

# **Access to information, public participation, and access to justice in environmental matters**

## **Engaging national governments in the conversation**

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1. Introduction
2. Principle 10 of the Rio Declaration
3. The three pillars of Principle 10
4. Putting Principle 10 into action: the UNEP Bali guidelines
5. Main elements of the Bali guidelines
6. Implementation of the Bali guidelines: National experiences
7. Challenges and opportunities
8. Special initiatives on the application of the Bali guidelines
9. The global conversation around principle 10
10. Why and how to engage national governments in the conversation?

## Article 19, Universal Declaration of Human Rights, 1948

•Everyone has the right to **freedom of opinion and expression**; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

## Declaration of the United Nations Conference on Human Environment, 1972

•To achieve (...) environmental goal will demand the **acceptance of responsibility by citizens and communities and by enterprises and institutions at every level**, all sharing equitably in common efforts. Individuals in all walks of life as well as organizations in many fields, by their values and the sum of their actions, will shape the world environment of the future. (Preamble, para. 7)

•Man has the fundamental **right to freedom, equality and adequate conditions of life**, in an environment of a quality that permits a life of dignity and well-being, and he bears a **solemn responsibility to protect and improve the environment for present and future generations**. (Principle 1)

### Rio Declaration on Environment and Development, 1992

• **Environmental issues are best handled with participation of all concerned citizens**, at the relevant level. At the national level, each individual shall have **appropriate access to information** concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and **encourage public awareness and participation** by making information widely available. Effective **access to judicial and administrative proceedings**, including redress and remedy, shall be provided. (Principle 10)

Three pillars:

- Access to information
- Public participation
- Access to justice

### Access to information

- Openness and transparency in decision making
- More efficient and effective environmental regulations

### Public participation

- Informed citizen participation
- Mechanism for integrating citizen concerns into public policy making
- Enhanced ability of governments to respond to public concerns and demands, build consensus, improve acceptance of and compliance with environmental decisions
- Build ownership of the decisions

### Access to justice

- Protecting the rights to access to information and participation
- Questioning decisions
- Competent legal bodies to protect environmental rights
- Independent and expeditious judicial processes for environmental damage

### The Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines)

- February 2010
- Commentary to the guidelines
- Voluntary guidelines
- Developed with input from civil society

#### Purpose

Provide general guidance to States (mainly developing countries) to implement Principle 10 within the framework of their national legislation and processes



GUIDELINES FOR THE DEVELOPMENT OF  
NATIONAL LEGISLATION ON  
ACCESS TO INFORMATION, PUBLIC PARTICIPATION  
AND ACCESS TO JUSTICE  
IN ENVIRONMENTAL MATTERS



### Access to information (AI)

- Making information available and accessible to any person in an affordable, effective and timely manner without proving a legal or other interest.
- Type of environmental information to be made available (environmental quality, environmental impacts on health and factors that influence them. Legislation, policy and advise on how to obtain information).

### Public Participation (PP)

- Opportunities for early and effective PP in decision-making; members of the public should be informed about their opportunities to participate in decision-making processes at an early stage .
- PP to be sought in a transparent and consultative manner, providing adequate opportunities for members of the public to express their views.

### Access to Justice (AJ)

- Review procedure before a court of law or other independent and impartial body to challenge such a decision, act or omission by the public authority in question.

### Areas of progress

- Freedom of information acts
- Environmental legislation that ensures public participation
- EIA
- Enhanced court access, environmental remedies and jurisprudence
- Better institutions

### Regions/Countries

- LAC, with the Principle 10 Declaration adopted at Rio+20, with 17 signatories to date

- Kenya

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