

The Jakarta Declaration

Based on discussions taking place over the 3 day event, participants jointly created a concluding statement on the fundamental priorities for improving access to environmental information. It includes ideas for enhancing community access to air and water pollution information as well as an outline of specific government and civil society actions needed to achieve access goals.

JAKARTA DECLARATION FOR STRENGTHENING THE RIGHT TO ENVIRONMENTAL INFORMATION FOR PEOPLE AND THE ENVIRONMENT

May 1, 2013

Representatives of governments, international organizations, civil society organizations, and academia from China, Indonesia, Japan, Mongolia, Philippines, and Thailand, gathered in Jakarta, Indonesia between April 29- May 1 for the Strengthening the Right to Information for People and the Environment (STRIFE) regional meeting to propose strategies and new actions to improve environmental information in Asia for people and the environment:

PREAMBLE:

Recalling Principle 10 of the Rio Declaration 1992 which states that environmental issues are best handled with the participation of all concerned citizens, and that each individual shall have appropriate access to information concerning the environment, the opportunity to participate in decision-making processes, and effective access to judicial and administrative proceedings,

Emphasizing that the Governments of China, Indonesia, Japan, Mongolia, and Thailand have all adopted Freedom of Information laws (FOI) or regulations which provide a right of access to information including environmental information,

Recognizing the need for an effective Freedom of Information law and Regulations in the Philippines to improve access to environmental information,

Acknowledging that air and water pollution continue to cause environmental degradation and contamination of the soil and sea and this is impacting people's health, social well-being, and livelihood across the region,

Concerned that the right of access to environmental information is critical to preserve people's health and environment and can contribute with people's participation to more effective pollution control,

Recognizing the essential role that people play in the pollution control process and the role Environmental Ministries and Agencies play to enable and support public engagement and protection of the environment,

Emphasizing that public disclosure programs that release information on the quality of air and water as well as discharges into the environment by private corporations and state-owned companies can assist in promoting pollution prevention, abatement, and good corporate behavior,

Recognizing that information needed by people includes the status of air and water quality and quantity, trends over time, permitting, monitoring and enforcement to enable and educate them to make decisions to protect their health and the health of their families,

Convinced that political commitment to implement the right of access to environmental information is necessary to protect people's right to a clean and healthy environment and their right to live and achieve the Millennium Development and Sustainable Development Goals.

FINDINGS:

The **STRIPE REGIONAL MEETING** hereby finds that:

1. FOI laws assist in ensuring access to environmental information by people and communities. However, information on air and water quality and pollutants released into the environment needs to be released proactively, in formats that are easily understandable by the public, without a request.
2. Government needs to adopt legal requirements for the collection and production of environmental information.
3. Laws that guarantee a specific right of access to environmental information without a request need to be operationalized to ensure quick and timely access to environmental information.
4. The right of access to environmental information should be promoted at the international and regional level. The Aarhus Convention and the Latin American and the Caribbean (LAC) regional process can serve as a model for the Asian region.
5. The United Nations Environment Programme's (UNEP) Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (the Bali Guidelines) should be utilized by Governments in the region to raise standards of national legislation on access to environmental information.
6. Governments in the Asian region need to improve FOI laws to comply with international standards. Areas of priority in the region include:
 - a. Protection of public officials from being sued for the release of information under FOI laws;
 - b. Penalties and administrative sanctions where public officials intentionally breach the law;
 - c. Reforming broad exemptions in FOI laws and ensuring the public interest is considered in deliberations whether to grant or refuse information;
 - d. Removing limitations of the right to information to only citizens;

- e. Lowering fees for making requests and obtaining copies of documents;
 - f. Removing requirements for people to provide a reason to make a request;
 - g. Inclusion of private corporations that are required to carry out public functions and state owned enterprises within the scope of the law;
 - h. Developing up-to-date archive and records management laws that mandate the collection, retention and management of information by governments;
 - i. Ensuring that information commissioners are independent and have sufficient power to order the release of information.
7. Effective implementation of FOI laws helps to expand access to environmental information. Areas which need to be targeted for improvement in the region include;
- a. Responding to requests within the timelines under the law;
 - b. Providing appropriate incentives to government officials to ensure compliance with FOI requirements;
 - c. Allocation of necessary budgetary and other resources to ensure efficient and timely administration;
 - d. Appointment of information commissioners with the tools to ensure adequate enforcement of the FOI law and providing methods for the disclosure of their decisions;
 - e. Implementation of proactive disclosure provisions in FOI laws;
 - f. Public education and training to empower civil society and communities to make full use of the right;
 - g. Improving training for government officials and systems for tracking, transferring and monitoring requests, and regular monitoring and reporting on the operation of the law;
 - h. Collecting statistics on the number of requests submitted by the public, publication of FOI decisions, information declared public, and decisions or recommendations of information commissioners;
 - i. Review of the operation and compliance with the law, by legislative bodies and information commissioners.
8. Significant barriers for local communities exist that impair their access to environmental information across the region. Barriers include costs and limited information being available at local public authorities as well as understandability of technical information.
9. The public has a right to participate in the setting of priorities on the types of environmental information to be released proactively including, but not limited to, planning applications, environmental impact assessments, permits, air and water quality monitoring information, and inspection reports.
10. Environmental information must be available in a usable and understandable form. There is

a need to analyze and interpret data to make it meaningful for all stakeholders. Academics, Government Agencies and civil society, and the media all have a role to play in this process.

11. It is important to release environmental information and data at all stages of collection and analysis on the internet. Information must be made available to local communities and in a wide range of formats including internet, tv, radio, newspaper, paper records and mobile phones. It must be systematic, timely, reliable, comprehensive, user friendly, accessible, inexpensive and accurate.
12. The use of information enables public participation. Transparency must be guaranteed and opportunities need to be given for public participation in
 - a. Policy making
 - b. Formulation of standards for release of air and water pollutants
 - c. Planning stage
 - d. Application for permission for development
 - e. Grant and Renewal of Permits
 - f. Environmental impact assessment processes
 - g. Enforcement and reporting of violations
 - h. Environmental disclosure programs, for example Pollutant Release and Transfer Registers
13. Capacity building and training of civil society to support communities to interpret data and use of information will foster support for transparency amongst all sectors of society.
14. Governments must present environmental information in graphic representations such as maps and charts, using symbols and colours to identify risks, and demonstrate breaches or compliance with standards, and provide meaningful and relevant information.
15. Access to corporate, facility and state-owned enterprise information that reveals pollutant discharges and its impact on the environment is limited in many countries in the region. Emission and Discharge data from the corporate sector must be provided to the Government to enable monitoring of the environment. This information shall not fall within the category of commercially confidential information as it directly relates to the environment and public health and should be released in the public interest. Rules should not allow claims of commercial confidentiality or trade secrets to supercede public interest as this information directly relates to environmental and public health.
16. Stronger Legislative frameworks must be enacted that require the proactive release of information of pollutant discharge, stored and transferred information. Creating mandatory environmental information disclosure programs such as pollutant release transfer registers are a priority for the region. Pollution data should be linked to government enforcement, and in addition it should communicate risk to public health and the environment. Where companies proactively disclosed pollutant discharge information this can strengthen corporate social responsibility.



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APRIL 29 - MAY 1, 2013 // JAKARTA, INDONESIA

STRIPE

REGIONAL MEETING

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