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Working Group on capacity-building
 and cooperation

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**DRAFT 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**

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 make 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 **two virtual 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) and the second virtual meeting the 4th of October 2013 (33 participants). The minutes of these meetings and the list of participants can be found at the webpage: www.cepal.org/rio20/principio10.

As part of the Group 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 meeting, the Delegate of Jamaica, one of the co-coordinators of the Working Group, presented the Plan of Action to 2014 of the Declaration and the objectives of the Group.

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” will be held on October 28-29, 2013 in Lima, Peru, prior to the 3rd 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.

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, which will be submitted 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.

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

[This section will still receive inputs at the Third Meeting of the Working group to be held in Lima on October 29th due to the outcomes of the Latin America workshop to be held in Lima prior to this meeting as well as discussions at the meeting].

Based on the results of the Caribbean workshop held in September 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 citizens 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 sector systematically discloses 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 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 such as indigenous peoples 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 were 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 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 FOR CONSIDERATION AT THE THIRD MEETING OF FOCAL POINTS

[This section will still receive inputs at the Third Meeting of the Working group to be held in Lima on October 29 due to the outcomes of the Latin America workshop to be held in Lima prior to this meeting as well as discussions at the meeting).

Based on the challenges identified and discussions raised at the two meetings held by the Group, the Working Group on Capacity-building and Cooperation recommends the following priorities 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 knowledge 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 all 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 organizations related with the private sector such as the Global Reporting Initiative and the Global Compact, among others. 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 (civil society, academia, private sector, governments, etc).
4. The group encourages international organizations such as UNEP and UNITAR to support these efforts at the national level and to continue working together with the ECLAC to promote regional capacity-building. In this context, the group values the joint capacity-building workshops organized by ECLAC, UNEP and UNITAR.

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 register updated periodically on the Web.

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
Country challenges and 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 that the right to information is a fundamental for other rights. 4. Incorporation both in legislation and practice the principle of multiculturalism in languages, socio-cultural and socio-economic contexts, diverse formats of communication. 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 national reports, periodical and themed reports on the condition of the environment and comprehensive analysis of the resources and impacts on the environment and health, within a context of the different conditions of a country. 8. Improving the quality of environmental information and generating information in order to fill gaps in relevant matters. 9. More exchange of experiences 	<ol style="list-style-type: none"> 1. Increasing awareness and capacity-building of public officials and civil society on access rights and their importance and benefits. 2. Identification of best practices in the application of the law. 3. Dissemination and promotion of public participation strategies in the environmental sector and in sustainable development. 4. Promoting laws and instruments for 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 related to socio-environmental conflicts and vulnerable groups. 8. Generating and modifying space for citizen participation. 	<ol style="list-style-type: none"> 1. Increasing awareness and capacity-building of public officials and civil society on access rights and their importance and benefit. 2. Identification of best practices in the application of legislation regarding the access rights. 3. Development of environmental courts and/or specialized proceedings with trained officials. 4. Incorporation of environmental responsible instruments. 5. Dissemination of normative instruments (development of educational and explanatory material on the rules of procedure for judicial actions in environmental matters, student seminars). 6. Removing barriers for judicial action 7. Carrying out a diagnostic on the outlook of national environmental justice that covers the three powers: judicial, legislative and executive. 8. Analysis of the mechanisms for defense in environmental matters. 9. Training and briefing 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 (for judges advocates and prosecutors).

	<p>developed in other countries</p> <p>10. Achieving a true cultural transformation of the public officials so that they allow more easily access to information out of their own conviction.</p> <p>11. Ecologic education for a better understanding of the environment and sustainable development directed at public officials, the 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 best practices in the application of the access rights to information. 2. Developing a strategy for capacity-building and identification of synergies among countries and other initiatives and organizations. 3. Start an exchange of experiences on best practices of in the region, especially regarding institutions that grant access to information (with their different powers and juridical nature). 4. Compiling the best practices in environmental information systems and reporting of the state environment. 5. Promoting training and regional workshops in subjects related to information (different modalities: virtual, in-person, conferences). 6. Finding funding for a regional programme for training. 7. Education and training of public officials in order to grant people their right to information. 8. Developing a methodology for training 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 best practices regarding access to public participation not only at the normative and institutional level but also in the application (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 the public's capacity. 6. Sharing experiences from other countries regarding funding and incentives for best 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 for public officials b. Training for the general public on the mechanisms of environmental justice. c. Establishing/encouraging capacity-building for judges and judicial officials at a regional level. d. Establishing synergies with UNITAR to strengthen the capacities of the public. e. Ecologic education in the judicial power (for attorneys, judges and prosecutors). f. Training in the dissemination 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 diagnostic on environmental justice in Latin America and the Caribbean that permits the establishment of a binding instrument and a programme in accordance with the situation of each country. c. Start an exchange of experiences and best 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 standard 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 complaints b. Legal framework update.

