



THE ENVIRONMENTAL DEMOCRACY INDEX

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EXECUTIVE SUMMARY

The environmental democracy rights of access to information, public participation, and access to justice in environmental matters have gained currency as key drivers of informed, accountable decision making and citizen empowerment. They were first recognized as Principle 10 in the 1992 Rio Declaration on Environment and Development. There has also been notable progress at the national level in the past two decades through the passage of right-to-information laws, environmental impact assessment (EIA) regulations, and expanded rights for civil society to seek justice.

However, WRI, in partnership with the Access Initiative, has conducted research in dozens of countries that reveals that legal and institutional gaps remain, undermining information accessibility and quality, full participation of marginalized groups, and access to adequate remedies. As decision makers seek solutions to urgent environmental problems and to balance development needs, ensuring that the public has a voice in decisions that impact their health and the environment is a necessary step that is critical for sustainable development. While these principles are often endorsed in broad terms at international fora, the qualities of these rights are less commonly discussed in specific legal and institutional terms. Laws that integrate provisions that support good practice—such as timely, affordable, and proactive information disclosure—can create better enabling conditions for environmental

CONTENTS

| | |
|---|----|
| Executive Summary..... | 1 |
| Introduction..... | 2 |
| The Need for a New Measurement Approach..... | 3 |
| The UNEP Bali Guidelines as a Framework for Measurement..... | 4 |
| EDI Indicators..... | 5 |
| Creating the Index Scores | 7 |
| Research and Review Process | 7 |
| 2013 Pilot Testing | 9 |
| Government Engagement | 9 |
| Next Steps..... | 9 |
| Annex UNEP Bali Guidelines and EDI Indicators | 10 |
| Endnotes | 55 |
| Acknowledgments | 56 |

Technical notes document the research or analytical methodology underpinning a publication, interactive application, or tool.

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democracy. Individuals are better able to hold decision makers accountable when there are effective review measures through independent and impartial courts and administrations.

WRI and the Access Initiative have developed the Environmental Democracy Index to measure the extent and degree to which national laws in 70 countries promote environmental democracy rights. In an attempt to limit subjectivity from the legal researchers, the indicator scores are accompanied by specific criteria that must be met.

In addition to the legal indicators that create the index scores, there is a supplemental set of “practice indicators” that provide insights into the implementation of these rights in practice. The indicators use the framework of an internationally recognized set of voluntary guidelines that were negotiated and adopted by the United Nations Environment Programme’s Governing Council in 2010.¹ This technical note describes the background to the development of the Environmental Democracy Index, indicator development, scoring, and how the results may be used by governments, civil society, lending institutions, academics, and the private sector.

EDI launched for the first time in May 2015 with results disseminated on a publicly available online platform designed to allow users to better understand the state of national laws in 70 countries that support these rights. This platform provides in-depth country information, freely available data, rankings of countries at various levels of granularity, and enables sharing of good practices for environmental democracy. The EDI scores are provisional until the end of August 2015 while they are being reviewed by stakeholders and governments.

INTRODUCTION

Environmental democracy is enabled by the right and ability of the public to freely access relevant and timely information, provide input and scrutiny into decision making, and to challenge decisions made by public or private actors which may harm the environment or violate their rights before an accessible, independent, and fair legal authority. These rights—also referred to as procedural rights—provide a legal basis to enable transparency of environmental information, open and inclusive decision making, and the ability to challenge decisions or seek jus-

tice through fair and affordable legal mechanisms. When supported by willing and capable state institutions and exercised by civil society, they promote more informed, inclusive, and accountable decision making.

In the 1992 Rio Declaration on Environment and Development, the international community recognized that sustainable development depends upon good governance.² 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.³ When implemented, these rights increase information flow between governments and the public, increase the legitimacy of decisions, and provide for downward accountability.

Since 1992, progress toward creating rights out of these aspirations has been mixed. On one hand, the legally binding Aarhus Convention, established by the UN Economic Commission for Europe (UNECE) in 1998, now has 47 ratifying parties (46 countries and the European Union). The Aarhus Convention defines minimum standards and obligates parties to the convention to implement these rights. It also creates a compliance mechanism that is accessible to citizens from the countries that are parties to the convention.⁴ However, while the convention is not regional in definition, parties to the convention currently only exist within Europe and Western Asia.

Other international developments worth noting include a Latin America and Caribbean Declaration on Principle 10, which had 20 signatories as of early 2015. These countries are currently engaged in negotiations to develop a regional convention facilitated by the United Nations Economic Commission for Latin America and the Caribbean (UNECLAC).⁵ The Open Government Partnership (OGP), which began in 2011 and has 65 members as of 2015, is a “soft law” approach but one that requires members to create action plans and commitments—subject to independent monitoring—on transparency, citizen empowerment, and accountability measures to reduce corruption and improve governance.⁶ Governments in the OGP process are expected to produce action plans and commitments in partnership with civil society. The 23 years since the Rio Declaration have also seen considerable progress at the national level. Right-to-information laws have been enacted in 100 countries (as of early 2015), with the majority occurring only in the past decade.⁷ As of 2010,

over 45 countries had environmental courts or tribunals specializing in environmental dispute resolution.⁸ Environmental impact assessment regulations are now commonplace, and typically provide for public participation at some level.

While these are positive developments, the promise of Principle 10 is far from being fulfilled. Much of Africa, the Middle East, and parts of Southeast Asia and the Caribbean have yet to enact right to information laws.⁹ Over a decade of case study research and national assessments by WRI and its partners through the Access Initiative have shown that acknowledgment of the importance of environmental democracy does not always translate into strong laws, institutional support, or consistent enforcement.¹⁰ State capacity and willingness to adopt reforms is undoubtedly critical to achieve intended impact. However, establishing a strong legal foundation is the starting point for recognizing, protecting, and enforcing environmental democracy rights. To this point, the quality of environmental democracy laws, or procedural rights, had not been systematically measured. In 2010, the United Nations Environment Programme's Governing Council formally adopted the "Bali Guidelines for the Development of National Legislation on Access to Information, Public Participation, and Access to Justice in Environmental Matters" (hereafter referred to as the UNEP Bali Guidelines). WRI, working with the Access Initiative (TAI) network, has developed the Environmental Democracy Index (EDI) to benchmark national laws against the UNEP Bali Guidelines.

THE NEED FOR A NEW MEASUREMENT APPROACH

While these rights are broadly acknowledged to be central to responsive, fair, and effective environmental governance, the extent to which countries have established them through laws and regulations has yet to be systematically measured. To be sure, there are several other composite indices that measure governance more broadly, as well as indices to measure political freedoms, perception of corruption, general rule of law, transparency, and other aspects of governance. However, there is no index measuring the extent of rights to participate in environmental decision making or any index that measures these three rights together, as they apply to the environment.

When assessing the extent to which the public has the right and ability to influence decisions that impact the environment, evidence suggests that transparency alone, without public participation and access to justice, is unlikely to achieve its potential impact. An analysis of the Toxic Release Inventory of the United States revealed that facilities were more likely to reduce waste if situated in areas where there were engaged civil society organizations that helped create political support for pollution reduction.^{11,12} While China has recently increased transparency around environmental quality and pollution sources central to its "War on Pollution," many question whether the public has adequate ability and access to effective justice mechanisms to hold violators accountable.^{13,14,15} It is important to note that the impact of these rights depends on enabling factors, such as civil society capacity, state capacity, bureaucratic culture, and other factors; this is an area of continuing research.¹⁶

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 establish and recognize environmental democracy rights is essential to an understanding of whether these rights have true force. "Measuring the extent" means not merely determining whether laws exist, but the breadth of their coverage across the range of environmental decision making processes and how proactively they address barriers and constraints to the public's fulfilling these rights. These could include requirements for timely information release, for public participation at the earliest stages of decision making (rather than late-stage consultation), and to ensure the public can challenge the effectiveness of government agencies if enforcement of the law is lacking.

The use of indices 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 of measuring change through data collection, they can be effective tools to promote change.¹⁷ Indices can also help distill important information that can help governments and civil society set priorities and take action.

THE UNEP BALI GUIDELINES AS A FRAMEWORK FOR MEASUREMENT

EDI measures the degree to which countries have enacted legally binding rules that provide for environmental information collection and disclosure; public participation across a range of environmental decisions; and fair, affordable, and independent avenues for seeking justice and challenging decisions that impact the environment. In addition to the legal index, EDI contains a separate and supplemental set of indicators that provide key insights on whether environmental democracy is being manifested in practice. WRI developed the EDI indicators using the framework of the 2010 UNEP Bali Guidelines to enable governments, civil society, and other stakeholders to benchmark national legislation against internationally recognized voluntary guidelines.

The UNEP Bali Guidelines consist of 26 total guidelines organized under each “pillar”¹⁸—with seven guidelines each for access to information and public participation and 12 guidelines for access to justice (see Annex).¹⁹ 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. 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.

While the Bali Guidelines are concise and outline critical components of effective legislation, they often lack the specificity needed by policymakers and agencies that may be inexperienced in implementing reforms in procedural rights. They do not, for instance, prescribe timeliness for information release, provide detailed guidance on how to ensure the public’s comments are accounted for, or clarify how broadly “standing”—referring to the ability of groups or individuals to bring cases to court—should be interpreted. This specificity matters because these reforms often require changing bureaucratic cultures and incentive structures to promote practices of information dissemination, power sharing in decision making, and the public’s ability to appeal and challenge decisions. There-

fore, statutes and decrees that lack specificity may leave the public without well-defined rights that can be appealed to and defended. This is not as much a critique as it is an acknowledgment that policymakers and advocates require additional tools to measure the current quality of national laws and institutions and benchmark improvements.

EDI’s primary purpose, therefore, 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 UNEP Bali Guidelines. The supplemental indicators on practice provide key insights, such as whether real-time air quality data is publicly available for the capital city or whether there is evidence that civil society has been able to use the justice system for environmental matters. 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. After results are produced through the EDI research and review process (explained below), they are sent to relevant government ministries²⁰ for review and feedback. This feedback can potentially develop into dialogue between governments and civil society stakeholders. WRI plans to release EDI biennially, which will allow for governments to benchmark improvements as new laws and practices are established. While policymakers are ultimately the target audience as they are responsible for making improvements, indices can also be effective tools to gain public and media attention as they enable comparisons between countries.

It is important to recognize that EDI does not currently measure subnational legislation, as the focus of the UNEP Bali Guidelines is national legislation and subnational assessments were outside of the scope of the inaugural EDI. This means that federal countries—of which there are 14 currently in EDI—may have additional relevant legislation at the subnational level that is not included in the assessment. WRI recognizes these limitations while also acknowledging the role of national governments in ensuring that, at a minimum, citizens across the country enjoy rights to environmental democracy.

EDI INDICATORS

EDI consists of 75 legal indicators developed under 23 of the UNEP Bali Guidelines that are concerned with the development and implementation of legislation.²¹ In addition to the legal indicators, EDI includes 24 supplemental indicators that assess whether there is evidence that environmental democracy is being implemented in practice. The EDI legal indicators assess laws, constitutions, regulations and other legally binding, enforceable rules at the national level. The scope of the first EDI assessment specifically includes:

- The Constitution and interpretations of the Constitution by competent bodies (e.g. the Supreme Court or Constitutional Court)
- The main national freedom-of-information law, public participation law, and access to justice law (including access to administrative justice), if these exist
- The apex environmental management law
- Laws and regulations governing pollution control (including air and water quality laws), environmental impact assessments, terrestrial biodiversity (protected areas and wildlife), extractive industries, and forests
- Laws governing the creation of environmental policies
- Interpretations of these laws through case law

EDI does not currently include marine, coastal, fisheries, or energy production and distribution laws in its assessment. While provisions that govern transparency, participation, and access to justice for decision making in these sectors may well be embedded in overarching environmental or administrative laws, and would therefore be considered, this cannot be guaranteed across the index.

The 24 practice indicators were scored using a variety of sources, but typically drawing from government agency websites where environmental quality data is released or environmental impact assessments may be made available. In the case that they are not available online, the researcher would contact the agency. The practice indicators are not comprehensive across the guidelines and their results do not affect the legal index scores. Rather they are presented as a supplemental set of indicators that provide key insights on whether certain environmental democracy practices can be observed. Because the practice

indicators are based on information available online or at a government agency, these indicators are better able to detect the implementation of access to information than the implementation of public participation or access to justice. While WRI fully supports a more comprehensive assessment of practice or performance, conducting such an assessment was outside the scope of the inaugural EDI.

Creating indicators from guidelines

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 EDI indicators that have been developed for each guideline varies depending on the substance of the Bali guideline. The indicators are designed to test only one discrete component of each guideline so as to create simple, clear metrics and limit subjectivity. As an example, see guideline 1 concerning 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 environmental information (1) 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 time frame, (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 (see Annex). While this method increases the number of total indicators, it allows users to pinpoint provisions which need strengthening.

Legal indicator scoring

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 scoring criteria which must be in place for that score to be defensible. In this way, subjectivity in scoring is limited, though not eliminated. In general, there are two types of indicators: (1) indicators that test the

Table 1 | **EDI Indicator 1.4—Requirements for Timeliness in Response to Environmental Information Requests**

| INDICATOR | INDICATOR GUIDANCE AND SCORING OPTIONS |
|--|--|
| <p>1. To what extent does the law provide for timely access to environmental information?</p> | <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 communication of a first decision (grant or refusal) is considered timely. Time taken for internal review of the request, appeals, etc., is not to be counted.</p> <p>SCORING GUIDE:</p> <p>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 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> |

extent of provisions that promote environmental democracy across the range of types of environmental decision making and (2) indicators that test the strength of a given provision in providing an enforceable legal right for the public. A score of 3 means that the respective provision exemplifies accepted good practice. A score of 2 indicates that a majority—but not all—environmental decision making includes a certain provision, or indicates moderately strong provision. A score of 1 translates to a weaker provision that allows significant discretion to government agencies to fulfil these rights, or that a right only applies to a minority of environmental decision making processes. A score of 0 indicates that the law is either silent or prohibits some aspect of procedural rights, depending on the indicator.

Citing the same example above, Table 1 demonstrates an indicator, its guidance, and the scoring options.

There are some guidelines in which the score of the first indicator constrains 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. In the second instance, the first indicator will establish whether a provision exists and subsequent indicators will test the quality of that provision. In this instance, if the provision is absent, or its application across environmental decision making is limited, subsequent indicator scores will not exceed the score of the initial indicator.

Practice Indicator Scoring

The practice indicators are scored qualitatively on a three point scale:

1. **YES** (practice is observed in full)
2. **LIMITED** (practice is observed irregularly or partially)
3. **NO** (no observation of practice)

Similar to the legal indicators, practice indicators are typically accompanied with guidance to limit subjectivity for the researcher. Unlike the legal indicators, the scores are simply presented as sums, and not averaged. There are 4 practice indicators under the transparency pillar, 7 under the participation pillar, and 13 under the justice pillar. However, as previously mentioned, several of the practice indicators indirectly assess accessibility of information due to the method of research.

CREATING THE INDEX SCORES

EDI scores are arithmetically averaged across indicators to guideline, across guidelines to pillar, and across pillars to generate the overall country score (see Figure 1). 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 the latter. Rather than make value-laden decisions on whether certain guidelines were more fundamental than others and argue in favor of weighting one pillar over another, WRI chose to adhere closely to the structure of the UNEP Bali Guidelines and give each pillar equal weight.

RESEARCH AND REVIEW PROCESS

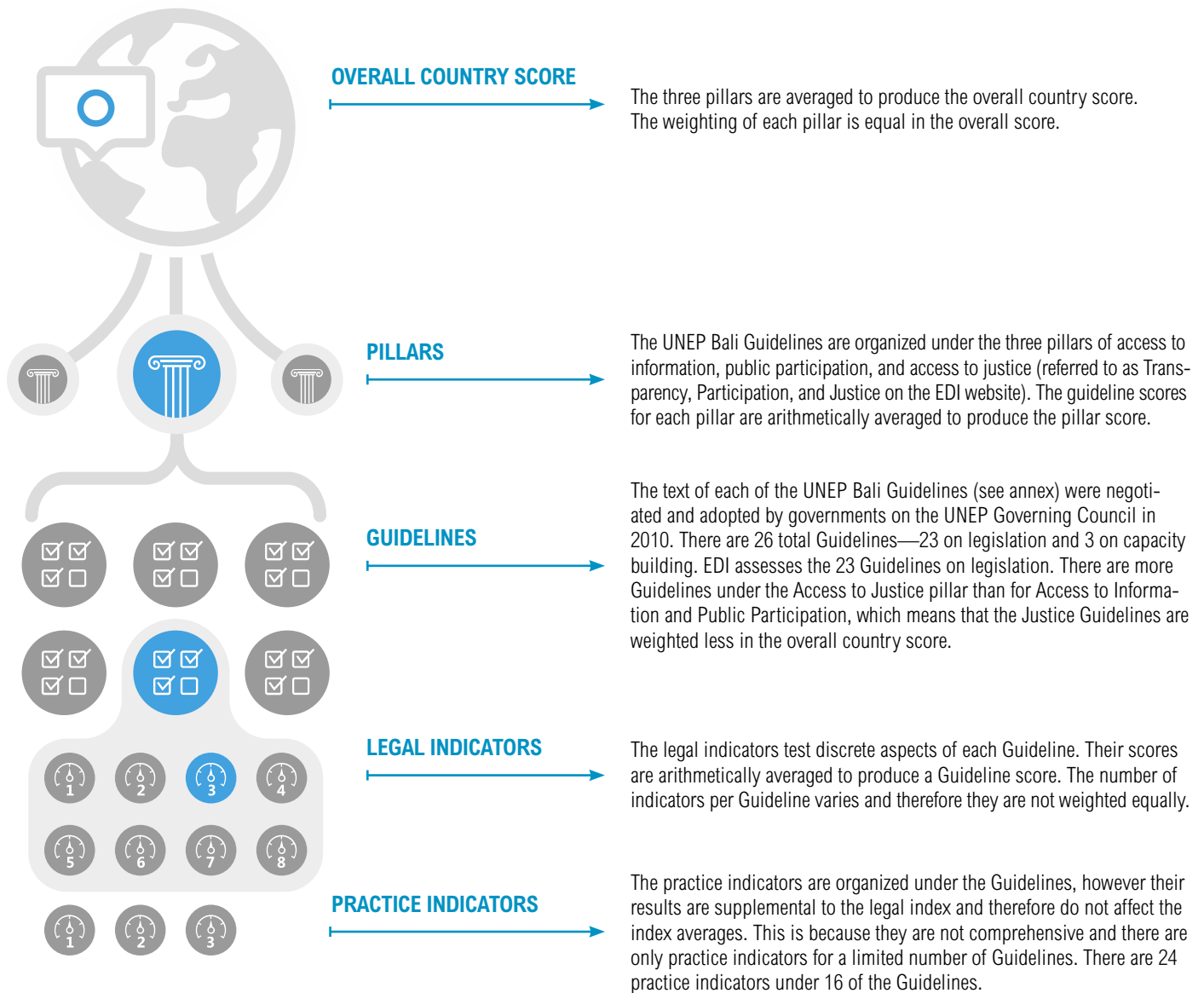
All participating lawyers and environmental experts had at least five years of experience, though most were mid- or late-career lawyers from civil society, academia, government, and the private sector.

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.

Table 2 | **Example of EDI Practice Indicator**

| GUIDELINE 2: Environmental information in the public domain should include, among other things, 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. | | |
|---|---|--|
| INDICATOR | GUIDANCE | SCORING OPTIONS |
| Are real-time air quality data for the capital city of your country made available online by the government? | At a minimum, this should include: particulate matter—PM-10; nitrogen oxides—NO _x ; sulfur oxides—SO _x ; and ozone—O ₃ | <p>YES</p> <p>LIMITED: (Data are made available sporadically, the geographic area covered by the data is smaller than the capital city boundaries, or the data are made available but not daily.)</p> <p>NO</p> |

Figure 1 | **How EDI Scores are Created**



2. **NATIONAL REVIEWER:** This role is held by another legal expert from that country²² who is familiar with the relevant laws and statutes. This person was independent and unaffiliated with the first. This role was often filled by senior lawyers from academia, the public sector, or civil society.
3. **FIRST SECRETARIAT REVIEWER:** WRI 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 and ensure quality control. Each country's indicators received at least one review by an environmental lawyer at the TAI Secretariat.

- 4. FINAL SECRETARIAT REVIEW:** 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. WRI reserved the right to alter scores if the evidence provided after multiple reviews did not support the score suggested by the researcher.

The EDI assessments were conducted between April and September 2014. Laws or practices implemented since that time will be evaluated in the next EDI.

2013 PILOT TESTING

WRI, in partnership with TAI partners, pilot tested the Environmental Democracy Index legal indicators in 2013 in 13 countries. The countries tested in the pilot study were Cambodia, Cameroon, Colombia, Ecuador, Hungary, India, Indonesia, Ireland, Kenya, Mexico, Panama, Turkey, and Uganda. Following the pilot test, WRI revised the legal indicators and developed the 24 practice indicators. An example of a practice indicator is provided below.

GOVERNMENT ENGAGEMENT

Following the research and review process, WRI analyzed results and sent summary analysis along with the full results to government ministries responsible for implementing environmental democracy laws. WRI provided government respondents with 60–90 days to respond to the results, with the following four questions:

1. Do you agree with the summaries of the law and practice of environmental democracy in your country? Why or why not?
2. Are there any relevant national-level laws and practices that you did not see mentioned (Please consider transparency, participation, and justice)?
3. What steps, if any, is your government taking to improve environmental democracy in your country?
4. Do you have any other comments?

In the event of disagreement on indicator scores, WRI consults with the participating national lawyers for that country to review the critique. If the critique is substantive and demonstrates that the indicator merits a different score, the score may be altered until the deadline is reached. The deadline for submitting comments for the first EDI is July 15th, 2015.

NEXT STEPS

The generation of this knowledge, combined with engagement of government and civil society and the launch of a platform to communicate the results and methodology transparently is expected to help galvanize dialogue and policy reform at the national and regional levels. The Access Initiative network of over 200 civil society organizations and dozens of individuals, working in concert with agents of change in key government ministries, are the conduits through which this research may lead to reforms in laws and practice. The incentives for opening these decision making processes will vary by country, but could arise internally from governance reform champions, or through regional or domestic policy agenda-setting processes that have developed over several years. EDI will be reproduced every two years to benchmark national progress over time. In addition, WRI envisions methodological revisions, particularly to expand the assessment of practice, or implementation of environmental democracy laws. WRI will convene experts from government and civil society to provide input into future methodological revisions.

ANNEX | UNEP BALI GUIDELINES AND EDI INDICATORS

I. Pillar: Access to Information

Guideline 1: “Accessibility of Environmental Information Requests”

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.

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|--|
| 1. To what extent does the law mandate access to environmental information to be provided upon request? | <p>This indicator tests the existence of a clear positive legal mandate that gives the public the right to access environmental information upon request.</p> <p>Indicate in the comment box how well laws governing air and water quality, forests, biodiversity, extractive industries and environmental impact assessments align with the general freedom of information law or the environmental law that provides access to information.</p> <p>SCORING GUIDE:</p> <p>There is a general law, such as a freedom of information law that provides for access to information on request = 3</p> <p>There are some sectoral laws and the environmental law which both provide for access to information on request = 2</p> <p>Only the environmental law or some sectoral laws, but not both, provide for access to information on request = 1</p> <p>The law is silent on access to environmental information on request = 0</p> |
| 2. To what extent does the law provide for natural or legal persons’ access to environmental information? | <p>“Natural person” in this indicator refers to any person. Good practice requires that any person should be able to make an information request. Limiting requests to citizens only is not in accordance with good practice and should be scored lower. If this is the case, please include a comment in the box. “Legal persons” are incorporated bodies such as companies, corporations, and firms. When assessing this indicator, ALL laws including the sectoral laws must be assessed as a whole. For example, if there is a general Freedom of Information Act (FOIA), and special access provisions in sectoral laws, they must be assessed together. Sometimes, a FOIA might override other laws including sector laws. At other times a sector law provision on access might override the FOIA.</p> <p>NOTE: If the previous indicator was scored a “0” because no law providing access to information exists, this indicator and subsequent indicators in the guideline will also be scored “0”.</p> <p>SCORING GUIDE:</p> <p>Citizens, non-citizens, and legal persons all have the right = 3</p> <p>Only two of the three categories have the right = 2</p> <p>Only citizens have the right = 1</p> <p>The law is silent on this matter or there is no law providing access to environmental information on request = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|---|
| <p>3. To what extent does the law make access to environmental information affordable?</p> | <p>“Affordability” is relative to average personal or family incomes within a country. Where income disparity is not great the average personal income is a good comparative guide. Where the income disparity is great, the average income of the middle to low income groups is a better guide. Costs of obtaining information can be compared to these income levels. Good practice is to charge only for the actual cost of copying documentation and not for searching for the information. Good practices will also make provisions for waivers of fees based on public interest nature of the request or poverty or non-profit nature of the applicant.</p> <p>SCORING GUIDE:</p> <p>The law requires access to environmental information to be free = 3</p> <p>The law requires access to environmental information (i) to cost no more than the cost of copying; and (ii) for fees to be waived or reduced based on the public interest nature of the request or poverty or non-profit nature of applicant = 2</p> <p>The law requires (i) access to environmental information to be “affordable” or “not expensive” (without defining the same) or (ii) for fees to be waived or reduced based on the public interest nature of the request or poverty or non-profit nature of applicant = 1</p> <p>The law is silent on this matter or there is no law providing access to environmental information on request = 0</p> |
| <p>4. To what extent does the law provide for timely access to environmental information?</p> | <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>SCORING GUIDE:</p> <p>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 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> |
| <p>5. To what extent does the law include public authorities under access to environmental information provisions?</p> | <p>“Public authorities” in this indicator refers to government departments, agencies, and bodies performing government functions. They include agencies and institutions of the executive, judicial and legislative branches of government. It includes government at all levels, from local authorities to central government. It also includes other natural or legal persons performing public administrative functions under national law, or providing public services under government control. Please include any important details about this aspect in the comment box and indicate which ministries or agencies are covered by the law.</p> <p>SCORING GUIDE:</p> <p>All public authorities are subject to the access to information law, including the judiciary, legislature and executive = 3</p> <p>A majority of public authorities are included = 2</p> <p>A few public authorities are included = 1</p> <p>The law does not provide for this at all, or there is no law mandating access to environmental information on request = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|---|
| <p>6. To what extent does the law not require proof of legal or other interest for access to environmental information?</p> | <p>“Legal or other interest” in this indicator includes information about identity, citizenship, legal interest in the information, or other reasons for the request. Exceptions may be created where the request is for personal information. If, for example, the law requires that the information relates to the requester’s needs, this is a requirement for proof of interest.</p> <p>SCORING GUIDE:</p> <p>The law does not require a requester to disclose the reason for seeking the information or any legal or other interest = 3</p> <p>The law only requires disclosure of the identity of the requester but does not require any other reasons for the request = 2</p> <p>Exceptionally, the law provides conditions on the grant of access to information based on proof of legal interest = 1</p> <p>The law requires all requesters to disclose the reason for the information request and requires proof of legal or other interests, or there is no law mandating access to environmental information = 0</p> |

There are no practice indicators for this guideline because of the complexity and logistics of testing this aspect of the law in practice. The effectiveness, timeliness, and affordability of information requests is likely to be variable and could only be tested through multiple information requests—a task impractical for EDI.

Guideline 2: “Environmental Information in the Public Domain”

Environmental information in the public domain should include, among other things, 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.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>1. To what extent does the law require information on environmental quality to be made proactively available to the public?</p> | <p>In scoring the indicators for this guideline, the researcher should only examine information proactively made public by the apex environmental ministry and/or agency and the ministries and agencies responsible for forests, wildlife and biodiversity, water and air quality, impact assessments, and extractive industries. These are the “key ministries and agencies” examined in the EDI. Other agencies should be excluded from examination.</p> <p>In the comment field, indicate which ministries or agencies are covered by the law.</p> <p>SCORING GUIDE:</p> <p>The law requires all key ministries and agencies to proactively make environmental information available to the public = 3</p> <p>The law requires the majority of the key ministries and agencies to proactively make environmental information available to the public = 2</p> <p>The law requires a minority of the key ministries and agencies to proactively make environmental information available to the public = 1</p> <p>The law does not require any environmental information to be proactively made public or such disclosure is left to the discretion of the ministry or agency = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|---|
| <p>2. To what extent does the law require environmental information on environmental factors that influence health be placed in the public domain?</p> | <p>Environmental factors that affect health include: air and water quality information; toxics, hazardous substances and pollution; enforcement and compliance datasets; and Environmental Impact Assessments,</p> <p>As such examine laws that relate to these areas.</p> <p>In the comment field, indicate which ministries or agencies are covered by the law.</p> <p>SCORING GUIDE:</p> <p>The law requires all public health related environmental information to be proactively made public=3</p> <p>The law requires a majority of public health related environmental information to be proactively made public=2</p> <p>The law requires a minority of public health related environmental information to be proactively made public = 1</p> <p>The law is silent on this or leaves it to the discretion of the ministry or agency to disclose public health related environmental information = 0</p> |
| <p>3. To what extent does the law require information on environmental laws and policies be placed in the public domain?</p> | <p>This indicator is testing the existence of a law that requires laws and policies to be made publicly available. Public domain is defined as “freely available for public use”.</p> <p>In the comment field, indicate which ministries or agencies are covered by the law.</p> <p>SCORING GUIDE:</p> <p>The law requires all environmental laws and policies to be proactively made public = 3</p> <p>The law requires the majority of environmental laws and policies to be proactively made public =2</p> <p>The law requires a minority of environmental laws and policies to be proactively made public = 1</p> <p>The law is silent on this or leaves it to the discretion of the ministry or agency to disclose environmental laws and policies = 0</p> |
| <p>4. To what extent does the law require publicly available information and advice on how to obtain environmental information?</p> | <p>This indicator tests whether the law requires key ministries and agencies to publish information for the public on how to access and obtain environmental information.</p> <p>Indicate in the comment box which laws require information and advice on how to obtain publicly available environmental information to be made public.</p> <p>SCORING GUIDE:</p> <p>The law requires all key ministries and agencies to inform the public about how to obtain environmental information = 3</p> <p>The law requires the majority of key ministries and agencies to inform the public about environmental information in the public domain and how to obtain it = 2</p> <p>The law requires a minority of key ministries and agencies to inform the public about environmental information in the public domain and how to obtain it = 1</p> <p>The law does not require any ministry or agency to inform the public about environmental information in the public domain and how to obtain it = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|---|---|
| 1. Are real time air quality data for the capital city of your country made available online by the government? | <p>At a minimum, this should include: Particulate Matter—PM-10; Nitrogen Oxides—NO_x; Sulphur Oxides—SO_x; and Ozone—O₃</p> <p>YES</p> <p>LIMITED (data is made available sporadically, the geographic area covered by the data is smaller than the capital city boundaries, or the data is made available but not daily)</p> <p>NO</p> |
| 2. In the last two years, has annual drinking water quality data for water services supplied by the government or local government in your capital city been proactively provided to consumers either by mail (post) or online and do the data provided meet the minimum standards established by the regulatory agency for transparency? | <p>YES</p> <p>LIMITED (on an infrequent basis or incomplete data)</p> <p>NO</p> |

Guideline 3: “Ground for Refusal”

States should clearly define in their law the specific grounds on which a request for environmental information can be refused. The grounds for refusal are to be interpreted narrowly, taking into account the public interest served by disclosure.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| 1. To what extent does the law clearly define specific grounds on which a request for environmental information can be refused? | <p>In scoring this indicator, grounds for refusing environmental information may not always be in the environmental or sectoral law and might be found in the Constitution, a general freedom of information law, or official secrets law.</p> <p>In scoring this indicator, exemptions (grounds on which a request can be refused) should be evaluated with regard to how narrowly the exemption is worded or interpreted by agencies and the courts. The broader the exemptions, the lower the indicator will be scored. However, some exemptions which are based on harm or serious harm tests may still be part of good practice. <i>These generally include:</i> exemptions related to international relations, national defense, public security, confidential industrial or business information to the extent necessary to protect a legitimate economic interest, intellectual property rights and confidential personal information.</p> <p>Indicate in the comment box which laws define specific grounds on which a request for environmental information can be refused.</p> <p>SCORING GUIDE:</p> <p>The law clearly defines only a few specific grounds on which a request for environmental information can be refused and these grounds are narrowly defined = 3</p> <p>The law specifies grounds on which a request for environmental information can be refused but these are framed or interpreted broadly = 2</p> <p>The law specifies many grounds under which environmental information may be refused or leaves it to the discretion of the ministry or agency = 1</p> <p>The law allows the ministry or agency to deny a request for environmental information at will = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|---|
| <p>2. To what extent does the law require environmental information that is covered by a ground for refusal to be severed (separated) from the rest of the information before being released to the requester?</p> | <p>This indicator tests whether the law allows environmental information which may be kept confidential to be separated from the rest of the information. Laws that enable severance may provide increased access to environmental information and should therefore be scored higher.</p> <p>Note that if the previous indicator was scored “0”, this indicator should be scored “0” as well. In the comment field, indicate which agencies or sectors are covered by the law.</p> <p>SCORING GUIDE:</p> <p>All laws providing for environmental information to be released upon request include a provision on severance = 3</p> <p>A majority of laws providing for environmental information to be released upon request include a provision on severance = 2</p> <p>A minority of laws providing for environmental information to be released upon request include a provision on severance = 1</p> <p>Severance is not allowed in any of the laws that provide for environmental information upon request, or the laws are silent on this matter = 0</p> |
| <p>3. To what extent does the law require the decision-maker to take into account the public interest served by disclosure when considering exemptions (grounds for refusal)?</p> | <p>In scoring this indicator, consider whether the agency could be forced to release that information which is covered by an exemption, if it is shown to be in the public interest (the public interest test). The law should provide for the balancing of the benefits of disclosure against the harm to a real interest. If so, the indicator should be scored higher.</p> <p>Note that if the previous indicator was scored “0”, this indicator should be scored “0” as well.</p> <p>Indicate in the comment box which laws require the decision-maker to take into account the public interest served by disclosure when considering exceptions (grounds for refusal).</p> <p>SCORING GUIDE:</p> <p>The law provides a wide public interest test that covers all exemptions and requires the requested information to be made available if it is in the public interest = 3</p> <p>The law requires some exemptions to be covered by a public interest test requested information to be made available if it is in the public interest, even when covered by an exception = 2</p> <p>The law requires only a few exemptions covered by the public interest test = 1</p> <p>The law does not allow for the release of information that is covered by an exception (ground for refusal) on the basis of public interest = 0</p> |

There are no practice indicators for this Guideline, because similar to Guideline 1, measuring the implementation of this Guideline would require multiple information requests.

Guideline 4: “Environmental Information Collection and Management”

States should ensure that their competent public authorities regularly collect and update relevant environmental information, including information on environmental performance and compliance by operators of activities potentially affecting the environment. To that end, States should establish relevant systems to ensure an adequate flow of information about proposed and existing activities that may significantly affect the environment.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>1. To what extent are competent public authorities mandated by law to regularly collect and update relevant environmental information?</p> | <p>“Relevant information” is a broad term. For the purposes of the following three indicators, “relevant information” means the following: (i) <i>in cities</i>, air and drinking water quality information, (ii) <i>in rural areas</i>, water quality information, and (iii) information on forest ecosystems, such as deforestation rates, concessions and impacts on biodiversity.</p> <p>In scoring this indicator, look for a mandate in the law obligating and empowering the public authority to collect the information.</p> <p>Indicate in the comment box which categories of environmental information are collected and which are not.</p> <p>SCORING GUIDE:</p> <p>The law mandates competent public authorities to collect all three categories of environmental information = 3</p> <p>The law mandates competent public authorities to collect two of the three categories of environmental information = 2</p> <p>The law mandates competent public authorities to collect only one of the three categories of relevant environmental information = 1</p> <p>The law does not mandate collection of environmental information or gives a discretion to the authority to collect = 0</p> |
| <p>2. To what extent does the law mandate the public authorities to comprehensively monitor the environmental performance and compliance by operators of activities potentially affecting the environment, and to collect and update such information?</p> | <p>Indicate in the comment box which activities are covered by the mandate (if it exists) and which are not.</p> <p>SCORING GUIDE:</p> <p>The law mandates competent public authorities to monitor the performance and compliance by operators of all activities potentially affecting the environment and collect and update such information = 3</p> <p>The law mandates competent public authorities to monitor the performance and compliance by operators of a majority of activities potentially affecting the environment and to collect and update this information = 2</p> <p>The law mandates competent public authorities to monitor the performance and compliance of a minority of operators of activities potentially affecting the environment and to collect and update this information = 1</p> <p>The law does not mandate monitoring of the performance and compliance of operators of activities affecting the environment and the collection or updating of such information = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>3. To what extent is there a system established by the law ensuring adequate public information about proposed and existing activities that may significantly affect the environment?</p> | <p>In evaluating this indicator, look for evidence of a system <i>established by the law</i> that ensures <i>the flow</i> of information on new and existing activities that impact the environment. A system that ensures information flows will consist of a data collection system, data storing system (allowing for easy and quick retrieval), data analysis system, data dissemination system and systems that ensure easy user friendly uptake of information. Proactive release of information via websites is one part of such a system. It also includes information relating to new projects and environmental impact assessment of new projects.</p> <p>SCORING GUIDE:</p> <p>The law mandates the establishment of a comprehensive system ensuring adequate public information about proposed and existing activities that may significantly affect the environment = 3</p> <p>The law mandates the establishment of a system to provide public information about proposed or existing activities (not both) that may significantly affect the environment, but it is not comprehensive = 2</p> <p>The law establishes a system ensuring adequate information about proposed and existing activities that may significantly affect the environment is produced but making such information public is discretionary = 1</p> <p>Either the law does not mandate a comprehensive system ensuring adequate information about proposed and existing activities that significantly affect the environment or such a system has been established but the information is not open to the public = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|--|---|
| <p>1. Does a national agency in your country ensure that information on daily air emission and waste water discharges by large-scale industries at a facility level are proactively made publicly available either online, through a public register or at a library; if so, is that information comparable to a national standard?</p> | <p>YES</p> <p>LIMITED (only air or water data (but not both) are made available, the data are more than one year old, or the data are available but not at a facility level)</p> <p>NO</p> |

Guideline 5: “State of the Environment’ Report”

States should periodically prepare and disseminate at reasonable intervals up-to-date information on the state of the environment, including information on its quality and on pressures on the environment.

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|--|
| <p>1. To what extent does the law mandate the government to publish reports on the state of the environment (i.e. a State of the Environment report)?</p> | <p>Indicate in the comment box which laws mandate the government to publish reports on the state of the environment (i.e. a State of the Environment report).</p> <p>SCORING GUIDE:</p> <p>The law obligates the government to publish reports on the state of the environment = 3</p> <p>The law gives the government a discretion to publish reports on the state of the environment = 2</p> <p>The law mentions reports on the state of the environment but is vague about who is responsible for producing them = 1</p> <p>The law is silent on the government publishing reports on the state of the environment = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|---|
| <p>2. To what extent does the law require the publication of a State of the Environment report to be periodic at reasonable intervals?</p> | <p>Note that if the previous indicator was scored “0”, this indicator should also be scored “0”.</p> <p>SCORING GUIDE:</p> <p>The law specifies that state of the environment reports should be published every three years or less = 3</p> <p>The law specifies that state of the environment reports should be published every three to five years = 2</p> <p>The law allows discretion as to when a state of the environment report may be published or requires it to be published every six or more years = 1</p> <p>The law is silent on when and how often a state of the environment report should be published = 0</p> |
| <p>3. To what extent does the law require the report to contain up-to date information?</p> | <p>In addition to requiring that reports be produced at reasonable periodic intervals, the law should require that data and information is kept up to date.</p> <p>Note that if the first indicator was scored “0”, this indicator should also be scored “0”.</p> <p>SCORING GUIDE:</p> <p>The law requires the report to contain up-to-date information = 3</p> <p>The law requires the report to contain information that is no more than three years old = 2</p> <p>The law requires good or reliable information but does not require it to be up-to-date = 1</p> <p>The law is silent on the need for the report to contain up-to-date information = 0</p> |
| <p>4. Does the law require the report to be comprehensive in the information that it provides?</p> | <p>In order to be comprehensive, the report should contain information on environmental quality and natural resource pressures. Environmental quality may include air and water quality measures, toxics or other pollution hazards. Natural resource pressures include information on deforestation, land degradation, coastline erosion, biodiversity, and ecosystem destruction.</p> <p>Note that if the first indicator was scored “0”, this indicator should also be scored “0”.</p> <p>If the indicator is scored “2” or below, note in the comment box which environmental quality indicators are not included.</p> <p>SCORING GUIDE:</p> <p>The law clearly requires the report to contain information on comprehensive environmental quality assessments = 3</p> <p>The law clearly requires the report to contain information on some environmental quality indicators = 2</p> <p>The law requires the report to contain environmental quality information but does not specify any parameters or indicators = 1</p> <p>The law is silent on the report containing environmental quality information = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|--|---|
| <p>1. In the last 10 years has a national government agency regularly published State of the Environment Reports? (Regular is at fixed intervals of five years or less)</p> | <p>A State of the Environment report contains data and information on trends and pressures relating to environmental quality. This often includes information on water and air quality, deforestation, ecosystem health and function, land use, and CO2 emissions.</p> <p>YES</p> <p>LIMITED (Reports are irregular or incomplete)</p> <p>NO</p> |

Guideline 6: “Early Warning Information”

In the event of an imminent threat of harm to human health or the environment, States should ensure that all information that would enable the public²³ to take measures to prevent such harm is disseminated immediately.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|---|
| <p>1. When there is an imminent threat of harm to human health or the environment, to what extent does the law obligate or mandate the government agencies to immediately disseminate information to the public that enables it to take preventive action?</p> | <p>The term “The public” may be defined as one or more natural or legal persons and their associations, organizations or groups.</p> <p>Indicate in the comment box which laws obligate or mandate the State or State agency to disseminate information to the public.</p> <p>SCORING GUIDE:</p> <p>The law obligates the state and state agencies to immediately disseminate information to the public when there is an imminent threat of harm to human health or the environment = 3</p> <p>The law obligates the state and state agencies to disseminate such information but does not state when it should be done = 2</p> <p>The law gives state and state agencies discretion as to whether and when to disseminate such information = 1</p> <p>The law is silent on the obligation of state and state agencies to disseminate such information = 0</p> |

There are no practice indicators for this Guideline because of the likely difficulty in accurately assessing whether information was disseminated in a timely manner in past disasters.

Guideline 7: No indicators

States should provide means for and encourage effective capacity-building, both among public authorities and the public, to facilitate effective access to environmental information.

There are no indicators for this guideline as it relates to the provisioning of funds, personnel, etc., to build the capacity of the public and agencies and facilitate access to information. These are actions taken via annual budgets and are not related to the status of the law. This guideline is therefore not assessed or ranked in this diagnostic tool.

II. Pillar: Public Participation

Guideline 8: “Early Public Participation”

States should ensure opportunities for early and effective public participation in decisionmaking related to the environment. To that end, members of the public concerned²⁴ should be informed of their opportunities to participate at an early stage in the decision-making process.

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|---|
| <p>1. To what extent does the law require the public concerned to have opportunities to participate in decisionmaking related to the environment?</p> | <p>In these indicators and elsewhere in the toolkit, “the public concerned” may be defined as the public affected by, or having an interest in, the environmental decision-making process. For the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law should be deemed to have an interest.</p> <p>Reminder: For the purposes of the EDI, the scope of the law is limited to: permitting and licencing procedures, including extractive industries; the development of pollution standards and granting of pollution control permits; approval of projects based on environmental impact assessments; policy making; and the development of forest management and protected area plans and policies and granting of forest concessions.</p> <p>Participation is adequate when the law provides for the basic requirements of public notice of pending decisions, access to documents for comment, a reasonable comment period and consideration of public comments by decision-makers. The researcher should also consider whether the law obligates private entities to ensure public participation.</p> <p>In scoring this indicator, make a note in the comment box clearly indicating which laws do not provide adequate opportunities for the public to participate in decision-making on projects relating to the environment, marking clearly those which do not provide for public participation at all.</p> <p>SCORING GUIDE:</p> <p>The law requires the public to have the opportunity to participate in decision-making on all projects, permitting, licencing, standard-setting, policy-making and planning that may have a significant effect on the environment = 3</p> <p>The law requires the public to have the opportunity to participate in decision-making on a majority of projects, permitting, standard-setting, licencing, policy-making and planning that may have a significant effect on the environment = 2</p> <p>The law requires the public to have the opportunity to participate in decision-making on a minority of projects, permitting, licencing, standard-setting, policy-making and planning that may have a significant effect on the environment = 1</p> <p>The law does not require the public to have the opportunity to participate in decision-making related to the environment at all = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|--|
| <p>2. To what extent does the law require public participation opportunities to be provided early in the decision-making process?</p> | <p>In these indicators and elsewhere in the toolkit, “the public concerned” may be defined as the public affected by, or having an interest in, the environmental decision-making process. For the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law should be deemed to have an interest.</p> <p>The score of this indicator is dependent upon the score of the previous indicator. If the previous indicator was scored a “2”, for example, the maximum score this indicator may receive is a “2”.</p> <p>“Early public participation” means that the public can participate at an early enough stage in the decision-making to have an effective impact on the options being considered. It consists of participation that can still shape the options for decisions (i.e. no decisions on the project, permit, licence, program, policy or plan of any type have been made). In contrast, a failure to provide early public participation may occur if public participation is left to the stage when there are effectively no real options still open, meaning that the public can have only a very small impact on the outcome.</p> <p>Make clear in the comment field which laws provide for early public participation, intermediate, late-stage, or none at all.</p> <p>SCORING GUIDE:</p> <p>All laws provide public participation opportunities at the very earliest stages of decision-making (e.g. scoping stage of projects or planning or early assessment of industrial facilities in permitting or licencing etc.) = 3</p> <p>Most laws (more than 50%) provide public participation opportunities at the very earliest stages of decision-making (e.g. scoping stage of projects or planning or early assessment of industrial facilities in permitting or licencing etc.) = 2</p> <p>A few of the laws (less than 50%) provide public participation opportunities at the very earliest stages of decision-making (e.g. scoping stage of projects or planning, or early assessment of industrial facilities in permitting or licencing etc.) = 1</p> <p>No laws provide such opportunities at an early stage of decision-making = 0</p> |
| <p>3. To what extent does the law require that the public concerned be provided with information about its opportunities to participate early in the decision-making process?</p> | <p>The score of this indicator is dependent upon the score of the previous indicator. If the previous indicator was scored “1” for example, the highest score this indicator can receive is also “1”.</p> <p>Indicate in the comment box which of the laws/ regulations listed in the indicator require the public to be informed about its opportunities to participate.</p> <p>SCORING GUIDE:</p> <p>All of the laws require State agencies or private actors to notify the public concerned about its opportunities to participate in that decision-making process at an early stage = 3</p> <p>A majority of the laws require State agencies or private actors to notify the public concerned about its opportunities to participate in that decision-making process at an early stage = 2</p> <p>A minority of the laws require State agencies or private actors to notify the public concerned about its opportunities to participate in that decision-making process at an early stage = 1</p> <p>The law is silent on State agencies’ or privates actors’ obligations to notify the public concerned about its opportunities to participate in the decision-making process at an early stage = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|--|---|
| <p>1. Choose three recent controversial development projects (in terms of press coverage and potential cost and/or revenue of project) that were approved through an Environmental Impact Assessment (EIA) process under national law. Were public notices given seeking comments on the EIA or its terms of reference?</p> | <p>This indicator tests whether requirements for public participation were followed even during politically sensitive, high-investment, or other scenarios where public opinion has called attention to the project</p> <p>YES</p> <p>LIMITED (not in all cases)</p> <p>NO</p> |

Guideline 9: “Proactive Public Consultation”

States should, as far as possible, make efforts to seek proactively public participation in a transparent and consultative manner, including efforts to ensure that members of the public concerned are given an adequate opportunity to express their views.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>1. To what extent do the laws concerning environmental impact assessments, pollution control permits, forest concessions, extractive industries, biodiversity and terrestrial protected areas, and environmental policy-making obligate the State or state agencies at the national level to proactively seek public participation?</p> | <p>In scoring this indicator, a mandate to notify the public by itself is only a first and minimum step to a proactive effort. Proactive efforts are those required by law in addition to the official notification of participatory events. They might include public announcements, such as news items and interviews in the local media; information sent by mail to the public concerned; local loudspeaker and announcements made in customary fashion (e.g. drum beating – village criers etc.), and efforts to facilitate attendance such as by providing transport costs or local focus group meetings. They may also include innovative use of information and communication technologies that enable citizen voices and polling citizen views.</p> <p>This indicator’s score should not exceed that of 8.1, which tests the extent that participation opportunities are provided through law.</p> <p>Indicate in the comment box which of the laws/regulations listed in the indicator require proactive efforts to seek public participation.</p> <p>SCORING GUIDE:</p> <p>All laws assessed obligate the State or state agencies to proactively seek public participation in decisions related to the environment = 3</p> <p>A majority of laws assessed obligate the State or state agencies to proactively seek public participation in decisions related to the environment = 2</p> <p>A minority of the laws assessed obligate the State or state agencies to proactively seek public participation in decisions related to the environment = 1</p> <p>The law does not obligate the State or state agencies to proactively seek public participation in any decisions related to the environment = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|---|
| <p>2. To what extent do the laws concerning: environmental impact assessments, pollution control permits, forest concessions, extractive industries, biodiversity and terrestrial protected areas, and environmental policy-making obligate the State or State agencies at the national level to give members of the public concerned an adequate opportunity to express their views?</p> | <p>This indicator examines the extent to which the law provides members of the public concerned with opportunities to express their views on proposed decisions and to have their views taken into account.</p> <p>“Adequate opportunity” means that the state or proxy entity (such as a private company) provides sufficient opportunities for a full range of stakeholders. This includes providing multiple public meetings at different times and making special efforts to engage marginalized groups, either on the basis of gender, language, ethnicity, or age.</p> <p>This indicator’s score should not exceed that of 8.1, which tests the extent that participation opportunities are provided through law.</p> <p>Indicate in the comment box which of the laws/regulations listed in the indicator require the State, state agencies, or proxy entities to give members of the public concerned adequate opportunity to express their views.</p> <p>SCORING GUIDE:</p> <p>All laws assessed require the State or state agencies to give the public concerned an adequate opportunity to express its views = 3</p> <p>A majority of the laws assessed require the State or state agencies to give the public concerned an adequate opportunity to express its views = 2</p> <p>A minority of the laws assessed require the State or state agencies to give the public concerned an adequate opportunity to express its views = 1</p> <p>The law does not obligate the State or state agencies to give the public an adequate opportunity to express its views = 0</p> |

There are no practice indicators for this Guideline because implementation is likely to vary on a case by case basis and could not adequately be measured without significant testing and/or research and therefore falls outside of the parameters of EDI.

Guideline 10: “Informed Participation”

States should ensure that all information relevant for decision-making related to the environment is made available, in an objective, understandable, timely and effective manner, to the members of the public concerned.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>1. To what extent do the laws concerning: environmental impact assessments, pollution control permits, forest concessions, extractive industries, protected areas and wildlife plans and regulations, and environmental policy-making, require all information relevant to decision-making processes relating to the environment to be made available to the public concerned, without the public having to make an official information request?</p> | <p>This indicator differs from previous indicators in that it is testing whether a requirement exists to make relevant information available to the public so that it may make informed contributions to decision-making processes. This is different from simply informing the public about opportunities to participate.</p> <p>In the best-case scenario, the law provides a minimum list of information which must be made available.</p> <p>NOTE: the score of this indicator will affect the possible scores for the subsequent indicators in this guideline. If this indicator is score “3”, the following indicators may score up to “3”. However, if it is only scored “1”, for example, the subsequent indicators can only be scored a maximum of “1”.</p> <p>In the comment box, indicate which sectors are or are not covered by the mandate.</p> <p>SCORING GUIDE:</p> <p>All laws assessed require all information relevant to decision-making processes relating to the environment to be made available to the public concerned without having to make an official information request = 3</p> <p>Most laws assessed require all information relevant to decision-making processes relating to the environment to be made available to the public concerned without having to make an official information request = 2</p> <p>A few if the laws assessed require all information relevant to decision-making processes relating to the environment to be made available to the public concerned without having to make an official information request = 1</p> <p>None of the laws assessed require information relevant to decision-making relating to the environment to be made available to the public concerned = 0</p> |
| <p>2. To what extent do the laws concerning environmental impact assessments, pollution control permits, forest concessions, extractive industries, protected areas and wildlife plans and regulations, and environmental policy-making, require that proactively released information relevant to decision-making be understandable to the public concerned?</p> | <p>“Understandable” means not only at a basic literacy level, but also that the information be provided in all relevant languages, including indigenous languages of affected populations.</p> <p>Because this indicator is dependent upon the previous indicator, its maximum score cannot exceed the score of the previous indicator.</p> <p>Indicate in the comment box which of the laws/regulations listed in the indicator require the State or state agencies to make proactively released information understandable to the public concerned.</p> <p>SCORING GUIDE:</p> <p>All laws assessed require proactively released information to be understandable by the public concerned at the most basic literacy/education level and in all relevant languages = 3</p> <p>The majority of laws assessed require proactively released information to be understandable by the public concerned at the most basic literacy/education level and in all relevant languages = 2</p> <p>A minority of the laws assessed require proactively released information to be understandable by the public concerned at the most basic literacy/education level and in all relevant languages = 1</p> <p>None of the laws assessed set any standards about the user friendliness of the information to be provided to the public concerned = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
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| <p>3. To what extent do the laws concerning environmental impact assessments, pollution control permits, forest concessions, extractive industries, biodiversity and terrestrial protected areas, and environmental policy-making require the information relevant to decision-making to be provided in a timely fashion to the public concerned?</p> | <p>This indicator assesses whether information relevant to the decision-making is required to be made available to the public concerned for examination without a request having to be made for such information. The indicator assesses whether the information relevant to the decision-making processes is provided in a timely manner in order that the public may use it to prepare its participation effectively. A “timely manner” refers to making information available <i>promptly</i> at the beginning of the decision-making process as well as when new information comes into the possession of the authorities later in the process.</p> <p>Because this indicator is dependent upon the first indicator, its maximum score cannot exceed the score of the first indicator.</p> <p>Indicate in the comment box which of the laws/regulations listed in the indicator require the state or state agencies to make information relevant to decision-making available to the public in a timely manner.</p> <p>SCORING GUIDE:</p> <p>All laws assessed expressly require all information relevant to decision-making to be provided to the public concerned in a timely manner = 3</p> <p>The majority of laws assessed require all information relevant to decision-making to be provided to the public concerned in a timely manner = 2</p> <p>A minority of the laws assessed require all information relevant to decision-making to be provided to the public concerned in a timely manner = 1</p> <p>The law does not specify any timeframe during which the information relevant to decision-making must be available to the public concerned = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|--|---|
| <p>1. Are the Environmental Impact Assessments for development projects accessible to the public online or at a national government agency?</p> | <p>YES</p> <p>LIMITED (only for some projects or they are available but not online)</p> <p>NO</p> |
| <p>2. Is information on wastewater discharge and air emission permit violations available to the public online or at a government agency?</p> | <p>YES</p> <p>LIMITED (only for some permit violations or they are not available online)</p> <p>NO</p> |
| <p>3. Are extractive industry licenses/permits available to the public online or at a government agency?</p> | <p>YES</p> <p>LIMITED (Only for some licenses/permits or they are not available online)</p> <p>NO</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|---|--|
| <p>4. During the past three years, in the process of granting forest use contracts, has the relevant agency made publicly available information related to such contracts?</p> | <p>Forest use contracts include large-scale concessions as well as other permits and licenses for forest use. Information could include scoping documents, draft management plans, etc.</p> <p>YES</p> <p>LIMITED (only some forest use contracts are available or they are not available online)</p> <p>NO</p> |
| <p>5. Are the forest use contracts, once finalized, made available to the public online or at a government agency?</p> | <p>YES</p> <p>LIMITED (only large-scale contracts are available or only for certain regions)</p> <p>NO</p> |

Guideline 11: “Due Account of Public Comments”

States should ensure that due account is taken of the comments of the public in the decision-making process and that the decisions are made public.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>1. To what extent do the laws concerning environmental impact assessments, pollution control standards and permits, forest concessions, extractive industries, biodiversity and terrestrial protected areas, and environmental policy-making require the State or State agencies at the national level to take due account of the public’s comments in decision-making relating to the environment?</p> | <p>In scoring this indicator, consider what mechanisms are provided in the law for ensuring that public comments are taken into account in formulating the decision. The most basic level is to record the comments. However, the public should be able receive feedback on which comments were accepted or rejected and why. For example: if the law obligates the decision-maker to consider each public comment and <i>give reasons</i> why it was rejected or accepted and if accepted, to explain how it was incorporated into or impacted the decision, this provides evidence that the comment was actually taken into account.</p> <p>This indicator’s score should not exceed that of 8.1, which tests the extent that participation opportunities are provided through law.</p> <p>Indicate in the comment box which of the laws/regulations listed in the indicator require the State or state agencies to take due account of public comments. In some cases, the law may require some measures to account for public comments such as simply recording comments, without providing reasons for acceptance or rejection. Please indicate, to the extent possible, what each of the relevant laws provide.</p> <p>SCORING GUIDE:</p> <p>All laws assessed require State agencies to take due account of public comments = 3</p> <p>The majority of laws assessed require the State or State agencies to take due account of public comments = 2</p> <p>A minority of laws assessed require the State or State agencies at the national level to take due account of public comments = 1</p> <p>The law is silent on what the State or state agencies are required to do with regard to public comments = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
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| <p>2. To what extent do the laws concerning environmental impact assessments, pollution control standards and permits, forest concessions, extractive industries, biodiversity and terrestrial protected areas, and environmental policy-making require that decisions relating to the environment are made public?</p> | <p>In scoring this indicator, consider that different laws and agencies may have varied procedures and ways of making decisions public. Decisions may be published in a local newspaper or at an onsite location. Other agencies may make it available on request, keep in a library, or publish it in a gazette. Take all these into account in scoring the indicator identifying in the comment box, laws/agencies where gaps exist.</p> <p>Indicate in the comment box which of the laws/ regulations listed in the indicator require the State or state agencies to make decisions related to the environment public.</p> <p>SCORING GUIDE:</p> <p>All laws assessed require decisions relating to the environment to be in writing and publicized through the press = 3</p> <p>The majority of laws assessed require decisions relating to the environment to be in writing and publicized through the press = 2</p> <p>A minority of the laws assessed require decisions relating to the environment to be in writing and publicized through the press = 1</p> <p>The law is silent on whether decisions relating to the environment should be made public or prohibits such decisions from being made public = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|---|--|
| <p>1. In the three most recent large-scale extractive or development projects, did the relevant agency respond to public comments on the environmental impact assessment and make the responses available to the public?</p> | <p>YES</p> <p>LIMITED (Responses were made, but they are not publicly available, or responses made public were only for some but not all public comments)</p> <p>NO</p> |

Guideline 12: “Public Participation in Review”

States should ensure that when a review process is carried out where previously unconsidered environmentally significant issues or circumstances have arisen, the public should be able to participate in any such review process to the extent that circumstances permit.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>1. To what extent do the laws concerning: environmental impact assessments, pollution control standards and permits, forest concessions, extractive industries, biodiversity protection, and environmental policy-making require the State or state agencies to provide for a public review process for decisions relating to the environment if previously unconsidered environmental impacts become apparent?</p> | <p>For the purposes of this guideline, a “public review process” means a process that involves public participation to revise or update the conditions for a permit or consent when there are changed environmental actors or impacts. Such a process may or may not exist in every country, but if it does, public participation should be an essential element of that process.</p> <p>Indicate in the comment box which of the laws/regulations listed in the indicator require the State or state agencies to provide for a public review process if previously unconsidered environmental impacts become apparent.</p> <p>SCORING GUIDE:</p> <p>All laws assessed require the State or state agencies to provide for a public review process of previous decisions relating to the environment if previously unconsidered environmental impacts become apparent = 3</p> <p>The majority of laws assessed require the State or State agencies to provide for a public review process of previous decisions relating to the environment if previously unconsidered environmental impacts become apparent = 2</p> <p>A minority of the laws assessed require the State or state agencies to provide for a public review process if previously unconsidered environmental impacts become apparent = 1</p> <p>Either the law is silent on the possibility of a public review of previous decisions relating to the environment or expressly does not allow for it when previously unconsidered environmental impacts become apparent = 0</p> |

There are no practice indicators for this Guideline because the implementation for this could vary on a case by case basis and could not adequately be measured without significant testing and/or research and therefore falls outside of the parameters of EDI.

Guideline 13: “Integrating Public Input for Rule-making”

States should consider appropriate ways of ensuring, at an appropriate stage, public input into the preparation of legally binding rules that might have a significant effect on the environment and into the preparation of policies, plans and programmes relating to the environment.

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|---|
| <p>1. To what extent does the law require opportunities for public input at an appropriate stage during preparation of legally binding rules (rule-making or preparation of subsidiary legislation, regulations, etc.) that might have a significant effect on the environment?</p> | <p>Indicate in the comment box which activities are covered by the mandate (if it exists) and which are not.</p> <p>The term “legally binding rules” includes rules, regulations, proclamations, decrees and guidelines made by the executive branch of government as well as laws and regulations passed or adopted by the legislative branch.</p> <p>Generally, these types of requirements are found in the constitution, standing orders of the legislature, or in special laws such as administrative procedure acts, dealing with how rules, regulations and guidelines, etc., are to be developed and adopted.</p> <p>In scoring option “2”, “representative consultative bodies” may refer to an elected representative body, or an advisory body including civil society representatives.</p> <p>SCORING GUIDE:</p> <p>The law requires the state or state agencies to seek direct input from the public during the preparation of legally binding rules that might have a significant effect on the environment=3</p> <p>The law requires the state or state agencies to seek input from the public through representative consultative bodies during the preparation of legally binding rules that might have a significant effect on the environment = 2</p> <p>The law gives discretion to the state or state agencies to seek public input during the preparation of legally binding rules that might have a significant effect on the environment = 1</p> <p>The law does not mention public input into the preparation of legally binding rules = 0</p> |
| <p>2. To what extent do the laws concerning environmental impact assessments, pollution control standards and permits, forest concessions, extractive industries, biodiversity and terrestrial protected areas, and environmental policy-making require the State or state agencies to provide opportunities for public input at an appropriate stage of the preparation of policies?</p> | <p>A “policy” is a proposed or adopted course or principle of action (e.g. wetland policy or forest conservation policy). While policies often include proposals for laws – they may also focus on administrative actions.</p> <p>Indicate in the comment box which activities are covered by the mandate (if it exists) and which are not.</p> <p>SCORING GUIDE:</p> <p>All laws assessed require the state or state agencies to seek public input during the preparation of <i>policies</i> under such laws = 3</p> <p>The majority of laws assessed require the state or state agencies to seek public input during the preparation of <i>policies</i> under such laws = 2</p> <p>A minority of the laws assessed require the state or state agencies to seek public input during the preparation of <i>policies</i> under such laws = 1</p> <p>None of the laws assessed require public input into the preparation of <i>policies</i> that might have a significant impact on the environment = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|---|
| <p>3. To what extent do the laws concerning environmental impact assessments, pollution control standards and permits, forest concessions, extractive industries, biodiversity protection, and environmental policy-making require there to be opportunities for public input at an appropriate stage of the preparation of plans relating to the environment?</p> | <p>A “plan” is a detailed proposal for doing or achieving something, e.g. biodiversity action plan or wildlife conservation plan.</p> <p>Indicate in the comment box which laws require there to be opportunities for public input at an appropriate stage of the preparation of <i>plans</i> relating to the environment and which laws do not.</p> <p>SCORING GUIDE:</p> <p>All laws assessed require the state or state agencies to seek public input during the preparation of <i>plans</i> that might have a significant effect on the environment = 3</p> <p>The majority of laws assessed require the state or state agencies to endeavour or make efforts to seek public input during the preparation of <i>plans</i> that might have a significant effect on the environment = 2</p> <p>A minority of the laws assessed require the state or state agencies to seek public input during the preparation of <i>plans</i> that might have a significant effect on the environment = 1</p> <p>None of the laws assessed require public input into the preparation of <i>plans</i> that might have a significant effect on the environment = 0</p> |
| <p>4. To what extent does the law require there to be opportunities for public input at an appropriate stage of the preparation of programs relating to the environment?</p> | <p>A “program” is a set of related measures or activities with a particular long-term aim. For example, a malaria eradication program or watershed management program.</p> <p>Indicate in the comment box which laws require there to be opportunities for public input at an appropriate stage of the preparation of <i>programs</i> relating to the environment and which laws do not.</p> <p>SCORING GUIDE:</p> <p>All laws assessed require the State or state agencies to seek public input during the preparation of programs that might have a significant effect on the environment = 3</p> <p>The majority of the laws assessed require the State or state agencies to seek public input during the preparation of programs that might have a significant effect on the environment = 2</p> <p>A minority of the laws assessed require the State or state agencies to seek public input during the preparation of programs that might have a significant effect on the environment = 1</p> <p>None of the laws assessed require public input into the preparation of programs that might have a significant effect on the environment = 0</p> |

There are no practice indicators for this Guideline because the broad scope of this Guideline made it difficult to accurately assess implementation.

Guideline 14: No indicators

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

INDICATORS: There are no indicators for this guideline as it relates to ensuring that relevant agencies have resources, personnel, training, and incentives to effectively implement public participation. These steps are essential, but fall outside of the scope of the 2014 EDI. This guideline is therefore not assessed.

III. Pillar: Access to Justice

Guideline 15: “Information Request Appeals”

States should ensure that any natural or legal person who considers that his or her request for environmental information has been unreasonably refused, in part or in full, inadequately answered or ignored, or in any other way not handled in accordance with applicable law, has access to a 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.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|---|
| <p>1. To what extent do the laws concerning environmental impact assessments, pollution control standards and permits, forest concessions, extractive industries, biodiversity protection, and environmental policy-making provide for access to a review procedure in cases where environmental information request have been denied?</p> | <p>In assessing this indicator, a denial of information includes the following circumstances:</p> <ul style="list-style-type: none"> ■ when a request is denied wholly or partially ■ when a request is unreasonably refused ■ when a request is inadequately answered or ignored <p>The procedure for review may consist of several stages. For example, the first review may be an administrative review, while the second may be to a tribunal or court. This indicator is testing the final or ultimate review of the decision.</p> <p>Indicate in the comment box which laws provide for access to a review procedure in cases where environmental information request have been denied, and which laws do not.</p> <p>SCORING GUIDE:</p> <p>The law sets out clear procedures for access to a review procedure before a court or other independent and impartial body in cases where environmental information requests are denied = 3</p> <p>The law expressly allows for access to a review procedure in cases where environmental information requests are denied but leaves it to the state or state agencies to specify the applicable procedures, including whether the review will be heard by a court or other independent and impartial body = 2</p> <p>The law expressly allows for access to a review procedure in cases where environmental information requests are denied but (i) mandates the agency responsible for denying the information request or another non-independent body to undertake the review; or (ii) provides very restrictive procedures for review (e.g. limits the situations in which an appeal is available or requires the appellant to follow complicated procedures) = 1</p> <p>The law does not provide procedures for appeal or redress in cases where environmental information requests are denied = 0</p> |
| <p>2. To what extent does the law make the review available to all natural or legal persons?</p> | <p>“Natural person” in this indicator is any living person. Legal persons are incorporated bodies such as companies, corporations, and firms. Good practice requires that any natural or legal person should be able to appeal or seek redress when an information request is denied to that person. Limiting requests to citizens alone is not in accordance with good practice and should be scored lower. If this is the case, please include a comment in the box.</p> <p>Indicate in the comment box which laws make the review available to natural or legal persons and which laws do not.</p> <p>Note that if the previous indicator was scored a “0”, this indicator must also be scored “0”.</p> <p>SCORING GUIDE:</p> <p>The law gives citizens, legal persons, and non-citizens the right to a review when information requests are denied = 3</p> <p>The law gives citizens and legal persons OR citizens and non-citizens the right to a review when information requests are denied = 2</p> <p>The law only gives citizens the right = 1</p> <p>The law is silent on this matter = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|---|
| <p>3. To what extent does the law provide access to a review procedure before a court of law or other independent and impartial body in cases when an environmental information request has been denied?</p> | <p>Independence is usually guaranteed by law when the decision-maker is protected against reductions in salary or dismissal from office on account of decisions made. Independence of the decision-maker is also guaranteed by selection and appointment processes that are transparent and objective. Impartiality is fostered through the recognition by the state that the decision-maker is free to make a decision in keeping with the law and facts even if it does not favor the government. Legal mechanisms to ensure this include insurance that judges or administrators salaries cannot be lowered, that they cannot be transferred to other districts and that they cannot be disciplined except through rigorous and well-established proceedings in serious circumstances.</p> <p>Indicate in the comment box which laws provide access to a review procedure before a court of law or other independent and impartial body in cases when an environmental information request has been denied, and which laws do not.</p> <p>Note that if no review procedures are required by law, this indicator must be scored “0”.</p> <p>SCORING GUIDE:</p> <p>The law requires review procedures when environmental information requests are denied to be heard by a court of law or other “independent and impartial” body and there are legal mechanisms in place to ensure the independence and impartiality of the court or other body = 3</p> <p>The law requires review procedures when environmental information requests are denied to be heard by a court of law or other “independent and impartial body” but legal mechanisms to enforce this are weak or limited= 2</p> <p>The law requires review procedures when environmental information requests are denied but there are no requirements or mechanisms to ensure independence and impartiality = 1</p> <p>The law does not require review procedures when environmental information requests are denied to be heard by a court of law or other “independent and impartial” body or challenges are not protected in the law = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
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| <p>1. Is there a court, tribunal or other independent or impartial body at the national level with a physical office to receive and process public complaints about the refusal of environmental information?</p> | <p>YES</p> <p>LIMITED (there is a body but it is not independent or impartial)</p> <p>NO</p> |

Guideline 16: “Public Participation Appeals”

States should ensure that the members of the public concerned have access to a court of law or other independent and impartial body to challenge the substantive and procedural legality of any decision, act or omission relating to public participation in decision-making in environmental matters.

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|---|
| <p>1. To what extent does the law entitle members of the public concerned to challenge the substantive legality of any decision, act or omission relating to decision-making in environmental matters which is subject to public participation?</p> | <p>This guideline is interpreted broadly as giving the right to members of the public to challenge decisions, acts, or omissions relating to decision-making in environmental matters which are subject to public participation. The guideline is not narrowly interpreted to be confined only to decisions, acts or omissions regarding the public participation itself.</p> <p>In scoring this indicator the term “substantive legality” refers to challenges on the basis that the decision is legally incorrect in its substance, also known as an error of law. This can be contrasted with “procedural legality” which considers whether there have been any procedural irregularities.</p> <p>Indicate in the comment box which laws entitle members of the public concerned to challenge the substantive legality of any decision, act or omission relating to decision-making in environmental matters which is subject to public participation, and which laws do not.</p> <p>SCORING GUIDE:</p> <p>The law entitles members of the public concerned to challenge the <i>substantive legality</i> of any decision, act or omission relating to decision-making in environmental matters which is subject to public participation = 3</p> <p>The law entitles members of the public concerned to challenge the <i>substantive legality</i> of any decision, act or omission relating to decision-making in environmental matters which is subject to public participation, at the discretion of the court or other body = 2</p> <p>The law entitles members of the public concerned to challenge any decision, act or omission relating to decision-making in environmental matters which is subject to public participation generally, but is unclear about whether this includes challenges on substantive legality = 1</p> <p>The law does not allow or is silent as to whether it is possible for members of the public concerned to challenge any decision, act or omission relating to decision-making in environmental matters which is subject to public participation, at all = 0</p> |
| <p>2. To what extent does the law entitle members of the public concerned to challenge the procedural legality of any decision, act or omission relating to decision-making in environmental matters subject to public participation?</p> | <p>Indicate in the comment box which laws entitle members of the public concerned to challenge the procedural legality of any decision, act or omission relating to decision-making in environmental matters which is subject to public participation, and which laws do not.</p> <p>SCORING GUIDE:</p> <p>The law entitles members of the public concerned to challenge the <i>procedural legality</i> of any decision, act or omission relating to decision-making in environmental matters subject to public participation = 3</p> <p>The law entitles members of the public concerned to challenge any decision, act or omission relating to decision-making in environmental matters subject to public participation, at the discretion of the court or other body = 2</p> <p>The law entitles members of the public concerned to challenge any decision, act or omission relating to decision-making in environmental matters subject to public participation, generally but is unclear about challenges on procedural legality = 1</p> <p>The law does not allow or is silent as to whether it is possible for members of the public concerned to challenge any decision, act or omission relating to decision-making in environmental matters subject to public participation, at all = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>3. To what extent does the law require that a court of law or other independent and impartial body hear challenges to substantive and/or procedural legality?</p> | <p>Independence is usually guaranteed by law when the decision-maker is protected against reductions in salary or dismissal from office on account of decisions made. Independence of the decision-maker is also guaranteed by selection and appointment processes that are transparent and objective. Impartiality is fostered through the recognition by the state that the decision-maker is free to make a decision in keeping with the law and facts even if it does not favor the government. “Legal mechanisms” refer to the following:</p> <ol style="list-style-type: none"> 1. decisions by the court or administrative body can only be overturned by a superior court (not by an appointee). 2. Salaries are fixed and cannot be reduced. 3. Judges or administrators cannot be transferred or disciplined except through well-established, rigorous proceedings. <p>Indicate in the comment box which laws require challenges to substantive and/or procedural legality to be heard by a court of law or other independent and impartial body.</p> <p>NOTE: if only one of the two types of challenges is permitted, indicate that in the comment box.</p> <p>SCORING GUIDE:</p> <p>The law requires challenges to substantive and procedural legality of environmental decisions subject to public participation to be heard by a court of law or other “independent and impartial” body, and there are legal mechanisms in place to ensure the independence and impartiality of the court or other body = 3</p> <p>The law requires challenges to substantive and procedural legality of environmental decisions subject to public participation to be heard by a court of law or other “independent and impartial body”, but there are few legal mechanisms in place to ensure the independence and impartiality of the court or other body, or the mechanisms are weak = 2</p> <p>The law requires challenges to substantive and procedural legality of environmental decisions subject to public participation to be heard by a court of law or other “independent and impartial body” but there are no legal mechanisms in place to ensure the independence and impartiality of the court of body = 1</p> <p>The law does not require challenges to substantive and procedural legality of environmental decisions subject to public participation to be heard by a court of law or other “independent and impartial” body or challenges are not protected in the law = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|---|---|
| <p>1. In the last 5 years, have public interest environmental or natural resource cases been filed before a court, tribunal or other body? If court records are not public information, check media reports.</p> | <p>YES</p> <p>LIMITED</p> <p>NO (or no information is accessible to the public to respond to this indicator)</p> |

Guideline 17: “Right of Public to Challenge State or Private Actors”

States should ensure that the members of the public concerned have access to a court of law or other independent and impartial body or administrative procedures to challenge any decision, act or omission by public authorities or private actors that affects the environment or allegedly violates the substantive or procedural legal norms of the State related to the environment.

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|--|
| <p>1. To what extent does the law give rights to the public concerned to challenge any decision, act or omission by public authorities that allegedly violates the procedural legal norms of the state relating to the environment?</p> | <p>As noted in guideline 8 above, “the public concerned” may be defined as the public affected or likely to be affected by, or having an interest in, the environmental decision-making process. For the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law should be deemed to have an interest.</p> <p>In scoring indicators 1-4, it is important to check that the right to challenge the decision, act or omission is given to all members of the public concerned.</p> <p>In scoring indicators 1-4, some States limit criminal prosecutions to state authorities while others allow private citizens to bring criminal prosecutions as well. Such limitations reduce the score, and should be noted in the comments boxes.</p> <p>Procedural legal norms include procedural national laws and procedural international law that is valid and applicable within the national context.</p> <p>In scoring this indicator, limitations of the types of actions, omissions or decisions that can be challenged should be taken into account. The more limited the opportunity to challenge, the lower the score.</p> <p>Indicate in the comment box which laws give rights to the public concerned to challenge any decision, act or omission by public authorities that allegedly violate the procedural legal norms of the State relating to the environment.</p> <p>SCORING GUIDE:</p> <p>The law gives the public concerned the right to challenge any decision, act or omission by <i>public authorities</i> that allegedly violate the <i>procedural legal norms</i> of the state relating to the environment = 3</p> <p>The law gives the public concerned the right to challenge a majority of decisions, acts or omissions by <i>public authorities</i> that allegedly violate the <i>procedural legal norms</i> of the state relating to the environment = 2</p> <p>The law gives the public concerned the right to challenge a minority of decisions, acts or omissions by <i>public authorities</i> that allegedly violate the <i>procedural legal norms</i> of the state relating to the environment = 1</p> <p>The law does not allow the public concerned to challenge decisions, acts or omissions by <i>public authorities</i> that allegedly violate the <i>procedural legal norms</i> of the state relating to the environment, or the law is silent on this issue = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
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2. To what extent does the law give rights to the public concerned to challenge any decision, act or omission by private actors that allegedly violates the substantive legal norms of the state relating to the environment?

Substantive legal norms include substantive national laws and substantive international law that is valid and applicable within the national context.

In scoring this indicator, limitations on the types of actions, omissions or decisions that can be challenged should be taken in to account. The more limited the opportunity to challenge, the lower the score.

Indicate in the comment box which laws give rights to the public concerned to challenge any decision, act or omission by private actors that allegedly violates the substantive legal norms of the state relating to the environment.

SCORING GUIDE:

The law gives the public concerned the right to challenge to **any** decision, act or omission by *private actors* that allegedly violates the *substantive legal norms* of the state relating to the environment = 3

The law gives the public concerned the right to challenge **most** (more than 50% of those assessed) decisions, acts or omissions by *private actors* that allegedly violates the *substantive legal norms* of the state relating to the environment = 2

The law gives the public concerned the right to challenge a **small number** (less than 50% of those assessed) of decisions, acts or omissions by *private actors* that allegedly violates the *substantive legal norms* of the state relating to the environment =

The law does not allow the public concerned to challenge decisions, acts or omissions by *private actors* that allegedly violates the *substantive legal norms* of the state relating to the environment, or the law is silent on this issue = 0

3. To what extent does the law give rights to the public concerned to challenge any decision, act or omission by private actors that allegedly violates the procedural legal norms of the State relating to the environment?

Procedural legal norms include procedural national laws and procedural international law that is valid and applicable within the national context.

Procedural legal norms include provisions that establish rights to obtain documents, produce witnesses, make submissions, and other such procedural steps.

They may also include steps to give notice, undertake reviews, and provide reasons or explanations.

In scoring this indicator, limitations on the types of actions, omissions or decisions that can be challenged should be taken in to account. The more limited the opportunity to challenge, the lower the score.

Indicate in the comment box which laws give rights to the public concerned to challenge any decision, act or omission by private actors that allegedly violates the procedural legal norms of the state relating to the environment.

SCORING GUIDE:

The law gives the public concerned the right to challenge **any** decision, act or omission by *private actors* that allegedly violates the *procedural legal norms* of the state relating to the environment = 3

The law gives the public concerned the right to challenge **most** (more than 50% of those assessed) decisions, acts or omissions by *private actors* that allegedly violates the *procedural legal norms* of the state relating to the environment = 2

The law gives the public concerned the right to challenge a **small number** (less than 50% of those assessed) of decisions, acts or omissions by *private actors* that allegedly violates the *procedural legal norms* of the state relating to the environment = 1

The law does not allow the public concerned to challenge decisions, acts or omissions by *private actors* that allegedly violates the *procedural legal norms* of the state relating to the environment or the law is silent on this issue = 0

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>4. To what extent does the law require the challenges referred to in indicators 1-3 to be heard by an independent and impartial body?</p> | <p>Indicate in the comment box which laws require the challenges referred to in indicators 1-3 to be heard by an independent and impartial body.</p> <p>SCORING GUIDE:</p> <p>The law requires the challenges referred to in indicators 1-3 to be heard by a court of law, administrative or other “independent and impartial body” body and there are strong legal mechanisms in place to ensure the independence and impartiality of the court or body = 3</p> <p>The law requires the challenges referred to in indicators 1-3 to be heard by a court of law or other “independent and impartial body” and there are some minimum legal mechanisms in place to ensure the independence and impartiality of the court or body = 2</p> <p>The law requires the challenges referred to in indicators 1-3 to be heard by a court of law or other “independent and impartial body” but there are no legal mechanisms in place to ensure the independence and impartiality of the court of body = 1</p> <p>The law does not require the challenges to be heard by a court of law or other “independent and impartial” body or challenges are not protected in the law = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|---|--|
| <p>1. Have there been cases in the last 5 years when civil society filed a lawsuit against a polluter in a national court?</p> | <p>Mention the outcome of the case in comments</p> <p>YES (More than one case)</p> <p>LIMITED (One case)</p> <p>NONE (or no information is accessible to the public to respond to this indicator)</p> |
| <p>2. Have there been cases in the last 5 years when civil society filed a lawsuit in a national court challenging a government decision, policy, or rule affecting the environment?</p> | <p>YES (more than one)</p> <p>LIMITED (one case)</p> <p>NO (or no information is accessible to the public to respond to this indicator)</p> |

Guideline 18: “Broad Standing”

States should provide broad interpretation of standing in proceedings concerned with environmental matters with a view to achieving effective access to justice.

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|---|
| <p>1. To what extent does the law recognize broad legal standing in proceedings concerned with environmental matters?</p> | <p>In this indicator, legal standing (also called standing or locus standi) refers to the right of a natural and legal person to bring a proceeding before courts, tribunals and administrative bodies. Legal standing could be limited or broad as a result of legislation or the jurisprudence of the courts. Consider both. The broadest standing would allow a challenge to a decision to be made by anyone acting in the public interest and out of a good faith sense of civic consciousness. A less broad level would allow all members of the public potentially affected, including environmental NGOs whose work encompasses the potentially affected geographical area even if they themselves are not necessarily located in that geographical area. A more restrictive legal standing would allow a challenge to be brought by anyone potentially affected by a decision, including NGOs located in the potentially affected area, but not those from outside it.</p> <p>A still more restrictive standing would allow standing only to persons with a proprietary interest in the decision. Where there are limitations on standing, make a note of these in the comment box. Where there are laws/decisions that broaden standing, note these in the comment box as well.</p> <p>SCORING GUIDE:</p> <p>The law recognizes broad legal standing (e.g. any member of the public acting in the public interest) in all proceedings concerned with environmental matters = 3</p> <p>The law recognizes broad legal standing in some proceedings concerned with environmental matters, but more restrictive legal standing (e.g. the potentially affected public) in others = 2</p> <p>The law recognizes restrictive legal standing (e.g. the potentially affected public) in most proceedings concerned with environmental matters = 1</p> <p>The law restricts standing to those person who can show a proprietary interest in the decision = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|--|---|
| <p>1. In the last 5 years, have NGOs been granted legal standing by national courts in public interest environmental cases?</p> | <p>YES</p> <p>LIMITED (some have been rejected and others not or only partial standing was recognized)</p> <p>NO, or there is no information accessible to the public to respond to this indicator</p> |

Guideline 19: “Fair, Timely & Independent Review”

States should provide effective procedures for timely review by courts of law or other independent and impartial bodies, or administrative procedures, of issues relating to the implementation and enforcement of laws and decisions pertaining to the environment. States should ensure that proceedings are fair, open, transparent and equitable.

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|---|
| <p>1. To what extent does the law provide procedures for the review of issues relating to the implementation and enforcement of laws and decisions pertaining to the environment by courts or other bodies, or administrative procedures?</p> | <p>In scoring this indicator, there may be several agencies or institutions established under law being examined. For example, the forest law may have a forest agency that issues and enforces permits while the environmental agency may grant permits for development activities. Each agency decision might have a different mechanism (if they exist) for enforcement or implementation. Consider all relevant mechanisms and note significant limitations and strengths of these in the comment box.</p> <p>SCORING GUIDE:</p> <p>The law provides procedures for administrative or judicial review of the implementation and enforcement of all laws and decisions pertaining to the environment = 3</p> <p>The law provides procedures for administrative or judicial review of the implementation and enforcement of most laws and decisions pertaining to the environment (i.e. more than 50% of the laws and decisions assessed) = 2</p> <p>The law provides procedures for administrative or judicial review of implementation and enforcement of a few laws and decisions pertaining to the environment (i.e. less than 50% of the laws and decisions assessed)= 1</p> <p>The law does not provide procedures for administrative or judicial review of the implementation and enforcement of laws and decisions pertaining to the environment = 0</p> |
| <p>2. To what extent does the law require review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be decided by impartial and independent courts or bodies?</p> | <p>Independence is usually guaranteed by law when the decision-maker is protected against reductions in salary or dismissal from office on account of decisions made. Independence of the decision-maker is also guaranteed by selection and appointment processes that are transparent and objective. Impartiality is fostered through the recognition by the state that the decision-maker is free to make a decision in keeping with the law and facts even if it does not favour the government.</p> <p>NOTE: If the previous indicator was scored “0”, this indicator should also be scored “0”.</p> <p>Indicate in the comment box which laws require review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be decided by impartial and independent courts or bodies.</p> <p>SCORING GUIDE:</p> <p>The law requires the decisions to be made by a court of law or other independent and impartial body and there are strong legal mechanisms in place to ensure the independence and impartiality of the court or body = 3</p> <p>The law requires the decision to be made by a court of law or other “independent and impartial body” and there are some minimum legal mechanisms in place to ensure the independence and impartiality of the court or body = 2</p> <p>The law requires the decision to be made by a court of law or other independent and impartial body but there are no legal mechanisms in place to ensure the independence and impartiality of the court of body = 1</p> <p>The law does not require the decision to be made by a court of law or other independent and impartial body or is silent as to which body should hear the challenges or challenges are not protected by law = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>3. To what extent does the law require review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be timely?</p> | <p>“Timeliness” in this indicator is a reference to the time taken from the commencement of the procedure through to its completion. Different laws may have different timeframes for implementation and enforcement while some laws may not have timeframes at all.</p> <p>In responding to this indicator go by the majority of the laws being examined. Take the longest period of time provided in the majority of laws being examined and the shortest and take an average of the two.</p> <p>Indicate in the comment box which laws require review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be timely.</p> <p>NOTE: If the first indicator in this Guideline was scored “0”, this indicator should be scored “0” as well.</p> <p>SCORING GUIDE:</p> <p>The law requires review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be completed on average within 6 months of their commencement = 3</p> <p>The law requires such procedures to be completed on average within 6 months to 12 months of their commencement = 2</p> <p>The law (i) requires such procedures to be completed on average within 12-18 months of their commencement or (ii) expressly requires that enforcement or implementation procedures should be “timely”, but does not set a particular timeframe = 1</p> <p>The law does not set a deadline for the completion of such procedures or challenges are not protected by law = 0</p> |
| <p>4. To what extent does the law require review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be fair and equitable?</p> | <p>In scoring this indicator, fairness in a procedure provided by law is assessed by examining whether the law gives all parties to that procedure (i) the right to fully present their views, evidence and arguments and (ii) the right to test the evidence, views and arguments presented by all others.</p> <p>For the purposes of this indicator, the term “equitable” refers to steps taken to level the playing field for participants (especially vulnerable individuals and groups) such that all have a fair opportunity to present their views/case and obtain relief. Such steps could include legal aid, special fee waivers for the poor, explanations in simple language for the illiterate, etc. Examine the procedures involved and assess the barriers to access to justice for poor, vulnerable, indigenous and marginalized people, including women.</p> <p>Indicate in the comment box which laws require review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be fair and equitable.</p> <p>NOTE: The score of this indicator is dependent on the score of the first indicator. If the first indicator was scored “2” (most laws allow review procedures), the highest this indicator may be scored is also “2”.</p> <p>SCORING GUIDE:</p> <p>The law has legal mechanisms in place to ensure fairness and equity in all review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment = 3</p> <p>The law has legal mechanisms in place to ensure fairness and equity in a majority of such procedures = 2</p> <p>The law has legal mechanisms in place to ensure fairness and equity in a minority of such procedures = 1</p> <p>The law does not have legal mechanisms in place to ensure fairness and equity in such procedures = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>5. To what extent does the law require review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be open and transparent?</p> | <p>Indicate in the comment box which laws require review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be open and transparent.</p> <p>In scoring this indicator, in the comment box note exceptions to openness (e.g. when proceedings are held in camera (in private) or if the proceedings and documents relating to them are restricted and not available for public access.</p> <p>NOTE: The score of this indicator is dependent on the score of the first indicator. If the first indicator was scored “2” (most laws allow review procedures), the highest this indicator may be scored is also “2”.</p> <p>SCORING GUIDE:</p> <p>The law requires all review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be transparent = 3</p> <p>The law requires most (more than 50% of those assessed) review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be transparent = 2</p> <p>The law requires a small number (less than 50% of those assessed) of review procedures regarding the implementation and enforcement of laws and decisions pertaining to the environment to be transparent or the procedures are transparent only in a limited way = 1</p> <p>The law does not require such procedures to be transparent or the law is silent on this matter = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|---|--|
| <p>1. In the last 5 years have there been sanctions or corrective actions imposed by a national court of law or other independent and impartial body, for violation of laws and decisions pertaining to the environment?</p> | <p>The apex environmental agency should have this information.</p> <p>YES</p> <p>LIMITED (sanctions or corrective action has been imposed but not by a national court or impartial and independent body; or the sanction/corrective action was inappropriate or insufficient. Explain in comments)</p> <p>NO (or no information is accessible to the public to respond to this indicator)</p> |

Guideline 20: “Affordable Access to Relief & Remedy”

States should ensure that the access of members of the public concerned to review procedures relating to the environment is not prohibitively expensive and should consider the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|---|
| <p>1. To what extent are there legal mechanisms in place to ensure that access to review procedures relating to the environment for members of the public concerned is not prohibitively expensive?</p> | <p>In scoring this indicator, the level of costs would be prohibitive when it is likely to deter someone on an average wage or an average sized non-governmental organization from bringing a review procedure.</p> <p>Costs of review procedures usually include lawyers’ fees, costs of collecting evidence, and court or tribunal or administrative fees, bonds/security for costs, and, if the public concerned is unsuccessful in its claim, possibly the defendant’s legal costs.</p> <p>Legal or other mechanisms to ensure costs are not prohibitively expensive may include cost-waivers, cost-caps, legal presumptions against cost awards, protective cost orders, etc.</p> <p>Legal mechanisms that may increase the likelihood that review procedures are prohibitively expensive may include bond requirements, requirements for security for costs, and a legal presumption that “costs follow the event”.</p> <p>NOTE in the comment box the various legal mechanisms in place that might (i) help to reduce the costs of review procedures for the public concerned; and (ii) those that might increase the likelihood that review procedures are prohibitively expensive.</p> <p>Also note in the comment box those review procedures for which there are no legal mechanisms in place to ensure that they will not be prohibitively expensive for the public concerned.</p> <p>SCORING GUIDE:</p> <p>The law (i) requires access to review procedures relating to the environment to not be prohibitively expensive, and (ii) has legal mechanisms in place to ensure that all such review procedures will not be prohibitively expensive in practice = 3.</p> <p>The law (i) requires access to review procedures relating to the environment to not be prohibitively expensive and (ii) has legal mechanisms in place to ensure that a majority of review procedures will not be prohibitively expensive in practice = 2.</p> <p>The law (i) requires access to review procedures to not be prohibitively expensive, and/or (ii) has legal mechanisms in place to ensure that a minority of review procedures will not be prohibitively expensive in practice = 1.</p> <p>The law contains (i) no requirement; and (ii) very few or no legal mechanisms, to ensure that access to review procedures is not prohibitively expensive = 0</p> |
| <p>2. To what extent does the law provide assistance mechanisms to reduce financial barriers to access to justice?</p> | <p>In scoring this indicator, consider the assistance mechanisms enshrined in law, including legal aid, financial assistance for evidential lab testing, court-appointed experts, etc.</p> <p>Indicate in the comment box which laws provide assistance mechanisms.</p> <p>SCORING GUIDE:</p> <p>The law provides assistance mechanisms to remove all or most financial barriers for accessing such procedures = 3</p> <p>The law provides assistance mechanisms to significantly reduce financial barriers for accessing such procedures = 2</p> <p>The law provides some minimal assistance mechanisms to reduce financial barriers for accessing such procedures = 1</p> <p>The law does not provide any assistance mechanisms to reduce financial barriers for accessing such procedures = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>3. To what extent does the law provide assistance mechanisms to reduce gender-related non-financial barriers to access to justice?</p> | <p>“Gender-related barriers” in this indicator includes barriers such as societal practices or institutional norms that limit women’s ability to access justice in environmental matters to an equal extent. In scoring this indicator, assess the extent to which assistance mechanisms to remove such barriers are enshrined in law.</p> <p>Indicate in the comment box which laws provide mechanisms to reduce gender-related non-financial barriers.</p> <p>SCORING GUIDE:</p> <p>The law provides assistance mechanisms to remove all or most gender-related barriers for accessing such procedures = 3</p> <p>The law provides assistance mechanisms to significantly reduce gender-related barriers for accessing such procedures = 2</p> <p>The law provides some minimal assistance mechanisms to reduce gender-related barriers for accessing such procedures = 1</p> <p>The law does not provide any assistance mechanisms to reduce gender-related barriers for accessing such procedures = 0</p> |
| <p>4. To what extent does the law provide assistance mechanisms to reduce other non-financial and non-gender barriers to access to justice?</p> | <p>“Non-financial barriers” in this indicator includes barriers such as language, overly lengthy time-frames for the completion of proceedings and overly brief time-frames for applications to appeal, requirements to be represented by a lawyer, or complicated court procedures. In scoring this indicator, assess the extent to which assistance mechanisms to remove such barriers are enshrined in law.</p> <p>Indicate in the comment box which laws provide mechanisms to reduce other non-financial and non-gender barriers.</p> <p>SCORING GUIDE:</p> <p>The law provides assistance mechanisms to remove all or most non-financial and non-gender barriers for accessing such procedures = 3</p> <p>The law provides assistance mechanisms to significantly reduce non-financial and non-gender barriers for accessing such procedures = 2</p> <p>The law provides some minimal assistance mechanisms to reduce non-financial and non-gender barriers for accessing such procedures = 1</p> <p>The law does not provide any assistance mechanisms to reduce non-financial and non-gender barriers for accessing such procedures = 0</p> |
| PRACTICE INDICATORS | SCORING GUIDE |
| <p>1. In the last 5 years, has a public interest case relating to the environment or natural resources been filed which was supported by government legal aid?</p> | <p>YES</p> <p>LIMITED (only partially supported by legal aid or the legal aid was not from the government but a non-government or private source)</p> <p>NO (or no information is accessible to the public to respond to this indicator)</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|---|--|
| <p>2. In the last 10 years, have there been cases relating to the environment or natural resources where the costs of proceedings was awarded against a public interest complainant/plaintiff/petitioner (c/p/p)?</p> | <p>YES (at least one case where costs were awarded against c/p/p)</p> <p>LIMITED (at least one case where partial costs were awarded against c/p/p)</p> <p>NO (no cases where costs were awarded against c/p/p; or no information is accessible to the public to respond to this indicator)</p> |
| <p>3. In the last 5 years have there been cases related to the environment or natural resources where the costs of proceedings were awarded in favor of a public interest complainant/plaintiff/petitioner (c/p/p)?</p> | <p>YES (at least one case where costs were awarded in favor of c/p/p)</p> <p>LIMITED (at least one case where partial costs were awarded in favor of c/p/p)</p> <p>NO (no cases where costs were awarded in favor of c/p/p/ or no information is accessible to the public to respond to this indicator)</p> |

Guideline 21: “Prompt Effective Remedies”

States should provide a framework for prompt, adequate and effective remedies in cases relating to the environment, such as interim and final injunctive relief. States should also consider the use of compensation and restitution and other appropriate measures.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>1. To what extent does the law require adequate and effective remedies in cases relating to the environment?</p> | <p>This indicator is examining whether, in cases relating to the environment, there are adequate and effective remedies available. An adequate remedy will remove the grievance fully or at least adequately. In scoring this indicator, the effectiveness of remedies should be assessed against how well the harm envisaged in the law is prevented or rectified by the remedy provided in the law. Base your conclusion on an examination of the law only – not on implementation.</p> <p>Note in the comment box which laws require adequate and effective remedies and which do not.</p> <p>SCORING GUIDE:</p> <p>The law (i) requires remedies in all cases relating to the environment to be adequate and effective and (ii) provides considerable flexibility for the decision-maker to fashion the remedy to fully address the grievance= 3</p> <p>The law (i) requires remedies in most cases relating to the environment to be adequate and effective and (ii) provides some flexibility for the decision-maker to fashion the remedy to address the grievance and to target the harm so that it is prevented or rectified = 2</p> <p>The law (i) requires remedies in a small number (less than 50%) of cases relating to the environment to be adequate and effective and/or (ii) provides limited flexibility for the decision-maker to fashion the remedy to fully address the grievance and to fully target the harm so that it is prevented or rectified = 1</p> <p>The law does not require remedies in cases relating to the environment to be adequate and effective; and/or (ii) provides no flexibility for the decision-maker to fashion the remedy to fully address the grievance and/or to fully target the harm so that it is prevented or rectified = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>2. To what extent does the law require remedies in cases relating to the environment to be provided promptly?</p> | <p>This indicator examines whether the law obligates decision-makers empowered to provide remedies to do so promptly. The availability of prompt remedies may be particularly important in cases relating to the environment because environmental damage, once caused, can be difficult or impossible to undo. Thus, for cases relating to the environment, prompt remedies may often bear a close relationship with effective remedies.</p> <p>Note in the comment box which laws require prompt resolution and which do not.</p> <p>SCORING GUIDE:</p> <p>The law requires remedies in all cases relating to the environment to be granted promptly = 3</p> <p>The law requires remedies in most (more than 50% of those assessed) cases relating to the environment to be granted promptly = 2</p> <p>The law requires remedies in a small number (less than 50% of those assessed) of cases relating to the environment to be granted promptly = 1</p> <p>The law does not require remedies in cases relating to the environment to be granted promptly = 0</p> |
| <p>3. To what extent is interim and/or final injunctive relief available under the law?</p> | <p>In this indicator, <i>interim injunctive relief</i> is a reference to remedies that have the effect of temporarily stopping the activity (or inactivity) giving rise to the alleged harm/grievance until the case can be fully evaluated and decided. <i>Final injunctive relief</i> is a permanent remedy which is granted after the decision-maker fully evaluates the case and makes a final decision. Final injunctive relief takes the form of a permanent order to prohibit the activity (or inactivity) giving rise to the harm/grievance. In some civil law countries an injunction is referred to as an <i>interdict</i>.</p> <p>Note in the comments box, any legal requirements that have to be met before interim or final injunctive relief will be granted as a remedy. If coverage is varied under the law, note which laws provide injunctive relief and which do not.</p> <p>SCORING GUIDE:</p> <p>Under the law, interim and/or final injunctive relief is always available for matters related to the environment and the legal requirements for it to be granted are not onerous = 3</p> <p>Under the law, interim and/or final injunctive relief is often available for matters related to the environment and the legal requirements for it to be granted are not onerous = 2</p> <p>Under the law, interim and/or final injunctive relief is rarely available for matters related to the environment and/or the legal requirements for it to be granted are onerous = 1</p> <p>Under the law, interim and/or final injunctive relief is not available for matters related to the environment = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
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4. To what extent is compensation available as a remedy under the law?

In this indicator, “compensation” refers to monetary payments made to the claimant for losses or damages suffered.

Note in the comments box, any legal requirements that have to be met before compensation will be granted as a remedy.

SCORING GUIDE:

Under the law, compensation is **always** available for matters related to the environment and the legal requirements for it to be granted are not onerous = 3

Under the law, compensation is often available for matters related to the environment and the legal requirements for it to be granted **are not** onerous = 2

Under the law, compensation is rarely available for matters related to the environment **and/or** the legal requirements for it to be granted **are** onerous = 1

Under the law, compensation is **never** available for matters related to the environment = 0

5. To what extent is restitution available as a remedy under the law?

In this indicator, “restitution” refers to the return of gains made at the expense of the claimant. For example if someone profits unjustly at the expense of the claimant, the profit must be restored to the claimant.

Note in the comment box, any legal requirements that have to be met before restitution will be granted as a remedy.

If availability varies by law, note in the comments box which laws provide it.

SCORING GUIDE:

Under the law, restitution is **always** available for matters related to the environment and the legal requirements for it to be granted **are not** onerous = 3

Under the law, restitution is **often** available for matters related to the environment and the legal requirements for it to be granted **are not** onerous = 2

Under the law, restitution is **rarely** available for matters related to the environment **and/or** the legal requirements for it to be granted **are** onerous = 1

Under the law, restitution is **not** available for matters related to the environment = 0

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|---|
| 6. To what extent is restoration of the environment available as a remedy under the law? | <p>In this indicator, “restoration” is a reference to relief and remedies requiring restoration of the environment – as for example cleaning up toxic waste spills or restoring a damaged ecosystem.</p> <p>Note in the comments box any legal requirements that have to be met before restoration will be granted as a remedy. Also, note for which laws this applies and for which it does not.</p> <p>SCORING GUIDE:</p> <p>Under the law, restoration of the environment is always available for matters related to the environment and the legal requirements for it to be granted are not onerous = 3</p> <p>Under the law, restoration of the environment is often available for matters related to the environment and the legal requirements for it to be granted are not onerous = 2</p> <p>Under the law, restoration of the environment is rarely available for matters related to the environment and/or the legal requirements for it to be granted are onerous = 1</p> <p>Under the law, restoration of the environment is not available for matters related to the environment = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|---|---|
| 1. In the last 5 years, have there been injunctions/stay orders/interdicts issued by a court, tribunal or other judicial body in environmental or natural resource cases? | <p>YES</p> <p>LIMITED (injunctions/stay orders/interdicts were issued but not by a court, tribunal or other judicial body)</p> <p>NO (no information is accessible to the public to respond to this indicator)</p> |

Guideline 22: “Effective Enforcement”

States should ensure the timely and effective enforcement of decisions in environmental matters taken by courts of law, and by administrative and other relevant bodies.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|---|
| 1. To what extent does the law provide for the effective enforcement of criminal court decisions relating to the environment? | <p>The effective enforcement of criminal court decisions may be ensured through supportive legal provisions such as the power for courts to seize the property of the criminal or to imprison for non-payment of fines. Additional provisions include the power to summon and arrest accused persons and to enforcement sentences.</p> <p>Any significant strengths and weaknesses in the effective enforcement of particular laws should be noted in the comment box.</p> <p>SCORING GUIDE:</p> <p>The law provides for the effective enforcement of all criminal court decisions relating to the environment = 3</p> <p>The law provides for the effective enforcement of most (more than 50% of those assessed) such decisions = 2</p> <p>The law provides for the effective enforcement of few (less than 50% of those assessed) such decisions = 1</p> <p>The law contains no means to provide for the effective enforcement of such decisions = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
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|------------------|---------------|

2. To what extent does the law require the enforcement of criminal court decisions relating to the environment to be timely?

For the purposes of scoring this indicator, enforcement will be considered timely if there are mechanisms in place to ensure it will occur within **30 days** of the decision or non-compliance with the decision.

Indicate for which laws this applies in the comment box.

SCORING GUIDE:

The law requires timely enforcement of **all** criminal court decisions relating to the environment = 3

The law requires timely enforcement of **a majority** of such decisions = 2

The law requires timely enforcement of **a minority** of such decisions = 1

The law does not require timely enforcement of such decisions = 0

3. To what extent does the law provide for the effective enforcement of civil court decisions relating to the environment?

The **effective enforcement** of civil court decisions may be achieved through legal mechanisms like powers to seize and sell the defendant's moveable and immovable property, the tracing and/or freezing of assets or punishment for contempt of court.

Any significant strengths and weaknesses in the effective enforcement of particular laws should be noted in the comment box.

SCORING GUIDE:

The law provides for the effective enforcement of **all** civil court decisions relating to the environment taken by the *civil* courts of law = 3

The law provides for the effective enforcement of **a majority** of such decisions = 2

The law provides for the effective enforcement of **a minority** of such decisions = 1

The law contains **no means** to provide for the effective enforcement of such decisions = 0

4. To what extent does the law require the enforcement of civil court decisions relating to the environment to be timely?

For the purposes of scoring this indicator, enforcement will be considered timely if there are mechanisms in place to ensure it will occur within **30 days** of the decision or non-compliance with the decision.

Indicate in the comment box which laws (if any) require the enforcement of civil court decisions relating to the environment to be timely.

SCORING GUIDE:

The law requires timely enforcement of **all** civil court decisions relating to the environment = 3

The law requires timely enforcement of **most** (more than 50% of those assessed) such civil court decisions = 2

The law requires timely enforcement of **few** (less than 50% of those assessed) such civil court decisions = 1

The law does not require timely enforcement of such civil court decisions = 0

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|--|
| <p>5. To what extent does the law provide for effective enforcement of decisions relating to the environment taken by administrative and other relevant bodies?</p> | <p>The effective enforcement of decisions taken by administrative and other relevant bodies may be secured by provisions such as levying of civil fines, or court proceedings to enforce the decision.</p> <p>Any significant strengths and weaknesses in the effective enforcement of particular laws should be noted in the comment box.</p> <p>SCORING GUIDE:</p> <p>The law provides for the effective enforcement of all decisions relating to the environment taken by administrative and other relevant bodies = 3</p> <p>The law provides for the effective enforcement of most (more than 50% of those assessed) such decisions = 2</p> <p>The law provides for the effective enforcement of few (less than 50% of those assessed) such decisions = 1</p> <p>The law contains no means to provide for the effective enforcement of such decisions = 0</p> |
| <p>6. To what extent does the law ensure the enforcement of administrative decisions relating to the environment will be timely?</p> | <p>For the purposes of scoring this indicator, enforcement will be considered timely if there are mechanisms in place to ensure it will occur within 30 days of the decision or non-compliance with the decision.</p> <p>SCORING GUIDE:</p> <p>The law requires timely enforcement of all decisions relating to the environment taken by administrative and other relevant bodies = 3</p> <p>The law requires timely enforcement of a majority of such administrative decisions = 2</p> <p>The law requires timely enforcement of a minority of such administrative decisions = 1</p> <p>The law does not require timely enforcement of such administrative decisions = 0</p> |

There are no practice indicators for this Guideline because it could vary on a case by case basis and could not adequately be measured without significant testing and/or research, thus falling outside of the parameters of EDI.

Guideline 23: “Awareness and Education about Remedies & Relief”

States should provide adequate information to the public about the procedures operated by courts of law and other relevant bodies in relation to environmental issues.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|---|
| <p>1. To what extent does the law require the State or State agencies or institutions to provide information to the public about court procedures relating to environmental issues?</p> | <p>Indicate in the comment box which laws require the State or state agencies or institutions to provide information to the public about court procedures relating to environmental issues.</p> <p>SCORING GUIDE:</p> <p>The law requires the State or state agencies/institutions to provide comprehensive and user-friendly information to the public about the procedures operated by courts of law in relation to environmental issues = 3</p> <p>The law requires the State or state agencies to provide information to the public about the procedures operated by courts of law in relation to environmental issues (but does not require it to be comprehensive or user-friendly) = 2</p> <p>The law gives the State or state agencies discretion to provide information to the public about the procedures operated by courts of law in relation to environmental issues (but does not require it) = 1</p> <p>The law is silent on the issue of the State or state agencies/institutions providing information to the public about the procedures operated by courts of law in relation to environmental issues = 0</p> |
| <p>2. To what extent does the law require the State or State agencies or institutions to provide information to the public about review procedures relating to environmental issues provided by bodies other than courts of law?</p> | <p>In this indicator, “bodies other than courts of law” may be bodies that have been established by law to mediate or decide environmental disputes. Such bodies may include appeals tribunals, administrative tribunals, environmental tribunals and inspectorates, environmental ombudspersons, etc.</p> <p>SCORING GUIDE:</p> <p>The law requires the State or state agencies/institutions to provide comprehensive and user-friendly information to the public about the procedures operated by bodies other than courts of law in relation to environmental issues = 3</p> <p>The law requires the State or state agencies to provide information to the public about the procedures operated by bodies other than courts of law in relation to environmental issues (but does not require it to be comprehensive or user-friendly) = 2</p> <p>The law gives the State or state agencies the discretion to provide information to the public about the procedures operated by bodies other than the courts in relation to environmental issues (but does not require it) = 1</p> <p>The law is silent on the issue of the State or state agencies/institutions providing information to the public about the procedures operated by bodies other than the courts in relation to environmental issues = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|---|---|
| <p>1. Is there an easily understandable explanation of court procedures in the national language(s) on the website or office of the highest national court or the apex national environmental agency?</p> | <p>YES</p> <p>LIMITED (explanations are available but not understandable or not in all national languages or information on court procedure is limited and not complete)</p> <p>NO</p> |

Guideline 24: “Public Access to Judicial and Administrative Decisions”

States should ensure that decisions relating to the environment taken by a court of law, other independent and impartial or administrative body, are publicly available, as appropriate and in accordance with national law.

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|---|
| <p>1. To what extent does the law require judicial decisions relating to the environment to be made publicly available?</p> | <p>In scoring this indicator, public availability may be assessed by examining whether the law requires the information to be made available to the public on request or whether the information is required to be proactively disseminated to the public by the courts.</p> <p>Indicate in the comment box which laws require judicial decisions relating to the environment to be made publicly available.</p> <p>SCORING GUIDE:</p> <p>The law requires that judicial decisions relating to the environment are proactively made available to the public (e.g. on its website) = 3</p> <p>The law requires that judicial decisions relating to the environment are made available to the public upon request = 2</p> <p>The law gives courts/officials discretion to make judicial decisions relating to the environment available to the public, e.g. if they consider the decision to be of “high public interest” = 1</p> <p>The law is silent on this matter or requires judicial decisions not to be disclosed to the public = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|------------------|---------------|
|------------------|---------------|

2. To what extent does the law require decisions relating to the environment taken by administrative bodies to be made publicly available?

In scoring this indicator, “administrative bodies” are bodies, **other than courts of law** having executive powers under the law. Examples of such bodies include the pollution control administrative agencies, agencies with powers to undertake zoning and planning (including coastal zone planning) or grant project approvals and agencies with powers to grant permits such as forest and wildlife permits.

In scoring this indicator, public availability may be assessed by examining whether the law requires information to be made available to the public on request or whether the law requires information to be proactively disseminated to the public by the administrative body.

Indicate in the comment box which laws require decisions relating to the environment taken by administrative bodies to be made publicly available.

SCORING GUIDE:

The law **requires** that decisions relating to the environment of administrative bodies are **proactively** made available to the public (e.g. on its website) = 3

The law **requires** that decisions relating to the environment of administrative bodies are made available to the public **upon request** = 2

The law gives officials a **discretion** to make decisions relating to the environment of administrative bodies available to the public, (e.g. if they consider the decision to be of “high public interest”) = 1

The law is silent on this matter or requires decisions relating to the environment of administrative bodies not to be disclosed to the public = 0

3. To what extent does the law require decisions relating to the environment taken by other independent and impartial bodies to be made publicly available?

In scoring this indicator, “other independent and impartial bodies” are bodies, **other than courts of law or administrative bodies**, that enjoy independence under the law and are required to be impartial. Examples of such bodies include an Ombudsperson, National Audit Institution or Human Rights Commission.

In scoring this indicator, public availability may be assessed by examining whether the law requires information to be made available to the public on request or whether the law requires information to be proactively pushed out to the public by the other independent and impartial body.

Indicate in the comment box which laws require decisions relating to the environment taken by other independent and impartial bodies to be made publicly available.

SCORING GUIDE:

The law **requires** that decisions relating to the environment of other independent and impartial bodies are **proactively** made available to the public = 3

The law **requires** that decisions relating to the environment of other independent and impartial bodies are made available to the public **upon request** = 2

The law gives officials a **discretion** to make decisions of other independent and impartial bodies relating to the environment available to the public (e.g. if the decision is considered to be of “high public interest”) = 1

The law is silent on this matter or requires decisions relating to the environment of other independent and impartial bodies not to be disclosed to the public = 0

| PRACTICE INDICATORS | SCORING GUIDE |
|---|---|
| <p>1. Are the decisions of the last three environmental or natural resource cases decided by a national court, tribunal or other judicial body available to the public online or at the office of that court, tribunal or body?</p> | <p>Yes</p> <p>Limited (only synopsis or summary of decision is available)</p> <p>No (or no information is accessible to the public to respond to this indicator)</p> |

Guideline 25: No indicators

States should promote appropriate capacity-building programmes, on a regular basis, in environmental law for judicial officers, other legal professionals and other relevant stakeholders.

INDICATORS: There are no indicators for this guideline as it relates to ensuring that judicial and legal institutions have sufficient resources, training, and functioning mechanisms to ensure competent, independent, and impartial judges and ombudspersons. These steps are essential, but fall outside of the scope of the 2014 EDI. This guideline is therefore not assessed.

Guideline 26: “Alternative Dispute Resolution for Environmental Issues”

States should encourage the development and use of alternative dispute resolution mechanisms where these are appropriate.

| LEGAL INDICATORS | GUIDANCE NOTE |
|--|--|
| <p>1. To what extent does the law provide for the possibility to use alternative dispute resolution mechanisms to address violations of the right of access to environmental information, public participation or cases of environmental harm?</p> | <p>In scoring this indicator, “alternate dispute resolution mechanisms” include mediation, conciliation, or arbitration adopted by institutions as a means of resolving environmental disputes.</p> <p>Indicate in the comment box which laws provide for the possibility to use alternative dispute resolution mechanisms to address violations of the right of access to environmental information, public participation or cases of environmental harm.</p> <p>SCORING GUIDE:</p> <p>The law provides several possibilities to use alternative dispute resolution mechanisms to address each of the following: violations of the right of access to environmental information, violations of the right of public participation, and cases of environmental harm = 3</p> <p>The law provides for at least one possibility to use alternative dispute resolution mechanisms to address each of the following: violations of the right of access to environmental information, violations of the right of public participation, and cases of environmental harm = 2</p> <p>The law provides for the possibility to use alternative dispute resolution mechanisms to address at least one of the following: violations of the right of access to environmental information, violations of the right of public participation, or cases of environmental harm = 1</p> <p>The law does not provide for the possibility to use alternative dispute resolution mechanisms to address any of the following: violations of the right of access to environmental information, violations of the right of public participation, or cases of environmental harm = 0</p> |

| LEGAL INDICATORS | GUIDANCE NOTE |
|---|--|
| <p>2. To what extent does the law provide incentives for the use of alternative dispute resolution mechanisms where these are appropriate?</p> | <p>NOTE: If the previous indicator was scored “0”, this indicator should be scored “0” as well.</p> <p>This indicator is included to assess the extent to which the law encourages the use of alternative dispute resolution mechanisms. For example such support and encouragement might come from funds or training mechanisms established by law to support alternative dispute resolution mechanisms.</p> <p>In scoring this indicator, “alternate dispute resolution mechanisms” include mediation, conciliation, or arbitration adopted by institutions as a means of resolving environmental disputes.</p> <p>This guideline addresses the possibility of alternate dispute resolution for violations of access to info, public participation and also cases of environmental harm. In the scoring guide below, the numbers “5”, “3-5” and “2 or less” are a reference to the cumulative total across all the various laws covering access to information, public participation and access to justice as well as environmental harm.</p> <p>Indicate in the comment box which laws provide incentives for the use of alternative dispute resolution mechanisms where these are appropriate.</p> <p>SCORING GUIDE:</p> <p>The law provides many (over 5) incentives for the use of alternative dispute resolution mechanisms for environmental disputes = 3</p> <p>The law provides some (3-5) incentives for the use of alternative dispute resolution mechanisms for environmental disputes = 2</p> <p>The law provides few (2 or less) incentives for the use of alternative dispute resolution mechanisms for environmental disputes = 1</p> <p>The law provides no incentives for the use of alternative dispute resolution mechanisms for environmental disputes = 0</p> |

| PRACTICE INDICATORS | SCORING GUIDE |
|---|---|
| <p>1. In the last 5 years, has a public interest case relating to the environment or natural resources been solved by an alternate conflict resolution method (such as mediation, arbitration and conciliation)?</p> | <p>YES</p> <p>LIMITED (cases have been solved only partially through mediation, arbitration and conciliation)</p> <p>NO (or no information is accessible to the public to respond to this indicator)</p> |

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17. 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.
18. 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
19. These typically include the Ministry of Environment, Ministry of Justice, Information Commissioner or related.
20. There are 26 total UNEP Bali Guidelines. Three of the guidelines are concerned with capacity building for implementation. The inaugural version of EDI does not measure these guidelines. More information can be found here: http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES_TO_ACCESS_TO_ENV_INFO_2.pdf
21. The one exception to this for the first EDI was in the case of China, in which the reviewer was a U.S. born Chinese law expert.
22. "The public" may be defined as one or more natural or legal persons and their associations, organizations or groups.

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ABOUT WRI

World Resources Institute is a global research organization that turns big ideas into action at the nexus of environment, economic opportunity and human well-being.

Our Challenge

Natural resources are at the foundation of economic opportunity and human well-being. But today, we are depleting Earth's resources at rates that are not sustainable, endangering economies and people's lives. People depend on clean water, fertile land, healthy forests, and a stable climate. Livable cities and clean energy are essential for a sustainable planet. We must address these urgent, global challenges this decade.

Our Vision

We envision an equitable and prosperous planet driven by the wise management of natural resources. We aspire to create a world where the actions of government, business, and communities combine to eliminate poverty and sustain the natural environment for all people.

Our Approach

COUNT IT

We start with data. We conduct independent research and draw on the latest technology to develop new insights and recommendations. Our rigorous analysis identifies risks, unveils opportunities, and informs smart strategies. We focus our efforts on influential and emerging economies where the future of sustainability will be determined.

CHANGE IT

We use our research to influence government policies, business strategies, and civil society action. We test projects with communities, companies, and government agencies to build a strong evidence base. Then, we work with partners to deliver change on the ground that alleviates poverty and strengthens society. We hold ourselves accountable to ensure our outcomes will be bold and enduring.

SCALE IT

We don't think small. Once tested, we work with partners to adopt and expand our efforts regionally and globally. We engage with decision-makers to carry out our ideas and elevate our impact. We measure success through government and business actions that improve people's lives and sustain a healthy environment.



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