

Economic Commission for Latin America and the Caribbean

Sustainable Development and Human Settlements Division

Principle 10 Declaration: Towards a regional agreement for the full exercise of the rights of access to information, participation and justice in environmental matters



Carlos de Miguel,
Chief, Policies for Sustainable Development Unit
Saint Lucia, August 2015

The virtuous circle: human rights, environment, access rights

Access to information,
participation and justice
in environmental matters

Environmental policies
more transparent and
better informed

Substantive rights
(healthy environment, life,
health, etc.)

A healthier environment



PRINCIPLE 10 OF THE RIO DECLARATION (1992)

Environmental issues are best handled **with participation of all concerned citizens**, at the relevant level.


At the national level, each individual shall have **appropriate access to information** concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the **opportunity to participate in decision-making** processes.

States shall facilitate and encourage public awareness and participation by making information widely available.

Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Rio Declaration on Environment and Development (1992)

PRINCIPLE 10: REGIONAL AND INTERNATIONAL COMMITMENTS

- 
- 1991 • **Port of Spain Consensus (CARICOM)**
 - 1992 • Rio Declaration and Agenda 21
 - 1994 • **Declaration of Barbados and Programme of Action SIDS**
 - 1998 • Aarhus Convention
 - 1999 • Inter-American Strategy for the Promotion of Public Participation in SD
 - 2001 • St. George Declaration of Principles for Environmental Sustainability OECS
 - 2005 • **Mauritius Declaration and Strategy of Implementation**
 - 2006 • Declaration of Santa Cruz / Derecho humano fundamental
 - 2010 • Bali Guidelines
 - 2010 • **Mauritius Strategy of Implementation Review (MSI+5)**
 - 2010 • Model Inter American Law on Access to Information (OAS)
 - 2011 • Conclusions of the LAC countries Rio+20 preparatory meetings
 - 2012 • Rio+20 outcome document “The future we want” (p. 43, 44, 99)
 - 2012 • Declaration on the application of Principle 10 in LAC
 - 2013 • Santiago Declaration CELAC / Santiago Declaration CELAC - EU
 - 2014 • **III Conference on SIDS (Samoa)**

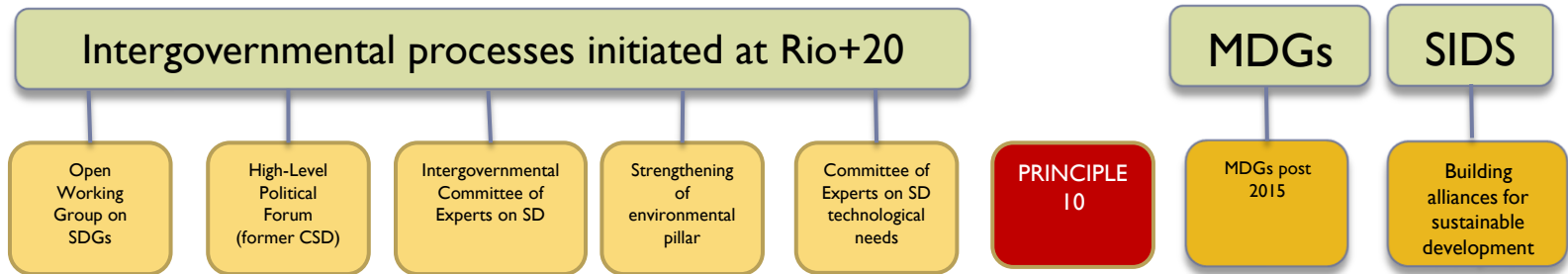
THE FUTURE WE WANT (RIO +20), 2012

- ▶ 43. We underscore that **broad public participation and access to information and judicial and administrative proceedings are essential to the promotion of sustainable development.**

 - ▶ 44. We recognize that improved participation of civil society **depends upon**, inter alia, **strengthening access to information, building civil society capacity** as well as an enabling environment.

 - ▶ 99. **We encourage action at regional, national, sub-national, and local levels to promote access to information, public participation, and access to justice in environmental matters, as appropriate.**
-

Environment, Sustainable Development and intergovernmental processes



Consensus

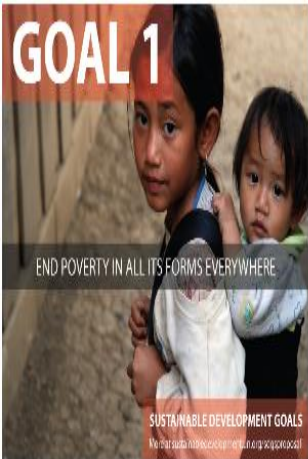
Convergence of MDGs and SDGs to establish a single set of goals/objectives

Open and inclusive processes, with the participation of major groups

Good governance, rule of law and resilient institutions are at the same time an expected outcome and drivers to advance in the three pillars of sustainable development

The full implementation of Principle 10 is at the core of the post-2015 development agenda

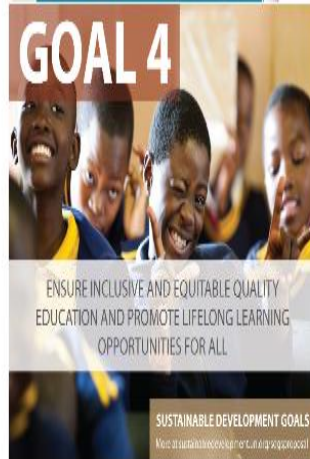
GOAL 1



END POVERTY IN ALL ITS FORMS EVERYWHERE

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

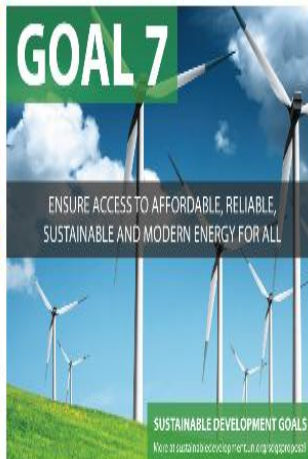
GOAL 4



ENSURE INCLUSIVE AND EQUITABLE QUALITY EDUCATION AND PROMOTE LIFELONG LEARNING OPPORTUNITIES FOR ALL

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

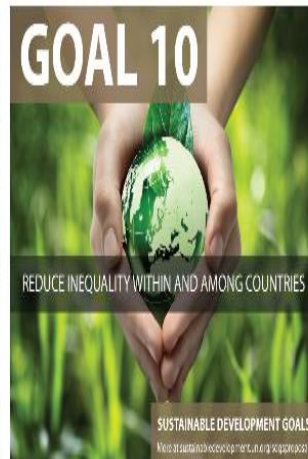
GOAL 7



ENSURE ACCESS TO AFFORDABLE, RELIABLE, SUSTAINABLE AND MODERN ENERGY FOR ALL

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

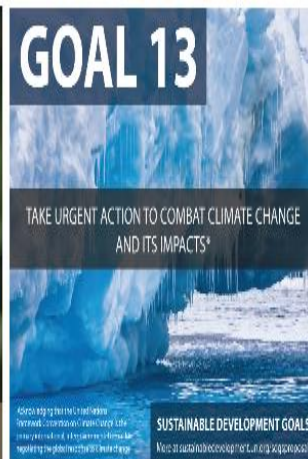
GOAL 10



REDUCE INEQUALITY WITHIN AND AMONG COUNTRIES

SUSTAINABLE DEVELOPMENT GOALS
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GOAL 13

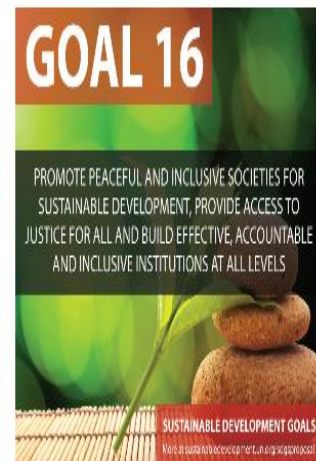


TAKE URGENT ACTION TO COMBAT CLIMATE CHANGE AND ITS IMPACTS*

*Adopting the Paris Agreement framework, countries will agree to keep the global temperature well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels by the end of the century.

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

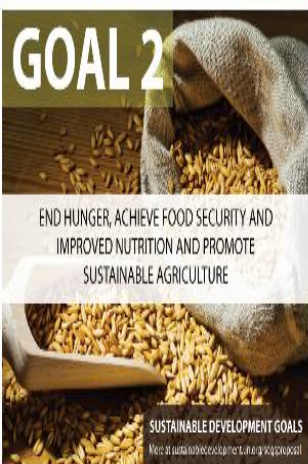
GOAL 16



PROMOTE PEACEFUL AND INCLUSIVE SOCIETIES FOR SUSTAINABLE DEVELOPMENT, PROVIDE ACCESS TO JUSTICE FOR ALL AND BUILD EFFECTIVE, ACCOUNTABLE AND INCLUSIVE INSTITUTIONS AT ALL LEVELS

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

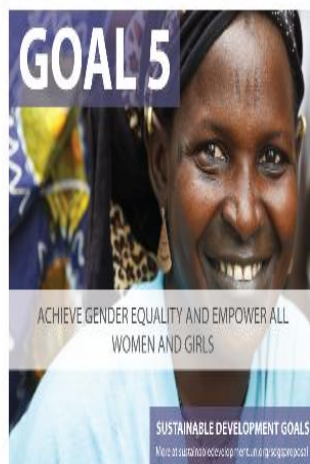
GOAL 2



END HUNGER, ACHIEVE FOOD SECURITY AND IMPROVED NUTRITION AND PROMOTE SUSTAINABLE AGRICULTURE

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

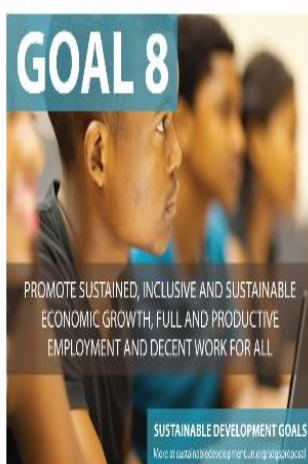
GOAL 5



ACHIEVE GENDER EQUALITY AND EMPOWER ALL WOMEN AND GIRLS

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

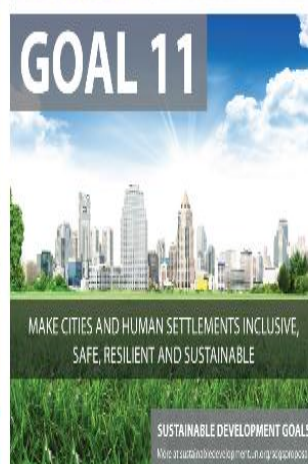
GOAL 8



PROMOTE SUSTAINED, INCLUSIVE AND SUSTAINABLE ECONOMIC GROWTH, FULL AND PRODUCTIVE EMPLOYMENT AND DECENT WORK FOR ALL

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

GOAL 11



MAKE CITIES AND HUMAN SETTLEMENTS INCLUSIVE, SAFE, RESILIENT AND SUSTAINABLE

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

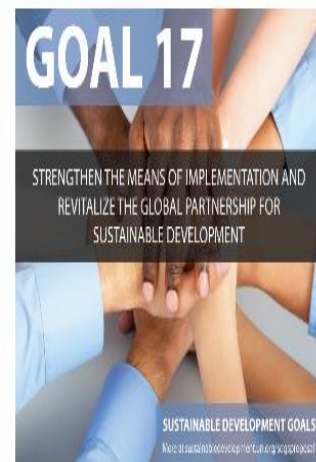
GOAL 14



CONSERVE AND SUSTAINABLY USE THE OCEANS, SEAS AND MARINE RESOURCES FOR SUSTAINABLE DEVELOPMENT

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

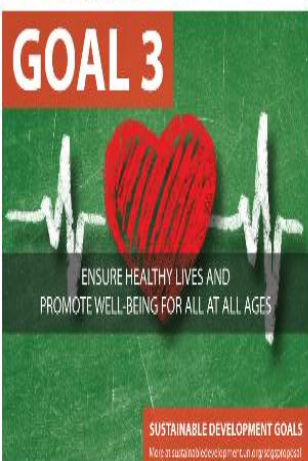
GOAL 17



STRENGTHEN THE MEANS OF IMPLEMENTATION AND REVITALIZE THE GLOBAL PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

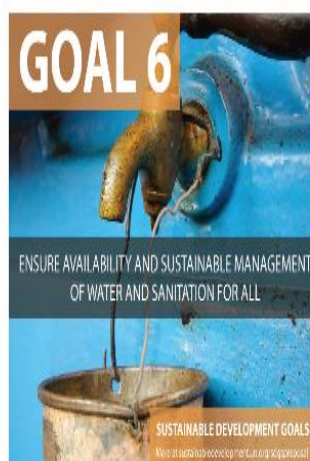
GOAL 3



ENSURE HEALTHY LIVES AND PROMOTE WELL-BEING FOR ALL AT ALL AGES

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

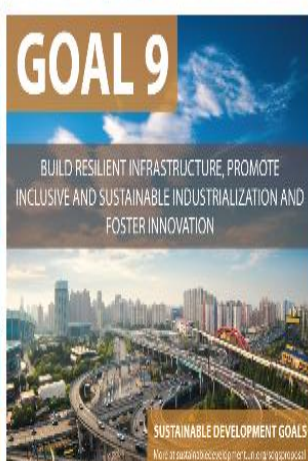
GOAL 6



ENSURE AVAILABILITY AND SUSTAINABLE MANAGEMENT OF WATER AND SANITATION FOR ALL

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

GOAL 9



BUILD RESILIENT INFRASTRUCTURE, PROMOTE INCLUSIVE AND SUSTAINABLE INDUSTRIALIZATION AND FOSTER INNOVATION

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

GOAL 12



ENSURE SUSTAINABLE CONSUMPTION AND PRODUCTION PATTERNS

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

GOAL 15



PROTECT, RESTORE AND PROMOTE SUSTAINABLE USE OF TERRESTRIAL ECOSYSTEMS, SUSTAINABLY MANAGE FORESTS, COMBAT DESERTIFICATION, AND HALT AND REVERSE LAND DEGRADATION AND HALT BIODIVERSITY LOSS

SUSTAINABLE DEVELOPMENT GOALS
More at sustainabledevelopment.un.org/goals

ACCESS TO ENVIRONMENTAL INFORMATION

- ▶ Access to environmental information is not only a citizen right but a key part of an effective environmental policy.
 - ▶ When prices do not reflect the social benefits and costs implicit on economic decisions, markets fail. In matters concerning the environment, decisions made on purely economic grounds produce inefficient distribution of resources.
 - ▶ **Asymmetric information.** When a person does not have complete information on the quality of a good or service, this can lead to an adverse selection.
 - ▶ Experience shows that economic benefits of an open and transparent policy regarding information are higher than its costs.
-

GENERATION OF ENVIRONMENTAL INFORMATION

- ▶ Information on the environment first must be generated in order to be accessed
 - ▶ Examples include pollutant release and transfer registers, toxic pollutant registries, emission inventories, information systems to monitor air and water quality, environmental impact assessments, strategic environmental assessments, state of the environment reports
 - ▶ To address issues such as market failures and improve policies for sustainable development there is a growing recognition for the need of integrated environmental-economic information
-

ACCESS TO PARTICIPATION

- ▶ In decision-making
 - ▶ **Makes consensus possible** among different actors of society: government – civil society – enterprises
 - ▶ Allows directly addressing concerns of the population affected
 - ▶ **Prevents conflicts** (social and economic losses)
 - ▶ Moreover, participation reduces inefficiencies:
 - ▶ Improves the quality of decisions
 - ▶ Avoids failures associated with imperfect information in decision-making
 - ▶ Balances factual powers (private benefits / public costs)
-

ACCESS TO JUSTICE

- ▶ Guarantees the integrity of public goods
 - ▶ Access to an adequate environment
 - ▶ Participation of traditionally excluded groups
 - ▶ Guarantees the measures taken in order to ensure access to information and participation
 - ▶ It creates a reliable scenario where decisions can be questioned before an impartial organ (which prevents conflicts)
-

LAC: ENVIRONMENTAL MANAGEMENT TOOLS THAT INCORPORATE ACCESS RIGHTS

Access to information

- Periodic reports
- PRTR
- Emergency information systems (fires, tsunamis, earthquakes, volcanic eruptions, etc.)
- Sistematized monitoring systems of environmental quality (urban national)

Access to participation

- EIA
- EAE
- Prevention and decontamination plans
- Emission standards and environmental quality
- Land use plans
- Hearing and planning permissions
- Legislative hearings

Access to justice

- Litigation
- Alternative resolution of conflicts
- Administrative mechanisms
- Specialized authorities in environmental jurisdiction
- Claim procedure

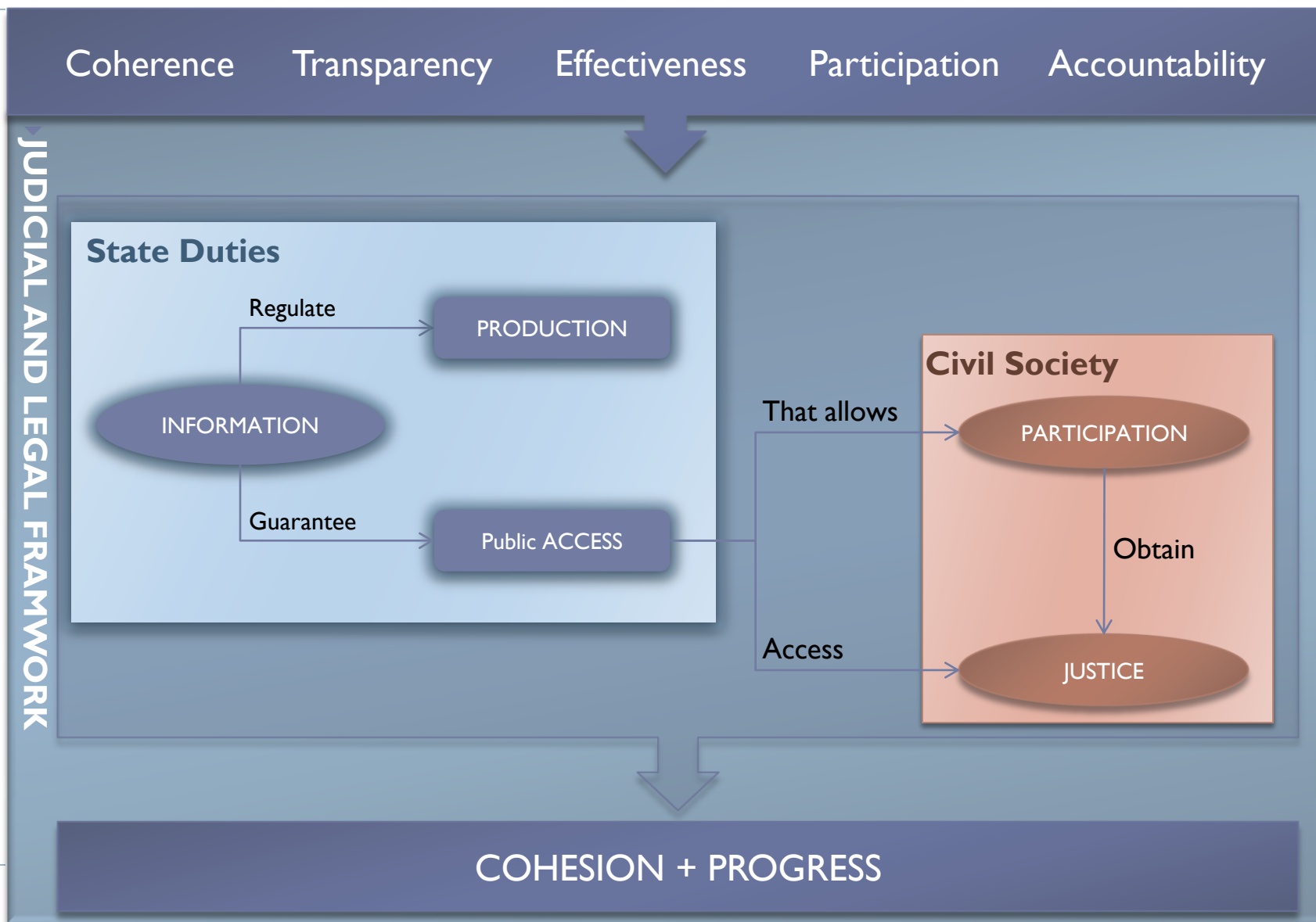
LAC REGION: STATUS OF THE CREATION OF PRTR



WHY PRINCIPLE 10?

- ▶ Access to information, participation and justice in environmental matters is a key issue for environmental protection and sustainable development.
 - ▶ Contributes to mitigate market and policy failures.
 - ▶ Is a public good and a fundamental right
 - ▶ Principle 10: better democracy, better economy and more justice
-

TO SUM UP: ELEMENTS OF A GOOD ENVIRONMENTAL GOVERNANCE



CHALLENGES

- ▶ In spite of the progress achieved in the last 20 years, some countries still struggle with the design and implementation of regulations regarding P10.
 - ▶ The flaws in the information production process limits both society's knowledge of the environment and the quality of its participation.
 - ▶ Challenges regarding the full integration and participation of traditionally excluded groups remain to be met.
 - ▶ The need to design and establish fair and transparent means for public participation still remains.
 - ▶ Alternative ways of resolving conflicts should be designed and established.
-

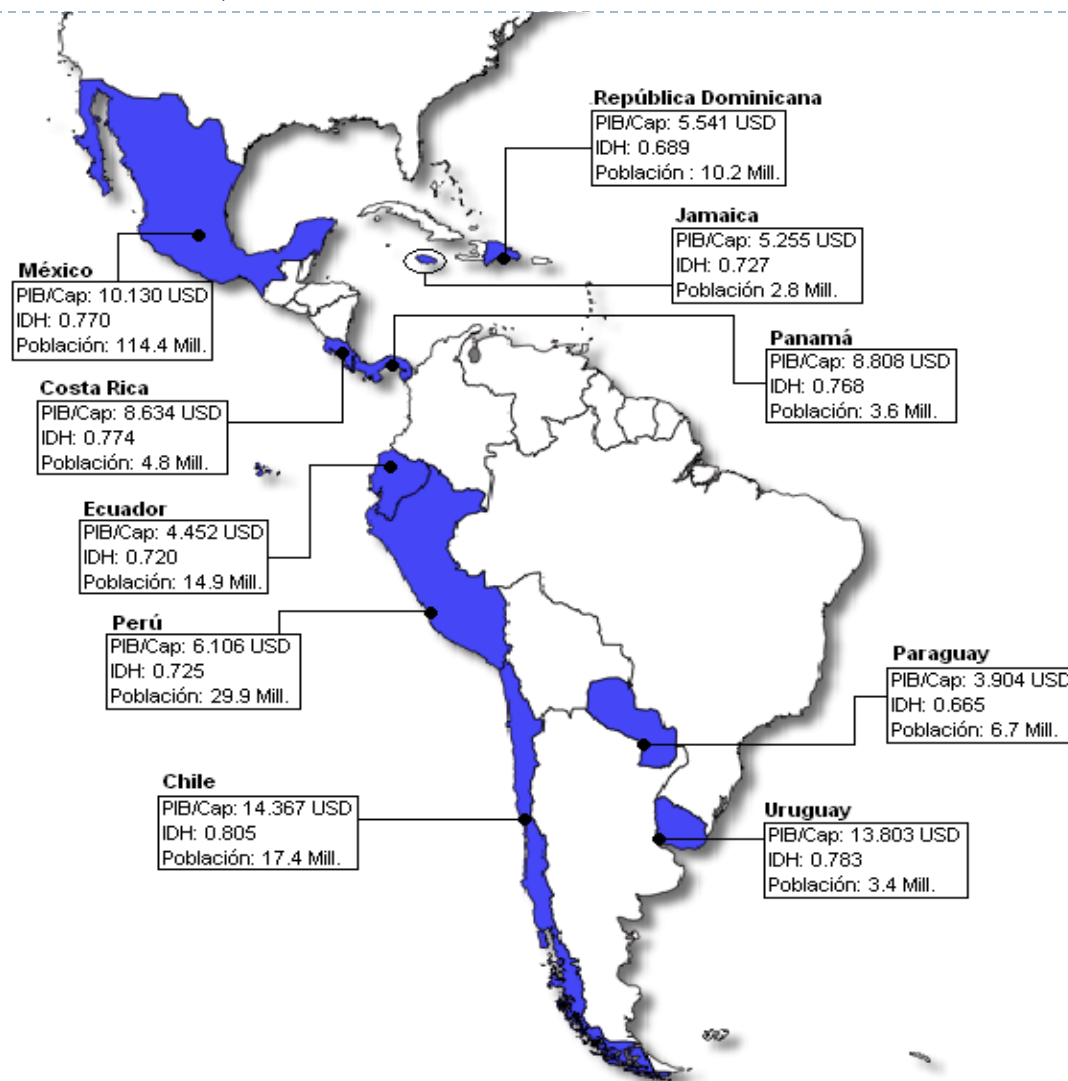
LAC: TOWARDS A REGIONAL AGREEMENT FOR THE IMPLEMENTATION OF PRINCIPLE 10

- ▶ It has been stated that a regional agreement would help to make some progress in the implementation of P10 in the region
 - ▶ This is supported by:
 - ▶ The chance for countries to participate actively and from the very beginning in the development of the text, taking into consideration the traits of each country and creating a sense of regional belonging.
 - ▶ LAC countries share cultural bonds that may simplify negotiations and turn into an easier consensus
 - ▶ A regional instrument could help strengthen existing regional institutions and take advantage of the current synergies to mitigate the lack of resources
 - ▶ Better regional coordination: Harmonization of competitiveness grounds
 - ▶ It sets out a clear message of our compromise with good governance and sustainable development.
 - ▶ The grounds for a prosperous, stable, safe and environmentally conscious society are transparency, access to information, participation and justice.
 - ▶ Active public participation improves the quality of decision-making and improves trust, stability and accountability of the decisions made by governments.
-

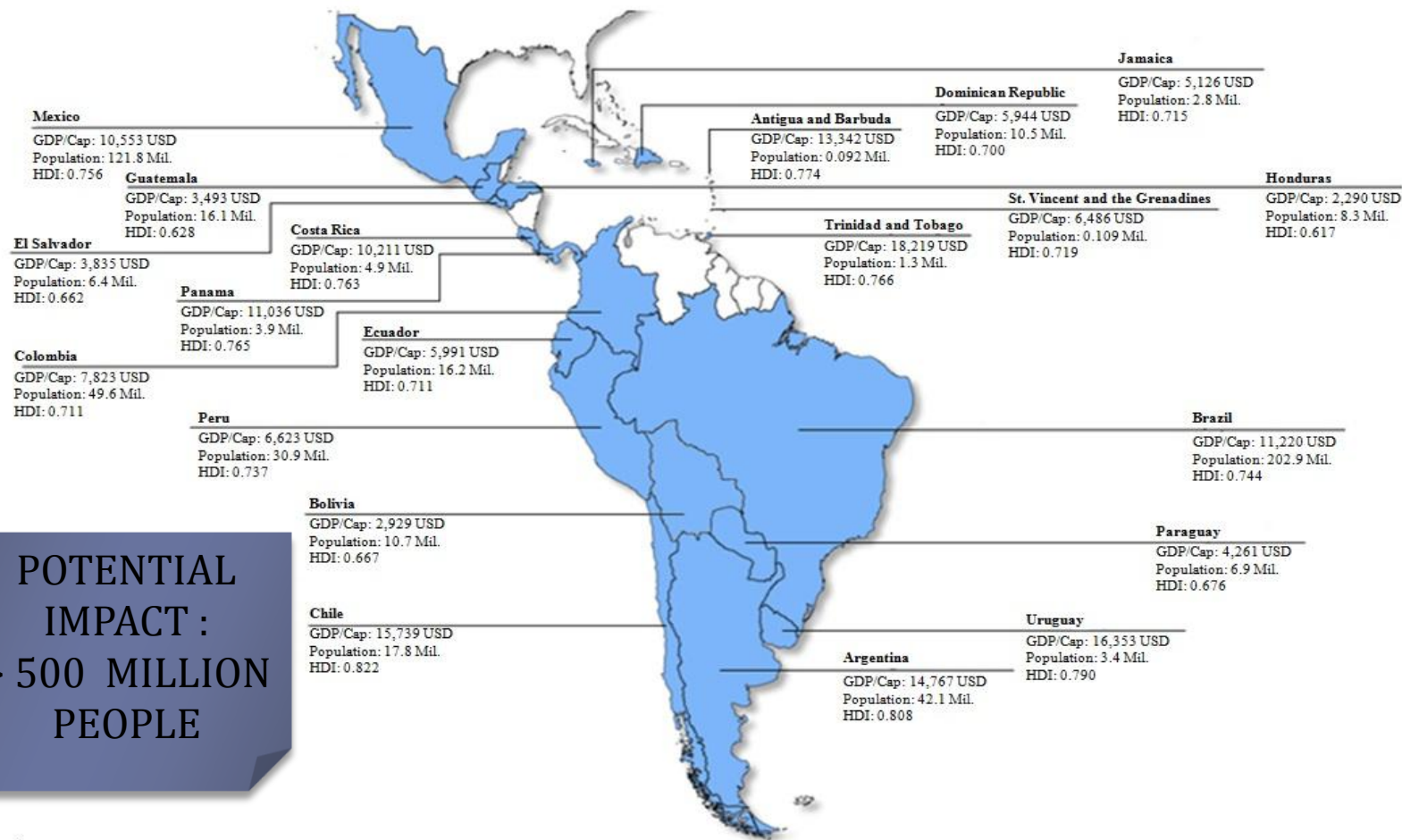
LAC Declaration on the application of Principle 10

- ▶ *Despite our efforts and progress, however, we recognize the need for agreements to ensure the full exercise of rights of access. We are aware that the environmental challenges we face on a national, regional and global level require far more concerted proactive and effective action from the international community and organizations. We are thus willing to explore in detail various ways to enhance the exercise of those rights with the active involvement of the key stakeholders and society as a whole.*
 - ▶ *The above-mentioned Governments therefore commit to drafting and implementing a Plan of Action 2012-2014, with the support of the Economic Commission for Latin America and the Caribbean (ECLAC) as the technical secretariat, to work towards such a regional convention or other instrument.*
-

Signatory Countries of the Declaration (June 2012)



Signatory Countries of the Declaration (August 2015)



**POTENTIAL
IMPACT :
> 500 MILLION
PEOPLE**





Source:
GDP/ Cap (Dollars at current market prices) and total population (Thousands of persons, at mid-year):
ECLAC (2014) Statistical yearbook of Latin America and the Caribbean.
HDI: UNDP, 2014.
Note: The names and boundaries shown on this map do not imply official endorsement or acceptance by the United Nations.

Meetings of Focal Points

The Declaration on the Application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean (Rio de Janeiro, 2012)

Meetings of Focal Points	Approved Documents
First Meeting (Santiago, 2012)	<ul style="list-style-type: none">• Roadmap
Second Meeting (Guadalajara, April 2013)	<ul style="list-style-type: none">• Plan of Action to 2014
Third Meeting (Lima, October 2013)	<ul style="list-style-type: none">• Lima Vision• Priority Lines of Action in Matters of Capacity-Building and Cooperation
Fourth Meeting (Santiago, November 2014)	<ul style="list-style-type: none">• Beginning of negotiation phase

Meetings of Working Groups (until November 2014)

WG I Capacity-Building  	First Meeting (09.08.13)	Second Meeting (04.10.13)	Third Meeting (29.10.13) IN-PERSON	Fourth Meeting (28.03.14)	Fifth Meeting (30.05.14)	Sixth Meeting (22.08.14)	Seventh Meeting (10-11.09.14) IN-PERSON
Matters Addressed	Priorities and WG calendar, ECLAC diagnostic presentation	Priorities and results of the Trinidad and Tobago workshop	Proposal report for the third meeting of focal points	Definition of tasks for 2014	Capacity-building models in multilateral environmental agreements	Proposal on the contents of the instrument	Discussion on the proposals on the nature and contents of the instrument
Number of Participants	28	27	60	55	49	60	51 (*)
WG 2 Access Rights and Regional Instrument  	First Meeting (06.08.13)	Second Meeting (08.10.13)	Third Meeting (29.10.13) IN-PERSON	Fourth Meeting (04.04.14)	Fifth Meeting (23.05.14)	Sixth Meeting (01.08.14)	Seventh Meeting (10-11.09.14) IN-PERSON
Matters Addressed	Dialogue towards a regional instrument	Typology of instruments in int. law	Proposal report for the third meeting of focal points	Definition of tasks for 2014	ECLAC's proposal of matters to be considered	Dialogue on international law (nature)	Discussion on the proposals on the nature and contents of the instrument
Number of Participants	31	33	60	57	50	79	51 (*)

(*) 1,109 connections on web streaming

San José
Content

2012-2014: THE PROCESS IN A SNAPSHOT: CAPACITY-BUILDING WORKSHOPS

**San José, Costa Rica,
September 2014**

Regional Training Workshop
on Good Practices
regarding the
Implementation of
Principle 10

**Lima, Peru,
October 2013**

Regional Workshop on the Implementation
of Principle 10 and the application of the
Bali Guidelines

**Santiago, Chile,
October 2012**

ICTs and Sustainable Development in LAC

December 2013

Workshop on Environmental Information

October 2014

Regional workshop on PRTR

**Kingston, Jamaica,
March 2013**

Regional Conference on the
Freedom of Information

**Port of Spain, Trinidad and
Tobago,
September 2013**

Regional Workshop on the
Implementation of Principle 10

**Montevideo, Uruguay,
June 2014**

Seminar on Principle 10 and the
regional process



ICTs and Sustainable Development in Latin America and the Caribbean

Principle 10 LAC in other processes (I)



1st CELAC Summit Santiago

(27-28 January 2013)

**Santiago Declaration
(paragraph 60)**



1st CELAC-EU Summit Santiago

(26-27 January 2013)

**Santiago Declaration
(paragraph 25)**



UNEP Governing Council Nairobi

(18-22 February 2013)

**Side event on the Principle 10 in
Latin America and the Caribbean**



Conference on Sustainable Development in LAC Bogotá

(7-9 March 2013)

Session about Principle 10

Principle 10 LAC in other processes (II)



Forum of the Ministers of the Environment in LAC Los Cabos

(11-14 March 2014)

**Los Cabos Declaration and
Decision on Principle 10**



Thirty-Fifth Session of ECLAC Lima

(9 May 2014)

**Resolution 686 (XXXV) on the
Application of Principle 10**



First UN Environment Assembly Nairobi

(26 June 2014)

**Resolution I/13. Implementation of
Principle 10 of the Declaration**



Fifth Meeting of the Parties of Aarhus Maastricht

(29 June – 4 July 2014)

**Maastricht Declaration
(paragraph 12)**

Organization of work

NEGOTIATING COMMITTEE

Decision-making body

Presiding Officers

Co-chair:



Vice-chairs:



Coordination of the process

PUBLIC

ECLAC
Technical
Secretariat

Objective

“The ultimate objective of the present Agreement is the strengthening of environmental governance and the realization of the right to live in a healthy and sustainable environment through the full application in Latin America and the Caribbean of the access rights enshrined in Principle 10 of the Rio Declaration, under an approach based on cooperation and capacity - building that enables the Parties to improve their laws, policies, institutions and practices to guarantee that those rights are fully observed and implemented.”

Structure of the preliminary document

First part

- Preamble
- Objective (art. 1)
- Definitions (art. 2)
- Principles (art. 3)
- Scope of application (art. 4)

Operative part

- General obligations (art. 5)

First pillar

Access to environmental information
(art. 6 and 7)

Second pillar

Public participation in environmental decision-making
(art. 8)

Third pillar

Access to justice
(art. 9)

Capacity-building and cooperation (art. 10)

Implementation, monitoring and evaluation

Resources

Rules of procedure

Institutional framework

Final provisions

Calendar of the regional process (2015)

Santiago Decision (November 2014)

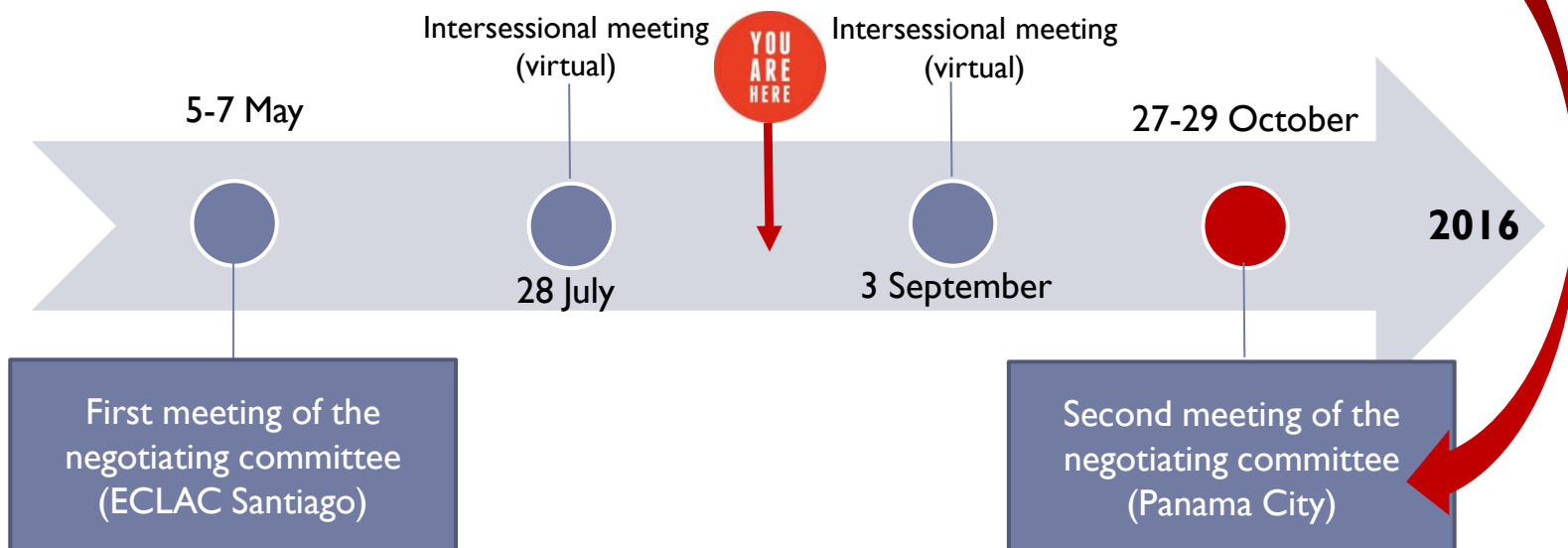
Organization and Work Plan of the Committee (May 2015)



Preliminary document
of the regional
agreement
(31 March 2015)



Language proposals
(preamble, art. 1-10)
submitted by
31 August 2015





ECLAC

Regional Public Mechanism

UN UNITED NATIONS

ESPAÑOL ENGLISH PORTUGUÊS



ECLAC

Economic Commission for Latin America and the Caribbean

WORK AREAS COOPERATION PUBLICATIONS DATA AND STATISTICS TRAINING PRESS CENTRE EVENTS

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Principle 10

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At the United Nations Conference on Sustainable Development (Rio+20), held in Rio de Janeiro in June 2012, the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development was signed. In this Declaration, signatory countries committed, with the support of the Economic Commission for Latin America and the Caribbean (ECLAC) as technical secretariat, to advance the implementation of a regional agreement for the full implementation of the rights of access to information, public participation and access to justice in environmental matters. Between 2012 and 2014, four meetings of the focal points of the signatory countries and fourteen meetings of working groups were held. In November 2014, the countries launched the negotiation phase of the regional agreement and established a Negotiating Committee with a view to concluding its functions by December 2016.

- Background
- Negotiating Committee
- Capacity-building and cooperation
- Regional Public Mechanism
- Contact

II meeting of the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean
Panama, 27-29 October 2015

Panama will host the second meeting of the Negotiating Committee

The second meeting will take place from 27 to 29 October 2015 in Panama City.

[Read more](#)



NEWS

BRIEFING NOTE

Countries continue preparing for the Second Meeting of the Negotiating Committee (Principle 10)

BRIEFING NOTE

Declaration of the 7th Binational Meeting of Ministers

<http://www.eclac.org/en/principle10>