



Statement on Guyana's Oil Pollution Prevention Preparedness Response and Responsibility Bill

The Commonwealth Lawyers Association (CLA) notes with concern the ongoing debate in Guyana on the "Oil Pollution Prevention Preparedness Response and Responsibility Bill" (the Oil Pollution Bill") which was passed by the National Assembly of Guyana on 16 May 2025.

The Oil Pollution Bill has been criticised as unconstitutional, contrary to Guyana's international legal commitments and an attempt to reverse the impact of judicial rulings. These are serious criticisms which, as a matter of good governance based on the rule of law, ought to be addressed before any exercise of the President's assent.

The President has announced that elections will be held on 1st September 2025 and that he will issue a Proclamation dissolving Parliament.

This presents an opportunity to ensure good governance by withholding assent to the Oil Pollution Bill and leaving these issues for the new Parliament to address through a proper democratic process consistent with international standards including public participation.

The [Commonwealth \(Latimer House\) Principles on the Three Branches of Government](#) provide at Article VIII that :

"In order to enhance the effectiveness of law making as an essential element of the good governance agenda: There should be adequate parliamentary examination of proposed legislation; Where appropriate, opportunity should be given for public input into the legislative process;"

The CLA notes that the Oil Pollution Bill, which has serious national and international implications, was passed in less than 3 weeks of its first reading on 28 April 2025. There was no opportunity for public input from experts. Further, the business sector who could be significantly affected by an oil spill were also not consulted. Critically, coastal communities in Guyana, including Amerindian communities, were not given an opportunity to raise their concerns and make recommendations to protect their livelihoods and their cultural, spiritual and physical dependence on the marine environment.

The CLA considers that this opaque legislative process to be contrary to good governance and to Article VIII. It is also violative of the rule of law.

Public participation in decision-making processes has evolved into a principle of public international law since it was enshrined in Principle 10 of the [1992 Rio Declaration](#). This is reinforced by the [Escazu Agreement](#) to which Guyana is a party. An objective of this Agreement is to guarantee public participation in environmental decision-making process in order to contribute to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development.

Moreover , Article 197 of the [United Nations Convention on the Law of the Sea](#) (UNCLOS) requires Guyana to cooperate on a regional basis with other states and competent international organisations to formulate rules, standards and recommended practices and procedures to protect and preserve the marine environment, taking into account characteristic regional features. This is reflected in the [Revised Treaty of Chaguaramas](#) which requires Caricom and the member states of Caricom to collaborate in *“safeguarding their marine environment from pollutants and hazardous wastes.”*

The CLA urges Guyana to develop its oil spill response law and systems in cooperation with the Caricom and the Caribbean States. Transboundary pollution is a real and present danger. In this regard, maps produced for ExxonMobil Corporation’s subsidiary show that oil from its operations could foul the Caribbean Sea and the territories of Caribbean states all the way up to Jamaica, affecting shipping, tourism and fisheries.

As part of Guyana’s due diligence obligations under international law, Guyana must enforce its laws and ensure that private actors do not cause significant harm to the environment. In this regard, the CLA notes the decision of [*Collins and Whyte v EPA and ExxonMobil Guyana Ltd*](#) where Justice Kissoon stated that Guyana’s Environmental Protection Agency had *“relegated itself to a state of laxity of enforcement and condonation compounded by a grave lack of vigilance”* thereby putting Guyana and its people *“in grave potential danger of calamitous disaster”*. Such conduct on the part of the Agency puts Guyana in breach of its due diligence obligations and endangers the marine environment, economies and livelihoods of sovereign states in the Caribbean.

Reflecting on all these important and troubling issues , the CLA calls upon the President of Guyana to withhold assent to the Oil Pollution Bill; to allow the next elected Parliament ,after a due election process , to consider the issues the Government by its international obligations is required to consider; and to ensure that in its process of decision making the Government of Guyana adheres to international standards.

Commonwealth Lawyers Association (CLA)

29th May 2025

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