

**PRINCIPLE 10 OF THE RIO DECLARATION WITHIN THE CONTEXT OF THE  
BARBADOS PROGRAMME OF ACTION (BPOA) AND THE MAURITIUS FOR THE  
FURTHER IMPLEMENTATION OF THE BPOA (MS/BPOA)**

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Principle 10 in the Caribbean, Trinidad and  
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by

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# OUTLINE

- ❑ CONTEXT
- ❑ RELEVANCE OF PRINCIPLE 10 IN THE CONTEXT OF THE IMPLEMENTATION OF THE BARBADOS PROGRAMME OF ACTION (BPOA) AND THE MAURITIUS FOR THE FURTHER IMPLEMENTATION OF THE BPOA
- ❑ GOVERNMENT ENFORCEMENT ACTION, PRIVATE ACCESS TO REMEDIES AND PROCEDURAL GUARANTEES
- ❑ SIDS INTER-REGIONAL MEETING OUTCOME FOR THE THIRD INTERNATIONAL CONFERENCE ON THE SUSTAINABLE DEVELOPMENT OF SMALL ISLAND DEVELOPING STATES (SIDS)

# CONTEXT

- ❑ The Declaration of Barbados re-affirms the principles and commitments to sustainable development embodied in the Rio Declaration on Environment and Development.
- ❑ It can therefore be argued, that the principles contained in the Rio Declaration , including Principle 10, underpins the BPOA and the MS/BPOA.

# CONTEXT: PRINCIPLE 10

**Environmental issues are best handled with participation of all citizens.**

- ❖ **Provision by all to appropriate access to information concerning the environment held by public authorities.**
- ❖ **Communities should have the opportunity to participate in decision-making processes.**
- ❖ **Facilitation and encouragement by States of public awareness and participation by making information widely available and the effective access to judicial and administrative proceedings, including redress and remedy.**

# RELEVANCE OF PRINCIPLE 10 IN THE CONTEXT OF THE IMPLEMENTATION OF THE BPOA AND THE MS/BPOA

Approach use in the designed of the BPOA: underlying “principles”

- ❑ Based on a Triangular Approach with on emphasis on **National**, Regional and International Action.
- ❑ Inter-and Intra-Regional collaboration among and between SIDS.
- ❑ Recognition that economic development must become sustainable development by incorporating environmental and resources management principles. To achieve this requires:
  - ❖ Interdisciplinary approaches to both planning and decision making; and
  - ❖ **Encouragement of public participation** in this process.

## RELEVANCE OF PRINCIPLE 10 IN THE CONTEXT OF THE IMPLEMENTATION OF THE BPOA AND THE MS/BPOA

**Approach use in the designed of the BPOA: underlying “principles”**

- ❑ **Broad public participation is a fundamental prerequisite for the achievement of sustainable development:**
- ❖ **Main Instrument for achieving public participation in decision making is by way of Environmental Impact Assessments (EIA).**
- ❑ **Trade as an engine for development in SIDS and the need for the full and effective participation of developing countries in global decision making.**
- ❖ **One of the instruments suggested is via bi-lateral trade.**
- ❑ **Recognition of the complexity of international law and the need to enhance the capacity of SIDS to develop and implement national environmental law.**

# GOVERNMENT ENFORCEMENT ACTION, PRIVATE ACCESS TO REMEDIES AND PROCEDURAL GUARANTEES

Judicial, Quasi-judicial or Administrative Proceedings to seek appropriate sanctions or remedies for violations of environmental laws and regulations [Bi-lateral Trade Agreement]

- ❖ **interested persons** may request the Party's competent authorities to investigate alleged violations of its environmental laws and regulations and shall give such requests due consideration in accordance with law.
- ❖ **persons with a legally recognized interest under its law** in a particular matter have appropriate access to such proceedings for the enforcement of the Party's environmental laws and regulations.

## PRIVATE ACCESS TO REMEDIES

- ❖ **Private access to remedies shall include rights, in accordance with the Party's law, such as**
  - Sue another person under that Party's jurisdiction for damages;
  - Seek sanctions or remedies such as monetary penalties, emergency closures or orders to mitigate the consequences of violations of its environmental laws and regulations;
  - Request the competent authorities to take appropriate action to enforce that Party's environmental laws and regulations in order to protect the environment or to avoid environmental harm; or
  - Seek injunctions where a person suffers, or may suffer, loss, damage or injury as a result of conduct by another person under that Party's jurisdiction contrary to that Party's environmental laws and regulations or from tortious conduct.



## PROCEDURAL GUARANTEES

The administrative, quasi-judicial and judicial proceedings must be fair, open and equitable and must, *inter alia*,

- comply with due process of law;
- open to the public, except where the administration of justice otherwise requires;
- entitle the parties to the proceedings to support or defend their respective positions and to present information or evidence; and
- are not unnecessarily complicated and do not entail unreasonable charges or time limits or unwarranted delays.

# **SIDS INTER-REGIONAL MEETING OUTCOME DOCUMENT FOR THE THIRD INTERNATIONAL CONFERENCE ON THE SUSTAINABLE DEVELOPMENT OF SIDS**

Reiteration of a commitment to the Rio Principles.

Reiteration of a commitment to good governance and encourage major groups to advocate as well as to play a role in setting and attaining the sustainable development priorities of SIDS at the national, regional and international levels.

Systematic collection of environmental data.



**CONCLUSION**

**THANK YOU!**