

ROAD MAP FOR THE FORMULATION OF AN INSTRUMENT ON THE APPLICATION OF PRINCIPLE 10 IN LATIN AMERICA AND THE CARIBBEAN

We, the Latin American and Caribbean signatory countries to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development,¹

Recalling the 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 outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro (Brazil) in June 2012, entitled “The future we want”,

Resolved to make commitments 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, understanding these to be prerequisites for building a citizenry that is committed to sustainable development,

Emphasizing that the member countries of the Community of Latin American and Caribbean States (CELAC) acknowledged the need to build a common space for deepening political, economic, social and cultural integration in our region and for establishing effective commitments to joint action to promote sustainable development in Latin America and the Caribbean in a framework of unity, democracy, full respect for human rights, solidarity, cooperation, complementarity and political coordination,²

Bearing in mind that access to information and the right to freedom of opinion and expression form the cornerstone of all free and democratic societies, and that it is essential to take active measures to bring environmental information into the public domain, doing everything possible to guarantee ready, rapid, effective and practical access to that information,

Recognizing that it is essential to promote participation by all sectors of society in furthering the issues that form the region’s environmental agenda, as an important part of the process of building and forming a collective awareness of the natural and cultural heritage of our peoples, in order to eradicate poverty and inequality and restore the balance, health and integrity of our planet,

Recalling that, as a fundamental pillar of Principle 10, constraints on and/or the lack of suitable means by which to access environmental justice deprives people of the “right to rights” by denying them and/or limiting real ways to exercise them, and that the principles underpinning the rule of law, as well as equality, accessibility and effectiveness, must be guaranteed not only at the start but all the way through the settlement process,

¹ A/CONF.216/13.

² Cancun Declaration, made by the Heads of State and Government of the countries of Latin America and the Caribbean assembled at the Unity Summit, which consisted of the twenty-first Summit of the Rio Group and the second Latin American and Caribbean Summit on Integration and Development (CALC), in the Mayan Riviera, Mexico, on 23 February 2010.

Recalling also that, in the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, among the many provisions referring to Principle 10 of the Rio Declaration on Environment and Development, the Heads of State and Government and high-level representatives acknowledged that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, were essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and eradication of poverty and hunger; underscored that broad public participation and access to information and judicial and administrative proceedings were essential to the promotion of sustainable development; and encouraged action at the regional, national, subnational and local levels to promote access to information, public participation in decision-making and access to justice in environmental matters, as appropriate,

Recalling also that, in the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development—which was the starting point for this process—we requested that the Economic Commission for Latin America and the Caribbean (ECLAC) act as technical secretariat in this process, promoting and tapping the synergies of the relevant regional and international agencies in the framework of the United Nations Regional Coordination Mechanism,

Having in mind that, in the Declaration on the application of Principle 10, we, the signatory countries, recognized the need for agreements to ensure the full exercise of rights of access to information, participation and justice regarding environmental issues, emphasizing that Latin America and the Caribbean could and should take a meaningful step forward in this regard,

1. *Decide* to adopt this road map in order 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, whose main principles and objectives will be:

- (a) 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;
- (b) to recognize the particular conditions in each signatory country in the review of legal, political, diagnostic and practical initiatives;
- (c) 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;
- (d) 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;

- (e) 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;

2. *Reaffirm* the importance of civil society participation in and contributions to this process, for which, to the extent of each country's capacities, appropriate measures will be considered at both the national and regional level, such as providing up-to-date information on the process and conducting electronic consultations and other forms of participation, as well as ensuring dissemination at the national level and 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;

3. *Reiterate* that this process is open to all the countries of Latin America and the Caribbean;

4. *Agree* that, in order to implement this road map, a plan of action will be drafted and will be presented by the panel elected by the signatory countries, supported by ECLAC as technical secretariat and, should the panel so request, with the advice of recognized experts in the field. This plan will be submitted for adoption during the first four months of 2013 and will include:

- (a) 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;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) a consultation process, coordinated by the panel, the modalities of which will be agreed by the signatory countries, with a view to defining the nature and content of the regional instrument.