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الجمعية العلمية الملكية
Royal Scientific Society

INTERIM REPORT ON RIO PRINCIPLE 10 PROJECT IMPLEMENTATION IN WEST ASIA



INTRODUCTION

The Regional Workshop on the Implementation of Rio Principle 10 Regional Workshop on the Implementation of Rio Principle 10 and the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters was convened in Amman, Jordan on 12-13 May 2014.

The Workshop was implemented through strong partnerships with national, regional and global organizations: the World Resources Institute and its Access Initiative (as part of their ongoing work on environmental democracy); the Economic and Social Commission for Western Asia and its Technology Centre; and the Royal Scientific Society and its Network for Jordanian Industrial Sustainability. The local partners in Jordan provided secretarial support for the registration and copying of handout materials for the Workshop.

The Workshop comprised of five working sessions addressing (i) the Eye on Earth, Principle 10 and the Access for All Special Initiative; (ii) Principle 10 of the Rio Declaration from 1992 and its application worldwide; (iii) the three pillars of the Bali Guidelines and the manual being developed for its implementation (with participants provided with an Arabic translation of the draft manual which was translated as part of the project); (iv) a discussion session around advancing capacity development and exploring opportunities for national action and capacity development to effectively implement Principle 10 at the national level, alongside regional synergies; and (v) the final session which reviewed the key outcomes and identified follow-up action. The Agenda of the meeting is provided in Annex I.

There were 31 participants to the meeting, representing 8 national governments 15 national and regional organisations, from 12 countries of the region. The League of Arab States also participated. There were 12 women and 19 men participating in the Workshop. A list of participants, which also includes the secretariat, trainers and facilitators, is provided in Annex II.

MAIN OUTCOMES

The Workshop participants engaged actively in the discussions around the presentations given, with the facilitator ensuring that all participants were engaged and that the discussions remained on track. The summary of the discussions is as follows:

- that implementing Rio Principle 10 through involving a broad spectrum of stakeholders and the public is essential for societies in the region to address environmental and health matters, while implementation may require a strong political will and determination, including in some cases cultural change / change of attitude in the public sector and amongst citizens;
- that the Environment Sector may not necessarily have the lead role in all aspects of implementation of Principle 10 and that multi-sectoral involvement of all stakeholders (public sector, civil society stakeholders and the public, business and industry and the private sector) is needed, building on existing facilities and capacities, avoiding duplication and promoting synergies, through a transparent process, taking into consideration national geo-economic, socio-political and traditional-cultural context;

- that there are some opportunities for regional and sub-regional cooperation and sharing of experience in implementing Principle 10;
- that considerable internationally evaluated information is available, as well as information management systems (such as Pollutant Release and Transfer Register (PRTRs), Globally Harmonized System of classification and labeling of chemicals (GHS) and Awareness and Preparedness for Emergencies at Local Level (APELL)), for supporting sound environmental management: but good reliable data on the local situation is often lacking;
- that the voluntary Bali Guidelines on Rio Principle 10, as a directive on implementation of Principle 10 on the global level, provide a useful framework for improving implementation of Principle 10 in the states of the region;
- that instruments such as the Guide to the Bali Guidelines and the Environmental Democracy Index are being developed to provide guidance and case examples, build capacity, and measure and follow legal and institutional capacity, and that these can be used as resources for legislative learning;
- that, in general, basic legal capacity to implement Principle 10 is available in the region, with respect to access to information, but there is a need to strengthen legislative and institutional infrastructure concerning public participation and access to justice;
- that the implementation of Principle 10 requires a balanced approach, taking into consideration the need of access to the public and relevant stakeholders to credible information for effective public participation and access to justice in environmental matters;
- that Principle 10 should be integrated in national legislation taking into account traditional knowledge, cultural heritage and norms in some countries, using lessons learnt from other countries.

During the Workshop each participating country reviewed their experience with regards to the three pillars of Principle 10 (access to information, public participation and access to justice), identifying:

- 1) What are good examples of implementation of Principle 10:
- 2) What obstacles there are to successful implementation of Principle 10:
- 3) What capacities are required to address gaps and needs for successful implementation of Principle 10

The summary tables for each country are provided in Annex III.

The Workshops identified particular areas of weakness, where capacity needed strengthening:

- Lack of transparency and trust;
- coordinated enforcement of legislation;
- consultation and effective coordination with all stakeholders;
- effective mechanisms for exchange of information among stakeholders;
- effective formal and informal mechanisms for stakeholder participation and consultation in relation to accountable decisions concerning environmental matters
- adequate surveillance of implementation of Principle 10;
- lack of comprehensive strategies and effective plans for implementing Principle 10;

- lack of awareness among decision makers of many sectors concerning Principle 10 and poor communication among many of the stakeholders;
- lack of awareness and training of law makers and legal practitioners and Parliamentarians;
- lack of trained human resources, particularly in the legal sector, where there are few environmental legal experts;
- lack of sustained resources to ensure fully transparent stakeholder participation;
- training and capacity building at ministry and agency levels to build awareness of how to implement principle 10 legislation and the benefits therein.

Participants identified priorities for action:

- (At the country level) Develop mechanisms to measure to what extent each member country is implementing Principle 10; this could be done through developing a set of indicators to easily track the progress or change.
- Enhancement of the Arab cooperation and partnership regarding Principle 10 especially at the legislative and legal level.
- Integration and inclusion of principle 10 within the institutional structure at the level of the Arab region;
- inclusion of Principle 10 in the sectorial national strategies for sustainable development.
- establish appropriate mechanisms to collect reliable information and data, analyse it and update existing ones;
- Support or establish central statistical bureaus to be able to collect and classify environmental data.
- Support the environmental awareness and education process at all levels to advance sustainable development including the Bali Guidelines and Principle 10.

Further, participants examined needs and regional gaps, with a view to identifying areas where UNEP, UNITAR and other partners could strengthen capacities in the Region for implementing Principle 10 and the Bali Guidelines in the priority areas:

- (a) promoting public awareness raising of Principle 10 and its implementation;
- (b) strengthening legislative infrastructure and coordination mechanisms;
- (c) promoting the availability of reliable information and information management systems;
- (d) training of stakeholders in participatory processes and access to justice;
- (e) providing guidance on national capacity assessments and strategy development;
- (f) Developing mechanisms (action plan/treaty) to implement Principle 10;
- (g) assisting countries under occupation to develop their national environmental policies and legislation.

Participants called upon regional and sub-regional platforms for cooperation to develop instruments and action plans aimed at promoting the application of Principle 10.

ADMINISTRATIVE AND FINANCIAL ISSUES

The workshop was convened in the Kempinski Hotel in Amman based on a procurement process in line with UN Rules and Regulations. Translation (for the Guidelines Handbook) and simultaneous interpretation services were also procured in the same way.

The facilitator selected through competitive process based on recommendations from MGS in the region. His Terms of Reference for a 5-day assignment included preparation for the Workshop, 2 days of facilitation and support to the development of the report.

Eighteen (18) participants to the Workshop from outside Jordan had their costs covered by UNEP (travel and Daily Subsistence Allowance under prevailing UN Rules and Regulations). All such participants were provided with Bed and Breakfast Board at the Kempinski Hotel.

All participants to the Workshop (including those from Jordan) were provided with coffee breaks and lunches.

Annex IV provides the breakdown of costs to date (9 June). Note: there are still some final travel claims to be finalized under the budget of the workshop so these figures may not be final.

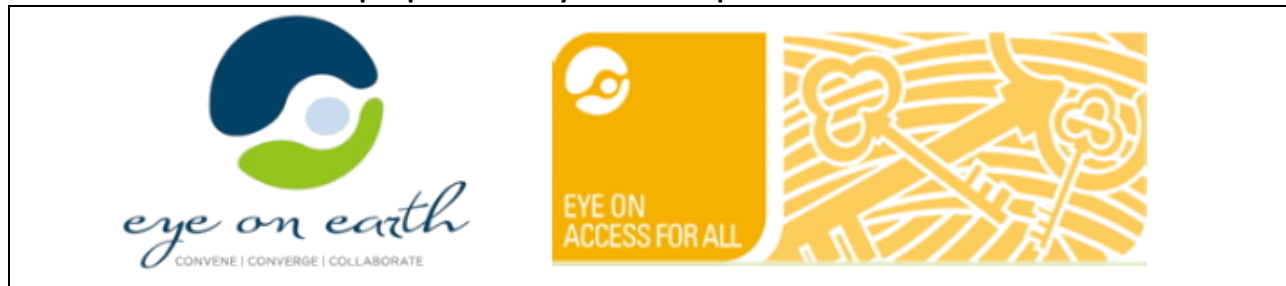
ANNEX I



Regional Workshop on the Implementation of Rio Principle 10 and the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines) in the Arab Region

Jordan, May 12-13
Preliminary Programme

This workshop is part of the Eye on Earth Special Initiative "Access for All"



Background

Strengthening effective engagement of all stakeholders in environmental decision-making is considered an important pre-requisite of sustainable development. **Principle 10 of the Rio Declaration** (“Rio Principle 10”) was adopted at the 1992 Rio Summit by Heads of State and Government with the goal to strengthen access to information, public participation and access to justice in environmental matters.

In February 2010 a milestone was achieved in the field of environmental law and application of Principle 10 when the Special Session of the UNEP Governing Council, Global Ministerial Environment Forum (GMEF) in Bali, Indonesia, unanimously adopted the **‘Guidelines for the Development of National Legislation on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters’** (Bali Guidelines). These Guidelines seek to assist countries in filling possible gaps in their respective relevant national legislation, and -where relevant and appropriate- in sub-national legal norms and regulations at the State or district levels etc., to facilitate broad access to information, public participation and access to justice in environmental matters. Responding to country requests for capacity development for implementation of Principle 10 and the Bali Guidelines, UNEP and UNITAR have launched a 2-year joint global capacity development initiative, including a regional workshop component. The project is part of the “Access for All” Special Initiative endorsed at the 2011 Eye on Earth Summit in Abu Dhabi.

This workshop presents a joint effort to raise awareness among countries in the Arab region on Principle 10 and the Bali Guidelines and will be followed by targeted activities to assist interested and committed countries to implement the Bali Guidelines at the national level.

The workshop will target relevant governmental and non-governmental stakeholders.

Workshop Objectives

- Raise awareness and inform about Principle 10
- Take stock and identify key issues for effective implementation of Principle 10 in the region
- Introduce and discuss relevance of the *Guidelines for Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters* (Bali Guidelines).
- Exchange good practices and lessons learned for the three pillars of Principle 10 (public participation, access to information, access to Justice)
- Identify opportunities for capacity development and networking
- Identify country needs for the implementation of the Bali Guidelines

By the end of the workshop, participants will be able to:

- Cite good practices of Principle 10 implementation in the region
- Analyze key provisions of the Bali Guidelines and their relevance for national legislation
- Participate effectively in international processes related to Principle 10 implementation
- Participate effectively in efforts for national implementation of Rio Principle 10

Preliminary Programme

Day 1:

- 09:00 – 09:20 **Welcome Remarks and Inauguration of the Workshop**
- Mrs. Marie Daher, Regional Office for West Asia, United Nations Environment Programme, on behalf of UNEP and UNITAR
 - Mr. Nael Al Mulki, ESCWA Technology Centre
 - Mr. Djamel EddineDjaballah, Director of Environment, Housing, Water Resources & Sustainable Development, League of Arab States
- 9:20 – 9:40 **Workshop Objectives and Methodology and Introduction of Participants**
- John Haines, UNITAR (20 minutes)
- 9:40 – 10:00 **Session 1. Eye on Earth, Principle 10 and the Access for All Special Initiative**
- Presentation by Ms. Huda Petra Shamaley, Abu Dhabi Global Environmental Data Initiative (20 minutes)
- 10:00 – 11:00 **Session 2. Principle 10 of the Rio Declaration from 1992 and its application worldwide**
- Panel Discussion with:
 - Mr. Jesse Worker, The Access Initiative, World Resources Institute(10 minutes)
 - Ms. Kaouthar Tliche Aloui, Director of Environmental Legislation and Legal Affairs, Ministry of Equipment, Land Planning and Sustainable Development (10 minutes)
 - Mr. Yazan Khrais, Business Development Manager, The Network for Jordanian Industrial Sustainability - Royal Scientific Society, Jordan (10 minutes)
 - Questions and Answers
- 11:00 – 11:15** ***Coffee break***
- 11:15 – 13:00 **Session 3. The Bali Guidelines: the three pillars of the Bali Guidelines**
- Overview of the Bali Guidelines: history and application of the Guidelines, Presentation by Fatou Ndoye, UNEP (20 minutes)
 - Theme 1: Access to Information - Introduction to relevant provisions of the Bali Guidelines and its Implementation Handbook, Presentation by Stephen Stec (20 minutes)
 - Questions and Answers
- 13.00 – 14.00** ***Lunch Break***

- 14:00 – 15:30 **Session 3 – cont’d. The Bali Guidelines: the three pillars of the Bali Guidelines**
- Theme 2: Public Participation - Introduction to relevant provisions of the Bali Guidelines and the Bali Guidelines Implementation Handbook, Presentation by Stephen Stec (20 minutes)
 - Questions and Answers
- 15:30 – 15:45** ***Coffee break***
- 15:45 – 17:00 **Session 3 – cont’d. The Bali Guidelines: the three pillars of the Bali Guidelines**
- Theme 3: Access to Justice - Introduction to relevant provisions of the Bali Guidelines, the Bali Guidelines Implementation Handbook, and the Rio+20 Declaration on Justice, Governance and Law for Environmental Sustainability, Presentation by Stephen Stec (20 minutes)
 - Questions and Answers
- Day 2:**
- 9:00 – 10:30 **Session 4. Advancing Capacity Development: Exploring opportunities for national action and capacity development to effectively implement Principle 10 at the national level, addressing also regional synergies**
- National Implementation of the Bali Guidelines: Opportunities for Capacity Development Support, Presentation by John Haines, UNITAR (20 minutes)
 - Questions and Answers
- 10:30 - 10:45** ***Coffee Break***
- 10:45 – 12:45 **Session 5. Review of key outcomes and Follow-up Action**
- Open discussion in plenary on the key outcomes of the workshop and recommendations for follow-up / action plan
- 12:45 – 13:00 **Workshop closure**
- Closing remarks by UNEP and UNITAR
 - Workshop evaluation
- 13:00** ***Lunch***

ANNEX II

LIST OF PARTICIPANTS

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ANNEX III

TABLE 1
SUCSESSES STORIES, CHALLENGES AND NEEDS ON ACCESS TO INFORMATION AND PUBLIC PARTICIPATION AT THE NATIONAL LEVEL

Country	Success Stories	Challenges	Capacity needs
Bahrain	<ul style="list-style-type: none"> Website available providing environmental data and information 	<ul style="list-style-type: none"> Funding to maintain the website, especially in terms of providing all relevant information 	<ul style="list-style-type: none"> How to effectively communicate environmental information
Egypt	<ul style="list-style-type: none"> Principle of access to information enshrined in the constitution Success stories at the community level, showing active and effective public participation 	<ul style="list-style-type: none"> No law on access for information No political will to put information in the public domain There are information gaps, it is scattered and there are gaps 	<ul style="list-style-type: none"> The right to access information from a human rights perspective. Capacity building for the public and authorities in how to collect, analyse and provide information
Iraq	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> No law to provide access to information 	<ul style="list-style-type: none"> Capacity building for both the government and general public in terms of access to information, public participation and access to justice.
Jordan	<ul style="list-style-type: none"> Law in 2007 on the right to provide environment information. Air and water quality information available online. Jordan Environment Information System in pilot form, awaiting development of national platform to document and verify information. There is support for decision making with public participation, and the environmental NGOs in 	<ul style="list-style-type: none"> Some organizations have monopoly on information and refuse to share it. No mechanism to deal with requests when they are made. On occasion concerns of internal security are raised when requests are made. There is sometimes a lack of transparency (e.g. EIAs are not always published on line – issue of intellectual property rights). 	<ul style="list-style-type: none"> Capacity development in data collection and protocol setting Public participation. Integrating components of Principle 10 into the system being established

	Jordan (over 160 registered) have an umbrella union that provides point of contact for Ministry.		
Lebanon	<ul style="list-style-type: none"> • High awareness of the environment and the public are mobilised • Some information is available, but there are concerns over the quality of the information and also there are gaps 	<ul style="list-style-type: none"> • Trusting the information released by Government • Funding for collection and analysis of scientific data • Level of knowledge of the general public 	<ul style="list-style-type: none"> • Further engagement of judiciary in all countries into the P10 processes • Capacity building of civil society to bridge the gap between government and civil society • Increased capacity needed in analysis and presentation of information for effective use.
Oman	<ul style="list-style-type: none"> • 5-year plan to address access to information and to replicate international best practice 	<ul style="list-style-type: none"> • All information is considered private information of that organization. • Disconnect between data collection and use 	<ul style="list-style-type: none"> • Identification of the most appropriate mechanism for implementing Principle 10 at national level. • Empowerment of civil society through awareness
Palestine	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Israeli occupation hinders gathering of information • Cooperation between different organizations is lacking • Limited legislation in place to ensure access. • Limited understanding of how to analyze the data that is provided • Some information is not provided to the public as concerns that limited awareness and understanding may lead to negative interpretation. 	<ul style="list-style-type: none"> • Capacity building of agencies and local authorities of learn how to deal with information received. • Cooperation of international organizations; i.e. World Bank, UNEP, WHO, to streamline reports that often contain contradictory information.
Saudi Arabia	<ul style="list-style-type: none"> • Websites in place for applications for EIAs for development projects (Law 52/2006) • Media and social media do raise 	<ul style="list-style-type: none"> • Much data is outdated and needs to be updated, but in a systematic harmonized way 	<ul style="list-style-type: none"> •

	awareness on key issues and have been drivers for change (e.g. towards use of scrubbers on cement factories)		
Tunisia	<ul style="list-style-type: none"> Laws and rules are in place in line with the constitution (2011 law on access to information and establishment of NGOs) E-governance programme provides information to the public Observatories for sustainable development and networks for water quality exist. 	<ul style="list-style-type: none"> Quality and accuracy of data, leading to problem of trust problem between the citizen and the government. Authorities that refuse to give information can face legal action but there is no text on compensation and responsibility when information not provided 	<ul style="list-style-type: none"> Capacity building and advocacy to change the culture of resistance that is still in place How to obtain the information. Review of existing laws to bring them into line with Principle 10 Mechanisms to build trust between the public of the government.
UAE	<ul style="list-style-type: none"> National statistics bureau in place. Protected areas developed and information available concerning these Air quality monitoring being undertaken and information published 	<ul style="list-style-type: none"> A lot of information is available but unsure if it is being used effectively. 	<ul style="list-style-type: none"> Capacity building for civil society. How to engage the private sector into the process.
Yemen	<ul style="list-style-type: none"> There are success stories but they are not always complete. Information body does exist as well as legislation on transparency and access (but not always implemented) E-government covers disclosure to the public in a clear way, but data is not always trusted. 	<ul style="list-style-type: none"> Information is owned by a number of organizations who are often possessive of it. Lack of transparency despite this being enshrined in legislation, and lack of political will to change this Limited understanding of the value of sharing information, and this is not a priority for decision makers. Lack of fund availability. Out-migration of expertise. 	<ul style="list-style-type: none"> Need for updated analytical equipment for environmental measuring and monitoring Capacity building for collection and analysis of data

TABLE 2

SUCSESSES STORIES, CHALLENGES AND NEEDS ON ACCESS TO JUSTICE ON ENVIRONMENTAL MATTERS AT THE NATIONAL LEVEL

Country	Success Stories	Challenges	Capacity needs
Bahrain	•	•	•
Egypt	<ul style="list-style-type: none"> • Example of ongoing opposition to a project of ongoing it up to the level of the counts to halt a development 	<ul style="list-style-type: none"> • Still some restrictions on the work of civil society 	<ul style="list-style-type: none"> • Capacity of stakeholders to deal with environmental issues
Iraq	<ul style="list-style-type: none"> • There are environmental police under the Ministry of Interior, which are linked with Ministry of Environment 	<ul style="list-style-type: none"> • Public participation not included in legislation • Currently no members of judiciary with specific experience in environment 	<ul style="list-style-type: none"> • Training for judiciary in environmental legal matters.
Jordan	<ul style="list-style-type: none"> • Training on environment is being provided for judges 	<ul style="list-style-type: none"> • Good governance still lacking in some areas • Striking the balance between environment and development 	<ul style="list-style-type: none"> • Capacity development focusing on enabling and responsibilities
Lebanon	<ul style="list-style-type: none"> • Law has been passed creating position of attorney general 	<ul style="list-style-type: none"> • Other line Ministers do not take Ministry of Environment seriously (e.g. ignore EIA process) 	<ul style="list-style-type: none"> • Training for Judiciary + parliament in environmental legal matters
Morocco	<ul style="list-style-type: none"> • Constitution encourage public participants and this is ensured in legislation • Examples of 4-5 environmental verdicts that can be shared 	•	<ul style="list-style-type: none"> • Capacity development for NGOs
Oman	•	•	•

Palestine	<ul style="list-style-type: none"> • Effective community action against some development projects 	•	•
Saudi Arabia	<ul style="list-style-type: none"> • At the global level, concerns over who will oversee the implementation of environmental law 	•	•
Tunisia	<ul style="list-style-type: none"> • Tunisia is keen to join the Aarhus Convention 	<ul style="list-style-type: none"> • Limited public participation in development of legislation, but is enshrined in the constitution. • Lack of experienced judiciary, no benchmarks 	<ul style="list-style-type: none"> • Enhancement of current training programme for judges on environmental law
UAE	<ul style="list-style-type: none"> • Consultation is starting to happen on the development of environmental guidelines and laws 	<ul style="list-style-type: none"> • No support from the government to support the research required to develop sound legislative development 	<ul style="list-style-type: none"> • Capacity development for stakeholders.
Yemen	<ul style="list-style-type: none"> • Law guarantees that NGOs can work freely (although not always the case) • Environmentally trained judges working in four cities 	<ul style="list-style-type: none"> • Lack of experience and lack of resources 	<ul style="list-style-type: none"> • Capacity development for more judges in environmental matters

ANNEX IV

BUDGET BREAKDOWN OVERALL AGEDI CONTRIBUTION

Item	Cost (US\$)
Total Programmable Amount	44,247.79
Expenditures	37,297.48
Remaining Funds	6,950.31