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Working Group on access rights  
and the regional instrument

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**REPORT FROM THE WORKING GROUP ON ACCESS RIGHTS AND THE  
REGIONAL INSTRUMENT 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**

## **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 in 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, Brazil and Costa Rica assumed the coordination of the working group on rights of access and regional instrument. The objective of the group defined in the Plan of Action is to deepen knowledge on access rights with the outlook of proposing the nature and contents of a regional instrument.

## 2. ACTIVITIES TO DATE

Since the establishment of the Working Group **three virtual meetings** have been organized. The first virtual meeting of the working group on capacity-building and cooperation was held the 6<sup>th</sup> of August 2013 (35 participants), the second virtual meeting the 8<sup>th</sup> of October 2013 (39 participants), the third meeting (in person) was held in Lima, Peru, on October 29<sup>th</sup> 2013 (65 participants). The minutes of these meetings and the list of participants can be found at the webpage: [www.cepal.org/rio20/principio10](http://www.cepal.org/rio20/principio10).

In the first virtual meeting of this working group, held in August 2013, it was agreed to request ECLAC the hiring of an international consultant for the elaboration of a supporting document for the process. The report should describe the existing types of international instruments under public international law and their specificities in terms of their nature, capacity-building and compliance mechanisms and, at the same time, offer a brief overview of the international and regional legal frameworks which guarantee access rights. The draft of the report was presented and discussed in the second virtual meeting of the working group. The presentation and document are available at: [www.cepal.org/rio20/principio10](http://www.cepal.org/rio20/principio10).

In addition, it was agreed that the coordinators of the working group, with the support of the Presiding Officers of the Declaration and the Technical Secretariat, would elaborate a proposal of report for the consideration of the signatory countries in the Third Meeting of Focal Points on the common vision that should inspire the regional instrument. Moreover, it was agreed that this report would be available for commentaries two weeks before the Lima meeting and that it would be discussed in the third meeting of the working group on instruments which would be held prior to the third meeting of focal points.

In the third meeting of the working group, a revised version of the document on types of instruments under public international law was presented. This document was commented on and discussed. It is noted that the document is descriptive and non evaluative. During the meeting, the proposal for a common vision for the regional instrument for the consideration of the Third meeting of focal points of the signatory countries of the Declaration was discussed.

Additionally, and in order to facilitate the coordination and the tasks of the working group a wiki has been created using Quickr which enables participants to share documents and generate discussion forums between meetings.

### 1. PRIORITIES FOR 2014 AND PROPOSALS TO BE SUBMITTED FOR CONSIDERATION IN THE THIRD SESSION OF THE FOCAL POINTS

1. According to the Action Plan to 2014, during the rest of this year and the next, the Working Group will continue to discuss and develop proposals on the nature and content of a regional instrument, which will be presented to the Focal Points for their consideration and decision.
2. The Working Group proposes that at the Third Meeting of the Focal Points, the signatory countries adopt common vision which should inspire the instrument and which is contained in the Annex of this report. It is without prejudice that the abovementioned vision is to be enriched under the work performed until 2014 in the framework of the Action Plan. It is

stated that in the development of this proposal, particular consideration be given to the documents already adopted in this process as well as to global and regional forums on the subject. Also, note has been taken of those inputs that contribute to the content of the instrument and that they be considered in the future work of the group.

Group coordinators welcome the active participation of both focal points and other government representatives and members of the public, noting that their contributions have advanced the fulfillment the given mandate.

**ANNEX****PROPOSAL OF THE LIMA VISION FOR A REGIONAL INSTRUMENT  
ON ACCESS RIGHTS IN ENVIRONMENTAL MATTERS**

1. We recall that in the road map for the creation of an instrument on Principle 10 in Latin America and the Caribbean we decided to reach a common vision on the importance and benefits of Principle 10 access rights to information, participation and justice in environmental matters, the values and principles underpinning them and their implementation, taking into account the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and the Plan of Action for its implementation,
2. Our vision is that an instrument for Latin America and the Caribbean will contribute to ensuring effective and timely access to environmental information, participation in decisions that affect the environment and access justice in environmental matters for all. Accordingly, we, the Latin American and Caribbean signatory countries to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and its Plan of Action recognize:
3. That everyone has the right to a healthy environment, which is essential for the full development of human beings and the full realization of human rights;
4. That democracy contributes to the achievement of sustainable development, to poverty eradication, to equality, and to the preservation and stewardship of the environment for the benefit of present and future generations;
5. That exercising rights of access to information, participation and justice in environmental matters contributes to better protection of the environment and thus of human rights;
6. That, although considerable progress has been made in the region, we all face challenges in the full implementation of access rights, and that cooperation, capacity-building and political consensus-building through effective mechanisms are essential for addressing gaps in the implementation of Principle 10;
7. That the process of formulating an instrument on the implementation of Principle 10 of the Rio Declaration of 1992 is open to all the countries of Latin America and the Caribbean and should take into account other, existing regional processes;
8. That access rights are interrelated and interdependent, and so each should be promoted and implemented in an integrated and balanced manner;
9. That it is essential to promote participation by all sectors of society in furthering the issues that form the region's environmental agenda, as an important part of the process of building

and forming a collective awareness of the diverse natural and cultural heritage of our peoples, in order to promote social inclusiveness, enhance solidarity, eradicate poverty and inequality and restore the balance and the health and integrity of our planet;

10. That participation is essential to confer legitimacy on the process of formulating a regional instrument, especially one that is to regulate the rights to information, participation and access to justice envisaged in Principle 10. Furthermore, participation is key to broadening experience and knowledge of access rights;
11. That it is necessary to promote awareness and environmental education among government officials and the public, in order to contribute to the effective implementation of access rights to information, participation and justice in environmental matters, and provide people with the knowledge, skills and understanding they need to participate in environmental decision-making;
12. That, regardless of the measures that we, the signatory countries, agree upon in order to strengthen the full implementation of access rights, nothing shall preclude our ability to take additional measures to ensure even broader access to information, participation and justice in environmental matters.

### **Importance and benefits of access rights**

13. Recognizing that rights of access to information, participation and justice in environmental matters are essential to the promotion of sustainable development, democracy and a healthy environment, we appreciate:
14. That they represent an important contribution to the formulation and implementation of informed, transparent and appropriate measures for furthering the well-being of the population and contributing to accountability and the effective rule of law;
15. That they contribute to greater public awareness and allow the public to express its concerns regarding environmental problems and challenges and this, duly acknowledged by the authorities, leads to greater public involvement and support for the decisions taken;
16. That adequate access to these rights is essential for the governance of natural resources in the region and contributes to the promotion of dialogue between authorities and citizens in natural resource management;
17. That the adoption of a regional instrument will contribute to:
  - a. Facilitating concerted action and strategies that better address common challenges the region is facing.
  - b. Promoting and strengthening dialogue, cooperation, technical assistance, capacity-building and regional development in terms of access rights.

- c. Boosting the implementation of access rights at the national level, by stimulating cooperation mechanisms between countries in the region.
- d. Fostering stronger environmental governance in the countries of the region.
- e. Encouraging the development of a regional agenda on access rights that takes sustainability and equality as its conceptual basis.
- f. Improving the conditions of vulnerable populations in the region by facilitating and putting at their disposal mechanisms for access to information, participation and justice in environmental matters.

### **Values and principles**

- 18. Emphasizing the importance and benefits of access rights, we agree that the regional instrument will be inspired and guided by the following values and principles:
- 19. **Equality.** Everyone must be able to exercise their access rights without experiencing any form of discrimination based on social status, gender, age, nationality, race, religion or any other factor.
- 20. **Inclusion.** Special efforts must be made to involve various sectors and to provide equal opportunities for women and vulnerable groups.
- 21. **Transparency.** Transparency in environmental matters is fundamental for ensuring that interests and objectives are explicit and that all necessary information is reliable and provided in a timely manner.
- 22. **Proactivity.** Governments and the public shall take initiatives consistent with their respective roles, exercised in a responsible manner, to develop their full potential and enrich the decision-making process for sustainable development in an effective and timely manner.
- 23. **Collaboration.** Collaborative efforts between the various stakeholders are essential because they facilitate the achievement of common objectives, strengthen and improve the quality of dialogue, enable the exchange of experiences and knowledge, and promote prevention and dispute settlement.
- 24. **Progressive realization.** It is necessary to advance progressively towards full implementation of Principle 10 and to avoid taking any step backward, while recognizing the individual circumstances of each country with regard to access rights.
- 25. **Non-regression.** The instrument must build on the agreements already reached in the region and aim to strengthen national laws or international agreements on the full implementation of access rights, in keeping with the purpose of the Declaration.