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Economic Commission for Latin America and the Caribbean

MATTERS TO BE CONSIDERED IN THE REGIONAL INSTRUMENT FOR THE FULL APPLICATION OF PRINCIPLE 10

Sustainable Development and Human Settlements Division



Principle 10 of the Declaration on Environment and Development (Rio 1992)

1. “Environmental issues are best handled with the **participation** of all concerned citizens, at the relevant level.
2. 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.
3. 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”



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BACKGROUND

- ▶ Document prepared by ECLAC at the request of the Working Group on Access Rights and Regional Instrument
 - ▶ Document drafted with inputs from:
 - ▶ Declaration on Principle 10, Roadmap, Plan of Action to 2014, Lima Vision
 - ▶ ECLAC (2013), “Access to information, participation and justice in environmental matters in Latin America and the Caribbean: situation, outlook and examples of good practice”
 - ▶ Declaration of the United Nations Conference on the Human Environment, the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation for Agenda 21, the Johannesburg Declaration on Sustainable Development, the Plan of Implementation of the World Summit on Sustainable Development and the Rio+20 outcome document
 - ▶ Aarhus Convention, 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 (as established in the Roadmap)
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FIRST PART

- ▶ Preamble
 - ▶ Objective
 - ▶ Use of terms or definitions
 - ▶ Principles
 - ▶ Jurisdictional scope
 - ▶ General provisions
 - ▶ General rules on the rights and obligations of the parties
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MATTERS TO BE CONSIDERED: ACCESS TO ENVIRONMENTAL INFORMATION (I)

Passive transparency:

- ▶ Accessibility of information
 - ▶ Mechanisms to facilitate access to information (such as formats, timelines, special consideration to specific or vulnerable groups, assistance in case of not being competent, reasonable costs)
 - ▶ Divisibility of information
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MATTERS TO BE CONSIDERED: ACCESS TO ENVIRONMENTAL INFORMATION (II)

Active transparency:

- ▶ Active dissemination of environmental information
 - ▶ Generation of environmental information
 - ▶ Periodic reports on the state of the environment and environmental performance reviews
 - ▶ Consideration of specific issues (such as environmental emergencies, public registers on release and transfer of pollutants).
 - ▶ Use of new technologies of the communication
 - ▶ Special consideration of specific or vulnerable groups
 - ▶ Information held by private parties (such as information for consumers, voluntary environmental compliance reports)
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MATTERS TO BE CONSIDERED: PARTICIPATION (I)

Participation at the project level (public and private):

- ▶ Types of activities with public participation
 - ▶ Mechanisms and tools for public participation
 - ▶ Facilitation of public participation (such as timely notification, deadlines, guidelines)
 - ▶ Access to relevant information
 - ▶ Consideration of comments from the public
 - ▶ Decision taken (such as notification, explanation and dissemination)
 - ▶ Special consideration to specific or vulnerable groups
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MATTERS TO BE CONSIDERED: PARTICIPATION (II)

Participation in policies, plans, norms, regulations, programmes, projects and strategies:

- ▶ Types of activities with public participation
- ▶ Mechanisms and tools for public participation
- ▶ Facilitation of public participation (such as timely notification, deadlines, guidelines)
- ▶ Access to relevant information
- ▶ Consideration of comments from the public
- ▶ Decision taken (such as notification, explanation and dissemination)
- ▶ Special consideration to specific or vulnerable groups

Participation of the public in international agreements



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MATTERS TO BE CONSIDERED: ACCESS TO JUSTICE

- ▶ Mechanisms to appeal in cases of refusal of access to information requests and/or participation
 - ▶ Mechanisms to report general violations to environmental laws
 - ▶ Facilitation of access to justice (such as cost, opportunity)
 - ▶ Special consideration to specific or vulnerable groups
 - ▶ Decisions adopted (such as notification, explanation and dissemination)
 - ▶ Training of judicial and administrative officers
 - ▶ Alternative dispute resolution
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MEANS OF IMPLEMENTATION

- ▶ **Proposal from the Working Group on Capacity-Building and Cooperation. Matters to be considered:**
 - ▶ Support to countries to comply with the instrument
 - ▶ Technical assistance
 - ▶ Multipliers
 - ▶ National activities
 - ▶ Synergies with other institutions and instruments
 - ▶ Environmental education/awareness
 - ▶ Activities both for the public and civil servants

 - ▶ **Financing**
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RULES OF PROCEDURE

- ▶ Rules for public participation in the meetings in the framework of the instrument
 - ▶ Countries may consider the rules already agreed in the process, particularly rules for the participation of the public in the meetings included in the Plan of Action to 2014



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INSTITUTIONAL FRAMEWORK

- ▶ Meeting/Conference of the Parties
 - ▶ Presiding Officers
 - ▶ Secretariat
 - ▶ Advisory Group or subsidiary bodies
 - ▶ Compliance mechanism
 - ▶ Adoption, amendments, right to vote, signature, ratification, entry into force, reservations, withdrawal, depositary, authentic texts
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