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Measuring procedural rights through the UNEP Bali Guidelines and the Environmental Democracy Index

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# Measuring procedural rights through the UNEP Bali Guidelines and the Environmental Democracy Index

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## **Introduction**

This paper highlights the major areas of progress as well as the significant challenges in improving public access to the procedural rights of access to information, public participation and access justice for the environment—also referred to as “environmental democracy rights”. Case study research conducted by the Access Initiative from 2000-2008 as well as from recent literature has helped illuminate these challenges. Opportunities to expand and strengthen these rights are emerging from several processes, including the United Nations Environment Programme (UNEP) Bali Guidelines on Principle 10, the Open Government Partnership, the Post-2015 Sustainable Development Goals, and the Latin American and Caribbean Declaration on Principle 10—an outcome from the Rio+20 Conference.

However, these commitments need to be measured to ensure that progress is occurring. The Environmental Democracy Index, developed by the Access Initiative and the World Resources Institute, seeks to address this by measuring how well national laws around the world harmonize with the UNEP Bali Guidelines. This paper describes the methodology employed in the Environmental Democracy Index as well as lessons learned from pilot tests conducted in 2013.

## **Environmental Democracy and Principle 10**

In the 1992 Rio Declaration on Environment and Development, the international community recognized that sustainable development depends upon good governance (Banisar et al, 2012). Principle 10 of the Declaration sets out the fundamental elements for good environmental governance in three “environmental democracy rights”: (1) access to information, (2) public participation, and (3) access to justice (United Nations, 1992). These rights are based on the experience that governmental decision-making that fails to include the fundamentals of environmental democracy is more likely to lead to outcomes more likely to be environmentally damaging, developmentally unsustainable, and socially unjust (Foti et al, 2008).

Environmental democracy rights facilitate more transparent, inclusive, and accountable decision-making in matters relating to the environment and development. “Access to information empowers and motivates people to participate in an informed and meaningful manner. Participatory decision-making enhances the ability of governments to respond to public concerns and demands, to build consensus, and to improve acceptance of and compliance with environmental decisions because citizens feel ownership over these decisions. Access to justice facilitates the public’s ability to enforce their right to participate, to be informed, and to hold regulators and polluters accountable for environmental harm” (Banisar et al, 2012).

## **From Principle 10 to legal rights**

Since the Rio Declaration of 1992, considerable progress has been made by governments and civil society to enact laws recognizing and establishing environmental democracy rights. As of 2014, 100 countries had enacted Right to Information laws (FreedomInfo, 2014). Over

45 countries have environmental courts or tribunals specializing in environmental dispute resolution<sup>1</sup> while there is near universal coverage of laws requiring environmental impact assessments of new projects (Pring and Pring, 2010). Many of these impact assessment laws also require public participation.

Progress has also been made at the regional level in environmental democracy rights. In 1998, the UN Economic Commission for Europe (UNECE) pioneered a legally-binding, regional convention on environmental democracy – the Aarhus Convention. The Convention recognizes environmental democracy rights, defines what they are, sets minimum standards and obligates state parties to the convention to implement these rights. Additionally, the Convention also creates a compliance mechanism that is accessible to citizens from the countries that are parties to the Convention (UNECE, 2014). It also served as the starting point for the Protocol on Pollution Release and Transfer Registers (PRTRs), which became the first legally-binding instrument on pollution inventories in 2003 (Mason, 2010).

At the Rio+20 Conference on Sustainable Development, 10 Latin American countries signed a declaration on Principle 10 and an additional eight have since joined (United Nations, 2012). The UN Economic Commission for Latin America and the Caribbean (UNECLAC) has emulated the UNECE and established a process to consider an instrument on environmental democracy for that region based off of this Declaration. The Rio+20 outcome document “The Future We Want” underscored the importance of access to information, broad public participation, accountable institutions, and access to justice in achieving sustainable development (United Nations, 2012).

Despite this progress, there is much work remaining to ensure that these rights are truly available to empower the public. Commitments made by governments to the principles of good governance under the Rio Declaration, Agenda 21, and the Johannesburg Plan of Implementation need to be strengthened, monitored, measured, and reported upon. Indeed, compliance documents from the Aarhus Convention Secretariat reveal that access to information has been more easily implemented than the other two pillars (Mason, 2010). Still, greater urgency and emphasis is needed to proactively disclose accurate, timely, and accessible environmental quality information, its pressures, and impacts on public health (Excell, 2014).

Transparency alone, without an engaged public and accountability mechanisms for environmental harms and procedural rights, is unlikely to achieve its potential impact. Analysis of the Toxic Release Inventory (TRI) of the United States revealed that facilities were more likely to reduce waste if there engaged civil society organizations and political support for pollution reduction in their areas (Kraft et al 2011). While China has recently increased transparency around environmental quality and pollution sources central to its “War on Pollution”, many question whether sufficient accountability mechanisms are in place for the public to hold violators accountable (Economy, 2014; Li et al, 2012; Stern, 2014). This highlights the need to implement environmental democracy rights as a package—information facilitates participation but cannot ensure improved outcomes alone. A diverse array of administrative and judicial mechanisms made widely available to the public can help protect these rights. It is important to note that the impact that these rights can have depend on

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<sup>1</sup> Pring, G and Pring, C, *Greening Justice: Creating and Improving Environmental Courts and Tribunals*, 2010 (World resources Institute)

enabling factors such as civil society capacity, state capacity, bureaucratic culture, and other factors, and that this is an area of continuing research (Gaventa and Mcgee, 2013).

## **Persistent Challenges**

The Access Initiative (TAI) is a global network of civil society organizations that promote the right and ability of communities to influence decisions that affect them and the natural resources that they depend on. Since 2000, TAI has benchmarked 54 governments on their environmental democracy performance. In 2006, TAI analyzed the results of 24 of these assessments the findings of which might be summarized here:

1. While access to information law and public participation law had grown, implementation still lagged behind;
2. Framework laws for freedom of information were more widespread than framework laws on public participation;
3. Fewer laws required the proactive release of information and access to information on industrial facility pollution and compliance was particularly weak;
4. Water quality monitoring systems were generally weak while air quality monitoring systems were stronger; both generally failed to adequately and timely communicate results to citizens;
5. Countries performed poorly in providing environmental information during and after emergencies;
6. Most countries produced state of the environment reports of generally good quality, but publicity was particularly weak and they were not regular;
7. Public participation had not been mainstreamed at the project level in about half of the countries assessed;
8. Planning and policy processes did not consistently involve public participation. Those that did varied in terms of how well they facilitated involvement;
9. The majority of governments were making some investments in building the capacity of officials to implement environmental democracy rights, but a significant minority did not.

In this context, TAI identified four key hurdles that needed to be overcome in order to improve environmental democracy. These are:

- a) Finding ways to manage vested interests and allow decision-making power to be more shared more equitably;
- b) Identifying gaps in information systems and improving them;
- c) Fostering a culture of openness, especially in the bureaucracy; and
- d) Investing in capacity building for government and civil society (Foti et al, 2008).

## **The need for measurement**

Assessments conducted by TAI since 2006 have confirmed most of these findings. However, the rigorous indicator and case study based assessment method developed by TAI while

yielding rich results is expensive and time consuming.<sup>2</sup> TAI has found that repeating these assessments on a regular basis to measure progress over time is not feasible.

These experiences led TAI to consider a more efficient and timely means of assessing environmental democracy rights and practices around the world. New developments in information technology with effective data visualization capabilities offered a new opportunity to re-think how, where and when to assess and measure these rights across the world. Additionally, TAI assessments were based on Principle 10 of the Rio Declaration and required TAI to define the details of the content of those principles. TAI also aimed to increase the coverage of countries and develop a measurement system for these rights that could be repeated regularly at a modest cost enabling progress and trends to be identified. Measuring progress on environmental democracy rights is essential to transform these rights and scaling their enjoyment and impact. The Environmental Democracy Index (EDI) described in the paper is the solution that TAI has developed to overcome these challenges faced by TAI assessments.

### **The importance of strong legal frameworks**

Rights are created and established by law. Laws are created directly by legislatures, through delegated legislation made by the executive, through decisions made by judiciaries and through established social customs. Enforceable rights require legal frameworks supported by institutions and compliance mechanisms. Without them, rights are empty promises and make no difference to citizen's lives. As Thomas Hobbes remarked in the *Leviathan*, "Covenants, without the Sword, are but Words, and of no strength to secure a man at all" (Hobbes, 1651).

If environmental democracy is to serve sustainable development, rights of access to information, participation and justice on environmental matters need to be recognized and established by the laws of a country. Measuring the extent to which the laws of a country establishes and recognizes environmental democracy rights is essential to an understanding of whether these rights have true force. Measuring the extent to which these rights are actually practiced, allows an assessment of whether the legal rights are practiced by citizens and government alike. Having strong legal frameworks supportive of environmental democracy is therefore a sine qua non for the realization of a Principle 10 world.

The use of indexes to measure progress and promote change in development and the environment is widespread. When constructed with clear goals, target audience, and with indicators that are capable measuring change through data collection, they can be effective tools to promote change (Hsu et al, 2013). Indexes can also help distill important information from that can help governments and civil society set priorities and take action.

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<sup>2</sup> A country assessment could take from nine months to a year.

## The opportunity of the 2010 UNEP Bali Guidelines

In 2010, the United Nations Environment Programme's Governing Council<sup>3</sup> unanimously adopted the Guidelines for Development of National Legislation on Access to Information, Public Participation, and Access to Justice in Environmental Matters<sup>4</sup>—commonly referred to as the “Bali Guidelines”. There are 26 total guidelines organized under each “pillar”<sup>5</sup> with seven guidelines each for access to information and public participation and fourteen guidelines for access to justice.<sup>6</sup> The Guidelines unpack Principle 10 with specific guidance drawing on a body of good practice and norms developed through the experience of the Aarhus Convention and by legal advocates and Principle 10 thought leaders. Unlike the Aarhus Convention, the Bali Guidelines are voluntary. However, they represent the first time that several nations outside of the UNECE region have agreed upon specific guidelines on Principle 10 that deal with issues of cost, timeliness, standing, the quality of public participation, and several other issues on which it can be more difficult to achieve government consensus. Their adoption, along with the rapid growth of right to information laws, the establishment of environmental courts and tribunals, the launch of the Open Government Partnership, and the Latin American and Caribbean Declaration on Principle 10 at the Rio+20 summit suggest increasing political momentum to strengthen environmental democracy in areas of the world that have historically lagged behind.

While the Bali Guidelines are concise and outline critical components of effective legislation, they often lack the specificity needed by policy-makers and agencies that may be inexperienced in implementing reforms in procedural rights. They do not, for instance, prescribe timelines for information release, provide detailed guidance on how to ensure the public's comments are accounted for, or clarify how “broad standing” should be interpreted. This matters because these reforms often challenge the status quo in practices of information dissemination, power-sharing in decision-making, and accountability mechanisms. Therefore, statutes and decrees which lack specificity may leave the public without well-defined rights which can be appealed to and defended. This is not as much a critique as it is an acknowledgement that policy-makers and advocates require additional tools to help governments and stakeholders develop and implement laws and policies and which help measure the current quality of national laws and institutions and benchmark improvements. UNEP has recognized this and is currently hosting capacity-building workshops along with the United Nations Institute for Training and Research (UNITAR) as part of the Eye on Earth Access for All Special Initiative.<sup>7</sup> Additionally, UNEP is working with the World Resources Institute (WRI) to publish an Implementation Guide for the Bali Guidelines, similar to what has been published for the Aarhus Convention.

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<sup>3</sup> The UNEP has since abandoned the Governing Council in favor of universal membership

<sup>4</sup> Decision SS.XI/5, adopted at the Global Ministerial Environment Forum on February 26, 2010.

<sup>5</sup> The use of the term pillars to describe the rights of access to information, public participation, and access to justice is commonly used in Aarhus Convention materials.

<sup>6</sup> The Bali Guidelines may be accessed here : [http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES\\_TO\\_ACCESS\\_TO\\_ENV\\_INFO\\_2.pdf](http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES_TO_ACCESS_TO_ENV_INFO_2.pdf)

<sup>7</sup> The Eye on Earth Special Initiative was launched at the Eye on Earth Summit in Abu Dhabi in 2011 as part of series of initiatives to promote transparency and accessibility of environmental data and encourage and facilitate learning, collaboration, and transformative, cross-cutting projects. It is supported through a partnership of the Abu Dhabi Global Environmental Data Initiative and the United Nations Environment Programme.

In order to benchmark countries' progress against the Bali Guidelines, TAI has developed indicators under each of the legal guidelines and has commissioned environmental lawyers in 70 countries to score their national laws against these indicators. These indicators which will compose what will be called the Environmental Democracy Index (EDI) are intended to enable governments and civil society to assess their laws and performance in relation to the Bali Guidelines and determine clear next steps for improved alignment. The purpose, rationale, and methodology for these indicators are described below.

The purpose of the Environmental Democracy Index is to enable governments, civil society, and other interested stakeholders to assess, through systematic measurement, the degree to which their country's national laws harmonize with the Bali Guidelines. While there are other indexes that measure governance or access to information, there are no indexes that we are aware of which measure procedural rights in relation to the environment. The EDI indicators are designed to be actionable—meaning that users should be able to easily identify what improvements need to be made to increase an indicator's score. WRI plans to release EDI biennially, which should ultimately allow for the benchmarking of progress over time. While policy-makers are ultimately the target audience as they are responsible for making improvements, indexes can also be effective tools to gain public and media attention as a way of addressing principle-agent with reluctant or slow-moving agents.

EDI was developed by the Access Initiative (TAI), a global network of civil society organizations who promote Principle 10 through research and advocacy. WRI is the secretariat of the Access Initiative. While the indicators were developed primarily by the TAI Secretariat at WRI, it was revised with expert feedback from legal experts who helped pilot test the indicators, as well as from the Aarhus Secretariat and UNEP.

## **Indicator Development**

Of the 26 Bali Guidelines, 23 refer to the development and implementation of legislation for each of the three pillars. The remaining three advise governments to build necessary capacity to effectively implement the other guidelines. While we recognize the importance of capacity building, these three guidelines are not within the scope of the EDI at this point in time. The “legal indicators” measure laws, constitutions, regulations and other legally-binding, enforceable, and justiciable rules at the national level. State, provincial, and local laws were not evaluated for the 2014 EDI, although they may be included in future editions. The scope of assessment is limited to apex environmental management laws, air and water quality laws, laws and regulations on extractive activities, terrestrial biodiversity, forests and terrestrial protected area laws. Not assessed in the 2014 EDI are laws governing coastal resources, marine protected areas, pollution, or biodiversity, fisheries, or energy. These reasons for these choices are primarily logistical and do not necessarily indicate the scope of EDI into the future. The first was to limit the scope of a lengthy legal review process to fit to time constraints of the project. The laws that were included were those that were given priority in surveys to TAI civil society partners, who contributed to the development of the index.

As mentioned above, the Bali Guidelines contain more guidelines for the access to justice pillar than for access to information and public participation. Similarly, the number of indicators that have been developed for each guideline vary depending on the substance of



the guideline. The indicators are designed to only test one discrete component of the each guideline so as to create simple, clear metrics and limit subjectivity. As an example for the following Guideline 1 on environmental information on request:

*Any natural or legal person should have affordable, effective and timely access to environmental information held by public authorities upon request (subject to guideline 3), without having to prove a legal or other interest.*

The Guideline is calling for 1) environmental information to be made available on request to any person as well as legal entities (as opposed to just citizens), 2) to be affordable, 3) to be provided within a reasonable timeframe, 4) to be provided by public authorities (which should be considered broadly), and 5) to not require a legal or other interest. EDI therefore includes six legal indicators for this guideline—one which tests whether a law exists to provide environmental information on request and five that assess the qualities listed above. While this method increases the number of total indicators, it allows users to pinpoint provisions which need strengthening. Analysis on the results of 2014 EDI will help determine the strength of any relationships between indicators.

Nearly every indicator is accompanied by a guidance note, which typically consists of a short paragraph that defines any key terms, provides clarification, and offers illustrative examples. The legal indicators have four scoring options, ranging from zero (lowest) to three (highest). Each score is accompanied by criteria which must be in place for that score to be defensible. In this way, subjectivity in scoring is limited, though not eliminated. A score of three means that the country’s law is in compliance with generally accepted good practice while a score of zero indicates that the law is either silent or prohibits some aspect of procedural rights, depending on the indicator. Citing the same example above, the table below demonstrates an indicator, its guidance, and the scoring options.

**Table 1: EDI Indicator 1.4—Requirements for timeliness in response to environmental information requests**

<b>Indicator</b>	<b>Indicator guidance and scoring options</b>
To what extent does the law provide for timely access to environmental information?	<p>“Timeliness” in this indicator is a reference to the first communicated decision from the government agency to an information request. A 30 day time limit for first decision (grant or refusal) communication is considered timely. Time taken for internal review of the request, appeals, etc., is not to be counted.</p> <p><b>Scoring Guide:</b>            The law provides 30 days or less for the initial decision on whether to grant the request for information = 3</p> <p>The law provides between 30-60 days for the initial decision on whether to grant the</p>

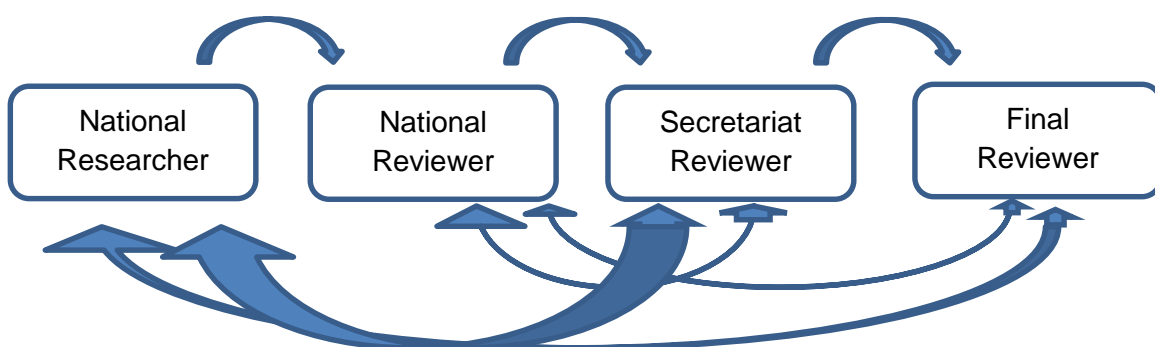
	<p>request for information = 2</p> <p>The law provides more than 60 days for the initial decision on whether to grant the request for information = 1</p> <p>The law does not set a deadline for the initial decision on whether to grant the request for information, the law is silent on this matter, or there is no law mandating access to environmental information on request= 0</p>
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### Creating the Index scores

The indicator scores are summed and averaged to produce a guideline score. The guideline scores are then summed and averaged to produce a pillar score. Finally the average of the three pillars produces the country score. This methodology weights the pillars equally but does not provide the same equal weighting for the guidelines and indicators. Specifically, the guidelines for information and participation are weighted more heavily than the guidelines for justice, as there are fewer of them. While the choice made here can be debated, the results will be disseminated on a website which will allow users to view scores, as well as the rationale for those scores down to the indicator level.

### Research and Review process

The research and review of the indicators for each country consisted of a four-stage process diagrammed below:



The indicator scoring and review process was managed through the use of the *Indaba Platform*, a tool developed by Global Integrity to manage communication and collaboration in data collection.<sup>8</sup>

<sup>8</sup> For more information, see: <https://www.globalintegrity.org/initiative/indaba/>

1. National Researcher: This role is held by a lawyer native to the country who is well-versed in laws and statutes surrounding environmental democracy. The researcher was responsible for scoring the indicators, providing the sources to justify the scores and providing relevant comments to explain the score. After completing the initial scoring, the research is submitted to the National Reviewer (indicated by the top-left arrow). This role is typically filled by a public interest lawyer.
2. National Reviewer: This role is held by another lawyer from that country who is familiar with the relevant laws and statutes. This lawyer must be independent and unaffiliated with the first. In the pilot phase this role was not required to be a lawyer, however that requirement was installed for the 2014 EDI. In the 2014 EDI, this role was often filled by senior lawyers from academia, the public sector, or civil society.
3. Secretariat Reviewer: TAI Secretariat staff held this role. The Secretariat reviewer reviews the researcher's scores and comments as well as the national reviewer's comments. The Secretariat also provides a second review of the scores, sources, and rationale, and raises his/her own questions to the researcher. He/She then sends questions back to the researcher and reviewer to mediate between the two parties ensure quality control. In the diagram above, the wider arrow to the researcher represents the greater frequency in which questions are sent to the researcher. Each country's indicators received at least one review by an environmental lawyer at the TAI Secretariat.
4. Final Approval: The TAI Secretariat staff also fills this role, although the final reviewer is never the same person as the secretariat reviewer for any given country. The final reviewer checks scoring and reviews for consistency and sends any final questions back to either the National Researcher or National Reviewer.

## 2013 Pilot Testing

TAI conducted a pilot study of the Environmental Democracy Index in the fall of 2013. In this pilot study, the laws of thirteen (13) countries were assessed based on 79 legal indicators under 23<sup>9</sup> of the 26 Guidelines, and no practice indicators. The countries tested in the pilot study were Colombia, Ecuador, Mexico, Panama, Indonesia, India, Cambodia, Turkey, Ireland, Hungary, Uganda, Cameroon and Kenya. The TAI Secretariat at WRI provided all TAI partners with an opportunity to indicate an interest in participating in the pilot. From this list, partners were chosen on a basis of geographical diversity and legal experience. Partners were then asked to nominate one researcher and one reviewer. In some cases, partners self-nominated and in other cases outside or affiliated civil society lawyers were nominated.

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<sup>9</sup> The three guidelines dealing with capacity building, and not laws, were not tested because their implementation is based on fluctuating Government annual budgets

## Lessons Learned

While the results from pilot tests are not intended for dissemination but rather to improve methodology and provide lessons learned for the research process, there were some key insights from the scores:

- Parties to the Aarhus Convention (Hungary and Ireland) scored highly compared to the others overall, but did not lead the scores for each pillar, suggesting that problems remain in transposing the Convention into national law and/or that countries outside of the Convention are making progress on implementing Principle 10 comparable to those within.
- A high score on one pillar did not necessarily indicate a high score for all. As an example, a Latin American country had one of the highest scores for access to information but the lowest score for public participation. This is important, as the quality of these rights may support or constrain one another.
- The quality of legal protections for procedural rights varies not only across pillars, but within pillars. In some cases, countries were very strong on 1-2 guidelines within a pillar, but the law was silent on others. This heterogeneity within the law highlights the need to examine how well rights are protected across sectors and where loopholes exist that may hinder the ability of citizens to use these rights.
- The right to environmental information is alluded to in some countries' constitutions but is not supported by legislation. The question of whether these Constitutional articles were specific enough and enforceable was a subject of debate and differing interpretation.
- Similarly, legislation on information disclosure or participation may not be supported by decrees that define parameters and aid implementation. This was the case for pilot test countries in Africa, in particular.
- Evaluation of these laws requires an understanding not only of environmental laws, but also administrative codes, judicial procedures, and in common law countries, important precedents

## Adding Indicators on Practice

After listening to feedback from partners, stakeholders, and other experts, we decided to add indicators that would focus on measuring implementation in addition to the law itself. TAI had originally avoided including indicators on implementation due to a few key methodological and practical concerns.

The first concern comes from 10+ years of TAI country assessments, which include evaluations of how well laws work in practice. While assessing implementation is essential to know how well the law is working in practice, its evaluation is prone to subjectivity and methodological weaknesses which can hinder comparisons across countries.

The second concern is more practical: measuring implementation can be very costly, in terms of time and resources. In some cases it may involve sending information requests or meeting with multiple agencies to obtain information which may or may not be readily available. EDI is intended to be a low-cost assessment that can be repeated every two years.

Ultimately, we decided to create a limited set of indicators on implementation while attempting to address these concerns. However, these indicators do not comprehensively measure environmental democracy in practice and cannot be considered a national proxy. Rather, as explained below, they seek to provide a snapshot. This and other considerations include:

- **Implementation “Snapshot”:** Rather than attempting to be comprehensive, the indicators focus on key aspects of implementation for each pillar. This snapshot will still provide useful information without becoming too costly or difficult to complete.
- **Easily retrievable information:** The implementation indicators have been developed so that they may be answered through modest online research or a few phone calls. Examples include: “Are Environmental Impact Assessments for development projects available online or at a national government agency for public access?” and “In the last 5 years, have public interest environmental cases filed by NGOs been rejected because of lack of legal standing?”
- **Discrete indicators:** Because they are not comprehensive and do not pertain to every guideline, the implementation indicators are scored differently and kept separate from the legal indicator scores. Instead of being scored 0-3, they will be scored as “Yes”, “Limited”, or “No”, with supporting evidence. A score of Limited may mean, for instance, that data made available online on air pollution do not include major pollutants or are updated sporadically.

## Other Revisions

In addition to creating the practice indicators, a few other significant revisions were made to the indicator methodology. First, the scores for the first indicator of certain guidelines can constrain the scoring options for subsequent indicators. This can occur in one of two ways. In the first scenario, the initial indicator may test for the existence of a broad requirement in the law with subsequent indicators testing the quality of that requirement. If there is no provision requiring, for instance, that environmental information be provided upon request, then there can be no qualities to test. In this case, all subsequent indicators must be scored zero.

The second revision is a more sweeping one. Recognizing that the law may not be the same across different sectors, the scoring options for indicators testing a body of laws were changed so that the indicator tests the extent of the coverage of a key provision across the body of laws. A score of 3 then would indicate that the provision—requiring that there be opportunities for public participation in decision-making, for instance—applies to all the laws assessed. A score of 2 would indicate that it applies to a majority of the laws assessed, 1 indicates a minority of laws assessed, and 0 indicates that the law is silent. The major limitation to this approach is that the comparative quality of laws across the sectors cannot be easily assessed. However, testing the same indicator across multiple sectors would require hundreds of additional indicators, which is an unfeasible alternative.

## Next Steps

The revised EDI, which includes 75 legal indicators and 24 practice indicators, was used in 2014 to collect data from 70 countries. At the time of writing, these data were still being reviewed. Data will be shared with respective ministries from each country to elicit feedback. This feedback, along with the scores, sources and comments, will be made available on an interactive website and platform in early 2015. The goal is for the results to start dialogues and action plans at the national level in several countries around the world.

## Conclusion

Despite considerable progress through new national laws and regional conventions, the fulfillment of the rights of access to environmental information, public participation, and access to justice around environmental decision-making still face serious challenges. Access to information has been more institutionalized than the other two pillars. Some regions still do not have strong legal frameworks and even in regions where laws exist, the quality may vary across the body of law. Implementation often lags behind the law.

These rights have not been systematically measured on a global scale. Using the Bali Guidelines as a framework, the Access Initiative at the World Resources Institute piloted indicators in 2013 to degree to which national laws harmonize with the Bali Guidelines. The indicators were revised and a supplementary set of indicators to measure the existence of environmental democracy in practice. This index—the Environmental Democracy Index—will be used to measure laws and a subset of practices in 2014 in 70 countries around the world. The results are intended to help governments and civil society advocates alike in identifying gaps in law and implementation, prioritize reforms and learn from good practice in other countries.

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