



*Empowered lives.  
Resilient nations.*

# Strengthening Capacities for Rights-based, Transparent and Accountable Environmental Governance

16 PRINCIPLE 10  
SDGs  
RIO DECLARATION

# Rationale

The rights to access information, access to public participation, and access to justice (Principle 10 of the 1992 Rio Declaration on Environment and Development) are fundamental pillars of sound environmental governance and sustainable development. The implementation of the 2030 Agenda requires participation of all stakeholders in decision-making. Effective participation of civil society and vulnerable groups in decision-making and the enhancement of transparency and accountability of public and private actors in governance are at the heart of the Sustainable Development Goals (SDGs). Those who are furthest behind need equal access to participation. SDG16 is a cross-cutting goal, its effective implementation will determine the success of the others. Its targets on the promotion of the rule of law and equal access to justice for all; access to information; and participation in decision-making determine that these rights constitute building blocks of sustainable development.

Procedural rights can be seen as a pathway to promoting equitable environmental governance outcomes, if they are implemented by capable and empowered government institutions. A number of developing countries have requested support to carry out legal reforms to institutionalize Principle 10 within national governance frameworks for access to environmental information, public participation, and access to justice (access rights). The development of access rights legislation and its implementation is an important pre-requisite to strengthen participatory governance and the interaction of state institutions, private actors, and stakeholders in governance matters. It is equally relevant to the implementation of information and participation provisions required by various multilateral environmental

agreements (MEAs) as well as multiple SDGs targets and indicators. Additionally, the Istanbul Programme of Action for the Least Developed Countries 2011-2020, the SIDS Accelerated Modalities of Action, the Vienna Programme of Action for Landlocked Developing Countries 2014-2024, the Sendai Framework for Disaster Risk Reduction, and the African Union's Agenda 2063 all call for public participation in decision-making processes to further advance inclusive and just societies.

In Latin America and the Caribbean, there is an ongoing process towards a regional agreement for the full implementation of Principle 10, similar to the Aarhus Convention. Countries involved in this process will be required to strengthen access rights and their implementation.

The United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), and the United Nations Institute for Training and Research (UNITAR) propose a capacity development programme to support developing countries to strengthen development and implementation of legislation for effective participatory environmental governance and justice. Participatory decision-making promotes dialogues, cooperation and mutual understanding, helping to build human and institutional capacities to reach sustainable solutions. The SDGs require this level of inclusiveness, participation and shared responsibility for their realization. This program would have multiple benefits across all SDGs, given the direct links between environmental governance and the lives and livelihoods of communities and economies and the 2030 agenda's rights-based approach.

# Programme Description

Countries have different needs and are at different stages regarding their capacity to implement access rights legislation. At the same time, civil society mobilization can contribute to the monitoring and implementation of laws and regulations. Building upon expertise from UNDP, UNEP, UNITAR, and other partner institutions, the programme is designed to respond to specific national needs, providing capacity development activities and services, including building capacity to effectively release environmental information in open data formats and improve public participation decision-making at the national level. This will contribute to the achievement of SDG 16, related environmental and social goals, and access to information and participation provisions of MEAs.

The programme comprises three inter-related services. It includes: 1) a fast-track window to benefit countries that need immediate support for skills development and legal advice on the current state of access legislation and policies and laws that support the release of open data to facilitate environmental disclosure and 2) a more strategic approach, comprising multi-sectoral and multi-stakeholder processes to assess baseline capacities and develop action plans. In countries where priorities are already identified, support will focus on 3) implementation actions, including regulatory reform.

## 1 Fast Track Support Services

National skills development workshops will be organized to help achieve Principle 10 related institutional objectives and priorities. Interested countries may also be provided with legal advice for strengthening national legislation compatible with the Bali Guidelines<sup>4</sup>. Legal advisory services may enshrine methods and tools to support legislative reform processes.

## 2 National Assessments and Strategy Development

Support for the development of a strategic approach to implement Principle 10 and the Bali Guidelines through the development of a national profile and the establishment of an action plan for Principle 10 implementation. The national profile provides a comprehensive baseline assessment of the legal, institutional, and administrative situation and capacities, including at local levels, within civil society and vulnerable groups. Based on this profile assessment, countries develop an action plan that identifies specific activities required to strengthen capacities to respond to national needs.

## 3 Implementation Actions and Legal Reform

Long term support provided for the implementation of national priorities and/or action plans to strengthen coherent, integrated participatory environmental governance and justice. This may include capacity development to support regulatory reform or the development of new regulations or to support implementing actions in key sectors or thematic areas. Country projects will consider a holistic approach; they will be tailored to national contexts and existing programming in consultation with UN Country Teams.

<sup>4</sup> The Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines) were adopted in 2010 by the UNEP Governing Council.

# Goal and Objectives

Access rights can foster consistent participation and empower the public to effectively participate in matters related to the environment and natural resources management and sustainable development.

The overall goal of the programme is to strengthen legal and institutional frameworks to enhance national implementing capacities to advance open, transparent, participatory and accountable decision-making and access to justice in matters that affect sustainable development, the environment and natural resources management.

## Specific objectives are:

To catalyze and support inclusive processes to identify national priority actions for Principle 10 implementation and participatory governance;

To support legislative reform and institutional capacity to implement Rio Principle 10; information and participations provisions of MEAs; SDG 16 and linked environmental goals;

To support the provision of measures to empower major groups and stakeholders to engage in Principle 10 discussions and implementation.

To enhance knowledge and skills of key change agents (parliaments, line ministries, and the judiciary) to advance reform;

To develop capacities and good “access practices” in specific environmental areas;

To develop multistakeholder processes with national partners for civil society to voice their priorities for access rights implementation.

## Partnership

The programme is developed by UNDP, UNEP, and UNITAR and in cooperation with other partner institutions, such as the World Resources Institute. At the regional level, close cooperation will be ensured with UN Regional Economic Commissions.

UNDP will provide overall coordination at the global and national level and create linkages to specific thematic environmental areas (e.g. biodiversity, integrated water resource management, forestry, agriculture, mining, climate change, etc.) as well as with broader democratic governance processes and gender equality. At the country level, UNDP will also advocate and support capacity development for legal, policy and institutional reform and implementation. UNEP, in line with its relevant programme of work, will focus on the development of substantive legal guidance and the provision of technical support for strengthening national legislation and enabling more effective implementation. UNITAR will focus on the design and development of training and learning components and on providing methodological support for the development of National Profiles and Action Plans. Other partners, such as the WRI will provide analytical tools to assess legislative quality, institutional design, civil society capacity, and to identify implementation hurdles.

The partners will establish a joint management board for decision-making and a technical working group to facilitate regular coordination. The partners will cooperate with development partners and donors for the implementation of the programme, including consultations for country selection.

## Resource Considerations

The activities are envisioned as a multi-year programme, reaching some 20 countries in the first four years (2016-2020), depending on the availability of financial resources. Following the requests received, some ten countries would be beneficiaries of the **Fast Track Support Services**; five would be assisted in **Principle 10 national assessment and strategy development**; and another five supported in **implementation actions and legal reform** for more coherent, integrated participatory environmental governance and justice projects.

The envelope for engaging with 20 countries over the first four years (2016-2020) is estimated at USD 2 million per year. The number of beneficiary countries can be adjusted, in accordance with available financial resources.

# Background Information

The implementation of the programme began in 2012 by UNEP and UNITAR, with support from the Norwegian government. An implementation Guide to the Bali Guidelines was published and four regional workshops (Latin America, Caribbean, Middle East/North Africa, and Sub-Saharan Africa) were organized to raise awareness about the Guidelines. As a result, States have demonstrated strong interest to initiate the development of national strategies and legal reforms to implement Principle 10 and the Bali Guidelines.

Specific needs for national capacity development were confirmed by a number of countries through a survey conducted in English, Spanish and Arabic.

Fifteen countries have indicated interest in capacity development activities in three areas:



To address these requests, the programme expanded to include in its design a national dimension. It then evolved into a UNEP-UNDP-UNITAR proposal for a capacity development programme that enshrines a country level component for the implementation of Principle 10, the Bali Guidelines, SDG16, and information and participation provisions of MEAs.

The Bali Guidelines presents considerations States should address to develop national legislation to implement the three pillars of Principle 10. The relevance of Principle 10 was reaffirmed by the United Nations Environment Assembly (UNEA)<sup>1</sup>, which called for strengthening technical assistance and capacity building to support the implementation of Rio Principle 10. In 2016, at UNEA2<sup>2</sup>, the call to produce guidance to Member States for effective legislative implementation and enforcement frameworks on the implementation of Principle 10 was also included in the midterm review of the Montevideo Programme IV resolution.

<sup>1</sup> United Nations Environment Assembly, 1st Meeting, 23-27 June 2014.

<sup>2</sup> United Nations Environment Assembly, 2nd Meeting, 23-27 May 2016.



# Country Interest in Principle 10 and Bali Guidelines Capacity Development

- Survey Results<sup>3</sup>

Country	COUNTRY INTEREST IN BALI GUIDELINES SUPPORT			
	FAST TRACK SUPPORT		National Capacity Assessment and Strategy Development	Implementation Action
	Skills Development Workshop	Legal Advice		
<b>Latin America and the Caribbean</b>				
Antigua and Barbuda	x	x	x	x
Argentina	x	-	x	x
Belize	x	-	x	x
Costa Rica	x	-	x	x
Guatemala	x	x	x	x
Honduras	x	-	x	x
Saint Kitts and Nevis	x	x	x	x
Saint Lucia	x	x	x	x
Salvador, El	x	x	x	x
Subtotal	9	5	9	9
<b>Middle East and North Africa</b>				
Bahrain	x	x	x	-
Iraq	x	x	-	-
Jordan	x	x	x	x
State of Palestine	x	x	x	x
Saudi Arabia	x	-	x	x
Tunisia	x	x	x	x
Subtotal	6	5	5	4
Total	15	10	14	13

3- 15 countries, which responded to the survey, have expressed interest in various aspects of national capacity development.

# Contacts



*Empowered lives.  
Resilient nations.*

## **UNDP**

Timothy Scott  
Policy Advisor  
Environment and Natural Capital  
Sustainable Development Cluster  
Bureau for Policy and Programme Support  
304 East 45th Street, 9th Floor, Rm 944  
New York, NY 10017  
Phone: +1 212-906-5098  
[tim.scott@undp.org](mailto:tim.scott@undp.org)



## **UNEP**

Alexander Juras  
Chief, Major Groups and Stakeholders Branch  
UNEP Secretariat of Governing Bodies and Stakeholders  
P.O. Box 30552 (00100)  
Nairobi, Kenya  
Phone: +254 20-7625400  
[alexander.juras@unep.org](mailto:alexander.juras@unep.org)



## **UNITAR**

Sueli Giorgetta  
Manager, Knowledge Systems Innovation  
Palais des Nations  
CH-1211 Geneva 10  
Switzerland  
Phone: +41 22 917 84 74  
[sueli.giorgetta@unitar.org](mailto:sueli.giorgetta@unitar.org)