



Opening the Door to Environmental Democracy

By WRI President Jonathan Lash

I was reminded recently that the United States Senate was initially not directly elected; Senators were appointed by state legislatures. Not only that, but the Senate was specifically instructed not to keep a record of its proceedings and not to let observers into its galleries to witness what they were doing.

This was not by accident. Alexander Hamilton and the founding fathers created an institution that was the voice of wealth and privilege. They understood very well that decisions inevitably favor those in the position of having access to information and to the process of decision. That is the point they were making, and it is the point that WRI's new report *Voice and Choice: Opening the Door to Environmental Democracy* is trying to address, as an argument about why information and access are crucial elements of environmental democracy.

The birth of the American republic unleashed the flood of democracy. Interestingly, the forces of that movement inevitably drove the system to provide greater information and greater access. Within ten years, the Senate was keeping

and publishing a journal and admitting "landed gentlemen" to the galleries.

For eight years, my colleagues in The Access Initiative, both at WRI and within 160 partner organizations in forty countries, have been working on this premise: that if you can open up the channels of information on environmental decisions, if you can get people access to key data about the disposition of resources, and the chance to at least have a voice in the decision processes, then you can produce more fair, effective, and sustainable decisions.

I think there is no better demonstration of that proposition than *Voice and Choice*, a review of national laws and findings from more than 200 case studies from twenty-six countries. Governments – by simply improving public participation – could have more successfully managed or prevented unhealthy levels of lead in Washington DC drinking water; spills of sulphuric acid and petroleum in Chile; and the disposal of hazardous military waste in Bulgaria, to name just three examples. The book also identifies innovative solutions being tested around the world to improve public participation.

Voice and Choice combines a very powerful vision of what the world can be with case studies of environmental democracy

in action and some thoughtful recommendations for governments and access proponents looking to do more to involve the public in decision-making.



At a time when competition for basic resources has suddenly become so intense and climate change is forcing countries to make adaptation decisions, finding ways to enable stakeholders to participate in these becomes ever more urgent.

Voice and Choice opens with a quote from Nelson Mandela. He said, "People living in poverty have the least access to power to shape policies, to shape their future, but they have the right to a voice. They must not be made to sit in silence as development happens around them at their expense. True development is impossible without the participation of those concerned. All of us, rich or poor, governments, companies, and individuals, share the responsibility of ensuring that everyone has access to information and our starting point must be respect for individual human rights."

Mandela's quote is both our starting point and our ending point. How better to vindicate those rights than to enable people to protect them for themselves? That is what environmental democracy is all about. That is what the work of The Access Initiative is all about.

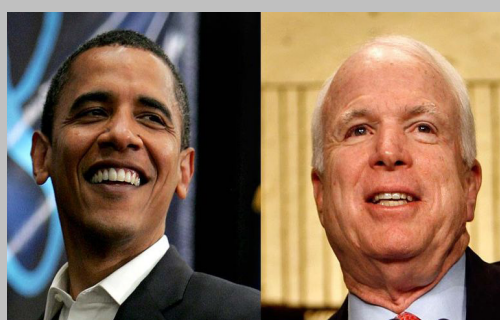
For more information about The Access Initiative, visit www.accessinitiative.org. Additional information about WRI's governance work can be found at www.wri.org/governance.

How Will the Next President Run His Administration?

What does it take for the President to advance sound climate policy, to protect U.S. watersheds, to promote green government procurement rules, or to encourage the reform of international financial institutions?

Certainly, it requires an endorsement of the right types of policies. But, it also takes a commitment to principles of good governance based on transparent, inclusive, and accountable decision-making.

WRI is raising the profile of these governance issues in the presidential campaign. Over the next few months we will research, assess, and present the presidential candidates' views in this regard. We will illustrate the ways in which bad governance has led to poor



administrative decisions with harmful environmental and social effects. And, we will join forces with other environmental groups, national security and open government advocates, labor groups, health organizations, and business groups across the political spectrum to develop a set of governance principles which will form the basis for public discussions with the candidates and the media this election season.

Stay tuned and let us know if you would like to learn more or if you are interested in learning how you might support this work.

Why Governance Matters?

Two Case Studies from WRI's new publication *Voice and Choice*

Voice and Choice Case Study

A Water Contamination Mystery in Washington, DC

A weakness in data dissemination on drinking water quality put the public at greater risk for lead poisoning in Washington, D.C. Even in a country with robust scientific and technical expertise, as well as strong environmental information systems, a lack of good information distribution resulted in widespread public outcry.

A January 31, 2004 article in *The Washington Post* created a stir with a headline that shouted: "Tap Water in Thousands of District Houses has Recently Tested Above the Federal Limit for Lead Contamination." Authorities were "baffled" and had no idea how such a serious contaminant had become so widespread in the city's water.

Subsequent *Post* articles, public hearings, administrative reviews, independent investigations, and a class action law suit documented that the problem actually had not been discovered "recently." The Washington Water and Sewer Authority (WASA) had been detecting unhealthy levels of lead in city drinking water for over two years. However, the public was not informed of the problem, and in other cases was told too late to take appropriate action, or with too little urgency to convey the seriousness of the health risk.

Washington residents thus faced not one, but two mysteries. How did so much lead get into the drinking water? And how could the government have known about it for so long without addressing the problem?

Although WASA's survey found high lead contamination during the previous summer, the Authority failed to notify residents of the risk until November. Water regulations require WASA to place a very specific notice on each affected customer's water bill stating:

SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH.

However, the notice sent out in November downplayed the seriousness of the problem. It left out key required phrases, including "in their drinking water" and "significant."

Similarly, national law required WASA to conduct public meetings to inform

people of the health risk and the actions they could take to avoid lead exposure. However, their advertisements for the meeting did not reveal the lead problem. Instead, they simply stated that the meeting would "discuss and solicit public comments on WASA's Safe Drinking Water Act projects."

As a result of the lack of urgency in WASA's public communications, residents were slow to take action. Some residents who received the notices began buying bottled water, discussed the issue with their neighbors, or shared information about it via e-mail. Many had neglected the mailings, however, or didn't understand them. One resident later told a reporter she had received a letter informing her that the lead in her water tested "higher than the federal action level," but she wasn't sure if that was a good or bad result.

Months later, when the issue became front-page news, the situation changed rapidly. Residents inundated WASA's water hotline with calls and overwhelmed water testing laboratories with requests for their tap water to be tested for lead contamination. Successive public communications from WASA and other agencies contradicted each other and created confusion about who was at risk and what steps residents should take to protect their health.

Expressions of public frustration grew in response to the mixed messages emerging from WASA and other public agencies. The public organized to share information and circulate petitions by launching Internet sites like PureWaterDC.com and

WaterForDCKids.org. Neighborhood meetings also were held to discuss the issue. Community organizations and elected leaders concluded that WASA had actively covered up the problem. On March 18, 2004 nearly 100 people took part in a protest at City Hall. Also in March, a class action lawsuit was launched against WASA by a young lawyer and a neighborhood activist, who called on the government to give clear notification to affected residents, pay the full cost of lead pipe replacement, and compensate the plaintiffs for damages.

Fortunately, EPA studies showed that there were few public health impacts. Yet the question of how the government had failed to effectively notify residents of the problem was more difficult to answer. The public outcry about the government's initial response to the lead contamination resulted in independent investigations commissioned by government and civil society organizations, as well as EPA administrative orders censuring WASA, and a congressional inquiry into EPA's own oversight failures.

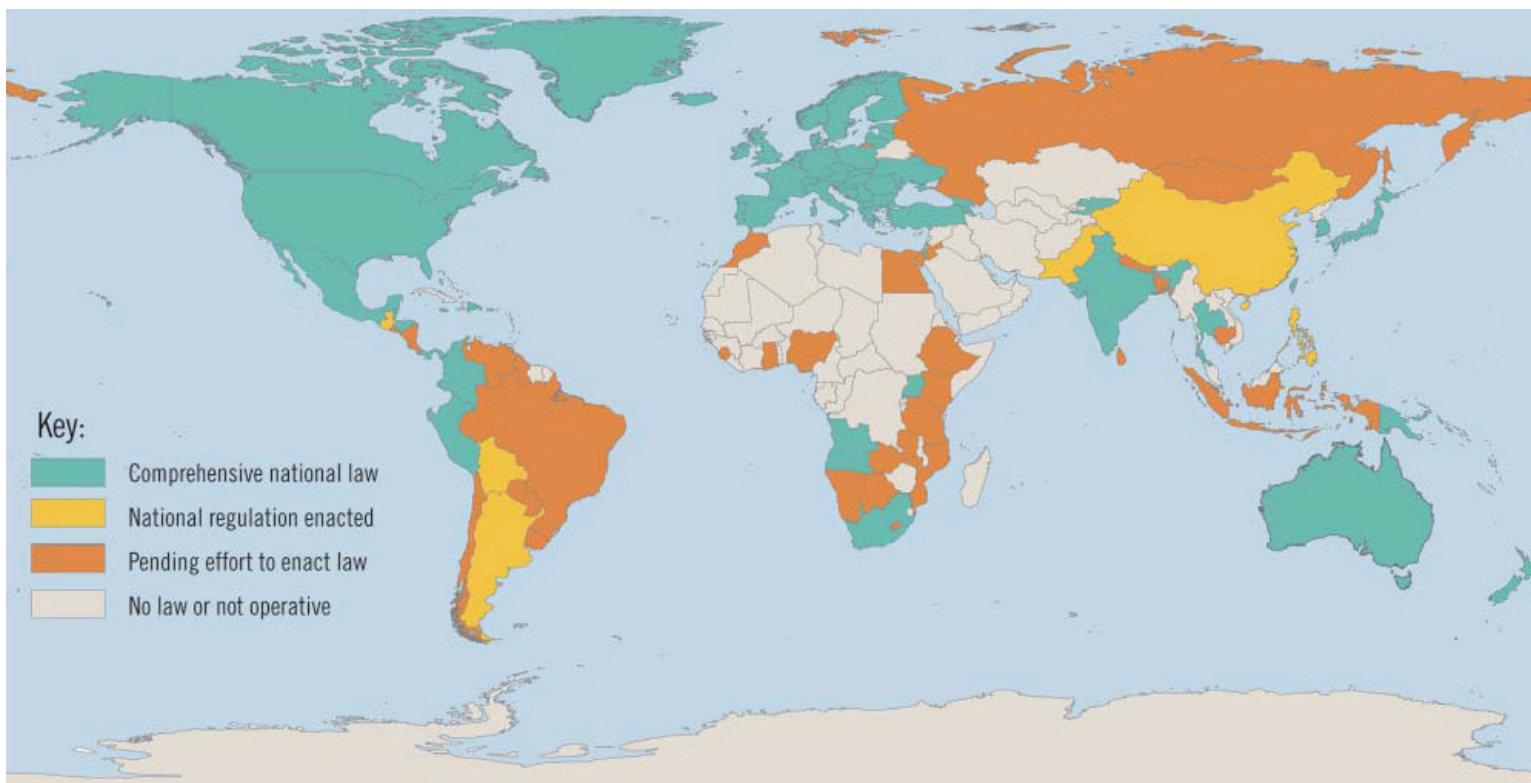
This case demonstrates that it was not an absence of technical data that proved most problematic in this situation, but a lack of face-to-face communication, suggesting both that situations are unique across contexts, and that people need environmental information communicated to them in a medium and a setting they understand and can act upon.

The full story, including sources, can be found in Voice and Choice: Opening the Door to Environmental Democracy at www.wri.org.



Photo: Public Citizen

Freedom of Information Laws By Country



Source: Banisar 2007

There is probably no more important – or less glamorous -- set of environmental issues than access issues. The focus and spotlight on administrative procedures, common rule making, and the details of whether we are getting the steps right to give people access to information can be mind-numbing at times. But these are the actual battles that determine whether communities will be able to learn what is happening in their backyards.

--David Hunter, director of the Program on International and Comparative Law at Washington College of Law, American University, at the launch of *Voice and Choice* in Washington, DC.

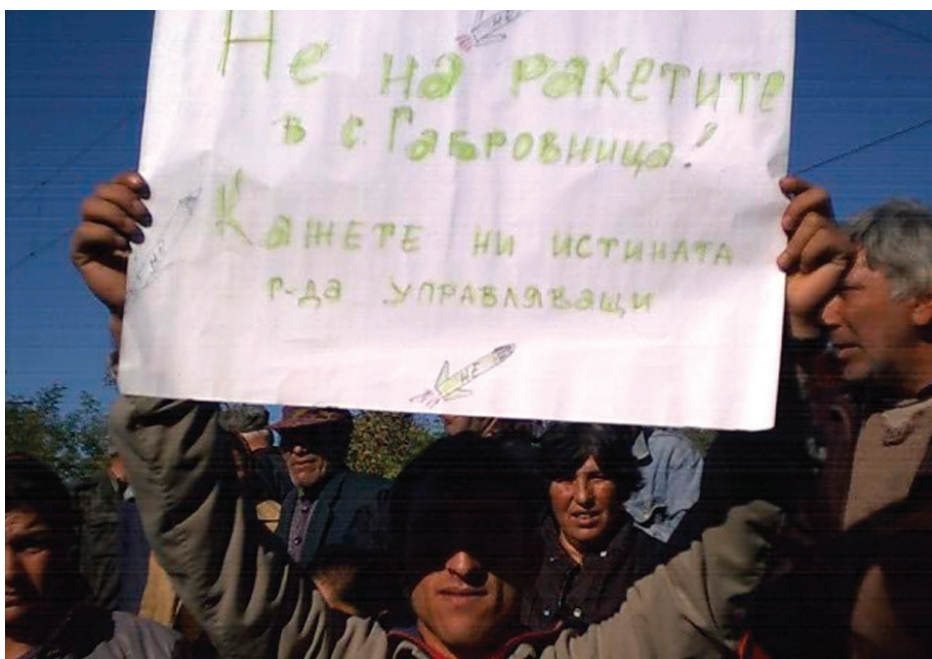
Voice and Choice Case Study

Military Waste in Bulgaria

In 2002 and 2003, Bulgarian citizens faced a situation where officials resisted informing the public about a potentially harmful government action.

In the process of decommissioning obsolete Cold War military equipment, government officials assured the public that they were taking the necessary steps to prevent harm while disposing of old rocket engines. Contrary to their public assertions, officials set in motion a plan that ran counter to available evidence about environmental impacts. They made the plan secret, and then denied its existence.

A number of civil society groups and local officials learned of the proposed disposal, leading to protests in two different regions, Stara Zagora and Montana. The public would not have become sufficiently informed if there had not been civil society groups and individuals within the



government pressing for the release of information under the new Freedom of Information Act. Through a concerted effort, these individuals, aided by active protest by Bulgarian citizens, were able to ensure that not only was information

released, but also that disposal of the rocket engines protected both human health and the environment.

The full story, including sources, can be found in Voice and Choice: Opening the Door to Environmental Democracy at www.wri.org.

The Link Between Poverty and the Rule of Law

A new report by The Commission on Legal Empowerment of the Poor, a commission hosted by the UN Development Programme calls on governments to make legal empowerment a pillar of anti-poverty efforts. Commission Co-Chair Madeleine Albright led a panel discussion at WRI to discuss the findings from the report, *Making the Law Work for Everyone*.

The report finds that the majority of the world's poor live their lives outside the rule of law, without the basic legal protection that recognizes their homes, assets and hard work. So what does this mean?

Without property rights, the poor live in fear of forced eviction. Without access to a justice system, they are victims of corruption and violence. Without enforceable labor laws, they suffer unsafe and abusive work conditions.

If they own an informal business, they cannot access the legal business protections that entrepreneurs in the developed world take for granted – the poor are locked out of economic opportunity in their own countries and in the global marketplace.

Many poor people are unregistered from birth, and have no access to basic public services.



Jonathan Lasb, president, World Resources Institute; Hattie Babbitt, vice-chair, World Resources Institute; Dr. Beverly Wright, founder and executive director of the Deep South Center for Environmental Justice; Madeleine Albright, former U.S. Secretary of State and co-chair of the Commission on Legal Empowerment of the Poor; Dr. Naresb Singh, executive director of the Commission on Legal Empowerment of the Poor.

of this global survey to the United States and discussed the link between poverty, environment and the rule of law in this country. Poor people often have no voice in the decisions that affect their environment. As a result, the consequences of environmental degradation and poor planning are harshest on poor communities.

“I do think, and I will stand up for this, that U.S. law and U.S. democracy is better than anything else”, said Commission Co-Chair Albright. “But clearly there are issues, and New Orleans is the best example of it.”

Dr. Beverly Wright is a New Orleans

New Orleans and about what happened to her property after the storm.

“I looked on a map and saw a green space [no rebuilding] and I looked again at where it was. I said, darn, that’s where I lived. Who made this decision? Where was I? Somebody decided they were going to make this footprint smaller and your home is gone. Well, that happened to a whole lot of us.”

Dr. Wright’s story shows that even in the United States, many people – but especially the poor -- are excluded from the critical decisions that affect their environment.

“Obviously, [the report] has an environmental aspect to it because we know that poor people suffer the most, I think, in terms of land that has been deforested or lack of water. So there is a direct connection between the legal empowerment of the poor and WRI’s agenda,” said Albright.

WRI contributed to the Commission’s report, which drew specifically on the work of The Access Initiative, a project launched at WRI and which is now the world’s largest network of civil society organizations working to ensure that people have the right and the ability to influence decisions about the natural resources that sustain their communities.

“We believe the report contains lessons for a new administration committed to helping the poor and disempowered in this country,” said Jacob Werksman, director of WRI’s Institutions and Governance Program. “Too often we assume the rule of law functions equally for everyone. As a result, ill-crafted decisions and the lack of enforcement of environmental standards unfairly harm poor communities.”

The report makes concrete recommendations about how nations, multilateral institutions and civil society can come together to empower the poor in ways that allow them to lift themselves from the grips of poverty.

With the launch of the report at WRI, panelists applied the findings

resident and the founder and executive director of the Deep South Center for Environmental Justice at Dillard University. She traces her family in New Orleans back eight generations, and before Hurricane Katrina lived in a home she had inherited. She talked at WRI about decisions to rebuild or not to rebuild certain neighborhoods in

Photo: Dermot Tatlow, Panos Pictures

