

GREENING DEMOCRACY
AND GOVERNING THE
ENVIRONMENT

***USAID EXPERIENCES FROM THE
FIELD***

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PART I

Exploring Linkages Between Governance, Democracy-Building and Environment¹

By: Nancy K. Diamond, Ph.D.¹

I. Incentives for Forging Environment-Democracy/Governance Linkages

Both environment (ENV) and democracy/governance (DG) donor programs share a common interest in supporting changes in the rules of the game, new roles for the under-represented and new or improved relationships among civil society organizations and between civil society and government.

For the DG community, there are three main advantages to ENV-DG linkages:

- To build up a greater constituency for DG work and encourage the development of civil society-government relationships, the DG community can benefit from closer association with the substantial networks and constituencies of the ENV community.
- To encourage citizens to take on new roles in governance and democracy-building, the DG donor and NGO community can capitalize upon the “mom-and-apple-pie” nature of ENV issues and the value of the ENV sector to incubate responsive politicians.
- To demonstrate the concrete benefits of democratic governance and rule of law reforms, the DG community can draw examples from ENV activities where rules have been changed or enforced through a democratic process.

For the ENV community, there are three main advantages to ENV-DG linkages:

- To help citizens and policy makers link biodiversity conservation issues with broader development concerns, the ENV community can benefit from closer association with DG networks.
- To help train ENV partners to play more effective roles in environmental governance and have greater systemic impacts on governance, the ENV community can rely on the expertise and political skills of the DG community.
- To better understand how environmental governance is influenced by the overall governance and political situation, the ENV community can capitalize upon DG expertise in local and national political sensitivities.

II. USAID ENV-DG Experiences and Results

For USAID-funded activities, there have been different types of collaboration and synergy development related to ENV-DG linkages.

- There are number of examples of collaboration by mission ENV and DG teams (i.e., Philippines).
- Sometimes, in small missions, a single team manages both ENV and DG strategic objectives (i.e., Namibia).
- In some missions, both the ENV and DG teams can support some of the same partners, at the same time or sequentially (i.e., Indonesia).

¹ Please send requests for the original paper to (Valerie.Hickey@WWFUS.ORG) or visit the BSP website (www.bsp-online.org).

² This work has been supported by the Biodiversity Support Program. However, I take full responsibility for the opinions expressed herein and for any inadvertent factual errors or omissions. Please send corrections and additions to: Nkdiamond@aol.com.

- At times, there has been good collaboration among ENV and DG field project implementers, including both international and host country partners (i.e., Haiti), and this collaboration was fostered by senior mission management, the compatibility of project managers and objectives and geographic overlap.
- When the same USAID partner has managed both an ENV and DG partner in the same country, there have been opportunities for ENV-DG project synergies via cross-site visits, etc. (i.e., Bolivia).

Most often, USAID units capitalize on synergies rather than co-fund joint activities. The most common linkages occur in work related to a single ENV or DG project.

- Linkage activities occur more commonly in projects related natural resource management, biodiversity conservation, urban/municipal management, renewable energy/energy conservation, civil society, governance and rule of law. ENV-DG linkages appear to be less common within programs related to civic education, political parties and elections, energy utility privatization and pollution issues.
- USAID DG projects, with limited or no involvement of ENV teams, have worked with environmental NGOs under civil society programs. They have focused on environmental issues (i.e., urban environmental services) in local governance activities and looked at rule of law questions related to enforcement of environmental regulations.
- USAID ENV projects, with limited or no involvement by USAID DG teams, have worked on developing civil society, improving local governance and strengthening enforcement of environmental rule of law and human rights. Although ENV projects have had successes at incorporating DG approaches and achieving DG results, much of their work has been invisible to the DG community because it is not typically framed in DG terminology.

As a result of ENV-DG linkages, the following types of results have been achieved:

- Civil society organizations now play more effective and diverse governance roles (e.g., decision-makers, advocates, watchdogs, resource managers, monitors, fund managers).
- The rule of law, including human rights, have been strengthened as a result of ENV and DG programs that strengthen environmental policy and regulation and build the capacity and expertise of lawyers and judges. New rules have institutionalized more pluralistic environmental decision-making, improved civil society access to environmental governance and improved the administration of the rule of law in favor of disadvantaged groups. These rule-related changes have led to more accountable and transparent government institutions and procedures and improved consensus over environmental priorities and strategies.
- New relationships have been forged for environmental governance, among civil society institutions and between civil society and government at different levels. Programs have built the capacity of local government to work with others to provide services and regulate resource management through local rules and enforcement of national policy.

III. Key Questions for ENV-DG Linkages

There are three over-arching questions for ENV-DGE collaborative and synergistic efforts:

- When is it appropriate for ENV activities to address systemic DG changes?
- What strategies should be pursued to convert ENV sectoral changes into systemic DG changes?
- What mechanisms can we put in place to ensure that systemic DG changes will be synergistic with sound environmental governance and management?

USAID experience with ENV-DG linkages suggests a number of specific questions that can form a basis for on-going dialogue and collaborative efforts by ENV and DG sectors:

Civil Society:

- When are ENV partners and networks more appropriate partners for DG activities than traditional DG partners (e.g., labor unions, media, civil society advocacy groups)?
- When should ENV projects work with local partners and networks with a broader development agenda?
- When are ENV issues an effective focus for DG objectives?
- How involved should ENV projects become in working directly on development of the civil society sector? (e.g., NGO registration, NGO organizational development and self-determination)
- What are the limits to support for advocacy by civil society organizations?
- What alternative strategies could be pursued by ENV international partners for working with repressive governments on biodiversity conservation objectives?
- How can ENV projects improve the democratic functioning of local environmental governance groups (e.g., representation and participation by women, minorities and youth)?
- How can ENV and DG projects help civil society partners to become more accountable to regional and community partners?
- Are ENV and DG capacity building grant programs for NGOs substantially different and what can be learned from cross-fertilization?

Governance:

- What have been the systemic spill-over impacts of governance reforms in the ENV sector?
- Under what circumstances are environmental issues an appropriate focus for governance activities?
- How can anti-corruption efforts by DG be better coordinated with related work in the ENV sector?
- How can systemic reforms related to decentralization be solidified by focusing on community-based natural resource management and urban environmental management activities?

Rule of Law/Human Rights:

- When is it appropriated for DG projects to support specialized training in environmental and indigenous rights for judges & lawyers?
- How can human rights work by DG be coordinated with ENV work with indigenous people in areas of high biodiversity?
- How can ENV and DG cooperate to move beyond a government focus for environmental enforcement activities and help to create space and improve the effectiveness of different civil society organizations?
- What role does civil society norm development play in establishing and enforcing environmental policies, laws and regulations?

IV. Collaboration Opportunities and Overcoming Barriers

ENV and DG staff and partners can take greater advantage of opportunities within individual projects, across projects and across strategic objective teams. In general, early and regular consultation is best but the management costs need to be recognized. An agency calendar is needed to identify both near-term and long-term collaboration possibilities related to TDYs and other activities. When planning new ENV and DG activities or doing country DG or ENV assessments, both ENV and DG experts should be included on teams to identify potential synergies. Wherever possible, at least some of the activities of separate ENV and DG projects should be located in the same geographic areas. In missions, senior management can play a critical role in fostering routine collaboration and communication and insisting on pursuit of cross-sectoral synergies. It is also helpful to have cross-representation on mission strategic objective teams for ENV and DG. While it is important not to underestimate how collaboration is facilitated by compatible personal and professional relationships, it is quite important that we find more systemic and transferable means to promote cross-sectoral linkages.

While the collaboration/synergy options listed above can be pursued at relatively low cost, there is also a need to address some financially-related structural barriers and attitudinal barriers. There has been limited co-funding of ENV-DG activities. Both sectors have, at times, gotten stuck in a “fixed pie,” “stove-piped” mentality. USAID should consider experimenting with a special pool of funds for cross-sectoral initiatives. Either USAID units or

partners could compete for these funds. When partners with ENV-DG linkage work have received funding from both ENV and DG, they are sometimes vulnerable in periods of funding cuts when neither sector feels full ownership of the activities. Other barriers include the reporting demands related to earmarked funds (a greater concern for ENV than DG) and resistance to “outside the box” efforts to report cross-sectoral results. For example, at times, USAID/Washington staff have rejected the innovative cross-sectoral initiatives and indicators submitted by missions. Sometimes, innovative efforts have been squelched by the contract specialists. It would also be useful to have a systematic review of cross-sectoral ENV-DG indicators, intermediate results and strategic objectives.

Table 1: **An Initial Survey of USAID Bureau-Supported ENV-DG Linkages**

BUREAU	ACTIVITIES
GLOBAL CENTER FOR ENVIRONMENT (G/ENV)	DG approaches are incorporated into a number of global projects, primarily via Strategic Support Objective 1 (natural resources, principally forests, biodiversity, freshwater & coastal ecosystems & agricultural lands) and Strategic Support Objective 2 (municipal services). Several projects are incorporating DG approaches, influencing environmental governance (with possible spill-over governance impacts) & building democracy: the Biodiversity Support Program (BSP), the Coastal Resource Management Project, the GreenCOM Environmental Education and Communication Project, Environmental Policy IQC, Sustainable Urban Management IQC, Resource Cities Project and work by the Regional Urban Development Offices. BSP has initiated studies and workshops on ENV-DG linkages and is the primary organizer for the July 2000 workshop, "Greening Democracy and Governing the Environment: Managing for Cross-Sectoral Results" (co-sponsored with the Implementing Policy Change Project of G/DG).
GLOBAL CENTER FOR DEMOCRACY & GOVERNANCE (G/DG)	Field partners for G/DG's Civil Society Program have included environmental NGOs. G/DG has devoted staff time to the cross—sectoral studies undertaken by PPC/CDIE/POA and Africa Bureaus and to the July 2000 workshop, "Greening Democracy and Governing the Environment: Managing for Cross-Sectoral Results" (sponsored by the Biodiversity Support Program and the Implementing Policy Change Project).
AFRICA BUREAU (AFR)	AFR is the only Bureau with a DG Strategic Objective for cross-sectoral linkages (SO 1). They are co-sponsoring studies on cross-sectoral linkages at the missions with PPC/CDIE/POA. USAID/Guinea & USAID/Madagascar studies review ENV-DG linkages. Under ENV Strategic Objective 5, AFR support DG approaches and results through numerous projects (e.g., CARPE and others), including those in community-based resource management.
ASIA-NEAR EAST BUREAU (ANE)	Both ENV and DG units in ANE support mission linkage activities via direct staff technical assistance and through Global Bureau ENV and DG projects.
LATIN AMERICA/ CARIBBEAN BUREAU (LAC)	Regional ENV & DG staff collaborated to add ENV issues to the agenda of hemispheric summits and supported environmental NGO involvement. Most ENV programs stress NGO strengthening & NGO participation in policy making. DG programs support ENV NGO involvement in Inter-American Network for Deliberative Democracy and training for ENV lawyers to assist indigenous rights groups. ENV NGOs have been supported in Brazil and elsewhere.
EUROPE/EURASIA BUREAU (EE)	NGO participation is supported by ENV Strategic Objective. The regional urban unit recently moved from the Energy & Environment Division to the regional DG Office. DG civil society funds have supported environmental NGOs due to their historic role in transition to democracy. ENV regional funds support NGO network activities for capacity building in the Caspian Region. Some environmental NGOs are supported by DG civil society funds in EE countries without an ENV program (e.g., Georgia)
BUREAU OF HUMANITARIAN RESPONSE (BHR)	The Private Voluntary Cooperation (PVC) Office supports NGO capacity building for both ENV and DG international groups and their local partners. They want to see improvements in financial sustainability for local partners. ACVA, an NGO lobbying group, is talking with PVC and other offices, to have a Civil Society Office at USAID (rather than in G/DG). The Office of Foreign Disaster Assistance links ENV and DG by working to set up or support viable local organizations in disaster situations.
BUREAU FOR POLICY AND PROGRAMS (PPC)	PPC recently sponsored a Workshop on Conflict Management (June 2000).

Table 1: An Initial Survey of Mission-Supported ENV-DG Linkages (continued)

MISSION	ACTIVITIES
USAID/BOLIVIA	ENV aims to involve previously disenfranchised local stakeholders into NRM governance processes. Under the new Forestry Law, local social groups are now permitted to formally manage and gain use rights to municipal forest reserves. BOLFOR (Bolivia Sustainable Forestry Program) and the mission DG office (DDCP) work with municipalities to improve their capacity for democratic and sustainable resource management. Protected area management is becoming more participatory, transparent & democratic. Improved access to forestry information has reduced corruption.
USAID/DOM.REP.	The mission's DG/Rule of Law Team and the environmental component of the Policy Development Team have worked together on rule of law and civil society activities. They have co-funded the development of a new GODR Environmental Protection Prosecution Unit & have included civil society organizations in environmental enforcement efforts.
USAID/ECUADOR	The ENV SUBIR project in Esmeraldas Province is helping to formalize and improve the legal status and functioning of local government to formally designate land titles. SUBIR has held public administration and ENV workshops to help local officials adapt to decentralized and accountable natural resource management.
USAID/EL SALVADOR	Water has been a unifying theme for the mission's Strategic Objective Teams. The ENV team works on watersheds & the DG team is looking at municipal water service delivery by municipalities. ENV communication activities have helped to put water on the radar screen for national and local politicians.
USAID/HAITI	As a result of strong partner collaboration, a civil society project (ASOSYE), local government project (PACTE) and a natural resource management project (ASSET) have co-funded a social capital study. They have also created civil society/local government/private sector forums to discuss and move forward the National Environmental Action Plan, protect/manage a waterfall tourist attraction near Port au Prince and forge an unlikely anti-erosion alliance among large coastal hotel owners, small fishermen and upstream farmers.
USAID/HONDURAS	A DG Rule of Law activity created a top-notch full-time environmental crime prosecution within the Public Ministry.
USAID/MEXICO	Starting in 2000, the mission ENV and DG SO Teams and partners have identified a number of linkage/synergy possibilities within existing programs for municipal governance, civil society strengthening, coastal resource management, energy efficiency, environmental management systems (EMS) and renewable energy and global climate change. Many different types of information sharing are used among the SO teams and partners: conference invitations, debriefings, joint site visits, document exchange. Via international partner collaboration and proposed co-funding, they will be fostering NGO-government collaboration in the Chetumal Bay. There has been ENV and DG SO team and partner collaboration for an upcoming EMS demonstration project and other collaborative plans in municipalities where both ENV and DG projects are working.
USAID/PARAGUAY	ENV work under a Special Objective is linked to the mission's only strategic objective in DG. The DG Strategic Objective 1 focuses on improved responsiveness & accountability of key democratic institutions. The ENV Special Objective 1 seeks to improve management of expanded protected area system. ENV RUDO/South America participated in this mission's DG sector assessment & follow-up.
USAID/BOTSWANA	Both the Natural Resource Management Project and a DG civil society activity worked to build the capacity of environmental NGOs.
USAID/GUINEA	ENV objectives for participatory co-management of forests linked to DG objectives for improved local and national governance through active citizen participation and civil society development. The two projects used different approaches to civil society development and scaling-up plans have located the two activities in similar geographic areas in the future.
USAID/NAMIBIA	The ENV Strategic Objective 3 supports increased benefits to historically disadvantaged Namibians from sustainable local management of natural resources and the DG Strategic Objective focuses on increased accountability of Parliament to all Namibian citizens. Women involved in ENV field activities are benefiting most income-generating activities related to community-based natural resource management. Enterprise skills for women are translating to more confidence and public voice about NRM issues. More representative bodies have now managing natural resources conservancies.
USAID/INDIA	The RUDO works with municipalities to develop bond mechanisms and promote privatization related to more efficient and effective environmental and energy services. Work includes efforts to create and implement municipal environment regulations, under a new national decentralization amendment and other work on municipal, state and national disaster mitigation plans.
USAID/INDONESIA	After mission budget reprogramming induced by Indonesia's political and economic crisis, the mission created a Special Objective for strengthening Indonesia's democratic transition and the ENV Strategic Objective became a Special Objective for decentralized and strengthened natural resource management. ENV staff for natural resource management (Special Objective) successfully reframed their activities in DG terms. Future foci for the NRM program include: new roles, responsibilities and relationships between government & civil society & accountability issues; NRM broad-based constituency creation; transparent, accountable, inclusive & empirically based local planning processes for NRM; information synthesis & dissemination. OTI funds supported some ENV NGOs for pre-election civic education.

Table 1: An Initial Survey of Mission-Supported ENV-DG Linkages (continued)

MISSION	ACTIVITIES
USAID/NEPAL	ENV work has focused on capacity development for, and broad-based participation in community-level forestry user groups and their federation. Through environmental education and communication activities, villagers have been linked to NRM decision-makers via participatory video and have presented their perspective at the national level. Economic participation of rural women (under SO 3 – women’s empowerment) has relied on ENV enterprises. The mission strategy is being redone in July/August 2000 and will include ENV-DG linkages for NRM and energy.
USAID/PHILIPPINES	ENV objectives for enhanced natural resource management and brown issues are linked to DG objectives for broadened participation in public policy formation. The Coastal Resource Management Project and the GOLD DG Project have linked efforts in the field for coastal municipal management around local codes. There has been process-related and technical support to the work of the provincial environmental management office in Bohol and new Coastal Management Councils. GOLD facilitation methods have been applied for both coastal and brown issue activities (e.g., utility privatization, ISO certification, EMS). Future plans may address municipal responses to global climate change.
USAID/ALBANIA	Under a Target of Opportunity, the Albania Private Forestry Development Project has supported more pluralistic environmental decision-making and an informed citizenry.
USAID/ARMENIA	DG Rule of Law funds were used to support an Environmental Policy Advocacy Center with interested environmental lawyers who wanted to create an NGO devoted to environmental law and advocacy. This center counsels citizens and local NGOs, brings high-profile lawsuits to uphold environmental rights, publishes materials on basic environment rights for citizens, conducts environmental stakeholder seminars and leads trainings for law students.
USAID/BULGARIA	Because of their critical role in Bulgaria’s transition to democracy, DG civil society funds support ENV organizations via the regional Democracy Network Project. Some of the same ENV groups are also involved in mission ENV activities related to participatory management of protected areas and biodiversity conservation (Target of Opportunity).
USAID/GEORGIA	DG support has helped to establish the Horizonti Foundation as Georgia’s first third sector umbrella organization and they provide significant capacity building for environmental NGOs. In addition, one small grant helped environmental NGOs to mobilize against military maneuvers that would destroy biodiversity and cultural resources and resulted in NGO participation in a related government commission.
USAID/KAZAKHSTAN	ENV funds were used to provide small grants (\$500-10,000), technical support and training to community-based environmental NGOs. NGOs used seed grants to conduct environmental monitoring and research and use this information for advocacy purposes.
USAID/MOLDOVA	ENV funds were used by a Moldovan journalist group to establish their own newspaper to provide environmental information, create a public watchdog mindset and mobilize citizen action. DG Rule of Law funds were used to support an Environmental Policy Advocacy Center with interested environmental lawyers who wanted to create an NGO devoted to environmental law and advocacy. This center counsels citizens and local NGOs, brings high-profile lawsuits to uphold environmental rights, publishes materials on basic environment rights for citizens, conducts environmental stakeholder seminars, and leads trainings for law students.
USAID/RUSSIA	Through ENV activities in the Russian Far East on forestry and protected areas, USAID has been major player in the development of the Far East environmental NGO movement & has helped Far East green NGOs to become sustainable. In Kostroma, an NGO grant was used to organize a city-wide referendum on nuclear power plant construction.
USAID/UKRAINE	DG Rule of Law funds were used to support three Environmental Policy Advocacy Centers (Lviv, Kharkiv and Kyiv) with pre-existing local NGOs. These centers counsel citizens and local NGOs, bring high-profile lawsuits to uphold environmental rights, publish materials on basic environment rights for citizens, conduct environmental stakeholder seminars, lead trainings for law students and organize public hearings. The three Ukrainian EPACs spearheaded Ukraine’s first open parliament meeting and focused it on the new national Draft Waste Law. ENV funds were used for the information-gathering stage of a local environmental action project for Ukraine and provide small grants, technical support and training to environmental NGOs.
USAID/TURKMENISTAN	ENV funds supported community action by teachers, students and parents and the enforcement of illegal dumping regulations and site-cleanup.

PART II

The Experience of USAID/Dominican Republic
Author: Ronald Glass, DG Officer, USAID/DR³

MISSION: Dominican Republic

STRATEGIC OBJECTIVE & PROJECT INFO

DG SO: More Representative, Participatory and Better Functioning Democracy
 Sub-Objective (Rule of Law – ROL): Strengthened Rule of Law and Respect for Human Rights

The Mission's DG/Rule of Law Team and the Policy Development Team (environment component) worked together to help create an operationally effective Public Ministry (a national prosecutor organization), a specialized Environment Protection Prosecution Unit and provided opportunities for NGOs and civil society organizations to be involved in activities focused on the local enforcement of the national rule of law.

Life of Project: 1997-2001

Funding: \$10.8 million for 5 years (Strengthened Rule of Law project)
 \$80,000 (Environmental Prosecution/Adjudication component)

Mechanism: Indefinite Quantity Contract

Partners:

Principal organizers: Public Ministry of the Dominican Republic (national prosecutor organization), Florida International University-Center for Administration of Justice (FIU-CAJ was the ROL IQC contractor), Environmental International, Inc. (sub-contractor to ROL IQC prime contractor – FIU-CAJ)

Other contributing partners: 100 + NGOs [the most directly involved were Pro Naturaleza (PRONATURA); Fundación PROGRESSIO, Inc.; FUNDEJUR; Green Caribe; Grupo Ambiental Hábitat; INTEC- Ecológico; Plan Sierra, Inc.; Unión Dominicana de Voluntarios (UNIDOS); Departamento de Recursos Naturales, University UNPHU; Facultad de Ciencias/Departamento de Química. National Autonomous University Santo Domingo (UASD); Instituto Tecnológico de Santo Domingo (INTEC)].

Other Government Organizations: National District Mayors office – Environment Department; ONAPLAN. Proyecto Capacidad 21; INPRA; State Secretariat for Agriculture; - Natural Resources Unit; INDHRI – Natural Resources Project; National Directorate of **Parks**; INAPA; National Committee on Natural Resources; National Forestry Directorate; National Technical Committee on Forestry (CONATEF)

LINKING ENV AND DG ISSUES

- The Mission's DG/Rule of Law (ROL) Team and the Policy Development Team (environment component) worked together on rule of law and civil society activities. The objectives were to support the development of a new governmental Environmental Protection Prosecution Unit and to have NGO/civil society involvement in local enforcement of national environmental regulations.

SPECIFIC ENV-DG LINKAGE ACTIVITIES & RESULTS

- In 1999, the USAID/DR Rule of Law program, in cooperation with the local USAID environmental program brought a variety of government and non-governmental actors together to study the problems of documenting and prosecuting industrial pollution cases within the justice system. These participants included environmental watchdog NGOs, government health and environmental protection officials, doctors and prosecutors together.

To educate government and civil society members, USAID sponsored a series of training workshops. International environmental experts explained the science behind pollution and identified the most prevalent and damaging types of contamination to Dominican society.

In addition, technical assistance was provided to compile and index all Dominican laws related to environment and health standards enforcement.

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Workshop participants reviewed the existing Dominican laws that can be used to seek damages or criminal liability, addressed strategies for prioritizing and pursuing environmental cases, and developed tactics for seeking redress on behalf of affected communities.

As a result, a “Manual for Environmental Prosecution” for prosecutors and judges was prepared and published.

- The USAID sub-contractor, Environmental International, was able to encourage and build enforcement working groups. These groups were multi-disciplinary and comprised of Dominican government health and enforcement officials, university environmental experts, judges, prosecutors and public defense lawyers.

Prosecutors and judges were trained in the science behind and handling of environmental cases.

A Manual on Environmental Cases was developed and published in a collaborative effort with judges, prosecutors and other government officials. Beginning with a few well-known cases identified by the working group, environmental protection enforcement strategies were developed and implemented by the justice sector actors.

USAID, in collaboration with the U.S. Mission Public Affairs Office (former USIS), succeeded in having a prosecutor included in the Environmental issues Invitational Visitors Program (IVP) in the U.S. Upon his return, he was named Chief of the new Environmental Prosecution Unit.

For the first time ever, a National Prosecutors Office/Environmental Crime Unit was created.

- The attention that the USAID Rule of Law program has brought to this issue has already made a difference in children's lives. As an immediate result of this inter-sectoral training, a horrendous contamination case was identified. A lead acid battery factory in Haina, a Dominican port on the outskirts of Santo Domingo, was identified as a significant contamination source.

In fact, seven-year old Juanita Valdez [not her real name] was one of the victims. Juanita lives outside of the battery factory, where her mother works. Juanita who attends a local public school has been having difficulties with her schoolwork and has recently been identified as learning-disabled. However, she is not a rare case; many of the school-aged children in this contaminated area were documented as suffering disproportional learning and health disabilities. Concentrations of lead in their blood and bones grossly exceeded international standards. Contamination levels were so severe that lead nodules on bones were visible on Juanita's and other children's X-rays. Thanks to USAID-initiated synergy between Dominican law enforcement and health/environmental watchdog groups, thousands of Dominican children have been saved from lead poisoning. The Dominican government has notified the lead battery factory that it must stop damaging emissions immediately and that it faces civil and potentially, criminal liability.

- In addition to the Haina lead poisoning case, other major cases (e.g. river contamination, industrial induced erosion, etc) have already been identified by NGOs and referred to government prosecutors. Prosecutors have also become involved in investigating government inspectors who apparently failed to properly report and act on major contamination (there is suspicion of graft). Prosecutors have issued warnings to major industrial polluters and when non-compliance continued, followed in some cases with criminal prosecution. *Since its creation one year ago and after the training provided by USAID which finished last November, this Department has handled 14 cases. Seven have been resolved either by convictions or compliance with warnings and 7 cases are still pending.*

ENV-DG LINKAGE OPPORTUNITIES

- The Mission was recognized the potential for synergy at a very early stage and pursued this goal in the design, planning and implementation stages. Promising local conditions for achieving concrete results included:

1. A USAID Rule of Law program design that explicitly included environmental prosecutions as a sub-result.
2. A rich collection of local NGOs active in Dominican environmental issues.
3. An IQC sub-contractor that had been identified with previous successful experience in forging operational links between civil society NGOs and government enforcement officials and also teaching prosecutors and judges how to assess, manage and adjudicate these specialized cases based on local law and science.
4. The willingness of all actors to come together at the same table was a key element in the cooperation experienced to date.

ENV-DG LINKAGE OBSTACLES

- To the degree these criminal or civil cases touch on powerful economic interests, it can be expected that pressure will be brought to bear on prosecutors and judges so that they will back off. Therefore, the Rule of Law program objective of “independent” prosecutors and judges is a critical element for the sustainable success of enforcement/prosecution/convictions in major environmental cases.

LESSONS LEARNED

- *Investing in Decentralized Monitoring and Enforcement.* In a perfect world where more funding could have been made available (but it wasn't), we would have invested more in the implementation of a series of regional forums. These forums could have deepened and decentralized the environment monitoring/enforcement linkages. In addition, we could have invited regional NGOs, prosecutors, government health and environmental officials to participate in forums that were more focused on regional and municipal issues.
- *The Importance of Good Publicity.* With more funding, we would have invested more effort in a complementary communications (media) strategy. The District Attorney's Office did get tremendous coverage when local media focused on three environmental cases. Media must be part of the overall environmental impact education effort. The value of enforcement as an “Education Tool” should never be underestimated. *A few major criminal and or civil suit convictions can be worth more than scores of theoretical forumsand thousands of environmental posters!*
- *Keeping up with Changes of Government.* In August, a new government coming on board in the Dominican Republic. We will need to ensure that we reinvigorate the relationship between civil society and government, once the new senior officials are in place.

The Experience of USAID/Guinea
Author: Aaron Chassy⁴, former USAID/Guinea DG Officer⁵

MISSION: Guinea	
<p>DG STRATEGIC OBJECTIVE & PROJECT INFO</p> <p>DG SO: Improved local and national governance through more active citizen participation.</p> <p>The Guinea Civil Society Strengthening Program (GCSSP) worked with Rural Group Enterprises (RGE's) and local government unit (LGU) councils to manage their affairs in a more transparent and democratic manner.</p> <p>Life of Project: 1995-2000 Funding: \$3.8 million Mechanism: Grant</p> <p>Partners: Cooperative League of the USA (CLUSA) with cooperative efforts of Guinean RGE's, Local officials from Government Unit (LGU) elected councils, local representatives of the National Agricultural Extension Service, community-based organizations such as village natural resource management committees, PTA's and health clinic management committees</p>	<p>ENV STRATEGIC OBJECTIVE & PROJECT INFO</p> <p>ENV SO: Increased use of sustainable natural resource management practices.</p> <p>The Natural Resource Management Activity (NRMA) applied a community-based natural resource management methodology to strengthen both village committees and the deconcentrated technical extension service providers engaged in protected area management.</p> <p>Life of Project: 1993-present, Funding: \$2.9 million (FY 1998) Mechanism: Contract</p> <p>Partners: Winrock International & Chemonics, Intl. National Direction of Forests & Fauna (DNFF) Village natural resource management committees, inter-village resource management committees and RGE's</p>

LINKING ENV AND DG ISSUES

- CLUSA worked closely with elected officials from the RGE and the LGU to build civil society and improve governance of natural resources. The RGEs brought issues of land tenure and resource use to the LGU councils, who in turn resolved these issues in a way that mitigated conflict. These activities were part of a participatory and democratic process of community development planning and management.
- Under the NRMA, the National Forestry Service has been working on resource management governance issues with village level committees and inter-village forestry co-management committees. The objective is to develop more local responsibility and involvement in the management of forestry resources.
- Both the DG and ENV projects aimed to help Guinean Government officials realize that they need to work as partners with local organizations rather than seeing themselves as the sole managers and implementers of national policies.

SPECIFIC ENV-DG LINKAGE ACTIVITIES AND RESULTS

- Both the NRM and CLUSA activities informed participants from local organizations about their legal rights and responsibilities and helped them understand how they could hold public officials more accountable and influence the decision-making process.
- Group members have attempted, and in some instances, succeeded in influencing decisions about the allocation of resources.

⁴ Aaron Chassy is now a DG Officer/New Entry Professional in USAID/LAC and can be contacted via e-mail (achassy@usaid.gov).

⁵ All of the above draws substantially and directly from Lippman, H. et. al. *Democracy and Governance And Cross-Sectoral Linkages – Guinea – Working Paper, United States Agency for International Development, Center For Development Information And Evaluation, April 1999* and Groelsema, R. et. al., *Synthesis of Democracy and Governance Cross-Sectoral Case Studies, May 2000*

- Through their oversight, local groups, RGE and inter-village resource management committees, improved the efficiency and effectiveness of deconcentrated technical services and local government. In the GCSSP, because some RGE members were also LGU council members, they transferred their newly acquired knowledge and skills from the RGEs to their posts in local government. The net result was a rise in tax collection, an increased tax base, and more investment of these monies into local infrastructure – i.e., improved local governance.
- Under the GCSSP, the synergy resulting from the collaboration of the state and the market was also clear. It was impossible for rural group enterprises in Guinea to succeed in raising their incomes without working with the technical extension services of the public bureaucracy, or with local government. Indeed, local governments and RGEs co-produced infrastructure and services such as village wood lots, water source management, schools, health clinics, and mosques through their synergistic partnerships.
- Under the NRMA, Chemonics International and now Winrock International and USAID staff have been working directly with the National Forestry Service to encourage acceptance of the forest management contracts that are negotiated between the inter-village co-management committee and prefect level forestry service authorities. However, the inter-village co-management committees have not been directly involved in these negotiations.

ENV-DG LINKAGE OPPORTUNITIES

- The Mission director made the best of an adverse Guinean political climate and severe funding cuts by embracing cross-sectoral approaches to local democratic governance. Guinea had just had two rounds of flawed elections (1993 and 1995) and it was put on USAID's "watch list." Subsequent termination of non-project assistance to the Government of Guinea resulted in a more than 50 percent reduction of the Mission's operating year budget. However, the Director salvaged the program and successfully transformed the DG program from macro-economic policy and structural adjustment to the development of civil society. He linked DG objectives to the existing programs for economic growth and **environmental protection**.
- The core of the cross-sectoral integration combined economic growth and DG activities. These efforts aimed to help rural groups form sustainable, member-owned, and democratically operated cooperative businesses. The Mission added DG training for local governments when they expressed their desire for it and when it became evident that more local government capacity was vital to the success of the intervention.
- As a result of these efforts, USAID/Guinea was designated as a leading edge mission for the New Partnership Initiative. As the Mission director explained, USAID did not reward risk-taking, but adverse circumstances encouraged innovation.

ENV-DG LINKAGE OBSTACLES

- ENV-DG linkages, as well as political and economic advances, are constrained by weak support for decentralization and civil society in Guinea. USAID projects are constrained by Guinean laws related to registration of NGOs and rural group enterprises, as well as the division of power and resources between national and local government (e.g., centralized financial and tax authority).
- In late 1998/early 1999, a team from USAID/PPC/CDIE conducted a cross-sectoral study of USAID/Guinea activities. They concluded that without improvements in the enabling environment (decentralized government and associational life), local level DG approaches could only make small initial gains but would be unable to build upon or sustain the progress made.

LESSONS LEARNED

- *No Shortcuts to Development (revisiting Goran Hyden).* There are no shortcuts to development. Under the NRMA, the international partners favor direct work with government on policy dialogue because they believe that this approach is more efficient than investing in policy-related capacity building for a broader range of civil society groups, such as the inter-village co-management committees. This approach also allows the international partner to have more control over the direction of the policy dialogue. However, in Guinea, the appropriate policy is not yet in place. Only a few of the NRMA-assisted contracts have entered into force legally; contracts negotiated with the assistance of the University of Wisconsin's Land Tenure Center also appear to have no legal standing.
- *Who Gets Represented?* It is essential to take a hard look at the representativeness of local committees support by ENV and DG projects. Two selection approaches resulted in different results. The NRMA adopted a system of quotas, used first by UNDP activities in Guinea, and told the inter-village committees and the smaller management committees how to select representatives. Under this system, more marginal or low status actors do not tend to be better represented than they would be without the criteria. Traditional elites, who are also usually the local elders, continue to assert their dominance and demand respect for their customary role and power, while the other groups, especially women, feel pressure to assume their more subservient, often powerless roles. Inadvertently, the NRMA validated the traditional pattern of role-based behavior and allow it to continue, more or less unchallenged. Under the GCSSP, RGE and LGU council members were encouraged by CLUSA, to redefine the traditional criteria that have been used for electing committee members and leaders. As the members make a group decision about the required attributes for committee members and leaders based on their roles and responsibilities (performance-based criteria) and then they decide upon their desirable personal attributes (e.g., personality characteristics, technical capabilities, professional experience, etc.). These first phase interventions by CLUSA with RGEs and LGUs laid an essential foundation for democratic decision-making in particular, and governance in general.
- *Collaborate Early, Collaborate Often.* In 1999, both the DG and the ENV strategic objective teams in the mission undertook a process by which they scaled up the activities of the GCSSP and NRMA. It would have been helpful if each team had asked for input before the new activity designs were finalized. But the two teams had never seen eye-to-eye on *which* democratic governance approaches to apply (i.e., the relative role of civil society versus local and national government actors, investment in capacity building for policy change) and the *extent* to which these approaches should be integrated in the overall activities. As a result, they could not reconcile their approaches to working with local groups and neither project fully benefited from the lessons learned in the two projects. The DG team chose to look at other mission activities for its cross-sectoral collaboration but ended up proposing to expand their activity in the very same geographic areas where the environment team had chosen to expand its NRMA. This redoubling expansion of similar activities in the same geographic areas would be wasteful, especially given the limited financial resources available to the DG program. As present, the ENV team has already fielded its expanded NRMA project team but the DG team has not yet to received front office approval.
- *Leadership and Vision.* Strong leadership, a well-articulated country plan and clear signals from the front office are sometimes the only thing that can help ENV and DG technical teams to overcome bureaucratic "turf wars" and work more effectively in a synergistic way. Intervention from the front office can help teams "hear" the technical advice and recommendations of others. ENV projects do not always have the right technical expertise with regard to work related to civil society and governance. Cross-team dialogue needs to take place before projects are allowed to move forward to procurement.

The Experience of USAID/Haiti
Author: Michele Schimpp, Former USAID/Haiti DG Officer⁶

DG STRATEGIC OBJECTIVE & PROJECT INFO	ENV STRATEGIC OBJECTIVE & PROJECT INFO
<p>DG SO: More genuinely inclusive democratic governance.</p> <p>ASOSYE was the civil society project.</p> <p>PACTE was the local government project.</p> <p>Life of Project: N/A Funding: N/A Mechanism: Contracts</p> <p>Partners: ASOSYE: America's Development Foundation with local NGOs. PACTE: Associates in Rural Development with other local governments.</p>	<p>ENV SO: Environmental degradation slowed.</p> <p>The environmental protection project was ASSET (Agriculturally Sustainable Systems and Environmental Transformation Program).</p> <p>Life of Project: N/A Funding: N/A Mechanism: Contract</p> <p>Partners: ASSET: Winrock International with other international and local NGOs.</p>

LINKING ENV-DG ISSUES

- USAID/Haiti and its partners were able to make strong linkages between environmental protection, local government and civil society activities.

SPECIFIC ENV-DG LINKAGE ACTIVITIES AND RESULTS

- Joint Support for a Social Capital Study. All three projects noted that they had an inadequate understanding of the sources of social capital in Haiti and how their projects might work to build upon or create the levels of social trust and collaboration that were necessary for each project to succeed. They jointly organized and funded a study. Each contractor hired one consultant. This team carried out field work, prepared a report, and even organized a workshop for the entire USAID mission and our partners on how to identify and support sources of social capital that exist in Haiti.
- Environmental Action Plan. A GOH Environmental Action Plan had been developed but was languishing within the Ministry of Environment and not being approved. The environment project wished to help move the Action Plan forward, and a reform-oriented counterpart in the Ministry of Environment shared their interests. They decided to replicate an approach developed by the civil society project and held a series of dialogues on the Environmental Action Plan throughout the country. The civil society project organized and facilitated these dialogues. The environment project helped the Ministry to manage the technical content and to invite the key groups concerned with environment. The local government project got local officials involved. The result benefited all projects. The Environmental Action Plan was approved and was one of the few policy actions undertaken by the GOH that year. Civil society organizations, particularly environment groups, got to provide input to the national plan and local government officials learned about and understood their roles in the implementation and enforcement of the plan.
- Protecting a Natural Resource. The three projects worked together to engage local officials and civic organizations in effectively managing/protecting a waterfall that served as a tourist attraction in a small city outside the capital. Together, the three projects worked out a management plan and resolved conflicts between the two communities/two local governments with joint responsibility for the site.

⁶ Michele Schimpp is currently in the Strategies/Field Support Technical Team of G/DG and can be contacted via e-mail (mschimpp@usaid.gov).

- Strengthening a Civil Society Alliance. The three projects helped strengthen an emerging alliance between three unlikely allies: large hotel owners, small fishermen, and upstream farmers. Erosion from upstream mountain farming was silting up the downstream coast and was driving fish further from the coast. The siltation was also posing a problem for the large hotel/resort owners reliant on tourism. The hotel owners and the fisherman realized their common interest in preventing erosion and approached the small farmers to join in a mutually beneficial endeavor to prevent erosion. An interesting alliance was forged that crossed traditional class boundaries.

ENV-DG LINKAGE OPPORTUNITIES

A number of factors converged from 1997-99 to foster strong and active collaboration among three USAID projects (two DG and one ENV):

- There was agreement within the Mission and among our three contractors that these programs were inter-linked. The environment program would only be successful if there were strong civil society groups with which to engage and capable local government officials with whom to work. The civil society project recognized that environmental concerns were important to many community groups. And the local government project recognized that natural resources provided an excellent opportunity for local officials to apply newly acquired management and constituent relations skills.
- The Mission put all of these three partners on the same extended results package and SO teams. The environment chief of party was part of the democracy team and the civil society and local government chiefs of party were on the economic growth team.
- The three chiefs-of-party all had links to one another's projects. The environment contract chief of party had worked on DG issues in the past. The local government chief of party, before taking his current job, had conducted a consultancy with the environment project. The civil society chief of party was interested and intrigued by environmental issues.
- The chiefs-of-party instituted regular meetings. They would meet once a week over lunch and discuss areas of collaboration. It was essential that none of these individuals saw their work in terms of the strict parameters of their contracts but instead focused on their development results and the interrelatedness of their objectives.
- The Mission Director also encouraged collaboration among chiefs-of-party by organizing regular meetings.

LESSONS LEARNED

- *Support from Mission Leadership and ENV and DG Teams.* Mission staff recognized the importance of these linkages and allowed the contractors to move forward with collaboration.
- *Building on Prior Positive Relationships and Cross-Sectoral Expertise/Interest.* The chiefs-of-party were predisposed to collaborate because of either prior professional relationships and/or cross-sectoral experience and interest. The regular meetings and joint activities cemented these relationships and synergies.
- *Geographic or Task Overlap.* The three projects were able to work together on activities that were national in scope and also in one locality where all three were working.

The Experience of the Biodiversity Support Program
Author: Janis Alcorn, Director Asia, BSP⁷

MISSION: Indonesia

STRATEGIC OBJECTIVE & PROJECT INFO

ENV SO: Decentralized and strengthened natural resources management.

KEMALA is one component of USAID/Indonesia's NRM Program (see Mission's R4 for details). KEMALA goals are:

- (a) to build coalitions of well-informed, technically competent, creative, politically-active NGOs concerned with community-based natural resources management across Indonesia, and
- (b) to support decentralized structures within which they can participate in political life and decision-making in future decades.

Life of Project: 1996-2001

Funding: \$10.5 million

Mechanism: Cooperative Agreement

Partners:

Biodiversity Support Program invited 30 selected Indonesian NGO partners (including individual NGOs and NGO networks) to join KEMALA in a non-competitive process. They were invited on the basis of their track records for results, evidence of accountability to their constituents, and potential complementary contributions to a network primarily comprised of grassroots based NGOs from different ethnic minorities concerned with NR-related issues but linked to a few capital-city based, policy NGOs. Support includes: (a) 3-5 year grants [in \$20,000 - \$400,000 ave range] to achieve NGOs' self-determined objectives; (b) networking through face-to-face visits, apprenticeships, workshop fora, and internet; and (c) targeted technical assistance in institutional development and strategic planning, community organizing, gender concerns, conflict resolution, mapping, information systems, policy analysis, and advocacy. Training is tailored to individual NGO needs and usually provided by another NGO in the network. KEMALA's successful results are based on two strategic tactics: (1) rely on indigenous self-organization; and (2) back leaders who recognize and know how to use existing political space for making progress toward democracy. By applying these tactics, donors can leverage greater results at local and national levels -- achieving an exponential, automatic replication of grassroots successes and creating a national social movement linking rights, responsibilities, and natural resources.

LINKING ENV AND DG ISSUES

- **Natural resources are a core political issue for civil society and government.** Effective NGO advocacy to bring rural voices into public democratic discourse requires technical skills and knowledge beyond NGOs' ability to do advocacy campaigns. KEMALA was initiated under a brittle military dictatorship with conditions of crony capitalism, extreme political repression (no more than a few people could meet without a police permit), human rights abuses, and rampant corruption in a country with many mineral and natural resources exploited by the elite. Midway the dictator was removed by a "reformasi" movement, creating a fragile transitional democracy. Regardless of the transition, natural resource issues remain hotly political and tightly associated with governance issues, because the majority of people depend (directly or indirectly) on forests, rivers and coasts for livelihoods.
- **Poor rule of law and human rights undermine both NRM and nascent democracy.** Failure of rule of law, lack of due process, and insecure tenure mean that people have no reliable recourse when their lands and waters are degraded by mining companies or logged by logging companies. Conflicts are negotiated on ad hoc basis locally. Armed resistance draws strength from conflict over natural resource rights in several mineral-rich provinces.
- **Ethnically diverse, sustainable local NRM systems under community-based governance are being dismantled by centralized administration.** Indigenous peoples from multiple ethnic groups have traditional (adat) claims to the seventy percent of Indonesia officially called state property, including

⁷ Janis Alcorn is Director of Asia and Pacific at BSP. She can be reached via e-mail (janis.alcorn@wwfus.org).

national parks and protected areas. Despite forced transmigration and assimilation policies, and degradation of resources by distant elites, many areas continue to be governed by adat institutions.

SPECIFIC ENV-DG LINKAGE ACTIVITIES & RESULTS

KEMALA supported NGOs' work in self-organized partnerships to achieve broad shared objectives. For example, field-level mapping undertaken by one partner with communities is supported with technical training from training network NGOs, and by legal analysis and policy advocacy undertaken by a national-level partners. Partners work to engage and involve government and public in positive ways at multiple levels. NGO fieldwork is ongoing in over 100 sites in eight selected provinces, and over 40 specific policy initiatives are underway (many others have been achieved – see R4). The direction for KEMALA's overall annual workplan is determined at an annual forum of the partners. The following activities are illustrative examples:

- Reforms in decentralization, land use planning, coastal policy, forestry regulatory framework, and district & local-level regulations by linking NGO accountability to community interests with NGO collaboration with bureaucrats and advocacy at local, district, provincial & national levels. For example, provincial and district governments recognized rules created by groups of communities. In some cases, these are rules created by upstream and downstream communities to protect water and fisheries in a shared river and watershed. In other cases, these are inter-island agreements controlling fishing in shared seawaters. As a result, citizens are experiencing a new relationship with government -- a relationship where they take the initiative to get their government to accept rules that local communities have made among themselves.
- Policy studies suggesting economic reforms such as: removal of legal constraints on community-based forest production and trade; and community rights to control access to local fisheries.
- Monitoring of illegal logging operations linked to public awareness campaigns
- Facilitating creation of new representative legislature and new clan-based institutions for governance in newly created Mentawai district, West Sumatra.
- NGOs training Parliaments in Regional Autonomy Law; MOUs for collaboration with district governments on implementation.
- Initiative to match legal and policy development for land reform at national level with strong and organized local movements, and build groundswell of public interest in agrarian reform.
- Over one million hectares of forest and reefs under improved management (a process initiated by mapping). Spontaneous spread of mapping network across Indonesia bringing thousands of villages (beyond KEMALA project areas) a new means to communicate their rights to provincial governments.
- Training regional facilitators for assessing land/resource disputes and improving local conflict resolution skills, handbook for others.
- Facilitating conflict resolution between Muslims and Christian communities after the militia-driven violence in Maluku, but recurrence of violence has forced suspension of those activities (funding now being used for evacuation).
- Secured new decentralization policies by supporting implementation of new regulations (once they were won) and local capacity building in conservation management in parks and forest reserves in Sulawesi, Kalimantan, Sumatra and West Papua. MOUs between local governments and communities, etc.

- Local government relationship with the national government in other sectors is changed; as local government carries out its environmental management responsibilities, its capacity to assume new roles in other sectors is enhanced.
- Registration of adat lands (traditional indigenous territories) under Agrarian Ministry Decree 5/1999 for and Regional Autonomy Law -- reforms achieved with KEMALA NGO support. Partners in six provinces are working with provincial, district, and local governments to raise public awareness of the new law and to draft local regulations which will define "wilaya adat" (local territories under indigenous management).
- Formation of AMAN, first nationwide indigenous peoples' organization for effective participation in civil society.
- One year before project ends, emergence of self-organized sustained NGO network to continue to assist weaker NGOs beyond LOP, with active donor interest from USAID, other bilaterals and private foundations.

ENV-DG LINKAGE OPPORTUNITIES

- The USG had a special democratization agreement with the Indonesian government which enabled it to fund NGOs without subjecting the list of potential grantees to black-list scrutiny by Indonesian national security agency.
- Within their larger NRM program, the Mission created a flexible opportunity for engaging the energy of advocacy NGOs concerned with NRM issues and management by (1) establishing a program framework that included a component for community-based NRM, and (2) seeking NGO assistance to design project specifics based on knowledge of local situation and potential partners in-country. The mission accepted BSP's proposal that this component would be a DG-oriented project within their NRM umbrella.
- The ENV officer did not object to BSP's addressing DG objectives and potentially politically-sensitive issues (as other missions have done), but he was unable to elicit formal involvement from the Mission's DG office. However, an FSN DG officer regularly consulted with KEMALA staff when reviewing grants in order to get advice and to complement efforts, so there was informal collaboration between DG office and KEMALA staff. The DG office sent their DG partners to KEMALA events & apprenticeships, and supplemented equipment needs for mapping. There may have been some lost synergies by not linking KEMALA with DG efforts more formally, but on the other hand, in repressive situations, political issues can be addressed less overtly under the cover of technical interventions (such as NRM). So under Suharto, a dual approach to DG was useful. KEMALA network NRM-focused NGOs have collaborated with USAID/DG advocacy NGOs in coalitions. Post-Suharto, the Mission linked DG and ENV more closely (see new SO, for ex).
- G/ENV funded activities in Indonesia became the pilot for the larger KEMALA. BSP based the KEMALA design on lessons and knowledge from PeFoR (BSP's innovative G/ENV support program for indigenous peoples) work in Indonesia. And through PeFoR, BSP built credibility with the Mission and Indonesian NGOs as a neutral NGO facilitator without interests in its own longterm program in the country.
- The G/ENV-created consortium of BSP was a unique vehicle. It would be more difficult for a for-profit contractor or single international NGO to have the same level of credibility and trust with local NGOs. The Mission gave G/ENV OYB transfers, but followed the lead of the Mission for management decisions. BSP, however, will not exist after 2001.

LESSONS LEARNED

- **The key challenge is to find effective mechanisms to incorporate civil society recommendations into the Mission's NRM policy work with government.** E.g, the Mission could create more

opportunities for civil society representatives to influence policy, as well as joining donor influence to those voices, etc. Initially, in this case, there was weak incorporation of civil society-based NRM policy recommendations in the Mission's Ministry-level work. Despite the inclusion of one mechanism that might have facilitated this input (a secretariat to enhance cooperation between NRM program partners EPIQ, URI, BSP/KEMALA and others), KEMALA network field-based knowledge, political savvy and analyses were not used to guide the Mission's policy reform agenda until after Reformasi, when the Mission results framework was totally revamped to be more governance oriented. The AID/NRM officer revised the TORs of the primary contractor (IRG/ EPIQ) to address the new SO. EPIQ is now using NGO inputs in policy areas including joint fieldwork with our NGO partners in East Kalimantan on economic evaluations; and supporting a new community forestry forum. And they also created a Steering Group with prominent advocacy NGOs and business leaders to organize a stakeholders' workshop as input to the new Mission Strategy. That workshop was opened jointly by the head of the new Indigenous peoples' organization (AMAN) and the President of Indonesia. The workshop's key recommendations were that: government shouldn't discuss exploiting natural resources without also explicitly considering sustainability and rights over resources, and that indigenous peoples (ada peoples) will participate in determination of NRM plans by government. There is room for improvement and even more involvement of NGOs directly, but there have been major improvements between 1997 and 2000.

- ***Invest in strong technical assistance component with grants.*** The intensive advice and facilitation of the "SPOs" (senior program officers) were viewed by partners as the most valuable aspect of KEMALA. The project team included Indonesians & expats with strengths that mirrored the expertise being nurtured in the network: activist lawyer, community organizer, communications specialist, grants management specialist, financial management specialist, organizational development specialist, coastal management specialist, and conservation specialist. Expat short-term TA was kept to a minimum; instead NGOs were encouraged to rely on local experts and each other for TA.
- ***Environmental crises offer natural openings for strengthening civil society, IF*** (a) the crisis is clearly due to a governance failure, and (b) the crisis threatens the livelihoods of many people. When people create a structure to work together to monitor and challenge infractions across a region or subregion, their voices are amplified and government is challenged to engage in dialogue and modify its practices.
- ***Community-based NRM programs can build local governance strengths under certain conditions.*** In situations where traditional self-governance remnants exist, community-level creation and monitoring adherence to their own forest management rules builds community's capacity to renew and practice self-governance at the local level. NGOs can further nurture the evolution of these institutions by facilitating democratically-controlled credit unions, marketing cooperatives, schools, critical thinking, women's programs, access to legal council, legal information, opportunities to share experiences, etc.
- ***Don't assume NGOs hold themselves accountable to their constituencies.*** Find NGOs and networks that can serve as role models demonstrating accountability processes, and then support apprenticeships and other adult learning experiences for other NGOs to build their own institutional strength. Even NGOs with the best intentions cannot substitute for "peoples organizations", and they can only amplify their voices if they listen.
- ***Even in a repressive regime, donors can focus on NRM issues to nurture NGOs to assume their civil society roles when democracy emerges.*** New relationships between local, district and provincial governments and civil associations were forged by supporting NGOs' capacity to engage government by supporting mapping, thus creating a map that serves as a communication tool for negotiating land use plans -- a legally available option for engaging civil society and government in dialogue about contested resources. Contracting communities to grow trees (sometimes called CBNRM) provides NRM benefits without strengthening local governance institutions.
- ***More results are achieved by backing winners.*** The key to KEMALA success in both NRM and DG lies in the design principles. The first principle is to identify the right mix of self-motivated groups with proven track records of [a] achieving site-specific results that are valued by communities and done in

ways that hold the NGO accountable to communities and [b] engaging in productive dialogue with government on policy reforms at multiple scales (local up to national). The second principle is to support their ability to formulate and achieve their vision while adapting to changing circumstances. It is somewhat like supporting a free market -- when barriers are removed, the process runs on its own. The barriers to success can be removed by TA, networking and funding for strategic activities. Using this design, a donor's project jumpstarts a natural movement that multiplies by itself -- resulting in greater results than expected.

The Experience of the Regional Urban Development Office
Author: Danielle Arigoni⁸

DG/ENV JOINT STRATEGIC OBJECTIVE & PROJECT INFO

STRATEGIC OBJECTIVE: Strengthened Urban Environmental Management

The principal goal of the CLEAN-Urban project is to enable local governments and citizens to work effectively together to improve the delivery of environmental services.

Life of Project: 12\1997-12\2000

Funding: \$35 million

Mechanism: contract and UE Loan Guaranty

Partners:

GOI Ministries of Finance and Home Affairs, World Bank, Research Triangle

The Water Efficiency Team (WET) also funded by the mission and managed by RUDO, was developed to help Indonesian water enterprises (PDAMs) streamline their services.

SPECIFIC ENV-DG LINKAGE ACTIVITIES

- The USAID funded and RUDO managed Coordinated Local Environmental Action Network (CLEAN)-Urban, working in partnership with over 100 community-based organizations based in 14 cities, have held thousands of community meetings. CLEAN-Urban used these meetings as a catalyst through which 1,700 labor intensive infrastructure projects were developed and consequently accepted into the plans and budgets of local governments. These programs will be implemented with the help of World Bank funds that are to be disbursed in 2000 to create over 50,000,000 person days of work in East and West Java.
- The RUDO was also concerned that the progress made in pre-crisis provision of clean water not be interrupted. Thus, the Water Efficiency Team (WET), also funded by the mission and managed by RUDO, was developed to help Indonesian water enterprises (PDAMs) streamline their services. The WET team completed initial assessments of 33 PDAMs. Second visits were conducted with 22 PDAMs which are now prepared to follow WET recovery prescriptions and implement their work out plans. The audits will leave these PDAMs well-disposed to take advantage of funding opportunities both at the World Bank and through the Indonesian government.

ENV-DG LINKAGE OPPORTUNITIES

- As Indonesia begins to recover from the crisis of 1997-8, the RUDO team is now returning to its focus on the increased and more efficient delivery of urban environmental services. USAID is particularly concerned that Indonesians are able to perceive and experience the full benefits of democratic governance. CLEAN-Urban is working towards the expansion and equitable delivery of services by encouraging the widespread adoption of capital investment programs (CIPs) generated through the joint efforts of urban local bodies (ULBs) and a coalition of community members. With the assistance of CLEAN-Urban two more urban centers in East Java have adopted CIPs in FY99, bringing the total to six. CLEAN-Urban has also been working with the Ministry of Home Affairs to produce technical manuals describing a new and broader CIP strategy with a focus on midterm planning. It is expected that by the middle of FY2001, the production of a CIP, using the methodology outlined by these manuals, will be required of all ULBs. Plans were also laid for a Water Efficiency Team Technology for Establishment of Rerating (WETTER). WETTER will conduct a training of trainers (TOT) workshop, giving 25-30 engineers in NGOs and semi-governmental organizations the skills needed to train others to rerate water treatment plants at enterprises which are considering new construction. The process of rerating increases the capacity of the entire production chain by upgrading existing systems at one or two vital links instead of engaging in costly new construction.

LESSONS LEARNED

⁸ Danielle Arigoni can be reached via e-mail (darigoni@usaid.gov)

- *Decentralised Government.* Efforts to strengthen local governments, who we know are best able to assess and, given the proper technical support, deliver urban environmental services are extremely important to our efforts in Indonesia.
- *Collaboration.* It is equally important that ULBs be encouraged to work collaboratively with the communities they effect. In FY99 members of CLEAN-Urban helped draft laws UU/22 and UU/25 1999 which set the framework for the devolution of power and resources to ULBs by May of 2001. They are now providing technical assistance in drafting the implementing regulations.
- *Accountability.* City sharing workshops were held in Kidiri, Tulung-Agung, and Malang. Local officials attended as did officials from several other cities. CLEAN-Urban also worked with the Home Ministry to establish community action dialogue networks in Malang and four other cities. In FY99 regular meetings were held and attended by representatives of a wide range of governmental and non-governmental community groups. Finally, plans were developed to implement Water Indicators for Satisfaction Evaluation (WISE). It is hoped that this will encourage increased accountability to consumer needs on the part of PDAMs.

The Experience of USAID/Mexico: First Steps Toward DG-ENV Synergies
Author: Jill Pike⁹, USAID/Mexico DG Officer

MISSION: Mexico	
<p>SO 3: More democratic processes adopted in key government institutions</p> <p>Major Activities and Key Partners:</p> <ul style="list-style-type: none"> • Municipal Governance, including improved capacity to deliver services and increased participation in local government decision-making, International City/County Management Association (ICMA), local NGOs • Legislative Strengthening, Research Foundation of the State University of New York (SUNY) • Administration of Justice, Judicial Reform, Judicial Education, Court Management and Mediation, National Center of State Courts (NCSC), local NGOs and Universities <p>Life of Project: 1998-2003 LOP Funding: \$21,336,000</p>	<p>SO 1: Critical ecosystems and biological resources conserved</p> <p>Major Activities and Key Partners:</p> <ul style="list-style-type: none"> • Protected Area Management, The Nature Conservancy (TNC) • Coastal Resource Management, U. of Rhode Island (URI) • Sustainable Technologies, Conservation International (CI) • Institutional Strengthening, Mexican Nature Conservation Fund (FMCN), URI, CI • Fire Prevention and Restoration, FMCN <p>Life of Project: 1999-2003 LOP Funding: \$14,125,000</p> <p>SO 2: Carbon dioxide emissions and pollution reduced</p> <p>Major Activities and Key Partners:</p> <ul style="list-style-type: none"> • Resource Management Systems Initiative (RMSI), including energy efficiency, pollution prevention, environmental management systems and training programs, Hagler Bailly; Tlalpan, Mexico City; National University • Mexico Renewable Energy Program, Sandia National Laboratories, FIRCO, CONAE, Winrock, NMSU <p>Life of Project: 1999-2003 LOP Funding: \$14,175,000</p>

LINKING ENV AND DG ISSUES

As part of a Year 2000 initiative to explore cross-sectoral linkages, the Mission and partners have identified a number of possibilities within existing DG and ENV activities. To date, the principal opportunities identified are those that link the Democracy Program's municipal governance activities with the several Environment and Energy Programs and cross-cutting efforts to link DG civil society activities with ENV institutional strengthening programs:

- Municipal Governance and Coastal Resource Management and Regional Planning
- Municipal Governance and Energy Efficiency, Environmental Management Systems and Renewable Energy
- Municipal Governance and Global Climate Change
- Institutional Strengthening of Civil Society Organizations

SPECIFIC ENV-DG LINKAGE ACTIVITIES AND RESULTS

- During the year 2000, the Mexico Mission has gained experience with identifying and actualizing DG-ENV synergies within existing programs. To identify DG-ENV activity and results linkages that were not specifically designated during the Strategy or program planning phases, the mission DG and ENV SO

⁹ Jill Pike can be reached via e-mail (jpik@usaid.gov).

Teams and partners undertook several activities. The Mission structured an exchange of experiences, an exploration of opportunities for collaboration and opened new on-going channels of communication with SO Teams, program partners and Global Bureau technical offices at USAID/Washington. This process has led to concrete activity proposals for existing programs that are mutually supportive of DG and ENV results and can be undertaken at minimal addition cost to the Mission's programs and partner institutions. The identified ENV-DG linkages do not replace current, specific program directions in each sector. Instead, they will enhance the results of each SO by contributing to the interdisciplinary technical assistance provided and the information shared in each sectoral area.

- NGO-Government Collaboration in the Chetumal Bay: The Mission DG and ENV officers, ICMA, and staff involved in the University of Rhode Island Coastal Resources Center (URI) Mexico Project in the Chetumal Bay region have engaged in on-going dialogue. As a result, an interdisciplinary initiative will soon be implemented to improve coastal resource management and protection. This effort will strengthen the participation of local NGO and university environmental partners in local policy planning and institution building, particularly as it relates to municipal water delivery and wastewater management in the city of Chetumal. URI wants to see a strengthened relationship between its local NGO and university environmental partners and the Chetumal municipal government. This relationship is key to putting local environmental concerns on the local and regional government agenda. It also will support the efforts of local environmental organizations to promote coastal resource management and protection and help them to effectively participate in government-led regional planning and development.

The DG-funded ICMA program in Mexico is a natural provider of assistance to strengthen these relationships. The ENV program will soon obligate a small amount of funds to the DG program's existing Cooperative Agreement with ICMA. ICMA will collaborate with URI and its local partners to provide technical assistance to staff from the state-managed water and wastewater utilities and also the municipal government. The purpose will be to improve the functioning of the utilities in order to reduce the environmental impact of current water usage and wastewater management. ICMA assistance will help bring together water managers, municipal officials and NGO and university partners. By working together, they can strengthen their collaborative relationships and initiate cross-sectoral dialogue on municipal service delivery and coastal resource management.

- USAID-USEPA Environmental Management Systems (EMS) Demonstration Project: USEPA and USAID/G/ENV funds will jointly support the implementation of EMS demonstration projects over a two-year period in three Mexican municipalities. Two of these municipalities are on the U.S.-Mexico border and one is in the interior of Mexico. This activity will build on the Mission's DG municipal government strengthening activity in Jalisco (ICMA) and on the G/ENV-funded ICLEI experience. From the beginning, the Mission has pushed to ensure that the G/ENV and USEPA project will directly complement the DG program's work in the municipal sector and take advantage of U.S. and Mexican partner expertise.

In addition to the front office's involvement, the Mission DG team are active members of the group from USEPA and USAID/G/ENV that is advising and facilitating project implementation. The activity is now in its early stages. The DG Team and DG partners are contributing directly to project implementation by: 1) ensuring that the EMS activities link wherever possible with DG activities, results, and target geographic areas, and 2) offering technical advice to the EPA and G/ENV team members on the elements of municipal governance in Mexico that need to be considered in order to ensure optimum EMS results. Further, one of the Mexican municipal associations—a key partner of DG municipal governance activities-- will join the EMS effort. This organization will be a local partner to the project implementor and serve as a repository of project best practices and lessons learned. This arrangement will ensure sustainability, information sharing and replication of the pilot experience to additional Mexican municipalities.

- Information Sharing:

International Conferences. ENV-Energy partner Hagler Bailly invited the DG-funded Chief of Party of ICMA/Mexico to present at an international conference. The conference will focus on EMS, environmental audits, and energy efficiency and pollution prevention in various municipal service sectors. It is sponsored

by the Tlalpan borough of the Mexico City. This borough is a target area of the Mission's Energy SO. AMMAC, one of Mexico's municipal associations and a key partner of the ICMA project, will be working with ENV partner conference organizers to promote attendance of Mexican municipal officials.

USAID Conferences. A representative of AMMAC participated in the recent G/ENV workshop "Cities Matter: The Role of Local Governments in Global Climate Change" workshop.

Project Updates. Both the ENV and DG teams participated in a recent presentation on project results to date by the Mexico ICLEI representative.

Joint Visits to Project Sites and Activities. A joint Democracy-Environment Team site visit was made to one of the pilot municipalities in the state of Jalisco that has been supported by Mission DG funding to ICMA. The group was also joined by a project manager of one the Mission's energy sector partners, Hagler Bailly Services. The group observed a regional workshop that enabled municipal water system managers to think critically about the links among effective water delivery, energy efficiency, and sound municipal management.

Partner Collaboration with Municipalities. A meeting was held in the city of San Luis Potosi, one of ICLEI's pilot cities, to identify concrete opportunities for collaboration between the ENV and DG programs at the municipal level. The meeting was attended by both the USAID/Mexico ENV and DG officers, local representatives of the ICMA and ICLEI projects, Hagler Bailly's Mexico project manager, and a representative of the Mexican Center for Cleaner Production, a local ENV program partner.

Document Exchange. DG and ENV partners share project-related and other documentation, such as reports and annual program reviews, in order to prompt continued exploration of synergies.

NRM and Institutional Strengthening. Opportunities continue to be explored to determine how the local NGO partners of other Mission programs, including DG, can benefit from The Nature Conservancy's institutional strengthening of environmental groups. The DG team has already held direct discussions with the ENV team and TNC on this issue.

ENV-DG LINKAGE OPPORTUNITIES

- Strong leadership and initiative by the Mission front office and the ENV and DG SO teams helped identify and mobilize ENV-DG synergies.
- There was effective and productive communication between ENV and DG SO Teams. USAID/Mexico is a small mission and this situation facilitates communication.
- U.S. and Mexican partners demonstrated initiative, were willing to collaborate across program areas with each other and explore opportunities for cooperation and sharing of technical expertise and information.
- The Mission had Team Strategies and Results that support: 1) the development of innovative pilot models for later replication, and 2) governance activities. The DG Program Strategy hinges on the development of successful pilot local governance practices in target areas and the replication of those best practices around the country. This situation has enabled staff and partners to target areas of opportunity and some of these have emerged in ENV target sites. Several ENV results focus on institution building, as well as ENV sector participation in governance and the policy processes where environmental management and protection is at stake.
- With regard to the host country governmental context, there is strong and increasing support for decentralization of public service provision, funding, and decision-making to municipal levels. There are also evolving political processes that increasingly reward only those officials who demonstrate capacity to meet public demands. This situation creates a high degree of public sector interest (municipalities, particularly) in receiving technical assistance to improve service delivery and to effectively respond to citizen pressure. Thus, ENV issues of energy cost efficiency (and the linked environmental benefits),

environmental protection, and response to citizen environmental sectors become a key component of improved municipal governance

- In terms of the host country non-governmental context, there are deep traditions of national and local civil society organizing in the environmental and democracy sectors and a high degree of technical expertise within these CSOs. There are also technically expert decentralized university institutions and researchers. However, there has been limited experience with effective citizen-government collaboration. As a result of decentralization, the NGO sectors (i.e., environment) are now actively seeking out opportunities to learn how to effectively participate in, and influence governmental planning and decision-making.

ENV-DG LINKAGE OBSTACLES

- Given the opportunities detailed above, few obstacles have been encountered to date.

LESSONS LEARNED

Given the incipient nature of these activities, there are some initial lessons learned from the Mexico experience:

- The importance of Mission front office support and leadership for exploration of linkage opportunities
- The value of effective and collaborative intra-Mission communication between members of the DG and ENV teams
- The value of effective and productive cross-sectoral communication between ENV and DG partners, without necessarily requiring Mission intermediaries
- Given initiative, creativity and communication, there are many low cost or no-cost opportunities that can be found for actualizing synergies among existing activities.
- There may be a need to formalize communication within the Mission and among partners, considering the often quite different perspectives the DG and ENV communities maintain on similar issues. These channels could include the formation of a formal working group of DG and ENV Teams and partners, and the development of a simple database/calendar of events of interest sponsored by DG and ENV partners that would be circulated to all partners.

The Experience of USAID/Philippines
Author: Mike Calavan, Former USAID/Philippines DG Officer¹⁰

MISSION: Philippines	
DG STRATEGIC OBJECTIVE & PROJECT INFO DG SO: Broadened participation in the formulation and implementation of public policies in selected areas. The GOLD (Governance and Local Development) Project provided process/facilitation assistance and TA, on a demand-driven basis, to help improved local government.	ENV STRATEGIC OBJECTIVE & PROJECT INFO ENV SO: Enhanced management of renewable natural resources. The CRMP (Coastal Resource Management Project) was designed to improve coastal management by working with municipalities, both urban and rural. The IISE (Industrial Initiative for a Sustainable Environment) Project supports the efforts of provincial offices and utilities to plan for ISO certification.
Life of Project: 1995-2001 (all three projects) Funding : \$1.5-2 million (combined for three projects) Mechanism: Contracts Partners: GOLD (Associates in Rural Development); CRMP (Tetrattech); IISE (N/A) Local governments (province, rural municipalities, <u>barangays</u>) and civil society organizations; IISE partners (DENR, Dept. of Trade & Industry, Philippines Coast Guard)	

LINKING ENV-DG ISSUES

- Through genuine synergies across one DG project (GOLD) and two ENV projects (CRMP, IISE), the mission was able to link technically sound management of local resources to autonomous, participatory local governance.

SPECIFIC ENV-DG LINKAGE ACTIVITIES AND RESULTS

- The Environmental Summit: This NGO- and provincial-government led planning exercise stretched over several months, involved 600 people, and innumerable working groups focused on such issues as “Ecotourism,” “An Environment Law,” and “A Provincial Environmental Management Office.” GOLD helped with organization and process and CRMP provided technical inputs.
- Establishment of the Bohol Environmental Management Office (BEMO): The BEMO has been established with provincial funds, initially as part of the Provincial Planning and Development Office. GOLD provided training in participatory methods to BEMO staff and GOLD has also helped organize an initial “visioning and goals” activity as well as service delivery workshops for new staff. CRMP and IISE have provided extensive technical training. IISE is supporting efforts of BEMO to spearhead planning for provincial ISO certification.
- The Environment Code: The need for a Code was identified at the Summit, and the law was prepared with technical assistance from CRMP and GOLD, and approved by the *Sanguniang Panlalawigan* (provincial legislature).
- The Medium Term Plan: The Medium Term Plan was largely a provincial initiative. However, it made extensive use of facilitation methods (ToP) introduced by GOLD and technical insights gained under CRMP. This participatory exercise involved 17 working groups that met over six months. Citizen groups were used as sounding boards. A local college (Divine Word College) facilitated a synthesis workshop.

¹⁰ Mike Calavan will become the new DG Officer for USAID/Indonesia in August and can be reached via e-mail (mcalavan@usaid.gov).

In addition, the plan incorporated inputs from earlier participatory planning sessions (on investment prioritization) conducted by GOLD. It is important to note that the number one priority of Bohol is Eco-Cultural Tourism and this focus has strengthened the province's commitment to sound environmental management.

- “Rollout” of CRMP and GOLD Activities: BEMO staff have made extensive use of facilitation skills learned under GOLD. They use these skills to extend lessons learned and replicate the institutional arrangements pioneered in an initial handful of CRMP pioneer sites to all 30 coastal municipalities in Bohol. For instance, ToP facilitation methods were used in a major workshop on enforcement of new coastal management regulations. CRMP continues to provide appropriate training and technical expertise. For “rollout” activities on solid waste management, GOLD will provide TA and BEMO will provide facilitation skills.
- Coastal Management Councils: The province, working through the BEMO will assist in the establishment of three coastal councils, each spanning 8-12 coastal municipalities. These councils will take on management responsibilities and will initially focus on reinforcing the need for effective enforcement of coastal/fisheries regulations. Multi-local-government management units like this were pioneered under GOLD and they will rely heavily on technical knowledge gained under CRMP. The province is purchasing three “mother boats” for enforcement, having budgeted P2 million (\$40,000)
- Privatization of Utilities: Bohol's poorly-managed, heavily-subsidized electric and water utilities are being privatized using IISE technical assistance and frequent application of, and heavy reliance upon the GOLD-taught facilitation and communication skills. The probability of achieving ISO certification will be dramatically increased and water resources will be used far more carefully.
- ISO Certification of Provincial Operations: This effort was spontaneously arrived at by provincial leadership and IISE staff. It will lead to major breakthroughs in environmental management, local government transparency vis-à-vis citizens and potential investors and provide an excellent advertising opportunity in the international tourist trade. TA is provided by IISE but the working group relies heavily on facilitation methods introduced under GOLD.
- Planning, Regulating and Implementing Provincial Programs. Newly acquired technical knowledge and concrete techniques in citizen participation have been combined in organizing public planning processes, establishing new governance units and organizations, drafting and approving laws and codes, and initiating and implementing programs.

ENV-DG LINKAGE OPPORTUNITIES

- A major contributor to the success of these efforts is the Local Government Code of 1991, one of the most far-reaching local government laws in the world. While it leaves undesirable ambiguities in the working relationship between local governments and the national Department of Environment and Natural Resources, its “general welfare” clause gives ample scope for the many initiatives taken in Bohol.
- Another contributing factor is progressive local leadership. Bohol is blessed with a young, dynamic governor and vice governor, a superb provincial planning and development officer, activist NGOs, dedicated provincial staff, and several excellent municipal mayors. It was their insight and leadership that made the numerous breakthroughs and extensive synergy possible.
- The cutting-edge implementing philosophy of GOLD (“demand-driven, assisted self reliance”) was also essential, as was the decision of CRMP and IISE to work mainly with local governments, rather than with a central government department.
- Geographic overlap helped too, but that was substantially the result of USAID efforts to locate and work with a progressive local government.

ENV-DG LINKAGE OBSTACLES

- Obstacles were relatively few, given the commitment of our shared local government partner, the Province of Bohol.
- A few problems did arise related to the “dual nature” of the GOLD Project. As a “demand-driven” project, the GOLD staff were sometimes called upon to provide both process/facilitation assistance and TA. This situation sometime raised tensions with other projects that were more technically TA-driven. These projects sometimes assumed GOLD TA would somehow be too “soft” to be useful. This sometimes brought tensions to working relationships, but not often in Bohol.

LESSONS LEARNED

- *Earlier Joint Consultant Dialogue and Planning.* It might have been useful to get our consultants together sooner for dialogue and joint planning. However, in the end, it was the local government partners who ensured that our separate efforts would achieve maximum effect. They also ensured that help was received at the appropriate time from their point of view.
- *Sustained Commitment.* Genuine demand-driven programs aimed at assisted self reliance can foster enormous local initiative and sustained commitment to the use of technical processes and skills that have been learned under donor project activities.

ENV-DG-LABOR Linkages: Potential for New USAID Programs
Author: Michaela Meehan¹¹, USAID/G/DG via Department of Labor

Bureau: G/DG

US Department of Labor – Lessons from the United States

LINKING ENV-DG ISSUES

- Community Right-to-Know programs would complement USAID's D&G and Environment program structures and strategic objectives by relying on broad-based participation, civic education, awareness-raising, advocacy, and skills training to mitigate hazards and bring about understanding of other environmental changes.
- Sector-Based Hazard Mitigation (SBHZ) programs link similar ENV and DG issues as Community Right-to-Know programs but place a greater focus on working out practical solutions for the enforcement of environmental rule of law.

SPECIFIC ENV-DG LINKAGE ACTIVITIES AND RESULTS

- Community Right-to-Know activities have operated successfully over the years throughout the United States and along the US/Canada and US/Mexico borders. These programs focus on debates and issues arising from unwanted or hazardous pollution generated by, or resulting from work practices, agriculture, manufacturing and utilities, among other factors.
- In Community Right-to-Know programs in the United States, trade unions have often taken the lead in obtaining grant funding. Unions have been key organizations to help find solutions, because union members are both workers and members of the community. Right-to-Know programs place trade unions, business, and local governments at the forefront of community leadership. Trade unions in the United States have records of success as catalysts in bringing communities together to understand environmental problems, and the options, benefits, and impacts of alternative solutions to these problems. Through civic education and technical training, workers and the community at large increase skills and enhance their problem-solving capacities.
- SBHZ Mitigation programs in the United States have focused on public policy, design of regulatory frameworks, creation of industry compliance monitors and establishment of processes to create guidelines or standards. In addition, SBHZ programs share many of the elements of community right-to-know programs. SBHZ programs rely on industry consensus standards or hazardous exposure guidelines that determined by public policy. These standards and guidelines help to determine how best to proceed in addressing, and ultimately resolving sector-generated environmental hazards or pollutants. SBHZ programs also rely on advisory committees made up of representatives from labor, business, government, occupational/environmental advisors, NGOs, and consultants, among others. The committee members identify specific hazards, consider engineering controls, develop new work practices for production and materials handling and establish voluntary industry guidelines or mandated industry occupational and environmental practices, if appropriate.

LESSONS LEARNED

- *Advisory Committees.* In the North America, the formation of an advisory committee has been key. The committee should include all community stakeholders. Subcommittees focus on specific problems. The advisory committee has been the primary vehicle for receiving and distributing information. It has provided awareness-training, and ultimately, it is the institution that delivers consensus. The advisory

¹¹ Michaela Meehan is currently on detail from the Department of Labor and working at USAID/G/DG. She can be contacted via e-mail (mmeehan@usaid.gov).

committee has identified problems, developed accountability, and helped to introduce new remediation techniques, if applicable.

- *Expert Technical Assistance.* Community Right-to-Know programs need technical assistance. This assistance can be provided by occupational and environmental groups with credentials and scientific expertise. For example, if environmental testing is required, these expert groups can provide environmental pollution measurements as part of a community inventory of possible contaminants and other problems. In areas where single-source pollution is a problem, particularly from a dominant industry, the experts can examine engineering controls, recapturing devices, and work practices as possible mitigators of pollution.
- *Three-Year Community Right-to-Know Programs.* For Community Right-to-Know programs, funding would support technical assistance for occupational and environmental measurements, project coordination, community organizing, awareness training, and community-wide educational forums of the advisory committee. Programs need to be funded for a minimum of three years, due to the time required to develop community awareness, prepare an inventory of environmental problems, form an advisory committee, and identify priorities.
- *Multi-Dimensional Approaches for Sector-Based Hazard Mitigation.* Activities include workshops, forums, short-term intensive technical training, and roundtables to discuss issues and learn from outside experts. Support must be allocated for some technical assistance and research as well as environmental evaluations, which may include medical evaluation of worker and public exposures.

The Experience of the Center for International Environmental Law (CIEL) in Indonesia & Beyond
Author: Owen Lynch¹², Senior Attorney & Managing Director of the Law & Communities Program,
CIEL

REGION: Africa and Asia

ENV STRATEGIC OBJECTIVE & PROJECT INFO

ENV SO: Decentralized and strengthened natural resources management.

CIEL's Law and Communities (L&C) Program focuses on rural constituencies in developing countries and particularly on issues related to community-based property rights (CBPRs).

In Indonesia:

Life of Project: 1997-2001

Funding: \$280,000

Mechanism: Grant from USAID/NRM/BSP/KEMALA

Partners:

BSP/KEMALA, the Institute for Policy Research and Advocacy (ELSAM) and the Indonesian Center for Environmental Law (ICEL).

In Philippines:

Life of Project: 1997-2001

Funding: \$310,000

Partners:

Haribon Foundation Tanggol Kalikasan, Legal Resources Center - Kasama sa Kalikasan (LRC-KSK)

In Africa

Project: Southern Africa Public Interest Law and Community-Based Property Rights Workshop August 1- 4, 2000.

Funding: \$45,000

Mechanism: Sub-grant through WRI from USAID Africa Bureau

Partners:

Tanzania: Lawyers Environmental Action Team (LEAT)

Kenya: Center for Environmental Law and Policy in Africa (CEPLA), Resources Conflict Institute (RECONCILE)

Uganda: Attorneys Coalition for Development and Environment (ACODE)

South Africa: Legal Resources Centre (LRC)

LINKING ENV-DG ISSUES

- The linkages in this work address natural resource management, support for indigenous and human rights, enforcement and localization of rule of law.
- The conditions required for greening democracies and promoting good environmental governance are still not in place at the global level or in many countries at the national level. Hundreds of millions of people in the developing world are directly dependent on threatened natural resources and have no legal incentives or other governmental support for the sustainable management of those resources. Perhaps most troubling, few efforts are currently underway to address this shortcoming. The need for legal incentives to promote sustainable management is especially acute where local people are directly dependent on important and threatened environmental resources such as forests, range lands, mountains, and coastal areas, and already possess local knowledge about how to manage those resources in sustainable ways.
- Today, rural peoples, while comprising large majorities in many developing countries, are frequently neglected by lawyers, and have little if any say in law and policy making processes on national and international levels. This neglect is evident in many laws and policies that are hostile towards rural

¹² Owen Lynch can be reached via e-mail (olynch@ciel.org).

resource users and fail to provide any incentives for sustainable resource management.

- The processes shaping economic globalization should, and can be broadened and enriched by the democratization of international and national laws, especially by designing and promoting participatory legal processes that address grass-roots human rights and environmental concerns. The key principle linking human rights and environmental issues should be that everyone, by virtue of being human, has a right to participate in decisions concerning the use of natural resources that she or he directly depend on for life and livelihood.
- To promote this fundamental right, opportunities and institutional capacities need to be established and strengthened to help citizens and NGOs more fully participate in the design and enforcement of national and international laws. One of the greatest challenges is to employ on behalf of rural peoples the special analytical and advocacy skills lawyers possess. Meeting this challenge, in some instances, requires the creation and development of public interest human rights and environmental law organizations in developing countries that understand and promote legal aspects of community-based natural resource management.

SPECIFIC ENV-DG LINKAGE ACTIVITIES AND RESULTS

- The most notable project accomplishments include assisting ELSAM with the design and implementation of an initiative that included the two writing workshops and the drafting by Indonesian lawyers and law school graduates of fourteen case studies on the relationships between Indonesian law and CBPRs. A synthesis report that highlights key findings from the case studies is being prepared for publication in Bahasa Indonesia and English. In addition, a new batch of fifteen lawyers and law school graduates are now conducting field research and drafting additional case studies. Current efforts include technical assistance to regional public interest law partners in Sumatra, Sulawesi and West Papua, reviewing draft natural resource management regulations and laws such as the new Basic Forestry Law of 1999.
- CIEL is assisting ICEL with its ongoing review of various environmental laws, regulations and policies related to CBPRs, participation, and forestry and other natural resources. As part of this collaborative effort, ICEL is designing a strategy for developing Indonesian-specific environmental law teaching curricula and training materials and has recently been awarded a \$60,000 grant from USAID/Indonesia for this purpose.

The Experience of the Central African Regional Program for the Environment
Author: Laurent Some¹³, Director Africa, BSP

REGIONAL BUREAU: Africa

ENV STRATEGIC OBJECTIVE & PROJECT INFO

Africa Bureau/Sustainable Development ENV SO: Accelerate progress in the spread of strategically viable and environmentally sound environmental management systems

IR 5.1: Develop, Improve, and promote cost-effective approaches in selected areas

IR 5.1.3: Congo Basin environmental management

Twenty year objective:

“Reduce the rate of deforestation in the tropical forests in the Congo Basin and conserve the biodiversity contained within them. Thus, in the long term, avert potentially negative changes in the global and regional climate”.

Phase I and Post- Phase I Objective for 1995-2003:

“Identify and help establish conditions and practices required to reduce deforestation and biodiversity loss in the Congo Basin”

USAID Democratic Republic of Congo Mission /Environment Strategic Objective: Congolese people are assisted to solve national, provincial, and community problems through participatory processes that involve the public, private, and civil society.

IR 2: “Good governance and rule of law promoted with emphasis on multi-stakeholder problem-solving”

IR 3: “Constituencies for sustainable resource management and conservation strengthened through direct benefit and participation”

Life of Project: 1995-2003

Funding: \$23,650 million

Mechanism:

Partners:

US-based collaborators: African Wildlife Foundation, Biodiversity Support Program, Conservation International, Innovative Resources Management, NASA/University of Maryland, Peace-Corps, USAID, US/Forest Service, US Fish and Wildlife Service, Wildlife Conservation Society, World Resource Institute, World Wildlife Fund.

Regional Collaborators: Central African government agencies, local and international Non-governmental organizations, including IUCN / Central Africa Bureau, private sector, universities, other research and education groups, local communities, individuals, regional conservation and development projects, programs, and processes (CEFDHAC), and donor agencies, including USAID DRC Mission.

LINKING ENV AND DG ISSUES

- CARPE was established to identify major threats to Congo Basin forests and look for ways to mitigate them. After starting with a thematic approach (logging, bushmeat, agriculture, etc...) it became clear across the board that governance was the overriding factor which would save or lose the forests. CARPE has expanded its governance activities in response.

SPECIFIC ENV-DG LINKAGE ACTIVITIES

- Global Forest Watch:
 - < The World Resources Institute initiated the Global Forest Watch to help establish a global network of NGOs with the skills necessary to provide governments and other stakeholders, with timely and credible information on the state and uses of the world’s remaining large blocks of

¹³ Laurent Some can be reached via e-mail (laurent.some@wwfus.org)

intact tropical forests in Cameroon and Gabon. This initiative helped provide the means for local and national stakeholders to gain access to relevant information on

- < the changing state of the forest;
- < forest concessions and their allocation;
- < the performance of companies engaged in forest resource use;
- < compliance with forest management policies.
- < The Cameroon national report aimed at encouraging the government to implement the new Forest Law. The Gabon report is intended to influence the current debate on the new forest law, by providing parliamentarians, government officials and other audiences with a concise, objective data overview of the forestry sector.

- Participatory mapping

- < A pilot exercise of participatory mapping has been carried out by a selected number of local communities in Cameroon, who have a complete ownership of the results.
- < Congo Basin communities need to increase their control in the management of “their” local forest resources in the face of resistance from governments and corporate groups; tools and methods were therefore developed to enable them to negotiate with other stakeholders.
- < This mapping exercise served as an incentive for mobilizing community-level institutional engagement in activities that are necessary for decentralized forest resource management to be jumpstarted and sustained. For example, participation in mapping has been readily obtained from level of chiefs down to village level data collectors. The mapping has spawned two key products-community engagement and actual maps owned by the villages.
- < To facilitate the necessary validation of the maps by the government, representatives of the official agency in charge of national maps were involved in the exercise as resource people.

- CEFDHAC

- < Support was provided to a regional process called “Conférence sur les Écosystèmes de Forêts Denses et Humides d’Afrique Centrale (CEFDHAC), which involves collaboration of environment/forestry Ministers across the region, and other stakeholders.
- < CEFDHAC has evolved as regional forum for debate across a wide spectrum of stakeholders on sustainable management of natural resources, and is promoting transparent debate, of sharing experience, and information dissemination. It is an unusual forum where Ministers sit at the same table with NGOs, donors, and indigenous communities to talk about conservation and development of natural resources.
- < This ministerial level process holds biennial meetings. The involvement of leaders of this process in CARPE’s debates on ENV-DG, in part, resulted in the selection of better governance of the Congo basin natural resources as the theme of third CEFDHAC meeting.
- < CARPE supported the organization of regional workshops aiming at including environmental governance issues into CEFDHAC agenda. Support was also given to enable the full participation of environmental NGOs to the process, as well as helping CEFDHAC identify the most appropriate and efficient legal framework for its action.

- Transparency International workshop

- < Transparency International and the African Forest Action Network (AFAN) organized a workshop to train local environmental NGOs from the Central African region in techniques of promoting environmental advocacy.
- < A resource person from West Africa was invited enabling an exchange of experience and cross-fertilization between African sub-regions.

ENV-DG LINKAGE OPPORTUNITIES

- The concept of the Env-DG has been widely accepted as a potential tool in sustainable natural resource management in the Congo basin. Opportunities are increasingly arising to discuss ENV-DG issues.

- A real dynamic of environmental reforms is occurring throughout the region. The World Bank used conditionalities to press Cameroon to reform its forestry laws. Many donors and international NGOs have set up community based natural resources management projects in which a spectrum of stakeholders are brought together.
- Regional dialogue among the central African countries is being promoted enabling experience sharing, through regional processes such as the CEFDHAC, and the Yaoundé Summit of the Head of States. The forest policy reform in Cameroon has generated a lot of interest for other countries, and provided a reference for them.

ENV-DG LINKAGE OBSTACLES

- General situation of political unrest in many countries the region diverts efforts and resources towards conflict. It is impossible to promote sound forest management through good governance in these circumstances.
- No permanent mechanisms for and traditions of consultation exist between different stakeholders, particularly between governments and communities, and governments and civil society.
- Existing legal framework and level and nature of different stakeholders accountability, and level of decentralization in most of the countries do not create an enabling conditions for promoting good environmental governance. The legal instruments and administrative structures, along with traditional authorities set an imbalance of power among governments, corporate interests, donors, and rural communities for the control of the uses of natural resources.

LESSONS LEARNED

- *Forest Policy Reform.* Encouraging and supporting the development of policy and legal framework at local, national, and international levels, that shapes a balance distribution of power over nature, the state institutions, and allows an equitable distribution of benefits from by the exploitation of natural resources, is critical for promoting good environmental governance. Support should be given to forest policy reform throughout the region.
- *Educating the Stakeholders.* More education and information of all the stakeholders is needed to promote a better understanding of scope of environmental governance as whole array of larger governance issues, such as representation, legal framework, enabling environment for civic activities, and protection for human rights and social justice, in which struggles over the environment is embedded.
- *Existing Regional Processes.* Continuous support to existing regional processes such as CEFDHAC, creates a cadre for regional dialogue and experience sharing among stakeholders from the all the Central African region, enables more transparency.
- *Monitoring.* Few domestic “civil society” organizations (NGOs, associations, and movements) in Central Africa seem to have significant presence, independence from governments and donors, and capacity to play an important monitoring and watchdog role. While they should have no power over resources or decisions (since NGOs are not necessarily accountable or representative), they can monitor local and national government to assure they are meeting legal obligations. They can also lobby on behalf of the portion of civil society they represent.
- *Counter-Balancing.* Taking advantage of the fact that the governments of the central African countries are more and more receptive to the need for greater transparency, more support should be given to NGOs

and “communities” as a potential counter-balance. Another counter-balance could be the support of social movements, rather than simply environmental NGOs.

- *Representative Government.* Lack of transparent, representative and accountable governance systems at local, regional and national levels militates against management of forest resources that ensures equity in the sharing of benefits from all uses of forest resources;
- *Maps as Negotiating Tools.* Providing local communities with natural resource maps as tools for negotiation, given current community institutional capacities, is not sufficient to enable successful negotiation of community stewarded forests to occur. Considerable NGO capacity building and community based capacity building will be needed to realize the potential embodied in the maps. In particular, skills in negotiation, mediation, and facilitation will be required of partner NGOs to help communities capitalize on opportunities offered by revised forest legislation and participatory mapping.

***The Experience of the World Resources Institute (WRI) in Africa:
An Initiative for Environmental Accountability in Africa – Environmental Advocacy & Procedural Rights
Author: Peter Veit¹⁴, Institutions and Governance Program, WRI***

REGION: Africa
REGIONAL STRATEGIC OBJECTIVE & PROJECT INFO
<p>ENV SO: Adoption of improved programs, policies and activities for spread of sustainable natural resources management in Africa.</p> <p>The Environmental Accountability in Africa (EAA) Initiative of WRI's Institutions and Governance Program seeks to foster the development of the essential legal and institutional infrastructure for effective and sustainable environmental governance. Under EAA, WRI builds the capacity of NGOs to do environmental advocacy through joint WRI/NGO campaigns, providing fellowships at WRI for NGO fellows and arranging South-South exchanges. WRI helps to broaden procedural rights by conducting policy analysis on the state of specific rights, preparing case studies of NGO experiences and lobbying policymakers with partner NGOs.</p> <p>Life of Project: 1999-2003 Funding: \$750,000 per annum (USAID buy-in; other private and bilateral donors contribute additional funds) Mechanism: Grant</p>

LINKING ENV-DG ISSUES

- The Environmental Advocacy and Procedural Rights (EAPR) project of the EAA Initiative seeks to strengthen state-civil society relations with regard to environmental policy matters. Whether in the fore or wake of political reforms, civil society in Africa has the potential to become a powerful force and influence environmental decision-making at the local, national, regional and global levels. The EAPR recognizes the important roles and contributions that policy-focused, environmental NGOs, in particular, can make to improving environmental policy, ensuring compliance to environmental regulations and supporting environmental accountability.
- Procedural rights help establish an enabling environment for independent policy research and environmental advocacy. In Africa, key freedoms and rights include freedom of environmental association, access to environmental information, access to environmental justice, and public participation in environmental policy matters.

SPECIFIC ENV-DG LINKAGE ACTIVITIES

- *WRI Partners.* WRI supports independent policy research and advocacy organizations as well as their networks/federations. WRI works with a small, select group of promising independent organizations with interests in public policy matters. These partners include policy research, environmental law and advocacy NGOs, such as the African Centre for Technology Studies (ACTS) and RECONCILE in Kenya, the Lawyers' Environmental Action Team (LEAT) in Tanzania, and the Centre for Basic Research (CBR), Advocates Coalition for Development and Environment (ACODE) and GreenWatch in Uganda.
- *Strengthening Independent Policy Research and Environmental Advocacy Organizations.* WRI shares tools for analysis and outreach on environmental policy issues with its partners. WRI helps build capacity in policy research, legal analysis, and outreach, including publications, press releases, and public presentations. As needed, WRI also supports organizational development to ensure that the policy research/outreach capacity is housed in strong and sustainable institutions. Organizational development may involve board development, strategic planning, financial management, and fund raising.

¹⁴ Peter Veit can be reached via e-mail (peterv@wri.org).

- *Broadening Environmental Procedural Rights.* There are three key aspects to WRI's work on procedural rights:

Promoting national-level procedural rights in law and practice. Ironically, while many governments in Africa are broadening political liberties and issuing in multi-party politics, some are also restricting civil liberties and personal freedoms. Through legal and case study analysis, WRI and partner NGOs conduct research on advocacy experiences and the opportunities and constraints for greater impact. Outreach efforts are designed to broaden and guarantee critical environmental procedural rights.

Promoting regional environmental procedural rights. Many developments in Africa have transboundary environmental impacts, yet the government and citizens from one country have few opportunities to participate in relevant decision-making processes in neighboring nations. WRI works with regional bodies – East African Cooperation, Southern African Development Cooperation – to incorporate regional procedural rights into Environmental Protocols and would enable citizens to address transboundary environmental costs.

Establishing international norms in environmental procedural rights. To complement efforts to establish appropriate public policy and legislation, WRI is working with partner NGOs to develop continental/international norms on good environmental governance. Respected and powerful norms, even if not codified in law, can influence government and private sector decisions and actions with environmental and social consequences. As part of this effort, WRI and partner NGOs are identifying national-level environmental governance indicators which will be measured on an annual basis.

***The Experience of the World Resources Institute (WRI) in Africa:
An Initiative for Environmental Accountability in Africa - Decentralization
Author: Jesse Ribot¹⁵, Institutions and Governance Program, WRI***

REGIONAL STRATEGIC OBJECTIVE & PROJECT INFO

ENV SO: Adoption of improved programs, policies and activities for spread of sustainable natural resource management in Africa.

Under their Initiative for Environmental Accountability in Africa (EAA), the Institutions and Governance Program of WRI aims to influencing the design and implementation of decentralization via informed multi-level research and analysis. Their goal is to improve the long-term state of the environment, rural livelihoods and environmental justice.

Life of Project: 2000-2003

Funding: \$400,000 per annum (USAID buy-in; other private and bilateral donors contribute additional funds)

Mechanism: Grant

Partners:

Cameroon Center for International Forestry Research (CIFOR), Centre Universitaire Mande Bukari, Centre for Basic Research (CBR), Institute of Environmental Studies (IES)

LINKING ENV-DG ISSUES

- This WRI project focuses on issues related to accountability, decentralization, local democracy and natural resource management in Sub-Saharan Africa. By working together on policy research, WRI also helps to build the capacity of environmental research organizations and networks.
- Environmentalists around the world have moved toward decentralized models of natural resource management to allow communities greater participation in the use, maintenance and restoration of forests, pasture lands, wildlife and fisheries. These reforms, spurred on by the end of the cold war, reflect the convergence of state critiques from the left and right, populist participatory movements, and structural adjustment programs. This new focus on decentralization writ large, and decentralized environmental management in particular, is justified on the hypothesis that central management is damaging and that local resource management can have positive effects on efficiency and equity, and therefore on social and ecological outcomes.
- Theory tells us that achieving expected benefits of decentralizations—through internalizing social and environmental costs in decision making or accounting for local preferences—depends on the powers devolved and the accountability of local authorities. Because rural communities are highly stratified, the implications of decentralization are deeply affected by who represents local populations and how these representatives are held downwardly accountable. Rather than creating new democratic forms of rural participation and representation, however, many decentralizations appear to be supporting unaccountable institutions or reproducing top-down rural administration. Such decentralizations are undermining long-term environmental and social agendas of sustainability, justice and democratization. The significance of this program is its potential to explain these problems and involve policy makers and other interested parties in attempts to redress them and to capture opportunities.

SPECIFIC ENV-DG LINKAGE ACTIVITIES

- The policy research of the Decentralization Project examines how different kinds and mixes of local accountability relations (downward to local populations, upward to the central state or political parties, horizontal ties, unaccountable) affect efficiency, equity and environmental outcomes in current decentralizations of natural resources management (NRM) authority.

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- At the macro level, the research aims to explain the forms of decentralized institutions being established by exploring the roles of local governance structures in national state formation and stability and in the context of global political economic trends.
- The Decentralization Project involves considerable and in-depth field research for primary data collection, as well as a literature review and historical analysis. The research program uses a field-based, multi-method interdisciplinary approach in order to: 1) understand the historical, legal and political-economic configuration of local *actors*, their *powers* and their *accountability* relations; 2) assess the effects of these different accountability relations on ecological and social practices; and 3) ascertain how institutional arrangements shape the institutional sustainability and spatial replicability of decentralizations of NRM authority.
- There is a shortage of environmental policy researchers in Africa. The Decentralization Project supports the emergence of a new generation of African policy analysts and institutions that are focused on decentralization and environmental management, use and justice. This research program supports institutions that are already engaged in independent environmental policy analysis and also emerging environmental policy research institutions, networks and programs working to engage and guide a new generation of analysts and advocates. The Decentralization program collaborates with independent research institutions in each of Sub-Saharan Africa's four main regions, an Africa-wide institutional partner, and researchers in six other countries doing parallel case studies.
- Publications and national-level workshops with policymakers are the principal modes of outreach.

The Experience of the Environmental Law Institute (ELI)
Author: Carl Bruch¹⁶, Staff Attorney, ELI

STRATEGIC OBJECTIVE & PROJECT INFO

ENV SO: Adoption of improved programs, policies and activities for spread of sustainable natural resource management in Africa.

Starting in 1999, the Environmental Law Institute commenced work on a research project, "Implementing Constitutional Environmental Protections in Africa." The goal of the activity was to develop legal tools for protecting the environment and advancing citizen participation in environmental management.

Life of Project: 1/1999-11/1999

Funding: \$5,000

Mechanism: Sub-Grant from World Resource Institute, USAID/AFR/SD funds

Partners:

WRI, USAID/SD/AFR, USAID/Uganda, ACTS, LEAT, Greenwatch, and ACODE

LINKING ENV-DG ISSUES

- While the primary focus of this project was ENV, it necessarily involves DG issues through its development of the rule of law and efforts to strengthen citizen access to information, due process and justice, and freedom of association.
- By strengthening the rights of citizens to have a role in government decisions affecting them, implementing constitutional environmental protections provides an environmental context in which to develop environment and governance principles. Additionally, DG is essential to environmental protection. For example, the research highlighted a number of non-environmental decisions (e.g., freedom of association, standing, and access to information) that could provide valuable precedents to environmental advocates.

SPECIFIC ENV-DG LINKAGE ACTIVITIES

- This project surveyed the constitutions of 53 African countries for rights, duties, and other provisions that could be used to protect the environment.
- These provisions included ones that addressed the environment and natural resources, including provisions that implicated the public trust doctrine. The project also looked at provisions related to the right to life. Many courts worldwide have interpreted this latter right so that it includes the right to healthy environment.
- The study also looked at provisions related to procedural rights. These are rights that greatly facilitate or are an outright necessity for the ability of organizations and individuals to protect the environment. These rights include the freedom of association, access to information, the right to participate in decision-making processes, and access to courts and administrative agencies to protect the rights (including the right of "standing").
- The project also analyzed court decisions from common law and civil law jurisdictions in Africa. As most of the relevant constitutional provisions are new (having been adopted in the last decade), few African courts have had the opportunity to implement or interpret them. Consequently, the research also considered constitutional precedents from Asia, the Americas, and Europe -- jurisdictions whose decisions are persuasive to African courts.

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- Since the completion of the project, ELI has continued its work to strengthen and implement constitutional environmental provisions, including environmental procedural rights. The research has formed an important component for subsequent capacity-building projects. In June 2000, ELI and its partners (WRI, USAID/SD/AFR, USAID/Uganda, ACTS, LEAT, Greenwatch, and ACODE) discussed ways to develop constitutional environmental law in an East African Workshop on Access to Environmental Justice held in Uganda. The workshop explicitly linked ENV and DG issues. Constitutional environmental provisions (including procedural rights) are likely to form an important component of ELI's upcoming course on environmental law and policy for East African judges. Other opportunities (e.g. in the Democratic Republic of Congo) have arisen to develop and implement constitutional environmental provisions in Africa.
- ELI has received requests for the research from African and non-African environmentalists (including those in DRC, Kenya, Tanzania, Uganda, Ethiopia, Nigeria, and South Africa, as well as Japan).

ENV-DG LINKAGE OPPORTUNITIES

- WRI and USAID/AFR/SD were particularly helpful in conceptualizing the project and highlighting recent legal and institutional developments that were likely to be relevant.

ENV-DG LINKAGE OBSTACLES

- The comparative, pan-African nature of this project meant that it was difficult for any particular host country mission to play a role. However, as described above, this work provided a basis for various country-specific and sub-regional projects (e.g., the June 2000 East African Workshop on Access to Environmental Justice)
- In the end, significantly more time was needed to complete the research than anticipated because the constitutions were more difficult to locate and review. Additionally, judicial decisions applying constitutional environmental provisions were difficult to obtain.
- Another difficulty faced in this project was its modest level of funding. Much of the original research and writing was conducted off-budget. This situation was probably due to the factors listed above and can also be attributed to the difficulty of obtaining funding when "measurable results" are hard to prove.

LESSONS LEARNED

- *Wide Distribution of Information.* To make the information available as widely as possible, ELI has posted the complete report on-line (for free, at www.eli.org/africa.htm). WRI is publishing part of the research as a policy brief and it is being published by the Columbia Journal of Environmental Law.
- *Follow-up Required.* In addition to disseminating the research to environmental advocates, governments, and judges, specific follow-up with partners will be necessary so that the research can have the full force.
- *Constitutional Provisions as Tools.* The research and ELI's experience has shown that constitutional environmental provisions can be powerful tools for environmental advocates. These provisions tend to be measures of last resort and are used when nothing else works. The right to a healthy environment and right to life are likely to constitute the underlying context for environmental protection. However, statutes, codes, and regulations will increasingly provide the specific details about the meaning of these rights. Nevertheless, African advocates and courts may continue to rely on these constitutional guarantees and those of procedural rights. In a similar manner, the U.S. continually refers back to the First Amendment, even in light of a vast body of laws governing communication and religion.

The Regional Experience of the Initiative for Social Action and Renewal in Eurasia (ISAR)
Author: Eliza Klose¹⁷, Director, ISAR

REGIONAL BUREAU: Europe – Eurasia	
<p>DG STRATEGIC OBJECTIVES & PROJECT INFO</p> <p>DG SO: Increased, better-informed citizen participation in political and economic decision-making</p> <p>With funds from the Democracy and Governance Division of USAID/EE, ISAR strengthens civil society by providing small grants, training and TA to NGOs in Azerbaijan, Georgia and the Russian Far East. Some of these services go to environmental NGOs.</p> <p>Life of Project & Funding: 1996-97, \$291,400 (EE Bureau) Life of Project & Funding: 1997-2001, \$4,162,000 (USAID/Caucasus) Life of Project & Funding: 1998-2001, \$1,400,000 (USAID/Moscow) Life of Project & Funding: 1990-2002, \$1,400,000 (USAID/Caucasus)</p> <p>Mechanism: Grants</p> <p>Partners: USAID/Washington USAID/Caucasus USAID/Russia Community-based NGOs Horizonti (1st indigenous 3rd Sector Org. in Georgia)</p>	<p>ENV STRATEGIC OBJECTIVES & PROJECT INFO</p> <p>ENV SO: Public participation in environmental protection</p> <p>The Energy and Natural Resources Division of USAID/EE supports ISAR to provide small grants and T/A to environmental NGOs in Central Asia, Russia and WNIS. ISAR promotes NGO coalition-building around the Caspian Basin and is assisting in the implementation of the preparation phase of the Local Environmental Action Plan (LEAP) for Ukraine</p> <p>Life of Project & Funding: 1993-2002, \$10,358,000 (EE) Life of Project & Funding: 1996-1998, \$1,127,000 (USAID/Russia)</p> <p>Mechanism: Grants</p> <p>Partners: USAID/Washington USAID/Russia Community-based NGOs</p>

LINKING ENV AND DG ISSUES

- ISAR activities link civil society development, advocacy, brown/pollution issues and biodiversity conservation issues.

SPECIFIC ENV-DG LINKAGES AND RESULTS

- ISAR's Seeds of Democracy program (ENV funds) provided small grants (\$500-\$10,000), technical support and training to community-based environmental NGOs through offices in Moscow and Vladivostok, Russia; Kyiv, Ukraine; and Almaty, Kazakhstan. From 1994-96, the program also offered larger grants (\$10,000-\$75,000) to partnership projects between US and NIS NGOs. In addition to supporting environmental protection efforts, the program sought to promote public monitoring of government and business activity, outreach to the media, and links between NGOs, between NGOs and the public, and between NGOs and government. This program came to an end in 1998.
- In its second phase, ISAR's Cooperative Agreement with the Europe-Eurasia Bureau provided funding for several projects: A Caspian project that supports NGO networking, seminars, and partnership activities among NGOs in the Caspian region; support for environmental NGOs in Atyrau, Kazakhstan, a "remote grants" project for NGOs located outside capital cities in Central Asia; and the preparatory or information-gathering stage of a local environmental action plan project for Ukraine.
- With DG funding from USAID-Caucasus and USAID-Moscow, ISAR runs general NGO support programs in Azerbaijan

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and the Russian Far East, which provide small grants, training and technical assistance to NGOs throughout both regions. In addition, it provides funding through a subgrant for Horizonti, the first indigenous foundation for the Third Sector in Georgia, which was originally established as ISAR-Georgia. These programs provide some funding, in some cases as high as 20 percent, to environmental NGOs.

- Georgia (DG funds): In April 1997, a Georgian governmental commission approved a plan to test the environmental impact of artillery training by the Georgian army at a former Soviet military testing site in the David Gareji desert. The Gareji desert is home to 6th century monasteries, endangered plants and animals, and evidence of possibly the oldest human life in Eurasia. Military exercises were held in the desert during Soviet times, but had ceased in the late 1980s. With a \$400 grant from ISAR, two NGOs, the Georgian Center for Conservation of Wildlife and Udabno, transported 100 NGO representatives to the site to protest the army maneuvers. They set up tents in the middle of the army's firing range and met the soldiers with signs and placards describing the importance of the desert. Press and television covered the confrontation and the military quickly agreed to halt the maneuvers. Subsequently, four NGO representatives were named to a government commission set up to consider alternative locations for the trainings.
- Uralsk, Kazakhstan (ENV funds): An Uralsk NGO called Naryn used a \$3,000 seed grant to lobby the government of Kazakhstan for assistance to citizens affected by nuclear radiation from weapons testing in their region. Naryn, a group of local scientists, used the money to monitor the radioactivity of the test sites and survey local citizens on the state of their health. They used the results of their research to pressure both local and national officials to provide reparations to those who had suffered from the effects of the radioactive testing.
- Karakala, Turkmenistan (ENV funds): A \$100 grant to a group of elementary school teachers allowed them to bus several classes of children to the site of a large illegal dump outside the town. The children drew pictures of the dump and wrote letters to city officials and their parents expressing their dismay and anger that people in their town were destroying nature in such a careless way. Upon receiving the letters, the town council called a special meeting at which they passed a bill requiring clean up of the dump site and levied fines against people caught dumping there in the future.
- Kostroma, Russia (ENV funds): In the 1980s the Ministry of Atomic Power decided to build a nuclear power plant in Kostroma, an agricultural area east of Moscow. After the Chernobyl accident, construction was canceled; however, the Ministry and the regional administration decided to revive the project in the mid-1990s. A local NGO with the help of green NGOs from other parts of Russia and a \$6,000 grant from ISAR organized a city-wide referendum to oppose the project. The effort was met with widespread skepticism, but the NGO campaign brought out the vote and 87% of those who cast their ballots voted against the completion of the nuclear plant.
- Kishinev, Moldova (ENV funds): With ISAR support, a group of journalists in Moldova, alarmed at the lack of public interest in environmental protection, established their own newspaper, *Natura*. *Natura*, which is distributed throughout Moldova and in some parts of Ukraine, has become an important source of environmental information and created a watchdog mindset in the public, mobilizing them against exploitation of Moldova's natural resources. In June 1995, *Natura* learned that a government minister had drafted a secret contract offering to sell 7,000 hectares (about 14,000 acres) of one of Moldova's last remaining forests to a European logging firm. Before the deal was complete, *Natura* published an article about the impending sale, which was picked up by the national media. The government threatened to close down the *Natura* office, but citizens across the country fought to save the forest, appealing to the government with public hearings. After a parliamentary hearing and a presidential intervention, the project was stopped and the forest preserved.

ENV-DG LINKAGE OPPORTUNITIES

- USAID Environment and Natural Resources Division undertook a scouting mission to the NIS in 1992. Determining that the environmental movement had been in the forefront of reform in the Soviet Union,

they decided to target some assistance funds to support environmental NGOs. The Clinton/Yeltsin Summit in 1993 led to funding for joint US/NIS NGO projects. ISAR links with NIS environmental NGOs and with US environmentalists active in the NIS, dating back to 1990, enabled ISAR to quickly establish regional offices with local staff and boards. The program was modeled on the German Marshall Fund's successful Environmental Partnership for Central Europe, which generously shared its grant-making expertise and documentation, thus speeding program implementation.

- ISAR's experience working in partnership with NIS and US NGOs made it a natural partner for USAID Environment Division when it sought to include an interregional NGO component in its Caspian Sea program, which was launched in 1998. The Caspian program supports joint efforts among NGOs from Azerbaijan, Georgia, Kazakhstan, Russia and Turkmenistan as well as NGOs from Iran. Iranian participation is funded privately.

ENV-DG LINKAGE OBSTACLES

- The major obstacle to all environmental projects in the NIS has been the sharp drop in funding for environmental protection over the life of the US assistance program. As a result of the drop in funding, the energy and environment office of the Europe-Eurasia Regional Bureau had to limit the range and variety of its programs.
- Since program funding was originally offered through USAID/Washington, mission project officers had little knowledge of or commitment to ISAR. They tended to see ISAR as a program imposed on them from Washington. As time went on and environment monies were sharply cut, environment staff at the mission felt that ISAR's NGO support program belonged more appropriately under DG. Since D&G felt the program was more environmental than democracy -building, we had increasing difficulty finding mission support despite low costs and good program evaluations.
- Another significant problem arose when, in 1995, the American and European governments decided to establish Regional Environmental Centers (REC) in a number of NIS countries. The RECs were to be modeled after the REC in Hungary. The plan was for the RECs to offer support to environmental NGOs and promote government/NGO/business connections. The fatal flaw in the idea was that the money for these RECs was to be distributed through government agencies. However, the governments in most NIS countries have no interest in supporting real NGOs. They prefer to set up GONGOs (Government-Organized NGOs). As a result of this plan, the attempt to set up the RECs has been mired in bureaucratic process. Five years later, the REC idea is still a work-in-progress in most countries. In the meantime, money has ceased to flow to environmental NGOs through ISAR or any other mechanism because virtually all money for environmental NGOs has been ear-marked for the RECs.

LESSONS LEARNED

- In the face of the following circumstances, it is difficult to know what ISAR could have done differently :
 - a) sharp cuts in environmental funding in the NIS assistance program
 - b) commitment of Western government money to the REC
 - c) ambiguity about whether supporting environmental NGOs is a valid DG priority, and
 - d) skepticism about the value of small grants and support for grassroots NGOs.
- *Marketing:* Perhaps ISAR should have spent more time, energy and money on advertising the successes of our type of program for the post-Soviet region but whether such attempts would have changed people's minds remains a question.

The Regional Experience of the American Bar Association, Central & Eastern European Law Initiative

Author: Brian Rohan¹⁸, Director, Western NIS & Environmental Law Program, ABA/CEELI

REGION: Europe-Eurasia

STRATEGIC OBJECTIVE & PROJECT INFO

DG SO: Legal systems that better support democratic processes and markets.

Strengthened rule of law and respect for human rights.

[EPAC activities primarily support the SOs related to rule of law but there has been substantial overlap with civil society, local government and environmental SOs]

The major thrust of CEELI's environmental law program has been the establishment of Environmental Public Advocacy Centers (EPACs), in partnership with indigenous NGOs.

Life of Project: 1994-present

Funding: Variable (USAID mission DG funds)

(1st year start-up = \$200,000; thereafter, \$150,000/year with expat legal advisor or \$60,000 w/o expat advisor)

Mechanism: Grant

Partners: USAID, local NGOs

LINKING ENV-DG ISSUES

- The ABA/CEELI work linked pollution-related (“brown”) and natural resource management issues, in addition to rule of law, citizen participation/civil society development and local governance issues.
- In its 1999 evaluation of CEELI's rule of law programs, MSI described CEELI's Ukraine EPACs as “a particularly impressive achievement.” The evaluation stated that through the EPACs’ efforts “the link between citizen participation and strengthened rule of law has been demonstrated.” Specifically regarding the EPACs’ casework, MSI found that “EPAC cases that have gone to trial have helped establish precedent for the principle of public participation in decisions regarding local governance. Members of Ukraine’s legal community believe that the impact of such victories reaches beyond the environmental sector to help strengthen broader rule of law doctrines in Ukraine.” MSI generally concluded, “CEELI has demonstrated that the EPAC model is highly successful at facilitating the link between public participation and democratic processes. Due directly to EPAC efforts, citizen awareness has increased, giving individuals and NGOs a greater sense of empowerment for asserting legal rights.”¹⁹

SPECIFIC ENV-DG LINKAGE ACTIVITIES

- The EPACs are indigenous advocacy NGOs, staffed by local lawyers, under the guidance of an experienced environmental law liaison. Lawyers in each EPAC office perform a variety of activities, including: counseling citizens and local NGOs on a variety of environmental complaints; bringing high-profile lawsuits to uphold environmental rights; publishing materials on topics such as access to information, public participation and access to justice; conducting seminars for environmental stakeholders including NGOs, prosecutors and industrial enterprise representatives, and training law students in advocacy skills through clinical programs operated in their offices.
- Often, the EPACs' expertise crosses over to other substantive areas, such as counseling NGOs on registration and taxation matters or providing expert analysis on laws pertaining to the legal status of

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¹⁹ Evaluation of the Rule of Law Program in Central and Eastern Europe and the New Independent States: The American Bar Association/Central and Eastern European Law Initiative (ABA/CEELI) – Final Report; January 29, 1999, Management Systems International.

NGOs. However, public advocacy legal work is the EPACs' hallmark. Through their active caseload and citizen consultations, the EPACs have become models of successful rule of law programs, requiring greater accountability in governmental decision-making processes, fostering judicial independence and support for public interest advocacy, and increasing perceptions that the law is a viable mechanism to defend citizens' rights.

- CEELI's expatriate environmental law liaisons play a critical role in assisting each EPAC to develop and successfully implement its agenda. At the commencement of the project, liaisons work closely with the EPAC to secure space and equipment, establish a strategic plan, set up case intake procedures and so on. As the EPAC matures, the liaisons provide guidance on specific advocacy projects and on how to bring other stakeholders into EPAC activities. Liaisons also identify and facilitate other projects that help the EPAC develop substantively and gain greater organizational credibility within the local legal community. Such projects have included convening precedent setting open parliament meetings, organizing NGO-government working groups on implementation of international environmental conventions, and initiating mass media programming highlighting the EPACs' legal victories. CEELI liaisons also work with the EPACs to develop fundraising strategies and organizational structures that enhance long-term organizational viability.
- ABA/CEELI helped to establish the Environmental Policy Advocacy Center (EPACs) with indigenous NGOs. The first EPAC was established in 1994 in Ukraine in collaboration with Eco-Pravo Lviv. Other Ukrainian EPACs were begun in 1996 and 1997, with Eco-Pravo Kharkiv and Eco-Pravo Kyiv, respectively. In 1996, an EPAC was established in Armenia and the Moldovan one was started in 1999. There are plans to open an EPAC in Uzbekistan in the autumn of 2000. While the three Ukrainian EPACs were created in partnership with pre-existing NGOs, the Armenian and Moldovan EPACs resulted from a CEELI partnership with interested environmental lawyers who were interested in creating a new NGO devoted to environmental law and advocacy.
- CEELI's first EPAC in Ukraine initially was funded by sources other than USAID. However, in-country USAID representatives saw the D&G potential of the EPACs and began providing support. Thereafter, as the first EPAC produced very strong results, the Ukraine AID mission encouraged CEELI to open other EPACs in Ukraine, as well as one in Moldova. Based on the Ukrainian success, AID missions in Armenia and Uzbekistan also tasked CEELI to open EPACs. The EPACs generally have produced very strong results. In Ukraine, their cases and consultations have been repeatedly touted as solid examples of successful AID programming and rule of law development.
- Some illustrative EPAC activities are described below:

Kharkiv, Ukraine EPAC - Olkhovka Landfill Case: This case began in December, 1996. Citizen activists of the village of Olkhovka fought against the proposed siting of a residential and industrial waste landfill in their village. The proposed siting was in violation of the public participation requirements of Ukrainian environmental legislation, as well as laws governing local referendum and state "takings" of property. The EPAC filed two cases: the first was filed on behalf of the citizens against the regional administration, and the second was filed on behalf of the village council, also against the regional administration. The first suit was rejected in Regional Court, and the second suit was rejected twice in the High Arbitration Court, first in the Court's original sitting, and second in appeal to the Collegium. The EPAC subsequently appealed this decision to the Presidium of the Court. Through combined legal, lobbying, and public relations activities, along with the citizens' unceasing vociferous opposition to the project, on August 4, 1998, the regional administration announced that construction of the landfill would be terminated. The Presidium of the Court subsequently ruled that the regional administration's actions had been illegal.

Lviv, Ukraine EPAC - Stynava Information Case: The case began in December 1997. A citizen request from government officials for information regarding the company Stynava Oil Field was denied and a hearing was held in October, 1999, in the High Arbitration Court. Three representatives from the State Geology Committee ("Committee") attended the hearing, and after arguments from both sides were

presented, the judge strongly suggested that the Committee voluntarily provide the information requested by the EPAC. The members of the Committee agreed to supply the information, and the EPAC agreed to close the case if the Committee provided complete information including copies of requested documents and answers to questions, and pay court expenses. At 5:30 p.m. on the day of the hearing, the Committee provided the EPAC with complete information, the judge imposed court expenses on the Committee and dismissed the case.

Armenia EPAC - Victory Park Case: This case began in 1997. The Armenia EPAC received a complaint from a group of 50 citizens who learned that the Mayor of Yerevan had unlawfully transferred a tract of land near Victory Park to some high ranking government officials for the construction of summer houses. The EPAC filed a case in court, but the judge hearing the case dismissed it with no explanation of his decision. While the EPAC was working on its appeal, it also organized a group of 12 environmental NGOs to draft and sign a petition to the Prime Minister requesting his intervention. The Petition stated that the issue before the government was a choice between the narrow interests of a few politicians and the broader interests of democracy and the rule of law in Armenia. The Petition was released to the media and subsequent news articles restated the situation in similar terms. In August 1997, the EPAC learned that the Mayor had issued a new decision reversing his previous one and ordering no further construction in Victory Park.

Moldova EPAC - Bacioi Wine Factory and Slaughterhouse, and Arma Beton Company Case: This case began in August 1999. Citizens in Bacioi complained to the EPAC regarding the pollution of the waters in the canal next to their village and the Isnovat River. The pollution allegedly originated from three companies in the village: a wine factory, a slaughterhouse and Arma Beton, a concrete company. The state environmental agency had required the Mayor of Bacioi to make necessary repairs. Subsequently, an EPAC attorney and the state environmental inspector visited Bacioi and determined that no repairs had been undertaken. In addition, the attorney and inspector discovered a broken pipe through which wastewater was flowing directly into the canal. The inspector took samples of this water. Subsequent tests revealed that the concentration of ammonia nitrate was 1,176 times higher than that allowed by law. Based upon the analysis of these samples, the inspector calculated environmental damages. The three companies, together with the Municipality of Bacioi, were ordered to repair the pipe system, to collect and remove all garbage from village territory, and to repair the purification station by January 31, 2000.

Kyiv, Ukraine EPAC - Parking Lot on "40th Anniversary of October" Street: This case began in 1998. A citizen complained to the Kyiv EPAC about the construction of parking lot that destroyed a playground, and about subsequent automobile fumes. In September 1999, the last court hearing on the case took place. The judge ruled in favor of the plaintiff, finding that the Moscow District Administration of Kyiv City had unlawfully failed to act on behalf of the citizens. In October, the Moscow District Administration of the City of Kyiv took measures to close the parking lot.

Ukraine EPAC Joint Project – Open Parliament Meeting: In December, 1997, the three Ukrainian EPACs spearheaded a first of its kind open parliament meeting on the Draft Law on Waste of Ukraine. Organized by the Kyiv EPAC, three EPACs and other NGOs met with representatives of the Environmental Committee of Parliament to discuss detailed provisions of the draft Law. The mood was professional and collaborative, and several Deputies remarked that they were impressed with the NGOs' preparedness for the event. A number of NGO proposals were incorporated into the final Law.

LESSONS LEARNED

- *The EPAC program's value and success must be recognized across several different SOs and funding structured accordingly.* Many of the EPAC cases and other programs specifically involve local government units, or contribute directly to civil society objectives. However, these other SO units typically have neither contributed to the EPAC program nor acknowledged its successes. The EPACs should also receive credit for their anti-corruption efforts, which lie at the core of the majority of their cases.

- *Funders must support other EPAC activities that contribute to effective advocacy.* When funding an EPAC, it is not enough to support the salaries of lawyers who are bringing cases to court. Effective advocacy requires the development of a competent judiciary, an NGO community and citizenry that understand their rights, and a culture of governmental transparency. To this end, other EPAC activities, such as convening public hearings, publishing information about public rights, and particularly judicial training, must be incorporated into an EPAC portfolio.
- *From the EPAC's inception, it is essential to work with it on NGO capacity issues.* In the quest for advocacy results, it may be tempting to structure funding and technical assistance to an EPAC so as to enable it to pursue its case and consultation work to the greatest extent possible. This may lead to the precarious situation in which the EPAC becomes highly effective in its advocacy work, but underdeveloped in essential long-term skills such as fundraising, organizational management and financial planning.
- *Funding levels should be moderated to ensure long-term organizational health.* EPACs are inexpensive for the quality of results they produce. While generous funding may thus be possible, it is important not to fund the organization too well for its own long-term well being. In addition to potentially creating a sense of entitlement and unrealistic funding expectations within the EPAC, overly generous funding carries the risk of transforming formerly poorly funded NGO activists into highly skilled but less passionate professionals who are more likely to "jump ship" during funding contractions.
- *When measuring EPAC results, due credit must be given to the different types of cases and consultations undertaken.* In those countries where the judicial system is sufficiently operational to obtain favorable court decisions, it may be tempting to measure the EPACs' successes merely in terms of numbers of cases and consultations conducted periodically. However, some EPAC cases are extremely difficult and time-consuming and can last a number of years and involving large numbers of plaintiffs. Complex consultations also can take several months to resolve. Nonetheless, these complicated undertakings are often the most significant in terms of their value in setting precedents, their potential for publicity and their impact on governmental transparency. Advocacy is not a game of numbers, and an EPAC should not be pressured to "produce numbers" to the point that it no longer pursues the projects with the greatest potential impact.
- *Measurement of EPAC results should also acknowledge the broad range of activities an EPAC undertakes, and be realistic on a country-by-country basis.* An EPAC's success should be measured on the basis of a variety of activities. In some countries, courtroom advocacy is ineffective due to weak judicial capacity or local norms. In these situations, it may be more effective and culturally appropriate to use a variety of non-judicial advocacy activities, such as lobbying, fostering public participation, brokering agreements between citizens and polluters and gaining greater citizen access to decision-making structures. In addition, these approaches can lead to equally important DG results. Public interest lawyers throughout the world have demonstrated a marvelous ability to use culturally relevant and realistic approaches to advocacy. Donors must recognize and encourage these country-specific variations rather than expecting a "one size fits all" approach.
- *Support to the EPAC must be consistent over time.* Consistent support is particularly important to the EPAC program. To begin an EPAC, CEELI must identify and partner with individuals or NGOs willing to commit to the long-term struggle of public interest advocacy. Without a reasonable assurance of support over time, otherwise-motivated individuals may be unwilling to leave a secure position in government or a university. Funding interruptions also can be particularly damaging to the EPAC caseload, since high-impact and complex advocacy projects often require years of effort.
- *EPAC funding levels are somewhat different for each country.* Generally speaking, the first year start up costs for an EPAC office are approximately \$200,000. This amount includes local salaries, equipment purchase, office procurement and remodeling, a workshop and special projects budget, and all costs associated with a seasoned American environmental lawyer serving as full time liaison to the EPAC office. Maintenance costs in subsequent years are lower, approximately \$150,000 per year, and after the

EPAC is sufficiently developed the liaison can be withdrawn, further reducing costs to \$60,000 or much less, depending on alternative funding options.

The Experience of USAID/Bureau for Latin America and the Caribbean
Author: Marsha McKay²⁰

REGION: Latin America and the Caribbean

DG/ENV JOINT STRATEGIC OBJECTIVE & PROJECT INFO

STRATEGIC OBJECTIVE: Reinforcement of Regional Trends that Deepen Democracy and Strengthen Regional Mechanisms to Promote Pluralism

Life of Project: 1993-2000

Funding: \$7.28 million

Mechanism: Grant

Partners:

Partners of the Americas, the Inter-American Democracy Network

LINKING ENV AND DG ISSUES

- This is a project to fund citizen participation activities through the Partners of the Americas' network of chapters in LAC and through the Inter-American Democracy Network (IADN). The purpose of the project is to "strengthen the foundation of democracies in Latin America and the Caribbean by promoting democratic skills and values as well as by increasing citizen participation in the political process".

SPECIFIC ENV-DG LINKAGE ACTIVITIES

- Since 1995 emphasis of the project was on south-south sharing of citizen participation approaches and capacity building through training of approximately 100 organizations. Any work directed toward environment was incidental to the interests and goals of the participating organizations, reflecting concerns/needs in the communities in which they work. The project was not designed to address environmental issues, specifically.
- Much of the IADN's work in 1995-99 was training for non-governmental organizations on how to hold deliberative forums. Part of this process involved development of "issue guides" – booklets or brochures that combine research on the issue with citizens' viewpoints about possible solutions. The guides were used in forums to discuss alternate options. NGOs participating in the IADN developed 32 issue guides. Of these, two were on environmental issues. In the state of Paraná, Brasil the State Universities in Londrina and Ponta Grossa held two forums to discuss how to balance development with environmental conservation. Over 100 people attended. In Guatemala, the Instituto de Investigación y Autoformación Política (INIAP) helped four youth and community development organizations develop a guide on "rescuing" the environment. Forums were held in six communities, with 160 people attending.

ENV-DG LINKAGE OPPORTUNITIES

- The project was designed to promote methodologies for increasing citizen participation. How citizens would participate, and around what issues, were left up to the specific organizations involved. This allowed flexibility in addressing local needs, such as environment.

ENV-DG OBSTACLES

- Just as having flexibility to direct efforts to locally-identified issues was an asset, it also meant that an overall framework for working in this area was lacking.

²⁰ Marsha McKay can be reached via e-mail (mm@partners.poa.com)

- No sharing between the Brazil and Guatemala projects occurred.

LESSONS LEARNED

- *Collaboration.* In the future, the Inter-American Democracy Network will make a concerted effort to locate and collaborate with one or more networks of environmental organizations in the region. Specific activities to be determined by the interests and attributes of each network.

The Experience of the Regional Urban Development Office
Author: Danielle Arigoni

DG/ENV JOINT STRATEGIC OBJECTIVE & PROJECT INFO

STRATEGIC OBJECTIVE: Increased Environmental Protection in Energy, Industry and Cities

The FIRE program provides assistance to municipalities throughout India to secure resources from the capital market to fund urban environmental activities, as well as works at the policy level for expanded autonomy and authority for local government units. The India RUDO is also working to integrate planning and policy frameworks in urban areas both by assisting urban local bodies (ULBs) in finding new avenues through which they can fund environmental infrastructure and in assisting them in the process of privatizing services.

Life of Project: 9\1993-9\2003

Funding: \$142.5 million

Mechanism: Contract, UE Loan Guaranty

Partners:

Housing and Urban Development Corporation (HUDCO), Infrastructure Leasing and Financial Services, Ltd. (IL&FS), National Institute of Urban Affairs (NIUA), and GOI's Ministry of Urban Development, Community Consulting International, The Communities Group International, PADCO.

SPECIFIC ENV-DG LINKAGE ACTIVITIES

- The RUDO-India activities demonstrate linkages between urban environmental issues and improved local government and governance.

SPECIFIC ENV-DG LINKAGE ACTIVITIES

- In FY98 the RUDO in India was lauded for its assistance in the successful issuance of a municipal bond in Ahmedabad. The effects of this effort has rippled across the country and has generated a considerable demonstration effect. In an effort to encourage more progress in this arena, the Financial Institutions Reform and Expansion Project-Debt Market Component (FIRE(D) provided assistance to develop credit rating methodology for municipalities, with Ahmedabad being the first municipality to be rated. To date, 30 municipal ULBs have either been credit rated or have started the process of being rated and six cities (Bombay, Pune, Ahmedabad, Bangalore, Ludhiana, Nashik and Vijaywada) have published their results. Both the Nashik Municipal Corporation in Maharashtra and the city of Ludhiana have also successfully issued municipal bonds. Proceeds from the bonds are to be invested in urban environmental infrastructure for the city.
- The RUDO has provided technical assistance to Indian state and local governments. For example, as a follow-up to the workshop on best practices last year, the Government of Maharashtra issued guidelines/manuals on energy management, leak detection and the importance of operations and management based on best practices presented at the Nashik workshop. Using the work of the RUDO in Ahmedabad as an example, Kohlpur adopted specific leak detection and energy efficiency best practices in water pumping. The FIRE(D) project is working with the Government of Maharashtra to develop a road map for state level policy framework for private sector participation in water and sanitation services which will lead to operational improvements in the areas of leakage reduction and energy management.
- Elsewhere in the region, RUDO provided technical assistance to Kandy Municipality in Sri Lanka to prepare Capital Expenditure Planning for the municipality. A project through the SANASA Infrastructure Unit is also placing local consultants to help primary thrift societies on improved accounting and cost recovery/pricing for community based infrastructure activities.

- The RUDO has worked with great success to get Disaster Mitigation Actions Plans adopted in Nepal, two cities in India (Vadodara and Calcutta), and Bangladesh to respond to the environmental and infrastructure impacts of earthquakes, floods, and other natural disasters. Nepal has completed the action plan prepared under the AUDMP has been extensively discussed with and reviewed by all the key government departments and major utility operators and are now being implemented within departmental work plans. The action plan is almost complete in India and local authorities in Calcutta and Vadodara have begun acting upon the recommendations.

ENV-DG LINKAGE OPPORTUNITIES

- The far-reaching hand of the central government in India has long hampered the ability of ULBs to adequately provide environmental services in urban areas. In passing the 74th Amendment to the constitution, the federal government paved the way for changes in this area. FIRE(D) is working with central and state commissions to support the development of legislation that will implement the changes introduced in this Amendment. FIRE(D) is working with several cities to develop city corporate plans (CCP). CCPs have been developed for two cities in Tamil Nadu . TNUDF is now requiring that all ULBS have a CCP before approaching the fund for financial assistance to develop urban infrastructure projects. The World Bank is also now insisting that all cities submit a CCP before asking for World Bank assistance.

LESSONS LEARNED

- *Adequate Training and Support.* It is also important that ULBs receive the technical training and support needed to enable adequate performance in the provision of environmental services.

