

# ASEAN Environmental Democracy Observatory: Regional Baseline Report August 2025

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# Executive Summary

The ASEAN Environmental Democracy Observatory (EDO) project provides a platform to assess the state of environmental democratic governance across Southeast Asia. In this inaugural report, we present findings for eight countries: Cambodia, Indonesia, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Timor-Leste. Assessment for Brunei, Laos, and Viet Nam will be included in a subsequent version of the report.

Our methodology examines progress and challenges faced by governments and other stakeholders in environmental governance through the three pillars of environmental democracy: access to information, public participation, and access to justice. Our aim is to establish a comprehensive overview of environmental democracy in the region to identify opportunities for cross-learning, exchange of good practices, and peer support. Conducted through literature reviews and interactive workshops, our assessment equips policymakers, civil society, and other relevant stakeholders with valuable insights and actionable recommendations.

The ASEAN EDO research found complex environmental governance reality in Southeast Asia. Many countries have laws governing the environment, but enforcement is often lacking. Corruption, civic space restrictions, top-down governance, and deep socio-economic inequality undermine the realisation of environmental democracy rights and the ability of democratic systems to deliver sustainability, including ambitious and just climate action. Most especially, indigenous people and rural communities face unique obstacles in obtaining information, participating in decision-making, and access to justice mechanisms. But we also found some positive trends, such as specialised environmental courts, digitisation of public information disclosure, and the initiation of regional collaboration on environmental rights and governance.

- ⇒ The Code on Environment and Natural Resources provides a foundation for access to information and public participation in environmental governance in **Cambodia**, but its top-down governance model renders opportunities for genuine engagement limited. Civil society and the media play a crucial role to raise public awareness and ensure accountability.
- ⇒ **Indonesia** has made efforts to comply with international environmental standards, but the government's move to centralise governance through the Jobs Creation Omnibus Law has added barriers especially for local and marginalised communities to actively monitor and participate in environmental decision-making.
- ⇒ The Environmental Quality Act serves as the primary framework for environmental governance in **Malaysia**, including the implementation of environmental impact assessments. However, public satisfaction remains low amid limited access to civil litigation for environmental cases.
- ⇒ While eager to comply with international standards, **Myanmar** struggles to ensure equity and inclusivity in environmental governance as the military continues to have full control of public resources. Introduction of frameworks such as environmental impact assessments and extractives sector transparency have not been followed by a responsive government.
- ⇒ **The Philippines** have a robust regulatory framework governing clean environment as well as freedom of information, but inconsistencies in implementation continue to hinder citizens from fully exercising their rights in environmental decision-making processes.
- ⇒ **Singapore** has made strides in promoting sustainability and environmental protection, but its top-down governance approach and strict regulatory frameworks for accessing information and environmental justice leave citizens with restricted opportunities to engage.
- ⇒ Despite its Right to Information and Environmental Quality Acts, environmental governance in **Thailand** continues to face significant challenges due to weak enforcement. Citizens also remain largely unaware about their environmental rights and remedies in the judicial system.
- ⇒ The Environment Basic Law established a strong foundation for environmental governance in **Timor-Leste**, but a lack of public awareness and technical capacity present enforcement challenges. Economic dependence on the oil industry and vulnerability to climate disasters mean that addressing environmental challenges demands a comprehensive strategy.

## Key Takeaways

- ⇒ **On access to information**, all eight countries have some form of legal framework for access to environmental information, but implementation is hindered by bureaucratic obstacles, general lack of transparency, and digital divides. Rural and marginalised communities face significantly higher barriers in accessing information.
- ⇒ **On public participation**, legal frameworks also similarly exist albeit to different extents. However, current practices tend to be top-down and exclusionary. Marginalised groups, including indigenous people, are frequently excluded from spaces where governments attempt to engage citizens in environmental decision-making.
- ⇒ **On access to justice**, the countries assessed also have some legal mechanisms in place. Yet these mechanisms have remained ineffective due to high operating costs, technical complexities, and corruption. Environmental defenders (activists and journalists) are the most vulnerable groups under this pillar due to the frequent harassment and legal retaliation they face.

## Policy Recommendations

- ⇒ **Strengthen legal frameworks** to ensure that environmental laws are not just comprehensive, but also enforceable and free from political interference. This would require closing regulatory gaps enhancing the capacity of the judicial systems to preside over environmental cases.
- ⇒ **Enhance public awareness and participation** by ensuring that marginalised communities are provided the necessary accommodation to have equal access to information and participatory processes. Governments can do this through designing outreach strategies that are culturally appropriate, extending consultation periods for citizens who require specific accommodation, and leveraging the use of digital platforms.
- ⇒ **Strengthen protection for environmental defenders** particularly activists, journalists, and whistleblowers. Regulations on strategic lawsuits against public participation (SLAPP) could be introduced to establish protection of environmental defenders from judicial harassment.
- ⇒ **Improve transparency and accountability** by establishing independent monitoring authorities that oversee environmental governance at-large. Governments could promote transparency further by maintaining open access databases and ensuring that relevant environmental data is up-to-date and easily accessible.
- ⇒ **Forge regional cooperation** to address transboundary environmental challenges, such as pollution and waste. Knowledge sharing and joint monitoring mechanisms can enhance environmental governance across the region, including in combating criminal activities in the extractives sector.
- ⇒ **Provide capacity building** to ensure that both government officials and civil society reformers have access to the latest tools, resources, and practices that can offer effective measures to address environmental governance challenges.
- ⇒ **Make decision-making inclusive** by widening access to formal processes and capturing the concerns of all stakeholders, especially marginalised communities. This includes integrating traditional knowledge and fostering community-led efforts that may not be well established within formal structures and procedures.

# Assessment Results

The ASEAN EDO regional assessment reveals a complex picture of environmental governance across the region. The Philippines stands out with the highest overall score (2.2 of 3.0), indicating a relatively strong performance across access to information, public participation, and access to justice in environmental matters in line with the three pillars of environmental democracy. This suggests robust mechanisms for citizens to engage with environmental issues and seek redress. Conversely, non-member state Timor-Leste receives the lowest overall score (0.8 of 3.0), which highlights substantial challenges across all three pillars and suggests a need for urgent improvements in transparency, citizen engagement, and justice mechanisms on environmental matters. The disparity between these two nations underscores the wide range of environmental governance practices present in the region.

Country	Access to Information	Public Participation	Access to Justice	Overall
Cambodia	2.0	1.6	1.7	1.8
Indonesia	1.9	1.3	1.3	1.5
Malaysia	2.0	2.0	1.6	1.9
Myanmar	1.7	1.2	0.8	1.2
Singapore	1.7	1.3	1.3	1.4
The Philippines	2.4	2.1	2.2	2.2
Thailand	1.3	1.1	1.2	1.2
ASEAN Average	1.9	1.5	1.4	1.6
Brunei	TBD	TBD	TBD	TBD
Laos	TBD	TBD	TBD	TBD
Viet Nam	TBD	TBD	TBD	TBD
Timor-Leste	0.9	1.1	0.4	0.8

As established in the EDO methodology document, our assessment process is not intended to directly compare between one country and another. This is because the methodology considers nuanced indicators that may result in different scoring for each individual indicator relative to a country’s context and status quo. Cambodia and Malaysia, for instance, demonstrated strong performance in access to information (2.0 of 3.0), which suggests a relatively high degree of transparency regarding environmental data and policies in these countries. However, a high score in one area does not necessarily translate to strength across the board. Instead, the overall index provides a more comprehensive view of environmental democracy at both domestic and regional levels. The regional average score of 1.6 across the three pillars reflects this diversity, pointing to a middling level of environmental democracy across Southeast Asia and highlighting the need for further analysis to understand the specific factors driving these variations at the national level. Such an analysis would shed light on the policies and practices contributing to both success and shortfalls in fostering environmental democracy.

While the assessment does not specifically investigate the factors driving variations in scores, the data reveals considerable differences in environmental democracy across the region. Countries with lower scores indicate areas needing improvement. However, observations from our presentation at the Open Government



Partnership (OGP) Forum in Manila on 7 February 2025 suggest that the Philippines’ high scores may be partly attributable to meaningful citizen participation and true demands as well as responsive governments and strong demands of active citizenry at least as exemplified by the case of Metro Manila.

## Cambodia

Cambodia	Access to Information	Public Participation	Access to Justice	Overall
	2.0	1.6	1.7	1.8

The Code on Environment and Natural Resources of 2023 (CENR 2023) establishes a comprehensive legal and regulatory framework to support Cambodia’s long-term growth, highlighting the importance of access to information and public engagement in environmental evaluations and decisions. While Cambodia has achieved tremendous progress in sustainability and environmental protection, top-down government continues to limit its potential. Empowering civil society organisations and the media is critical for raising public awareness and keeping the government accountable while promoting equality and inclusivity, protecting vulnerable groups, and involving them in environmental decision-making processes.

### Access to Information

CENR 2023 has been highly anticipated by all stakeholders, having been adopted on 29 June 2023 and set to enter into force after a year. This comprehensive code represents a significant reform by modifying many current environmental and natural resource laws, including the Law on Environmental Protection and Natural Resource Management of 1996, the Law on Protected Areas of 2008, and the Law on Biosafety of 2008. The Code aims to achieve environmental protection while allowing Cambodia to attain sustainable economic development. It sets out rules for the conservation of natural resources and wildlife, climate resilience, the use of renewable energy, and sustainable urban environments. Additionally, it includes provisions on environmental impact assessments and penalties, both administrative and criminal, for environmental and natural resource offenses. The Code covers a wide range of environmental information including information for awareness-raising, management, protection, conservation, and development of natural protected areas, all information about the environment and natural resources, information for public interest, data on threatened wild plants and ecosystem crimes, risk assessment activities and reports, full and initial environmental impact assessment reports and relevant documents, and Environmental Monitoring Reports.

There are limitations, however, such as fees for information used for commercial purposes and the non-disclosure of confidential information. Private investment project owners have the right to request that the ministry responsible for the environment and natural resources to treat any information relevant to their project as confidential. Confidential data is also protected to safeguard wildlife, wild plants, cultural properties, and natural heritage. The Code emphasises equality by focusing on local communities affected by projects, public participation, independent environmental auditors (costs provided by the operator or project owner), and the dissemination of environmental information and data. Despite its comprehensive nature, the Code does not specify procedures and formats for requesting environmental information, leaving these details to be determined by legal instruments of the responsible ministry, competent ministries or institutions, or subnational administration. The public has limited access to environmental information due to data availability and management issues across Cambodia’s ministries, including the Ministry of Environment. The private sector often seeks legal advice and support from law firms to navigate access to public information and its procedures.

Existing mechanisms for access to environmental information in Cambodia are largely ineffective, unavailable, and inaccessible. Limited environmental information is dispersed across multiple platforms, such as the National Council for Sustainable Development’s data on climate change issues, making it difficult for individuals to determine where and who to contact for information. The Code mentions the

establishment of a National Environmental Data Center, which has yet to be implemented. Online research is often the first option for accessing environmental information in Cambodia, but the work of civil society organisations (CSOs) related to the environment is sparse and outdated. CSOs, media, and researchers are vital in delivering information about environmental issues. However, writing on sensitive themes like deforestation, land grabbing, and other concerns might involve risks, resulting in fewer reports and limited access to information. Key information access challenges include a lack of quality-assured information, knowledge of climate change, human resources for data recording and management, collaboration among relevant stakeholders, digital literacy, and willingness.

## **Public Participation**

The public participation principle is upheld in the Code on Environment and Natural Resources, which was adopted on 29 June 2023 (Article 11). It requires that all information about the environment and natural resources be freely available and publicly accessible to maximise public participation in environmental and societal planning and decisions (Article 12). The ministry in charge of the environment and natural resources is required to encourage public engagement from relevant individuals (Article 653). The Code specifically mandates public engagement in biodiversity protection, conservation, and sustainable development (Article 61), as well as environmental land use and sustainable cities (Article 108). Local communities, the public, and civil society organisations are encouraged to participate, offer, and receive information about the use of natural protected areas (Art. 368).

The public can also participate in strategic environmental evaluations, which are mandated to incorporate public engagement processes at various levels (Article 645). However, the Code does not fully specify these procedures, indicating simply that they would be determined by legal instruments of the Ministry of Environment and Natural Resources. Furthermore, the Code states that environmental impact assessment procedure is only effective if it follows the norms of public participation (Art. 655). Public engagement in the assessment process guarantees that all stakeholders are involved in environmental preservation, biodiversity conservation, sustainable natural resource use, sustainable livelihoods, and environmental impact assessment processes (Article 687). However, processes for public participation are not specified and must be decided by the applicable legal instruments.

The right of public participants to act is specified to include activities such as reporting to competent authorities and publishing information on activities or decisions that may impact the environment and natural resources; raising questions, requesting clarification, objecting to, and meeting to discuss such activities or decisions; and filing complaints or objections against activities or decisions using grievance mechanisms for the environment and natural resources. However, the Code does not address potential disparities in participation.

Cambodian public participation in environmental concerns and decisions remains extremely limited. Key difficulties to effective public engagement include portraying environmental concerns as political and sensitive, which frequently involve natural resource management and corruption. This sensitivity can lead to self-censorship, preventing effective public engagement, as evidenced by multiple examples of detention and harassment of environmental CSOs and activists. Other challenges include the public's lack of understanding of environmental issues (environmental literacy and interest), a lack of information and transparency on environmental matters and decisions, unclear procedures for public participation, and a shrinking space for CSOs and media to advocate and report on these issues.

Civil society and the media play an important role in encouraging and facilitating public participation in environmental issues. They act as gatekeepers and watchdogs, monitoring the environment and reporting issues to the public. Civil society and the media can serve as channels for the public to express their concerns as affected communities and increase awareness, holding the government accountable for ensuring sustainable growth and environmentally responsible actions.

## **Access to Justice**

Cambodia has well-defined legal mechanisms for redress and compensation in the event of environmental harm. The Ministry of Environment has the authority to initiate legal action or bring matters to court as a plaintiff seeking compensation for environmental or natural resource harm. Before filing a complaint with the



court, any aggrieved party may seek mediation through the environmental and natural resource conflict resolution mechanisms. This process does not waive the right to file a complaint directly with the court; nevertheless, the court may send the case to the environmental and natural resource conflict resolution mechanism for mediation. If no agreement is achieved, the parties must take their matter to court for litigation.

Cambodia provides extensive legal standing to diverse parties involved in environmental and natural resource issues. Affected parties, the Ministry of Environment or sub-national administrations, and associations and organisations registered in and recognised by Cambodia, such as NGOs and CSOs, are all eligible to file claims for environmental harm. Affected parties in environmental cases can access the legal system through protection under Cambodia's Criminal Law and CENR 2023, which impose administrative and criminal penalties for environmental violations.

Despite these protections, Cambodia is infamous for widespread corruption, notably in the court system. This corruption makes it impossible for the poor and oppressed groups, such as indigenous peoples and minorities, to obtain fair and competent legal representation. Furthermore, legal aid or free legal assistance is typically unavailable in environmental cases. Legal proceedings can be twisted to benefit the wealthy, powerful, and well-connected, limiting the right to fair trials and access to justice under the rule of law. Furthermore, a lack of environmental experience and ecological awareness among justice-system experts undermines public trust in legal proceedings.

The newly enacted CENR 2023 recommends mediation as a first step in resolving environmental problems. This emphasis on alternative dispute resolution may cause people to prefer mediation over legal processes.

CSOs and the media can play an important role in aiding environmental litigation and advocacy by sharing and circulating information about environmental concerns and conflicts, ensuring that affected and interested parties are aware of the issues and can help one another. Publishing news and articles on environmental issues can raise public awareness and put pressure on courts to maintain independence, impartiality, and prompt trials. CSOs can also act as hubs for information sharing and network building, seek and provide legal support and assistance to environmental victims, and collaborate with the government to intervene and resolve concerns.

## Policy Recommendations

- ⇒ The CENR imposes strong consequences for infractions, including monetary fines and imprisonment. Meanwhile, **centralised government must maintain transparency and actively engage stakeholders through public consultations**. In this context, the Ministry of Environment is responsible for creating different important legislative instruments pertaining to public access to information, processes for public participation in environmental decision-making, and access to justice.
- ⇒ Effectiveness relies on institutional capability and enforcement. **Adequate finance, a series of trainings, and improved ICT can prompt the reform**. Investing in these will assist governments and citizens strengthen the environmental governance system. Furthermore, multinational collaborations across countries and regions might strengthen environmental data systems and acquire technological skills.
- ⇒ Governments should **offer more room for CSOs at all levels to do their work**. CSOs may address gaps in executing environmental legislation and should be considered as governments' partners that provide constructive feedback to improve environmental governance. CSOs frequently get donor support, which can supplement government efforts to provide environmental knowledge, expertise, and technical skills training and capacity building for officials, staff, and legal professionals alike.
- ⇒ **Removal of media censorship and independent media are crucial** to fast access to information as well as public trust, including public awareness for supporting the country's progress. The emphasis on independent media coverage through old and new digital media technologies is critical for ensuring public literacy.
- ⇒ Normative concepts of equality and inclusivity, with a focus on vulnerable groups such as indigenous people and minorities, who are more likely to be affected by environmental damage. These **marginalised groups should be given special consideration** to ensure their protection and

participation in environmental decision-making. Cambodia can achieve more inclusive and effective environmental governance by implementing comprehensive legal and institutional reforms, as well as actively engaging CSOs and independent media.

## Indonesia

Indonesia	Access to Information	Public Participation	Access to Justice	Overall
	1.9	1.3	1.3	1.5

Indonesia has made actions towards complying with international environmental standards, but its centralised government model has prevented rural and marginalised populations from actively participating in environmental decision-making. The Jobs Creation Omnibus Law, which aims to streamline laws, has been criticised for limiting chances for public participation, particularly among indigenous and rural populations. While Indonesia’s regulatory framework, including Law No. 32/2009 and the more recent Law No. 6/2023 on Jobs Creation, allows for public participation in environmental impact assessments, the exclusion of civil society organisations and advocacy groups from representing affected communities limits meaningful participation. Accessibility issues, such as language obstacles and short consultation times, worsen the problem in rural locations. The centralisation of authority and the perceived lack of transparency in environmental governance have contributed to a sense of separation between the government and the people, weakening trust and the efficacy of public participation processes.

### Access to Information

Law No. 32/2009 on the Protection and Management of the Environment outlines the regulations that govern access to environmental information in Indonesia. Furthermore, Law No. 6/2023 on Jobs Creation—particularly the environment cluster—and Government Regulation (PP) No. 22/2021 on the Protection, Organisation, and Management of the Environment augment this regulation, specifically Articles 22 and 185(b).

Under Guidelines 2 and 4, it may be difficult to acquire data from companies on environmental information such as quality, health implications, legislation, and policy, as well as environmental performance and compliance. Legal proceedings containing confusing articles, such as those stated in Law No. 11/2008 on Electronic Transactions and Information (‘UU ITE’), have frequently hampered activists’ efforts to promote and monitor the readiness of information disclosure. For example, environmental activist Daniel Tangkilisan was recently charged with violating Articles 27 (3) and 28 (2) of UU ITE for publicly criticising the presence of shrimp farms in the Karimunjawa National Park area, which causes environmental damage and pollution to the Cemara Beach in Jepara, Central Java.

Companies and government entities frequently use Article 17 of Law No. 14/2008 on Public Information Disclosure (‘UU KIP’) to restrict access to environmental information. The law requires every public agency to grant access to public information, except for material deemed dangerous if disclosed. Citing this section, the Surabaya City Government denied the Indonesian Forum for the Environment’s (Walhi) public information request regarding the Sepat Reservoir and the environmental impact assessment of the Waste-to-Energy Project in Benowo. Civil society organisations have referred to the use of these unclear phrases as strategic lawsuit against public participation (SLAPP).

These regulations appear insufficient to meet the demand indicators. On 22 May 2023, a civil society organisation demanded that the government task group in charge of land use planning and investment facilitation be transparent in revoking land permits for mining corporations that had caused environmental destruction. This need from civil society may have been evident in other rules that are relevant but not directly related to the environment.

The empirical case relating to access to environmental information within the context of sub-pillar 2 is relevant to consider without focusing too much on the demand side issue. On 22 January 2012, the Indonesian Mining Advocacy Network (Jatam) issued a formal request for environmental information under UU KIP to analyse the impact of mining activities on human health and the environment, specifically in East Kalimantan. Jatam made multiple further requests over the course of a year, filed numerous legal complaints, and escalated to the public court system before May 2013. However, the local environmental department deliberately slowed the process, and they eventually began providing environmental impact assessment reports on a weekly basis. This case demonstrates the importance of civil society endurance in seeking environmental information rights.

The demands made by organisations such as Walhi and Jatam for access to environmental information highlight the essential intersections between governance, environmental sustainability, and citizen engagement. Walhi's requests for public information on behalf of coastal communities affected by climate change-related phenomena in Java's northern shore, particularly tidal flooding, highlight the importance of informed governance in preventing environmental degradation and its socioeconomic consequences. Walhi's research on the 109 villages in Central Java that had flooded by 2020 and are anticipated to worsen further by 2050 is a clear call to action to protect both ecosystems and community livelihoods.

## Public Participation

Law No. 32/2009 on the Protection and Management of the Environment outlines the regulations that govern public engagement in environmental governance in Indonesia. In addition, Law No. 6/2023 on Jobs Creation—specifically the environment cluster—and Government Regulation (PP) No. 22/2021 on the Protection, Organisation, and Management of the Environment supplement this regulation, particularly Articles 22 and 185 (b), by allowing public participation through a variety of mechanisms such as reviews, inputs, and comments. On top of that, the environmental impact assessment ensures public input, particularly from impacted communities, in the early stages of environmental decision-making.

Existing regulations are largely insufficient to address the demand-side indications. Compared to the previous legal framework, the Jobs Creation Law and its implementing regulations have considerably decreased chances for public consultation and local community involvement in the early stages of decision-making. In terms of environmental impact assessment, the regulations only consider the communities that are directly affected by a project, excluding representatives from these communities who may be members of civil society organisations or advocacy groups. They also fail to sufficiently protect local communities' rights to prevent projects they do not support from continuing forward.

Environmental advocates in Riau, including Walhi and the Indonesian Indigenous Peoples Alliance (AMAN), have criticised the drafting of a Local Ordinance ('Perda') on Indigenous Land and Utilisation for its closed-off nature and overall lack of meaningful participation by indigenous communities. This criticism strikes a deep chord with the overarching issue of insufficient public participation in environmental policymaking—a trend exacerbated by the quick passage of certain legislative proposals such as the Jobs Creation Law, which leaves little to no room for public input. Current regulations also fail to adequately protect local communities' rights to reject initiatives that may have a negative impact on their lands and livelihoods, effectively undermining the autonomy and agency of indigenous communities, whose territories are frequently targeted for development projects without their consent or consultation.

These incidents highlight a larger, systemic issue of opacity and exclusion under the current environmental regulation framework. Without significant reforms that prioritise community engagement and respect for indigenous rights, Indonesia will continue to fall short of ensuring sustainable and equitable development for all.

## Access to Justice

Law No. 32/2009 on the Protection and Management of the Environment, the environment cluster of Law No. 6/2023 on Jobs Creation, and PP No. 22/2021 on the Protection, Organisation, and Management of the Environment establish the regulations that govern public participation in environmental decision-making by allowing the public to review, provide inputs, and make comments on environmental decisions.

However, current restrictions make it difficult to put in place suitable demand-side safeguards. The Jobs Creation Law and its related regulations substantially eliminate local communities' rights to reject programmes with which they disagree. Criminal prosecution and intimidation of civil society and local community activists who criticise government programmes continue to be reported around the country. According to Walhi, at least 827 environmental defenders (including 9 minors and 19 women) were prosecuted and harassed between 2014 and 2023. Of these, 145 were subsequently detained, with 28 being handled as criminal suspects in the public court system. Furthermore, battles with law enforcement agencies resulted in approximately 620 injuries and six fatalities.

The most recent case involving environmental activist Daniel Tangkilisan in Jepara, Central Java, exemplifies the difficulties faced by environmental defenders in Indonesia, particularly with the vague provision of the Electronic Transactions and Information Law. It emphasises the interaction of environmental campaigning and legal limits, in which activists frequently face criminal prosecution and persecution for speaking out against ecological degradation. Usman Hamid, Executive Director of Amnesty International Indonesia, believes that the case is typical of the ongoing criminal persecution and harassment of environmental defenders in Indonesia. Despite Article 66 of Law No. 32/2009 on the Protection and Management of the Environment, which protects individuals who advocate for a healthy environment, the reality on the ground tells a very different story, exposing environmental defenders and activists to constant legal risk.

## Policy Recommendations

- ⇒ Although Indonesia has several laws that promote environmental democracy, **a uniform and fair legal framework is required**, one that covers not only public information and information access but also law enforcement, redress, and remedy. For this plan to be successful, public engagement and participation in environmental decision-making at all administrative levels must be invited. Furthermore, it is critical that companies report the environmental impact of their operations and take part in environmental planning and management in partnership with local communities and civil society.
- ⇒ To ensure the existence of a complaint mechanism and to oversee the execution of environmental policies and projects, **state institutions and administrations at all levels must set up independent bodies**. This will include protections for anyone who come out with information about corruption and environmental abuses. Encourage public involvement in environmental monitoring and decision-making by leveraging digital platforms. Using online portals and applications is one way to report environmental issues. Companies are urged and rewarded for using sustainable practices and taking part in environmental stewardship programmes.
- ⇒ Public involvement that reaches marginalised and resident communities to express local demands requires **a safe and supportive environment**. From the beginning of development projects, state institutions and governments at all levels must use culturally relevant techniques and local languages to guarantee an equal consultation process between corporations, local communities, and governments. To educate local communities about their rights regarding the environment, including their obligations and the right to consent, hold workshops and seminars.
- ⇒ The Indonesian Law on Legislation ('UU PPP') **mandates meaningful public participation** in policymaking and oversight. This is one way to ensure inclusive policymaking and public participation. However, meaningful participation **requires open access to public information** that are accurate, up-to-date, and easily available, which is also enshrined in the Public Information Disclosure Law ('UU KIP'). Environmental data including pollution levels, deforestation rates, and air and water quality should be included in these platforms. Educational institutions and independent media might launch awareness campaigns for inclusive environmental governance. The importance of environmental stewardship and democratic engagement is emphasised from an early age by integrating environmental education into school curricula.

# Malaysia

Malaysia	Access to Information	Public Participation	Access to Justice	Overall
	2.0	2.0	1.6	1.9

The Environmental Quality Act of 1974 (EQA 1974) provides the basic framework for Malaysian environmental regulation. The country has established environmental impact assessments to encourage public engagement. Nevertheless, public satisfaction with these processes is low, and civil litigation in environmental cases is extremely limited.

## Access to Information

Malaysia’s principal environmental law is the EQA 1974, which allows public access to regulatory information. In 2002, the government adopted the National Environmental Policy, which addresses environmental challenges through a multisectoral approach. One of the policy’s eight guiding principles highlights the importance of the private sector. The principles include environmental stewardship, the preservation of nature’s vitality and diversity, continuous improvement in environmental quality, the sustainable use of natural resources, integrated decision-making, commitment and accountability, and active participation in the international community. While education and awareness are listed as important strategies in the policy, with a focus on all levels of educational institutions, they do not expressly address imbalances in information access. The National Environmental Policy 2022 contains no clauses that address imbalances based on location, language, economic level, or digital literacy.

Access to environmental information is primarily governed by the EQA 1974, as amended in 2007 and 2012. The EQA requires environmental impact assessments for major developments but does not specifically allow for public access to the assessment findings. However, these reports are available for public study at Department of Environment offices and public libraries. Other related acts are the National Parks Act of 1980, the Wildlife Conservation Act of 2010, and the Planning Act of 1976. Despite these provisions, there remain issues about transparency and accessibility. Critics argue that some laws may be out of date and do not adequately address contemporary demands. As of January 2025, no significant changes had been made to improve access to environmental information, instead relying on current practices and norms.

Environmental information is disseminated through both online and physical channels. Government departments such as the Department of Environment and the Department of Statistics make reports, regulations, and data available on their official websites. However, the completeness and timeliness of this information might vary, with certain extensive databases being limited or obsolete. Physical dissemination comprises the public reading of environmental impact assessment reports on specific dates, allowing the public to make written comments during the review process, and making the reports available for physical viewing.

Civil society organisations (CSOs) and the media play crucial roles in obtaining and disseminating environmental data. CSOs, such as the Shah Alam Community Forest (SACF) Society, engage in campaigning, perform independent research, and disseminate findings to the public, bridging gaps created by official channels. The media covers environmental issues and holds stakeholders accountable. However, both CSOs and the media encounter obstacles like as political and economic pressures, restricted regulations, and concentrated media ownership, resulting in self-censorship and limited coverage of sensitive environmental topics.

The government has made progress by proactively publishing environmental data via web portals. The public can obtain information such as air and water quality indices, pollution sources, and conservation measures on the websites of relevant government agencies, and some have attempted to popularise it via their social media profiles.

Despite these attempts, issues exist with the depth, frequency, and transparency of the data released. There are three major challenges, namely political, economic, and logistical. Legislative limits and a lack of



strong freedom of information legislation impede environmental data transparency, as Acts such as the Official Secrets Act 1972, Sedition Act 1948, and Communication and Multimedia Act 1998 have been criticised. Meanwhile, economic interests, particularly in areas such as palm oil and mining, impact information sharing, as there is a reluctance to divulge data that could harm economic activity or foreign investment. Furthermore, variations in data gathering methods, insufficient technological infrastructure, and ineffective inter-agency collaboration result in fragmented or partial information transmission. In terms of accessibility, papers such as environmental impact assessment reports and Local Plans are frequently presented in metropolitan areas, making access difficult for rural or Indigenous groups, as are language barriers.

## **Public Participation**

The EQA 1974 requires public participation in some projects, including stages of engagement throughout environmental impact assessment report creation and assessment, as well as avenues for input through public review and written comments. However, accessibility issues exist, particularly in rural or remote regions. The Town and Country Planning Act of 1976 (TCPA 1976) also encourages public involvement in planning, including participation in the drafting and exhibition phases of municipal and structure plans, while outreach to vulnerable areas is inconsistent. The Aboriginal Peoples Act of 1954 and the UNDRIP influence Indigenous Peoples' rights, while biodiversity-related policies promote community engagement.

Despite an established regulatory framework, there are challenges and potential disparities in terms of geography, language limitations, and social position. Rural and isolated groups confront logistical problems in obtaining consultation venues or papers; while digital initiatives have begun to overcome this gap, success remains inconsistent. Furthermore, public engagement is frequently restricted to individuals who understand formal paperwork in Malay or English. Advocacy groups advocate for multilingual and simplified summaries of important publications. Despite certain laws that acknowledge Indigenous peoples' land rights, their participation in environmental decision-making is hampered by poor outreach and consultation methods.

Furthermore, there are no specific language provisions, and poor outreach to excluded groups results in uneven access to participatory procedures. Indigenous populations, such as the 'Orang Asli' indigenous people, and marginalised groups, such as individuals with disabilities, suffer systemic impediments to participation, including a lack of legal acknowledgment for customary land and inadequate consultation.

Despite the existence of methods for public participation in environmental decision-making, various obstacles impede their efficacy. Many Malaysians are uninformed of their rights to participate in environmental decision-making or are unfamiliar with the technical terms used, such as environmental impact assessments or Local Plans. The level of public participation in such processes is higher in Kuala Lumpur and relatively low in the rest of Malaysia.

Furthermore, limited consultation periods result in unequal mechanisms. Public input periods are frequently too short, giving communities insufficient time to adequately analyse and respond to complicated documents. Furthermore, feedback has very little influence on final decisions. Stakeholder input is sometimes viewed as a procedural formality rather than an active participation. There is little indication that public opinions are systematically integrated into final decisions, and no robust mechanism exists to guarantee authorities respond to complaints or hold decision-makers responsible.

CSOs and the media play critical roles in environmental activism because they raise awareness, mobilise communities, and provide technical expertise. NGOs have played an important role in contesting projects such as the Lynas rare earth processing plant. The media informs the public about environmental issues and amplifies civil society concerns, despite government constraints on their functions. Digital platforms and rising environmental awareness provide potential for increased public access and interaction, and international frameworks such as the Aarhus Convention can serve as templates for encouraging improvements in participatory rights.

## **Access to Justice**

Citizens can challenge environmental decisions and seek solutions for ecological harm through several legal processes, but they are limited in their accessibility, effectiveness, and enforcement. Key legal channels



include the EQA 1974, which allows for environmental enforcement proceedings, and judicial review under the Federal Constitution. Tort law also provides common law remedies for environmental harm, and the Aboriginal Peoples Act of 1954 assists indigenous tribes in establishing customary land rights. Citizens can file complaints with the Department of Environment and other regulatory organisations; however, enforcement is patchy. Legal action can be taken before the High Court for judicial review or civil tort claims, but the high litigation costs and technical complexity discourage public participation. Public interest lawsuit is viable, but uncommon due to procedural impediments. NGOs frequently aid afflicted areas, although their resources are limited.

Malaysia's courts are constitutionally independent, and they have occasionally ruled in favour of environmental protection. However, suspicions about political influence persist, especially in high-profile cases. Malaysia lacks specialised environmental courts, and civil courts may lack the technical expertise required to handle complex cases. The Whistleblower Protection Act of 2010 seeks to safeguard persons who disclose environmental infractions; however, protection only applies if allegations are made through official channels, discouraging whistleblowers from going public. Courts can issue restorative orders to halt damaging activity or to require environmental remediation. Victims may seek compensation through tort actions, but the high costs and lengthy procedures limit this. Violations of the EQA 1974 may result in criminal punishments, however these penalties are frequently viewed as insufficient to dissuade corporate offenders.

Marginalised groups face significant hurdles, including limited access to legal remedies, ineffective enforcement mechanisms, and political power. Creating specialised environmental courts, enhancing whistleblower rights, and broadening public interest litigation frameworks are all potential improvements. Successful lobbying initiatives have shown that increased involvement of civil society and the media may drive reform and enhance environmental accountability.

The legal system has methods for dealing with environmental injustices, but accessibility concerns, structural challenges, and lax enforcement frequently restrict its efficacy. Marginalised groups, such as indigenous populations, confront considerable challenges due to high legal costs, geographic isolation, cultural and linguistic disparities, and the technical complexity of environmental disputes. NGOs provide some assistance but are restricted in resources.

Institutional weaknesses such as the absence of specialised environmental courts, impede the efficient resolution of complicated disputes. Political and corporate involvement further impedes objective decision-making, and public understanding of environmental rights is low. CSOs and the media play critical roles in environmental activism by offering legal and technical assistance, raising awareness, and holding stakeholders accountable. However, stringent restrictions and the possibility of government retaliation limit their usefulness.

## Policy Recommendations

- ⇒ **Public engagement in environmental decision-making should extend beyond immediately affected communities.** A key improvement would involve communicating recommendations from public hearings to the broader public *before* the official adoption of structural or local plans. This proactive approach ensures wider transparency and keeps the public informed throughout the process.
- ⇒ **Significant language, financial, and technical expertise barriers hinder meaningful participation,** particularly for marginalised communities. Establishing specialised environmental task forces with technical expertise to assist these communities in understanding the impacts of government-approved projects is crucial. This includes robust protections for indigenous rights, particularly regarding customary land ownership, and facilitating community participation in natural resource management to ensure equitable and inclusive decision-making. Strengthening enforcement agencies through adequate funding, training, and improved inter-agency coordination is also essential to address perceived biases in the implementation of existing environmental laws.
- ⇒ **Empowering civil society organisations and the media is vital** for strengthening environmental advocacy and accountability. This requires legal protections, financial support, and capacity-building initiatives. **Expanding the whistleblower system** is one example of such an initiative. These

reforms, in conjunction with the previous recommendations, would contribute to a more transparent and just environmental governance system, fostering public trust and sustainable development in Malaysia.

## Myanmar

Myanmar	Access to Information	Public Participation	Access to Justice	Overall
	1.7	1.2	0.8	1.2

While Myanmar is willing to adhere to international environmental governance standards, it confronts obstacles in ensuring equitable and inclusive access. The country's compliance with environmental impact assessments and the Extractive Industries Transparency Initiative (EITI) has not been matched by responsive environmental governance to ensure comprehensive public consultation. Discrimination against marginalised people is widespread, and the military has controlled public sources, generating significant cash for public service provision. These put local and underprivileged communities at the highest risk of accessing environmental justice.

### Access to Information

While the country expresses a willingness to follow environmental impact assessment results, Myanmar has struggled to fully implement environmental impact assessment recommendations such as ensuring public access to project information, emphasising potential environmental and social impacts, measuring mitigation measures, and developing monitoring plans.

However, the complexity of ceasefire capitalism, crony markets, and bad resource management continues to impede efficiency. Environmental impact assessment process was constructed on the Environmental Conservation Law of 2012 (ECL 2012), which was later updated in 2014 (ECL 2014) to address policy inadequacies in the original legislation and reinforce the country's environmental governance system. This includes environmental impact assessment process, which is one of the key methods for requesting and receiving environmental information. Although Myanmar's National Environmental Policy of 2019 promotes access to information and public participation, it simply serves as a guideline for environmental governance and lacks concrete rules and criteria. Aside from not being legally obliged, Myanmar lacks a specific "freedom of information" statute.

In addition, the 2018–2030 Myanmar Sustainable Development Plan (MSDP), which was implemented through sectoral and regional plans coordinated by the Ministry of Planning and Finance in 2018, has obstacles in meeting the MSDP's lofty targets due to a lack of financial and technical resources. Myanmar also joined EITI under the semi-civilian government phase of the National League for Democracy (NLD) era in 2014 to enhance income transparency and environmental compliance in the extractive sector. While it provides some transparency on production volumes and export data, as well as environmental and social impact assessments for extractive projects, it has prompted reforms in Myanmar's legal and regulatory framework, such as the amendment of the Myanmar Mining Law, and has revealed discrepancies in information sharing reports. For example, the government may restrict information flow in the interest of national security or proprietary corporate data (e.g., trade secrets). Still, in practice, natural resource revenues (for example, oil and gas revenues) constitute the Myanmar military's single and greatest source of foreign cash, allowing it to purchase fighter jets and armaments that it is currently employing to carry out aerial bombardments on innocent civilians.

Myanmar has dynamic and diverse ethnic minorities; thus, the constitution respects their rights and permits the use of ethnic languages in official communications. However, this presents concerns for minorities within minorities, as each dialect may differ. With limited resources, some environmental information and environmental impact assessment documents are translated into local languages in places with large ethnic populations, but not all. Myanmar's military put funds into overseas bank accounts, which military generals

used to purchase armaments and cover personal costs. Given the current situation in Myanmar, neither revenue stream nor project information with an environmental impact is unclear.

Prior to the coup, environmental information was communicated via government websites like the Ministry of Natural Resources and Environmental Conservation. However, the material is frequently incomplete, out of date, or not consistently updated. There are shadow reports from environmental NGOs and international organisations—for example, UN agencies, Earth Right International, and grassroots civil society organisations CSO networks (such as MATA)—which play an important role in disseminating reports, information, and awareness campaigns online. Furthermore, independent news and journals cover a wide range of environmental issues on their websites and through social media such as Facebook, X (formerly Twitter), and Telegram (which gained popularity following the coup). However, the Myanmar military is conducting ruthless crackdowns under Cyber Security Laws such as the Counter-Terrorism Law and Section 505(a) of the Penal Code to criminalise online opposition through surveillance and monitoring.

Other than that, civil society and the media play a vital role as watchdogs in evaluating the country's laws and policies to improve the effectiveness of existing systems. Prior to the coup, instances of influence and efficacy included the suspension of the Myitsone Dam Project owing to its possible environmental and socioeconomic implications. Environmental groups, local communities, and activists launched rallies, awareness campaigns, and advocacy activities to draw attention to the project's concerns. They stressed the Irrawaddy River's cultural and ecological significance, mobilising public opinion against the project. One additional example is the Letpadaung Copper Mine. Farmers, activists, and monks staged rallies, demanding accountability.

## Public Participation

Except for the environmental impact assessment method, others stress the value of public engagement rather than mandating it. Environmental impact assessments engage the community at various stages of the project, serving as a specialised platform for public participation. This includes distributing the Environmental Management Plans (EMPs) and impact assessment reports. Furthermore, the EITI encourages public participation in discussions about extractive earnings, legislation, and environmental issues. However, it was halted in 2021 following the military coup. Although EITI encourages and provides channels, public participation in environmental decision-making is not mandatory because the organisation prioritises transparency over enforcing environmental legislation or necessitating public input in specific environmental choices.

While the policies strive to safeguard the environment and promote sustainable development, addressing disparities remains a concern. Because environmental impact assessment is based on ECL 2014, the law does not specifically require that environmental impact assessment papers or consultation processes be conducted in local languages or provide translation services for non-Burmese-speaking groups. Furthermore, it lacks explicit provisions to address the issues that communities experience in isolated or rural locations, such as restricted access to information, transportation, and technology.

Given the current situation in Myanmar, the coup has broken numerous norms and regulations to preserve its dictatorial rule. However, obstacles such as access to information, social and cultural disparities, a lack of competence and awareness of the complexities of environmental concerns, poor legal and institutional frameworks, and political and security challenges have existed since before the coup.

Despite the dwindling civic space, civil society, particularly the press, plays an important role in resolving these issues. They have raised awareness by understanding the complexities of technical terms and providing workshops and training to local and grassroots civil society organisations and communities. In addition to monitoring and exposing inequities, they lobby governments and international organisations to adopt more inclusive and equitable environmental policies. They have also urged private firms to follow business and human rights standards, such as the UNGP Guidelines. Most of the language barrier is mitigated by media (local or regionally oriented) and press in internet-connected areas, which report in their local dialect.

However, all of this came to an end after the coup, following assault on activists, civil society, and political dissidents. While civil societies seek alternative approaches in the face of constant life threats, CSOs,

including environmental organisations, face challenges because of the military-issued Organisation Registration Law of 2022, which requires all NGOs to register with the authorities and imposes criminal penalties for operating without registration, effectively restricting comments and monitor the operations of CSOs. The capability of environmental organisations, activists, and the media is essentially limited.

## Access to Justice

Citizens can petition the Supreme Court for judicial review of administrative decisions relating to the environment. Furthermore, individuals can bring civil lawsuits in private legal actions to seek remedies such as monetary damages for property damage, economic loss, or bodily injury caused by environmentally damaging activities. However, this can differ in practice because these institutions are not independent and are under constant supervision, particularly after the coup. Citizens can also notify or file a complaint about environmental infractions with the Environmental Conservation Department of the Ministry of Natural Resources and Environmental Conservation, which will investigate and act. However, the extent of activity may differ in fact from theory.

Civil society organisations, such as Earth Rights International, educate and support local lawyers and community groups in evidence collection and legal strategies. This aid enables communities to seek injunctions to halt ongoing contamination and demand compensation in court. However, a lack of awareness of complex legal procedures, as well as insufficient resources (training, workshops, financial and legal aids), inherently preclude underprivileged people from participating in them.

The frameworks safeguarding the impartiality and independence of agencies handling environmental disputes, as well as methods for protecting whistleblowers, are weak and pose considerable obstacles. Even before the coup, the court struggled to maintain its autonomy from the executive branch. Judges are nominated and approved by the government, which may affect which matters are presented to court, compromising impartiality.

On the other side, the Anti-Corruption Law of 2013 includes safeguards to protect those who denounce corrupt behaviour. While it was the most effective enforcement period in 2018 under the NLD government, these safeguards are largely aimed at corruption-related disclosures and may not apply to environmental whistleblowers. Worse, Myanmar lacks a separate whistleblower protection statute that provides comprehensive safeguards for those who disclose environmental breaches.

As previously stated, there are legislative frameworks and mechanisms in place, but their effectiveness is hampered by insufficient enforcement and a lack of resources. Furthermore, communities harmed by environmental devastation frequently face barriers to obtaining legal redress due to a lack of knowledge about their legal rights, financial constraints, and restricted access to legal representation. Furthermore, even before the coup, individuals and groups working for environmental justice were frequently targeted with threats, intimidation, and violence.

Accessibility, exorbitant legal fees, judicial corruption, and ethnic bias have all caused substantial obstacles for underprivileged and minority populations. Aside from these, there is a significant paucity of free legal assistance in Myanmar, making it difficult for poor individuals to seek representation. Finally, Myanmar is notorious for its decade-long civil conflict, which is currently ongoing. Individuals in conflict-affected or authoritarian-controlled areas may be afraid of the consequences of dealing with the legal system. This is a result of ceasefire capitalism among armed factions in contested areas, where many armed organisations may co-manage projects.

## Policy Recommendations

- ⇒ The impartial judicial review and money stream must be managed by the country rather than military-owned accounts. To improve access to information, a comprehensive law should **guarantee public access to environmental information maintained by government agencies and private businesses**. The federal government plays an important role in resolving environmental disputes and conducting judicial proceedings without interference from the majority rule government. Each local government must allocate equitable resources, as well as implement a comprehensive dispute resolution process for environmental conflicts, including mediation and arbitration services.

- ⇒ Because Myanmar lacks monitoring and evaluation capabilities, the country must **create and execute performance indicators to assess the efficiency of environmental institutions and policies**. The system ensures that all environmental institutions have clear legislative mandates, duties, and responsibilities, preventing overlaps and gaps in environmental governance. This will also improve enforcement methods for ensuring environmental law and regulation compliance. Myanmar must create and apply performance measures due to its limited monitoring and assessment capabilities.
- ⇒ **Civil society and an independent press are key cornerstones of democracy**. They must be able to organise and carry out activities in a hostile-free environment without fear of losing their life. International firms are desperately needed to offer funds so that civil society can deliver capacity-building projects to communities, thereby reducing the injustices noted above.

## The Philippines

The Philippines	Access to Information	Public Participation	Access to Justice	Overall
	2.4	2.1	2.2	2.2

The Clean Water Act, the Clean Air Act, and Freedom of Information (FOI) Executive Order No. 2 are some of the most prominent regulatory systems for protecting environmental rights. This statute allows the public to engage and get information under these provisions. Despite the solid regulatory framework, significant gaps prevented residents from exercising their full environmental rights at the implementation level.

### Access to Information

The passage of FOI Executive Order No. 2 in 2016 marked a watershed moment in the Philippines' implementation of the Constitutional Right to Information. This order requires all government agencies to make official records, information, and documents available to the public, with several limitations. Even while this has made it easier to obtain government information, a more comprehensive Freedom of Information Act is still required to enable even more access, particularly for local government institutions and other public sectors outside of the executive branch.

The 1987 Philippine Constitution enshrines people' right to information in the following provisions: i) Right to information in Sec. 7, Article III; ii) Full Public Disclosure Policy in Sec. 28, Article II. While the Philippines lacks a formal national legislation governing access to information, laws and programmes exist to put this right into action, including access to environmental information. The fundamental policy is Executive Order No. 02, generally known as the FOI Programme, which former President Rodrigo R. Duterte signed in July 2016. This directive requires all executive departments, agencies, bureaus, and offices to provide public documents, contracts, transactions, and other information requested by the public. The principal governmental agency in charge of environmental matters is the Department of Environment and Natural Resources. In accordance with Executive Order No. 2, the Department of Environment and Natural Resources created its own FOI Manual in November 2016, and Department Administrative Order 2016-29 took effect in February 2017.

Environmental information can be obtained via both online and offline channels. Online dissemination takes place through government websites like the Department of Environment and Natural Resources, social media platforms like Facebook, YouTube, and X/Twitter, and open data portals like Open Data Philippines (ODPh). ODPh collects and publishes data created by government agencies, such as statistics and key performance indicators. While this information is normally free, it is frequently extremely technical and may require experience to use. Furthermore, data sets are often aggregated and may not contain regional information. Younger audiences and those living in cities have greater access to social media platforms, which are generally used for awareness and advocacy campaigns rather than technical goals.



Physical dissemination of environmental information takes place through Department of Environment and Natural Resources offices, colleges, civil society organisations, and think tanks, all of which preserve physical recordings of reports, environmental studies, and other relevant papers. Public consultations and hearings, including the environmental impact assessment process, also allow access to targeted information; however, this is only available to affected populations and is dependent on their willingness and ability to participate.

Civil society organisations (CSOs) and the media play critical roles in accessing, distributing, and simplifying environmental information for advocacy and influence on decision-making, policy-making, and environmental governance. They operate as watchdogs, notably in extractive industries such as mining, exposing a lack of transparency and accountability while also raising claims of abuse of authority and corruption.

The government publishes environmental statistics as required by law, rather than proactively. This data is provided in a variety of formats, such as narrative reports and important statistical figures, and can be accessed via government websites and open data platforms. However, the effectiveness of these efforts is dependent on the public's ability to engage with and comprehend the information provided, and CSOs and the media play an important role in bridging the gap.

Some of the obstacles to accessing environmental information include a lack of resources to maintain and improve these platforms, a lack of awareness about these platforms, inconsistent or outdated publications, a lack of innovation and pedagogy, the digital divide, and language barriers.

## **Public Participation**

The Clean Air Act and the Clean Water Act allow the public to influence environmental decisions. These laws allow citizens to participate in the development of environmental regulations. However, the flexibility afforded to government organisations in selecting whether to solicit public comment may restrict the usefulness of these engagement mechanisms. Ensure consistent and meaningful public participation is a challenge.

Several laws address specific environmental priority areas or themes, such as Clean Water (RA 9275) and Clean Air (RA 8749). However, when it comes to public participation in environmental decision-making, the primary legal instrument referred to is Presidential Decree No. 1586, a policy that establishes the country's Environmental Impact System (EIS), which is a planning and management tool for determining environmental impact and mitigating it. All agencies and instrumentalities of the National Government, including government-owned and controlled enterprises, firms, and entities, conduct an environmental impact assessment on all proposed projects and undertakings that have a substantial impact on environmental quality. A critical component of this legislative system is public engagement.

To increase public participation, the government has put in place mechanisms such as multi-stakeholder councils or committees, as well as community-based programmes involving civil society and people's organisations. An example is the Protected Area Management Board (PAMB), a multi-sectoral body established in each protected area with the authority to decide budget allocations, approve funding proposals, and make decisions on planning, peripheral protection, and general administration of the protected area in accordance with the general management strategy, among other things.

It is impossible to deny that the Philippines has a rather solid legal framework for public participation in environmental decision-making. Environmental impact evaluations must also include free, prior, and informed consent as well as public consultations, according to laws (e.g., the Indigenous Peoples' Rights Act). As previously stated, the organisation has institutionalised processes in place to achieve its goals. However, structural and agential obstacles limit the usefulness and potential of these systems.

The implementation of such approaches is frequently scant and inconsistent. These can be carried out as a formality (tokenism), rather as a real and genuine effort to include public input and feedback into decision-making. Marginalised groups, such as indigenous peoples, women, and children, may not have equal opportunity or capacity to engage. Corruption, misgovernance, and a lack of transparency all reduce the value of these ostensibly democratic processes. Instead of prioritising the common good, powerful economic interests are rewarded. Limited public understanding and accessibility are also significant hurdles to public



engagement. As discussed in the first pillar on Access to Information, platforms and procedures can be built, but their function or use cannot be maximised if people are not capacitated to do so.

Nonetheless, civil society and the media play crucial roles in increasing public participation in environmental issues throughout the country. One of their primary functions is education and capacity building. Essentially, while civil society and the media continue to press for environmental protection and justice in the Philippines, the government's response is just inadequate. Even with widespread public participation, if the government refuses to use such inputs in developing laws, regulations, and programmes, it will all be for nothing.

## Access to Justice

Legal procedures are usually carried out in a timely, effective, and efficient manner by both the administrative and judicial systems. The public has numerous rights to challenge decisions made by public or private sector institutions and to file claims. However, a significant gap that may hinder people's capacity to seek redress in such circumstances is the absence of an appeals mechanism when requests for environmental information are denied.

Citizens can use judicial, quasi-judicial, and administrative remedies to challenge environmental decisions and seek compensation for environmental damage. Judicial remedies for environmental protection include the Writ of Kalikasan, the Writ of Continuing Mandamus, and protections from strategic lawsuits against public participation (SLAPP). Section 16, Article II of the Philippine Constitution guarantees the right to a healthy environment, which the Writ of Kalikasan protects. This writ can be brought by individuals, organisations, or public interest groups on behalf of those impacted by large-scale environmental harm in two or more cities or provinces under Rule 7 of the 2010 Rules of Procedure for Environmental Cases (A.M. No. 09-6-8-SC). Any citizen or organisation can use the Writ of Continuing Mandamus to force a government agency or officer to do a final judgment-ordered act until compliance is attained. Rule 6 of the same Rules of Procedure provides instructions to dismiss SLAPP claims against environmental advocates meant to harass or intimidate them. Whistleblowers are protected from SLAPP and the Witness Protection, Security, and Benefit Act of 1991—but not environmental laws.

Quasi-judicial remedies include a variety of approaches for addressing environmental concerns. Specialised boards and institutions, such as the Pollution Adjudication Board (PAB), act as arbitrators to determine reparations or restitution for pollution-related damages.

Administrative remedies include the Department of Environment and Natural Resources, which enforces environmental laws and regulations, and the Environmental Ombudsman, which investigates illegal, unjust, improper, or inefficient actions by public officials, employees, or agencies in charge of environmental protection. Furthermore, the Writ of Continuing Mandamus requires government agencies or personnel to carry out court-ordered activities until full compliance is attained, and any citizen or group may file under this remedy.

In general, these bodies are somewhat independent and unbiased. To ensure more effective case resolution, the Supreme Court of the Philippines established "Green Benches" or Environmental Courts. Furthermore, the Rules of Procedure for Environmental Cases (RPEC) specify the processes for civil, criminal, and special civil cases involving the enforcement or violation of environmental laws and regulations. This paper was created with input from a variety of stakeholders via roundtable talks and video conferences. The RPEC intends to address legal standing, litigation expenses, evidentiary standards, and case resolution time.

Despite having a strong legal framework, there are significant obstacles to achieving environmental justice. These impediments include insufficient technical expertise, manpower, and political will to regularly implement environmental standards, resulting in corruption and a lack of transparency. Furthermore, a lengthy judicial process slows the delivery of justice and discourages individuals and groups from taking legal action. Furthermore, businesses, particularly those in the extractive industries, tend to wield tremendous power and influence, frequently overriding public interests and compounding environmental harm. Meanwhile, state apparatuses suppress and intimidate environmental defenders, activists, and human rights advocates, threatening environmental justice.

The lack of proactive, evidence-based governance challenges efforts because the government is reactive and relies on traditional ways. While policy documents claim a whole-of-nation approach, public participation and empowerment in decision-making are limited. Additionally, a disregard for evidence and scientific research impedes coordinated environmental actions and projects.

Policy Recommendations

- ⇒ A **national FOI statute is needed to replace the current Executive Order**, which lacks the legal weight to fully institutionalise and mainstream FOI. This would provide a stronger legal foundation for transparency.
- ⇒ An **Environmental Defenders Act—or its inclusion within a broader Human Rights Defenders Act—is crucial** to protect those advocating for environmental issues. This legislation should be developed through collaboration with civil society, academia, and the media to ensure it effectively addresses their needs and contexts.
- ⇒ **Transparency alone is insufficient; environmental rights education in schools and communities is vital.** Empowering individuals, especially marginalised groups, to utilise transparency mechanisms and providing support for their legal actions and advocacy is key. This should also include expanding the role of civil society in policy implementation and monitoring, which are currently limited.
- ⇒ Transparency and accountability in environmental governance can be improved through the **establishment of independent monitoring bodies**, particularly those that are located within the community.
- ⇒ To guarantee conformity with both regional and international standards, it is vital to conduct a **thorough examination of the environmental laws and regulations** that are currently in place. This evaluation should actively solicit opinions and participation from the general population.

Singapore

Singapore	Access to Information	Public Participation	Access to Justice	Overall
	1.7	1.3	1.3	1.4

The Environmental Protection and Management Act of 1999 (EPMA 1999) is Singapore’s primary piece of legislation governing environmental degradation and the protection of natural resources. While Singapore has achieved tremendous progress in sustainability and environmental preservation, it is nevertheless hampered by top-down governance, stringent legal frameworks for information access, and environmental justice.

Access to Information

The most recent legal framework does not address potential inequalities in access because it is presumed that Singaporeans can use both digital and physical information sources. In terms of language barriers, the Singapore government always provides information in four official languages specified in the Constitution, namely English, Malay, Mandarin, and Tamil, to ensure that monoglot citizens from a specific ethnic group can understand the information provided. Furthermore, the internet already provides access to a number of critical government services, such as the complaint/feedback system (e.g., Reaching Everyone for Active Citizenship or REACH). It could indicate that Singaporeans currently have adequate internet access and an even coverage of digital infrastructures.

Government websites such as the National Environment Agency, the Ministry of Sustainability and the Environment, and the Singapore Open Data Portal provide easy access to extensive information about environmental conditions. The government essentially controls all information on environmental conditions. Citizens can request that papers be disclosed if they are not already. In prior circumstances, the government

has generally approved such requests, except for information pertaining to racial concerns, ethnic community disputes, and other sensitive topics.

The procedure for obtaining data from the government is basic. Citizens can submit requests via the National Archives of Singapore's [e-Request website](#). Citizens can easily access the papers they require if the requests do not involve sensitive matters such as Singapore's separation from the Malay Federation, ethnic rioting, racial disputes, or other similar issues. This legislative framework enables citizens' access to critical information while respecting national sensitivities.

The efficiency of Singapore's legal framework in enabling access to environmental information can be evaluated from a variety of perspectives. The Singapore government disseminates most of its environmental information through digital media. Physical forms of information may still exist, although they are restricted and mostly exhibited in public places such as bus terminals or MRT stations. Citizens can quickly access digital platforms that are well-equipped to disseminate government reports, statistical data, and campaign messaging, such as those found on the Singapore Green Plan 2030 website.

Civil society organisations and the media play a mostly domestic role in the dissemination of environmental knowledge. Major media outlets in Singapore, such as the Straits Times and CNA News, are government-owned, making it difficult for alternative media to contradict the mainstream government narrative. The government regularly distributes environmental data on its digital platforms, making it available to everyone in the form of narrative reports or key statistics. However, this proactive data publication is not motivated by grassroots demand or legally binding laws, but rather by the government's commitment to good governance.

## Public Participation

Meanwhile, the Public Sector Governance Act (PSGA) requires governmental agencies in Singapore to conduct public consultation as part of their decision-making process. This legislation serves as the foundation for the government to implement a "democratic" governing structure that includes public participation. To increase public participation, the government conducts consultations with relevant stakeholders on specific issues. For example, as part of the SG Green Project 2030, a public consultation was held on Singapore's decarbonisation journey. The consultation process frequently includes surveys to gather public opinion on specific concerns. The outcomes of these meetings are normally documented on the official website. However, it is unclear how the government bases its decisions on the consultation process results.

The main challenge for public involvement is a lack of public awareness of how much their thoughts and input are used as primary references for government policymaking. It is difficult to envision public participation in the form of open debates, huge demonstrations, and other forms of conveying disputed political messages. Every contribution to the government should be reasonable, as it is often believed that citizens' behaviour toward the government should be equivalent to children's obedience to their parents. In short, Singapore's public participation differs significantly from that of other democratic countries due to Asian ideals. The availability of relevant information and records ensures transparency in environmental decision-making processes. Citizens, for example, can view legislative debates on climate change concerns or request unpublished government material as long as it does not pertain to sensitive matters.

Civil society organisations and the media serve mostly as government partners to improve policy execution, rather than challenging official choices. It is important to note that expressing politically difficult themes, such as requesting full public access to information, is considered politically inappropriate. In 2012, Tharman Shanmugaratnam, Singapore's former Deputy Prime Minister and President, stated that trust and transparency are not synonymous. In this climate, it is nearly impossible for civil society to question the long-standing ruling party government's decision to withhold critical data for the country's security and economic investment. Similarly, it is difficult for civil society to urge citizens to criticise government policies because doing so would be deemed disrespectful by most citizens who receive great necessities and government services. As a result, civil society wields little political power in Singapore.

## Access to Justice

Despite the judiciary's limited role, there are many options for citizens and organisations to challenge environmental regulations. Judicial review enables citizens to submit reviews to the Supreme Court in

accordance with the Supreme Court of Judicature Act and Court Rules. Citizens and non-governmental organisations (NGOs) can both register complaints and contest decisions in the same way, even if they are not directly affected by the policy.

A complaint option for government agencies is also available. The EPMA establishes a complaint procedure for residents to contact the National Environment Agency about issues ranging from water and waste management to air and noise pollution. Citizens and NGOs can make complaints about individual and institutional actions that impair the natural environment, including risks to endangered species, in addition to other essential measures like the Wildlife Protection Act and the Land Transport Authority Act.

To maintain the impartiality and independence of Singapore’s court bodies, Supreme Judges are given tenure, which means their posts will not change until they reach the age of 65. The government sees this security of tenure, along with a substantial pay to prevent corruption within the court, as an effective approach to ensure that court rulings are not influenced by external forces. Several acts, such as the Prevention of Corruption Act and the PSGA, provide safeguards for whistleblowers, particularly those working in government.

However, practicing legal resistance in Singapore presents its own set of challenges. The Ministry of Law assists vulnerable groups experiencing financial difficulties in the court process through the Legal Aid Bureau for qualifying clients. However, this aid only covers civil, family, and criminal cases. If persons from vulnerable groups are unable to acquire financial support from the Ministry of Law, civil society organisations such as the Singapore Human Rights Lawyer Association (SHRLA) frequently provide alternative aid in filing lawsuits in court. Although civil society participation in environmental lawsuits remains limited, the Singapore Environment Council supports advocacy efforts to achieve environmental justice.

Policy Recommendations

- ⇒ It requires a multifaceted approach. **Legal barriers must be lifted to allow individuals from low-income families or senior citizens to seek environmental justice through the judiciary.** A fundamental area of reform is the institutional design of the decision-making process, which currently considers the government as the supreme decision-maker. This creates an unchallenged government, both in parliament and the court, preventing independent inquiries and accountability due to the longstanding dominance of the People’s Action Party in politics and governance.
- ⇒ The function of independent media has been challenging. Even though independent media is allowed to operate separately from the government, the state-owned media remains the dominant ones to echo the state’s interests and political culture of the country. The free press is one of the key aspects for developing robust civil society. **Establishing independent media is essential to achieving not only a democratic government but also a democratic society** that encompasses the political culture of the country.

Thailand

Thailand	Access to Information	Public Participation	Access to Justice	Overall
	1.3	1.1	1.2	1.2

There are major challenges that hinder the regulatory framework’s efficacy in operating its systems. The Right to Information Act and the Environmental Quality Act establish a framework for public involvement and environmental preservation. Meanwhile, the judiciary has made tremendous progress in correcting environmental injustices. There is considerable effort to be done to educate the public about environmental rights and possible legal remedies. Civil society organisations, the media, and academia play critical roles in campaigning for environmental justice, but they are frequently threatened, blocked by legal barriers, and are subject to state control, which limits their influence.

## Access to Information

The Official Information Act B.E. 2540 (1997), and the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992), largely govern access to environmental information. The Thai Enhancement and Conservation of National Environmental Quality Act of 1992 states that persons may receive information and data “concerning the enhancement and conservation of environmental quality,” unless the material is “classified.” These laws define the public’s right to access government-held information, especially environmental data, and provide guidelines for proactive disclosure and formal requests.

However, there are some exclusions for material linked to “national security, personal privacy, and classified data.” These exemptions frequently intersect with significant environmental issues, limiting access to critical data that communities require to make sound decisions. The laws address a wide range of environmental issues, including environmental impact assessments, pollution data, and conservation activities.

Rural communities often face infrastructure concerns, with economically disadvantaged people having trouble obtaining information. Requesting information requires formal application to government entities, with responses due within 15 days and an appeals process available for denied requests. Environmental information is communicated through both online platforms, such as official websites (e.g., the Pollution Control Department and the Ministry of Natural Resources and Environment), and physical outlets, such as public libraries and government buildings. For example, visitors commonly encounter broken links, non-functional search features, and slow-loading pages, all of which degrade the user experience. Furthermore, many platforms are not mobile-optimised, which is a crucial issue in a country with widespread mobile internet access.

Accessibility concerns increase in rural areas, where low digital literacy and inadequate internet infrastructure prevent the equitable transmission of knowledge. These problems underscore the government’s need to improve the usefulness, inclusivity, and reach of its environmental information systems. The ongoing controversy over the delayed implementation of the Pollutant Release and Transfer Register (PRTR) statute emphasises the lack of transparency. Opponents claim that the bill increases regulatory burdens, while supporters underline its importance in improving public access to environmental data and fostering accountability. The absence of political will to pass and enforce the PRTR law highlights the difficulties of reconciling economic interests with environmental transparency, exposing communities to pollution dangers and depriving them of critical information to protect public health.

Additional problems relating to the Official Information Act B.E. 2540 (1997). Even though this law guarantees public access to government information, including environmental statistics, it has been implemented inconsistently. Bureaucratic delays or denials commonly occur in response to public requests, leaving many stakeholders frustrated and unable to access important information on time. In addition, a secret rule was established in 2001 under Section 16 of the Right to Information (RTI) Act, allowing authorities to limit access to information.

## Public Participation

The regulatory framework for public participation in environmental decision-making includes key legislation such as the Kingdom of Thailand’s Constitution B.E. 2560 (2017), the Environmental Quality Promotion and Conservation Act B.E. 2535 (1992), and the Enhancement and Conservation of the National Environmental Quality Act B.E. 2535. These regulations require public engagement in specific environmental processes, such as environmental impact assessments. Section 58 of the Constitution provides individuals and communities the right to receive information, express their opinions, and participate in decision-making processes on projects that may have an impact on their environment, health, or quality of life. A prime example is the seawall construction project in Cha-am District, Phetchaburi, which has caused substantial divisiveness in the local community. While some support building seawalls to prevent coastal erosion and protect infrastructure, others oppose the idea, claiming that it will destroy coastal habitats and harm local fishing populations. Despite the government’s consultation efforts, a lack of effective community involvement and the dominance of specific interest groups have resulted in a scenario in which marginalised voices are frequently silenced. Geographic disparities, language obstacles, and low digital literacy worsen the problem, especially in rural areas where access to information and engagement opportunities are limited.



Public participation is usually necessary during the environmental impact assessment stage. Nonetheless, this method is usually criticised for being top-down and one-sided, with the government and corporate enterprises dictating the narrative. Feedback mechanisms are frequently ineffective, as public opinions are not always included into project choices, and public input is inconsistently implemented. Geographic differences, particularly in rural or marginalised communities, pose significant barriers to successful public engagement. Furthermore, information may be released late in the process, leaving little time for stakeholders to contribute effectively. This, combined with popular scepticism of the government, has resulted in accusations that the decision-making process is not fully transparent, and stakeholders believe their opinion is not being considered. Civil society and the media play critical roles in promoting openness and public participation. Civil society organisations (CSOs) such as iLAW, ENLaw, and The Ecological Alert and Recovery Thailand (EARTH) have raised environmental awareness, mobilised local communities, and ensured that affected groups are represented in public discussions.

The government has massive influence over major media outlets, resulting in limited investigative reporting on sensitive environmental issues, particularly those that question official policies or corporate interests. This control may result in a lack of crucial coverage and transparency about environmental issues. In contrast, online forums and social media have grown in popularity, serving as a forum for public discourse, grassroots mobilisation, and real-time reporting on environmental issues. Platforms like as Facebook, Twitter, and LINE enable residents to discuss concerns and organise campaigns, particularly when mainstream media does not cover such issues. However, the Thai government and military have increasingly used Strategic Lawsuits Against Public Participation (SLAPPs) to suppress critics, especially environmental campaigners, through defamation litigation and other legal procedures. These legal fights can be financially and emotionally exhausting, deterring public participation and criticism.

## **Access to Justice**

Public Interest Litigation (PIL) is an important tool for environmental activists and groups to challenge activities that affect public environmental rights in Thailand. Individuals can register complaints with the Ombudsman's Office regarding apparent infractions, which authorises investigators to investigate administrative misbehaviour by government officials. However, the high expense of legal representation, combined with the limited availability of state-funded legal aid programmes, makes environmental lawsuits too expensive for many residents. The legal processes are frequently slow and time-consuming, resulting in ongoing environmental damage before a decision is obtained. Concerns regarding the impartiality and independence of agencies handling environmental disputes remain, as do the limited protection procedures for whistleblowers in environmental concerns.

Access to the judicial system is a major barrier, especially for marginalised or rural people. High expenditures, such as legal fees, court filing fees, and the necessity for expert witness, provide significant impediments for persons without financial resources. The complex nature of environmental laws and regulations complicates access since the typical citizen finds them difficult to understand. Furthermore, most court processes and documentation are in Thai, which prevents non-Thai speakers and indigenous communities from meaningfully engaging with the system.

CSOs and the media play crucial roles in advancing environmental litigation and advocacy. CSOs such as iLAW, ENLAW, and other local organisations promote transparency, advocate for environmental protection, and give legal aid to affected populations. However, their efforts are frequently hampered by political obstacles and legal limits, such as the possibility of legal repercussions and intimidation. Thailand's mainstream media, which is primarily controlled or influenced by the state, is limited in its ability to cover environmental concerns independently. This official pressure restricts investigative reporting on environmental issues, lowering public knowledge of ongoing environmental damage and legal proceedings. The Thai government and military have influenced or censored online conversation, making it difficult for citizens to effectively confront environmental abuses. The increase in strategic litigations against public participation is also cause for concern, with legal harassment limiting individuals' and groups' ability to pursue justice.

To increase environmental democracy, various policy changes are required across multiple dimensions. Legal reforms should prioritise stronger environmental protection and increased public engagement in



decision-making processes. The RTI Act must be strengthened to ensure greater transparency and accountability in government environmental operations. The PRTR Act is being updated to conform with worldwide best practices that promote data openness and enable local people to advocate for their environmental rights. Social media and online communities have expanded public participation in environmental activism by giving platforms for alternative narratives, sponsoring environmental protests, and spreading environmental knowledge. Academics and research institutes play an important role in fostering environmental democracy by making evidence-based policy recommendations and organising public forums for stakeholder discussions.

The Pollution Control Department and the Ministry of Natural Resources and Environment demand increased technical capability, which includes qualified personnel and cutting-edge instruments for monitoring environmental issues and enforcing regulations. Streamlining the environmental impact assessment and strategic environmental assessment processes will result in more timely evaluations and meaningful public consultation during decision-making. Transparent procedures for managing environmental finances, engaging affected communities, and ensuring fair access to environmental justice will all contribute to the larger goal of improving environmental democracy. There are initiatives underway to integrate alternative dispute resolution processes and peace negotiations into the policymaking framework.

### Policy Recommendations

- ⇒ **Ensure rigorous enforcement of the Right to Information Act and the Environmental Quality Act.** Legal reforms should be introduced to protect environmental rights from political interference and corruption. Developing and implementing stringent anti-corruption laws is essential to prevent the undermining of environmental policies. These measures will promote transparency and accountability in government activities related to the environment.
- ⇒ It is important to **address socioeconomic barriers to marginalised and rural communities**, aimed at facilitating their participation in environmental governance. Powerful industries should be held accountable, and their resistance to public involvement should be curtailed. Ensuring genuine public consultation and incorporating community feedback into decision-making will strengthen the democratic process.
- ⇒ It is essential to provide legal protection and support for CSOs, media, and academics advocating for environmental justice. **Establish anti-SLAPP legislation** to protect environmental advocates from legal harassment. Promoting the independence of media by reducing state control and influence will allow for unbiased reporting on environmental issues. CSOs and independent media play a crucial role in raising awareness, mobilising public opinion, and exposing environmental harms. Empowering these groups through legal protection and financial support will enhance their ability to advocate for environmental accountability and transparency.
- ⇒ In mitigating and adapting to climate change impacts, climate funds should be managed transparently, with involvement from affected communities to ensure they address the needs and priorities of those most impacted by climate change. **Promoting equitable access** to these funds will enhance environmental justice and contribute to sustainable development.
- ⇒ **Integrating alternative dispute resolution methods, such as mediation and dialogue, into environmental policymaking framework**, is important to foster cooperation and resolve conflicts amicably. Alternative dispute resolution processes provide platforms for stakeholders to resolve disputes in a non-adversarial manner, fostering cooperation and finding more sustainable solutions. This approach will enhance public involvement and ensure more inclusive decision-making in environmental governance.

# Timor-Leste

Timor-Leste	Access to Information	Public Participation	Access to Justice	Overall
	0.9	1.1	0.4	0.8

The Environment Basic Law (Decree Law No. 26 of 2012) has given Timor-Leste a solid platform for environmental policy. Despite issues with public awareness and capacity building, the country encourages public engagement and information dissemination. Increasing judicial competency and public participation are critical for addressing a variety of environmental concerns. As one of the most oil-dependent nations in the world, as well as endangered by climatic calamities including cyclones and torrential rains, the country must develop environmental governance approaches.

## Access to Information

The most recent Decree Law No. 26 of 2012 established the ‘Environmental Base Law’ in Timor-Leste. This legal framework addresses numerous environmental issues and establishes the state’s responsibility to promote a clean and healthy environment, protect everyone’s health, and manage natural resources effectively. The law aims to reduce environmental pressure based on the life cycle of natural resources, promote proper land management, and protect the landscape. It also aims to improve the environmental performance of both public and private entities by strengthening institutional structures and ensuring the implementation of environmental policies, programmes, plans, and projects. The law emphasises the importance of environmental assessments for policies, plans, programmes, and projects, and aims to raise public awareness and education about biodiversity and the value of environmental components.

Despite the comprehensive coverage of protection issues and environmental promotion, the implementation of this law faces several challenges related to the economy, language, and locality. These factors are interdependent and must be balanced for effective implementation. For example, the diversity of mother tongues in Timor-Leste (beyond Tetun and Portuguese) creates confusion in understanding the law, as legal terminology is primarily in Portuguese. According to the 2022 census, 80% of Timorese people live far from urban centres and speak multiple dialects, limiting their access to information via digital platforms. Additionally, basic infrastructure in remote areas poses challenges for disseminating the law’s true intentions to the community.

Economic poverty also reduces access to information. According to the 2022 census, 42% of the population in Timor-Leste lives below the poverty line, making it difficult for them to afford televisions, radios, newspapers, and other media for accessing environmental information. Even those with access to digital platforms often lack the knowledge and skills to use these means effectively for monitoring environmental information. The country’s sluggish internet speed, one of the worst in the area, further exacerbates this situation.

The lack of environmental education in the curriculum at all school levels, from basic education to university, means that people are not learning about climate change and other environmental problems. Consequently, there is little awareness of environmental issues, such as waste management. Currently, no policies guide politicians and communities on recycling, reducing, or reusing plastic to reduce plastic waste.

Although the “Environmental Base Law” respects citizens’ right to access information (as stated in Article 6), there are great hopes but few outcomes due to the lack of action and policies to implement and follow the law. Therefore, while the law creates a solid framework, effective implementation and policy guidance are still needed to realise its goals.

In Timor-Leste, environmental information is communicated through both online and physical channels. However, accessibility and comprehensiveness are still significant challenges. Many legal processes identify environmental challenges, but their effectiveness is impeded by political, economic, and logistical hurdles. When a new political party wins an election, there is frequently a lack of policy continuity. Economically, poverty prevents a large portion of the population from accessing information, contradicting the state’s vision

of becoming a “high middle” income country by 2023. Infrastructure constraints in remote locations further limit access to vital information.

The 2022 national census revealed that Timor-Leste has the lowest literacy rate in the region at 72.4%, compared to Cambodia’s 83.8%. This low literacy rate exacerbates the difficulty in obtaining environmental information. Although Article 29 of the Environmental Base Law promotes the adoption of policies, programmes, and projects to avoid environmental degradation and safeguard natural heritage, the lack of meaningful campaigns and dissemination efforts inhibits public understanding. Television broadcasts are minimal, and the neighbourhood lacks digital literacy. Discussions on development and economic issues are often perceived as the domain of strong leaders, sidelining technocrats and intellectuals with scientific skills.

Civil society organisations (CSOs) in Timor-Leste address environmental issues, but their efforts are frequently unsustainable due to funding constraints. Some CSOs get official assistance, which can lead to possible control by the government. The media’s role is limited, with television broadcasts focusing on entertainment rather than environmental concerns. Online platforms like the Jornal da República provide access to laws, and the government is developing a portal for environmental issues called Kona-ba NEIS. However, this portal is primarily accessible to researchers, and the reports are often in Portuguese and English, limiting access for the general population.

Article 14 of the Environmental Base Law requires the publication of environmental quality standards for a variety of components, including water, sea, and air, as well as the implementation of inspection procedures. Despite these safeguards, the law’s execution is shaky, and civil society and the media have not considerably increased public awareness or influenced authorities on environmental issues.

Overall, while the legislative structure exists, the transmission of environmental information in Timor-Leste suffers major hurdles due to political, economic, and infrastructural issues. Civil society and the media have limited influence and effectiveness, and the government’s efforts to disclose environmental statistics are neither easily accessible nor comprehensive to the public.

## Public Participation

According to Article 12 of the Environmental Basic Law, the state recognises the need of incorporating local populations, especially vulnerable or isolated groups, in formulating, implementing, and monitoring environmental policies. When we look closely at the Environmental Basic Law in Article 12:

- The state recognises and encourages the involvement of **local communities, vulnerable or isolated groups**, as well as associative organisations, in the development, implementation, and monitoring of environmental policies and decision-making processes.
- The **participation of local communities**, as provided in the preceding paragraph, shall be carried out through public consultation, in accordance with the terms of the law.
- Without prejudice to the provisions of the preceding paragraph, the State shall establish a **means of communication that ensures the participation of local communities** and vulnerable groups in the environmental decision-making process, sharing and exchanging information on defining and implementing policies and environmental legislation, and overseeing activities that impact the environment.

Continuing the discussion of the challenges and barriers to effective environmental governance in Timor-Leste, it is important to note that the National Determined Contribution (NDC) has benefited from an understanding of traditional environmental management approaches such as ‘tara bandu’. This approach combines traditional knowledge with empirical science to achieve environmental priorities and objectives.

Given the flexibility of the existing legal framework, the appropriate mechanism to extend the vision of the law to the community and ensure participation is through recognising and respecting local values and customs. The ‘tara bandu’ custom is particularly strategic in this regard, as it combines scientific and traditional knowledge to conserve and preserve the environment for citizens. Community-organised events that follow this custom encourage greater participation because people feel a sense of ownership and connection to the process.

However, this approach is not yet implemented nationwide, being mostly observed in the Mambae community. Civil society often facilitates these initiatives, but funding limitations mean only a few target groups are reached. To remedy this, the government should strengthen these activities across all communities, investing large monies as authorised in Article 44 of the Environmental Fund. Transparency efforts should focus on more widespread dissemination and advocacy, promoting the ‘tara bandu’ custom in all villages to raise community awareness and environmental knowledge for future generations.

## Access to Justice

The efficiency of Timor-Leste’s judicial system in resolving environmental injustices is a big issue. Two significant barriers to realising the full potential of legal systems for redress are building capacity and increasing public awareness. Despite these challenges, the current legal frameworks provide a public, particularly vulnerable groups, to advocate for their rights.

In terms of access to justice, everyone must understand both substantive and procedural rights, as well as substantive and procedural obligations. It is worth emphasising that the “Environmental Basic Law” does not contain any article that explicitly establishes access to justice; it merely mentions fines. This is problematic because it is difficult for victims to file complaints or claims against individuals or parties when they lack the necessary knowledge. Since independence, no individual or group has been punished by the court for violating environmental rules, highlighting the challenges in enforcing environmental protection.

These observations underscore the need for improved education and awareness about environmental rights and justice mechanisms to empower communities to effectively advocate for their environmental protection.

## Policy Recommendations

- ⇒ Every state institution that has been involved with environmental issues, should **establish a dedicated environmental department** to ensure that ecological considerations are integrated into policymaking, programme implementation, and regulatory enforcement. This structural commitment will enhance coordination across government sectors, promoting sustainability in all aspects of national development.
- ⇒ Governments must **allocate adequate financial resources** toward environmental programmes, infrastructure, and research. The funding is crucial for prioritising environmental risks and intergenerational livelihood by prompting mitigating climate risks, protecting biodiversity, and ensuring long-term environmental sustainability. This includes investments in renewable energy, conservation initiatives, and community-based environmental projects.
- ⇒ The state must **rigorously monitor and regulate business activities** to prevent environmental degradation. Strengthening compliance frameworks, enforcing penalties for violations, and incentivising sustainable business practices will ensure that economic growth does not come at the cost of environmental harm.
- ⇒ Governments should **support indigenous and community-led conservation efforts**, enhance local enforcement capacity, and facilitate collaboration between local and national environmental agencies.
- ⇒ Regional cooperation is necessary to **tackle cross-border environmental challenges**, including pollution and waste entering the country via sea and air. Governments should engage in diplomatic and legal efforts to enforce stricter import regulations and establish joint monitoring mechanisms with neighbouring states.
- ⇒ Environmental laws must be adapted to **protect affected communities** so that they can effectively seek justice. Simplifying procedures, expanding legal aid services, and strengthening judicial mechanisms will encourage citizens to act against environmental violations.
- ⇒ Civil society organisations and media outlets should **increase their efforts in adjusting action plans to address emerging environmental challenges**. By producing evidence-based reports, raising public awareness, and advocating for policy reforms, these actors play a crucial role in driving environmental sustainability.

# Reflections and Way Forward

This Environmental Democracy Observatory (EDO) report provides an initial baseline understanding of environmental democracy in the nine nations that were assessed. Even though several countries have made strides in establishing legal frameworks and procedures for information access and public participation, there are still many obstacles to overcome. These include disparities and gaps in the effectiveness of the legal system, enforcement capability, and public awareness. In many nations, access to justice and effective public participation are also significantly hampered by corruption and cultural norms.

Our findings reveal a complex and multifaceted landscape of environmental governance in Southeast Asia. While many countries have made significant strides in establishing legal frameworks to address environmental concerns, a notable gap between legislative intent and practical implementation remains. Challenges such as corruption, limited civil society freedoms, top-down governance structures, and socio-economic disparities continue to hinder the realisation of environmental democracy rights. Marginalised communities, including indigenous groups and rural populations, often face significant barriers to accessing information, participating in decision-making processes, and seeking justice for environmental harms. Despite these challenges, the project also identified positive developments, including the establishment of specialised environmental courts, the increasing use of digital platforms for information dissemination, and growing regional cooperation on environmental issues.

## Access to Information

Access to environmental information is a cornerstone of environmental democracy, enabling citizens to make informed decisions and hold authorities accountable. The EDO project found that while all eight countries have some form of legal framework addressing access to environmental information, the effectiveness and comprehensiveness of these frameworks vary significantly.

Countries like Indonesia, Malaysia, and the Philippines have established legal foundations for information access, but challenges such as bureaucratic delays, ambiguous clauses, and strategic lawsuit against public participation (SLAPP) persist. In contrast, Singapore has a more streamlined system for accessing environmental information through digital platforms, though the government maintains tight control over sensitive information. Myanmar, Cambodia, and Timor-Leste face more severe challenges, including political instability, limited infrastructure, and economic constraints, which hinder the effective dissemination of environmental information.

Common challenges across the region include the digital divide, language barriers, economic factors, and a lack of political will. Many countries are moving towards more proactive disclosure of environmental information through online portals and open data initiatives, but significant work remains to ensure that all citizens, particularly those in rural and marginalised communities, have equal access to this information.

## Public Participation

Public participation is essential for ensuring that environmental decision-making processes are inclusive and reflect the concerns of all stakeholders. The EDO project found that while all eight countries have established legal frameworks and mechanisms for public participation, the implementation and effectiveness of these measures vary widely. In many cases, public participation processes are top-down, one-sided, and reduced to mere formalities. Marginalised communities, including indigenous groups and rural populations, often face significant barriers to participation, including geographic disparities, limited digital literacy, and socio-economic inequities.

Countries like Indonesia and the Philippines have relatively strong legal frameworks for public participation, but implementation is often inconsistent, and marginalised groups may not have equal opportunities to



participate meaningfully. In Thailand, public participation is most often required at the environmental impact assessment stage, but this process is frequently criticised for being top-down and exclusionary. Singapore has a unique approach to public participation, with the government setting up meetings and polls to discuss specific topics, but it remains unclear how public input influences final decisions. Myanmar and Cambodia face more severe challenges, with political instability and limited civil society freedoms hindering progress in public participation.

Across the region, civil society organisations and media play crucial roles in promoting public participation, raising awareness, and holding governments accountable. However, their effectiveness is often hampered by government restrictions, legal challenges, and shrinking civic space.

## Access to Justice

Access to justice is a critical component of environmental governance, enabling citizens to challenge environmental decisions, seek compensation for environmental harm, and hold authorities accountable. The EDO project found that while all eight countries have established legal frameworks for environmental protection and access to justice, the implementation and effectiveness of these frameworks face significant obstacles. High costs, technical complexity, and corruption often limit the ability of citizens, particularly marginalised groups, to effectively seek justice for environmental harms.

In Indonesia, recent legislation like the Jobs Creation Law has weakened community rights to oppose projects, and environmental defenders face criminal prosecution and harassment. Malaysia offers various legal mechanisms for challenging environmental decisions, but high costs and inconsistent enforcement limit public participation. The Philippines has a relatively robust system of judicial, quasi-judicial, and administrative remedies for environmental issues, but challenges remain, including insufficient technical expertise and lengthy judicial processes. Thailand has made progress with the establishment of specialised “Green Bench” courts, but high costs and slow processes hinder accessibility. Singapore offers avenues for citizens to challenge policies through judicial review and complaint mechanisms, but the scope of environmental litigation remains limited.

In Myanmar and Cambodia, corruption and political instability severely undermine access to justice. Environmental defenders face significant risks, including harassment, violence, and legal retaliation. Timor-Leste faces significant challenges in realising environmental justice due to limited legal avenues and low public awareness.

## Policy Recommendations

The EDO project’s policy recommendations are tailored to address the unique challenges faced by each country, while also aligning with the general findings of the report. These recommendations emphasise the need for stronger legal frameworks, enhanced public awareness, and greater inclusivity in environmental decision-making. Below, we summarise the key policy recommendations:

- ⇒ Governments need to **ensure that environmental laws are comprehensive, enforceable, and free from political interference**. This includes closing legislative gaps and enhancing the capacity of judicial systems to handle environmental cases. For example, Indonesia should establish a uniform and fair legal framework that covers public information, law enforcement, redress, and remedy. Thailand should ensure the rigorous enforcement of the Right to Information Act and the Environmental Quality Act, while Singapore should lift legal barriers to allow individuals from low-income families to access environmental justice.
- ⇒ Governments should **prioritise inclusion by ensuring that marginalised communities have equal access to information and participation mechanisms**. This can be achieved through culturally relevant outreach, extended consultation periods, and the use of digital platforms. For example, Malaysia should reduce barriers to participation by establishing specialised environmental task forces with technical expertise to assist marginalised communities. The Philippines should



implement a national FOI statute to provide a stronger legal foundation for transparency. This is imperative to guarantee that all citizens have access to decision-making processes and that the ensuing policies are inclusive and fair for all.

- ⇒ **Providing legal protections for environmental activists and whistleblowers** is crucial. Anti-SLAPP legislation should be introduced to prevent legal harassment of advocates. For example, Thailand should establish anti-SLAPP legislation to protect environmental advocates from legal harassment, while Cambodia should ensure that civil society organisations, and independent media have the space to operate freely.
- ⇒ **Establish independent monitoring bodies to oversee environmental governance**. Governments should also promote transparency by maintaining open-access databases and ensuring that environmental data is up-to-date and easily accessible. For example, Indonesia should establish independent bodies to oversee the execution of environmental policies and projects, while Singapore should strengthen the role of independent media to ensure unbiased reporting on environmental issues.
- ⇒ Government and non-government stakeholders should **engage in regional cooperation to address cross-border environmental challenges**, such as pollution and waste management. Knowledge sharing and joint monitoring mechanisms can enhance environmental governance across the region. For example, Timor-Leste should engage in diplomatic and legal efforts to enforce stricter import regulations and establish joint monitoring mechanisms with neighbouring states.
- ⇒ Both government institutions and civil society organisations require **enhanced technical expertise and resources to effectively address environmental issues**. Training programmes and capacity-building initiatives should be prioritised. For example, Cambodia should invest in training and improved ICT to strengthen institutional capability and enforcement, while Myanmar should create and implement performance indicators to assess the efficiency of environmental institutions and policies.

# Annex 1: The Three Pillars of Environmental Democracy

The analyses in this section are based on the indicators of the three Environmental Democracy pillars, which seek to investigate: (a) the clarity of rules and regulations; (b) the capacity of the state to regulate, provide, encourage, and facilitate citizens and civil society in various capacities; and (c) the state's capacity for engagement with citizens and civil society.

## Pillar 1: Access to Information

Access to environmental information is a crucial pillar of environmental democracy in Southeast Asia, with varying degrees of implementation and challenges across the eight countries studied: Indonesia, Malaysia, the Philippines, Thailand, Singapore, Myanmar, Cambodia, and Timor-Leste. While all countries have some form of legal framework addressing access to environmental information, the effectiveness and comprehensiveness of these frameworks differ significantly.

Information availability is necessary to guarantee environmental justice and transparency. It empowers people to make educated decisions and hold authority responsible. Complications still exist despite efforts by all eight nations to improve the availability of environmental information. Giving the public the knowledge they need to participate in environmental governance and hold authorities responsible is still a challenge. This calls for thorough legal frameworks, uniform enforcement, and public knowledge.

Indonesia, Malaysia, and the Philippines have established legal foundations for access to environmental information. Indonesia's Law No. 32/2009 on the Protection and Management of the Environment, along with subsequent regulations, provides a basis for information access. However, challenges persist, including the use of ambiguous clauses to deny information requests and strategic lawsuit against public participation (SLAPP). Malaysia relies on the Environmental Quality Act of 1974 and its National Environmental Policy, but faces issues with transparency and accessibility, particularly for rural and Indigenous populations. The Philippines has made progress with its Freedom of Information (FOI) Programme, but still lacks a comprehensive FOI law, especially for local government entities.

Thailand and Singapore present contrasting scenarios. Thailand's Official Information Act and Environmental Quality Act establish mechanisms for information access, but exemptions and bureaucratic delays often hinder effective implementation. Singapore, on the other hand, has a more streamlined system for accessing environmental information through digital platforms, though the government maintains tight control over sensitive information.

Myanmar, Cambodia, and Timor-Leste face more significant challenges. Myanmar's environmental governance framework, including the Environmental Impact Assessment process, is hampered by complex political and economic factors, especially following the military coup. Cambodia has recently adopted a comprehensive Environmental Code, but its implementation remains to be seen. Timor-Leste's Environmental Base Law provides a foundation for information access, but faces substantial obstacles in implementation due to economic, linguistic, and infrastructural limitations.

Across the region, common challenges include:

1. **Digital divide:** While many countries are moving towards online dissemination of environmental information, issues of internet access, digital literacy, and technological infrastructure persist, particularly in rural areas.
2. **Language barriers:** Many countries struggle to provide information in all relevant local languages, limiting access for linguistic minorities.
3. **Economic factors:** Poverty and lack of resources often prevent citizens from accessing or understanding environmental information.
4. **Political will:** The implementation of environmental information laws is often hindered by a lack of political commitment or conflicting economic interests.

5. **Civil society and media constraints:** While these actors play crucial roles in disseminating and interpreting environmental information, they often face restrictions or lack resources to effectively fulfil this role.
6. **Data quality and consistency:** Many countries struggle with maintaining up-to-date, comprehensive, and easily understandable environmental data.
7. **Bureaucratic hurdles:** Complex procedures for requesting information and frequent delays or denials obstruct effective access.

Despite these challenges, there are positive developments. Many countries are moving towards more proactive disclosure of environmental information through online portals and open data initiatives. Civil society organisations and the media, where able to operate freely, play vital roles in accessing, interpreting, and disseminating environmental information to the public.

To improve access to environmental information in Southeast Asia, countries need to focus on strengthening legal frameworks, improving implementation mechanisms, addressing digital and economic divides, enhancing data quality and accessibility, and supporting the roles of civil society and media. Additionally, regional cooperation and knowledge sharing could help countries learn from each other's successes and challenges in promoting environmental democracy.

## Pillar 2: Public Participation

Public participation is an essential component of environmental governance, as it enables citizens to participate in the decision-making processes that impact their environment. The eight countries are trying to get more people involved in making decisions about the environment, but there are still big problems in the areas of culture, institutions, and the economy. These countries still need to improve their environmental governance and make sure that people have a say in choices that affect the environment. They can do this by making people more aware of the issues, making laws stronger, and encouraging people to get involved. These countries have established various legal frameworks and mechanisms to involve citizens in environmental matters. However, the implementation and effectiveness of these measures vary significantly, with common challenges persisting throughout the region.

One common challenge is the disconnect between legal provisions and actual implementation. Many countries have laws mandating public participation, such as in environmental impact assessments, but these processes are often criticised for being top-down, one-sided, and reduced to mere formalities. The latitude given to government entities in deciding whether to request public feedback can further limit the effectiveness of these engagement tools. Indonesia has a regulatory framework for public participation outlined in several laws, including Law No. 32/2009 and the more recent Law No. 6/2023 on Jobs Creation. These laws enable public participation through reviews, inputs, and comments, particularly in environmental impact assessments. However, the Jobs Creation Law has been criticised for reducing opportunities for public involvement, especially for local and indigenous communities. The exclusion of civil society organisations and advocacy groups from representing affected communities has further limited meaningful participation.

Accessibility and inclusivity are major concerns across the region. Rural and remote communities, as well as marginalised groups like indigenous populations, frequently face barriers to participation. Geographic disparities, limited digital literacy, and socio-economic inequities exacerbate these participation challenges. Malaysia's Environmental Quality Act 1974 and Town and Country Planning Act 1976 mandate public participation in certain projects and planning processes. However, accessibility challenges persist, especially for rural or remote communities. Language barriers and short consultation periods create uneven access to participation mechanisms. Indigenous communities, such as the Orang Asli, face systemic barriers to participation, including a lack of legal recognition for customary land and insufficient consultation.

The Philippines has a relatively strong legal framework governing public participation, including the Clean Air Act, Clean Water Act, and Presidential Decree No. 1586 establishing the Environmental Impact System. Multi-stakeholder councils and community-based programmes have been established to encourage public participation. However, implementation is often sparse and inconsistent, with participatory processes sometimes reduced to mere formalities. Marginalised groups may not have equal opportunities to participate meaningfully, and corruption and lack of transparency diminish the value of these processes. the latitude

given to government entities in deciding whether to request public feedback may limit the effectiveness of these engagement tools. Ensuring consistent and meaningful public involvement is a challenge.

The problem of balancing social, economic, and environmental justice still exists in Thailand. Conflicts between environmental preservation and development activities can lead to difficulties and disagreements. When pursuing justice, marginalised people face numerous challenges, including socio-economic and political ones. These communities' ability to meaningfully participate in environmental decision-making is limited because they typically lack the means and expertise required to pursue legal action. Thailand's regulatory framework includes constitutional guarantees for public participation in environmental decision-making. However, the implementation of these rights faces challenges, particularly in rural areas where access to information and participation opportunities is limited. Public participation is most often required at the Environmental Impact Assessment stage, but this process is frequently criticised for being top-down and one-sided. Geographic disparities, language barriers, and limited digital literacy exacerbate participation challenges.

Singapore has a unique way of getting people involved: the government sets up meetings and polls to talk about certain topics. Singapore's Planning Act encourages public involvement at the macro level by setting up a way for people to give feedback on planned changes. The Concept Plans also need a lot of feedback from the public. However, it is still not clear how public input affects final choices, and large-scale protests or open debates are not encouraged. The way people in Singapore interact with the government is different from in other democratic countries because the government stresses the so-called "Asian values" i.e., people think they should obey the government like children obey their parents. This political culture might affect how much and how well the people can be involved in making decisions about the environment.

Myanmar's legal framework, particularly the environmental impact assessment procedure, emphasises the importance of public participation. However, the military coup in 2021 has severely disrupted these processes and violated existing laws and conventions. Even before the coup, challenges included limited access to information, social and cultural inequities, and weak legal frameworks. The current political situation has further constrained the capacity of environmental organisations and activists.

Cambodia's recently adopted Code on Environment and Natural Resources upholds the principle of public participation and mandates public accessibility of environmental information. The code ensures public participation in various environmental processes, including biodiversity protection and environmental impact assessments. However, specific procedures for public participation are not clearly defined, and implementation remains a challenge. Key obstacles include the portrayal of environmental issues as politically sensitive, lack of environmental literacy among the public, and shrinking space for civil society organisations.

Timor-Leste's Environmental Basic Law recognises the importance of involving local communities in environmental policies. The country has integrated traditional environmental management approaches, such as 'tara bandu', with empirical science to achieve environmental objectives. This approach encourages greater participation by fostering a sense of ownership and connection to the process. However, implementation is not yet nationwide, and funding limitations restrict the reach of these initiatives.

Across the region, civil society organisations and media play crucial roles in promoting public participation, raising awareness, and holding governments accountable. They often serve as bridges between communities and decision-makers, providing technical expertise and amplifying local concerns. However, their effectiveness is frequently hampered by government restrictions, legal challenges, and shrinking civic space.

Common challenges across countries include:

1. **Unequitable access** to participation mechanisms, particularly for rural, indigenous, and marginalised communities.
2. **Language barriers** and lack of simplified information for complex environmental issues.
3. **Short consultation periods** that limit meaningful engagement.
4. **Lack of transparency** in how public input influences final decisions.
5. **Insufficient protection** for environmental activists and whistleblowers.

6. **Lack of environmental literacy** among the general public.
7. **Political sensitivity** of environmental issues, leading to self-censorship and restricted debate.

To enhance public participation in environmental governance, countries should strengthen legal frameworks, improve accessibility, build capacity, protect activists, increase transparency, promote inclusivity, support civil society, extend consultation periods, integrate traditional knowledge, establish accountability mechanisms, and foster regional cooperation. These steps can lead to more inclusive and effective environmental decision-making that reflects citizens' concerns.

### **Pillar 3: Access to Justice**

A key element of environmental governance, including access to justice, is making sure that people can contest environmental choices, seek compensation for environmental harm, and hold authorities responsible. According to our analysis and data, the eight countries have tried to improve access to justice in environmental cases. Still, there are a few things that could be done better. Because of cultural hurdles, resource limitations, and corruption, citizens are not always able to properly dispute environmental decisions and seek restitution for environmental injury. Strengthening legal frameworks and enhancing judicial capability are priorities for the eight nations.

This comprehensive overview of access to justice in environmental matters across several Southeast Asian countries reveals a complex landscape with both progress and persistent challenges. Here's a synthesised narrative covering the key points: Across Southeast Asia, legal frameworks for environmental protection and access to justice have been established to varying degrees. However, the implementation and effectiveness of these frameworks face significant obstacles in most countries. Indonesia has laws enabling public participation in environmental decision-making, but recent legislation like the Jobs Creation Law has weakened community rights to oppose projects. Environmental defenders face criminal prosecution and harassment, with hundreds of cases documented over the past decade. This highlights a disconnect between legal protections on paper and the reality on the ground.

Another issue is the limitation of access to civil litigation in environmental cases, like what appears in Malaysia. The country offers various legal mechanisms for challenging environmental decisions, including the Environmental Quality Act and judicial review. However, high costs, technical complexity, and inconsistent enforcement limit public participation. While courts have occasionally ruled in favour of environmental protection, concerns about political influence persist, especially in high-profile cases.

Legal procedures are typically carried out in the Philippines through both administrative and judicial systems in a timely, effective, and efficient manner. Citizens have a wide range of rights to contest decisions made by public or private sector entities and to make claims. The country has a relatively robust system of judicial, quasi-judicial, and administrative remedies for environmental issues. Unique mechanisms like the Writ of Kalikasan and specialised Environmental Courts demonstrate commitment to environmental justice. However, challenges remain, including insufficient technical expertise, lengthy judicial processes, and corporate influence over public interests.

Similarly, Thailand allows for Public Interest Litigation and complaints to the Ombudsman's Office, but high costs and slow processes hinder accessibility. The rise of SLAPPs (Strategic Lawsuits Against Public Participation) further threatens environmental advocacy. Civil society organisations play a crucial role but face political and legal constraints. The way environmental matters are handled in Thailand has greatly improved since the Supreme Court established specialised "Green Bench" courts. These courts enhance the legal capacity to redress environmental injustices by providing specific attention and expertise on environmental issues. The country still needs to enact further institutional reforms to increase the courts' ability to effectively address environmental disputes. The existing legal frameworks must also be strengthened to ensure that they are comprehensive and enforceable to close legislative gaps and ensure effective implementation.

Despite the limitation in judicial role in environmental matters, Singapore offers avenues for citizens to challenge policies through judicial review and complaint mechanisms. However, the scope of environmental litigation remains limited. In this country, the legislature and executive branch are the main forces behind environmental policies, and the judiciary has had a very small impact on environmental preservation. The



judiciary's limited involvement may influence the depth of judicial investigation in environmental concerns, which may restrict the efficacy of legal systems in addressing environmental injustices.

The resolution of environmental issues is significantly hampered by corruption in Myanmar's legal and administrative systems. Favouritism and biased decisions brought about by corruption can compromise the effectiveness of the judicial system. The inadequate financial and technological resources of legal entities further hinder their ability to effectively handle environmental challenges. Because the legal processes for resolving environmental injustices are intricate and time-consuming, it can be difficult for citizens to traverse the system and seek justice. Myanmar's legal framework for environmental justice has been severely compromised by the military coup. While mechanisms for judicial review and civil lawsuits theoretically exist, in practice, these institutions lack independence. Civil society organisations attempt to fill gaps by providing training and support but face significant risks.

When it comes to ensuring access to justice, Cambodia has some challenges. Corruption in the legal and administrative processes can lead to biased decisions and favouritism, which can impede attempts to address environmental issues. Due to their limited financial and technological resources, legal institutions are unable to adequately handle environmental challenges. Because the legal processes for resolving environmental injustices are intricate and time-consuming, it can be difficult for citizens to traverse the system. Cambodia has well-defined legal avenues for environmental redress, including broad standing for various parties to bring claims. However, corruption within the justice system severely undermines access to fair trials, particularly for marginalised groups. The new Code on Environment and Natural Resources of 2023 emphasises mediation, which may divert cases from formal legal proceedings.

Timor-Leste faces significant challenges in realising environmental justice due to limited legal avenues and low public awareness. The Environmental Basic Law provides some foundation, but there's a lack of specific mechanisms for citizens to challenge decisions or seek redress. The efficiency of Timor-Leste's judicial system in resolving environmental injustices is a big issue. Two significant barriers to realising the full potential of legal systems for redress are building capacity and increasing public awareness. Despite these challenges, the current legal frameworks provide a foundation for addressing environmental issues, and ongoing efforts to improve public awareness and judicial capacity are crucial for expanding access to justice.

Common themes across the region include:

1. **Weak enforcement:** Many countries have established laws for environmental protection, but enforcement and access remain problematic.
2. **Barriers for marginalised communities:** High costs, technical complexity, and lack of awareness disproportionately affect vulnerable groups.
3. **Threats to environmental defenders:** Activists face harassment, violence, and legal retaliation in several countries.
4. **Shrinking civic space:** NGOs and media play crucial roles in supporting litigation and advocacy but often face restrictions.
5. **Political influence:** Concerns about the independence of judiciary and regulatory bodies are widespread.
6. **Capacity constraints:** Many countries require enhanced technical expertise and resources to effectively handle environmental cases.
7. **Lack of alternative dispute resolution:** Some countries are exploring mediation and other non-judicial mechanisms, with mixed implications.

Improving access to environmental justice in Southeast Asia will require addressing these systemic issues, strengthening legal frameworks, enhancing public awareness, and protecting the rights of environmental defenders. While progress has been made in some areas, significant work remains to ensure that all citizens can effectively seek redress for environmental harms.

## Annex 2: Developing the Methodology

The Southeast Asia Environmental Democracy Observatory (EDO) is a collaborative project that seeks to evaluate and improve democracy and environmental governance throughout the area. This report describes the work completed during the project, which ran from October 2024 to February 2025. The project's methodology, which was created through in-depth literature reviews and interactive workshops, is based on a supply-demand structure with three main pillars: (1) access to information, (3) public participation, and (3) access to justice. The addition of indications pertaining to the right to a clean, safe, and healthy environment improves this framework even further.

A pilot assessment in Indonesia in August 2024 marked the beginning of the project and offered important insights into the prospects and difficulties of implementing this framework. In this first phase of the EDO, university-based networks in eight Southeast Asian countries were reactivated and expanded, drawing on the Indonesian pilot to gain a more regional perspective. These collaborators conducted assessments using a refined and standardised data collection methodology in Malaysia, the Philippines, Thailand, Singapore, Myanmar, Cambodia, and Timor-Leste. The information gathered from this cooperative endeavour serves as the foundation for the analysis that is provided in the subsequent sections of this report.

The development of methodology marked the first phase in our Southeast Asia Environmental Democracy Assessment, setting the foundation for a robust and effective evaluation process. A series of engaging workshops aimed at encouraging cooperation and creativity were used to carefully plan this phase.

We started by doing a thorough literature study. To find best practices and concepts relevant to environmental democracy, a broad range of studies, scholarly articles, and news media sources had to be examined. Finding regional and international standards that could guide and improve our strategy was our goal.

We conducted several brainstorming sessions in addition to this theoretical foundation. A wide range of professionals, practitioners, and stakeholders in the subject of environmental democracy contributed to these inclusive workshops. We were able to improve our technique by incorporating these diverse viewpoints, making sure that it was not only in line with the EDO goals but also pertinent to Southeast Asia's culture and setting.

The adoption of the supply-demand framework as a primary instrument for our evaluation was one of the phase's major results. Because it assesses EDO using the three pillars, this paradigm is especially beneficial. These pillars are fundamental to environmental democracy because they offer a thorough framework for evaluating the efficiency and inclusivity of regional environmental governance.

We have expanded this framework by adding components pertaining to the right to a clean, safe, and healthy environment. By operationalising these rights into policy implementation indicators, this step made it possible to conduct a more thorough and useful evaluation. By combining these metrics, we hope to support ongoing policy improvements that support environmental democracy in addition to analysing existing practices.

### Instruments, Baseline, and Guidelines

Our attention turned to operationalising the supply-demand framework by developing comprehensive policy implementation indicators as its development advanced. To accomplish this, we conducted some FGD sessions intended to support the thorough creation of these indicators. Intensive discussions that united our diverse team of specialists enhanced these workshops and made sure the tools we created were dependable and consistent.

Well-defined grading guidelines were carefully added to the resulting sets of indicators. To evaluate the various facets of environmental democracy and eventually develop the Environmental Democracy Index (EDI), several rules are essential. The EDI is a ground-breaking instrument designed for practitioners and specialists with a strong foundation in environmental democracy.

The EDI uses a detailed analysis of secondary data at the national level to evaluate environmental democracy. In addition to data reporting and media coverage on environmental challenges, this entails a careful examination of regulatory and policy frameworks. Together, these elements offer a comprehensive assessment of the level of environmental democracy in a particular country.

In August 2024, we conducted our EDI pilot assessment in Indonesia. Although there were technical difficulties with this first application, especially regarding measurement and score justification, it also produced insightful results. The intricacy of gathering crucial data required a thorough comprehension of national environmental laws and policies in addition to relying on secondary sources. The Indonesian pilot assessment, using the newly developed EDI instrument, yielded a composite score of 1.5 (out of 3.0), revealing strengths in access to information but significant weaknesses in public participation, particularly regarding the limitations imposed by the 2023 Job Creation Law on community engagement in early policy stages.

The pilot assessment also told us that building relationships with academic institutions and think-tanks that are knowledgeable about environmental issues was crucial. These partnerships are essential for supplying the breadth of information and contextual awareness needed to carry out these evaluations successfully. As we want to extend the EDI observatory process beyond the ASEAN area, this insight is essential.

We can improve our approach and fortify our networks of cooperation by thinking back on our experiences in Indonesia. As we work to expand the breadth of our assessments and eventually support better environmental governance and democracy throughout Southeast Asia, these lessons are essential.

## Network Activation

Understanding the importance of networks in promoting productive cooperation and information exchange, we have deliberately revived and extended our university-based networks throughout ASEAN nations. Reconnecting and involving collaborators and stakeholders who are essential to the Environmental Democracy Observatory (EDO) project's success is the goal of this endeavour.

To formally launch the EDO project, we first set up an online meeting. We were able to re-establish contact with our current colleagues and enquire about their interest in serving as country consultants thanks to this platform. We talked extensively about their possible responsibilities and the value they may add to the project during the meeting.

We offered extensive engagement packages to anyone who expressed interest in joining. These contained contracts that specified important details including the project's terms of reference, deadlines, and anticipated results. We made our expectations very clear, asking them to submit ratings and pertinent data along with narrative descriptions of the overall situation regarding the three pillars.

The successful integration of colleagues from eight different nations into our network at the end of this phase paved the way for the ASEAN area to adopt EDO. As the knowledge centre for this effort, Universitas Gadjah Mada (UGM) has assumed a crucial role. To provide coherent and thorough outputs, UGM oversees setting up the network and gathering data particular to each nation.

UGM arranged several online seminars to maintain alignment and expedite network operations. The purpose of these workshops is to make sure that every consultant is aware of the goals, policies, and tools of the EDO. By using a variety of online channels, we gave priority to accessibility and efficient information management. By facilitating continuous communication, resource sharing, and support, these channels make sure that everyone in the network is prepared to contribute to the project's success.

We have laid a strong foundation for the cooperative execution of the EDO through our efforts to revitalise and strengthen our regional network. We can advance environmental democracy in the area with greater effect and deeper insights by utilising the knowledge and contributions of national consultants throughout ASEAN member and observer states.

## Guidelines for Partners

Building on the knowledge we acquired from our pilot project in Indonesia, we realised that to improve usability for country consultants throughout the region, the assessment tools needed to be made simpler. To achieve this, we created an easy-to-use Excel template designed especially for indexing. With the help of this template, which has a specific nation sheet and well-defined scoring rules, consultants may enter their assessments quickly.

Consultants can quickly choose the right score for each pillar on the country sheet by using this structured Excel sheet. The composite index, which represents the sum of the scores for the three main pillars, is automatically calculated and shown by the template. This automation reduces the likelihood of data entering errors while also saving time.

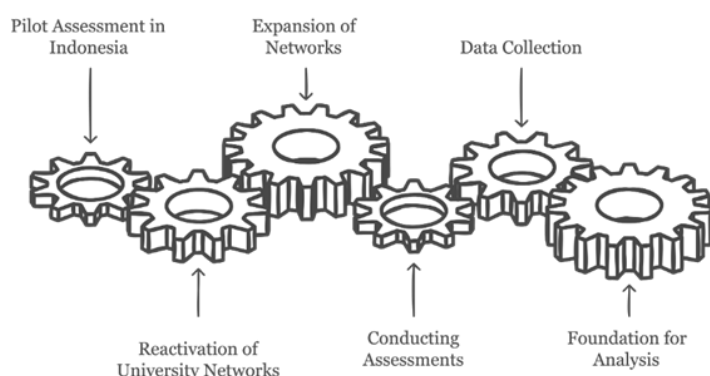
We included thorough manual instructions that walked through every step needed to use the Excel template so that all consultants could use it efficiently. These rules are intended to make the process smooth and guarantee that every user has the tools necessary to confidently complete their assessments.

We included important leading questions in a Google Form in addition to the Excel template. This form acts as an organised framework to assist consultants in defending their pillar scores and evaluations. The guiding questions promote comprehensive and well-reasoned arguments by eliciting thoughtful responses and shedding light on the evaluation criteria.

The core team at UGM aggregated the data collected from these Google Forms and took the initiative to synthesise the information to create a comprehensive narrative report for each participating nation. In addition to summarising the evaluations' results, these papers will offer background information and analysis on the level of environmental democracy in each country.

## Foundations or Analysis

We carefully examined the scores, comparing them across the region to detect patterns, discrepancies, or anomalies. If specific scores look inconsistent or surprising, we investigated further by analysing the explanations supplied by consultants to ensure transparency and contextual knowledge. To refine the evaluation, we spoke with the consultants about all aspects that could influence the outcomes. The consultants can then choose to keep their initial marks or alter them based on the insights acquired from the discussion. This systematic review approach ensures that the evaluation process is rigorous but inclusive as it allows to preserve the integrity of the country partners' opinions.



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