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Working Group on Capacity-Building
 and Cooperation

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**REPORT TO BE PRESENTED AT THE THIRD MEETING OF FOCAL POINTS
 APPOINTED BY THE GOVERNMENTS OF THE SIGNATORY COUNTRIES OF THE
 DECLARATION ON THE APPLICATION OF PRINCIPLE 10 OF THE RIO
 DECLARATION ON ENVIRONMENT AND DEVELOPMENT IN LATIN AMERICA
 AND THE CARIBBEAN (Lima, 30 - 31 October, 2013)**

1. BACKGROUND

The Plan of Action to 2014 for the implementation of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean (adopted in Guadalajara in April 2013) established two Working Groups in order to advance the achievement of a regional instrument:

- i) Working group on capacity-building and cooperation;
- ii) Working group on access rights and the regional instrument.

The Plan of Action mentions that all signatory countries may participate in the working groups, in which they may be represented by their focal points or by a representative appointed by them. Non-signatory countries of the region may participate as observers in these meetings of groups formed by signatory countries. Each group will elect at least one coordinator and an alternate from among the government representatives and stakeholders that will participate according to modalities set forth in the Plan of Action.

In the Second meeting of focal points of the Declaration, held in Guadalajara in April 2013, Colombia and Jamaica assumed the coordination of the working group on capacity-building and cooperation. The objective of the group defined in the Plan of Action is to create a proposal to intensify regional and international cooperation with regard to training and financing needs and operations, both for the public sector and for the public in general.

2. ACTIVITIES TO DATE

Since the establishment of the Working Group on capacity-building and cooperation **three meetings** have been organized. The first virtual meeting of the working group on capacity-

building and cooperation was held the 9th of August 2013 (30 participants), the second virtual meeting the 4th of October 2013 (33 participants) and the third meeting was held in-person in Lima, Peru on October 29, 2013 (65 participants). The minutes of these meetings and the list of participants can be found at: www.cepal.org/rio20/principio10.

As part of the Group's activities **two capacity workshops** on the implementation of Principle 10 were planned. The first "Regional workshop on the implementation of Rio Principle 10 in the Caribbean Region" was held in Port of Spain, Trinidad and Tobago, on September 16-17, 2013. The meeting attracted the participation of 40 people from Caribbean countries, civil society group and organizations and United Nations entities and other international organizations. The main outcomes of the Caribbean workshop were presented at the Second [virtual] meeting of the working group and are included in the minutes of the meeting (available at: www.cepal.org/rio20/principio10). At the workshop, the Delegate of Jamaica, one of the co-coordinators of the Working Group, and the delegate of Chile, from the Presiding Officer, presented the Declaration, the Plan of Action to 2014 and the objectives of the Group on Capacity-Building and Cooperation.

The second event "Regional Workshop on the Implementation of Rio Principle 10 and Application of the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America" was held on October 28-29, 2013 in Lima, Peru, prior to the Third Meeting of Focal Points appointed by the Governments of the Signatory countries of the Declaration on the application of Principle 10 in Latin America and the Caribbean. About 65 people participated in this meeting, including government officers and civil society from the region, United Nations public officers and other international organizations. The main conclusions and recommendations from both workshops are available at: www.cepal.org/rio20/principio10

Additionally, and in order to facilitate the coordination and the tasks of the working group a wiki has been created (using **Quickr**). This tool enables participants to share documents and contact information, generate discussion forums and visualize a calendar of activities.

At the first meeting of the working group, it was agreed that the coordinators would produce a proposal of the activities for 2014, for consideration to the signatory countries at the Third Meeting of the Focal Points designated by the Governments of the signatory countries of the Declaration (Lima, October 30-31, 2013). It was also agreed that this proposal would be available for the participants of the group and on the Declaration's webpage of the two weeks prior to the meeting. At the second meeting it was agreed that the Technical Secretariat will send the participants and upload to Quickr a form to send contributions to the proposal to be presented by the coordinators at the Third Meeting of the Focal Points. Contributions were received by October 11, 2013. A summary of all contributions is included in Annex 1. The priority lines of action for 2014 to be presented at the Third meeting of focal points designated by the signatory countries of the Declaration, were discussed and approved. (Point 4 of this report).

3. CHALLENGES IN CAPACITY-BUILDING AND COOPERATION IDENTIFIED BY THE WORKING GROUP

Based on the results of the workshops held in 2013, as well as the inputs received by the coordinators after the Second meeting of the working group, challenges for the full implementation of Principle 10 of the Rio Declaration include:

Despite substantial improvement in many national legal frameworks, particularly in areas of access to information and participation in environmental impact assessments, Principle 10 has not yet been fully embraced in many nations and there remains much to be done to ensure that these rights are truly empower the public and societies.

There is a need to highlight the importance of access rights both in public sector and in society in general, as well as to highlight the interdependence of the three different access rights and fostering a culture of openness in access to information, participation and justice in environmental matters.

Regarding access to environmental information, not all of the region's public sectors systematically disclose available information. There is also a lack of accurate, good-quality information on the state of the environment in the region. In addition, there are not enough environmental databases in the region to meet the growing demand from analysts, citizens and policymakers responsible for environmental and sustainable development issues. There is a need for more proactive dissemination of environmental information taking into account the need to reach all stakeholders through a diverse set of means.

Environmental statistics is an area where greater attention, investment and training are required. These serve as the basis for producing indicators, accounting and informing decision-makers on sustainable development matters. The problem is compounded by the fact that environmental information is scattered among various State agencies, making it difficult to access. At the Caribbean workshop it was observed that regular reporting of statistics on environmental matters is not the norm.

Even though there has been progress in incorporating the right of participation in environmental decision-making into national legislation, proper implementation continues to be a challenge. A particular challenge raised at the Caribbean workshop was the lack of assurance in the participation of vulnerable groups in the environmental decision-making process including intercultural approaches.

Other challenges included the need for timely response to the issues raised by the public, the need for improvement in effective participation as well as language constraints. As mention in the Caribbean workshop, there is a need to translate documents into relevant dialects or languages. Additionally, the language used in the Environmental Impact Assessments is often complex/technical and scientific this discourages public participation.

Challenges faced in the access to justice refers to issues such as the cost barriers of undertaking legal action, the lack of enabling legislation, the lack of public awareness of the existing ones, and the lack of specialized training of judges and attorneys in environmental matters.

Of particular interest in the region is the issue of how to prevent and handle socio-environmental conflicts.

4. PRIORITIES TO 2014 FOR THE WORKING GROUP ON CAPACITY-BUILDING AND COOPERATION

Based on the challenges identified and discussions raised at the three meetings held by the Group, the Working Group on Capacity-building and Cooperation recommends the following priority lines of action for consideration at the Third Meeting of Focal Points of the Principle 10 Declaration in Latin America and the Caribbean:

1. The group will focus during 2014 in identifying the best practices in the region with regard to access to information, participation and justice in environmental matters in order to contribute to the discussion on the specifics of the regional instrument and the regional standard. The group values the report “Access to information, participation and justice in environmental matters in Latin America and the Caribbean: Situation, outlook and examples of good practice” developed by ECLAC, and requests ECLAC to deepen the scope of the survey of the best practices in the region.

Both meetings highlighted the importance given by the countries to sharing experiences with other countries of the region in order to allow for the recognition and exchange of the best legal and institutional practices regarding Principle 10 and the advancement towards a regional instrument. Participants of the working group discussed the importance of defining what is meant by “best practice”, making special mention that it is not only the advances in the formulations of laws, but also the advances on how these laws are applied.

2. The group encourages signatory countries to develop national and regional capacity-building activities during 2014 to promote the implementation of Principle 10 and the Declaration. Understanding that, even though working in the various areas of access rights is a commitment of the signatory countries, it is necessary to concentrate special efforts in the advancement of the access to justice and capacity-building in this area.
3. The group encourages signatory countries to search ways to include supporting capacity-building in other organizations related to access rights and capacity-building and cooperation.. Additionally, as mentioned at the working group meetings, in order to take advantage of the training resources it is important to detect the multipliers from the different sectors.
4. The group encourages international organizations to support these efforts at the national level and to continue working together with ECLAC to promote regional capacity-building. In this context, the group values the joint capacity-building workshops organized by ECLAC, UNEP, UNITAR, WRI-TAI and other organizations such as SPDA and CALCA, the educational branch of the Caribbean court of Justice.
5. The group encourages signatory countries and the interested public to develop educational materials and timely reporting, and to make training resources available to the Technical

Secretariat in order for the Secretariat to create and maintain a periodically updated registry on the Web.

6. The group will review the results of the two regional training workshops held under the framework of the process and will propose two training priorities for each of the three pillars of Principle 10, which will be presented at the 4 meeting of the working group.
7. The group urges the signatory countries and interested public to link the Principle 10 with other on-going international processes for the post-2015 sustainable development agenda.

Working group on capacity building and cooperation

Established under the Plan of Action to 2014 of the Declaration on the Application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean

Inputs for the Group report to be presented at the III Meeting of Focal Points appointed by the Governments of the Signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean (Lima, October 30-31, 2013)

	Access to information on environmental matters	Access to participation on environmental matters	Access to justice on environmental matters
Challenges and country needs for the public and/or the government	<ol style="list-style-type: none"> 1. Increasing awareness and capacity-building of public officers and civil society on rights of access, their importance and benefits and improving coordination and synergies. 2. Identification of good practices in the application of laws. 3. Recognizing the right to information as a key issue for other rights. 4. Incorporation both in legislation and practice the principle of multiculturalism as far as language, socio-cultural, socio-economic, form and diversity of communication channels is concerned. 5. Proactive Generation and dissemination of environmental information with proper cultural focus of the targeted population. 6. Strengthening traditional channels of communication for those who have no internet access. 7. Generating periodical and themed national reports on the condition of the environment and comprehensive analysis of the resources and impacts on the environment and health, with a vision of the different conditions of a country. 8. Improving the quality of environmental information and generating information in order to fill in gaps in relevant matters. 9. More exchange of experiences developed in other countries 	<ol style="list-style-type: none"> 1. Increasing awareness and capacity-building of public officers and civil society on rights of access, their importance and benefits. 2. Identification of good practices in the application of the law. 3. Dissemination and socialization of strategies of public participation in the environmental sector and in sustainable development. 4. Promoting laws and instruments of social participation. 5. Strengthening the procedures for government accountability and consultations. 6. Sharing experiences among countries of the region that have signed the Principle 10 initiative. 7. Sharing experiences in subjects related to socio-environmental conflicts and vulnerable groups, 8. Generating and adjust the spaces for citizen participation. 	<ol style="list-style-type: none"> 1. Increasing awareness and capacity-building of public officers and civil society on rights of access, their importance and benefits. 2. Identification of good practices in the application of legislation regarding the rights of access 3. Development of environmental courts and/or specialized proceedings with trained officers 4. Incorporation of environmental responsibility instruments. 5. Dissemination of normative instruments (elaboration of didactic and explicative material on the proceedings of juridical actions in environmental matters, student seminars. 6. Removing barriers for judicial action 7. Carrying out a diagnosis of on the outlook of national environmental justice that covers the three powers: judicial, legislative and executive. 8. Analysis of the mechanisms of defense in environmental matters. 9. Training and updating in environmental justice for judges and magistrates. 10. Knowledge of the advances of the region in access to environmental justice. 11. Ecological education in judicial power (judges advocates and prosecutors).

	<p>10. Achieving a true cultural transformation of the public officers so that they ease the access to information out of their own conviction.</p> <p>11. Ecologic education for a better comprehension of the environment and sustainable development for public officers, press and civil society.</p>		
<p>Priorities for 2014 for the working group on capacity building and cooperation</p>	<ol style="list-style-type: none"> 1. Regional identification of good practices in the application of the right to access to information. 2. Developing a strategy of capacity-building and identification on synergies among countries and other initiatives and organizations. 3. Start an exchange of experiences of good practices in the region, especially regarding institutions that grant access to information (with their different powers and juridical nature). 4. Compiling good practices of the environmental information systems and reports of the state environmental elements. 5. Promoting trainings and regional workshops in subjects related to information (different modalities: virtual, in-person, conferences). 6. Finding funding for a programme of regional trainings 7. Education and training of public officers in order to grant populations their right to information. 8. Developing a methodology and of trainings in access to information specific for environmental matters. 9. Training in the design of national information systems, exchange of experiences 10. Capacity-building in ecologic education. 	<ol style="list-style-type: none"> 1. Identification of regional good and bad practices in the application of the right to access to participation. 2. Compilation of good practices regarding access to public participation not only at the normative and institutional level but also in the exercise (government and society) 3. Defining priorities and needs in capacity-building. 4. Special attention to matters of socio-environmental conflicts and vulnerable groups. 5. Establishing synergies with UN agencies such as UNITAR to build capacities in the public. 6. Sharing experiences of other countries regarding funding and incentives for good practices. 7. Trainings in negotiation and environmental conflict-solving. 	<ol style="list-style-type: none"> 1. Training <ol style="list-style-type: none"> a. Training to public officers b. Training to the general public on the mechanisms of environmental justice. c. Establishing/ Encouraging a capacity-building process to judges and operators at a regional level. d. Establishing synergies with UNITAR to strengthen the capacities of the public. e. Ecologic education in the judicial power (attorneys, judges and prosecutors). f. Training in the articulation of public policies and the legal frame in environmental matters. 2. Diagnostic and cooperation <ol style="list-style-type: none"> a. Knowledge of the advances in the region in access to environmental matters. b. Establishing unified guidelines to produce a diagnosis on environmental justice in Latin America and the Caribbean that allows establishing a binding instrument and a programme in accordance with the situation of each country. c. Start an exchange of experiences and good practices in the region, especially regarding the institutions that grant access to justice (with a focus on their different attributes and judicial nature). d. Elaboration of a database of jurisprudence in environmental matters that sets a precedent at the regional level for the decision-making in courts and authorities responsible of applying the environmental law. 3. Institutional Strengthening <ol style="list-style-type: none"> a. Priority attention for environmental denounces b. Legal frame update.

