



UNITED NATIONS

ECLAC



ARTICLE 9 of the compilation text on access to justice in  
environmental matters

*Negotiating committee of the regional agreement on access to information,  
participation and justice in environmental matters  
in Latin America and the Caribbean*

Contact group leaders: Brazil and Chile

Intersessional meeting of the negotiating committee (virtual) 31<sup>st</sup> January, 2017

# Principle 10 of the Rio Declaration on Environment and Development (1992)

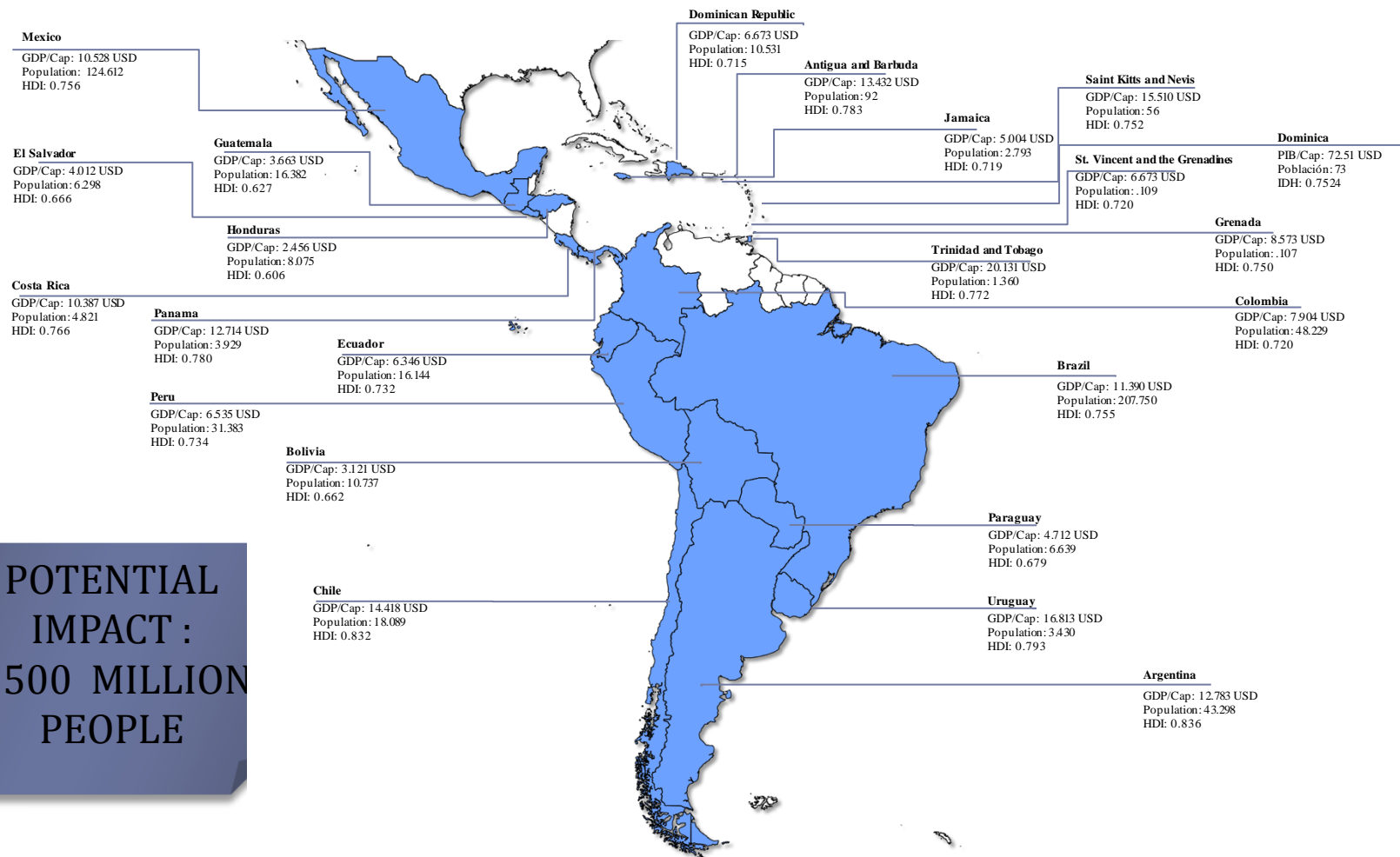
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1. Environmental issues are best handled **with participation of all concerned citizens**, at the relevant level.
2. At the national level, each individual shall have **appropriate access to information** concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the **opportunity to participate in decision-making** processes.
3. 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)*

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# Signatory Countries A/CONF.216/13.



**POTENTIAL  
IMPACT :  
> 500 MILLION  
PEOPLE**

Source:  
GDP/Cap (Dollars at current market prices) and total population (Thousands of persons, at mid-year):  
ECLAC (2015) Statistical yearbook of Latin America and the Caribbean.  
HDI: UNDP, 2015.  
Note: The names and boundaries shown on this map do not imply official endorsement or acceptance by the United Nations.

# Calendar of the regional process (2015-2017)

Santiago Decision (November 2014)

Organization and Work Plan of the Negotiating Committee (May 2015)



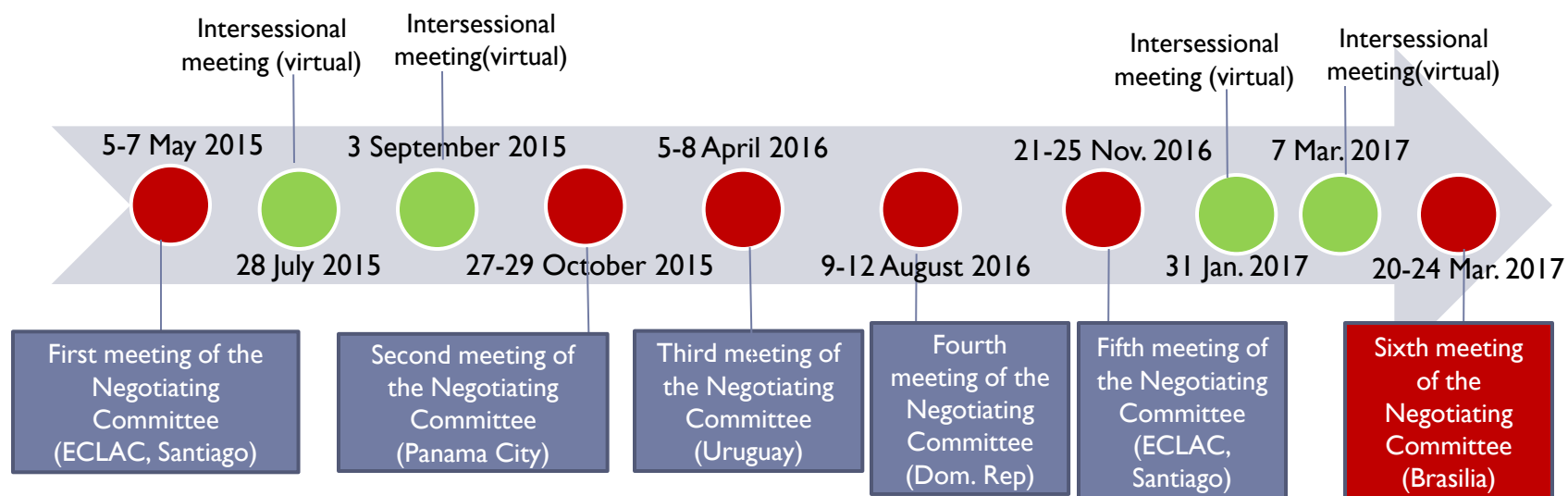
Preliminary document of the regional agreement (31 March 2015)



Compilation text prepared by the Presiding Officers with language proposals (preamble and art. 1-10)



2<sup>nd</sup>/3<sup>rd</sup>/4<sup>th</sup>/5<sup>th</sup> versions of the compilation text prepared by the Presiding Officers





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# Organization of the work

## NEGOTIATING COMMITTEE

Decision-making body

PUBLIC

### Presiding Officers

Co-chairs:



Vice-chairs:



Coordination of the process

**ECLAC**  
Technical  
Secretariat

Contact Group 1

Articles 6 and 7  
(access to  
environmental  
information )



Contact Group 2

Article 8  
(public  
participation in  
environmental  
decision-making)



Contact Group 3

Article 9  
(access to  
justice)



Contact Group 4

Article 10  
(capacity-  
building)



# Structure of the negotiation document



## First part

- Preamble
- Objective
- Definitions
- Principles

## 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

# Art. 9 : Access to justice – key elements (I)



- ▶ **9.1 - Right to access justice**
- ▶ **9.2 - Mechanisms:**
  - ▶ Mechanisms when access to information has been denied
  - ▶ Mechanisms when participation has been denied
  - ▶ Mechanisms to deal with infringement of environmental rules and claims relating to environmental damage
- ▶ **9.3 - Guarantees on access to justice**
  - ▶ Specialized entities
  - ▶ Broad active legal standing
  - ▶ Procedural measures
- ▶ **9.4 - Defenders**
  - ▶ Adequate measures to prevent any attack, threat, coercion or intimidation that any person or group may suffer while exercising the rights guaranteed by the present Agreement
- ▶ **9.5 - Facilitating access to justice**
  - ▶ Measures to facilitate access to justice including: mechanisms to eliminate and reduce obstacles, mechanisms to publicize the right of access to justice, use of new mechanisms including virtual and electronic ones



# Art. 9 : Access to justice– Key elements of the negotiation (II)

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- ▶ **9.6 - Disadvantaged groups**
    - ▶ Consideration to disadvantaged groups, by establishment of support mechanisms (including free technical and legal assistance), appropriate channels, assistance in cases of difficulties with reading and writing
  - ▶ **9.7: Decisions**
    - ▶ Ensure that adopted decisions are set out in writing, duly justified and made public
  - ▶ **9.8: Capacity-building**
    - ▶ Development of environmental law awareness and capacity-building programmes for the public, judicial and administrative officials, national human rights institutions
  - ▶ **9.9: Regional cooperation**
    - ▶ Promote regional cooperation for investigation, prosecution and punishment of environmental crimes
  - ▶ **9.10: Alternative mechanisms**
    - ▶ Encourage the development and use of alternative dispute resolution mechanisms
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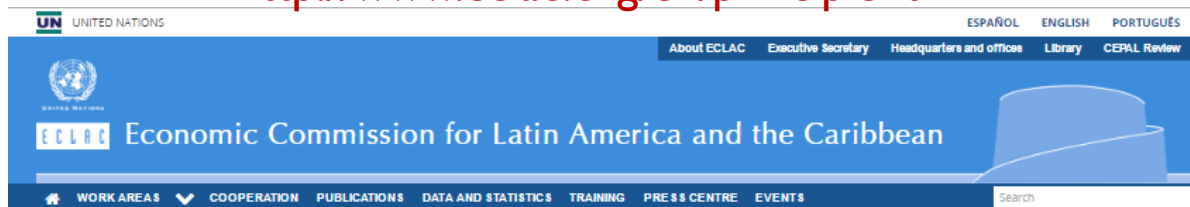




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# Regional public mechanism

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



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## Principle 10

Available in: [English](#) [Español](#) [Português](#)

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 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 the negotiations by December 2017.



### Dominica adheres to the Declaration on Principle 10 in Latin America and the Caribbean

With Dominica, there are now 23 countries negotiating a regional agreement on Principle 10.

[Read more](#)

- [Background](#)
- [Negotiating Committee](#)
- [Capacity-building and cooperation](#)
- [Regional Public Mechanism](#)
- [Contact](#)



### NEWS

#### PRESS RELEASE

**Countries Advance in Forging a Regional Agreement on Access to Environmental Information, Participation and Justice**

#### PRESS RELEASE

**Authorities Stress Importance of Cooperation and Sustainability with Equality to Strengthen Democracies**

#### BRIEFING NOTE

### ACTIVITIES

# Webpage of the negotiating committee

<http://negociacionpl0.cepal.org/>



**Sexta Reunión del Comité de Negociación - Principio 10**  
 Brasilia, 20 a 24 de marzo 2017





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Países avanzan en la construcción de un acuerdo regional sobre el acceso a la información, la participación y justicia ambientales

**PROGRAMA**

<b>Dom, 19 Mar 2017</b>	<b>Reunión de la Mesa Directiva</b> 17:00 to 19:00
<b>Lun, 20 Mar 2017</b>	<b>Registro de participantes</b> 08:30 to 09:00
<b>Lun, 20 Mar 2017</b>	<b>Reunión de grupos de contacto 1 y 2 (sesiones paralelas)</b> 09:00 to 12:00
<b>Lun, 20 Mar 2017</b>	<b>Receso</b> 12:00 to 14:00

**DOCUMENTO DE NEGOCIACIÓN**


QUINTA VERSIÓN: TEXTO COMPILADO POR LA MESA DIRECTIVA QUE INCLUYE LAS PROPUESTAS DE TEXTO

**DE LOS PAÍSES**  
 UN Symbol: LC/L.4059/Rev.4
 

[REGISTRO DE PARTICIPANTES](#)

[TRANSMISIÓN EN VIVO](#)

[NOTICIAS](#)

**ACERCA DEL EVENTO**

La sexta reunión del Comité de Negociación tendrá lugar del 20 a 24 de marzo de 2017 en Brasilia. El objetivo de esta reunión es continuar la negociación del acuerdo regional sobre la base de la quinta versión del texto compilado por la Mesa Directiva que integra las propuestas de texto de los países

**PÁGINA PRINCIPAL DE PRINCIPIO 10**

**SUSCRIPCIÓN**

Reciba las novedades de la CEPAL por correo electrónico

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