



## **REGIONAL IMPLEMENTATION MEETING ON ACCESS RIGHTS AND SUSTAINABLE DEVELOPMENT IN THE CARIBBEAN**

**St. Lucia, 24 – 25 August 2015**

The Bali Guidelines for the development of national legislation on Access to Information, Public Participation and Access to Justice in environmental matters



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# CONTEXT

## **BACKGROUND**

Principle 10 of Rio Declaration (1992), Aarhus Convention (2001), provisions on access rights in various MEAs, national legislation in many countries

## **PROCESS**

Participation of national experts, civil society, and Intergovernmental consultations  
Adopted by UNEP's Governing Council in February 2010

## **NATURE**

Voluntary

Where existing legislation or practice provides for broader access to information, more extensive public participation or wider access to justice in environmental matters than the Bali guidelines should not be perceived as recommendations to amend national legislation or practice

# THE GUIDELINES

**Purpose:** to provide general guidance to countries on promoting implementation of their commitments to Principle 10 within the framework of their national legislation and processes.

Governments are invited to take the guidelines into consideration in the development or amendment of national legislation.

The guidelines seek to assist such countries:

- In filling possible gaps in their respective legal norms and regulations as relevant and appropriate;
- to facilitate broad access to information, public participation and access to justice in environmental matters.

# GUIDELINES 1-7: ACCESS TO INFORMATION

- Right to have affordable, effective and timely access to information without proving a legal or other interest.
- Environmental information in the public domain: information about environmental quality, environmental impacts on health and factors that influence them, in addition to information about legislation and policy, and advice about how to obtain information.
- Grounds for refusal define in the law and to be interpreted narrowly, taking into account the public interest served by disclosure.
- States should:
  - ✓ Regularly collect and update environmental information,
  - ✓ Periodically disseminate up to date information
  - ✓ Disseminate information immediately in case of imminent threat of harm to public health.
  - ✓ Provide means for capacity-building, both among public authorities and the public, to facilitate effective access to environmental information.

# GUIDELINES 8-15: PUBLIC PARTICIPATION

States should ensure opportunities for early and effective public participation in decision-making related to the environment.

PP to be sought in a transparent and consultative manner, providing adequate opportunities for members of the public to express their views.

Information for decision making available.

Comments of the public to be taken into account

Publicity of the decisions

Participation of the public in review processes

Public input into the preparation of legally binding rules, policies, plans and programmes

States should provide means for capacity-building, including environmental education and awareness-raising, to promote public participation in decision-making related to the environment

# GUIDELINES 15 -26: ACCESS TO JUSTICE

**ANY PERSON PRINCIPLE**

**BROAD INTERPRETATION OF STANDING**

**EFFECTIVE AND TIMELY PROCEDURES. (fair, open, transparent and equitable).**

**REMOVAL OR REDUCTION OF FINANCIAL AND OTHER BARRIERS**

**PROMPT, ADEQUATE AND EFFECTIVE REMEDIES**

**TIMELY AND EFFICIENT ENFORCEMENT OF DECISIONS**

**ADEQUATE INFORMATION TO THE PUBLIC ABOUT THE PROCEDURES**

**PUBLIC AVAILABILITY OF DECISIONS**

**CAPACITY BUILDING PROGRAMMES**

**ALTERNATIVE DISPUTE RESOLUTION MECHANISMS**

# New developments

The Rio + 20 outcome document “The Future We Want” calls for moving forward with Principle 10 implementation. Clause 99 expressly “encourages action at the regional level...”.

The outcome of the UNEP World Congress on Justice, Governance and Law for Environmental Sustainability, convened in Rio+20 (and Decision 27/9, adopted in February 2013 by UNEP’s Governing Council at its first universal session) put an emphasis on the need to promote the development and implementation of environmental rule of law at international and national levels in order to advance justice, governance and law for environmental sustainability.

# RULE OF LAW FOR SUSTAINABLE DEVELOPMENT

Justice and the Rule of Law are both goals of development as well as essential for the achievement of many developments goals.

Resolution at the First Session of the United Nations Environment Assembly (June 2014)

<sup>A</sup> Post 2015 and SUSTAINABLE DEVELOPMENTS GOALS.