

# IMPLEMENTATION OF PRINCIPLE 10 OF THE RIO DECLARATION OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

CARIBBEAN FORUM: SHAPING A SUSTAINABLE DEVELOPMENT AGENDA  
TO ADDRESS THE CARIBBEAN REALITY IN THE TWENTY-FIRST CENTURY

5<sup>th</sup> March, 2013

# OUTLINE

- INTRODUCTION OF PRINCIPLE 10
- DEVELOPMENTS SINCE RIO (UNCED) 1992
- ACTION AT RIO + 20
- IMPLEMENTATION OF PRINCIPLE 10 WITHIN ECLAC

# PRINCIPLE 10

- **Principle 10** was adopted at the 1992 United Nations Conference on Environment and Development (Earth Summit) as a key part of the concept of 'sustainable development'.

# RIO PRINCIPLES

- The Rio Declaration is made up of twenty-seven non legally binding principles for the environment and development.
- **Key principles:**
- **Principle 5:** The eradication of poverty as an indispensable requirement of sustainable development;
- **Principle 6:** Calls for attention to the special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable.

# RIO PRINCIPLES

- **Principle 7** : States need to cooperate to protect and restore the health and integrity of the Earth's ecosystems with developed countries holding a particular responsibility- common but differentiated responsibility
- **Principle 8** : Cooperation by states to reduce and eliminate unsustainable patterns of production and consumption.
- **Principle 16**: the polluter should, in principle, bear the cost of pollution;
- **Principle 17**: The precautionary approach;
- The definition of participation as the best way to handle environmental matters is contained in **Principle 10**.

# PRINCIPLE 10

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.

# DEFINITIONS

The people should have **access to information** on the environment held by public authorities defined as the ability of citizens to obtain environmental information in the possession of public authorities.

“Environmental information” includes information about air and water quality and information about whether any hazardous chemicals are stored at a nearby factory. States should facilitate and encourage public awareness and participation by making information widely available.

# DEFINITIONS

There should be **participation** by the people in decision making processes where participation refers to informed, timely and meaningful input and influence affecting decisions on general policies, strategies, and plans at various levels and on individual projects that have environmental impacts.

# DEFINITIONS

There should be **Access to judicial and administrative** proceedings including redress and remedy.

This includes the ability of citizens to turn to impartial and independent arbiters to resolve disputes over access to information and participation in decisions that affect the environment, or to correct environmental harm. Such impartial arbiters include mediators, administrative tribunals, and courts of law, among others.

# FOLLOW-UP FROM PRINCIPLE 10

- Aarhus Convention, which was adopted in 1998
- Came into effect in 2001
- Based on the elements in Principle 10 (access to justice, information and public participation),
- Applies to most EU member States as well as the handful of other acceding parties that have elected to participate in it.

# AARHUS CONVENTION

- The Aarhus Convention- Principle 10 promoted through application at the national level, as well as providing a forum (the Compliance Committee) that can hear complaints when it is claimed that Nation States are not adhering to the Convention.
- Cases have been brought by civil society organizations that have challenged their government's lack of implementation or compliance to the Convention; has resulted in the development of a body of case-law that has strengthened the Principle overall. Elements of Principle 10 have been borne out in jurisdictions not parties to the Aarhus regional instrument. Used as a persuasive example in establishing national environmental courts or tribunals.

# RIO + 20

Principle 10 increasing in importance due to:

- growing number of MEAs and other international initiatives that promote stakeholder participation in environmental decision-making (CBD; UNFCCC);
- UNITAR - implemented a global programme to strengthen the implementation through a country-driven process;
- Increased lobbying.

# RIO + 20

- The Future We Want – the Outcome document from the UN Conference on Sustainable Development stated in paragraph **43: “We underscore that broad participation and access to information and judicial and administrative proceedings are essential to the promotion of sustainable development.”**
- **Sub-paragraph 88(h) Member States will “ Ensure the active participation of all relevant stakeholders drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and effective engagement of civil society.”**

# DECLARATION BY SOME ECLAC COUNTRIES

- Government of Chile led initiative prior to Rio + 20 Conference, to lobby for support for a “Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development”. During the Rio +20 Conference, the Governments of **Chile, Costa Rica, THE Dominican Republic, Ecuador, Jamaica, Mexico, Panama, Paraguay, Peru** and **Uruguay** signed on to the Declaration.
- In November 2012, **Brazil** announced that it would sign on to the Declaration.

# DECLARATION

- The Declaration affirms *inter alia* that States should:
  - facilitate and promote education, awareness-raising and public participation by making information widely available;
  - urges increased commitments on Principle 10 on access to information, justice and public participation;
  - Highlights the need for additional action by the international community on agreements to ensure the full exercise of rights of access.

# DECLARATION

- The Declaration also looked at the viability of further mechanisms to strengthen the implementation of Principle 10 ranging from best practices, guidelines and workshops to a regional instrument or convention open to all countries in the region.
- The Declaration also requests ECLAC to act as the technical secretariat, and to conduct a study on the best practices and requirements on access to information, justice and participation on environmental issues in Latin America and the Caribbean

# DEVELOPMENTS SINCE THE DECLARATION

- A meeting of focal points appointed by governments of signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration was held in Santiago Chile in November 2012.
- Most countries which signed on the Declaration attended this meeting.

# ROAD MAP

- The representatives of the signatory countries at the meeting unanimously approved a Road Map for the elaboration of an instrument on the application of Principle 10 in Latin America and the Caribbean.
- This Road Map intended to launch a process aimed at strengthening dialogue and regional cooperation and developing a regional instrument on rights of access to environmental information, participation and justice.

# ROAD MAP

- The Road Map has the following objectives:
  - to reach a common vision on the importance and benefits of Principle 10 access rights and their values and principles : transparency, equality, inclusion, proactivity, collaboration, prevention and progressiveness;
  - to recognize the particular conditions in each signatory country in the review of legal, political, diagnostic and practical initiatives.

# ROAD MAP

- to promote the exchange and intensification of regional and international cooperation, considering the progress, tools, experiences and practices : **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.

# ROAD MAP

- To promote the conduct of activities for both civil society and the public sector, including education, training, information and awareness-raising.

# ROAD MAP

- Process intended to be inclusive and involve all sectors. Electronic consultations and other forms of participation will be undertaken as well as support for activities organized by civil society in the respective countries, and for which the standards, practices and mechanisms used will be those approved internationally within the framework of the United Nations and ECLAC;
- Process open to all the countries of Latin America and the Caribbean.
- A plan of action is to be drafted and will be presented by the panel elected by the signatory countries, supported by ECLAC as technical secretariat and if requested, the advice of recognized experts in the field. The plan is to be submitted for adoption during the first four months of 2013.

# PLAN OF ACTION

- 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.
- 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.
- The preparation of a report compiling practices regarding national and international access rights under Principle 10;
- As part of this process, a questionnaire has been circulated to Member States. Member States are to provide responses and all are encouraged to submit their responses by the stipulated deadline.

# WHY A CONVENTION

- At the national and international levels needs to be operational and effective rights of access to information, public participation and access to justice.
- Access rights will facilitate more transparent, inclusive and accountable decision-making in matters affecting environment and development.
- Access to information empowers and motivates people to participate in an informed and meaningful manner on sustainable development issues.
- Participatory decision-making enhances the ability of governments to respond to public concerns and demands, to build consensus, and to improve acceptance of and compliance with environmental decisions because citizens feel ownership over these decisions.

# BENEFITS OF A CONVENTION

ECLAC has pointed out the benefits of Principle 10 implementation as including the following:

- reduced social conflicts regarding decision making process related to projects exploiting natural resources with an impact on the environment;
- citizens will be educated on the complexity of public issues;
- improved political stability as trust is built among stakeholders;
- By agreeing to a Convention, ECLAC member countries will send a political message to the rest of the world (governments, private sector and civil society) about the commitment of governments to strengthen democracy and sustainable development.

# BENEFITS OF A CONVENTION

- Access to justice encourages the public's ability to enforce their right to participate, to be informed, and to hold regulators and polluters accountable for environmental harm.
- As a part of International cooperation, States need to cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development.

# POSSIBLE BENEFITS TO THE CARIBBEAN OF A CONVENTION

- For the Caribbean, a Convention could provide a framework for capacity building; legal assistance and progress on implementation taking into account lessons learned from other regions and would help build accountability and transparency.
- Other positive measures include:
  - An informed and empowered public able to monitor performance of sustainable development, discusses the issues, demands improvements.

# BENEFITS OF A CONVENTION

- The public can better hold decision makers accountable.
- **Access to information, access to public participation, and access to justice** (the three “access rights”) are practical means of ensuring that decisions by governments consider sustainable development concerns and the interests of the poor.
- **Allows for an approach to sustainable development which is participatory and inclusive thus ensuring more support for the decisions reached at Rio+20.**

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