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Filling the governance 'gap' in disaster risk
reduction

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Issue Paper on Accountability and Partnerships in DRR

Filling the Governance ‘Gap’ in Disaster Risk Reduction

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Author's Note:

This paper examines the scope and role of citizens' voice in accountability framework for disaster risk reduction. Despite the fact that the critical role of citizens specially those at risk in creating a responsive governance framework is recognized, very few examples currently exist around the world. This paper has, therefore sought external inputs from experts in development and humanitarian sectors to provide necessary guidance for the building blocks. On the basis of successful practices around the world, this paper identifies principal concerns that are relevant to building a accountability framework for disaster risk reduction. The Hyogo Framework of Action, 2005-2015 is currently the only available guidance to nations to follow DRR; to ensure the targets set out in HFA for 2015 greater efforts are needed. Strengthening the voice of citizens and accountability can potentially accelerate such efforts.

I am grateful to my colleagues at ADRRN and SEEDS for having supported me in preparing the overall structure and the necessary basic research for the paper. I am particularly grateful to invited experts who have specially been helpful in identifying suitable case studies based on a very sketchy initial concept. My loving wife and my son have provided tremendous moral support to me even allowing me to sacrifice my few weekends with them. I hope this paper forms the basis for a larger and intensive discussion on addressing the missing governance 'gap' in DRR.

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1. Introduction:

It is the fundamental duty of the State to protect the life of its citizens. The UN Resolution 46/182 states – “Each State has the responsibility first and foremost to take care of victims of disasters and other emergencies occurring in its territory.....”

Conventionally, State’s inability to protect its citizens from impacts of disasters has been considered essentially as a capacity issue. In recent years, however, the attribution to the governance ‘gap’ – essentially the lack of voice and accountability, has gained importance. Governance factors have been identified among others as the principle drivers of risk in the Global Assessment Report, 2009 (GAR09) particularly the lack of citizens’ access to political decision making (voice and accountability). The main recommendation of GAR09 was for countries to “adopt overarching policy and strategy framework for risk reduction, focussed on addressing the underlying risk drivers (...) and supported by resources and political authority”. In actionable terms, this would imply improving governance in disaster risk reduction through systems of accountability, transparency and participation.

Communities at risk of disasters have a right to know what is being planned by the State for ensuring protection of their lives; how much resources are allocated to such actions; how and why are decisions are made; how is progress being made and budget targets (Gostelow. L et al, 2010). Such awareness is the starting point for communities to engage with governments in decision making process, provide feedback including validating ‘successes’ or failures. If needed, also be able to hold governments to account for failed action.

To ensure States effectively implement disaster risk reduction (DRR); international agencies and donors can leverage on commitments by State on an international framework such as the Hyogo Framework of Action (HFA). Even though HFA is a non-binding agreement, it can provide a sound foundation if harmonised with existing national governance mechanisms. This would enable necessary resources and political authority is vested in its implementation.

2. Building Responsive States in DRR

In recent years, there have been a number of successful cases demonstrating how accountability in public systems has been introduced. In India, a grassroots inspired campaign led to the passage of the National Right to Information Law in 2005 contributing to greater public accountability. In the Philippines, the national campaign for Land Reform led to the redistribution of half of the country’s farmland to three million poor households contributing to their economic rights and livelihoods. In Brazil, the Right to the City campaign established a national framework for citizens’ participation in urban planning, critical to achieving housing and other social rights.

Typically, building an accountability framework in DRR would require DRR be introduced or strengthened within existing systems of vertical and horizontal accountability.

A responsive State to DRR would thus typically imply:

(i) National policy, law, institutional set up, monitoring and evaluation framework harmonized with DRR framework such as the HFA. Such systems of accountability that are internal to the State

are referred to as ‘horizontal’ mechanisms of accountability. They include – political mechanisms (e.g. constitutional constraints, separation of powers, the legislative, investigative commissions), fiscal mechanisms (e.g. formal systems of auditing and financial accounting), administrative mechanisms (e.g. hierarchical reporting, norms of public sector probity public service codes of conduct, rules and procedures regarding transparency and public oversight), and legal mechanisms (e.g. corruption control agencies, ombudsmen and the judiciary).

(ii) At risk populations and victims of disasters are able to voice their concerns and needs to their government. Such system of vertical accountability may typically be between citizens and their elected political representatives. They can take various forms provided the right democratic space is created and maintained.

(iii) Progress on DRR measures is monitored transparently with information available easily. Actions of the State be sensitive to feedback and complaints received from citizens and media.

(iv) Civil Society Organizations (CSOs) are able to ensure that formal systems of accountability have adequate credibility – a form of ‘hybrid’ accountability framework is established. CSOs will be able to amplify citizens’ voices and catalyze grassroots action.

(v) Actions within the accountability framework are enforceable. States should have adequate laws and legal mechanisms to protect rights of citizens and take punitive action for lack of accountable action.

A number of factors can influence the architecture of accountability within a country – the political context and culture, systems for access to information, independence of media and their capacity, capacity of CSOs, the capacity of the State, relationships between the State and Civil Society, and the degree to which accountability mechanisms are institutionalized. Therefore, establishing a accountability system would require a detailed examination of the existing conditions and identifying the right entry points in the system.

To build States responsive to DRR, a commitment and leadership is needed along with adequate capacity to act and the right incentives to take it forward. (Wood B. 2008). Few examples currently exist within the DRR sector that can be replicated. However, there is an opportunity to learn from some of the other sectors that have made progress in institutionalizing systems for citizens’ voice and accountability.

3. Ensuring at risk populations including disaster affected have a voice

Citizens being considered as first responders have been increasingly part of risk reduction approaches. A number of programmes around the world have clearly demonstrated the positive spin-offs of citizens’ participation in risk reduction practices. However, citizen’s voice in creating a ‘demand’ for good governance is less explored and therefore less tried.

To strengthen the voice and capacity of citizens (especially poor citizens) to directly demand greater accountability and responsiveness from public offices and services providers constitutes ‘social accountability. Evidence suggests that social accountability mechanisms can contribute to improved governance, increased development effectiveness through better service delivery, and empowerment. Social accountability mechanisms whether initiated by the State or its citizens themselves can take

various forms. They can be institutionalized or independent, the extent to which they are ‘collaborative’ or ‘conflictive’, whether they employ formal or informal sanctions, and whether they occur at the local, regional or national level. Subsequent, sections of this paper explore possibilities of forms social accountability mechanisms may take with respect to disaster risk reduction.

Social accountability leads to empowerment of the most marginalized creating the space for the inclusion of children, women and indigenous peoples’ groups. Why is citizen’s voice and accountability so important in disaster risk reduction? Sony, a Nepali school girl puts this very eloquently “...it is our right to have a safe school. We don’t build our school building ourselves. But if it is very weak then an earthquake will destroy it and kill us. Why should children die from weaknesses which others create?”

Social accountability can start in the most informal way and if sustained can lead to policy change. As the case of Hazel Henderson (Box1) shows, even ordinary movements strengthened and sustained can lead to desired results. However, social accountability principles need not remain confrontational and informal. There are enough examples from around the world whereby social accountability systems have complemented internal mechanisms within the government. For long term sustainable change, such an arrangement may well be necessary without stifling or denying the space for spontaneity that can detect any visible signs of impending disasters.

BOX 1

Hazel Henderson’s very first campaign as a civic activist, as an ordinary citizen and mother, before she became the self-taught famous Dr. Hazel Henderson – a world-renowned futurist, evolutionary economist, globally syndicated columnist and consultant on sustainable development, started in the in the 1960’s when Hazel noticed that every evening after play, her daughter had a layer of soot on her skin which literally had to be scrubbed off while giving her a bath. She herself was suffering from a persistent cough. In addition to soot, smoke from thousands of garbage incinerators made the air smell foul. Having lived in England in the early part of her youth she was familiar with the great smog in London in 1952, when four thousand people died in a week and hence knew that this air pollution was a health threat for everyone, especially children.

Hazel began by talking to other mothers at the neighbourhood park while they were watching their children play. Starting with the simple question, “Don’t you think the air here is bad?”, she engaged them in repeated discussions that eventually led to the formation of ‘Citizens for Clean Air’. During her daughter’s afternoon naps, Dr. Henderson began to write letters to the mayor of New York City and other city officials, asking them to address the issue of air pollution. Eventually, she received a reply from the mayor stating that what she thought was pollution was probably just mist rolling in from the sea! The response of politicians and experts to her appeals for cleaner air was always the same: It costs too much money; we can’t do it. Lurking behind such responses she often sensed contempt: What does a housewife like you know about the way the world really works?

Refusing to be discouraged, she decided to do further investigations and found that the city actually had an office of smoke control. When she phoned them to report smoke coming from nearby chimneys, she was politely told that they knew their job and were measuring soot particles in the city’s air each day.

By now they were a small but formidable group of ten members with the goal of having air-pollution forecasts included on televised weather reports. They divided up the task of writing to high-ranking executives in all the major television networks.

When they learned that broadcasting fell under the jurisdiction of the Federal Communications Commission (FCC) in Washington, they wrote to its chairman. They also wrote to Nelson Rockefeller, governor of New York State. The letters contained information about New York City smoke-control devices and a request that television broadcasts should include daily measurements under the FCC requirements stipulated by a 1934 act of congress “to broadcast in the public interest, convenience, and necessity”. Both, the FCC Chairman and the governor replied saying Hazel should keep them informed of the TV networks’ responses.

Hazel then photocopied this response and sent them to the TV network chiefs. In a few weeks they received a call from the vice president of one of the major New York television stations saying that he liked the idea of including the New York air-pollution index on TV weather programs. One month later, the New York Air Pollution Index, based on primitive soot measurements, was on the air. Three months later all TV stations, most radio stations and local newspapers were covering the index. Similar indexes began being broadcast in other cities of USA too.

The group also called on all of the top advertising agencies, hoping that some company would donate publicity work, but none were willing. After visiting 20 firms, the group members decided that they would try just one more, and if that company refused as well, they would give up. Fortunately their hard work and persistence paid off. The last firm on their list was a newly formed company called Carl Ally Agency and their young president Carl Ally agreed to do a free advertising campaign for them. In a few months, a beautiful truthful advertising campaign was created. This created a great public awareness and rapid expansion of 'Citizens of Clean Air'. Soon the New York City Council enacted two laws concerning air pollution, and shortly thereafter the United States Congress passed the Federal Clean Air Act in 1970. In recognition of her achievement, in 1967, the New York Medical Association conferred the Citizen of the Year Award on her. (Full story in Annex)

BOX

In a citizen led movement to bring about greater accountability, the following points are important:

- The cause must be a serious one, which is apparent to everybody.
- Mobilization of as many volunteers can provide the strength and seriousness to a campaign.
- Participants of the campaign should be sufficiently empowered. This should be based on evidence that is thoroughly investigated and well researched. Participants educated on the matter to become a "world-class expert on the problem".
- The power of media can be utilized in a good sense.
- Campaigns require perseverance no matter how difficult.
- Most importantly, each participant of the civic movement must have a noble spirituality to fall back on.

4. Partnerships for Accountability

Citizens need effective 'voice' in order to convey their views. Local multi-stakeholder coalitions and platforms can provide the necessary springboard for effective citizens' voices. For governments and other agencies enabling such partnerships becomes imperative.

However, partnerships cannot be considered a panacea unless they are supported by clear terms of reference. Mutual accountability being the basis, participating partners have to own clear roles and responsibility. The tenets of Paris Declaration on Aid Effectiveness outlines the following principles, relevant for building partnerships with mutual accountability:

- **Transparency:** Keeping the needs of the most vulnerable population as the centre of discourse, parties in a partnership should be able to share information on needs and their commitments - sharing accurate and up to date information in a form that can be understood by all parties.
- **Ownership:** There is a strong leadership among partners with a common agreed agenda for partnership.
- **Alignment:** Both domestic needs and priorities as well as international conventions such as HFA.
- **Harmonisation:** Resultant action built on the strength of common arrangements followed by all participants.

An overarching objective - of protecting citizens' lives and reducing vulnerability would form the basis of action outlined by such partnerships along with respect for international conventions, principles of humanity, impartiality, neutrality and independence.

Global to Local Partnerships for DRR : The missing last link .

The Global & Regional Platforms set up to monitor progress on the HFA have been effective mechanisms in re-confirming the objectives set out in the framework. They have brought nations to commit greater resources on DRR, they have simulated building and sharing of technical capacity. In few cases, these platforms have been set up at the national level and have created horizontal linkages in-country among stakeholders involved in development and humanitarian action. But it is the last missing link in the chain- the local platforms and perhaps the reason why the accountability agenda hasn't really set in. While governments seem to be enthusiastic in reporting the useful strides taken in DRR, they aren't the necessary pressure to report on the effectiveness of their investments, and whether they have indeed led to reduced losses.

Civil Society Organizations catalyzing local level action

The Views from the Frontline (2009) highlighted how little is known about the HFA at local level especially among citizens. If citizens voice in accountability is to be encouraged, the role of CSOs would be critical. They can help citizens articulate their voices, mobilize pressure for change and monitoring government performance.

In Bangladesh for example, CSOs were able to effectively support citizen's action in mobilizing necessary support to monitor resources for maintenance of embankments. This was brought about through policy research and social audits, awareness-raising among politicians and government officials, media coverage and mobilizing the most vulnerable to organize sit-ins. (Action Aid and Ayuda En Accion, 2005)

The role of CSOs in highlighting the voice of the most vulnerable is critical. Communities exposed to disasters are also often the most disempowered. Supporting them in carrying out review of government programmes including budget analysis is possible. In Bangladesh, the CSOs could mobilize local women's groups to expose issues of 'gender-blind' budgets. (BOX 2) Women leaders were thus trained to be part of the local political process.

BOX 2

Under a gender blind budgeting system, fewer financial resources are generally allocated to women, creating inequality and leaving them at a disadvantage in society. Given women's lack of involvement in the budgetary process at any level—village, city, provincial, or national—the key objective of the Participatory Gender Budget Program was to empower women to participate actively in budget-related activities, particularly at the decision-making level. This included - Enhancing women's political involvement. Focusing on motivational and educational campaigns to encourage them to run for local public office, Encouraging women's participation in drafting local budgets, Undertaking gender budget analysis. Demystifying technical documents such as budgets is an essential step for highlighting issues of inequity and accountability Providing gender budget training. (Sirker K, Cosic S. and Public Affairs Foundation 2007).

BOX

The capacity of Civil society organizations in acting as watchdogs of government performance is uneven. Therefore, strengthening the capacity of CSOs may not only increase the voice of citizens and groups but also serve as check upon public sector performance.

At the same time, creating the necessary democratic space for CSO participation is equally necessary. In the Philippines, a constructive role played by CSOs in national policy reform has led to the passage of National Disaster Risk Reduction and Management Act.

5. Institutionalizing Citizens voice and Accountability

It has been argued that impact is greatest and most sustainable when social accountability mechanisms are ‘institutionalized’ or when States own “internal” mechanisms of accountability are rendered more transparent and open to civic engagement (Malenka, C. et al 2004)

Various forms of social accountability have been in practice:

(i) Participatory Budgeting whereby citizens participate directly in different phases of budget formulation, decision making, and monitoring of budget execution. In participatory public expenditure tracking, citizens track how government or other service providers actually spend with the aim of identifying linkages or bottlenecks with the flow of financial resources or inputs. In India, citizens have effectively participated in a rural employment of the programme performing social audits. (BOX 3)

BOX 3

With built-in features like decentralized planning and implementation, proactive disclosures, and mandatory social audits on its projects, the National Rural Employment Guarantee Act (NREGA) of India provides the catalyst for activist governments and civil society organizations to institutionalize accountability tools in governance system. A remarkable instance of one such activist government is Andhra Pradesh State, which has, since the inception of the program in 2006 been conducting systematic and regular social audits on its NREGA works across the state.

A strong political will and committed top-level bureaucracy provided the impetus for this venture. The institutional space for developing a team and managing the social audits was found in the Strategy and Performance Innovation Unit (SPIU) of the Department of Rural Development. Between March and July 2006, the Department collaborated with MKSS, the civic group in Rajasthan that pioneered social auditing in India, to hold training sessions for officials and interested civil society activists, and to help with the design and conduct of pilot social audits. These trainings culminated in the setting up of strong cadre of 25-member state resource persons, drawn exclusively from the civil society, which is crucial to ensuring a high degree of autonomy and objectivity in the exercise. In addition, 260 district-level resource persons have also since been trained. The actual audit is conducted by educated youth volunteers in the village, who are identified and trained by this pool of resource persons.

The first social audit was conducted in July 2006. Since then, an average of 54 social audits are conducted every month across all 13 NREGA districts. Although research needs to address whether such deep institutionalization of accountability mechanisms has indeed resulted in improved accountability in service delivery, emerging evidence points to significant and lasting improvements in citizens’ awareness levels, their confidence and self-respect, and importantly their ability to engage with local officials.

BOX

(ii) Participatory performance monitoring entails citizens monitoring and evaluating the implementation and performance of public services according to indicators they themselves selected. The example of Bangladesh whereby local research supported a citizen led inquiry into resources commitment for embankments. Equally necessary as citizens role in participation is also an effective complaint mechanism. (BOX 4). There have been innumerable instances where development

programmes gloss over the needs of most vulnerable. In many cases, the actual precipitate risks, in absence of evidence- a trigger for a potential disaster as been set.

BOX 4

A robust feedback and complaint mechanism by ACT (Gostelon L. er at, 2010) outlines:

Safety: A safe complaint mechanism will consider potential dangers and risks to all parties and incorporate ways to prevent injury or harm. This will include ensuring confidentiality, offering physical protection when possible, and addressing the possibility of retaliation against witnesses.

Confidentiality: Confidentiality is an ethical principle which restricts access to and dissemination of information. It requires that information is available only to a limited number of authorised people for the purpose of concluding the investigation. Confidentiality helps create an environment in which witnesses are more willing to recount their versions of events.

Transparency: A mechanism is 'transparent' when members of the affected community know it exists, have had input into its development, and possess sufficient information on how to access it and ensure it is adhered to; all communities should know who in the organisation is responsible for handling complaints and communicating outcomes.

Accessibility: A mechanism is accessible when it is available to be used by as many people as possible from as many groups as possible in all places where an organisation is operational. Communities must be told how to complain and be actively encouraged to make complaints when problems arise.

BOX

Citizens Charter: Setting the Agenda

Citizens Charter have been helpful tools to solve accountability problems pertaining to service delivery at local level (Gostelow L. et al 2010). They are informed, peaceful and represent peaceful action by citizens. However, they work well only if they are designed by citizens themselves. A citizens' charter without an adequate compensatory or complaint system for poor or non-delivery of service may hold no value.

In Lebanon, following a formal approval in 2001, Citizen Charter has been institutionalized. It constitutes the framework government relationship and covers aspects such as - simplicity and speed in transaction, public service code of ethics, citizenship code of ethics, right to access transparency and combating corruption and accountability and participation

Particularly on accountability and participation, the citizens' charter elaborates a citizens complaint mechanism without any impediments; promptly respond to questions by citizens; conducts annual polls or surveys; promote staff competency; enforce decision of the judiciary; enhance a positive image of public services by through adherence to evidence of innocence; provide a place for civil society organisations to discuss policies; finally have reward system for public staff who have demonstrated distinguished service in dealing with citizens.

In the DRR context, the Citizens Report Card has been a useful mechanism to tracking and reporting the impact of development programmes on risk reduction. However, in general tools for being able to carry out a 'DRR check' of development programmes are still not fully developed. Existing published methodologies at best measure the degree of household resilience that is to be achieved, however they do not necessarily help in measuring 'effectiveness' of government DRR strategies or DRR components in development strategies.

The entire accountability structure rests on the availability and use of information. Transparency- that is the unfettered access to timely and reliable information on decisions and performances and accountability are mutually reinforcing concepts. In the DRR sector, considering much of it is intangible- this is particularly important

6. Are DRR Practices Effective? Information as the starting point

The architecture of Global Assessment Reports and Views from Frontline have provided the necessary evidence on the need of disaster risk reduction practice, For the state to make information on its programme and activities forms the bases setting in motion a accountability framework

Typically, a good information management framework would require that governments have an obligation (UNDESA, 2004) - to create an infrastructure and procedures to make available information to individuals and groups, balancing the need for guarding public interest and protecting the privacy of individuals; to provide information on their performance and to seek information from the private sector and civil society in formulating public policy and improving service delivery; to ensure good management of information through sound keeping of records, whether paper-based or electronic, judiciously utilizing information and communication technologies where useful and feasible; and to disseminate to the public information on government decisions and actions and information obtained through consultations, encouraging the freedom of expression, especially through the existence of independent media.

Access to information is a fundamental human right. In Slovakia, the use of the right to information has led to Citizens' participation in the planning management and protection of forests in the country (BOX 5)

BOX 5

In Slovakia, deforestation must be carried out in accordance with a forest management plan, which is prepared by the company proposing to cut down trees. This plan, envisaging the next ten-year period, must be approved by the government and then supervised closely by a state oversight body. The approval of a Forest Management Plan by the Ministry of Agriculture should indicate that the proposal is ecologically sound.

Until 2005, the development of a forest management plan involved only three actors – the company proposing the deforestation, the Ministry of Agriculture that accords its approval to the plan and the state oversight body. Proactive disclosure of information related to any forest management plan to the public was not compulsory and as a result, members of the public were not given the opportunity to be informed and to participate in the planning, management and protection of their environment.

Between 2000 and 2004, various deforestation projects were underway in Eastern Slovakia. At this time a large environmentalist group known as the Vlk ('Wolf') Forest Protection Movement began submitting requests for information on proposed forest management plans to the Presov.

City administration and the Ministry of Agriculture under the newly introduced Act on Free Access to Information, 2000. Vlk requested the information believing that the public should be allowed to participate in decisions to approve deforestation plans, and have access to all relevant information about the environment in which they live, including its management and protection.

Vlk's requests for information were rejected by both the city administration and the Ministry on the ground that the Plans were "classified" information. However, Vlk were determined to access the data and took their claim to the Supreme Court, arguing that the government's refusal to provide the information was a breach of their rights under the Act on Free Access to Information.

The Supreme Court ruled in Vlk's favour, holding that the government had acted illegally and that information on forest management and administration is not subject to classification under the law. Interestingly, the court also ruled that the government had classified the information without following the correct processes. Following the court ruling, the government released the information on the forest management plans.

Armed with the knowledge that the government had failed to follow the correct processes with regards to the formulation of forest management plans, Vlk spearheaded a public initiative to demand the expansion and increased protection of national forest and nature reserves in Slovakia. Vlk's work paid off. The government expanded two nature reserves from their original 50 hectares to 400 hectares affording the area greater protection under Slovakian law than a mere classification as a national park.

The struggle to get information released as a result of the Supreme Court's judgment created public awareness about the dangers to the environment and the value of openness in decision-making. This generated pressure for changes in the law on the protection of forests. In 2005, amendments were made to the Act on forests to allow civil society groups to access the information and background material used in developing forest management plans. Importantly, the new amendments set a precedent for public participation in the development of forest management plans by allowing non-governmental representation at official meetings. This opened up the whole process to a much larger and more diverse audience. This is particularly important when it comes to protecting a country's often scarce but coveted natural resources. Assured transparency reduces the risk of collusion between powerful commercial interests and closed government systems. It also reduces the possibility of subverting internal procedures for private gain and circumventing detailed but often unknown rules and regulations.

Access to information about procedures not only led to the expansion and protection of nature reserves, but gave Vlk the knowledge and power needed to demand crucial changes to the forest management law. Most importantly public participation in the planning, management and protection of the forests in Slovakia was institutionalised because of the use of right to information.

BOX

Monitoring Effectiveness of DRR practices based on HFA

Words into Action (ISDR, 2008) outlines indicators that states and agencies implementing the Hyogo Framework of Action could take to ensure disaster losses are reduced. However there is a limited understanding on issues that recognize implications due to lack of actions or incorrect actions that have enhanced risk conditions.

Considered with respect to the five priorities of action outlined in the Framework of Action, typical questions on accountability would be:

Priority 1 of HFA: Ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation

The accountability question:

- *Is there a provision for accountability [norms and guidelines] as part of national institutional framework? Is there a grievance redressing mechanism?*
- *If communities are involved in all stages of DRR planning, implementation and monitoring?*
- *Are there multi-sectoral platforms for disaster risk reduction at national and local level with clear articulation of goals, rational delegation of roles, and clear lines of accountability?*
- *Is information on dedicated resources available to implement disaster risk reduction plans and activities at all administrative levels resource allocation made known to citizens?*

Priority 2: Identify, assess and monitor disaster risks and enhance early warning

The accountability question:

- *Is information on national and local risk assessments available for public access? Is the information*

accessible to all concerned?

- *Is there a system to ensure that accurate early warning information is provided to the community? Are there systems to enforcement?*
- *Is the staff communicating risk and early warning information competent?*

Priority 3: Use knowledge, innovation and education to build a culture of safety and resilience at all levels

The accountability question:

- *Does the awareness on the accountability framework accompany communication strategy on public awareness on culture of disaster resilience? Is it good? Does it identify who is responsible? Is there a provision of feedback for monitoring?*
- *Relevant information on disasters is available and accessible at all levels, to all stakeholders through networks, development of information sharing systems etc. Is the information updated frequently?*
- *School curricula, education material and relevant trainings include disaster risk reduction and recovery concepts and practices. Is the staff competent to implement?*

Priority 4: Reduce the underlying risk factors

The accountability question:

- *Does the accountability framework of existing development programme and poverty alleviation recognize DRR elements?*
- *Are vulnerability reduction programmes regularly monitored and improved, and impact measured periodically?*
- *Are there audits for public safety, losses enforced ? e.g Are building codes enforced?*

Priority 5: Strengthen disaster preparedness for effective response at all levels

The accountability question:

- *Are these activities regularly monitored and improved, and impact measured periodically?*
- *Disaster preparedness plans and contingency plans are in place at all administrative levels, and regular training drills and rehearsals are held to test and develop disaster response programmes*
- *Procedures are in place to exchange relevant information during hazard events and disasters, and to undertake post-event reviews*

There has been reluctance on part of governments to be asked uncomfortable questions that expose their inadequacies. A survey in four Arab countries (Jordan, Lebanon, Sudan and Morocco) government appointed advocacy groups was most popular among the four options that included- Policy consultation in public, feedback on service delivery and the new ICTs (UNDESA, 2004)

At the community level , information on DRR practices have to be demystified if at all feedback is to be solicited. Currently much of DRR lexicon is limited to few languages and therefore sometimes inaccessible to population at risk. Moreover a large proportion of at risk communities in least developed or developing communities are illiterate. Sharing of information among such communities would innovative means whereby risk related information is available in understandable form.

Voicing citizens issues- the role of media

Distinct from the State get within society itself, an important source of information the press and media (Rocha, 2008). Especially investigative journalism can become effective check on government decisions and actions by civil society. Through investigating and publicizing substantiated rumors and allegations, journalists are able to expose mismanagement and corruption, thus holding the government to account.

However, the UNDESA study point out that investigative journalism is underdeveloped. There is limited freedom of the press. At the same time, professional training for investigative journalists is limited, despite of the importance of their work, The dangers of liberalizing the media without professionalizing it became evident in Rwanda genocides in 1994 where political liberalization produced a number of independent media channels that deepened the country's social divisions (Rocha, et al 2008)

7. Ensuring Enforcement in Accountability

The high point of ensuring necessary political authority would be to provide a legal backing to a accountability framework in DRR. In other words, citizens should be able to exercise legal rights to hold governments to account. This would imply 'sanctions' against those found guilty.

Laws that ensure protection of citizens' live and the natural environment against potential disasters and risk conditions, do exist. However in many societies these laws are poorly enforced.

Citizen's action plays a critical role in confronting such violations that eventually lead to disasters as has been the case in coastal India. (Box 6)

BOX 6

India has a long coastline of about 6000 km with beautiful estuaries, deltas, backwaters, mangroves and coral reefs, which are rich in biodiversity. Almost one-third of India's population lives on the coast, 25% of which lives within 50km of the shore line. While it has always been vulnerable to natural hazards, particularly floods and cyclones, in the last few decades this beautiful coast has been severely ravaged and destroyed by unchecked, unrestrained so-called development by hoteliers, tourism departments, and industrialists who have used the sea as a dumping ground for sewage, garbage and harmful industrial effluents. Not only have large areas of mangroves been cleared to build shrimp farms, hotels and other industries but the effluents, waste and garbage from these industries have further polluted the sea and coastline making it highly vulnerable to natural hazards. This, despite the guidelines promulgated by the Ministry of Environment and Forests (MoEF) in 1983 based on which every State of India was to draft a Master Plan ensuring the scientific development of the coastline, ultimately ensuring the preservation and enforcement of the coastal ecosystem.

It took another 8 years for MoEF to come up with a Notification declaring the entire 6000 km coastline a Coastal Regulation Zone (CRZ). By then, many corrupt politicians and bureaucrats had made a fortune by selling prime land in complete violation of the CRZ notification - to hoteliers and others.

In this scenario Mr. M. C. Mehta, an advocate in the Supreme Court of India, who had successfully fought to protect the Taj Mahal from air pollution and had sought a ban on polluting industries, which were destroying India's Holy River Ganges, decided to petition the government and MoEF.

Even though the CRZ Notification of 1991 imposed various restrictions on the setting up, expansion and operation of industries, it remained only on paper. Its enforcement was negligible and large polluting industries continued to spring up along the coast leading to large-scale damage to coastal ecology and loss of livelihood to thousands of fisher folk and other indigenous peoples dependent on marine resources.

Mehta's prime objective was to expose the blatant lack of enforcement and to ensure enforcement of the CRZ

Notification Using this as a platform he also wanted to fight the intensive shrimp farming which had started to spread all along the coastline leading to pollution, loss of species, habitat and livelihoods of the poor indigenous people.

Mehta wanted the government to appoint an apex or central authority in India, as well as an authority in each coastal state, to monitor the CRZ implementation. He drew up a list of eminent persons in the environment field to be members of this monitoring committee. A writ petition was then filed on behalf of the Indian Council for Enviro-Legal Action (ICLEA). As word spread about this, letters started pouring in from all over the country in which people highlighted their grave concerns about the polluting industries all along the coast.

The MoEF retaliated by quickly appointing a committee to review the 1991 Notification. Based on the committee's recommendations, in 1994, the MoEF made sweeping changes to the Notification such as giving itself full powers to allow construction within the CRZ up to 50 meters from the High Tide Line (HTL). The Union of India's response to this was shocking as it conceded to the MoEF recommendations saying it represented a balance between environmental and economic needs and at the same time safeguarded sustainable development. In reality this was nothing but a blatant attempt to consolidate powers in the hands of the MoEF by making it the sole keeper of the coastline. This meant that MoEF would henceforth become the only agency to permit construction projects on the entire 6000-kilometre coastline and its officials would be able to dole out favours to developers and would be in a stronger position to extract favours from them.

Not one to give up a fight half-way, Mehta responded in 1995 by filing an Interlocutory Application praying that the Court should quash the 1994 modification. He argued that allowing any relaxation to the Notification as suggested by MoEF would make the entire CRZ a charade.

Finally in April 1996, the Court laid down a forceful judgment against the states and MoEF. The judgment had two main parts – first the Court looked into the States' compliance with CRZ notification saying that if a law is not being voluntarily obeyed, then it has to be enforced. The Court recognized the power of vigilant citizens, and NGOs and directed the States to seek their help in enforcement. Secondly, it evaluated the validity of the 1994 revisions made by MoEF to the 1991 Notification and felt it reeked of corruption and the provisions made were capable of abuse and hence quashed it resoundingly. It further ordered the State High Courts to shoulder more responsibilities, namely in ensuring that the CRZ Notification and directions of the Court were followed by the States. It also directed the Union of India to appoint an apex body and accordingly in 1998, the Coastal Zone Management Authority was established as the national agency to monitor and enforce the CRZ laws under which each state set up Coastal Management Committees.

Mehta's public interest environmental litigation cases have formed the foundation for the development of environmental jurisprudence in India, and indeed, South Asia today.

BOX

Equally critical are factors where adequate laws that ensure protections of citizens' lives do not exist. Using international conventions can provide the moral high ground for citizen led action for a formal legislation. A useful learning is provided from the experience of in-country Laws ensuring public safety created through sustained international and grassroots pressure on governments. (Box 7).

BOX 7

Toxic chemicals have been a source of concern for several decades now. Initially, they were seen as contaminants in the environment, polluting land, water, and air – locally and globally. In more recent times, the concern over toxic chemicals has shifted to their health impacts. Many global mechanisms came into play to address chemical safety issues due to pressure from grassroots as well as from international networks.

WHO and ILO joined UNEP to form the Intergovernmental Forum on Chemical Safety (IFCS) in 1994 to leverage its authority to open the doors for the participation of NGOs shoulder to shoulder with government and other participating agencies. This set the stage for a series of unlikely collaborations to eliminate some of the most complex toxics on the planet. A visible aspect of this collaboration played out at SAICM that preceded the WSSD and was precipitated by it.

Stockholm Convention came into force in 2005, with an objective to eliminate persistent organic pollutants from

the environment as a collective, since these chemicals did not necessarily act locally. While there was a great deal of discussion around the elimination of these chemicals, both in terms of policy and technical capacities, the convention's success, in hindsight, partially rested upon the decisions of an innovative mechanism for accountability that had developed in the context of toxic chemicals, after 2002, the World Summit on Sustainable Development (WSSD) of Johannesburg, where chemical safety was also part of a section.

A year after the Stockholm Convention, in 2006, environment Ministers, health ministers and other delegates from more than one hundred governments participating in the first International Conference on Chemicals Management (ICCM-1), in Dubai, adopted the SAICM: The Strategic Approach to International Chemicals Management (SAICM). The objective of SAICM was to change how chemicals are produced and used in order to minimize harmful effects on human health and the environment. SAICM was neither a treaty nor a meeting where governments came to a consensus. It was a global political commitment on the part of governments. With the impetus of the IFCS, several civil society organizations were part of SAICM.

This case of chemical safety suggests that accountability has been created through the synergetic movement of pressure from below (the local grassroots) and above (international networks), facilitated by widening the scope for participation by other actors in the international decision making process. The interactions between the various stakeholders suggests a positive feedback loop based on the synergy between global and grassroots advocacy. This has been reinforced by information and scientific data, which has strengthened the overall work and added value to the process. In addition, being able to leverage financial assistance for work by civil society was important, because it enabled several local and national initiatives.

The experience of building accountability in the chemical safety arena therefore points out to four key elements: (i) Equal Participation; (ii) Local and National Advocacy; (iii) Information; and (iv) Funding sources. First, creating space in the global environmental negotiations for civil society actors to participate alongside industry and governments. This has to be renewed with every successive global mechanism. Second, that advocacy and monitoring on the issues must be local and national apart from being international, because they contribute in building up to the larger process. The third element is that of information, a key tool to build accountability. Coupled with media attention, it forces attention to otherwise complex issues. Many of these activities are not easy for officials, particularly at the national level, to deal with. Where there are no democratic institutions, this becomes even more challenging. However, making available financial resources is key to overcoming these barriers and making governance more transparent.

BOX

In order to anchor an accountability framework, quasi-judicial regulatory institutions have been instituted in many countries. In India, the "Information Commission" has been empowered to receive and act on complaints against misuse of the Right to Information Act. It has been given the powers of a civil court including the power to secure compliance of its decision from a Public Sector agency.

8. To Learn, To Reflect, To empower

Each catastrophic disaster serves as an eye-opener on causes – historical, cultural and of governance, that as scholars describe, are processes that unfold through time and their causes deeply embedded in societal history. (Anthony Oliver-Smith, 2010). In 2010, two earthquakes occurred within a gap of five weeks, an earthquake in Haiti that killed two hundred thousand people and a five hundred times stronger earthquake in Chile in which eight hundred lives were lost. Apparently, the difference in mortality is due to location and depth of the two earthquakes. However, a deeper analysis reveals a number of governance factors as one of the principle contributing causes. Chile has an excellent building code instituted in 1930s; Haiti has no building code and a vast majority of people lived in poorly constructed houses. Transparency international ranks Haiti at 168 and Chile at 25 in the least-to-most corrupt index. Little wonder that rampant corruption in Haiti led to large scale building collapse and the corresponding huge life losses. This included 13 of the 15 government office buildings.

Politicians don't want to be associated with projects that are not visible or the benefits of which do not occur in their political career. As a politician from Philippines put it, "DRR will become my priority only if it can get me more votes in the next election." (personal communication)

With focus on economic growth and visible results achieved in short period of time, development and growth accentuate risk and vulnerability are simply overlooked. To bring about greater "visibility" and "tangibility" and within the politician's radar screens, would need a concerted pressure fuelled by citizen voices. Citizens' thus have a vital role to play in holding governments to account to ensure any human induced factors that cause disasters are prevented.

To begin we need to empower the most at risk communities together with support from CSOs, the media and other stakeholders. Such groups can seek support from organized civil society organizations for the necessary encouragement, learning skills and create platforms. Capacity building in this context would require not just technical but also on political skills. Even though tools and methodologies for building accountability in DRR are lacking; the progress made in other sectors and evidence available on the ground provides enough basis for learning and reflection on causes and effects in disasters.

Citizens' actions are galvanised through building and sustaining alliances and coalitions; and therefore become a necessary building blocks. A platform to hear public views, concerns, and complaints providing free access would help the State improve its implementation of DRR and achieve better results.

Collecting evidence from the ground is the key. Mandatory sharing of basic risk and vulnerability information for local areas, risk impact assessments of local development projects, social audits and proactive information sharing would go a long way in educating and empowering citizens.

States can do their bit by recognizing DRR an important component of the national accountability framework. DRR as a cross-cutting theme in all programmes of the Government will provide the necessary space and impetus for greater voice and accountability. Further, State's plan of implementation of HFA should be subjected to scrutiny. For this, independent review mechanisms, or watchdog bodies could carryout evidence based monitoring.

For donor communities and international commitments by State on an international frameworks such as the Hyogo Framework of Action (HFA) can be leveraged. Even though HFA is a non-binding agreement, it can provide a sound foundation if harmonised with existing national governance mechanisms. This would enable necessary resources and political authority wrested in its implementation.

The three one's principle adopted by UN-AIDS, provides greater national ownership, harmonization and alignment and the basis for coordinating all the work within the country's context through a single political authority wrested with necessary powers and a common format for country wide monitoring.

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Annex: Case Studies

Case Study

“No Thanks, Don’t Serve Us Poison” – Lessons In Accountability From The Arena Of Chemical Safety

Bharati Chaturvedi

[A development practitioner and writer with over 15 years of experience on advocacy tools for environmental justice issues, building grassroots and other partnerships, and organizing replicable models on the ground for sustainable waste handling and livelihood opportunities. Founder Director of an environmental research and action group.]

This case study examines the issue of chemical safety as an arena where various mechanisms have jointly resulted in public accountability globally. Toxic chemicals have been a source of concern for several decades now. Initially, they were seen as contaminants in the environment, polluting land, water, and air – locally and globally. In more recent times, the concern over toxic chemicals has shifted to their health impacts. This paper looks at the global mechanisms that have come into play in the last 15 years to address chemical safety issues to understand the ways by which key actors have been able to achieve accountability and the aspects that were key in this.

Toxic Chemicals

Toxic chemicals have been known as an environmental and health hazard for several decades. In the last five decades, the understanding of toxics as a serious threat to both human health and poverty has become more widely accepted.

There have been several different ‘waves’ during this period, each contributing to better understanding of chemicals, and in the process, leading to policy shifts. In 1962, Rachel Carson’s book, *The Silent Spring*, brought in a heightened sense of awareness about the impacts of DDT, particularly in the developed world. This spread further into an understanding of pesticides as hazardous to human health. By the 1970s, there was widespread agreement that heavy metals had a severe enough impact for them to be phased out. In particular, lead began to be come under scrutiny. Meanwhile, the Minamata legacy also brought attention to mercury as a severe pollutant. Action followed. For example, slowly, lead began to be removed from petrol, and slowly, from paints. However, this shift was the case only in the developed world. In the developing world, the threat from chemicals was seen as an elite concern, impractical when the priority was to feed millions of starving poor. By the 1980s, a new understanding of chemicals themselves came to the fore. Scientists began to use evidence – mostly from the United States – to show how some chemicals could impact human health even in the smallest quantities. Many new kinds of chemicals, such as dioxins and furans, began to enter public consciousness as advocacy and science burst onto the scene. The chemicals that have entered environmental vocabulary since the late 1980s in the developed world have been large those which are harmful over long periods and even, inter-generationally, act in small doses, tend to travel distances and bio-accumulate. Dovetailing into this was the issue of chemicals in consumer products, both as additives in plastics and electronic items and in part of the product, such as paints in toys. Most of this was driven by campaigns by environmental and public interest groups, in the United States of America and to a lesser extent, the European Union.

The movement spread to the developing world in different ways by the 1990s. First, as victims of toxic waste dumping from the developed world, when environmental groups exposed this practice, and successfully campaigned for what would become the Basel Convention. Second, from local campaigns, mostly arising from safe waste handling. The Bhopal Gas Tragedy of 1984 had already changed the global understanding of toxics. In India, it also precipitated more awareness about toxic chemicals. With markets becoming globalized, the issue of toxics in consumer products and in the waste generated became a common concern.

The 1992 Rio Earth Summit took up the issue of toxic chemicals in the program of action that adopted Agenda 21. Chapter 19 of *Agenda 21* is titled *Environmentally Sound Management of Toxic Chemicals*. It stated that chemicals are a “grave damage to human health, genetic structures and reproductive outcomes, and the environment.” It also acknowledged that developing countries had to face the double burden of poverty and chemical contamination as well as lacked both capacity and funds to deal with costly chemical handling.

This paper examines the issue of chemical safety in the global arena against this backdrop.

Actors And Their Interaction

“Now over 10 years old, IPEN has remained a strong and inclusive global network, with a mission of a toxics free future shared amongst its 700 + non governmental and civil society Participating Organizations (POs). Because of all the energy, focus and effort of its POs and Boards, IPEN closed the last decade with a number of major successes including: 9 new substances listed to the Stockholm Convention for global ban and phase out, over 1,000 NGOs joining the SAICM Outreach Campaign, Regional Action Plans, campaigns on lead and mercury, and much more.”

Thus began the 2009 Annual Report of the International POPs Elimination Network, or IPEN, an international civil society network that addresses chemical safety.

Three years before this, at the Dubai International Conference on Chemicals Management of 2006, a joint statement by the Executive Heads of agencies cooperating in the Inter-Organization Programme for the Sound Management of Chemicals, i.e., the Food and Agriculture Organization of the United Nations, the International Labour Organization, the United Nations Industrial Development Organization, the World Health Organization, the United Nations Institute for Training and Research, the United Nations Environment Programme, the United Nations Development Programme, the World Bank, and the Organization for Economic Cooperation and Development, had this announcement:

“We are committed to strengthening the capacity of countries, in particular developing countries and countries with economies in transition, to participate fully in SAICM. To this end we, together with other multilateral, regional and bilateral agencies, and within the resources at our disposal, will undertake and support technical assistance and investment activities to assist countries in the establishment and implementation of appropriate programmes for the sound management of chemicals. We will support country efforts at national, regional and international levels as appropriate.

This statement is submitted to inform the International Conference on Chemicals Management in Dubai of our commitment to enhance countries' capacity to participate effectively across sectors in the SAICM, and engage all relevant stakeholders, in order to reach the SAICM and

WSSD goals for the sound management of chemicals.”

Within just three years, from 2006 to 2009, a global civil society network and the world's international development agencies seemed to echo each other's visions and inclusive processes as they addressed a daunting challenge. What's more, by 2010, the chemicals safety age also entered its own modernity, nearly seven decades after the chemicals it sought to control ushered in the modern era. It entered this era through the beginnings of a Global Mercury Treaty, the creation of a Global alliance on lead in paints and the introduction of new chemicals in the list of POPs as older ones are almost phased out.

How did this happen?

To understand this better, let us look at the global chemical negotiations.

A good point of reference is the Stockholm Convention, which came into force in 2005, after negotiations began in 1998. The objective was to eliminate persistent organic pollutants (POPs) from the environment as a collective, since these chemicals did not necessarily act locally. Initially, a list of 12 POPs – popularly called the dirty dozen–was identified, and provision for including other POPs like substances was also made. While there was a great deal of discussion around the elimination of these chemicals, both in terms of policy and technical capacities, the convention's success, in hindsight, partially rested upon the decisions of an innovative mechanism for accountability that had developed in the context of toxic chemicals, after 2002, the World Summit on Sustainable Development (WSSD) of Johannesburg, where chemical safety was also part of a section.

Prior to this, and bolstering it was the Intergovernmental Forum on Chemical Safety (IFCS), formed in 1994, when the World Health Organization (WHO) and the International Labor Organization (ILO) joined UNEP to set up this body. The importance of the IFCS for our purposes is that it was able to leverage its authority to open the doors for the participation of NGOs shoulder to shoulder with government and other participating agencies. This set the stage for a series of unlikely collaborations to eliminate some of the most complex toxics on the planet. A visible aspect of this collaboration played out at SAICM that preceded the WSSD and was precipitated by it.

A year after the Stockholm Convention, in 2006, environment Ministers, health ministers and other delegates from more than one hundred governments participating in the first International Conference on Chemicals Management (ICCM-1), in Dubai, adopted the SAICM: The Strategic Approach to International Chemicals Management (SAICM). The objective of SAICM was to change how chemicals are produced and used in order to minimize harmful effects on human health and the environment. SAICM was neither a treaty nor a meeting where governments came to a consensus. It was a global political commitment on the part of governments. With the impetus of the IFCS, several civil society organizations were part of SAICM.

Amongst SAICM's mandates was this one, related to information:

Information on chemicals should be available to all stakeholders and should be disseminated in appropriate languages. This should include information relevant to a chemical's entire life cycle – its production, use and ultimate environmental fate. This should also include appropriate information on chemicals in products. Information on chemicals should be available, accessible, user friendly, adequate and appropriate to the needs.

Another objective related to governance was this:

“All sectors of civil society should be given meaningful and active participation in regulatory and other decision-making processes that relate to chemical safety, particularly women, workers and indigenous communities. Governments, the private sector and civil society should cooperate in achieving sound chemicals management at the national, regional and global levels.”

Amongst those civil society groups that were part of the 2006 meeting and endorsed SAICM was IPEN. It is widely acknowledged that IPEN and other civil society groups were able to participate in SAICM and negotiate over its mandate. The reason for specially discussing IPEN in this paper is because of its direct mandate on toxics, and its important role over time, as we will see. IPEN combined its capacity for global grassroots advocacy through its 700 member organizations in over 80 countries, with its technical capacity through this membership to both monitor and advocate for chemical safety. It collaboratively set up a SAICM Outreach Campaign in 2008 along with five other civil society networks. IPEN pointed out that the SAICM agenda was being implemented and advocated for by civil society groups in any case, many of them not even aware of SAICM. For example, waste minimization, a SAICM mandate, has several local groups globally who are unaware of such global agreements and their mandates. However, adequate implementation, in the spirit of the SAICM process, required funds that were hard to come by. The SAICM outreach campaign pointed out this out, suggesting as a lack of understanding of the linkages between chemical safety and development per se.

The SAICM process and democratic participation, despite the limitations some actors experienced, demonstrates how accountability is built up over core issues globally. The Citizens Report, which is part of the SAICM Outreach Campaign, is only one example of this.

While governments and international agencies acknowledged that chemical safety was a serious concern by being part of SAICM and the Stockholm Convention, civil society stakeholders were also able to further strengthen their work in many ways and reinforce the idea that toxic chemicals were resulting in a global crisis.

- (1) Firstly, the demand for chemical safety, new compared to several other environmental and health issues, gained legitimacy nationally. In India, for example, instead of being viewed as a ‘foreign agenda’ brought in by large international NGOs against the national interest, it began to increasingly be understood a valid issue raised by communities and local organizations.
- (2) Secondly, IPEN enabled its members to participate in all the major relevant discussions, something that is typically tedious and challenging, if at all possible, for individual organizations to do by themselves. Therefore, several groups were able to participate in global forum in their own voice, bringing up issues of concern to civil society, even if governments or industry did not pursue them. It also allowed for monitoring of both governments and industry. The presence of NGOs at international forum where their governments were present may have led to new relationships back home.
- (3) Thirdly, networks like IPEN were able to bring additional technical expertise to the table, and by doing that, monitor the science and decisions based on it. It’s own 2009 Annual Report says, *“IPEN participated in the expert group of the Stockholm Convention (POPs Review Committee or POPRC) to provide technical evidence and also serve as the conscience of the Committee by encouraging Members to make precautionary decisions that are protective of human health and ecosystems.”*

In October, the POPRC concluded that,

“...endosulfan is likely, as a result of its long range environmental transport, to lead to significant adverse human health and environmental effects, such that global action is warranted.”

IPEN has had several partner organizations across the world, whose work plays an important role through its 8 regional hubs. One of its programmes, the International POPs Elimination Project (IPEP) works across 65 countries with 350 NGOs, to enable implementation of the Stockholm Convention. IPEP has been able to find funds and enable projects related to POPs globally. These projects ranged from advocacy to monitoring and working with local communities. A complex issue-that of chemicals-is able to become a local issue, or in some cases, even a national one.

IPEN has also been able to bring other strengths to the chemical safety arena. As a network of global and often, grassroots organizations, IPEN is able to both draw on member expertise as well as enable local action. An IPEN network partner in India, Thanal, for example, has been working on Endosulfan poisoning in Kerala for several years. Their work has informed IPEN and IPEN’s collective advocacy will also be useful on the ground, both in Kerala and in the advocacy work of other, non-IPEN NGOs. Should Endosulfan be accepted on the final list of POPs to be phased out as part of the Stockholm Convention, it will also strengthen the overall work of such organizations in the area of chemical safety. Moreover, it will also create greater accountability as a result of the capacity built on the ground by civil society to monitor the issue.

While IPEN began with a focus on POPs, it also expanded to include other toxics in its mandate. These included heavy metals, for which it set up a working group. It was therefore able to participate in several other international discussions on chemical safety. One where it was able to significantly contribute to was the Global Alliance to Eliminate Lead in Paints (GAELP). In the developed world, lead in paint has been phased out to a large extent. In the developing world, it is scarcely understood to be the health hazard it is. The GAELP is a voluntary alliance with its secretariat in the WHO and the UNEP. It was endorsed at the International Conference on Chemicals Management at its second session in May 2009. The case of GAELP is instructive because it has been nudged from the ground. According to IPEN’s 2009 Annual Report, *“Toxics Link, and IPEN successfully proposed the global elimination of lead paint”*, a key step that resulted in GAELP. In order to get attention to the issue, IPEN has also begun a global campaign in the issue, including through testing of paints in the market and identifying the extent to which lead is still present in paints in the developing world.

Locally, Toxics Link, an NGO based in Delhi and an IPEN member, took the issue of heavy metals further through testing and campaigns. A report they released in 2006 showed high levels of lead and cadmium in soft PVC toys.

In April 2010, The Ministry of Health and Family Welfare created an expert Committee chaired by Dr. Y.K. Gupta, Professor of Bio-chemistry at the All India Institute of Medical Sciences, New Delhi, “to look into the presence of harmful elements in toys. Under the guidance of the Committee, a study for examining the presence of some heavy metals and phthalates in the plastic toys in the market is underway.” The Ministry gave this reassurance in the Lok Sabha, the lower house of the Indian Parliament, itself an important enough space for this to become a public commitment to pursue the issue seriously.

Concluding Observations

The case of chemical safety suggests that accountability has been created through the synergetic

movement of pressure from below (the local grassroots) and above (international networks), facilitated by widening the scope for participation by other actors in the international decision making process.

The interactions between the various stakeholders suggests a positive feedback loop based on the synergy between global and grassroots advocacy.

This has been reinforced by information and scientific data, which has strengthened the overall work and added value to the process.

In addition, being able to leverage financial assistance for work by civil society was important, because it enabled several local and national initiatives.

The experience of building accountability in the chemical safety arena therefore points out to four key elements: (i) Equal Participation; (ii) Local and National Advocacy; (iii) Data; and (iv) Funds.

First, creating space in the global environmental negotiations for civil society actors to participate alongside industry and governments. This has to be renewed with every successive global mechanism. Second, that advocacy and monitoring on the issues must be local and national apart from being international, because they contribute in building up to the larger process. The third element is that of information, a key tool to build accountability. Coupled with media attention, it forces attention to otherwise complex issues. Many of these activities are not easy for officials, particularly at the national level, to deal with. Where there are no democratic institutions, this becomes even more challenging. However, making available financial resources is key to overcoming these barriers and making governance more transparent.

Despite this, there were also weaknesses in this process. Clearly, more funds would result in better information and therefore, improved policy. More financial assistance at the local level would also have resulted in greater innovation and campaigning at these levels. While, in the case of India, a few groups have been able to invest in information generation and policy shifts, several other organizations require both capacity building and technical and financial assistance to leverage similar shifts. Another approach is to have a ripple effect, but this requires robust in-country networks. It is not clear whether or not groups like IPEN are able to facilitate these in any way, beyond their regional funds. Throughout the research for this paper, it was hard to understand the extent to which industry has shifted to clean production, and how that is being pushed by various actors in ways other than phasing out toxics. This is important because of the presence of the informal sector in manufacturing goods, especially consumer products.

These lessons can be transferred to other sectors that seek to build accountability as germane to change, with one further addition that this case study points out-that accountability, like change, is incremental. It is therefore key to reinforce the learning, gains and networks in each successive negotiation and meeting.

Case Study

Weather Index Based Crop Insurance For Small And Marginal Farmers – Mexican Experience

Dr. Thamizoli Perumal

[Social anthropologist, specializing in Applied Anthropology, with sixteen years' professional expertise in the areas of Social mobilization, Community Based Institution Building, Participatory Research and Development, Natural Resource Management and Livelihood Security; Gender and Development; Community based Disaster Risk Reduction and ICT enabled Rural Development.]

Social accountability, not the application of concepts and tools, is 80% political and 20% technical. Methods and tools are important but success depends on the context in which the tools are used, the principles and values that guide their use, and who is involved. Social accountability is as much about changing mentalities, building relationships, and developing capacities. The approach requires time, money, and expertise to implement, get cooperation of other stakeholders and also the local communities the primary stakeholders. It is very important to have a favourable structural condition, which could promote an enabling environment to achieve social accountability. Other associated factors which could ensure an enabling environment are existing legal and regulatory framework, political will, accessible government, human and institutional capacities, socio-cultural characteristics of communities and economic conditions.

Agriculture, DRR and Development

In agriculture solutions for certain risks could be addressed within the family and community levels, but covariate or systemic risks due to disasters (excessive rain, drought, high wind speed, frost damage, cyclone etc.) which are independent, traditional coping strategies might not work when the entire community faces the crisis, hence requires external support from specific agencies and the State and it is very common where farming activity is the main source of the livelihoods of the communities. Traditionally small farmers adapt coping up with ex ante strategies to reduce the exposure to risk and ex-post strategies when losses occur. When a weather shock occurs the impacts are severe particularly among poor and vulnerable farm households and the impacts can last for years in reduced farm productivity and weakened livelihoods. The risk associated with the weather parameters under rain-fed situations and non-availability of risk management tools led to under investment in agriculture especially on the improved catalytic technologies such as planting materials and soil health improvement. Now with the foreseeing changes in the climate it is expected that the shocks would occur frequently and bring more severe extreme events. In such condition, the ability of the small farmers to cope up with such frequent risks is less, which reduces the sustained production and continues with poverty related issues. Poverty reduces the smallholders' capacity to manage the weather-based risk in farm production and make them unable to come out from the poverty trap.

Weather Index Crop Insurance As Risk Reduction Method

Generally crop insurance markets are not oriented towards the poor and marginal farmers. The private insurers have been reluctant to insure crop and livestock yields of the small and marginal growers. Moral hazard and inadequate risk assessment information make product design difficult. The high frequency and covariate nature of certain weather risks can expose insurers to large payouts. As a result, premium rates are often too expensive for many farmers to afford without subsidies. Hence an alternative and an innovative risk transfer approach of index insurance offers new opportunities for managing climate and weather risks to support these small and marginal farmers in developing countries. The advancement of science and technology in climate and weather prediction research helped to develop weather and seasonal climate forecasts. Weather insurance pays out the farmers to compensate the loss based on the frequency and intensity of a specific weather event. Because weather insurance depends on the occurrence and objective measure of intensity of a specific event, it does not require individual farm inspection that can be very costly for small farms. Weather index insurance pilot programmes were experimented in several developing countries in Asia, Africa and Latin Africa for the last one decade and some of them have provided evidences that if the product is farmer friendly and introduced carefully, it has the potential to contribute significantly to support the small and marginal farmers and to save the farmers from the risks.

Index insurance can be applied across a diverse range of weather-related risk problems, from loss of crops due to drought, excess rainfall, major pest outbreaks, strong wind, etc. As awareness and knowledge of this new tool increases, index insurance could become widely available as an additional option for those frequently facing weather risks. Excess rain, droughts, frosts, and high winds are among the many relatively cheaply and objectively verifiable weather events that have a direct and systemic impact on the agricultural sector. But the potential demand arises from farm households where asset and livelihoods strategies are frequently exposed to weather related risks. The review of some pilot programmes already implemented suggests that education, awareness, and linkage with agriculture credit are the other crucial factors, which potentially influence the demand. The importance of the weather insurance is that it focuses on the covariate nature of the climatic risk faced by farmers in developing countries. The programme doesn't require field visits to check individual fields; results in a drastic reduction of transaction costs and also payment on time without delay due to the inspection process involved. It can be purchased by small-scale farmers at the micro level, input dealers and bank at the meso level and government at the macro level. At the micro level, in order to reduce the transaction cost the micro insurance providers look for partnership with aggregators, viz., farmers' association/clubs/groups, input suppliers, processors etc. The most common index insurance practiced in developing countries is rainfall-based index for drought related crop loss.

The systemic risk present in agriculture discourages private sector insurers from entering this market. The risk is catastrophic in nature, and insurers face high financial costs in building up sufficient reserves to cover sustained losses. In addition, much of the rural agricultural sector is characterized by low profitability and highly fragmented possession of land that is subject to extreme weather risks. Operating costs for insurers are also high because of the socio-demographic and geographic characteristics of under-developed and developing country's agriculture. Though Asia and Africa are the leading players in index insurance, this case study analyses the Mexican experience, which is one of the largest weather index insurance for crops. In this context index insurance as a new climate risk management tool has been practiced on pilot basis and sustained efforts are underway in mainstreaming and up scaling it at the country level.

The Context: Mexican Agriculture

Mexico is highly vulnerable to disasters like rainfall and drought. The situation is further aggravated due to the unique El Niño phenomenon. Most of the workforce living in poverty in rural areas relies on agriculture, which is the primary livelihood, and they are increasingly affected by weather-related disasters. During the period 1980-2005, over 80% of total damages from weather-related events affected the agricultural sector in Mexico. The record shows over the last 30 years, the country has faced more than 119 disasters and also it is important to note that the trend is upwards. Agriculture sector employs 21% of the workforce and around 78% of the country's arable land is rain fed. This fact reveals a high dependence of agricultural production from meteorological phenomena. The major crops cultivated are maize, beans, sorghum and barley under rain fed condition and most vulnerable to the fluctuating rainfall during cropping season. Majority of them are small and marginal holders with less than two hectares of non-irrigated fields. Hence weather shock adversely affects the poor and marginalized farmers.

The main agricultural season is from May to November. Most of the farmers use little if any improved technologies (such as improved seeds, fertilizers, pest and water management) and usually depend on single crop under rain-fed agriculture. Low yield in general contributes the economic crises of the farm households. Generally they self finance the farm practices. The traditional strategies adopted by these farmers to reduce/overcome the risks are crop diversification, rotation or lending loans from others, which never supports them to reduce poverty and improve the livelihoods. It is reported that approximately 80% of catastrophic risk to agriculture in Mexico stems from droughts. This is further aggravated during the El Niño years. Federal and state government spent one third of a billion US dollar on disaster relief from 1995-2003 (Ministry of Agriculture, 2009). Low-income farmers lack access to private insurance (systemic risk, low profitability and land fragmentation discourage private insurers). This makes the farmers to prefer low risk, low profit crops, which could be managed with low investment.

Before 2003, the poor and low-income Mexican farmers never had access to index insurance facility to agricultural crops. When disaster strikes, the rural population is supported in part by federal assistance funds provided by the Climatologic Contingency Attention Programme (Programa de Atención a Contingencias Climatológicas, PACC), a subsidiary of the National Disaster Fund. PACC's former disaster assistance programme, funded exclusively from federal and state tax revenues, was costly and hence considered as an unsustainable attempt to manage the risk and there was a need to look for more appropriate alternative methods to address the problem.

Weather Index Based Insurance Programme

With an objective of improving the utility of federal disaster relief funds to support the local farmers as well as protect them from catastrophic weather parameters based risk, the state initiated a pilot insurance programme for catastrophic risks based on weather indices. Considering the risk associated with low-value crops, rain-fed farming and the poor economic conditions of the small farmers. Considering these factors, the Mexican government through Ministry of Agriculture during 2002-03 introduced weather index crop insurance. The objective is to provide an efficient risk management solution to agriculture and to act more timely distribution of federal funds to the small and marginal farmers. Three major points were considered to implement the index insurance (a) consistent historical weather data, (b) infrastructure like weather station to observe the data on daily basis and changes in real time and (c) agro climatic conditions suitable to grow crops adequately. The product

was designed and implemented by AGROASEMEX (Agro-Aseguradora Mexicana) to transfer Mexico's disastrous agricultural risks to International financial markets. Agroasemex has reinsured its risk with USA based re-insurance company partner RE to expand the covariate risk at an international level. In order to assess the basis risk (shows how efficiently the index is correlated with crop yields) 'Agriculture Insurance Simulation Model' was developed using daily weather data of 25 years. This model predicts critical threshold index values, which is in ranges, below which the values reaches insurance cover is given. Thresholds are established by assessing the soil-water-crop relationships for seedling, flowering and harvest stages for each of the crop and agro climatic region (locally called as Agro-Climatic Zone of Homogeneous Response).

Agroasemex has three main developmental (and subsidy) activities: (i) administer the subsidies to agricultural insurance premiums; (ii) administer and allocate the funds for technical assistance to OINFA and (iii) operate a development division that focus on designing innovative agricultural insurance instruments, such as an index-based insurance products for State Governments. The Government of Mexico, through Agroasemex provides between 70-90% subsidies for agriculture insurance premiums and the remaining percentage is funded by the respective state government. The subsidy rate varies per crop and region and federal government have to request the reimbursement of the subsidy to Agroasemex by presenting evidence of signed policies. The process followed is, the federal government purchased the insurance from AGROASEMEX and insured low income farmers who cultivate in rain-fed conditions under PACC programme through respective state governments automatically inform the insurer or farmers through state officials.

Weather index based crop insurance was first piloted in Guanajuato State and covered 75,000 ha of maize and sorghum against drought using rainfall index with the support of five rainfall stations. Subsequent pilot was taken up during 2003 by redesigning the product incorporating the lessons learnt from the first pilot programme. In the second phase it covered 107,600 ha of corn and sorghum, distributed over six weather stations in the regions. During this phase the product was registered and strengthened by the National Insurance commission. The National Water Commission is the weather data provider who manages the weather stations. The next year the federal government incorporated this in to PAAC, expanding it in much larger scale than the previous years. By 2004 the insurance product was extended to bean and barely as well as coverage included the risk of excess rainfall apart from drought. As part of up scaling initiative during 2008 it covered 1.9 million ha with the support of 251 weather stations. Farmers insured 650,000 in 2007 and 800,000 in 2008. The average area covered under each of the weather station is 8000 to 20000 ha. According to Agroasemex the level of basis risk (Risk exposure not related to the index) is low and therefore acceptable to its client, the government. The program has grown considerably from 2002 (75,000 hectares and five weather stations to 2008 (1.9 million hectares and 251 weather stations). In the year 2008, around 800,000 low-income farmers were covered, with a sum insured of US\$132.3 million. In quantitative terms, the programme's financial sustainability is a key point for sustainability of the programme.

Limitations Of Index Insurance

The availability of quality weather data of the past as well as facility to record the weather parameters are critical in designing the insurance product with reduced basis risk. One of the main constraints faced with the index insurance is the availability of quality past daily weather data as well as current weather data from the well-managed weather station. In one of the incidents due to the non-availability of weather data on daily basis index insurance trigger failed to respond to a real loss. Such kind of incidence creates a negative opinion on the product among the farming communities. Thus

Careful monitoring of the weather station is also a key task while using the index based insurance. Out of more than 5000 weather stations, only less than 500 could be used considering the quality of data collection as well as availability of long time series daily weather data set i.e., 25 years to predict the rainfall-yield relationship.

One of the constraints mentioned is the threshold rainfall amount i.e., the trigger is not adjusted based on the changes in the dependent variables. For example, there has been a change in the planting materials; new varieties have been introduced which was not taken care of in the yield prediction. In other words the model needs to be run periodically and recalibrated and redefine the critical trigger values. In this case since 2003 the same values are in use. Also, the current model considers the total amount of rainfall within the growing season and does not include the variability within the period. It was suggested that the model needed to integrate number of rainy days with minimum rainfall, if the number of rainy days is not reached within the critical period then the indemnity payouts are activated.

The World Bank and WFP are also exploring the opportunity for Satellite Data to be considered acceptable by the reinsurance market, as this would allow virtually insuring any country in the world against bad weather, even if weather stations were not available.

Partnership

The introduction of climate and weather risk reduction index based insurance needs a consortium approach which brings together a set of agencies and institutions and resources to address technical issues, the constraints and risk associated with small holders.

AGROASEMEX	The project is lead by AGROASEMEX, which is Mexican Federal Government’s National Insurance Institution, provides grants subsidy for crop insurance premiums to farmers and reinsurance to international insurance markets. Every year it assesses and makes changes in the trigger levels (drought and excess rainfall) according to the crop growth.
National Insurance Commission (CNSF)	It is a government level regulatory board for insurance on which AGROASEMEX registered at the country level.
State and Federal governments	They purchase the insurance from AGROASEMEX and support the farming communities. The federal Government purchases the product through its disaster relief fund (PACC) programme. The federal government decides the list of states need insurance support and responds based on the formal requests for assistance from state governments. The target group consists of low-income rural producers, mainly with non-irrigated crops. Develop a database/information about the low-income farmers. The state government is responsible for the selection of farmers and the regions.
National Water Commission (CONAGUA)	Supplies the weather data to develop weather index and share with the farmers. It certifies the weather data and share with international reinsurance agency
Farming communities	Small low-income farmers from the different states of Mexico, participants of the index insurance programme. Get the support in the form of subsidy from the state and federal governments
PACC	Provides share amount to the premium as well as set guidelines for premium

Enabling Environment

Following the first experience a second pilot took place in the spring/summer cycle of 2003, incorporating lessons learned from the technical and operational results of the 2002 experiment. At this time, the product was registered with the National Insurance Commission [Comisión Nacional de Seguros y Fianzas] (CNSF), which vets the legality of contracts and contributes to the actuarial methodology for evaluating risk. Having CNSF on board verified the efficiency of the product and the strength of the triggers established in the contract.

Mexico government has developed Agricultural sector programme 2007-2012 in which special attention programs to farmers affected by extreme weather events was mentioned as policy.

Existence of schemes: Already on-going scheme under Climatologic Contingency Attention Programme provides compensation in case of post disaster was effectively routed through the new programme in order to improve the effectiveness as well as to attain sustainability.

Presence of country level board for insurance, which regulates the insurance products and helps in designing and redesigning the products.

Availability of long term weather data for analysis and developing models and certification of the current weather data by the national Water commission.

Relevance Of The Programme

The programme is focused on low-income farmers and covered food grains and pulses, which are raised or cultivated under rain-fed conditions. Thus the programme promotes the cultivation of cereals and pulses, which indirectly promotes crop diversification and reduces the practice of monoculture. Thus the initiative provided focus and importance to ensure household level food security of the small farm holders in Mexico. It creates opportunities to the farmers to access credit support from formal and other financial agencies. Finally it helps the low-income farmers to rescue from the weather risks and help them to continue the farming activities and escape from the poverty trap.

Explicit Roles And Responsibilities Of Partners

The pilot of AGRIASEMEX was up scaled through federal and state governments under Climatologic Contingency Attention Programme and got institutionalized at the country level with the regulating agency, viz., National Insurance Commission. Each participating organization has defined roles and responsibilities and AGRIASEMEX takes the lead role and coordinates with the other partners in implementing the product. At the community level awareness programmes had been organized about the scheme, framework, working principles and other details of the insurance were clearly informed by the state officials.

Community Based Organization And Local Leadership

Existence of local community based organizations to act as facilitating agency/service provider in the programme is under exploration. In Mexico, the farmers' mutual insurance funds provide a good example, which has been active in providing general crop insurance before 2002-03. These funds provide insurance to their members by pulling together resources to pay for future compensation and re-insure it from major systemic risks that could hurt all their members simultaneously. Such farmers' forum/groups could play the aggregator/service provider role in order to improve the product

diffusion at the horizontal scale and reduce the transaction cost of the product. This would also provide a platform for the farmers to mobilize and actively interact and promote dialogue with other stakeholders in the programme. This is one of the key issues, which need to be studied carefully in the context of up scaling and sustainability.

Social Inclusion

With regard to social inclusion the policies state that, in the event of disaster, priority in the aid should go mainly to the most marginalized regions with minimum access to education, poor housing and low income. For example, during the year 2006-2007, 41% of the regions supported were considered highly marginalized. The premium rate depends on the degree of marginalization of the municipalities included to receive the support from the federal government. The federal Government subsidizes 90 per cent of the premiums for those municipalities with high marginalization, and 70 per cent for municipalities with low to medium marginalization. The remaining percentage of both is funded by the relevant state government. Unfortunately the author is unable to have access to data, if there is, on the gender equity dimension, extent of women's participation and the benefit flow to the women farmers.

Participation Of Farming Communities

Since the insurance is contracted by the government, farmers do not actively participate and take part in the decision making with regard to design, approach, purchase coverage etc., and no space, exclusive forum was developed for the farming communities to interact with the government and other agencies like National Water Commission etc., to express their views, share their opinions and give feedback for future improvement. Farmers were treated as the passive recipients of the benefits. The index-based insurance is based on the weather parameters, which are obtained from the government certified weather stations, the data are publicly available and thus individuals cannot manipulate the situations to their benefit.

Enhancing The Infrastructure Facility And Technical Capacity

Currently 8000 to 20000 ha is covered by one weather station, which could be further improved with advanced facility of instruments and mechanisms to aggregate the data sets. Such cases need to have long-term daily weather data sets, which is not normally available for all the areas. To tackle this, programmes have been designed to validate the data sets. In addition, AGRIASEMEX planned to use the remote sensing technique based on NDVI index to assess. Since it is for the small farmers AGRIASEMEX has planned to integrate microfinance agencies and farmers associations as intermediaries or service providers to reach more farmers.

Meaningful Project Planning, Implementation, Evaluation And Reporting Needed

Effective monitoring and evaluation is essential to extract the learning, plan for mid course correction if needed and incorporate the learning in the future plans. The assessment would also help the government and private insurers to take decision to improve the quality, fill the gap, assess the positive results and promote the sustainability of the programme. The author could not find information about any major evaluation conducted sponsored by the state to assess and reassess the relevance; make it more farmer friendly and increase the flexibility to adjust the programme and

redesign the insurance product (like frequency of payouts, magnitude of payouts and premium prices). This would help to accommodate more farmers, and know about farmer perception of a nominal self-contribution. According to a survey results, the farmers expect the insurance should come as package with required credit support. In another survey conducted by the state to understand the farmers awareness about the index insurance programme during 2008-09, the results indicated that all the farmers (100%) insured under this programme were aware of the scheme and also expressed their willingness to pay some percentage of the premium amount in order to ensure long term sustainability of the scheme.

Financial Sustainability

In quantitative terms, it is interesting to note that the programme is financially sustainable. It is cost effective for the state to purchase and operate index insurance than to pay disaster assistance directly to farmers. The average operational costs from 2003 to 2008 are in the range of 1.3 per cent of the sum insured; and by 2008, purchase of risk-transfer instruments represented 61 per cent of the PACC budget, less than the costs prior to insurance when tax revenues were used directly.

Conclusions

Rain-fed agriculture is the primary livelihood of 80% of the farmers in Mexico who predominantly cultivate subsistence food crops like maize followed by barely, sorghum and bean. Under this condition, among several weather related risks, the risk due to drought/ insufficient rainfall during the crop growth phase is the most critical one. During the last 25 years the frequency of disasters and weather related risks are in increasing trend, which would be further aggravated in the context of climate change and make severe negative impact on small farming households. Though Small farmers have evolved traditional coping mechanisms, it is not sufficient to meet the contemporary problems and constraints in the changing scenario. On this line, small farmers have limited capacity, resources and opportunities to cope up with disasters. The programme supports the low-income farmers and covers the food crops thus it ensures their household food security. The programme is designed in such way inherently to focus on the marginalized areas in terms of socio-economic and agro climatic factors.

Mexican government has a facility to provide relief under National Disaster Fund as ex-post strategy, which was considered as unsustainable to manage over a period of time. In this backdrop, the conventional crop insurance company of Mexico National Crop and Livestock Insurance Company (ANAGASA), which supported the farmers, also closed during 1988. The above two circumstances prompted the government to form a new company called Agroasemex which is responsible to evolve weather index based insurance. AGROASEMEX considers the insurance product an efficient instrument for risk management and risk transfer of federal assistance funds. It has a direct impact on the previously uninsured low-income rural population by significantly reducing the delivery time of aid and subsequently to start the next cropping season. Agroasemex, fine-tuned the index model for drought in various agroclimate zones of Mexico, which is a decentralized model addressing the spatial variability. The initiative had a multi-stakeholder approach in which need based partners are brought in, whose roles and responsibilities are clearly spelt. Low-income farmers are the primary stakeholders in the initiative and federal and state government purchased the insurance and covered all the low-income group farmers who grow the notified four crops. With the available literature referred, the authors found out no explicit effort to incorporate gender dimension in the programme. The programme has grown significantly in terms of the surface area insured and number of farmers

involved, from 2002 (75,000 hectares and five weather stations to 2008 (1.9 million hectares and 251 weather stations). In 2008, some 800,000 low-income farmers were covered, with a sum insured of US\$132.3 million. In spite of this steady growth, the uptake rate by the farmer and area covered is 22 % of the total maize production area. The main reason attributed for this was lack of weather stations to support quality data flow in many region as well as availability of long-term 25 years daily weather data. Towards this, AGROASEMEX has developed a methodology using re-analysis techniques to obtain a simulated series of weather variables, thus compensating for the lack of historical weather data.

Current experience is, according to the experts who conducted research and studies on the processes and results, the model is transferable to other countries with available historical and update weather data. Efforts to fill the gap in terms of weather data for the past technical opportunities like use of satellite data could help to replicate the project to the areas, which lack the weather data.

Active community participation is a major aspect, which is missing in the programme; the state government treat the farmers as passive beneficiaries of the scheme. No strategy was adopted to mobilize the farmers at the grassroots level and also to provide a forum, which could create opportunities to the farmers to interact and dialogue with state departments and other stakeholders in the programme. It is suggested that farmers' interest to buy may increase if the programme is supported with credit facility as a package. A recently conducted study indicates farmers' willingness share and contribute a nominal payment as premium to support the sustainability of the farmers. Also more awareness about the programme (it was reported still many farmers are unaware of important points like that the aid they now receive comes from index insurance as opposed to tax revenues) and horizontal transfer of knowledge among the farmers could help to enhance farmers' participation.

Agroasemex is planning to take the support of micro-financial institutions as intermediary or service providers to meet the challenge of delivery channel since the market is steadily expanding; but still want to maintain the programme as fully subsidized by the state without the involvement of any private insurers. But intermediary approach using either microfinance institutions or farmers' association would help for creating more awareness among farmers and monitoring the ground situations and provide feedback to upgrade the model. The valid argument about subsidizing the development oriented insurance for the poor and poorest, it is very important that such support should be very carefully targeted and monitored.

The programme has been considered as cost effective and financially sustainable, which is very important for the sustainability and further up scaling of the programme.

Case Study

Coastal Regulation Zones – India’s Way Forward

Lalita Daikoku

[Established The Women’s Peace Committee with the motto ‘Peace through Friendship and Trust’ to help build a better community. Member, Board of Trustees, Sarvodaya International Trust, an organisation dedicated to promoting the Gandhian ideals of truth, non violence, peace, universal brotherhood and humanitarian service worldwide. Director, Bharat Soka Gakkai, New Delhi, a voluntary organization affiliated with United Nations, working in the area of peace, culture and education.]

India has a long coastline of about 6000 km with beautiful estuaries, deltas, backwaters, mangroves and coral reefs, which are rich in biodiversity. Almost one-third of India’s population lives on the coast, 25% of which lives within 50km of the shore line. While it has always been vulnerable to natural hazards, particularly floods and cyclones, in the last few decades this beautiful coast has been severely ravaged and destroyed by unchecked, unrestrained so-called development by hoteliers, tourism departments, and industrialists who have used the sea as a dumping ground for sewage, garbage and harmful industrial effluents. Not only have large areas of mangroves been cleared to build shrimp farms, hotels and other industries but the effluents, waste and garbage from these industries have further polluted the sea and coastline making it highly vulnerable to natural hazards. This, despite the guidelines promulgated by the Ministry of Environment and Forests (MoEF) in 1983 based on which every State of India was to draft a Master Plan ensuring the scientific development of the coastline, ultimately ensuring the preservation and enforcement of the coastal ecosystem.

It took another 8 years for MoEF to come up with a Notification declaring the entire 6000 km coastline a Coastal Regulation Zone (CRZ). By then, many corrupt politicians and bureaucrats had made a fortune by selling prime land in complete violation of the CRZ notification - to hoteliers and others.

In this scenario Mr. M. C. Mehta, an advocate in the Supreme Court of India, who had successfully fought to protect the Taj Mahal from air pollution and had sought a ban on polluting industries, which were destroying India’s Holy River Ganges, decided to petition the government and MoEF.

Scope And Description Of The Initiative

Mehta is often described as the ‘One Man Enviro-Legal Brigade’ and the ‘Green Avenger’. A lawyer by profession, he became a Public Interest Lawyer by choice and now for almost three decades has been crusading for a safe environment for citizens and protection of the planet earth. Today he is considered to be India’s foremost environmental lawyer.

Even though the CRZ Notification of 1991 imposed various restrictions on the setting up, expansion and operation of industries, it remained only on paper. Its enforcement was negligible and large polluting industries continued to spring up along the coast leading to large-scale damage to coastal ecology and loss of livelihood to thousands of fisher folk and other indigenous peoples dependent on marine resources.

Objectives

Mehta's prime objective was to expose the blatant lack of enforcement and to ensure enforcement of the CRZ Notification. Using this as a platform he also wanted to fight the intensive shrimp farming which had started to spread all along the coastline leading to pollution, loss of species, habitat and livelihoods of the poor indigenous people.

Tools And Approaches

The Supreme Court of India has been Mehta's primary weapon in his fight to preserve the rich culture and ecology of India. Since his approach to environmental problems is through the judiciary, he first of all considers whether a particular problem has an obvious and undeniable need for legal action. His next step is to visit the site and see the damage done to the environment firsthand as only then can he convincingly bring these facts to life in the courtroom. The visit to the site is usually done together with experts like geologists and environmental scientists who must be men of great integrity. He also involves other experts in small round table discussions to delve deep into the problem, the violations, dangers, and preventive measures and to prepare a workable alternative to the destructive behaviour. After such thorough and meticulous preparations he approaches the court along with the carefully selected expert/scientist.

In this particular case he wanted the government to appoint an apex or central authority in India, as well as an authority in each coastal state, to monitor the CRZ implementation. He drew up a list of eminent persons in the environment field to be members of this monitoring committee. A writ petition was then filed on behalf of the Indian Council for Enviro-Legal Action (ICELA).

As word spread about this, letters started pouring in from all over the country in which people highlighted their grave concerns about the polluting industries all along the coast.

The MoEF retaliated by quickly appointing a committee headed by Mr. B. B. Vohra to review the 1991 Notification and make suggestions to change it. Based on the Vohra recommendations, in 1994, the MoEF made sweeping changes to the Notification such as giving itself full powers to allow construction within the CRZ up to 50 meters from the High Tide Line (HTL). The Union of India's response to this was shocking as it conceded to the MoEF recommendations saying it represented a balance between environmental and economic needs and at the same time safeguarded sustainable development. In reality this was nothing but a blatant attempt to consolidate powers in the hands of the MoEF by making it the sole keeper of the coastline. This meant that MoEF would henceforth become the only agency to permit construction projects on the entire 6000-kilometre coastline and its officials would be able to dole out favours to developers and would be in a stronger position to extract favours from them.

Not one to give up a fight half-way, Mehta responded in 1995 by filing an Interlocutory Application praying that the Court should quash the 1994 modification. He argued that allowing any relaxation to the Notification as suggested by MoEF would make the entire CRZ a charade.

Finally in April 1996, the Court laid down a forceful judgment against the states and MoEF. The judgment had two main parts – first the Court looked into the States' compliance with CRZ notification saying that if a law is not being voluntarily obeyed, then it has to be enforced. The Court recognized the power of vigilant citizens, and NGOs and directed the States to seek their help in enforcement. Secondly, it evaluated the validity of the 1994 revisions made by MoEF to the 1991

Notification and felt it reeked of corruption and the provisions made were capable of abuse and hence quashed it resoundingly. It further ordered the State High Courts to shoulder more responsibilities, namely in ensuring that the CRZ Notification and directions of the Court were followed by the States. It also directed the Union of India to appoint an apex body and accordingly in 1998, the Coastal Zone Management Authority was established as the national agency to monitor and enforce the CRZ laws under which each state set up Coastal Management Committees.

Partners And Stakeholders

As a Public interest lawyer, Mehta proudly proclaims that he always stands by the side of the common people especially the poor and marginalized – women, poor children, villagers, indigenous people and fisher folk. In his words – *“I learned a fundamental truth of social struggles: they cannot be won alone. It is only when concerned citizens come out and sacrifice their time, status and finances to become a voice for the voiceless, that movements against injustice, inequality, corruption, crime, violence, environmental vandalism, social and economic disparities can be fought effectively.”*

Most of all he fights on behalf of the earth, its rivers, seas and air. In his fight for justice for them, he interacts with top government officials, politicians and the judiciary.

Mehta also works closely with The National Environmental Engineering Research Institute (NEERI) in investigating the impact of the violations on the earth, on sustainability, solutions and sustainable options.

Resources

Mehta has been the recipient of several awards like the UN's Global 500 Award for 1993, The Goldman Environmental Prize in 1996 and the Magsaysay Award for Public Service in 1997. The prize money has been invaluable for furthering his work. In addition he receives financial support from donor agencies. Recently he has published an autobiographical narrative of eighteen of his public interest cases and some landmark judgments.

Limitations

- Difficulty in presenting the case to the court, as there is a tendency for the court to dismiss it saying the Act/Law is already in place and the State Governments are complying with it.
- The public interest environmental lawyer needs a scientist or an expert who is accomplished, fearless, committed to environmental justice and a man of integrity and sterling character. Such a scientist is invaluable and rare to find.
- Make complex environmental issues easy to understand for the bench.
- Some of the cases have dragged on for years in the court and with each change in the judge Mehta has to sense the psychology of the judge and court and present the case sensitively.
- Corruption between high-level government officials, hoteliers and industrialists.
- Inordinate delays by state governments and agencies in responding to court orders. A lot of red tape.
- The biggest problem he says is the deep-seated corruption in India, which has spread like cancer, because of which enforcement of the law is very difficult.

- Threat to life by local mafia – both to Mehta personally as well as the poor community living in the coastal areas.
- A public interest lawyer has to put in long hours of work, endure endless hardship and cannot always expect to be paid.

Outputs

The writ petition filed by Mehta on behalf of the Indian Council for Enviro-Legal Action (ICLEA) to the Indian judiciary led to the landmark judgment by the Supreme Court of India banning industrial / construction activity within 500 meters of the High Tide Line and set a time limit for the coastal states to formulate coastal management plans.

Through Mehta's cases, the judiciary has often been the sole protector of India's people and heritage. The Courts have taken this responsibility and used it as an opportunity to pioneer a pragmatic, compassionate and beneficial form of environmental jurisprudence

Mehta's cases have established the following seminal principles in Indian environmental jurisprudence:

- The constitutional right to life extends to the right to a clean and healthy environment.
- Courts are empowered to grant financial compensation as a remedy for the infringement of the right to life.
- Polluters should be held absolutely liable to compensate for harm caused by their hazardous activities.
- Public resources that are sensitive, fragile or have high ecological value should be maintained and preserved for the public.
- Similarly, the government has a responsibility to prevent environmental degradation. Even if scientific uncertainty exists, the implementation of preventative measures should not be delayed wherever there is the possibility of serious or irreversible damage.
- Green benches should be established in Indian High Courts dealing specifically with environmental cases.

Institutionalization

He has set-up the MC Mehta Environmental Foundation (MCMEF) which has been actively involved in creating awareness among NGOs, lawyers, scientists, senior officials, academicians, students and youth by conducting training and capacity building programmes, seminars, workshops, declamation contests and other grass roots level activities. He organizes annual "green marches" to spread environmental awareness at the village level.

The Indian Council for Enviro-Legal Action (ICLEA) was co-founded by Mehta and an eminent scientist in 1989 as a non-profit organization of lawyers, scientists and doctors to work for the environmental protection of India. Its President is the eminent ex-Chief Justice of India, Justice P. N. Bhagwati who is known as "the Lou Henkin of India", as during his tenure he pronounced several landmark judgments and rulings supporting human rights, introduced environmental law and jurisprudence and reforms which permitted NGOs and other social action groups to initiate petitions before the Supreme Court and High Courts on behalf of the disadvantaged.

ICELA works to do the following:

- To alert the people about the root causes of environmental destruction in India.
- To initiate activities against environmental pollution, toxic waste dumping, ecological damage, etc.
- To collect environmental data and to educate people about environmental protection and environmental laws.
- To launch and pursue cases against environmental pollution, and for the protection of the quality of environment.
- To undertake research projects and work for improvement of the environment.

Replication And Scaling Up

In 1993, around the same time when Mehta was petitioning the CRZ case, he fought two other related cases – (1) Intensive shrimp farming in the State of Tamil Nadu and (2) Protecting the ecological paradise in Dahanu - a place in the State of Maharashtra.

In the first case, the court banned all intensive and extensive shrimp culture operations within the CRZ including all seas, bays, estuaries, creeks, rivers and backwaters and encouraged traditional and improved traditional methods of shrimp farming. It also enforced the Polluter Pays Principle to compensate the victims. This case and its judgment has had an important impact on country's like Bangladesh, Thailand, Taiwan and Africa facing similar situations due to intensive shrimp farming and their public interest attorneys have been referencing the Supreme Court Of India's judgment on this case filed by Mehta.

Mehta's public interest environmental litigation cases have formed the foundation for the development of environmental jurisprudence in India, and indeed, South Asia today.

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Case Study

Citizens For Clean Air, New York

Lalita Daikoku

[Established The Women's Peace Committee with the motto 'Peace through Friendship and Trust' to help build a better community. Member, Board of Trustees, Sarvodaya International Trust, an organisation dedicated to promoting the Gandhian ideals of truth, non violence, peace, universal brotherhood and humanitarian service worldwide. Director, Bharat Soka Gakkai, New Delhi, a voluntary organization affiliated with United Nations, working in the area of peace, culture and education.]

How often have we heard women say helplessly, “I am only an ordinary housewife so there is nothing I can do”. Well here is a story of how an “ordinary housewife” expanded her personal protest about the air pollution in New York City into a widespread civic movement.

This case study deals with Hazel Henderson’s very first campaign as a civic activist, as an ordinary citizen and mother, before she became the self-taught famous Dr. Hazel Henderson – a world-renowned futurist, evolutionary economist, globally syndicated columnist and consultant on sustainable development.

It all started in the 1960’s when Hazel noticed that every evening after play, her daughter had a layer of soot on her skin which literally had to be scrubbed off while giving her a bath. She herself was suffering from a persistent cough. In addition to soot, smoke from thousands of garbage incinerators made the air smell foul. Having lived in England in the early part of her youth she was familiar with the great smog in London in 1952, when four thousand people died in a week and hence knew that this air pollution was a health threat for everyone, especially children.

Hazel began by talking to other mothers at the neighbourhood park while they were watching their children play. Starting with the simple question, “Don’t you think the air here is bad?”, she engaged them in repeated discussions that eventually led to the formation of ‘Citizens for Clean Air’.

During her daughter’s afternoon naps, Dr. Henderson began to write letters to the mayor of New York City and other city officials, asking them to address the issue of air pollution. Eventually, she received a reply from the mayor stating that what she thought was pollution was probably just mist rolling in from the sea! The response of politicians and experts to her appeals for cleaner air was always the same: It costs too much money; we can’t do it. Lurking behind such responses she often sensed contempt: What does a housewife like you know about the way the world really works?

Refusing to be discouraged, she decided to do further investigations and found that the city actually had an office of smoke control. When she phoned them to report smoke coming from nearby chimneys, she was politely told that they knew their job and were measuring soot particles in the city’s air each day.

By now they were a small but formidable group of ten members with the goal of having air-pollution forecasts included on televised weather reports. They divided up the task of writing to high-ranking executives in all the major television networks.

When they learned that broadcasting fell under the jurisdiction of the Federal Communications Commission (FCC) in Washington, they wrote to its chairman. They also wrote to Nelson Rockefeller, governor of New York State. The letters contained information about New York City smoke-control devices and a request that television broadcasts should include daily measurements under the FCC requirements stipulated by a 1934 act of congress “to broadcast in the public interest, convenience, and necessity”. Both, the FCC Chairman and the governor replied saying Hazel should keep them informed of the TV networks’ responses.

Hazel then photocopied this response and sent them to the TV network chiefs. In a few weeks they received a call from the vice president of one of the major New York television stations saying that he liked the idea of including the New York air-pollution index on TV weather programs. One month later, the New York Air Pollution Index, based on primitive soot measurements, was on the air. Three months later all TV stations, most radio stations and local newspapers were covering the index. Similar indexes began being broadcast in other cities of USA too.

The group also called on all of the top advertising agencies, hoping that some company would donate publicity work, but none were willing. After visiting 20 firms, the group members decided that they would try just one more, and if that company refused as well, they would give up. Fortunately their hard work and persistence paid off. The last firm on their list was a newly formed company called Carl Ally Agency and their young president Carl Ally agreed to do a free advertising campaign for them. In a few months, a beautiful truthful advertising campaign was created. This created a great public awareness and rapid expansion of ‘Citizens of Clean Air’. Soon the New York City Council enacted two laws concerning air pollution, and shortly thereafter the United States Congress passed the Federal Clean Air Act in 1970. In recognition of her achievement, in 1967, the New York Medical Association conferred the Citizen of the Year Award on her.

Encouraged by this success, Dr. Henderson started taking part in civic movements in other fields.

Who were some key partners in her struggle? A key person who helped her in the initial stages was Dr. Norman Cousins, who had been asked to head a task force on air pollution. It was he who opened many doors for Hazel to get her public-education ads accepted by New York television, radio and newspapers. Interestingly when she faced a lot of hostility from top executives of polluting industries, she decided to sensitize not just the consumers, but the stockholders too!

There were many hardships and persecutions that she faced, the worst being letters accusing her of being a communist. The people behind such hate mail went so far as to write to the president of IBM where her husband was employed, saying the wife of their company staff was a communist. But Hazel persistently fought on. The simple desire to have her daughter and other children breathe clean air, alone gave her and the group the strength to endure the numerous persecutions and keep pushing ahead.

What were her tools and approaches to deal with the campaign? In her dialogic book with Dr. Daisaku Ikeda she says that in a civic movement the following points are important:

- The cause must be a serious one, which is apparent to everybody.
- Mobilize many volunteers
- Thoroughly read up and educate oneself on the matter to become a world-class expert on the problem.
- Every pronouncement made should have been thoroughly investigated and researched.
- Make use of the power of media in a good sense.

- Be persistent and dogged and never give up no matter how difficult.
- And most importantly, each participant of the civic movement must have a noble spirituality to fall back on.

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Case Study

Social Accountability In DRM – Drawing Lessons from Social Audit of MGNREGS

Binoy Acharya

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The basic objective of Social Accountability is to ensure public accountability in implementation of projects, laws and policies. It is a process in which details of the financial and non-financial resources used by public agencies for development initiatives, how effectively the target population benefit from the scheme and how the benefits are shared with the people are evaluated, often through a public platform. Social Accountability allows people to enforce downward accountability and transparency, providing the ultimate users an opportunity to scrutinize development initiatives. It is a continuous process of public vigilance and monitoring. Effective social accountability demands the presence of proactive disclosure based on a legal statutory mandate like Right to Information Act or Information Disclosure Act, decentralized decision making structure and community social facilitators. It is very important that common people for whom the programme or the project is intended to benefit are empowered to ask questions about the targeting, effectiveness, outcome and impact of the programme. When common people question the implementing agency based on information it leads to accountability. It also helps increase people's awareness about their rights and entitlements, pave the way for participation and improves delivery of programme services. It has been experienced that poor delivery of programmes are improved through people themselves through accountability measures.

Broadly, process of social accountability involves the following components: (a) Availability of information / details of the financial and non-financial resources used by public agencies for development initiatives, (b) Organizing the ultimate users / beneficiaries / people and, (c) Scrutiny of the information by the end users. Success of social accountability depends on how the relevant project information is demystified and placed before people so that they derive meaning out of it to check compliance, appropriate targeting and relevance of the programme. Usually poor people do not ask questions on public programmes, hence they need to be encouraged and empowered to ask questions about the effectiveness of the programmes meant for them. Social accountability is facilitated through citizen monitoring of services through report card, public hearing and social audit. In this paper, the key lessons of the social audit practiced in the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) are drawn to make a proposal for social accountability in DRM projects.

Social Audits in MGNREGA

As a part of social accountability in MGNREGA, social audit has been made mandatory. This is the first programme in India where social audit has been introduced. Social audit is new to the Indian development programmes. In the last four years it has generated diverse forms of practice as well as

debate. In the recent past, there has been wide ranging social audit practices and discourse as a part of reforming governance and ensuring public accountability. Broadly there have been three types of practices in different parts of country.

The first approach focuses on legislative framework of self-regulation through pro-active disclosure in the Gram Sabha. The information bulletin boards at the work sites to provide information on involvement of labour and expenditure started from Kerala and being practiced in many States. Kerala has made significant progress in disclosing details of NREGA related information in the bulletin board. This is linked to their prior commitment to the peoples' planning process and proactive disclosure. Citizen interest and engagement is enhanced when they are provided relevant information about the development programmes. In many of the States there have been increase in peoples' participation in the Gram Sabha for beneficiary selection where local people discuss in a transparent manner. The Social Audit manual of Rajasthan provides step-by-step approach to conduct effective Social Audits. It also initiated the process of appointment of government officials, outsourcing the Local Audits at the Gram Panchayat level. This is expected to work as a necessary monitoring mechanism. In Andhra Pradesh an independent society has been constituted by the government to facilitate social audit. The Working Group on Transparency and Accountability under the MGNREGA Central Council is of the opinion that such a model is most effective to institutionalize social audit. In a recent report it was mentioned that the Andhra Pradesh social audit has identified Rs. 880 million of misappropriations, which have been recovered through people's demand. The legislative framework provides an institutional framework to practice social accountability in a scale and in a transparent manner. Many State Governments are now formulating their own social audit manuals.

The second approach is a collaborative model between the local bodies and civil society organisations rooted in the values of partnership for consensus building and promoting accountability. The approach is centred on creating spaces for dialogue and collective assessment. However, this approach is in a nascent stage. The civil society organisations in many States have been approaching Panchayats and government officials to conduct social audit. These are primarily voluntary, but have enough scope to demonstrate new methodology.

The third model relates to challenging the corruption. The critical and distinctive factor of this model is the absence of the State agencies and the PRIs. The approach relies on the use of the Right to Information (RTI) to access public records. The primary forum is Jan Sunvai (public hearing), which is used for community mobilisation for action on the issue of corruption. It is evident that such initiatives have developed road map for empowered engagement of common people to hold the service delivery institutions accountable.

The first model (proactive disclosure) has continued to remain as an officially approved procedure as it has the potential to scale up with the involvement of the network of government agencies at different levels. In the absence of empowered citizens to facilitate the process, often the powerful people obstruct the process without valuing or actively undermining the voices of the marginal people. The decisions are an outcome of 'coercive agreement' rather than 'consensual agreement'. In this model, the community participation is very weak, information is put in such a manner that people do not understand and any public questioning is highly discouraged. The institution conducting the Social Audit has internal resistance and the process lack public confidence. In such circumstances, the deprived groups are not able to marshal their strength to raise questions before the Gram Sabha. To avoid this, the states like Andhra Pradesh and Gujarat have created an independent group of facilitators to support the village vigilance and monitoring committee for the social audit.

The overall purpose of social audit is to identify programme gaps by the people themselves under a forum of public scrutiny to ensure programme effectiveness and check leakage. However, in order to reach this stage, a step by step enabling mechanism need to be created so that the poor, the beneficiary, the workers, feel empowered to raise their voice in a free and fearless environment. There is a need for countering the environment, which has resistance to Social Audit. The first step is to establish the legitimacy of the process in the eyes of all the stakeholders. The process need to be viewed as objective, not aligned to any particular group and need to be robust in terms of its acceptance and redressal of issues. The process needs to be framed under a legislative framework/government order/resolution. In addition to this, support mechanisms need to be created for participation of villagers in all stages of the social audit process.

The Mahatma Gandhi National Employment Guarantee Act (MGNREGA) has clear provisions to conduct social audit and it is the first programme in our country to which ensures downward accountability and transferred the rights to the people to exercise it as an entitlement. Provisions for social audit under MGNREGS are explained below.

Lessons from Social Audit in MGNREGA and its Application in DRM Projects

Social Audits of governance institutions and/or basic service providers like primary schools, primary health centres, fair price shops, relief and rehabilitation services calls for the involvement of citizens who are the primary stake holders. They need to be informed about all the decisions and programme transaction in a transparent and direct manner. It brings to fore a local people's forum to demand accountability. In the case of MGNREGA, Gram Sabha plays as a constitutional body for peoples' participation for accountability. Therefore, it is very important to create an empowered public forum to conduct social audit.

The basic requisite for facilitating Social Audit should be largely based on the following principles:

- A people's forum like Gram Sabha should own the process and organize it;
- It should be very simple so that people should able to facilitate it;
- It should be non-threatening but at the same time empowering for the people; and
- The outcome shall have a binding to redress grievances and make corrective measures.

People's Forum should own the process: In MGNREGA, Social Audit Forum / Committee / Gram Sabha is mandated to undertake the process of Social Audits. All the members of the Social Audit Forum / Committee are selected by Gram Sabha having mandatory representation of women and the workers who have worked in current/previous work under MGNREGS of the same Gram Panchayats. The Gram Panchayat / implementing agency has the obligation to fully support and provide required help to the Social Audit Forum/Committee. Legitimacy of the people's forum created in a transparent manner form among the people for whom the programme is designed is critical. The implementing agency, in our case the agency implementing the disaster recovery or risk reduction programme shall be responsible to form a public forum as well as provide all project information and decisions to the forum for scrutiny. In MGNREGA it is termed as making Management Information System (MIS) into People's/Janata Information System (JIS).

Process should be very simple: Social Audit at the village/Gram Panchayats level is to be facilitated by the members of Social Audit Committee (SAC) with the involvement of the people. As literacy level of some members of Social Audit Committee might not be adequate to understand the technicality involved in the process, the process of Social Audit needs to be very simple and easy so

that the members can carry out the process without any difficulty. Orientation for the members of Social Audit Committee could go a long way in building their confidence and improving the effectiveness of Social Audits. An independent group of Social Audit facilitators can be created to support the social audit. Some key decisions and transactions shall be handed over to the social audit forum for scrutiny. In case of MGNREGS the Muster Roll and material procurement vouchers are considered the most important documents for scrutiny. If the DRR project related decisions and transactions are provided as it is utilized in the local context, people can scrutinize about the relevance of the decision, targeting of the services, quality of the products and services and their prices. People do not require the project level data, they can understand if the data is related to their own context.

Focus should be on the empowerment of people: Another important aspect is that the focus should be on the empowerment of people so that they are able to voice their concerns and problems. This primarily requires raising awareness of rights, entitlements and obligations under the scheme, specifically about the right to participate in a social audit. This might be possible through a large-scale awareness campaign focused on these aspects as well as demonstration by the implementing agency about the seriousness and commitment over the process. Public transparency and accountability has to be a policy of the implementing agency, which need to be backed by other support organisations involved in the programme. The issues identified in the social audit, must be redressed in a stipulated time frame. Without this people lose faith in the process.

Potential for wide scale impact: Social audit brings not only the issues of leakages and corruptions but also brings out gaps in the programme implementation as experienced by the people. The outcome of the social audit is a direct citizen feedback to the implementing agency and in some cases provides insights to the government administrative regime and policies. Social audit generates systematic peoples feed back for overall programme formulation and implementation strategies. Hence, outside agencies should be invited to observe and learn from the process.

Facilitating environment and strategies for Social Audits

User-friendly forms and documents for collecting data with regard to the implementation of the programme are most important. The formats shall be such that the villagers can fill the information on different components of the programme. Some of the important information about implementation needs to be displayed proactively. A format for proactive disclosure can be developed and the information can be painted on the wall of a public building so that people can read, check and scrutinize. In case of a disaster related programme, information on the list of people received support, types of support, actual value of those services against the estimated/budget value, can be displayed so that issues of targeting, cost of the support, reason of arriving the nature of support can be made public.

All relevant information needs to be made accessible to the people. Public announcement of the social audit through area-specific traditional means like beating of drums, display of notices in common places needs to be undertaken one month in advance. However, proactive information sharing during the project progress on a regular basis can build people's faith on the social audit. Social audit shall not be a project end activity; it shall be done in a periodic interval. In case of MGNREGA an open work regime has been articulated where by allocation orders, work completion details, payments details are displayed at the worksites. In the social audit all information is read out aloud to ensure that illiterate people are also informed. If programmes are to be made transparent and accountable, people must be encouraged to monitor, question and identify loopholes in the execution of the

programme meant for them. Questioning by people (Social Audit) ensures awareness building, participation and accountability. It enables the administrative machinery to take corrective action.

Notification for Social Audit

In the MGNREGA, office of the DPC issues notification for the Gram Sabha 30 days in advance. In this notification, Programme Officers are made responsible to finalize the dates and time of the Gram Sabhas of their respective blocks and the same information is also made available to all the Gram Panchayats as well as concerned office of the DPC. GPs are made responsible for organizing Gram Sabhas for Social Audits while the responsibility of conducting the audit should be vested in the Social Audit Committee. SAC is a group of 9 members of the local community to monitor the progress of works undertaken under MGNREGS. It has representation of women, SC/ST and the workers.

In a project like DRM, social audit must be done in each village so that it is uniform across the project areas. It cannot be done in a sample villages as holding the implementing agency accountable is a right of the people. Who shall be in-charge of the social audit needs be clarified.

Activation of Social Audit Committee (SAC)

It is mandatory to form the Social Audit Committee at local level. It should have representation of women and SC/ST and project users. As social accountability is a new dimension of public programme management, in most of the cases it is observed that the SAC members are not active. Therefore, capacity building of the SAC shall be a part of the project activity. It shall not be left to the end of the project activity.

SAC members should be appraised about their roles and responsibility and their involvement in conducting Social Audit. The project staff **is not eligible to hold Social Audit**. In case the SAC members are illiterate, in such a situation, an educated person from the community who can truly represent the interest of the poor and marginalised can be nominated as Member Secretary of the committee. This person will also provide support in collecting data and to finalise the report of the findings to be read in the Gram Sabha. The minutes of this meeting should be sent to the top project management for corrective action.

Collection, Verification and Analysis of Data for Social Audits

In MGNREGA Social Audit Committee is authorized to collect all the information related to sanctioning of the work, muster roll, work measurement, pay order and all other transactions. This data is analyzed, presented to the people in a very simple format and people's feedback sought. What type of information has to be made available to the Social Audit Committee has to be proactively announced. Besides this, the project management shall provide all information that is demanded by the SAC.

The Social Audit Committee shall be enabled to analyse and verify all the information. All information should be presented in a simple way to the people as Janata Information System (JIS). The presentation of JIS provides the basis for scrutiny. The Social Audit Committee can acquire the list of project beneficiaries and ask them about the quality of the programme, and problems in availing those benefits, check the rate of the materials, examine the estimates and actual expenses etc. They should also note down any complaints made by the people. Some of the members of the Social Audit Committee should also visit the site to verify the quality of work undertaken. They should check

whether daily materials register is kept at the worksite and whether it is verified. They should also report on whether measurement records are available for inspection.

MGNREGA gives a clear direction that transparency has to be part of the project implementation process. Hence, the DRM projects need to adopt the transparency mechanisms, which need to be examined in the social audit. Display of information board at the project site informing details as defined under JIS shall be part of the scrutiny. They will also check if the completion data is made public in a people friendly format.

Social Audit Committee will visit all completed works and judge the quality of work done by checking whether it complies with the specifications in the work order before the start the of work. The implementing agency should provide photographs of the site before and after the works. These photographs can help the SAC to assess the work completed at the various sites.

The photocopy of the records and their analysis should be displayed in a public place or Panchayat office at least 15 days before the Social Audit Gram Sabha. Analyzed data of the Social Audit Committee will also be displayed at some other public places (village square 'chaura', water stand points, provision store, primary school, outside anganwadi, cooperative milk society and at worksite/s), at least five days before the scheduled date of the Gram Sabha so that people have the chance to read and understand it.

Social Audit Committee should conduct meetings with the project beneficiaries at project sites and falia/hamlet (locality) levels to generate awareness about the objective and key outcomes of the project. It will clarify the expectations and questions of people. This is a very important requirement for improving the participation of people in the Gram Sabha.

In these meetings, Social Audit Committee should also explain to the people the exercise undertaken by them and their findings in brief. They should also note down views and their concerns with regard to progress of implementation of MGNREGS and encourage them to raise these concerns and ask question in the Gram Sabha that is being held. The date, time and venue should also be communicated to the community very clearly so that they can be present.

Gram Sabha for Social Audits

The day of the Gram Sabha should be marked by enthusiasm and interest among the community. There will be a banner proclaiming the importance of Gram Sabha. The day before the Gram Sabha there should be a meeting with Sarpanch, Panchayat members and Panchayat Secretary to finalise the proceeding and the sequence of facilitation of the Gram Sabha.

All important documents related to the implementation of the project should be placed at the location of the Gram Sabha for the scrutiny of the people. Project staff along with one member from the Social Audit Committee should also sit with the documents for the scrutiny by the people at the location of the Gram Sabha to help them to find their find their information to the queries.

The analyzed data should also be written in enlarged and simple format and displayed at the site of the Gram Sabha.

Data regarding the work, sanctioned budget, approved works, families provided support, etc. should be displayed on charts at the venue of the Gram Sabha.

A complaints/ suggestion/ box should be placed at the venue of the Gram Sabha. This would go a long way in motivating people who are not able to speak out to put their grievances/ concerns, s in writing. The box should also be emptied during the Gram Sabha meeting by a Social Audit Committee member and all issues read out and responded.

Representative of implementing agency or agencies should be present in the Gram Sabha.

Gram Sabha for Social Audit (Social Audit Forum) should be chaired by the president of the Social Audit Committee.

Gram Sabha should start by reviewing the progress (action taken) on the major issues rose in the last Social Audit Gram Sabha and the major decisions taken. People can give comments or ask questions and further decisions could also be made on its basis, which should be duly noted down by the person taking minutes of the meeting.

Social Audit Committee should then present a report card of the implementation of the project i.e., they should present the information that has been analyzed, verified and presented.

The Social Audit Committee members may take the help of school teachers or other community member willing provide support to summaries the findings to presented in the Gram Sabha.

If any discrepancy is found during the verification it should be noted down and it should be responded immediately by concerned authority present in the Gram Sabha. If needed, it can be reported for further enquiry. This should be included in the final action taken report.

Independent Jury to Ensure Action on the Findings of the Social Audit

In MGNREGA, higher government authority has the mandate to take action on the findings of the social audit. However, in a project of the Civil Society Organisation, there is a need to create an independent jury who will oversee the implementation of the actions emerged from the social audit. The Jury must set a time frame for the redressal of the issues.

Challenges in Institutionalizing the Process of Social Audit

Facilitating Social Audit requires great deal of effort and willingness at all levels. Social Audits, if institutionalized, can help build transparency and accountability. However, experience show that there are several challenges in institutionalizing the process. Some of them are outlined here.

Culture of silence: In facilitating Social Audit, culture of silence is one of the important bottlenecks. People do not speak up even if they see something wrong is happening. This is because they are either not aware of appropriate forums or have developed a sense of apathy that there will be no change in existing situation. Also, most of the families directly affected are poor and from marginalized sections of society and fear to raise their voices, as they are afraid of possible repercussions.

To deal with this challenge, the administration should ensure prompt action on issues raised during the Gram Sabha and the action taken should be communicated again to the people in the subsequent Gram Sabha. This will assure the people that their voices are heard. It will make the community remain engaged and raise their confidence to voice issues.

Low participation in Gram Sabha: Low people's participation in Gram Sabha is another bottleneck. Style of facilitation, non-response to past resolutions, domination by the powerful and lack of

meaningful discussion are some of the causes why people think attending Gram Sabha is a waste of time.

Social Audit needs lots of facilitation and mobilization and hence involvement of local CSOs makes it more effective. As they are not associated with execution of works, it enhances the objectivity and credibility of the process. Also, as mentioned earlier, timely actions by competent authorities on findings have impact on Social Audit for next round. Since Social Audit is to be done in periodic intervals, timely actions on earlier Social Audit encourage people. In the contrary if this does not happen, people get disappointed and this will result in lack of participation in the future.

Social Audit has spin-off benefits like increased awareness and participation. During the process of data collection, verification and Gram Sabha mobilization, committee and volunteers interact with people personally and share the provisions of the project, their entitlements and procedures to get them. Interested households are encouraged to interact with project officials. This not only improves the quality of implementation of programme, it also facilitates involvement of people.

Social Audit has negative connotations and conflicting socio-economic interests: Social Audit evokes fear and resentment among the implementing agency. Also, rural Indian society is not homogenous and there are conflicting interests based on caste, class and gender lines. Process of Social Audit takes into account interests of weaker sections such as poor, dalits, women and minorities and empowers them. Hence powerful groups also resist such process.

To combat this challenge, if at initial stages, Social Audit is promoted more as learning process to inculcate culture of transparency and accountability rather than faultfinding. Small but incremental success will boost the confidence and morale of people, specially poor and marginalized.

Unverifiable records: Many a times the implementing agency does not maintain up to date records. It hinders the transparency process. If at the beginning of the project the MIS and JIS are clearly defined it will not create problems in verification of records.

Case Study

Human Rights And Accountability

Paula Herranz

[Educated in Spain and England in Law and Financial Economics, Paula Herranz has experience in international banking and business development. Some good practices on accountability compiled by Paula are presented here.]

This is a concept note on how to build accountability on basic human rights. Focusing on the right to information, it is from this right that other basic human rights can flow, and considering different cases studies to show that information empowers people to demand adherence to the whole range of their human rights and how the right has been used by ordinary people to change systems and redress grievances.

Building Accountability

Over the past two decades growing demands for influential actors to acknowledge their accountability in all spheres of public life have led to the creation of new procedures. Through many routes, formal accountability is being created: for actors to accept responsibility for the impacts of their action and inaction on human rights, to cooperate by providing information and entering into dialogue and to respond adequately to claims made.

Nationally, accountability procedures have been greatly strengthened in many countries through the constitutional recognition of human rights and the establishment of national human rights institutions and related arrangements such as ombudsman offices and antidiscrimination commissioners. And internationally, states have increasingly been held to account under both UN and regional mechanisms, on the basis of treaties ratified by countries and of generally applicable special procedures—such as special rapporteurs—under the UN Charter.

But accountability is not exacted only through such formal mechanisms. A diverse range of techniques is gradually coming together to ensure greatly increased acknowledgement of accountability from other actors, including corporations, NGOs and such multilateral actors as the World Bank, the World Trade Organization, the International Monetary Fund and the agencies of the United Nations.

As procedures of accountability are developed, they create important opportunities to collect information. By ratifying the human rights treaties, states make a commitment to submit reports on how much the rights addressed in each treaty are being realized in their country. For all six major treaties, NGOs are invited to submit alternative reports, giving them a valuable opportunity to present data supplementing the perspectives of official reports. When corporations sign on to codes of conduct and admit independent monitors onto their premises, they create a unique opportunity to collect detailed data on their practices.

Beyond the procedures of accountability, human rights are increasingly being used as criteria for designing and evaluating policy, creating a growing demand for indicators. Indicators can be used as a tool for:

- Making better policies and monitoring progress.
- Identifying unintended impacts of laws, policies and practices.
- Identifying actors who have an impact on the realization of rights.
- Revealing whether the obligations of these actors are being met.
- Giving early warning of potential violations, prompting preventive action.
- Enhancing social consensus on difficult trade-offs to be made in the face of resource constraints.
- Exposing issues that had been neglected or silenced.

Access to Information and Its Constraints

The right to information has long been recognized as a ‘Fundamental Right’ of a free citizenry. It is from this right that other basic human rights can flow. No society can claim to be truly free unless it has both the instruments and the practice of providing its people with access to information. No government that claims to be democratic can deny its people the ability to participate in governance or refuse to be transparent to its people. Whether called the ‘freedom of information’ as in most countries or the ‘right to information’ as more recent access laws are referred to, it is the duty of governments to guarantee this right by implementing access to information laws.

Access to information is critical for enabling citizens to exercise their voice, to effectively monitor and hold government to account, and to enter into informed dialogue about decisions, which affect their lives. It is seen as vital for empowering all citizens, including vulnerable and excluded people, to claim their broader rights and entitlements. But the potential contribution to good governance of access to information lies in both the willingness of government to be transparent, as well as the ability of citizens to demand and use information – both of which may be constrained in low capacity settings. A key question in this regard is: To what extent can access to information, and government transparency, advance the claims of poor and marginalized groups and make governments accountable?

Many commentators caution that access to information does not necessarily lead to greater citizen participation, state accountability and state responsiveness. In many developing countries, there are real structural and political barriers, which hinder both the capacity and incentives of governments to produce information, and the ability of citizens to claim their right to information and to use it to demand better governance and public services. These barriers include:

- Government may not be actively supportive of the right to information, particularly in contexts where there is a legacy of undemocratic political systems or closed government.
- Citizens may not be aware of their legal right to information, or, in some cases may be reluctant to assert it, either because of fear of a repressive regime, or a prevailing culture of not questioning authority. In other cases, there are structural barriers to poor people accessing and using information. For example, access to the Internet remains low in many developing countries, particularly in remote areas.
- The capacity of public bodies to provide information may be weak, and officials may be unaware of their obligations. In low capacity environments, record management and statistics generation may be insufficient to support access to information

Case Studies

The Commonwealth Human Rights Initiative’s (CHRI) publication, *“Our Rights, Our Information-Empowering People to Demand Rights through Knowledge”* showcases how the right has been used by ordinary people to change systems, redress grievances and realize other rights.

The Commonwealth Human Rights Initiative report provides case studies to show that information empowers people to demand adherence to the whole range of their human rights. By establishing the right to information in domestic law and by setting up public information systems, governments can enhance citizens' participation in governance, advance equitable economic development, reduce poverty and fight corruption.

Information: A Right to Realize All Rights

The right to information is a unique human right. Not only has its status as a fundamental right been recognized throughout international and regional human rights law, for example in Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, but countless stories from around the globe testify to the power of the right to information as a tool in the hands of everyday people.

Information is power. Information provides people with the knowledge to demand political, economic and social rights from their governments – from the right to food to the right to be free from torture.

Although we live in the age of information, where knowledge can be accessed and shared at the click of a button, and span the globe in an instant, a lack of information continues to frustrate people's ability to make choices, participate in governance and hold governments accountable for their actions. This unfortunate fact is especially true for the poor and marginalized that need information the most. In particular, the lack of easily accessible information continues to prevent people from being aware of their human rights and demand that governments turn them into practical realities.

How do Governments Recognize the Right to Information? – By giving out information proactively.

International legal standards, declarations and endorsements have little practical value unless the right to information is also recognized at the national level by governments themselves. Domestic measures are also necessary to ensure that people are actually able to access information held by the government.

Although many people think that a government will only give people access to information once a law is enacted, there are in fact many ways for a government to share information with the people.

The first way a government can ensure that people have access to information, even in the absence of a right to information law, is to adopt a policy of publishing information proactively.

Chile - Organization of American States Rules to Enact Legislation on right to information

The Right to Information is a Human Right for All.

In the 1990s, a US logging company called Trillium was to undertake a mass-logging project in the Rio Condor Valley in Chile, which would deforest 285,000 hectares of native forest.

An environmental non-government organization called Terram was concerned that the Chilean government may have failed to carry out the environmental checks that are required by law in order to make sure that they have considered the damage the deforestation will have on Chile's delicate ecosystem. Terram asked the government for a copy of the assessment reports that should have been prepared before the project was approved.

Although Chile was required to compile this information in accordance with its Foreign Investment Statute, Terram was still waiting for the information eight years later. The government simply refused

to provide any substantial information on the assessments they had conducted. The only information that was ever provided was the total value of Trillium's investment in the logging project.

Frustrated by the government's silence, Terram staff appealed to the Chilean courts, claiming that their right to information had been violated and demanding that the government answer a simple question: had it carried out the proper environmental checks before giving the Trillium Corporation permission to cut swathes of native forest and destroy irreplaceable ecosystems?

All courts rejected the claim, including the Supreme Court, which stated that their request for information was "manifestly ill-founded and not of high public importance. Terram staff continued to pursue the issue, taking the case to the Inter-American Court of Human Rights with the claim that Chile had violated Article 13 of the American Convention on Human Rights – the right to freedom of thought and expression. The court held that Chile had indeed violated Article 13 of the Convention, and in doing so it was the first international tribunal to recognize that the public's right to freedom of expression necessarily includes the right to: "seek, receive and impart information".

The court concluded that the government has a positive obligation to provide information, which is in the public interest. Release of the information on environmental checks undertaken was clearly in the public interest as it concerned a forestry project that had sparked considerable public debate about its potential environmental impact. In this case, the government had failed to provide mechanisms to guarantee the right of access to public information and the court ordered Chile to establish a legal mechanism that guarantees the right of all persons to request and receive information held by public authorities.

While the case was progressing, there were a number of interesting developments. In August 2005, the Chilean Constitution was amended to state that acts and decisions of a state body are for public use and that: "Only a law with a special quorum can establish their secrecy of confidentiality." The Inter-American Court of Human Rights commented that this provision falls short of fulfilling people's right to access information and that domestic legislation was also required. During the case, Trillium withdrew from the project.

Solomon Islands – People First Network for Confidence Building

In an effort to build the trust and confidence of the Solomon Islanders in their government, a special project called 'PFNet' (People First Network) was established in 2005 by the non-governmental organization Rural Development Volunteer Association (RDVA) in association with the Solomon Island's Ministry of Rural Development.

The objective of the PFNet project is to: "support peace-building and poverty reduction through improved access to information and increased capacity for communications in rural areas". In order to do this, PFNet established a network of rural community email stations located across the islands in accessible public areas such as local schools and provincial health clinics. The second aspect of the project was the establishment of an Internet café in the capital, Honiara. In addition, PFNet compiles a local and international news briefing, which is emailed to the computer stations and is freely available to the public.

However, providing the public with the physical tools to access information is only one aspect of respecting their right to information – the public must also be provided with the means to use the tools that they are supplied with. The PFNet project recognized that people need practical assistance to make use of unfamiliar information technology and therefore provided two people per email station to

assist them. These operators transcribe and relay information to any individual who requires assistance so that access is not inhibited by illiteracy.

The outcomes of PFNet have been extremely positive. The project has been accredited with aiding peace-building efforts and increasing political and social stability in the Solomon Islands through keeping people informed and guarding against the spread of false information.

Encouraged by the positive outcomes of PFNet the Solomon Islands opened its first official government website in 2006 to: “enhance its information and communication technologies in order to enhance its services to the people and to promote transparent and effective government”. The website proactively provides the public with press releases, policy papers, draft bills and official documents.

By increasingly making information available through proactive disclosure and enabling information sharing, the Solomon Island’s government is working toward greater transparency and building the public’s confidence.

Slovakia – Right to Information Law Empowers People to Protect their Forests

In Slovakia, deforestation must be carried out in accordance with a forest management plan, which is prepared by the company proposing to cut down trees. This plan, envisaging the next ten-year period, must be approved by the government and then supervised closely by a state oversight body. The approval of a Forest Management Plan by the Ministry of Agriculture should indicate that the proposal is ecologically sound.

Until 2005, the development of a forest management plan involved only three actors – the company proposing the deforestation, the Ministry of Agriculture that accords its approval to the plan and the state oversight body. Proactive disclosure of information related to any forest management plan to the public was not compulsory and as a result, members of the public were not given the opportunity to be informed and to participate in the planning, management and protection of their environment.

Between 2000 and 2004, various deforestation projects were underway in Eastern Slovakia. At this time a large environmentalist group known as the Vlk (‘Wolf’) Forest Protection Movement began submitting requests for information on proposed forest management plans to the Presov.

City administration and the Ministry of Agriculture under the newly introduced Act on Free Access to Information, 2000. Vlk requested the information believing that the public should be allowed to participate in decisions to approve deforestation plans, and have access to all relevant information about the environment in which they live, including its management and protection.

Vlk’s requests for information were rejected by both the city administration and the Ministry on the ground that the Plans were “classified” information. However, Vlk were determined to access the data and took their claim to the Supreme Court, arguing that the government’s refusal to provide the information was a breach of their rights under the Act on Free Access to Information.

The Supreme Court ruled in Vlk’s favour, holding that the government had acted illegally and that information on forest management and administration is not subject to classification under the law. Interestingly, the court also ruled that the government had classified the information without following the correct processes. Following the court ruling, the government released the information on the forest management plans.

Armed with the knowledge that the government had failed to follow the correct processes with regards to the formulation of forest management plans, Vlk spearheaded a public initiative to demand the expansion and increased protection of national forest and nature reserves in Slovakia. Vlk's work paid off. The government expanded two nature reserves from their original 50 hectares to 400 hectares affording the area greater protection under Slovakian law than a mere classification as a national park.

The struggle to get information released as a result of the Supreme Court's judgment created public awareness about the dangers to the environment and the value of openness in decision-making. This generated pressure for changes in the law on the protection of forests. In 2005, amendments were made to the Act on forests to allow civil society groups to access the information and background material used in developing forest management plans. Importantly, the new amendments set a precedent for public participation in the development of forest management plans by allowing non-governmental representation at official meetings. This opened up the whole process to a much larger and more diverse audience. This is particularly important when it comes to protecting a country's often scarce but coveted natural resources. Assured transparency reduces the risk of collusion between powerful commercial interests and closed government systems. It also reduces the possibility of subverting internal procedures for private gain and circumventing detailed but often unknown rules and regulations.

Access to information about procedures not only led to the expansion and protection of nature reserves but gave Vlk the knowledge and power needed to demand crucial changes to the forest management law. Most importantly public participation in the planning, management and protection of the forests in Slovakia was institutionalised because of the use of right to information.

India – World Bank Influence in Water Project Hinders Critical Reforms to Delhi's Water Supply

In 1998, the Delhi Jal Board (DJB), which manages the supply of water to the 13 million residents of Delhi, was granted a World Bank loan to privatise this essential service and provide round-the-clock water supply.

The DJB invited bids from interested parties through public tender for providing consultancy services for this project. The multinational corporation, PricewaterhouseCoopers (PwC) was short-listed in 2001. Alarmed by the DJB's move towards privatisation which had the potential to deprive Delhi's poorer inhabitants of inexpensive access to water, a local non-government organisation *Parivartan* intervened to find out whether all had been done according to established financial and technical norms. They sought details of the tender process using Delhi's Right to Information Act and were given about 4,000 pages of information. The documents revealed that PwC had consistently ranked lower in the financial and technical evaluation as compared to other bidders and had actually failed to clear the evaluation testing. Furthermore, the records revealed that senior DJB officials had been aware of this and had expressed their opposition to PwC being short-listed at the end of the tender process. So why was PwC chosen despite its poor performance?

The documents showed that the World Bank had repeatedly intervened in the tendering process insisting that: "at least one consultant should be short-listed from a developing country. "While PwC is a multinational firm, it has a subsidiary firm registered in Kolkata in India and was made to appear as if it were a local entity.

The information also revealed the extent of the World Bank's influence in PwC's successful bid. One civil servant had noted in the record of internal deliberations that the privatisation move "could be in jeopardy if the suggestions of the World Bank were not agreed to". As a result, PwC was reinstated by the DJB with higher marks than originally given and eventually short-listed.

If the intended aim of the project was to ensure efficient delivery of 24-hour water supply to all the city's population, the information released showed that in its proposed form the outcomes would be far from this. It was revealed that promises of massive profits were made to water supply companies, which would have resulted in a significant increase in the price of water for all consumers while round the clock supply would not have been available in the poorer settlements of the city where the majority of the population live. Accessibility to water would actually be reduced and many people would be unable to afford water at all.

With these revelations the DJB and the World Bank came under intense media and public criticism. As a result, the Chief Minister of Delhi announced that the DJB would not move ahead with the recommendations of the World Bank or consider the final list of successful candidates. Instead, the government held a public hearing over the issues to identify alternative solutions to Delhi's water supply problem. At the hearing, PwC's recommended blueprint for water reforms in Delhi was heavily criticized for mirroring structures established in places such as Manila, where the privatization of water had failed to deliver the benefits initially promised.

Parivartan also highlighted the need for transparency within international financial institutions such as the World Bank that are not subject to the jurisdiction of any country's legal system for their policies and decisions.

Concerns were raised about the Bank's lack of willingness to disclose information that could greatly affect poor people's right to access water in Delhi. The Right to Information Act became a useful tool for preventing the denial of access to water to the disadvantaged sections of society in the name of privatization. An examination by interested citizens using access laws provided an X-ray into the minutiae of the entire process, including the attitudes of officials and the extent of forces driving decision-making. As more and more public functions, like the provision of health care, water, power and transport are privatized, it is important that people are able to get information from the bodies involved in providing these services, not merely from governments. Recognizing this, some right to information laws extend their coverage to place a duty on private bodies carrying out public functions. Even where private bodies are not providing public services, their activities need to be open to public scrutiny if their work affects people's human rights.

Canada – Tape Exposing Police Racism Compels Canada to Address Inequity Issues

In 1942 Canada's Department of Defence acquired the "Stoney Point Reserve" from Canada's aboriginal community (the First Nations) in order to establish a military base. After being forcibly removed from the area, the local First Nations community – the Stoney Point Band – began an ongoing struggle to reclaim their land, which resulted only in inadequate compensation and promises that one day it may be returned to them. Tired of the department's empty promises, the Stoney Point Band held an unarmed protest at the Ipperwash Provincial Park in September 1995.

This park is the site of an ancient burial ground, a sacred area, which they wished to protect from further defilement and destruction. On the night of September 6, the heavily armed Ontario Provincial Police (OPP) approached the park with the intention of removing the peaceful protestors. However,

the situation turned violent and resulted in the tragic death of an unarmed protestor – Dudley George. The entire incident was recorded on video by the Ontario police.

The exact nature of that night's events may have remained secret indefinitely as the Conservative Party-led government at the time stoutly refused to hold a thorough enquiry. However, Canada's Access to Information Act, proved useful, unearthing a disturbing and important aspect of the case – members of the OPP had used provocative and racially abusive language to lure the protesters out of the park.

In 2004, the Canadian Broadcasting Corporation (CBC) used the Access to Information Act to acquire a copy of videotape that the police made of the event. Although the camera's lens was covered, it continued to record voices and sounds during the entire incident. This audio recording, which contained evidence of members of the police force using abusive language and racial insults directed at the protestors, confirmed incitement and revealed deep-seated racist attitudes in the police force.

As soon as the videotape's contents were exposed, the Ontario Provincial Police Association issued a public apology and began a thorough investigation into the night's events. The acting sergeant who shot and killed Dudley George was found guilty of criminal negligence causing death and was imprisoned.

The newly elected Provincial Government in Ontario also set up a Commission of Inquiry to investigate the entire incident. In May 2007 Honourable Sidney B. Linden, who led the inquiry released the Commission's findings, stating that the Ipperwash tragedy highlighted the importance of holding public officials and institutions accountable for their actions. Importantly, the murder of Dudley George was found to signify racial prejudice within the police force, which the Commission sought to address with recommendations to government for change.

The Commission also recognised that lack of education about the country's history and relationship with its aboriginal people contributed to racial tension. It recommended the development of a comprehensive public education plan regarding Canada's treaty obligations with the First Nations people.

The Commission made a strong recommendation for the creation of a Ministry of Aboriginal Affairs for ensuring that indigenous issues received the "priority and focus" they deserved. It also recommended that the government recognise the treaties made with the First Nations people, which allow non-aboriginal people to settle in Ontario, and which set out a duty to consult with the First Nations people in any area in which there is a proven or asserted aboriginal right.

The Commission of Inquiry of the Ipperwash tragedy revealed racial inequalities and tensions in Canada and provided the starting point from which to address them. For change such as this to occur, it is crucial that people have the right to know about the shortcomings and flaws in their systems of governance. The fullest revelation of information makes the invisible and accepted – here institutional discrimination toward segments of the public embedded in the police – visible and helps put an end to denial. In this instance, evidence disclosed under Canada's Access to Information Act played a key role in bringing these shortcomings to the public's attention.

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