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UNEP: Draft Information Policy Better But More Needed

Almost exactly 18 months ago, when CLD commented on the United Nations Environment Programme (UNEP) first ever Access-to-Information Policy, the title of our press release was “Practise what you preach”. This reflected the hypocrisy of UNEP advising others to adopt strong rules on the right to information (RTI) while putting in place a very substandard access policy for itself. UNEP has, as intended, duly moved forward to develop a longer-term policy. An analysis by CLD of their 12 November 2015 draft Policy shows that improvements have been introduced, but that far more is needed to bring it into line with international standards or better practice by inter-governmental organisations.

“We welcome the fact that UNEP is moving forward to replace its weak Access-to-Information Policy”, said Toby Mendel, Executive Director of CLD. “Although the new draft is stronger, we expect far more of the lead UN environmental body in terms of openness.”

The draft Policy has some positive features, including a broad presumption in favour of disclosure “in the absence of a compelling reason for confidentiality”. However, there are a number of problems with the draft, including the following:

- An unnecessarily complex and potentially limited definition of information covered.
- The absence of any commitment to provide assistance to requesters who need it.
- A very broad regime of exceptions including a veto for third parties regarding information they deem to be confidential, a catchall for information which “must be deemed confidential” and a highly discretionary public interest override.
- An oversight body – the Access-to-Information Panel – which merely advises the Executive Director (i.e. rather than actually making independent decisions) and which is comprised of two staff members and just one external expert, all appointed by the Executive Director.

CLD urges UNEP to revise the draft Policy so as to bring it more fully into line with international standards.

The CLD analysis is available at: www.law-democracy.org/live/unep-draft-information-policy-better-but-more-needed.

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