics, as there are already more than 30 countries around the world that form a part of this initiative. In hoping to arrive at a universal application, the indicators are very general, though meant to establish a minimum standard for access rights.

This methodology does not pretend to compare the situations in the different countries, but rather establish specific comparative glimpses based on the countries case studies, plus the analysis of the judicial framework.

The stages of development of the research are: a) preliminary selections of case studies, b) distribution of the work, c) compilation of information, d) application of the indicators, e) building of a data base, f) processing of the results, and g) preparation of the final report.

The following table presents the scales of colors and scores used in order to reflect the results of the study.

Strong Government Performance	68	to	100
Medium Government Performance	34	to	67
Weak Government Performance	0	to	33

ACCESS TO INFORMATION

Information is an essential element in the development of a democratic society as it contributes important elements that permit people to orient their opinions and actions responsibly and opportu- nely. Government institutions are the principle receivers, generators, and providers of informa- tion, since they are the ones that make decisions about public policies, therefore legitimizing the role of the State.

In this category, the national coalitions of civil society organizations evaluated the quality of the environmen- tal information that society may obtain and the ease with which this information is obtained. The case studies (See Annex 1) reviewed here includes the issues of access to environmental informa- tion in environmental emergencies, systems of environmental monitoring, environmental report- ing/reports, and environmental information provided by industries.

1.A LEGAL FRAMEWORK

What did we look for?

In this subcategory the national coalitions evaluated the legal framework and the extent of the legal instru- ments for having access to environmental information, considering the existence of legislation on Freedom of Information, Freedom of the Press, and Freedom of Expression.

What did we investigate?

The applied indicators were:

TABLE 1: INDICATORS CATEGORY I, SUBCATEGORY A.

Subcategory A: General legal framework supporting access to information	
1.	Right to access to public interest information
2.	Freedom of information acts
3.	Provisions for access to "environmental information" in the public domain
4.	Freedom of the press.
5.	Freedom of speech.
6.	Interpretation of "environmental information"
7.	Provisions for confidentiality of information concerning interests of government administration
8.	Provisions for confidentiality of information concerning interests of the state

What did we find?

In the following table are listed the general results obtained by country:

TABLE 2: RESULTS BY COUNTRY. CATEGORY I, SUBCATEGORY A.

Legal Framework	MEX	CR	SAL	ECU	BOL	CHIL	PERU	BRA	COL	VEN
The Constitution guarantees access	100	100	50	100	50	50	100	87	75	75
Special Laws for Access to Information	100	100	70	100	95	75	93	100	90	60
Specific Laws On Environmental Information	100	62	87	40	100	38	81	62	69	56

Access to information in general, and environmental information specifically, is a developed theme in the majority of the national legislatures of these ten countries of Latin America. In fact, the majority of them reported a strong legal framework according to the indicators applied in the study.

Countries like **PERÚ, ECUADOR AND MÉXICO** have established a consistent legal framework in the material, they can rely on a clear constitutional base, and there are special dispositions specifically for environmental information. The existence of special national legislation for access to information has in general terms been reported as one of the principle strengths of these nations. In each country, their legislation maintains clearly define in the law reservations and exceptions such as national security or individual privacy, consistent with the rest of their legislation.

In spite of the fact that the issue does not have an expressly indicated constitutional base, **BOLIVIA** does have secondary regulation about the right of access to information and especially for environmental information.

For their part, **COSTA RICA** has constitutional support for the access to information but lacks secondary legislation that implements the right of access to environmental information.

In **CHILE**, the right of access to information is not explicitly guaranteed in their Constitution⁸, but the secondary legislation consecrates the citizenries' access to information that belongs to public administration agencies, although there is no specific reference to environmental material

In **EL SALVADOR**, there are structures and even mechanisms concerning environmental information in the Environmental Law. The report done by the national coalition also reported that there is an almost complete control of all print, radio and television media that bring information to the public.

In **BRAZIL** the Federal Constitution of 1988 guarantees access to information that is of collective interest as part of a principle of administrative publicity, but their exist a few exceptions that are not clearly

8. As the study was finished a new 8th article was incorporated into the Constitutional Reform. If the reform did not actually make the right of access a Constitutional guarantee, it did establish the principle of publishing acts and resolutions taken by the agencies of the state.

established. In the case of specific laws about access to information, there is a federal law of administrative process that could be applied extensively and another recently passed law that regulates access to environmental information. The coalition signaled that in practice this law has not been satisfactorily implemented.

COLOMBIA reports a strong performance as the country does have laws concerning access to information. In the National Constitution there are dispositions found about access to information, but they are imprecise or have vague restrictions and exceptions.

In **VENEZUELA** the Constitution describes within constitutional guarantees the freedom of expression, and the right to information and petition which derives from the obligation of the authorities to respond to all requests. Although special laws of access to information do not exist the Organic Law of Public Administration establishes the obligation of public administrators to inform the population and consider the right of access to the records of the public administration

1.B EMERGENCIAS

What are did we look for?

To develop this subcategory each coalition selected at least two case studies: one a large scale emergency and the other of smaller scale. In both case studies the emergency had to have been generated (directly or indirectly) due to human activity and to have caused a significant impact on the population and/or the natural ecosystem.

What did we investigate?

The indicators in this subcategory analyze the efforts on the part of the government to systematically gather, present, and distribute the information that arises when an environmental emergency occurs (quality); as well they identify if there are mechanisms by which the public can solicit the information, and how timely is the response on the part of the authorities (accessibility). In Table 3 the applied indicators of this subcategory are presented.

TABLE 3: INDICATORS CATEGORY I, SUBCATEGORY B.

Subcategory B: Information about environmental emergencies
1a. Mandate to disseminate information about environmental and health impacts to the public during an emergency.
1b. Mandate to disseminate information from an ex post investigation.
2a. Claims of confidentiality regarding emergency reporting.
2b. Claims of confidentiality regarding ex post investigation information.
3a . Legal or regulatory requirement for the responsible party to report information to the government during the emergency.
3b. Legal or regulatory requirement to conduct an ex post investigation of an environmental emergency.
4b. Quality of information provided in ex post investigation report.
7a. Information about the emergency available on the Internet.
7b . Information about an ex post investigation available on the Internet.

- 8a. Efforts to reach mass media during the emergency.
- 8b. Efforts to reach mass media after the emergency.
- 9a. Recipients of information during an emergency.
- 9b. Recipients of information about an ex post investigation of an emergency.
- 10b. Efforts to produce a family of products for various audiences after the emergency.
- 11b. Oportunidad de la información disponible a requerimiento sobre la investigación efectuada con posterioridad a los hechos.
- 12a. Quality of information accessible to the public during an emergency.
- 12b. Quality of information accessible to the public about ex post investigation.
- 13a. Timeliness of information disseminated to the public during an emergency.

What did we find?

Based on the indicators, the national coalitions reported general results that are shown in Tables 4 and 5.

**TABLE 4:
RESULTS BY COUNTRY. CATEGORY I, SUBCATEGORY B.**

During the emergency.																					
MEX		C R		SAL		ECU		BOL		CHIL		PERU		BRA		COL		VEN			
Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac		
Large Scale Emergency		100	65			62	60	48	45	33	37	63	76	33	37	87	44	81	52	62	86
Small Scale Emergency		41	59	42	42	33	33	24	25	33	42	33	36	33	37	100	95	81	52	62	70

**TABLE 5:
RESULTS BY COUNTRY. INDICATORS CATEGORY I, SUBCATEGORY B**

After the emergency.																					
MEX		C R		SAL		ECU		BOL		CHIL		PERU		BRA		COL		VEN			
Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac		
Large Scale Emergency		79	70			48	36	26	25	40	39	49	37	42	46	66	58	52	38	48	62
Small Scale Emergency		31	36	42	42	78	27	24	25	56	39	58	46	48	49	70	64	52	38	40	61

Distinct from the previous subcategory, the color yellow predominates, referring to an intermediate governmental performance. There is a strong presence of the color red, which reports a weak performance on the part of the responsible authorities. This reflects that there is no consistency between the recognized right to have access to information and the actual practice of being honestly informed in a timely manner in case of an environmental emergency.

According to the methodology, **COSTA RICA** has not recently registered any sort of environmental emergency that could be considered large-scale. As for smaller scale emergencies, the report shows that for the case study the information concerning immediate environmental and public health impacts was not available to the public. What's more, the government made few efforts, and these after the event. Since the emergency the information has been trivial, with intermediate value in both considerations of accessibility and quality of information. This even though government deficiencies were made up for by the participation of non-governmental organizations and universities that took on the responsibility of publicizing the event and its possible impacts in local newspapers, newsletters, or magazines.

The coalition in **MEXICO** reported a strong performance on the part of the government to systematically collect, present, and distribute information to the people after the large-scale emergency, due to the pollution of several beaches in Mexico, became evident. Nevertheless, in the smaller-scale emergency, the performance of the government was evaluated as average and weak, due to that the public information was made available by the media and not by the government authorities. What's more, there was no information at all after the emergency.

The case of **ECUADOR**, catches ones attention. In environmental terms it is a mega-diverse country that has solid environmental management and a strong legal framework in the realm of access to information. But according to the applied methodology, Ecuador performs weakly in delivering quality information in the case studies of environmental emergencies, as much as the smaller as the larger scale events. The national report shows that during the emergency the information was only available to those who made efforts to ask for it; there was no mass distribution on the part of the agencies of the government, and the Environmental Ministry limited itself to receiving monthly reports.

As well, in the case of **BOLIVIA** the national coalition reported an intermediate and weak government performance in developing and distributing quality information during both emergencies studied (smaller and large scale), as it was not made available to the public through any media and was managed with a great deal of reserve.

In other cases, countries such as **EL SALVADOR** presented an intermediate government performance during the large-scale emergency due principally to the ample coverage that it received, and weak performance in considering the smaller-scale emergency as it was impossible for the national coalition to review the reports done on the emergency that was studied.

PERU showed intermediate performance en terms of the accessibility of information during and after the emergency. Nevertheless, the quality of the information was evaluated as weak, particularly at the actual moment of occurrence of both emergencies.

The performance review of the government of **CHILE** in the case of a large-scale emergency turned out to be intermediate, as the information provided was not complete and did not delve into environmental impacts, or of those in public health. If it is indeed certain that there was an investigation after the emergency, the results of this study were never released.

In the case of **VENEZUELA**, the information that the public received in the initial moments of the emergency (important for reducing damages in the situation) was very basic, although it improved according to how the events were very visible to the population.

COLOMBIA reporta que durante la emergencia se entregó información por diversos medios para evacuar a las personas afectadas y ubicarlas en albergues provisionales, posteriormente se hizo más lento el procedimiento. Después de la emergencia se realizaron algunos análisis aislados, pero no hubo una valoración integral de las causas, los impactos y las amenazas latentes.

If in **BRASIL** there were no legal outlines that oblige the authorities to inform the public during and after an environmental emergency, there are diverse agencies that collect and systematize detailed information about the event that has occurred. In general, the collection of information and the completion of good quality reports are done in an adequate manner, with numerous reports that the methodology evaluates as being of good quality. Nevertheless, this process only took place during the emergency, and there is no follow up after the event concerning damages to the environment and public health. As well, the principle problem is the scarce distribution that is carried out of systematized information, resulting in that the majority of the population does not learn about the event in an adequate manner.

In all of the cases the importance of having policy, plans, and disaster prevention programs are highlighted, as well as having mechanisms for attending to contingencies

1.C MONITORING SYSTEMS

What did we look for?

This subcategory evaluates the access to information of the monitoring that is done by authorities concerning air and water quality. The indicators analyze the efforts of the government to systematically copy, collect, and distribute this kind of information (quality), as well as if the population can rely on sufficient mechanisms for gaining access to this information and data in a timely manner (accessibility).

What did we investigate?

For this subcategory the applied indicators are presented in Table 6 in order to evaluate air quality and potable water quality monitoring systems.

**TABLE 6:
INDICATORS CATEGORY I, SUBCATEGORY C.**

Subcategory C: Information from regular monitoring.
1a. Mandate to disseminate information on air quality.
1b. Mandate to disseminate information on drinking water quality.
3a. Mandate to monitor air quality.
3b. Mandate to monitor drinking water quality.
4a. Number and diversity of monitored parameters of air quality.
4b. Number and diversity of monitored parameters of drinking water quality.
5a. Regularity of air monitoring.
5b. Regularity of drinking water monitoring.
6a. Existence of database of air quality monitoring data.
7a. Information about air quality available on the Internet.
7b. Information about drinking water quality available on the Internet.
8a. Efforts to provide air quality data to mass media.

8b. Efforts to provide drinking water quality data to mass media.
9a. Free public access to air quality reports.
9b. Free public access to reports on drinking water quality.
10a. Recipients of air quality information.
10b. Recipients of drinking water quality information.
11a. Efforts to produce a family of products for various audiences about air monitoring information.
11b. Efforts to produce a family of products for various audiences about drinking water monitoring information.
12a. Timeliness of information about air quality available on request.
12b. Timeliness of information about drinking water quality available on request.
13a. Quality of information accessible to the public about air quality.
13b. Quality of information accessible to the public about drinking water quality.
14a. Timeliness of air quality information.
14b. Timeliness of drinking water quality information.

What did we find?

In Table 7 the average of the results that each coalition reported for their country are indicated.

TABLE 7:
GENERAL RESULTS BY COUNTRY. CATEGORY I. SUBCATEGORY C.

Monitoring																				
	MEX		C R		SAL		ECU		BOL		CHIL		PERU		BRA		COL		VEN	
	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac								
Air Quality Monitoring	100	73	52	52	62	48	58	50	87	66	100	79	100	79	100	95	92	48	67	47
Water Quality Monitoring	94	69	69	69	56	45	50	48	72	64	35	43	35	43	64	65	72	52	59	50

The table of this subcategory shows, in general terms, an intermediate performance of the governments in the quality and the accessibility of the information generated by the monitoring systems analyzed by the national coalitions.

Not only the capital cities such as La Paz, **BOLIVIA**; San Salvador, **EL SALVADOR**; San Jose, **COSTA RICA**; Quito, **ECUADOR** and Caracas, **VENEZUELA**, have air quality monitoring systems in place. In the assessments of **MEXICO**, **CHILE** and **PERU**, the monitoring systems evaluated correspond to a city that is distinct from the capital (the cities of Toluca, Temuco, and the Provincial Municipality respectively).

Those countries such as **BOLIVIA**, **CHILE**, **MEXICO**, **PERU** and **COLOMBIA** that reported a strong government performance related to the quality of information also communicated that their systems are monitoring a broad ensemble of parameters and that the assessments are carried out regularly. In spite of this, there was evidence of some reversals in specific issues, like in **PERÚ**, for example, where, even though it is not a typical case, up until 2002 a daily air quality report was sent to local radio stations.

Now it is limited only to informing about cases of environmental emergency.

In the case of **BOLIVIA** the report signaled that the government can show good public information on air and water quality. Nevertheless, this information is presented in a particularly complex language that limits its reach within the common population.

COLOMBIA reports that a broad ensemble of parameters is evaluated for air and water quality. Nevertheless, they report an intermediate performance concerning the accessibility of the information, as the information is not accessible to the general public.

COSTA RICA as well as **EL SALVADOR**, **ECUADOR** and **VENEZUELA**, all reported an intermediate performance of their governments in offering accessible and quality information about the monitoring of air and water quality.

In the first of these countries mentioned, the data gathered in the various monitoring efforts are archived in a data base, but they are not available in electronic medium such as the Internet. Once the information is cataloged as public any person can request it, but they must complete all the procedures established by the institutions in order to obtain information.

In relation to the monitoring of water quality, only **ECUADOR** reports that the information is distributed on the Internet.

There are also differences as to which institution is responsible for the monitoring, because not in all the countries is it actually a governmental agency with that responsibility. In **EL SALVADOR** the service is provided by a private business, while in **CHILE** it is a concession which the government must regulate.

The coalition in **VENEZUELA** reports that the monitoring is carried out on a regular schedule. As is required by the established laws, diverse parameters are evaluated and there is a data base where results are managed to allow analysis of changes over time. Nevertheless, the information is not accessible to the public, as one cannot have access to the data base or the reports, which does not permit confirmation of the veracity of the data on air and water quality. In addition, the information does not appear in summary form on the Internet and the libraries do not have publications or pamphlets that carry information on the state of the monitoring resources.

In the case of **BRAZIL**, there is a marked difference between the monitoring of water and air quality. This is explained principally because the monitoring of air quality falls on a huge city, while the monitoring of water quality is accorded to the entire country. The problem in the monitoring of water quality is that it is a new system, which just began in 2005. Even if the new system does measure an important number of parameters, it has not succeeded in compiling the information from all around the country and it is, therefore, incomplete. As far as the distribution of information goes, there is a web site that contains an up to date data base and a series of materials, but upon requesting specific information by mail there was no response.

It is noteworthy that in the grand majority of the countries evaluated that there are no communication strategies designed with the purpose of carrying out a mass distribution of the results of water and air quality. As well, the media do not show interest in distributing the information, except in cases of emergency.

1.D ENVIRONMENTAL REPORTING

What did we look for?

By looking at reports elaborated by government agencies, this category evaluated how adequately and broadly the information about the actual state of the environment is made available.

In this way, the quality of the information offered by the government on the state of the environment as much as the degree of accessibility for public reference to this information was evaluated. To achieve this, the breadth, precision, and type of information provided by the authorities in environmental reports (quality) were analyzed, as well as the institutional mechanisms for distribution (accessibility).

What did we investigate?

The indicators applied in this subcategory are listed below in Table 8.

**TABLE 8:
INDICATORS CATEGORY I, SUBCATEGORY C.**

Subcategory D: State of the environment reports.	
1.	Mandate to disseminate State of the Environment (SOE) reports to the public.
3.	Mandate to produce State of the Environment (SOE) reports.
4.	Number of core data sets, indicators, and trend data sets provided in State of the Environment (SOE) report.
5.	Number of State of the Environment (SOE) reports published in the last 10 years.
7.	Volumes of State of the Environment (SOE) reports available on the Internet.
9.	Free public access to State of the Environment (SOE) reports.
10.	Efforts to produce a family of products for various audiences about State of the Environment (SOE) reports
12.	Timeliness of State of the Environment (SOE) reports available on request.
13.	Quality of information accessible to public in State of the Environment (SOE) reports.
14.	Timeliness of data in latest State of the Environment (SOE) report.

What did we find?

The results obtained by each country are described in Table 9.

TABLE 9: GENERAL RESULTS BY COUNTRY. CATEGORY I, SUBCATEGORY D.

Reports	MEX		C R		SAL		ECU		BOL		CHIL		PERU		BRA		COL		VEN	
	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac								
Environmental Report 1	100	89	0	0	64	81	0	0	49	50	91	76	81	76	75	56	75	70	78	54
Enviromental Report 2	100	91			69	89					88	33	81	72	91	76			91	80

The fact that almost all of the participating countries have made international commitments to complete reports on the state of the environment has helped to strengthen the government practice of emitting and editing public environmental reports. This practice, already consolidated in many nations, was reflected in a number of national reports that signaled a strong government performance in terms of the quality and accessibility of the information on the countries environmental conditions.

PERU, MEXICO, CHILE, EL SALVADOR and **BRAZIL**, all reported that their governments have successfully fulfilled in a satisfactory manner their obligations to emit reports on the environmental situation. As well, they are good quality reports, which imply that the reports include diverse presentation tools such as statistics, graphics, and figures, amongst others. Also, the information is up to date and diverse reports have been elaborated in the last few years, except for the case of **BRAZIL**, which was evaluated with only two reports in more than 20 years.

PERU, MEXICO and **CHILE** also affirmed that they had carried out events with the media in order to make known the reports on the environmental conditions in these countries. Nevertheless, this is the only place in which the mass communication media were involved in the diffusion of the reports.

For their part, the review of **BOLIVIA** reported a weak and intermediate value due to that in the last few years the Ministry of Sustainable Development has not carried out the respective reports as is required by law, which is an example of the gaps that exist between the legal framework and the actual performance of the government of this country.

For this subcategory, **COSTA RICA** and **ECUADOR** reported that these countries are not carrying out government directed reports on the state of the environment. In the case of **ECUADOR** the law still does not contemplate the mandate of elaborating these reports. Upon not being able to find any kind of official report it was decided that the government shows a weak performance in making quality information on the environmental situation available in their country.

En **COSTA RICA**, a pesar de que existe el mandato para publicar un reporte sobre la situación del medio ambiente, no se cuenta con un informe gubernamental; por lo que la coalición nacional analizó el informe elaborado por el Consejo Nacional de Rectores de las Universidades Estatales de Costa Rica y la Defensoría de los Habitantes, entre otros.

For the report evaluated, **COLOMBIA** obtained a rating of strong performance for quality as well as for accessibility. The obligation to elaborate an annual accounting on the state of the environment and renewable natural resources is legislated, and several reports have been elaborated in the last several years that can be referenced in the Internet and that are also available to the public in libraries and information centers.

VENEZUELA reports a strong performance as far as the quality of information is concerned but only an intermediate performance was registered in accessibility. The analyzed reports contained an important amount of data on the tendencies of the state of the environment, there is a legal mandate to do the reports, and the quality of the information is satisfactory. Nevertheless, the reports are not available on the website of the Ministry of Agriculture, although one can obtain summary and copies that have been put together by several NGO's. It is noteworthy that one of the reports had been translated into four indigenous languages.

1.E ENVIRONMENTAL INFORMATION FROM INDUSTRY

What did we look for?

The case studies in this category were based on evaluating reports of industrial facilities on the fulfillment of their environmental responsibilities. These installations were selected for belonging to relevant sectors of the national economy (primary and secondary sectors), as much as in terms of their generation of employment as in their contribution to the Gross Domestic Product (GDP). Also considered was the impact of their activities on the environment. The reports on compliance with regulations, laws, and guidelines meant to protect the environment were evaluated to see how timely, precise, and accessible this information is.

Additionally the Pollutant Release and Transfer Register (PRTR) of the different countries were evaluated. It is important to clarify that in a few occasions the national coalitions picked distinct sectors according to the reality of each country (see Annex 1)

What did we investigate?

In Table 10 the applied indicators for this subcategory are listed.

TABLE 10:
INDICATORS CATEGORY I, SUBCATEGORY E.

Subcategory E: Facility-level information.
1a. Mandate to make compliance reports accessible to the public.
1b. Mandate to make Pollutant Release and Transfer Registers (PRTRs) accessible to the public.
2a. Claims of confidentiality regarding compliance with regulations on discharges of pollutants to air and water.
2b. Claims of confidentiality regarding Pollutant Release and Transfer Registers (PRTRs).
3a. Legal or regulatory requirement to report information about compliance.
3b. Legal or regulatory requirements to produce Pollutant Release and Transfer Registers (PRTRs) or equivalent.
4a. Types of compliance data reported.
4b. Production of Pollution Release and Transfer Registers (PRTRs) or equivalent.
5a. Regularity of compliance reports.
5b. Regularity of Pollutant Release and Transfer Register (PRTR) reports.
6a. Existence of a database of compliance report.
7a. Compliance reports available on Internet.
7b. Pollutant Release and Transfer Register (PRTR) reports available on the Internet.
8a. Efforts to reach mass media with information about compliance.
8b. Efforts to reach mass media with information about Pollutant Release and Transfer Registers (PRTRs).
9a. Free public access to compliance reports.
9b. Free public access to Pollutant Release and Transfer Register (PRTR) reports.

10a. Recipients of compliance report information.
10b. Recipients of Pollutant Release and Transfer Register (PRTR) reports.
11a. Efforts to produce a family of products for various audiences about compliance reports.
11b. Efforts to produce a family of products for various audiences about Pollutant Release and Transfer Registers (PRTRs).
12a. Timeliness of compliance reports available on request.
12b. Timeliness of Pollutant Release and Transfer Register (PRTR) information available on request.
13a. Quality of information accessible to public in compliance reports.
13b. Quality of information accessible to public in Pollutant Release and Transfer Register (PRTR) reports.
14a. Timeliness of compliance report data.
14b. Timeliness of Pollutant Release and Transfer Register (PRTR) data.

These indicators were divided between quality and accessibility. The first evaluates the capacity and the efforts of the corresponding environmental authorities to generate and process information on the industrial installations, while the second analyzes the degree of access the public has to this information.

What did we find?

The general results obtained after the application of the indicators is presented in Table 11.

**TABLE 11:
GENERAL RESULTS BY COUNTRY. CATEGORY I, SUBCATEGORY E.**

Compliance Reports																					
	MEX		C R		SAL		ECU		BOL		CHIL		PERU		BRA		COL		VEN		
	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac	Q	Ac									
Facility 1	95	58	85	51	31	25	20	45	86	36	100	65	68	57	68	63	14	37	87	41	
Facility 2	95	55	83	35	31	25	23	20	86	36	100	65	31	34	33	49	0	0	44	36	
Facility 3	80	51	83	35	31	25	22	18	70	44	100	65	31	34	33	51			64	39	
Facility 4	95	51			31	25			86	45	31	32	37	42	52	56			81	43	
Facility 5	11	34			31	25					15	11	37	42					39	36	
Facility 6																			56	38	
PRTR																					
Facility	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA								

NOTE: The industries studied in each country are listed (in Spanish) in Annex I.

In fact, in the ten countries studied, industry is obligated to present periodic reports on their environmental performance before the appropriate public agencies, the majority of the countries reported that the current environmental legislation does not oblige industry to inform the public about their environmental performance, and that no effort has been made to see that industrial fulfillment reports are made available to the media. As such, in order to have access to this kind of information one must make a formal request to the responsible authority.

It is an interesting result to note that indeed the color red (weak performance) is present in almost all of the countries; all the same, it is only **EL SALVADOR** that reports a weak performance in all of the case studies selected. Not one case study demonstrated that the industry actually had completed their fulfillment reports and therefore be within the current law. In **EL SALVADOR** there is no PRTR.

In a similar way, in **ECUADOR** the authorities revealed that the industrial installations studied do not deliver fulfillment reports, regardless of how the industries of the studied sector (hydrocarbons) should be obligated to report diverse information to the Ministry of Energy and Mines and the Ministry of the Environment about the impact that their industrial processes have on the environment, including reports on emissions and pollutant transfer. At the same time, it is noteworthy that the electronic pages of the authorities and a few of the industries are clear and accessible in terms of general environmental information, and that there is a willingness on the part of some of the industries to make information about their processes available, pending a request. In **ECUADOR** there is no PRTR as such, although the environmental authorities do demand the reporting of emissions and pollutant transfers.

The report from **COSTA RICA** gives the manufacturing industries a strong rating for the generation of good quality reports on their processes. The problem is that this information is for internal use, while the public is informed in only very general terms about environmental controls, and was totally omitted from receiving the report that is provided for the Ministry of Health. On the other hand, the tourism businesses are more accessible for providing information. In the case study of the tourism sector they were very open about offering information and help, and it was reported that their technical data referring to water and air contaminants is accessible. In reference to the PRTR, it was reported that there is still no register but that there have been efforts on the part of the government to begin to structure the register.

The national coalition from **BOLIVIA** informs that in their country the industries are obligated to present periodic performance reports to the authorities and the "Industrial Environmental Register." However, the current environmental legislation that is in force does not oblige the productive sector to inform the public about their environmental performance. In order to have access to this kind of information it is necessary to request it from the appropriate agency or environmental authority. In general, there is no diffusion of the information on the fulfillment reports.

In **CHILE** the legislation on fulfillment reports is not applied for all of the installations. The industries that were analyzed by the national coalition presented good quality information in terms of being updated and statistically precise. Nevertheless, the distribution process is fairly scarce—there is no possibility of getting the information to the mass media and there are very few connections made with local communities. **CHILE**, in spite of not having a PRTR, reports that the government is making advanced efforts in order to implement the PRTR in the country, including research, seminars, conferences, and workshops to analyze what characteristics their PRTR should have.

Almost all of the facilities in **MEXICO** obtained high quality values given that the environmental authorities (both federal and state level) have made efforts to generate solid data bases on their environmental performance, especially concerning air issues. Still, the national coalition reported that accessibility indicators are noticeably lower since the studied industries do not dedicate time or resources to the distribution of the information. The indicators that obtained weaker values are those that refer to the existence of fulfillment reports on the Internet, the efforts to reach the mass media, and the opportunity or timeliness that the environmental authorities demonstrate in providing information before making formal requests. **MEXICO** is the only country that already has a PRTR by law and with current regulation, with a list of 104 substances that must be reported and with the obligation to report them by substance, industrial establishment, and if the discharge goes to the air, water, or soil. With this data the Ministry of Environment developed the PRTR. The first year that industry began to formally report was 2005, in spite of having this instrument in law since 1997.

The coalition from **PERU** reports a noteworthy legal and practical advance related to the obligation of industrial facilities to report on their fulfillment of environmental law and the ability for the public to have access to this information. In general terms, the studied facilities are fulfilling the legislation and the information they are presenting is of good quality. As well, it was revealed that a few of the large industrial facilities are voluntarily elaborating reports similar to their compliance reports. Nevertheless, the information on the monitoring that is carried out is not shared with or distributed to the public, although one can have access to it by making a request to the appropriate authority. **PERU** does not have a PRTR, although incipient efforts to implement one were reported.

In **COLOMBIA** the facilities in general are not obligated to present periodic compliance reports to the government, neither are they obligated to present to the public information as to how they are affecting the environment. It remains up to the discretion of the authorities to monitor the emissions of the facilities, which happens in a random manner and not periodically, which was reflected in a poor performance in this indicator. Only with the objective of obtaining some type of permit or environmental license is an industry obliged to present a declaration of emissions—if the information is not provided or if it is false reprisals could come in the form of the suspension of activities, the closure of the establishment, or the application of daily fines. Nevertheless, there is no effort to make this information available to the public. When an industry presents high levels of pollution they should be subjected to the control programs of the environmental authorities in order to verify the fulfillment of their permits and licenses. This demands that industry carry out the monitoring and then facilitates giving the data to the environmental authorities, which lends itself to a partial management of the information by industry. Additionally, upon receiving this information, the authorities have no obligation whatsoever to make it public and instead maintain the strict confidentiality of the information, thereby evading its revelation to the public. As well, it was reported that there is no PRTR.

The coalition in **VENEZUELA** reported that is obligatory to present compliance reports and reports on pollutant transfers. These reports are done by licensed laboratories which are authorized by the Ministry of Environment. What's more, it is obligatory to present reports at least one every three months in the case of water and "at least once a year" in the case of air. This was reflected in an intermediate and strong performance, depending on each industry according to the quantity and quality of information that the facilities generate and make available to the Ministry of Environment. Nevertheless, in

terms of accessibility, there was only intermediate performance by all of the industrial installations analyzed, as there is very little distribution of information in print or electronic media. Also, it was reported that a good number of the private companies lack information centers or documentation. In the case of companies with a percentage of actions held by the State, there are documentation centers, but the information that they possess tends to be limited to the economic aspects of the industry, or if they do have environmental information it is not up to date. There is no PRTR in **VENEZUELA** as such, although there several dispositions that oblige facilities to report water and air emissions.

In the case of **BRAZIL**, of the 4 facilities studied, 2 of them provided emissions reports on the Web, but these were aggregated for the sector or by corporation, and not for the specific facility. All of the industries claim to be giving their reports to the responsible governmental bodies, yet these agencies make no effort at distribution and do not have detailed reports available. In the fourth facility it was not possible to get access to the fulfillment reports, nor was any sort of response received for the information requests that were made.

While it is true that, in the ten countries studied, industry is obligated to present periodic reports on their environmental performance before the appropriate public agencies, the majority of the countries reported that the current environmental legislation does not oblige industry to inform the public about their environmental performance, and that no effort has been made to see that industrial fulfillment reports are made available to the media. As such, in order to have access to this kind of information one must make a formal request before the responsible authority.

CHAPTER SUMMARY

Table 12 presents a summary of the results obtained by each country for the first category, Access to Information.

The legislative framework and the legal instruments for access to information are developed in almost all of the participating countries. In fact, the majority of them are reporting a strong governmental performance in terms of access to environmental information specifically.

Nevertheless, there were several case studies that demonstrated the lack of consistency between the recognized right to have access to environmental information, and the actual practice of informing society in a timely and truthful manner.

In the majority of the case studies chosen for evaluating access to information during and after an environmental emergency, there is evidence of insufficient government distribution of information to the affected population. For this reason, civil society organizations, some local and national media, universities, and research centers, as well as society in general, took on the responsibility of generating and distributing information about the events and the possible environmental and human health impacts.

The indicators for evaluating governmental performance in the compilation, systematization, publication, and diffusion of environmental information that is gathered from water and air monitoring systems

permit recognition for government efforts that have brought about significantly positive, yet insufficient, results. It is worth noting that none of the countries evaluated are contemplating communication strategies for the massive distribution of information on the prevailing conditions of the two fundamental natural resources for a person's adequate quality of life: water and air.

The generation and publication of reports as institutional mechanisms for information on the state of the environment is a policy well cemented in several of the participating countries. Although all have made international commitments to realize this type of reporting, in some countries it is still not happening, while all of the countries are deficient in the timing of the publication of information.

If indeed the government authorities of the ten countries studied can rely on the necessary judicial framework for obligating the industrial sector to complete periodic reports on their environmental performance, it was reported that, in the majority of cases, the current environmental legislation does not include an obligation to inform the public. Due to this, in order that any person might have access to this kind of information, they must first make a formal request before the appropriate authority. The necessity for the authorities in Latin America to adopt a more active role in the enforcement of legislation that obliges industries to report the environmental impact of their processes also stands out.

It is noteworthy that only **MEXICO** has a Pollutant Release and Transfer Register, even if such efforts are just beginning. Chile and Peru are taking the first steps in establishing this kind of system. ■

**TABLE 12:
AVERAGE RESULTS BY COUNTRY, CATEGORY I.**

MEXICO

Legal Framework	100
Emergencies	55
Water and Air Quality Monitoring	84
Environmental Reports	95
Industrial Facilities	61

COSTA RICA

Legal Framework	87
Emergencies	42
Water and Air Quality Monitoring	60
Environmental Reports	0
Industrial Facilities	62

COLOMBIA

Legal Framework	78
Emergencies	53
Water and Air Quality Monitoring	66
Environmental Reports	72
Industrial Facilities	13

EL SALVADOR

Legal Framework	69
Emergencies	47
Water and Air Quality Monitoring	50
Environmental Reports	75
Industrial Facilities	28

VENEZUELA

Legal Framework	64
Emergencies	61
Water and Air Quality Monitoring	56
Environmental Reports	76
Industrial Facilities	54

ECUADOR

Legal Framework	80
Emergencies	25
Water and Air Quality Monitoring	50
Environmental Reports	0
Industrial Facilities	22

PERU

Legal Framework	91
Emergencies	47
Water and Air Quality Monitoring	74
Environmental Reports	81
Industrial Facilities	46

CHILE

Legal Framework	54
Emergencies	51
Water and Air Quality Monitoring	68
Environmental Reports	90
Industrial Facilities	63

BOLIVIA

Legal Framework	82
Emergencies	40
Water and Air Quality Monitoring	72
Environmental Reports	49
Industrial Facilities	64

BRASIL

Legal Framework	83
Emergencies	73
Water and Air Quality Monitoring	81
Environmental Reports	76
Industrial Facilities	51

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