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**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

* 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.

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).¹ 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.² At the hemispheric level, these include, in particular, the Inter-American Strategy for 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

¹ 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.

² 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.

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”,³ 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.

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

8. At the first meeting of the focal points appointed by the Governments of the signatory countries,⁴ 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;
 - (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;

⁴ 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.

- (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 2013,⁵ this plan of action sets forth the tasks to be carried out up to 2014 to make progress towards the implementation of the Declaration.

⁵ [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 over 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/).

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 2013.⁶ 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 region's 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;

⁶ To be annexed to the plan of action.

- (iv) Provision at each meeting of the focal points of the opportunity 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 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 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.