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**REPORT OF THE SECOND MEETING OF THE 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**

Guadalajara, Mexico, 16 and 17 April 2013

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## **A. ATTENDANCE AND ORGANIZATION OF WORK**

1. The second meeting of the 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 was held in Guadalajara, Mexico, on 16 and 17 April 2013.

2. The meeting was convened by the Economic Commission for Latin America and the Caribbean (ECLAC) in its capacity as technical secretariat for the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development<sup>1</sup> in conjunction with the Government of Mexico and the Government of the State of Jalisco as hosts.

### **Attendance<sup>2</sup>**

3. The meeting was attended by representatives of the following States signatories of the Declaration: Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Honduras, Jamaica (via remote connection), Mexico, Panama, Peru and Uruguay.

4. Argentina and El Salvador attended as observers.

5. Also attending were international and Latin American and Caribbean experts in matters relating to access to information, participation and environmental justice issues, as well as representatives of civil society.

6. The United Nations Secretariat was represented by a member of the Economic Commission for Europe in its capacity as secretariat of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) (via videoconference).

7. Also attending were representatives of the funds, programmes and agencies of the United Nations and other multilateral agencies.

8. The meeting was open-ended and webcast.

### **Organization of work**

9. Prior to the opening session, a meeting of the heads of delegation of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development was held to consider the agenda.

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<sup>1</sup> See A/CONF.216/13.

<sup>2</sup> See annex 2.

## B. SUMMARY OF PROCEEDINGS

10. At the meeting of the heads of delegation of the signatories of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development, the Presiding Officers designated at the first meeting of the focal points were ratified:

Chair: Chile

Vice-Chairs: Mexico and Dominican Republic

11. The heads of delegation agreed that Mexico would preside over the meeting in its capacity as host country, although it could at any time delegate that function to the Chair or to the other Vice-Chair.

12. The following agenda was adopted:

1. Adoption of the agenda.
2. Review of the current situation regarding national-level implementation of Principle 10 of the Rio Declaration on Environment and Development (1992).
3. New signatories to the Declaration.
4. Presentation of the draft plan of action to 2014 prepared by the Presiding Officers.
5. Open discussion.
6. Mechanism for following up on the plan of action, including the establishment of working groups.
7. Adoption of the plan of action to 2014.

13. The heads of delegation also agreed that, pending the definition of the rules for public participation in the meetings of the focal points, the floor for interventions would be given in the order requested. The Chair was tasked with ensuring that the meeting moved towards the agreed objectives.

### Opening session

14. At the opening session, statements were made by Magdalena Ruíz, Secretary of the Environment of the Government of the State of Jalisco, Mexico; Jorge Legorreta, Head of the Coordinating Unit on Social Participation and Transparency of the Secretariat of the Environment and Natural Resources of Mexico; José Luis Balmaceda, Director for the Environment and Maritime Affairs, Ministry of Foreign Affairs of Chile and Chair of the Presiding Officers; Olimpia Castillo, representative of The Access Initiative in Mexico; Joseluis Samaniego, Chief of the Sustainable Development and Human Settlements Division of ECLAC; and Dámaso Luna Corona, Deputy Director General of the Directorate for Global Affairs of the Ministry of Foreign Affairs of Mexico.

15. The Secretary of the Environment of the Government of the State of Jalisco said that it was a privilege to welcome the participants to the State of Jalisco, stressing that it was one of the states with the most ecosystem diversity worldwide. Jalisco had been an early advocate of environmental education and had been recognized in the region for its contributions to the follow-up of chapter 36 of Agenda 21 of the

United Nations Conference on Environment and Development (Earth Summit, 1992) for promoting education, public awareness and training. However, Jalisco faced major environmental policy challenges, among them degradation and deforestation, biodiversity loss and soil contamination, as well as challenges in the areas of environmental justice, citizen participation and inclusion in the community. The current administration saw environmental policy as a cross-cutting theme for achieving sustainable development. Access to information, public participation and justice in environmental matters, as tenets of Principle 10 of the Rio Declaration, were key to changing the status quo.

16. The Head of the Coordinating Unit on Social Participation and Transparency of the Secretariat of the Environment and Natural Resources of Mexico took the floor, noting that Principle 10 of the Rio Declaration had impacted the development of environmental policy and law at the national, regional and international levels. Thanks to the free exercise of access to information, public participation and access to justice in matters relating to the environment, environmental policies were more transparent and appropriate, as well as better grounded. He therefore thanked the Government of Chile and the region's civil society for driving that innovative process, which would have substantial medium- and long-term impacts if Latin America and the Caribbean capitalized on the progress made over the past few years. He added that sharing experiences would enable countries to strengthen the national governance platforms needed to address environmental challenges. In closing, he reaffirmed Mexico's commitment to introducing mechanisms for the practical application of Principle 10 of the Rio Declaration and its interest in contributing its national experiences and in learning from all of the countries represented at the meeting.

17. The Director of Environment and Maritime Affairs of the Ministry of Foreign Affairs of Chile and Chair of the Presiding Officers said that the purpose of the second meeting was to submit and adopt a plan of action to 2014. Doing so would enable the countries to move forward in their sustainable development strategies and help the authorities take more effective, lasting decisions. He recalled that the process was open to all the countries of Latin America and the Caribbean, without having to demonstrate progress on the legal front or on effectiveness, and that it was not a matter of imposing conditions. Since all of the countries had gaps to overcome, the process provided a real opportunity for close collaboration and mutual support. The countries were facing complex environmental challenges affecting their well-being and development and there was no ignoring the fact that many of the conflicts over environmental issues in the region were due to poor interaction between the parties involved. He concluded by saying that the meeting presented countries with a useful and promising forum for discussing concerns and sharing experiences and good practices that should further the work of the governments of the region and enhance public service integrity and transparency.

18. The representative of The Access Initiative in Mexico, part of a global network of organizations that advocates access to information, participation and justice in environmental matters, said that civil society had been working on the issues relating to Principle 10 for many years and that she was pleased to be participating in the second meeting with a view to consolidating region-wide progress on its implementation. Civil society organizations had had time to see the plan of action to 2014 that would be discussed at the meeting, work on it and make contributions. She added that civil society organizations had brought a document with proposals and that while the challenge was a long-range one, she hoped that within a few more years everyone at the meeting, who had already been working on the issue for quite some time, would have the great satisfaction of seeing that Latin America and the Caribbean had fully implemented Principle 10.

19. The Chief of the Sustainable Development and Human Settlements Division of ECLAC pointed out that it was not by chance that the second meeting of the signatories of the Declaration was being held in Mexico, which had been working hard on full implementation of Principle 10 of the Rio Declaration. The time had come to move towards a regional instrument for full implementation of Principle 10 in the region; around the world and in Latin America and the Caribbean, citizens were clearly and actively claiming their role in making the decisions that impacted their lives. In order for such participation to take place, citizens needed information and clear mechanisms that were known to all. In that regard, Principle 10 not only brought to light the right of citizens to participate in informed decision-making, but also highlighted the obligation of States to facilitate that participation. He underlined that the value of seeking a regional path towards the implementation of Principle 10 of the Rio Declaration had been recognized by all the countries of Latin America and the Caribbean in the framework of the first Summit of the Community of Latin American and Caribbean States (CELAC). He ended by reiterating the commitment of ECLAC, in its capacity as technical secretariat, to supporting the regional process.

20. Lastly, the Deputy Director General of the Directorate General for Global Issues of the Ministry of Foreign Affairs of Mexico took the floor and recalled the words of the representative of The Access Initiative in Mexico in regard to the spirit and objective that should be pursued at such meetings and throughout the entire process: full enjoyment of access rights and the effective participation of society. It was not by chance that the second meeting of focal points had been convened before the regional consultation on the post-2015 development agenda, because the signal to be sent was that during follow-up of all major conferences, such as Rio+20, civil society should work with governments in order to see as their own the commitments taken on and the tasks that governments intended to carry out. He concluded by noting that, more than eloquent words, what was needed was real results and the adoption, by the end of the meeting, of a plan of action to mark out a clear course for the signatory countries.

Review of the current situation regarding national-level implementation of Principle 10 of the Rio Declaration on Environment and Development (1992) (item 2 on the agenda)

21. The Chief of the Sustainable Development and Human Settlements Division of ECLAC gave an overview of the activities undertaken in the framework of implementation of the Declaration since the first meeting of focal points in November 2012. He emphasized the accession of new countries to the Declaration (Brazil, Trinidad and Tobago and Honduras), ECLAC support for initiatives for implementation of Principle 10 in the region and events for disseminating the region's progress on the Declaration: a side event at the 27th session of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme (UNEP) (Nairobi, 18-22 February 2013); a session on the Declaration at the Regional Conference on Freedom of Information in the Commonwealth Caribbean (Kingston, 20-21 March 2013) and meetings on the Declaration of Principle 10 at the Conference on Sustainable Development in Latin America and the Caribbean: Follow-up to the Development Agenda beyond 2015 and to Rio+20 and the Caribbean Forum: Shaping a Sustainable Development Agenda to Address the Caribbean Reality in the Twenty-first Century (Bogotá, March 2013). He added that ECLAC had created a website to report on the process ([www.cepal.org/rio20/principio10](http://www.cepal.org/rio20/principio10)).

22. He went on to present the document "Access to information, participation and justice in environmental matters in Latin America and the Caribbean: situation, outlook and examples of good practice". A review of the legal and institutional frameworks of the 33 countries of Latin America and the Caribbean and a questionnaire circulated among governments of the region and representatives of civil society had revealed a growing awareness in the region that access rights were essential for achieving environmental protection and sustainable development. In recent years the region had made great strides in the implementation of Principle 10 of the Rio Declaration and was in a position to agree on a regional

instrument that would consolidate the progress made. In view of the challenges that remained—in particular regarding the implementation of legal frameworks and the expansion of the right of access to information, participation and justice in environmental issues to sectors of society that have traditionally been on the sidelines of decision-making—a regional instrument would make it possible to exchange experiences and good practices so as to improve the performance of the region's governments in that area. An additional concern in the region was the growing number of socio-environmental conflicts related to the management and exploitation of natural resources; he noted in that regard that there was evidence suggesting that strengthening access rights could help to prevent and avoid conflict.

23. In the comments that followed the presentation, participants acknowledged the contribution that the document had made to effective implementation of the agreements adopted within the framework of the Declaration. The representatives of the signatory countries emphasized the political signal that the document sent by providing specific input to work on. The document furthered understanding of the range of experiences and challenges in the region. They recognized the progress made and the gaps that remained outstanding, and they agreed that working together would lead to further progress. The good practices identified in the document would be useful for current signatory countries and new ones alike. Reference was made to the need to strengthen the capacities of countries in order to ensure full implementation of access rights. They recommended that the document be enriched with national debates and the progressive involvement of more countries, and they emphasized that access rights were rights and not concessions made by States.

24. Experts invited to the meeting stressed that the document could encourage debate, not only region-wide but also at the subregional and national levels. They reiterated the challenges identified in the document regarding the effective implementation of the legal and institutional frameworks that safeguard access rights, and the need to ensure that those rights were within the reach of disadvantaged groups. It was proposed that the working group on capacity-building and cooperation, to be established under the plan of action, should work on proposals for reaching disadvantaged communities and that ECLAC studies should explore the factors behind good practices, as well as those that were not successful. Mention was also made of the need to go more deeply into the issue of access to justice, particularly in terms of costs and the available legal and alternative dispute resolution mechanisms. It was noted that few countries had made progress in Strategic Environmental Assessment and that it would be worthwhile to analyse the reasons that led some countries to adopt it, and how it had worked. Lastly, it was noted that progress towards full implementation of access rights was necessary in order to open dialogue with other key actors: legislative and judicial branches, municipal authorities, private actors and the media.

25. Participants agreed that the document should be revised on an ongoing basis so that the countries had up-to-date information throughout the process. They also agreed to submit their examples of good practices and comments on the document by the end of May 2013, so that ECLAC could publish the final version by July 2013, in time for the meetings of the working groups.

#### New accessions to the Declaration (item 3 on the agenda)

26. With regard to agenda item 3, the representative of Honduras stated that his Government wanted to actively participate in implementation of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and that the process could be a positive first step for the countries of the region to lay the foundation for a better life.<sup>3</sup> He

<sup>3</sup> Honduras signed the Declaration in early April 2013 by means of a letter addressed to the Ministry of Foreign Affairs of Chile as proponent of the initiative.

added that Honduras was doing the groundwork for implementing relevant initiatives and that legal frameworks, such as those guaranteeing transparency and access to information, would not be enough without mechanisms for implementing them. There was an ongoing debate in Honduras on democratizing the country's media and that if that proposal was adopted 33% of the media would be transferred to civil society organizations.

27. The representative of Colombia announced her country's accession to the Declaration, which was welcomed by the participants with a round of applause. Colombia had been participating in the process as an observer, but consultations at the national level and the country's response to the ECLAC questionnaire had revealed that several mechanisms to safeguard access rights were already in place and that the country was not only prepared but firmly committed to supporting Principle 10, which led to the decision to sign the Declaration. Her country wanted to continue to work on strengthening access rights, not only in Colombia but at the regional level as well, enhancing cooperation and better addressing the challenges identified in the ECLAC document.

Presentation of the proposed plan of action to 2014 prepared by the Presiding Officers (item 4 on the agenda)

28. The representative of the Dominican Republic, speaking in her capacity as Vice-Chair of the Presiding Officers, presented the proposed plan of action to 2014 drafted by the Presiding Officers, recalling that the process was open to all of the countries of Latin America and the Caribbean.

29. The representative of Chile highlighted the contribution of civil society experts to the proposed plan of action, particularly in connection with public participation in the process. In keeping with the spirit of advancing towards the full implementation of Principle 10, the proposed plan of action was also available on the Principle 10 web page to anyone interested in its contents. She noted that when reading the proposed plan of action it was important to bear the ultimate goal in mind: those who had signed the Declaration and the road map had done so as a step towards achieving the full implementation of access rights. She recalled the unique features of the process: openness to all the countries of Latin America and the Caribbean; participation of civil society and the public; and an approach based on law and cooperation between countries, without ignoring the specific considerations set out in the ECLAC document presented under item 2 on the agenda. She added that the draft plan of action could be improved and that they would have the opportunity to make changes at the forthcoming meetings. She stressed that having such a specific document was important for the process as it enabled the countries to channel their efforts, while also providing the flexibility needed for the work on access rights to be efficient and successful.

30. The expert from Ecuador submitted four comments for consideration by the participants. The first, referring to time frames, was that specific start and end dates for the plan of action should be established. He proposed that the start date should be 1 May 2013 and the end date should be 31 December 2014. Second, he pointed out that more information was required on the resources available for carrying out the plan of action. Third, he highlighted the need to clarify the objectives and scope of the meetings of the focal points and to decide who would participate. Lastly, he noted that it was essential to establish the relationship between the ECLAC document and the tasks that would be entrusted to the working group on capacity-building and cooperation.



31. The expert from Costa Rica emphasized the notion of “public” used in the proposed plan of action and the definition it gave of the different levels of public participation. She added that there was a need for specific action at various levels, including regional and national.

32. The expert from The Access Initiative in Latin America mentioned four specific points on which the involvement of the public could be boosted at both the national and the regional levels. First, national-level actions, while timely and relevant, were insufficient. She suggested that instead of saying that governments “shall make their best effort”, the plan of action should reflect the clear commitment of the governments to the issue. Second, she asked for it to be specifically stated that actions at the national level could be carried out jointly and in coordination with civil society organizations and other actors. Third, she suggested that, in addition to having a person chosen by the public participate in meetings of the Presiding Officers, a member of the public from the host country should be included. Fourth, she proposed that each working group should be coordinated by two persons: a representative of the government and a representative of the experts present at the meeting, who would fulfil that function until the end of 2014.

33. The delegate from Peru stated that his country intended to adopt the plan of action at the meeting, but since that plan would be circulated among other government bodies, it was necessary to adopt an effective and actionable document. In that regard he raised doubts about the inclusion of dates in the document. The delegates from Ecuador, Colombia and Uruguay agreed with the delegate from Peru. The delegate from Colombia suggested that the dates could be changed subject to consultation within the countries. The delegate from Mexico indicated that he agreed with the suggested dates, which he regarded as feasible, however, he stressed that Mexico would nonetheless support the consensus position.

34. The Chair acknowledged the delegates’ desire to move towards a concrete proposal and asked the participants to review the commitments suggested in paragraph 30 (paragraph 25 of the draft version) of the proposed plan of action in relation to government action for promoting the active involvement of the public at the national level.

35. The representative of Brazil said that his country had no objection to setting deadlines but stressed that what was important was the rationale behind the follow-up to the actions. He raised two key objectives: to bring in more countries to give legitimacy to the process; and to disseminate the plan of action among the main actors at the national level (other governmental bodies, legislative and judicial branches, civil society), while raising awareness region-wide.

36. The expert from the Dominican Republic said that the various positions were not irreconcilable. She suggested conducting consultations in order to define actions at the national level in accordance with the specificities of each country. She further proposed including in the plan of action a single civil society register.

37. The representative of Chile recalled that the time frame for the plan of action was included in the Declaration and that the mandate of the Declaration ran through December 2014. He noted that Chile was ready and offered to work on simplifying the plan of action.

38. The expert from the Center for International Environmental Law (CIEL) suggested establishing a time frame for the plan of action as a whole and defining the actions to be completed under paragraph 30 (paragraph 25 of the draft version), and recalled that it was a learning process. Each country would prioritize the activities that it considered most relevant. He also suggested that the functions of the Presiding Officers at their meetings should be spelled out, in order to be able to make changes and for the sake of flexibility, among other considerations.

39. The representative of Jamaica, who participated in the meeting via remote connection, said that the plan of action should take into account the situation of the small island States of the English-speaking Caribbean, especially in terms of capacity. She added that it would be useful to keep CARICOM informed regarding the process and its procedures and that more specific deadlines were needed for the completion of the activities. Capacity-building was important, not only for civil society, as set out in paragraph 30(iii) (paragraph 25 of the draft version), but also for the public sector. There was a need to reach agreement on definitions and a glossary of terms could be drawn up and added to the document.

40. At the close of the first morning's session, the Chair said that rushing to set overly-detailed rules of the game should be avoided because they could become an obstacle to the countries that were trying to join the process. He added, however, that he understood the need, raised by the public, not to have an open-ended commitment. Each section of the plan of action should define who was responsible, and he proposed that governments and the public should share responsibility for some actions.

#### Open discussion (item 5 on the agenda)

41. Before moving on to the review of the plan of action during the afternoon of the first day, the representative of Chile recalled that the process was aimed at addressing a right of citizenship that in many cases had been put off since 1992. While he agreed with the comments regarding the need for a gradual approach, that should not stand in the way of sending a clear signal that progress was being made. The signatory countries had indeed taken on a daunting challenge, and the participation of civil society was essential in order to move forward. He added that the region had reached a historic milestone.

42. Among the specific comments on the different sections of the plan of action, the expert from Jamaica, on behalf of the organizations of The Access Initiative in Latin America and in connection with the first task (promoting the Declaration and incorporating new signatories into the process), proposed establishing strategic partnerships with civil society organizations in order to disseminate the process and activities through the Internet. In relation to paragraph 18 (paragraph 13 of the draft version) on resources, she suggested identifying two or three key international forums for disseminating the process. With regard to paragraph 19 (paragraph 14 of the draft version) on expected outcomes, she proposed that each country should prepare a budget for carrying out the proposed workshops.

43. The expert from Panama, also on behalf of the organizations of The Access Initiative in Latin America, proposed adding, at the end of paragraph 23(ii), "in partnership with civil society organizations". She also suggested including a fourth action: identify mechanisms to guarantee the right of access to information, participation and justice in environmental matters, as well as best practices in the region, and provide for pilot projects. Regarding paragraph 24 (paragraph 19 of the first draft) concerning resources, she said that there was a need to better explain the process, especially how the ECLAC document on Principle 10 would be used.

44. The representative of Costa Rica noted that for the second task (strengthening and highlighting the progress made in the region on rights of access to information, participation and justice in environmental matters) it was important to include the exchange of experiences between governments and civil society and to catalogue such experiences so as to share and learn from them. She added that the issue of the resources available for completing the tasks needed to be very clear, as such ambitious actions called for clearly allocated funding.

45. The expert from Brazil, on behalf of the organizations of The Access Initiative in Latin America, proposed expanding the range of individuals and organizations to be included in the regional public mechanism mentioned under task three of the plan of action (actions to promote participation by the public at the national level). Among the actions to be taken (section C, paragraph 30 (paragraph 25 of the draft version)) in connection with capacity-building through workshops and educational materials, she suggested mentioning “through campaigns in social networks and mass media” and by undertaking strategic partnerships with other actors. She suggested that the focal points for each country should be responsible for that task, with technical support from ECLAC.

46. The expert from the Global Secretariat for The Access Initiative stated that the organizations of Latin America and the Caribbean proposed inserting, in paragraph 36 (paragraph 31 of the first draft) in relation to task four (progress towards the formulation of a regional instrument through working groups), that observer countries could also participate and that the working groups should be co-chaired by an expert from civil society.

47. The expert from the Center for International Environmental Law (CIEL), speaking on behalf of the organizations from Latin America and the Caribbean belonging to The Access Initiative, proposed clarifying the expected deliverable of the proposed working group on access rights and the regional instrument. He suggested that the group should be expected to deliver a proposal for a regional instrument based on the group’s work and taking into account the reports and outcomes from the working group on capacity-building and cooperation. He also stressed the importance of adopting a rights-based approach.

48. After receiving all of the comments on the tasks proposed under the plan of action, the Chair opened the floor for specific comments on the last two sections of the plan of action: coordination of the process and general provisions.

49. The expert from Argentina said that the organizations of The Access Initiative in Latin America proposed changing the title of section IV on the general provisions to “Modalities for public participation.” With regard to the definition of “public” in paragraph 52 (paragraph 47 of the draft version), their proposal was that public should be understood as any person, whether natural, juridical or “organized as a community”. With regard to posting official records of meetings on the ECLAC website, he proposed that they could also be posted on the websites of the focal points (ministries of foreign affairs and ministries of environment) of each country. In connection with the participation of a representative of the public in the meetings of the Presiding Officers to prepare for meetings of the signatory countries, he suggested that the representative should be chosen by virtual means, prior to the meeting. With regard to paragraph 58 (paragraph 53 of the first draft), which provides that the Presiding Officers may choose not to accept the proposals put forward by the representative of the public, he suggested adding that the reasons for such a decision should be explained.

50. The expert from the Global Secretariat for The Access Initiative in Latin America referred to the actions that had been taken to secure funding for the process and ensure the participation of the public. She highlighted the commitment of the civil society organizations working on related issues in the region to seeking funding for activities at both the regional and the national level, adding that most of the actions proposed in the plan of action required little in the way of funding and that what was needed above all was will and commitment.

51. A representative of the secretariat explained that the issue under discussion was part of the ECLAC programme of work and that the Commission was firmly committed to its role as technical secretariat and would support the third meeting of the focal points of the signatory countries as it had the

previous meetings. Note had been taken of the training requirements that had been expressed and ECLAC was available to work together with the countries and with other agencies of the United Nations system, such as the United Nations Environment Programme (UNEP), to mobilize resources and progress towards the implementation of the agreements reached in the framework of the process. While the technical secretariat could not guarantee resources for all activities, it was committed to providing assistance and support for the mobilization of resources.

52. The representative of UNEP recalled that supporting countries in the implementation of Principle 10 had been a priority on the Organization's agenda since 1992. She highlighted the adoption, at the twenty-fifth session of the Governing Council/Global Ministerial Environment Forum of UNEP in 2010, of the guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters (the Bali Guidelines). UNEP strongly supported the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development and reiterated its commitment to continuing to be a partner in the initiative and contributing to its success by leveraging the knowledge and convening power of UNEP and by putting the capacities of the institution at its disposal. She added that UNEP and the United Nations Institute for Training and Research (UNITAR) were implementing a project to strengthen the capacity of governments, civil society and other actors to implement the Bali Guidelines and that regional workshops in the framework of the project were being planned. One such workshop was expected to be held in Latin America and the Caribbean in late 2013 and UNEP was very interested in coordinating with ECLAC so as to contribute both technical and financial support to the activities planned within the framework of the Declaration.

53. The Chair asked the technical secretariat to coordinate with UNEP on the organization of that workshop as an initial activity for moving towards a more coordinated and collaborative effort to support the implementation of the plan of action.

54. The representative of the Organization of American States (OAS) took the floor to say that OAS had played a key role in developing inter-American instruments for promoting the right to access and that it was working hand-in-hand with the countries of Central America to strengthen mechanisms for public participation. She added that the OAS was available to support the countries in those efforts, upon request.

55. The Chair requested that the report include the request made by those attending the meeting—governments, experts and observers—that the agencies should communicate with each other and pool their efforts and resources to ensure that the processes were complementary and to avoid duplicating efforts.

56. The representative of Chile supported the motion for greater coordination and integration among the agencies of the United Nations and other international agencies in promoting access rights in the region, stressing the need for efficient use of the limited resources available. He highlighted the importance of greater coordination between governments and civil society to secure funding, noting that the Government of Chile had supported the initiatives launched by civil society organizations in Chile.

57. The expert from Mexico emphasized that all civil society participants were committed to preparing supporting materials for promoting access rights, training at the international and national levels, dissemination and the search for funding. He suggested that it would be beneficial to map the actions undertaken by stakeholders—governments, agencies and civil society—to have a clear idea of what had already been done and what remained outstanding in order to reallocate resources.

58. The Chair proposed that the agenda for the next meeting of the focal points should include an item referring to the means of implementation, with a map of relevant initiatives and opportunities for approaching them. He reiterated the need for ECLAC to contact UNEP to start working together in that connection, perhaps beginning with the aforementioned workshop in late 2013. The group wanted to send UNEP a signal that it had a mandate to enhance its commitment and provide more support in the process. He asked ECLAC to further strengthen the synergies with OAS so that resources could be used more efficiently.

59. In order to move forward in reviewing the comments and including them in the plan of action, at the Chair's suggestion, the delegates agreed to establish an open contact group to be coordinated by Chile. The delegates also agreed to invite delegates from observer countries and two experts from the public to participate in the group. The group would start work after the session, and its objective would be to submit a new version of the plan of action the following day for adoption in the conference room.

60. During the contact group meeting it was agreed that the report of the meeting should stress that the plan of action should be adopted by consensus *ad referendum*. If any signatory country did not agree on a given point or did not want to be part of the consensus, it could inform the secretariat of that decision via a note verbale before 30 May 2013. It was added that, as an ongoing process, successive meetings would build on the outcomes of previous sessions and that fine-tuning could always be carried out.

61. On 30 May 2013, the Ministry of Foreign Affairs of the Eastern Republic of Uruguay conveyed comments on the plan of action to the technical secretariat, through its Environment Directorate of the General Directorate of Political Affairs. In those comments, Uruguay restated its commitment to the implementation to Principle 10 of the Rio Declaration of 1992 and made a number of points regarding form and nuances of drafting, which coincided in substance with the spirit of the text. With regard to the proposed actions, Uruguay reiterated its concern over the availability of the necessary resources and proposed, therefore, that ECLAC should consider lending support for these activities and that the situation in each country in this connection should be considered. With regard to paragraph 40, Uruguay recommended that the register of resources and capacities should include not only national resources but also those available at the level of international organizations, international networks, contact networks and even ECLAC. In relation to financing for the working groups, Uruguay highlighted the need to specify how the general strategy for financing the plan would be applied. Lastly, Uruguay emphasized the importance that work carried out in relation to the Principle 10 initiative take regional realities closely into account, both in the conduct of the process and in the formulation of the final instrument. Emphasis was also afforded to the need to be able to draw upon the legal capabilities of ECLAC as an essential support for the process, in particular with a view to the negotiation of a regional instrument.

Mechanism for following up on the plan of action, including the establishment of working groups (item 6 on the agenda)

62. The second day of activities began with two presentations on the themes that would have to be addressed by the working groups established in the framework of the plan of action. First, the expert from the Center for International Environmental Law (CIEL) referred to the challenges that the working group on access rights and the regional instrument would address. He focused his presentation on an analysis of the various options for the regional instrument. While the declaration did not define the kind of instrument that should be adopted or the form it should take, it did mention several options, such as guidelines, directives or standards, workshops or a legally binding instrument. He stressed that the choice of instrument would, among other things, reflect how ambitious the process was, because certain instruments required greater commitment and therefore had more impact. He added that certain

instruments encompassed others and that choosing between instruments was not an either/or decision because certain instruments entailed a number of different implementation modalities. An international legally binding instrument could channel assistance and development cooperation to strengthen institutional capacities and provide structural mechanisms for cooperation, both North-South and South-South. He added that, regardless of the instrument, the process and the tasks included in the plan of action already reflected a learning and capacity-building effort.

63. The Environmental Affairs Officer of the Aarhus Convention Secretariat (via telephone conference) spoke on the working groups and capacity-building in the framework of the Aarhus Convention. She noted that the Convention had a working group made up of three task forces, with each one assigned to one of the pillars of the Convention: access to information, participation and justice. She added that in the past the Convention had had other working groups with specific mandates and that they provided a forum for exchanging national experiences, both positive and negative, and represented an opportunity for the participants to benefit from the input of experts, which generated innovation and new ideas. They also made it possible to conduct research to support progress at the national and regional levels, identify high-priority issues and build synergies with other regional processes. In the framework of the Convention there was a once-yearly capacity-building coordination meeting involving all the key partner organizations that was an important tool for identifying priorities, building synergies and preventing duplication of efforts. She highlighted the role of civil society in the process, bringing national experience into the teams and working groups, disseminating best practices learned through networks at the national level and identifying key challenges to implementation and, therefore, priorities for action. Throughout the region, governments and civil society were continuing to forge relationships at the national level and the active participation of civil society helped to ensure that expectations were realistic and helped to boost acceptance of government actions at the national level.

64. In subsequent interventions, the expert from Mexico said that he agreed with the point made by the Environmental Affairs Officer of the Aarhus Convention Secretariat, in the sense that the broader the participation of civil society and experts in the meetings of the signatory countries, the richer the discussions and mutual understanding. He emphasized that such participation would also enable the public to understand the real scope and limitations of government action as well as the exchange of experiences.

65. The expert from Argentina said that the region was starting from a different baseline from Europe when the Aarhus Convention was being discussed, since, as the work done by ECLAC had shown, all of the European countries had, to a greater or lesser extent, very well-developed institutions when it came to access rights, including constitutional recognition in a number of countries. Addressing growing socio-environmental conflicts was a challenge that the region had yet to meet and, in that regard, a regional instrument on public participation would yield tools for addressing conflicts between countries.

66. The expert from the Dominican Republic noted the need to involve the legislatures of the countries and to monitor the allocation of the resources needed for implementation.

67. The expert from Colombia recognized the importance of international agreements and stressed the potential for Latin America and the Caribbean to move towards a binding agreement. She agreed with those who had noted that the region was not starting from scratch.

68. The expert from the Caribbean Court of Justice pointed out that the outcome of the meeting should reflect, to the extent possible, the concerns and interests of both the countries of Latin America and the countries of the Caribbean. He added that there was a high level of activity in the Caribbean in connection with implementation of Principle 10, and that there was an opportunity to learn from each

subregion despite differences in their legal systems. In relation to the presentations, he highlighted the fact that the different instrument options were not mutually exclusive, but rather mutually reinforcing. One of the advantages of a legally binding instrument would be that it would provide a common standard for the Caribbean and Latin America alike. Finally, he expressed the hope that following the meeting more Caribbean countries would join the process and said that the Caribbean Court of Justice would certainly promote that initiative.

69. In subsequent interventions, civil society experts indicated they were in favour of moving towards a legally binding regional instrument as it would contribute to greater environmental protection and give the region a seal of transparency.

70. The representative of Brazil stressed that it was very important to explore all options and that any instrument should build on what the countries already had, adding value to what was already there. He stressed that the countries could achieve more by working together than by working separately.

71. The representative of Chile noted that they had a very productive meeting that encouraged them to continue working. He stressed the importance of informing all branches of government and key actors—such as the business sector, academia and workers— of the initiative, which called for a smarter, more creative dissemination strategy. The meeting had set a precedent by fostering an effort grounded in absolute equality between countries and civil society, which showed maturity and accountability that should be capitalized on and carried over into future negotiations.

72. At the close of the meeting on the working groups, the delegations agreed that the working group on capacity-building and cooperation would be led by Colombia and Jamaica, and that the working group on access rights and the regional instrument would be led by Brazil and Costa Rica.

#### Adoption of the plan of action to 2014 (item 7 on the agenda)

73. The representative of Chile explained the methodology used for reviewing the draft plan of action submitted by the Presiding Officers, stressing that delegates for the signatory countries, observers and the two civil society experts invited to join the contact group had participated in the discussions. The outcome was an excellent consensus document. She recalled that the goal was to send a clear political signal that work was moving forward effectively. She added that countries needed a specific plan of action that addressed the circumstances of individual nations, which would be useful for societies and the region as a whole.

74. The delegations from the signatory countries then adopted by acclamation 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 and its road map.<sup>4</sup>

75. At the close of the session, the signatory countries agreed to hold the third meeting of focal points in November 2013.

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<sup>4</sup> See annex 1.

### Closing ceremony

76. Participating in the closing ceremony were Alicia Bárcena, Executive Secretary of ECLAC, Juan Manuel Gómez Robledo, Undersecretary for Multilateral Affairs and Human Rights of the Ministry of Foreign Affairs of Mexico, and Salvador Rizo Castelo, Secretary of Development and Social Integration of the Government of the State of Jalisco.

77. The Executive Secretary of ECLAC thanked the federal authorities and the authorities of the State of Jalisco for their collaboration, hospitality and commitment. In the face of present and future challenges, the citizens of the region were claiming their role in making decisions that concerned them and calling for a new power relationship to ensure the active participation of all. The governments of the region and the world had acknowledged that fact and had, at Rio+20, resoundingly reaffirmed that democracy, good governance and the rule of law were essential for sustainable development. The challenge lay in designing a regional instrument open to all the countries of Latin America and the Caribbean and with the meaningful participation of all concerned citizens. Along the way, ECLAC would continue to perform, with humility and determination, the tasks entrusted to it, encouraged by the unflinching commitment shown by the focal points on behalf of their nations.

78. The Secretary of Development and Social Integration of the Government of the State of Jalisco said that it had been a privilege to host such an important event in the development of the communities of the region. He recalled that the president of Mexico had established a new foreign affairs policy with three basic guiding principles: raise Mexico's international profile; enhance international cooperation; and promote Mexico's worldview. That vision could be seen in the support given by the State of Jalisco to the second meeting of the focal points of the signatories of the Declaration. He stressed that the plan of action adopted at the meeting not only identified common challenges and committed the signatory countries to an international agenda, but also strengthened regional ties for moving forward in the search for greater prosperity, equity and a better future for all the countries of the region.

79. The Undersecretary for Multilateral Affairs and Human Rights of the Ministry of Foreign Affairs of Mexico thanked the government of the State of Jalisco for its hospitality and recalled that the state and federal authorities had been promoting an international policy since the early 1990s. He pointed out that the meeting would be remembered for two key outcomes. First, for adoption of the plan of action, which would be a tool for promoting and encouraging the implementation of the Declaration and, he added, for moving towards the negotiation of a regional instrument. Second, for adoption of mechanisms for public participation in the process. He recalled that Principle 10 of the Rio Declaration had led to significant progress in the area of environmental law, at both the national and the international level, stressing that greater access to information, participation and justice made for more transparent and appropriate environmental policies and spurred greater public support, and that without such support there would be no clear policy goals. For that reason, on behalf of the Federal Government of Mexico, he expressed his gratitude and appreciation for the initiative and for the enthusiasm of all the participants in the meeting. The Government of Mexico was deeply committed to the implementation of Principle 10 of the Rio Declaration and the exchange of experiences and cooperation, as could be seen, as well, in the process of regional consultation with civil society on the post-2015 development agenda that had begun that very afternoon. It was clear that, in the framework of the United Nations and multilateral forums, there was no possibility of reaching a consensus without the participation and support of civil society.



## Annex 1

**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 AND ITS ROAD MAP \***

Guadalajara, Mexico, 17 April 2013

### I. INTRODUCTION

1. The importance of access to information, participation and justice in environmental matters was confirmed at the United Nations Conference on Environment and Development (Rio de Janeiro, 1992).<sup>1</sup> On that occasion, 178 governments agreed that:
 

“Environmental issues are best handled with the 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” (Principle 10 of the Rio Declaration on Environment and Development, 1992).
2. Twenty years after the adoption of principle 10 of the Rio Declaration, rights of access to information have been reaffirmed and broadened under diverse international and regional initiatives.<sup>2</sup> At the hemispheric level, these include, in particular, the Inter-American Strategy for

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\* See Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development (A/CONF.216/13), July 2012; and Report of the first meeting of the 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 (LC/L.3565), January 2013.

<sup>1</sup> The free exercise of the rights enshrined in Principle 10 leads to more transparent, appropriate and better grounded environmental policies. These are the rights to receive information and participate in decision-making and the right to legal redress, which were recognized in the Universal Declaration of Human Rights (arts. 7, 8, 19, 20 and 21) and more extensively developed in the Covenant on Civil and Political Rights and in the American Convention on Human Rights.

<sup>2</sup> One important instrument in this respect is the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which establishes, among others, the right to meet or assemble peacefully and the right to promote and protect human rights; the right to seek and obtain information about human rights, to publish information on these rights and to draw public attention to their observance or not in practice; the right to have effective access to participation in government affairs; and the right to remedy in the event of the violation of human rights, among others through the prompt review of complaints by independent and competent judicial or other authority and the obtaining of redress. These rights apply to those seeking to exercise human right to protect the environment just as they apply to those seeking to protect the full enjoyment of any other human rights.

the Promotion of Public Participation in Decision-Making for Sustainable Development and the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters of the United Nations Environment Programme (UNEP), adopted in 2010. The purpose of these guidelines is to provide States which have so requested, mainly developing countries, with general orientations on promoting effective compliance with the commitments undertaken in relation to Principle 10 of the Rio Declaration of 1992, in the framework of their national legislation and processes. We also draw attention to the experience of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention, 1998), the only legal binding regional document in existence to date.

3. In the outcome document of the United Nations Conference on Sustainable Development, “The future we want”, adopted by the General Assembly on 27 July 2012, the Heads of State and Government and high-level representatives acknowledged, among the various provisions related to Principle 10 of the Rio Declaration on Environment and Development, that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. They also underscored that broad public participation and access to information and judicial and administrative proceedings are essential to the promotion of sustainable development, including proposals to reform the institutional framework for sustainable development with a view to increasing civil society participation.
4. Further, they encouraged action at the regional, national, subnational and local levels to promote access to information, public participation and access to justice in environmental matters, as appropriate.
5. In the framework of that Conference, the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development was signed. To date, the signatories to the Declaration are Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago, and Uruguay.
6. In the Declaration, the signatory Governments stated that:

“Commitments must be made to ensure the full exercise of rights of access to information, participation and justice regarding environmental issues as enshrined in Principle 10 of the Rio Declaration of 1992. To this end, we declare our willingness to launch a process to explore the feasibility of adopting a regional instrument, ranging from guidelines, workshops and best practices to a regional convention open to all countries in the region and with the meaningful participation of all concerned citizens. Latin America and the Caribbean can and must take a meaningful step forward on this front. The above-mentioned Governments therefore commit to drafting and implementing a plan of action for 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. As input for that plan, our Governments hereby request ECLAC to conduct a study of the situation, best practices and requirements concerning access to information, participation and justice regarding environmental issues in Latin America and the Caribbean.”

7. Pursuant to resolution 648(XXXIII) “Draft programme of work of the ECLAC system, 2012-2013”,<sup>3</sup> ECLAC incorporated into its programme of work issues relating to Principle 10 of the Rio Declaration, and gave the secretariat and subprogramme 8 (sustainable development and human settlements) a mandate to carry out specific activities aimed at supporting the countries in their efforts to implement the Rio Declaration on Environment and Development, in particular, as regards access to information and participation in environmental affairs.
8. At the first meeting of the focal points appointed by the Governments of the signatory countries,<sup>4</sup> the countries adopted a road map aimed at beginning a process of strengthening dialogue and regional cooperation and developing a regional instrument on rights of access to information, participation and justice in environmental matters, whose main principles and objectives would be:
- (i) To reach a common vision on the importance and benefits of Principle 10 access rights and the values and principles underpinning them and their implementation, such as transparency, equality, inclusion, proactivity, collaboration, prevention and progressiveness;
  - (ii) To recognize the particular conditions in each signatory country in the review of legal, political, diagnostic and practical initiatives;
  - (iii) To promote the exchange and intensification of regional and international cooperation, considering the progress, tools, experiences and practices seen in this regard since Principle 10 was enshrined in the Rio Declaration on Environment and Development, such as the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters; the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines); the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development; and the Open Government Partnership, among others;
  - (iv) To promote the conduct of activities for both civil society and the public sector, including education, training, information and awareness-raising, with a view to contributing to the effective application of rights of access to information, participation and justice in environmental matters and providing people with the knowledge, capacities and understanding to enable them to participate in full implementation of these rights, and
  - (v) To organize and launch an inclusive process that allows all the sectors involved to make a meaningful contribution, for which specific and broad mechanisms will be established to promote and channel due participation.
9. In the road map, the signatory countries also reaffirmed the importance of civil society’s participation in and contributions to this process. The principles underlying this affirmation are:
- (i) Public participation is essential for any initiative aimed at sustainable development. It is broadly recognized that systematic involvement of the citizenry strengthens decision-making forums because it provides the means by which other interests and perspectives may be represented in the process and therefore considered by governments and incorporated in the decisions in question;

<sup>3</sup> Draft programme of work of the ECLAC system, 2012-2013 (LC/G.2434(SES.33/5)/Rev.1).

<sup>4</sup> The first meeting of the 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 was held on 6 and 7 November 2012 at the ECLAC headquarters in Santiago.

- (ii) Access to information is crucial in terms of Principle 10: transparency is enhanced by involving the public through access to documents and meetings and by using the capacities of participating organizations to inform others. Without access to information, there is no transparency, which means that discussions would be held and decisions would be taken on Principle 10 without the knowledge of the public;
  - (iii) Participation is essential to confer legitimacy on the process of formulating a regional instrument, all the more so one which governs the rights to information, participation and access to justice envisaged in Principle 10. In a democratic system, the public space is where citizens, individually or collectively, have the opportunity to be part of the decision-making forums that interest them. Any multilateral process is a public space and must therefore provide the channels and means for participation;
  - (iv) Participation is crucial to attract experience and knowledge on the subject in question. There are various civil society organizations which have a broad trajectory on Principle 10. They can furnish relevant information on the practices existing in this area at the national level and the main challenges needing to be tackled.
10. The countries also reiterated that this process was open to all the countries of Latin America and the Caribbean. They agreed that, in order to implement the road map, a plan of action would be drafted and would be presented by the panel elected by the signatory countries, supported by ECLAC as technical secretariat. Should the panel so request, the advice of recognized experts in the field would be sought in relation to the plan. This plan would be submitted for adoption during the first four months of 2013 and would include:
- (i) A schedule of meetings for the focal points, who will meet at least once per year, although other meetings may be held and subgroups created as deemed necessary in order to meet the general objectives agreed upon herein;
  - (ii) Consideration of the proposals and recommendations arising from national consultation processes, including those conducted by United Nations agencies, in the light of agreements adopted at Rio+20, with a view to contributing to development goals beyond 2015;
  - (iii) The preparation of a report on the current situation in terms of Principle 10 access rights in the signatory countries and identification of their requirements for technical assistance and capacity-building in this regard, on the basis of information provided by the countries and in consultation with them, as well as the contributions of civil society organizations;
  - (iv) The preparation of a report compiling practices regarding national and international access rights under Principle 10, including a review of means and experiences of citizen participation of civil society;
  - (v) A consultation process, coordinated by the Presiding Officers, the modalities of which will be agreed by the signatory countries, with a view to defining the nature and content of the regional instrument.
11. On the basis of the objectives, principles and actions proposed in the road map, and in conformity with the Santiago Declaration adopted at the First Summit of the Community of Latin American and Caribbean States (CELAC), held on 27 and 28 January 2013,<sup>5</sup> this plan of action sets forth the tasks to be carried out up to 2014 to make progress towards the implementation of the Declaration.

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<sup>5</sup> [We] appreciate initiatives for regional implementation of the 10th Principle of the 1992 Rio Declaration, regarding the rights of access to information, participation and environmental justice, as a significant contribution to the participation of organized community committed to Sustainable Development (Santiago Declaration, par. 60).

## II. GENERAL PROVISIONS

12. Consistently with this initiative and recognizing the need for and importance of strengthening access rights in a broad manner, the process will be open to all the countries of Latin America and the Caribbean.
13. The process will be flexible with regard to groups, subgroups, deadlines and other aspects, as the signatory countries deem appropriate and in keeping with the objectives and principles underlying this initiative.
14. The governments of the signatory countries commit to implementing the plan of action with the support of ECLAC as technical secretariat and with the active contribution of the public.
15. The plan of action will be reviewed at each meeting of the focal points, who will meet at least once a year, with a view to improving the goals set for the process.

## III. TASKS

### A. PROMOTING THE DECLARATION AND INCORPORATING NEW SIGNATORIES INTO THE PROCESS

16. **Objective:** Disseminate the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and information on the corresponding process at the regional and international levels and promote the incorporation of new signatories. This is a priority task which will help to bring the greatest number of countries possible into the initiative.
17. **Actions to be taken:**
  - (i) Identify possible opportunities for promotion;
  - (ii) Initiate contact with non-signatory countries in the region through meetings, workshops, seminars and other events;
  - (iii) Send all official outcomes of the process (including meeting reports) to all countries in the region (signatories and non-signatories);
  - (iv) Respond to requests for up-to-date information on the process by members of the public who so request and who wish to contact their government in this connection;
  - (v) Raise awareness of the process and the activities being carried out through the Internet and in substantive cooperation with the public.
18. **Resources:** ECLAC will be responsible for disseminating the process via the Internet and for sending documents and official material to all of the countries in the region, as well as responding to requests for information. No additional resources are available for the dissemination of the Declaration in international forums and both the signatories and ECLAC will be entrusted with seeking synergies with other initiatives to achieve this end.
19. **Expected outcomes:** List of promotion opportunities and regular updates to the website on the process by ECLAC ([www.cepal.org/rio20/principio10/](http://www.cepal.org/rio20/principio10/)).

20. **Responsible parties:** The Presiding Officers and ECLAC.
21. **Time frame:** The process will be promoted throughout the duration of the plan of action. The list of promotion opportunities in 2013 will be available in the first four months of 2013. For those in 2014: last four months of 2013.

## **B. STRENGTHENING AND HIGHLIGHTING THE PROGRESS MADE IN THE REGION ON RIGHTS OF ACCESS TO INFORMATION, PARTICIPATION AND JUSTICE**

22. **Objective:** Raise awareness of the progress made and the challenges pending in terms of access to information, participation and justice in environmental matters in the region, with a view to contributing to the discussion on a regional instrument and demonstrating the commitment of the signatory countries.
23. **Actions to be taken:**
- (i) Draft a report on the latest progress made with regard to access to information, participation and justice in environmental matters in the region, using information gathered through a questionnaire sent to the governments of all of the region's countries, as well as selected civil society experts, and made available to all interested parties on the website on the process;
  - (ii) Disseminate information and hold training workshops on specific issues that are relevant to the region or replicable good practices, in substantive collaboration with the public;
  - (iii) Compile materials on the subject prepared by international organizations and civil society, such as guides and videos, and disseminate these materials via the Internet;
  - (iv) Promote the exchange of experiences among the countries of the region, with a view to recruiting new signatories;
  - (v) Identify and exchange national experiences, progress and processes regarding the implementation of access rights.
24. **Resources:** ECLAC will draft the report on the latest progress made with regard to access to information, participation and justice in environmental matters in the region and will disseminate via the Internet the materials on the subject prepared by international organizations and civil society. The organization of workshops will be subject to the availability of resources.
25. **Expected outcomes:**
- (i) Questionnaire on the latest progress made with regard to access to information, participation and justice in environmental matters in the region to be sent to the governments of all of the countries and selected civil society experts, and made available to all interested parties on the Internet;
  - (ii) Regular updating of the report entitled "Access to information, participation and justice in environmental matters in Latin America and the Caribbean: Situation, outlook and examples of good practice", prepared by ECLAC, containing a review of the legislation in force, country practices and information gathered through the questionnaire;
  - (iii) List of sources of information on the topic provided on the ECLAC website;

- (iv) Provision of an opportunity at each meeting of the focal points for signatory countries to report on the actions taken regarding this task;
  - (v) List of proposals for workshops in 2013.
26. **Responsible parties:** The signatory countries will report on action taken at the national level; the proposal on possible workshops will be prepared by the Presiding Officers and ECLAC; and the report on the current situation in the region will be drafted by ECLAC for the consideration of the countries.
27. **Time frame:** For the proposal on possible workshops and the regional report, the first half of 2013.

### **C. ACTIONS TO PROMOTE PARTICIPATION BY THE PUBLIC AT THE NATIONAL LEVEL**

28. **Objective:** Promote public participation at the national level in the signatory countries through concrete, broad mechanisms that promote and channel due involvement in the regional process, in fulfilment of the agreements adopted in both the Declaration and the road map.
29. A number of modalities of participation may be considered for achieving this objective, taking into account each signatory country's particular circumstances and the standards it has in place and the practices it employs. In this regard, the signatory countries may provide mutual support.
30. **Actions to be taken:** The governments may carry out actions such as the following, while seeking broad public participation:
- (i) Carry out dissemination activities for informing and involving the public interested in this regional process;
  - (ii) Make the public aware of the official website, which will be coordinated and maintained by ECLAC;
  - (iii) Strengthen the capacities of the public and of public sector officials with regard to access rights and their importance for sustainable development;
  - (iv) Conduct virtual and other types of consultations with the stakeholders around meetings of the focal points and the working groups, making the respective documentation available in a timely manner;
  - (v) To the extent of its capacities, support activities organized by the public.
31. **Resources:** To be determined by each country.
32. **Expected outcomes:** Achieve greater participation and strengthen capacities through actions at the national level and share these experiences at each meeting of the focal points.
33. **Responsible parties:** The governments of each country with technical support from ECLAC.
34. **Time frame:** Action to be initiated no later than June 2013.

**D. ESTABLISHMENT OF WORKING GROUPS FOR ADVANCING TOWARDS  
THE FORMULATION OF A REGIONAL INSTRUMENT**

35. With a view to progressing towards a regional instrument, at least two working groups will be formed. Their proposals will be submitted at the meeting of the focal points of the signatory countries for their consideration.
- (i) Working group on capacity-building and cooperation;
  - (ii) Working group on access rights, consultation and the regional instrument.
36. All signatory countries may participate in the working groups, in which they may be represented by the 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 a coordinator and an alternate coordinator from among the government representatives and the stakeholders will participate according to modalities set forth in section IV. The coordinator will be responsible for overseeing the general functioning of the working group and following up on its objectives, and for reporting progress to the Presiding Officers.
37. Both groups will afford careful attention to the particular circumstances of the signatory countries and the possibilities of cooperation among them, in order to advance towards the full implementation of access rights. They will also have the option of inviting experts to participate in their meetings and may establish subgroups as they consider necessary. They must also coordinate with each other to generate synergies and avoid duplication of effort.
38. At its first meeting, each group will establish a calendar and define the form of its meetings. It will specify the number of meetings to be held each year (at least two), favouring the use of information and communications technologies (ICTs) and possibly meeting during regional meetings to which the signatories are convened.
- (a) Working group on capacity-building and cooperation**
39. **Objective:** 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.
40. **Actions to be taken:**
- (i) Review and analyse the ECLAC questionnaire and report;
  - (ii) Identify needs;
  - (iii) Compile a list of the training resources available;
  - (iv) Prepare a proposal for the consideration of the focal points.
41. **Resources:** As per the general strategy of financing for the plan.
42. **Expected outcomes:** Training and cooperation proposals and a list of opportunities in this connection.



**(b) Working group on access rights, consultation and the regional instrument**

43. **Objective:** To deepen knowledge on access rights with a view to making a proposal on the nature and contents of the regional instrument.
44. **Actions to be taken:**
- (i) Discuss the importance, benefits, values, principles, common vision and objectives of a regional instrument on access rights;
  - (ii) With the support of recognized experts in the field, review and analyse the reports of consultations carried out on the basis of this plan and the progress achieved;
  - (iii) Analyse the report prepared by ECLAC on the status of Principle 10 access rights in the signatory countries, and its updates, using information provided by the countries and in consultation with them, as well as the contributions of civil society organizations;
  - (iv) Examine national and international practices regarding Principle 10 access rights, including a review of the different forms that citizen participation can take and experiences in this regard;
  - (v) Prepare proposals for the consideration of the focal points.
45. **Resources:** As per the general strategy of financing for the plan.
46. **Expected outcomes:** Proposals on the nature and contents of a regional instrument, taking into account the reports and outputs of the working group of capacity-building and cooperation.

**III. COORDINATION OF THE PROCESS**

47. The process will be coordinated by the Presiding Officers with the support of ECLAC.

**A. PRESIDING OFFICERS**

48. To carry forward the regional process, the representatives of the signatory countries will elect Presiding Officers comprising at least a chair and two vice-chairs (one of whom will serve as rapporteur). The Presiding Officers will serve for a term of one year.
49. The responsibilities of the Presiding Officers will be:
- (i) To provide support for the implementation of the plan of action, together with the coordinators of the working groups;
  - (ii) To convene, together with the technical secretariat, the meetings of signatory countries;
  - (iii) To chair the meetings of the signatory countries and ensure that the rules of procedure are observed;
  - (iv) To perform other functions arising from agreements adopted at meetings of the parties;
  - (v) To prepare financing options for implementing the plan of action, with the support of ECLAC and the substantive collaboration of the public.

**B. ECONOMIC COMMISSION FOR LATIN AMERICA  
AND THE CARIBBEAN (ECLAC)**

50. In conformity with the provisions of resolution 648(XXXIII) of ECLAC and as requested by the States signatories to the Declaration, ECLAC will serve as technical secretariat for the process of formulating a regional instrument on Principle 10. The responsibilities of the technical secretariat will be to:
- (i) Implement the rules of procedure for public participation;
  - (ii) Promote and leverage synergies with relevant regional and international agencies in the framework of the United Nations Regional Coordination Mechanism;
  - (iii) Prepare, in consultation with the Presiding Officers, the documentation for meetings of the parties;
  - (iv) Ensure that documents for the meetings of the parties are translated, copied or printed and distributed;
  - (v) Prepare meeting reports;
  - (vi) Support participation efforts at the national level on the part of the signatory countries, by creating and maintaining a public participation mechanism (see participation modalities);
  - (vii) Create and maintain a website for the process;
  - (viii) Report at each meeting of the parties on activities carried out in the framework of the process, compiled on the basis of reports from the signatory countries;
  - (ix) Provide support in seeking financing to ensure public participation in the meetings of the parties;
  - (x) Perform other functions arising from agreements adopted at meetings of the parties.

**IV. MODALITIES OF PARTICIPATION OF STAKEHOLDERS**

51. The process will have modalities for the participation of the stakeholders. These modalities are intended to inform the stakeholders regularly on the process of formulating a regional instrument on Principle 10, and establish specific levels and opportunities for achieving the broadest possible participation in the regional forums created to this end, with a view to strengthening the inclusiveness and legitimacy of the process.
52. These modalities establish the right of the public —understood to be any natural or legal person or community organization— to participate in the meetings of the signatory countries and the working groups and in meetings of the Presiding Officers held in preparation for meetings of the signatory countries. All parts of the process are open to the public unless the signatory countries, in exceptional circumstances, decide to hold closed sessions during meetings. In such cases, the signatory countries will explain the reasons for holding a closed session.
53. A regional public mechanism will be established, to which interested parties may subscribe by completing a short form available on the ECLAC website. The main objectives of this mechanism are to keep all parties interested in the process informed and facilitate their involvement, to coordinate public participation in international meetings and to contribute to the transparency of the process. The mechanism may also serve as a complement for participation actions carried out at the national level.

54. ECLAC will issue and update the calendar of meetings on its website. Meetings will be announced at least one month in advance, and an invitation will be sent by e-mail to those subscribed to the regional public mechanism. All official documents for the meeting will be available to the public on the ECLAC website and will also be announced by e-mail to those subscribed to the regional public mechanism. These documents may also be published on the websites of the governments of the signatory countries.
55. The modalities provide for three levels of participation:
- (i) Attendance: The public may attend meetings and have access to official meeting documents. Meetings may also be followed by webcast, to the extent possible;
  - (ii) Reporting: The public shall have the right to share information and to make proposals on specific topics being discussed, in writing, to the government representatives, experts or representatives of international agencies in informal meetings or at side events when feasible;
  - (iii) Making statements: The public will have the right to request the floor. The chair will give the floor in the order in which it is requested, regardless of whether the respective speakers are government representatives, representatives of international agencies or a member of the public (natural or legal person or community organization), aiming to ensure that everyone is heard and that the meeting is effective. In order to ensure that the meeting fulfils its objectives, the chair may propose limits on the length and number of speakers' interventions, and may request the public representatives (see paragraph 51) to organize requests for the floor. To this end, the chair will provide a reasonable amount of time for the public to come to an agreement. In no case will the participating public have the right to vote in meetings.
56. Where space is limited, the public will occupy the room in the chronological order in which they were accredited, giving priority to those with residence in any Latin American or Caribbean country. To ensure that differently abled persons who are registered can participate fully under equal conditions to everyone else, appropriate measures will be taken to ensure that they have priority access to the physical space, the information and the communications. If it is not possible to accommodate all members of the public who have requested to attend, to the extent possible, a space will be provided with audiovisual equipment to enable them to follow the meeting. A microphone will be installed in this room so that the public may participate in the meeting.
57. Participants from the public attending the meeting may, as they deem appropriate, appoint up to two persons to represent them at a preparatory meeting of the Presiding Officers, at which they may contribute proposals in aspects as:
- (i) Review the plan of action to 2014, in whole or in part;
  - (ii) Proposals for the consideration of the focal points;
  - (iii) Suggested items for the agenda of the meetings of focal points.
58. The Presiding Officers may accept the proposals made by virtue of paragraph 51 at their discretion. The person appointed will give a brief account of his or her participation at the opening session of the meeting of focal points.

Annex 2

**LIST OF PARTICIPANTS**

**A. Países signatarios de la Declaración  
Signatory countries of the Declaration**

**BRASIL/BRAZIL**

Representante/Representative:

- Bernardo Macke, Coordinación General de Desarrollo Sostenible, Ministerio de Relaciones Exteriores

**CHILE**

Representantes/Representatives:

- José Luis Balmaceda, Embajador, Director de Medio Ambiente y Asuntos Marítimos, Ministerio de Relaciones Exteriores
- Constance Nalegach, Ministerio de Medio Ambiente

Miembros de la delegación/Delegation members:

- Julio Cordano, Jefe del Departamento de Cambio Climático y Desarrollo Sostenible, Ministerio de Relaciones Exteriores

**COLOMBIA**

Representante/Representative:

- María Angélica García, Coordinadora de Asuntos Sociales del Ministerio de Relaciones Exteriores

**COSTA RICA**

Representante/Representative:

- Mariamalia Jiménez, Ministra Consejera de la Embajada de Costa Rica en Santiago

**ECUADOR**

Representante/Representative:

- Paulina Saltos, Abogada, Ministerio Coordinador de Patrimonio del Ecuador

**HONDURAS**

Representante/Representative:

- Francis Rafael Contreras Rivera, Secretario Ejecutivo del Consejo Nacional del Desarrollo Sostenible (CONADES)

**JAMAICA**

Representante/Representative:

- Princess Gordon, Documentation/Information and Access Service Director, Ministry of Water, Land, Environment and Climate Change

**MÉXICO/MEXICO**Representantes/Representatives:

- Jorge Legorreta Ordorica, Titular de la Unidad Coordinadora de Participación Social y Transparencia de la Secretaría de Medio Ambiente y Recursos Naturales
- Dámaso Luna Corona, Director General Adjunto de la Dirección General para Temas Globales, Secretaría de Relaciones Exteriores

Miembros de la delegación/Delegation members:

- Juan Manuel Gómez Robledo, Subsecretario para Asuntos Multilaterales y Derechos Humanos, Secretaría de Relaciones Exteriores
- Juan Sandoval, Ministro Coordinador de Asesores, Subsecretaría para Asuntos Multilaterales y Derechos Humanos, Secretaría de Relaciones Exteriores
- Edgar Cubero Gómez, Director General Adjunto, Dirección General de Vinculación con las Organizaciones de la Sociedad Civil, Secretaría de Relaciones Exteriores,
- Carlos Gónzales, Oficialía Mayor, Secretaría de Relaciones Exteriores
- Magdalena Ruíz, Secretaria de Medio Ambiente del Gobierno del Estado de Jalisco
- Salvador Rizo Castelo, Secretario de Desarrollo e Integración Social del gobierno del Estado de Jalisco

**PANAMÁ**Representante/Representative:

- Paola Jaén, Jefa de la Oficina de Asuntos Internacionales de la Autoridad Nacional del Ambiente

Miembros de la delegación/Delegation members:

- Lineth Arcia, Directora de Calidad Ambiental, Oficina de Asuntos Internacionales, Autoridad Nacional del Ambiente
- Linesel Saavedra, Abogada, Oficina de Asesoría Legal, Autoridad Nacional del Ambiente

**PERÚ/PERU**Representante/Representative:

- Carlos Edmundo Buller, Ministro Consejero, Subdirector de Asuntos Ambientales Globales, Ministerio de Relaciones Exteriores

**REPÚBLICA DOMINICANA/DOMINICAN REPUBLIC**Representante/Representative:

- Tirsis Quezada, Directora de Planificación y Desarrollo del Ministerio de Medio Ambiente y Recursos Naturales

**URUGUAY**Representante/Representative:

- Alison Graña, Secretario del Servicio Exterior, Dirección de Medio Ambiente, Ministerio de Relaciones Exteriores

**B. Países miembros de la Comisión que participan en calidad de observadores  
States members of the Commission participating as observers**

**ARGENTINA**

Representante/Representative:

- Brenda Mariana Pangrazi, Secretario de Embajada, Ministerio de Relaciones Exteriores

**EL SALVADOR**

Representante/Representative:

- Carmen María Arguello López, Jefa de la Oficina de Gestión para el Financiamiento Climático, Dirección General de Cooperación para el Desarrollo, Ministerio de Relaciones Exteriores

**C. Secretaría de las Naciones Unidas  
United Nations Secretariat**

**Comisión Económica para Europa (CEPE)/United Nations Economic Commission for Europe**

- Fiona Marshall, Environmental Affairs Officer, Aarhus Convention Secretariat (via videoconference)

**D. Organismos de las Naciones Unidas  
United Nations bodies**

**Programa de las Naciones Unidas para el Medio Ambiente/United Nations Environmental Programme**

- Dolores Barrientos, Representante del PNUMA en México

**E. Expertos invitados  
Experts**

- Patricia Abed, Instituto de Derecho y Economía (IDEA), Paraguay
- Hon. Winston Andersen, Judge of the Caribbean Court of Justice
- Danielle Andrade, Attorney-at-Law, Jamaica
- Luisa Pilar Araúz, Centro de Incidencia Ambiental (CIAM), Panamá
- Daniel Barragán, Director Ejecutivo, Centro Ecuatoriano de Derecho Ambiental (CEDA), Ecuador
- Isabel Calle, Directora Programa de Política y Gestión Ambiental, Sociedad Peruana de Derecho Ambiental (SPDA), Perú
- Olimpia Castillo, Iniciativa de Acceso México, Comunicación y Educación Ambiental SC, México
- Dona Da Costa, Executive Director, Family Planning Association, Trinidad y Tabago
- Carole Excell, Senior Associate, World Resources Institute
- Patricia Madrigal, Coopersolidar R.L, Costa Rica
- Ana Lucía Maya, Ambiente y Sociedad, Colombia
- Paula Martins, Article 19, Brasil
- Carolina Neme, GAIA, Uruguay
- Marcos Orellana, Director of Human Rights and Environment Program, Center for International Environmental Law (CIEL)

- Daniel Ryan, Fundación Ambiente y Recursos Naturales (FARN), Argentina
- Andrea Sanhueza, Iniciativa de Acceso América Latina
- Ana Selman, Telematutino UNO+UNO, República Dominicana
- Tomás Severino, Director Cultura Ecológica A. C. de México

#### **F. Observadores Observers**

- Carla Delfina Aceves Ávila, Académica, Universidad de Guadalajara, México
- Luz Elena Aguirre, Coordinadora Área Internacional, AXIOS-Misión Mujer, México
- Juan Carlos Carrillo Fuentes, Coordinador de Área, Centro Mexicano de Derecho Ambiental, A.C., México
- Laurence Cossart, Consejera Política para los Asuntos Globales, Embajada de Francia en México
- Andrea Davide Cerami, Abogado, Centro Mexicano de Derecho Ambiental A.C., México
- María Teresa Huentequero, Consejo de Toda las Tierras del Pueblo Mapuche, Chile
- Juan Carlos Huerta Vásquez, Reportero, Notisistema, México
- José Felix Madrigal, Profesor Asociado, ITESO, México
- Isis Marquez, Especialista Ambiental del Departamento de Desarrollo Sostenible de la Organización de los Estados Americanos (OEA), Washington
- Pascal Martínez, Coordinador de la Cooperación del Gobierno de Francia-CEPAL, Embajada de Francia en Chile
- Violeta Meléndez Carranza, Reportero, *El Informador*, México
- Osver Jaime Polo Carrasco, Coordinador, Construyendo Puentes, Perú
- Margarita Villalobos, Dirección Área Internacional, Vida y Familia de Guadalajara, A.C. (VIFAC), México
- Jesús Zavala González, Colaborador, Mujer Para La Mujer A.C., México

#### **G. Secretaría Secretariat**

#### **Comisión Económica para América Latina y el Caribe (CEPAL)/Economic Commission for Latin America and the Caribbean (ECLAC)**

- Alicia Bárcena, Secretaria Ejecutiva / Executive Secretary
- Joseluis Samaniego, Director, División de Desarrollo Sostenible y Asentamientos Humanos/Chief, Sustainable Development and Human Settlements Division
- Carlos de Miguel, Jefe de la Unidad de Políticas para el Desarrollo Sostenible, División de Desarrollo Sostenible y Asentamientos Humanos/Head of the Policies for Sustainable Development Unit, Sustainable Development and Human Settlements Division
- Valeria Torres, Oficial de Asuntos Económicos, División de Desarrollo Sostenible y Asentamientos Humanos/Economic Affairs Officer, Sustainable Development and Human Settlements Division
- Guillermo Acuña, Asesor Legal, Oficina de la Secretaría de la Comisión/Legal Assistant, Office of the Secretary of the Commission
- María Luisa Díaz de León, Oficial de Información Pública, Sede subregional de la CEPAL en México/Public Information Officer, ECLAC subregional headquarters in Mexico