

THE “ACCESS INITIATIVE” IN MEXICO... AND LATIN AMERICA

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In 2001, four Mexican non-profit organizations came together from their different spheres to build the initiative “Acceso México (IA-Mex)”.^{1, 2} The focus of the Initiative was the environment. The organizations focused on projects that encouraged a culture of access to information, participation and justice as a foundation for the type of governance necessary to bring about a sustainable environment and a better quality of life.

The same team, linking its efforts with those of a counterpart in Chile, coordinated the “Latin American Access Initiative” project.³ For more than a year, 13 civil society organization coalitions used a common methodology to do local studies of access to information, participation, justice and environmental capacity-building in ten Latin American countries and three Mexican states. These studies provided the input for a Regional Report of the Latin American Access Initiative project.⁴ Their efforts concluded with a regional seminar, which was held in Mexico City. They exchanged information and experiences, and by making the most of their collective knowledge, the organizations found windows of opportunity to continue their work on the implementation of Principle 10 in each country.⁵

The Initiative’s approach was simple and based on the following premise: if citizens are given the chance to be aware of and know about the condition of the environment, to express their opinion and to demand accountability from their respective authorities; then society as a whole will be capable of preventing serious damage to, or mismanagement of, the environment.

The national legal frameworks for access to information, particularly environmental information, in the majority of the 13 Latin American countries involved have

¹ El Centro Mexicano de Derecho Ambiental, A.C. (CEMDA), Comunicación y Educación Ambiental, S.C., Cultura Ecológica, A.C. and Presencia Ciudadana Mexicana, A.C.

² Editor’s note: One of six leading organizations of The Access Initiative (TAI) - “a global civil society coalition promoting access to information, participation and justice in environmental decision-making.” See <http://www.accessinitiative.org/>.

³ See <http://www.iniciativaacceso.org/>.

⁴ See http://www.cemda.org.mx/artman/publish/cat_index_12.php.

⁵ Editor’s note: Principle 10 of the 1992 Rio Declaration declared, “public access to information, participation in decision-making, and access to justice as key principles of environmental governance.” See <http://www.accessinitiative.org/pp10.html> (Viewed 18 August, 2007).

changed significantly over the past decade. However, in recognizing the progress made in generating environmental legislation and specific access to information laws, we must also recognize that it is not enough. The development of specific instruments to guarantee citizens real and complete access to environmental information and the use of law is also required. At the same time, economic and socio-cultural conditions in Latin America pose fundamental challenges to achieving an effective socialization of environmental information. As a result, it is important that practically all the countries in the region develop the suitable capabilities and conditions for extending the coverage and reach of current access to information tools.

The case of Mexico is very interesting. The legal framework for accessing environmental information is continually advancing (both in its concept of environmental information and in procedures for accessing it). Despite the fact that the Federal Law for Transparency and Access to Information (LFTAIPG in Spanish) has only been in force for four years and that the governmental resources allocated for its implementation are minimal, the issue has achieved major relevance. The law has also positively contributed to the establishment of participatory mechanisms by offering rules and tools for providing society with information. This, in turn, promotes an informed and responsible participation on behalf of citizens. Furthermore, since passing the law in 2002, some of the limitations of environmental legislation have been rectified.⁶ The law now guarantees that any person can have access to all information (unless it has been classified as confidential or reserved) held by any federal authority, without having to prove any vested or legal interest. It also establishes clear time-frames and deadlines for receiving answers from the respective authority to information requests. Should the authority not respond within the given time period, then the petitioner has the right to file a request for confirmation of *positiva ficta*. This allows an autonomous and independent organization, as is the Federal Institute for Access to Information (IFAI in Spanish), to intervene and appeal to the respective authority for a reconsideration of their lack of response.

⁶ Since its reforms in 1996, the Ley General del Equilibrio Ecológico y Protección al Ambiente (The General Law of Ecological Equilibrium and Environmental Protection) dedicates its Fifth Chapter to Social Participation and Environmental Information.

On the other hand, the LFTAIPG stimulates a process of strengthening capabilities within the federal government through the development of training procedures for the law's application. This, in turn, helps to build a stronger culture of transparency, access to information and accountability.

There are still various tasks pending, the main one being to spread the word about the LFTAIPG and its reach in order to encourage its assimilation into civil society as a tool of frequent use. In this sense, it is worth emphasizing the role civil society plays with respect to the LFTAIPG and the importance of the use people get from the law. Knowledge and general use of the LFTAIPG by all sectors of society are essential for its success.