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**REPORT OF THE THIRD 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**

Lima, 30 and 31 October 2013

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A. ATTENDANCE AND ORGANIZATION OF WORK

Place and date of the meeting

1. The third 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 in Lima on 30 and 31 October 2013.
2. The meeting was convened jointly by the Economic Commission for Latin America and the Caribbean (ECLAC) in its capacity as technical secretariat for the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development¹ and the Government of Peru.

Attendance²

3. The meeting was attended by representatives of the following 17 signatory countries of the Declaration: Argentina, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Trinidad and Tobago and Uruguay.
4. El Salvador, the Plurinational State of Bolivia, Saint Lucia and Suriname attended as observers.
5. Also attending were international experts in access to information, participation and justice in environmental matters, and 25 members of the public as established in the Plan of Action to 2014.
6. The following United Nations bodies were represented at the Meeting: United Nations Environment Programme (UNEP) and United Nations Institute for Training and Research (UNITAR).
7. The meeting was open-ended and webcasted.

Chair

8. The Presiding Officers (Chile, the Dominican Republic and Mexico) proposed that Peru should chair the meeting in its capacity as host country, which was accepted by the heads of delegation of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development.

¹ See A/CONF.216.13.

² See the list of participants [online] <http://www.eclac.cl/cgi-bin/getProd.asp?xml=/rio20/noticias/noticias/1/50791/P50791.xml&xsl=/rio20/tpl/p1f.xsl&base=/rio20/tpl/top-bottom-10.xsl>.

Adoption of the agenda

9. The following agenda was adopted:
1. Adoption of the agenda and organization of work of the third 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.
 2. Review of the status regarding access rights and sustainable development.
 3. New signatories to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean.
 4. Measures taken by countries signatory to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean.
 5. Measures taken and proposals for consideration and adoption by the signatory countries of the working group on capacity-building and cooperation established in the 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.
 6. Measures taken and proposals for consideration and adoption by the signatory countries of the working group on access rights and the regional instrument established in the 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.
 7. International panel: access rights and international processes.
 8. Review and adoption of the agreements from the third 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.

B. SUMMARY OF PROCEEDINGS

Opening session

10. At the opening session, statements were made by Daniel Barragán, representative of the public; Tirsis Quezada, Planning and Development Director of the Ministry of the Environment and Natural Resources of the Dominican Republic, in representation of the Presiding Officers of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean; Alicia Bárcena, Executive Secretary of the Economic Commission for Latin America and the Caribbean (ECLAC); Fernando Rojas Somanes, Deputy Minister of Foreign Affairs of Peru, and Manuel Pulgar Vidal, Minister of the Environment of Peru.

11. The representative of the public stressed the signatory countries' commitment to the process, which was reflected in the adoption of the Plan of Action to 2014 and in the proposals by the working groups. He underscored three elements that should be considered when agreeing on a vision for the

regional instrument: the need to include a human rights-based approach in environmental governance processes, to make progress in preventing and reducing social and environment conflicts, and to improve standards of democratic governance. He emphasized that this meeting would be an important milestone in the process, since it would provide a common vision to frame the development of the regional instrument, adding that the developed proposal largely reflected the aspirations and elements that a shared vision should contain. Lastly, he thanked ECLAC for its efforts as the secretariat in this process, which had been fundamental in coordinating the tasks of the working groups, and he acknowledged the actions of the working group coordinators in delivering concrete proposals in time for the meeting.

12. The Planning and Development Director of the Ministry of the Environment and Natural Resources of the Dominican Republic thanked the Government of Peru for organizing the meeting. She expressed appreciation for the efforts of Governments, civil society, the general public, cooperation agencies and ECLAC in its capacity as technical secretariat, in setting in motion activities designed to guarantee access to information, participation and justice in environmental matters. She mentioned the advances made in the first year of the process, notably the organization of three meetings and two training workshops, the inclusion of new signatories, the dissemination of the process in various international forums, the presentation of the report on access to information, participation and justice in environmental matters in Latin America and the Caribbean, the creation of the Declaration website—which had helped bring the subject closer to many individuals and institutions—the preparation of the Plan of Action and the formation of two working groups, which had held virtual and face-to-face meetings. She said that the meeting was the first to be held in the framework of the Plan of Action to 2014 and was therefore the first in which the participatory methodology had been applied in full. As such, a greater number of individuals and organizations had been able to take part in the process, thereby expanding the participant base and strengthening its democratic nature. The current meeting was also the first in which the countries were held accountable for the fulfilment of their work and for honouring the commitments that they had undertaken. The first year of work had revealed an interest in and enthusiasm for the issues addressed, from both countries and institutions, as well as differing processes, paces and levels of implementation. The challenge was to recognize that diversity and to harness it in building a joint vision of the instrument and the lines of action in capacity-building and cooperation.

13. The Officer in Charge of the Office of the Secretary of the Commission then made a statement, to the effect that the meeting reaffirmed the open-ended, inclusive, participatory and transparent nature of the process. He also emphasized the importance of the collective building and learning process in implementing the Declaration.

14. A recorded message from the Executive Secretary of ECLAC was then shown, in which she highlighted the achievements and advances made to date by the signatory countries of the Declaration. She said that, in the discussions on the post-2015 development agenda, which was expected to guide the nations of the world from that year onwards. ECLAC had clearly affirmed the central importance of equality based on rights. The ECLAC agenda had its sights set on equality, with structural change as the path and policy as the instrument. That path required fiscal and social covenants that would confer legitimacy and provide resources for the process, and those covenants could only be achieved, and would only endure, through participatory processes involving informed actors with an awareness of the medium- and long-term implications of their decisions. In short, it required a better State and the active participation of citizens in building their own future. Not only was ECLAC very satisfied with the regional process, which revealed the countries' autonomy and their interest in progressing towards a development built on the common aspirations of Latin American and Caribbean citizens, but it was also committed to offering its full support to the process.

15. The Deputy Minister for Foreign Affairs of Peru said that his Government was delighted to host, in Lima, the third meeting of focal points appointed by the Governments of signatory countries of the Declaration on the application of Principle 10, which he hoped would follow up on the discussions held in Santiago and Guadalajara (Mexico) and would lay the conceptual foundations for the future regional instrument on Principle 10. He stated that Peru firmly believed in encouraging public participation in setting sustainable development priorities within the country, and that such efforts formed an aspect of the Government's active social inclusion policies. Peru was a consolidated democracy with a multicultural society, whose Government was focused on achieving greater social inclusion, with an open, high-growth economy at an intermediate stage of development, and a megadiverse yet highly vulnerable natural heritage. Those characteristics, based on dialogue with civil society, inspired the country's foreign policy and underpinned its vision of common but differentiated responsibility at the global level, as well as its wholehearted support for multilateralism and its expectations and obligations regarding international cooperation. Lastly, he saluted all the countries of the region that had signed the Declaration, as well as those acceding to it at the meeting, and invited those that had not yet done so to join an initiative that would undoubtedly help strengthen citizenship and democracy in Latin America and the Caribbean.

16. Lastly, the Minister of the Environment of Peru said that Peru was a steadfast believer in Principle 10 and in citizen participation as a mechanism for improving public administration in relation to the environment. He recalled that the purpose of the meeting was to secure a commitment by the countries of Latin America and the Caribbean to develop a mechanism, centred on a regional convention and based on the contents of Principle 10, which would build citizen participation into environmental management in the region's countries. He also voiced the need to recognize that information was the mainstay in developing participation, and that it must be timely, inexpensive, optimal and relevant, and he highlighted the progress made by the region in that sphere. In terms of access to participation, he pointed out the importance of prior consultation and indicated that that form of participation also had an element of positive discrimination for those who historically have been disadvantaged in the exercise of their own rights. Regarding the third component of Principle 10—access to justice in environmental matters—he said that there was a need for progress in setting up judicial mechanisms that would ensure swift proceedings because slow justice was not justice. He highlighted the efforts undertaken under the Declaration and stated his expectation that there would be a regional agreement, that there was already a road map and a plan of action, and that a vision was being constructed. He also said that there was much to learn from the processes that had been carried out recently in the environmental arena, and underlined that the processes leading to new commitments were at present more gradual, took national realities more into account, and were not necessarily top-down, but rather bottom-up.

17. The Minister also stated that the regional agreement on Principle 10 should be binding, and that certain levels of compliance could be required under the fundamental principle of progressiveness. Based on the experience of climate change negotiations over the creation of new commitments, he indicated that processes should start from national realities and the setting of commitments over a given term. He said that it was important to recognize that there was a target, that it was grounded in reality and that the path towards the target was marked by political and cultural realities, institutional frameworks and a set of elements that caused certain differences, which require work. Obligations under a binding agreement could be enforced through national or international processes, or through a progressive, mixed structure, that would take national processes as the starting point and work towards regional verification mechanisms. There was a need to discuss the importance of establishing targets that would enable the measurement of progress, in order to ensure compliance with the regional agreements. Discussions were required regarding the administrative structures needed to verify progress and bring complaints. Lastly, he declared that the main goal was for the region to have a binding regional agreement that would ensure, through progressive processes, that the agreement was adapted to and applicable in all the countries within a set time period.

Review of the status regarding access rights and sustainable development (agenda item 2)

18. Mariano Castro, Vice-Minister for Environmental Management of the Ministry of the Environment of Peru, delivered a presentation on environmental regulation and access rights, Peru's agenda for implementing access rights, innovative practices in this area, and the elements of a common vision for the regional instrument on Principle 10. He highlighted the advances made in strengthening access rights (those of information, participation and justice in environmental matters), and the remaining challenges. In that regard, he mentioned the culture of secrecy in public administration, the geographical and economic barriers limiting access to environmental justice, the need to assume access rights from an intercultural perspective, the crisis of social and political representation, distrust and situations of social conflict associated with natural resource use, and the prioritization of individual interests over consensus-building. He also referred to some of the elements that must be considered in the common vision for the regional instrument on Principle 10, stating that the instrument must be the outcome of a common vision that would set out minimum standards in the sphere of access rights, and which would contemplate the integration and creation of synergies between signatory or acceding countries, the harmonization of access rights, technical assistance designed to implement a Principle 10 action plan in each signatory or acceding country, the integration of the intercultural dimension in each of the access rights, the development of research to overcome the barriers to access to information, participation and justice in environmental matters, commitments to achieve a qualitative improvement in public administration in each of the countries—directed towards good environmental governance—and the sustainability and predictability of public decisions.

19. In the comments that followed the presentation, the attendees expressed their appreciation for the elements put forward by the Vice-Minister for Environmental Management of the Ministry of the Environment of Peru, and stated that situations of social conflict associated with natural resource use were a reality in the entire region. They also stressed the need for the availability and wider use of tools such as pollutant release and transfer registers (PRTRs) throughout the region.

New signatories to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean (agenda item 3)

20. Under the above-mentioned agenda item, the representative of Argentina³ stressed that the Declaration strengthened citizens' access rights and, by extension, democracy. She said that the Government of Argentina appreciated the Declaration's rights-based approach, on the understanding that access rights were complementary. She also underlined the importance that it should be open to all the countries of the region and expressed her appreciation that it was a living process, responsive to the countries' changes and circumstances. She concluded her presentation by emphasizing that Argentina was pleased to be a part of this regional process.

21. The representative of Guatemala, having announced her country's accession to the Declaration, stated that its Government believed that the process would contribute towards the full implementation of access rights at the national level, and highlighted some of the good practices implemented in Guatemala.

³ Argentina acceded to the Declaration in July 2013 and participated in the second and third meetings of the working groups set up pursuant to the Plan of Action. However, this was the first time it had participated in a meeting of signatory countries.

22. The representative of Saint Vincent and the Grenadines then announced her country's accession to the Declaration. She said that, although her country was a young nation, the values of good governance had always been present in its post-colonial development plans, so that the Government and civil society could work together without necessarily taking opposing stances. She also expressed the hope that the process would help her Government to fully implement Principle 10 and to draw up a national plan for the exercise of access rights.

Measures taken by countries signatory to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean (agenda item 4)

23. The representatives of the signatory countries reported on actions carried out at the national level with a view to implementing the Declaration and its Plan of Action to 2014, established in Guadalajara. Briefings for the public sector and the public had been held and dissemination efforts had been made via websites and other means. The state of play and progress regarding national legal frameworks was also discussed. The representative of Paraguay referred to the need to ensure that the process took into account the standards and jurisprudence already existing in the region, in particular that of the Inter-American Court of Human Rights, and to avoid any backward steps being taken in national laws.

24. In the discussions that followed the speeches by the representatives of the signatory countries, members of the public highlighted the actions undertaken by civil-society organizations, often in coordination with Governments, to raise awareness of the Declaration and the process. They also stressed the importance of involving more Caribbean countries.

25. The representative of the United Nations Environment Programme (UNEP) congratulated Peru on its successful chairing of the meeting, and the signatory countries on their commitment to Principle 10. She reiterated the strong support of UNEP for the Declaration on the application of Principle 10 and stated that successful environmental governance was contingent on strengthening democracy, ensuring social equity and safeguarding the rights of all Latin American and Caribbean citizens to a healthy environment and sustainable development. She also mentioned the two training workshops organized in the region with the cooperation of the technical secretariat of the Declaration and other organizations.

Measures taken and proposals for consideration and adoption by the signatory countries of the working group on capacity-building and cooperation established in the 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 (agenda item 5)

26. The coordinators of the working group on capacity-building and cooperation (Colombia and Jamaica) gave a presentation on the activities undertaken since the adoption of the Plan of Action to 2014, and the proposals for consideration and adoption by the signatory countries. Notable activities included one face-to-face and two virtual meetings, and two training workshops on the implementation of Principle 10 (one in Trinidad and Tobago in September 2013, and another in Lima prior to the meeting of the signatory countries).

27. Following the proposal made by the working group coordinators, the participants commended the group for its work and requested information on the objectives to be fulfilled and the activities to be carried out in the period until December 2014.

28. The Chair of the meeting declared the document adopted and thanked Colombia and Jamaica for coordinating the group. The priority lines of action for capacity-building and cooperation agreed by the signatory countries for 2014 were as follows:

1. In 2014 the working group will focus on identifying best practices in the region in relation to access to information, participation and justice in environmental matters, with a view to stoking the debate on the content of the regional instrument and the regional standard. The group will evaluate the report “Access to information, participation and justice in environmental matters in Latin America and the Caribbean: Situation, outlook and examples of good practice”⁴ prepared by ECLAC, and requests that the Commission deepen its knowledge of best practices in the region.
2. The working group urges the signatory countries to engage in national and regional capacity-building activities during 2013-2014, in order to promote the application of Principle 10 and the Declaration, on the understanding that even though the signatory countries have committed to working on all access rights, special efforts need to be concentrated on promoting access to justice and capacity-building in this area.
3. The working group urges the signatory countries to seek ways in which to include other organizations involved in this field in promoting capacity-building activities. In addition, as mentioned at working group meetings, it is important to identify multipliers in various sectors, in order to boost training resources.
4. The working group urges the international organizations to support these efforts at the national level and to continue working with ECLAC to promote regional capacity-building. In this context, the working group expresses its appreciation for the training workshops delivered jointly by ECLAC, the United Nations Environment Programme (UNEP), the United Nations Institute for Training and Research (UNITAR), the Access Initiative of the World Resources Institute (WRI) and other organizations such as the Peruvian Society for Environmental Law (SPDA) and the Caribbean Academy for Law and Court Administration (CALCA), the educational arm of the Caribbean Court of Justice (CCJ).
5. The working group urges the signatory countries and the interested parties to prepare educational materials and to duly report on the available training resources, so that the technical secretariat can produce and maintain a register that will be updated regularly and available online.
6. The working group will review the outcomes of the two regional training workshops held as part of the process, and will propose two training priorities for each of the three pillars of Principle 10, which will be presented at the fourth meeting of the working group.
7. The working group urges the signatory countries and the interested parties to forge links between Principle 10 and the other international processes under way as part the United Nations post-2015 development agenda.

⁴ See Medio ambiente y desarrollo series, No. 151 (LC/L.3549/Rev.2), Santiago, Chile, 2013 [online] <http://www.eclac.cl/publicaciones/xml/9/51389/Accessoalainformacion.pdf>.

Measures taken and proposals for consideration and adoption by the signatory countries of the working group on access rights and the regional instrument established in the 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 (agenda item 6)

29. The representative of Brazil introduced the working group and outlined the mandate received under the Plan for Action to 2014 adopted in Guadalajara, Mexico, as well as the actions carried out to date. At the first virtual meeting, the working group had agreed to instruct ECLAC to hire an international consultancy to draw up a support document for the process describing the types of existing instrument in international law, along with their characteristics in terms of nature, capacity-building and compliance mechanisms and, at the same time, to conduct a brief review of the international and regional legal frameworks in place for safeguarding access rights. At the same meeting the working group had agreed to draw up a proposal for the consideration of the signatory countries at their third meeting on the common vision to guide the forthcoming regional instrument.

30. He stated that the document “Typology of international instruments”,⁵ presented at the third meeting of the working group on access rights and the regional instrument, held in Lima on 29 October 2013,⁶ was open for comments and suggestions until 30 November 2013, but added that it was a support document which was merely descriptive in nature and would not be subject to negotiation.

31. The delegate from Costa Rica presented the Lima Vision for a regional instrument on access rights relating to the environment for the consideration and adoption of the signatory countries. She indicated that the group coordinators, with the support of the Presiding Officers of the Declaration, and of Peru in its capacity as host, had made an effort to include all of the comments and suggestions received in the working sessions.

32. The representative of Trinidad and Tobago stressed the importance of making it clear that the process was open to all the countries of Latin America and the Caribbean, and therefore suggested some alternatives that were included in the final version.

33. The representative of Jamaica indicated that, while the document highlighted the need to promote environmental education among public officials and civil society, the judiciary also needed to be included. That view was supported by the participants, who agreed that all branches of the State should be included.

34. The representative of Argentina, responding to the proposal by Trinidad and Tobago that two paragraphs should be merged, stated that the link between access rights and the strengthening of democratic processes had been a central issue in Argentina’s accession and stressed how important it was to put it back into the document. That position was supported by the representative of Ecuador and by a member of the public. The representative of Saint Vincent and the Grenadines was also in favour of explicitly stating the link between access rights and the strengthening of democracy, which was reflected in paragraph 5.

35. The representative of the public proposed that the concept of conflict prevention should be expressly included in the common vision. The representatives of Honduras, and Uruguay also proposed

⁵ See document LC/L.3719 [online] http://www.eclac.org/rio20/noticias/noticias/1/50791/2013-861_PR10_Tipologia_instrumentos.pdf.

⁶ See the minutes of the third meeting of the working group [online] <http://www.eclac.cl/cgi-bin/getprod.asp?xml=/rio20/noticias/paginas/7/50787/P50787.xml&xsl=/rio20/tpl/p18f.xsl&base=/rio20/tpl/top-bottom.xsl>.

changes to the wording of the text. The representative of Mexico proposed adding a subsection entitled “Implementation and follow-up” at the end of the vision which would call on ECLAC to set up an inter-agency group to provide support to Latin American and Caribbean countries in the process of negotiating a regional agreement. The representatives of Argentina, Colombia, Costa Rica, Chile, Dominican Republic and Ecuador, and a member of the public expressed doubts as to the administrative and logistical functioning of the inter-agency group proposed by Mexico.

36. The representative of Brazil supported the reservations of the aforementioned countries, and added that the proposal for a common vision failed to address practical aspects of the Declaration, and that the vision did not encompass the granting of mandates; it was supposed to set out the principles and values that would guide the instrument.

37. The representative of Chile drew attention to the work of the coordinators of the working group on access rights and the regional instrument in presenting the document on the common vision, and joined the other delegations in supporting Brazil’s proposal.

38. A representative of the public asked whether the statement in the document that the process was open to all countries also referred to the public. He also requested that the principle of prevention should be included in the guiding principles of the regional instrument. The representative of Chile replied that the principle of prevention was already reflected in other principles such as effective and timely access. With regard to the inclusion of the public in the text mentioning the openness of the process in the region, the Chair proposed that specific reference should be made to Governments and peoples.

International panel: access rights and international processes (agenda item 7)

39. The members of the panel were Jit Peters, Chair of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention); Winston Anderson, Judge at the Caribbean Court of Justice, and John H. Knox, United Nations Independent Expert on Human Rights and the Environment.

40. The Chair of the Aarhus Convention explained the structure of the Convention, to date the world’s only legally binding instrument on Principle 10, and detailed the guiding principles, the administrative structure and arrangements for public participation. He indicated that the Convention’s underlying principles were that sustainability required the participation of all actors, that people should have the right to speak and vote on matters that affected their lives, and that meaningful participation led to effective decision-making and implementation. He added that the Convention had a single Compliance Committee: a “soft”, non-confrontational, non-judicial mechanism that would allow both the public and parties to make submissions. The mechanism did not impose penalties or issue orders, but rather conveyed its findings and recommendations to the Conference of the Parties for adoption. To date, all of the Compliance Committee’s findings and recommendations had been approved by the Conference of the Parties. The mechanism had also enabled associated organizations to identify opportunities for capacity-building and technical assistance. He added that being a party to the Convention not only provided benefits, but also delivered a solid base for sustainable development. One such benefit was that a legally binding instrument would enable greater and more effective cooperation as it would have dedicated bodies to deliver technical assistance, hold workshops and carry out capacity-building activities and a permanent secretariat to provide continuous support. He added that it was achieving greater efficiency by enabling the pooling of knowledge and resources between parties and organizations, and that it offered a solid structure for associated organizations (international organizations, international financial institutions and bilateral donors, among others) to channel their support.

41. The Judge of the Caribbean Court of Justice referred to access rights from a Caribbean perspective. He indicated that the elements contained in Principle 10 of the 1992 Rio Declaration had already been enshrined in the Port of Spain Accord on the Management and Conservation of the Caribbean Environment, adopted at the first CARICOM Ministerial Conference on the Environment in 1989, in which strategic approaches had been proposed for the resolution of problems. Those approaches included the promotion of education and awareness-raising across all levels of society as well as the collection, management and dissemination of environmental information. He added that Principle 10 of the Rio Declaration of 1992 had been reaffirmed in the Programme of Action for the Sustainable Development of Small Island Developing States (Barbados Programme of Action) in 1994 and in other subregional declarations, and had been adopted in the national legislation of Caribbean countries. He also stated that the region had a large body of case law on access to information, participation and justice in environmental matters.

42. The United Nations Independent Expert on Human Rights and the Environment referred to the relationship between human rights and the access rights set forth under Principle 10 of the Rio Declaration, highlighting three specific aspects. First, he pointed out that the fulfilment of human rights was clearly contingent on guaranteeing people a healthy environment in which to enjoy their rights. Human rights bodies around the world had often reiterated that environmental damage could impinge on the human rights to life, health and property, among many others. Second, he said that States had often codified the relationship between human rights and the environment by explicitly enshrining the right to a healthy environment, for example, in their national constitutions. More than 90 countries—including many in Latin America and the Caribbean—had guaranteed that right in their constitutions. Third, he stated that support for the formulation of effective environmental policies was one of the most important ways in which human rights related to environmental protection. In that regard, he suggested that access to information, participation in decision-making and effective remediation were crucial. Exercising those rights made environmental policies more transparent and better informed, thereby creating a virtuous circle in which full compliance with the obligations of access to information, participation and justice could produce a healthier environment which in turn contributed to higher levels of compliance with substantive rights, such as the rights to a healthy environment, life, health, property and privacy.

43. In the subsequent speeches, the participants expressed appreciation for the preceding presentations. The representative of Chile stressed that an environmental-rights-based approach had always been important for her country, and therefore access rights, the right to a healthy environment, and fundamental rights formed an essential trio. She expressed her satisfaction that the vision document reflected that approach.

Review and adoption of the agreements of the third 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 (agenda item 8)

44. The signatory countries of the Declaration adopted by consensus the Lima Vision for a regional instrument on access rights relating to the environment.⁷

45. The delegation from Mexico expressed its satisfaction at the adoption of the vision document, which contained elements that Latin American and Caribbean countries, with the active involvement of civil-society organizations, could use as they continued to work towards a regional agreement on Principle 10. With respect to the vision set forth in the document adopted, the delegation added that the

⁷ See annex.

approach conveyed the idea that the instrument was the end and not the means or the tool by which the shared vision would be achieved. In this regard, the representative remained convinced that a regional vision must reflect, in the long term, the ambition of fully implementing Principle 10 in the countries of Latin America and the Caribbean and that this had been the thrust of the vision Mexico had proposed when the matter was first addressed. Lastly, Mexico would be alert to opportunities to enrich the vision in the coming months, as mentioned in the report of the working group on access rights.

46. The representative of Argentina thanked the coordinators of the working group on access rights and the regional instrument for the work undertaken, with the support of the Presiding Officers, and stated that the Lima Vision was a guiding document whose content would be developed more fully at a later stage of the process. The comments were endorsed by the representatives of Ecuador and Uruguay.

47. The representative of Brazil thanked the different countries for their contributions to the Lima Vision, adding that the instrument would be further developed at future meetings and that he hoped that further contributions would be forthcoming.

48. The representative of Ecuador urged the countries to express their solidarity with the peoples, communities and Government of Ecuador in respect of the lawsuit brought by the communities against Chevron Texaco, and stressed that it was a landmark case for access to environmental justice that called for the right to information, participation and justice in environmental matters to be upheld in an appropriate, timely and pre-emptive manner.

49. A member of the public expressed his satisfaction with the content of the Lima Vision and his gratitude for the public's opportunity to participate in the process.

Closing session

50. The Chair congratulated the participants on the agreements reached and thanked them for the trust placed in Peru as the host country. He commended the public for its positive contribution and ECLAC for its work as technical secretariat.

51. The Officer in Charge of the Office of the Secretary of the Commission expressed his satisfaction with the adopted document and the course of the meeting. He highlighted the importance of the collective achievement of objectives and stressed the importance of the way in which agreements were reached, with the active participation of the public.

Annex 1

**LIMA VISION FOR A REGIONAL INSTRUMENT
ON ACCESS RIGHTS RELATING TO THE ENVIRONMENT**

We recall that in the road map for the creation of an instrument on Principle 10 in Latin America and the Caribbean we decided to reach a common vision on the importance and benefits of Principle 10 access rights to information, participation and justice in environmental matters, the values and principles underpinning them and their implementation, taking into account the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and the Plan of Action for its implementation,

Our vision is that an instrument for Latin America and the Caribbean will contribute to ensuring effective and timely access to environmental information, participation in decisions that affect the environment and access to justice in environmental matters for all. Accordingly, 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 in Latin America and the Caribbean and its Plan of Action recognize:

- (a) That the process leading to the formulation of a regional instrument on the application of Principle 10 of the Rio Declaration of 1992 is open to all the Governments and peoples of Latin America and the Caribbean and must take into account other current regional processes and promote and harness the synergies existing between the relevant regional and international agencies;
- (b) That everyone has the right to a healthy environment, which is essential for the full development of human beings and for the achievement of sustainable development, poverty eradication, equality, and the preservation and stewardship of the environment for the benefit of present and future generations;
- (c) That exercising rights of access to information, participation and justice in environmental matters deepens and strengthens democracy and contributes to better protection of the environment and thus of human rights;
- (d) That, although considerable progress has been made in the region, we all face challenges in the full implementation of access rights, and that cooperation, capacity-building and political consensus-building through effective mechanisms are essential for narrowing gaps in the implementation of Principle 10;
- (e) That access rights are interrelated and interdependent, and so each should be promoted and implemented in an integrated and balanced manner;
- (f) 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 diverse natural and cultural heritage of our peoples, in order to advance social inclusion, enhance solidarity, eradicate poverty and inequality and restore the balance and the health and integrity of our planet;

- (g) That participation is essential to confer legitimacy on the process of formulating a regional instrument, especially one designed to regulate the rights to information, participation and access to justice envisaged in Principle 10. Furthermore, participation is key to broadening experience and knowledge of access rights;
- (h) That it is necessary to promote awareness and environmental education of the public sector and the public, in order to contribute to the effective implementation of access rights to information, participation and justice in environmental matters, and provide people with the knowledge, skills and understanding they need to participate in environmental decision-making;
- (i) That, regardless of the measures that we, the signatory countries, agree upon in order to strengthen the full implementation of access rights, nothing shall preclude our ability to take additional measures to ensure even broader access to information, participation and justice in environmental matters.

Importance and benefits of access rights

Recognizing that rights of access to information, participation and justice in environmental matters are essential to the promotion of sustainable development, democracy and a healthy environment, we appreciate:

- (a) That they represent an important contribution to the formulation and implementation of informed, transparent and appropriate measures for furthering the well-being of the population and contributing to accountability and the effective rule of law;
- (b) That they contribute to greater public awareness and allow the public to express its concerns regarding environmental problems and challenges and this, duly acknowledged by the authorities, leads to greater public involvement and support for the decisions taken;
- (c) That adequate access to these rights is essential for the governance of natural resources in the region and contributes to the promotion of dialogue between authorities and citizens in natural resource management;
- (d) That the adoption of a regional instrument will contribute to:
 - (i) Facilitating concerted action and strategies that better address common challenges facing the region.
 - (ii) Promoting and strengthening dialogue, cooperation, technical assistance, capacity-building and regional development in terms of access rights.
 - (iii) Boosting the implementation of access rights at the national level by stimulating cooperation mechanisms between countries in the region.
 - (iv) Fostering stronger environmental governance in the countries of the region.
 - (v) Encouraging the development of a regional agenda on access rights that takes sustainability and equality as its conceptual basis.
 - (vi) Improving the conditions of vulnerable populations in the region by facilitating and putting at their disposal mechanisms for access to information, participation and justice in environmental matters.

Values and principles

Emphasizing the importance and benefits of access rights, we agree that the regional instrument will be inspired and guided by the following values and principles:

- (a) **Equality.** Everyone must be able to exercise their access rights without experiencing any form of discrimination based on social status, gender, age, nationality, race, religion or any other factor.
- (b) **Inclusion.** Special efforts must be made to involve various sectors and to provide equal opportunities for women and vulnerable groups.
- (c) **Transparency.** Transparency in environmental matters is fundamental to ensuring that interests and objectives are explicit and that all necessary information is reliable and provided in a timely manner.
- (d) **Proactivity.** Governments and the public shall take initiatives consistent with their respective roles, exercised responsibly, to develop their full potential and enrich the decision-making process for sustainable development in an effective and timely manner.
- (e) **Collaboration.** Collaborative efforts between the various stakeholders are essential because they facilitate the achievement of common objectives, strengthen and improve the quality of dialogue, enable the exchange of experiences and knowledge, and promote prevention and dispute settlement.
- (f) **Progressive realization.** It is necessary to advance progressively towards full implementation of Principle 10 and to avoid taking any step backward, while recognizing the individual circumstances of each country with regard to access rights.
- (g) **Non-regression.** The instrument must build on the agreements already reached in the region and aim to strengthen national laws or international agreements on the full implementation of access rights, in keeping with the purpose of the Declaration.

Annex 2

LIST OF PARTICIPANTS

**A. Países signatarios de la Declaración
Signatory countries of the Declaration**

ARGENTINA

Representante/Representative:

- María Fabiana Loguzzo, Directora General de Asuntos Ambientales, Ministerio de Relaciones Exteriores, Comercio Internacional y Culto

BRASIL/BRAZIL

Representante/Representative:

- Bernardo Macke, Coordinación General de Desarrollo Sostenible, Ministerio de Relaciones Exteriores

CHILE

Representantes/Representatives:

- Waldemar Coutts, Ministro Consejero, Director de la Dirección de Medio Ambiente y Asuntos Marítimos, Ministerio de Relaciones Exteriores
- Constance Nalegach, Punto Focal, Democracia Ambiental Latinoamérica y Caribe, Oficina OCDE y Foros Internacionales, Ministerio de Medio Ambiente

COLOMBIA

Representante/Representative:

- María Angélica García, Segunda Secretaria de Relaciones Exteriores, Ministerio de Relaciones Exteriores

Miembros de la delegación/Delegation members:

- Mauricio Molano, Asesor de Fronteras y de Organismos Subregionales, Oficina de Asuntos Internacionales, Ministerio de Ambiente y Desarrollo Sostenible

COSTA RICA

Representante/Representative:

- Mariamalia Jiménez, Ministra Consejera de la Embajada de Costa Rica en Santiago

ECUADOR

Representante/Representative:

- Mario Ruales, Asesor Ministerial, Ministerio de Coordinación de Conocimiento y Talento Humano

GUATEMALA

Representante/Representative:

- Belén Portillo, Asesora del Despacho Superior, Ministerio de Relaciones Exteriores

Miembros de la delegación/Delegation members:

- Gabriel Aguilera Peralta, Embajador de Guatemala en el Perú

HONDURAS

Representante/Representative:

- Xiomara Cubas, Coordinadora Técnica y Administrativa del Consejo Nacional de Desarrollo Sostenible (CONADES)

JAMAICA

Representante/Representative:

- Princess Gordon, Documentation/Information and Access Service Director, Ministry of Water, Land, Environment and Climate Change

MÉXICO/MEXICO

Representantes/Representatives:

- Dámaso Luna Corona, Director General Adjunto de la Dirección General para Temas Globales, Secretaría de Relaciones Exteriores

Miembros de la delegación/Delegation members:

- Berta Helena de Buen, Directora General Adjunta de Participación y Atención Ciudadana, Secretaría de Medio Ambiente y Recursos Naturales
- Gustavo Adolfo Torres Cisneros, Director General Adjunto de Vinculación con las Organizaciones de la Sociedad Civil, Secretaría de Relaciones Exteriores de México

PANAMÁ/PANAMA

Representante/Representative:

- Lenisel Saavedra, Abogada, Oficina de Asesoría Legal, Autoridad Nacional del Ambiente

Miembros de la delegación/Delegation members:

- Lisbeth Carreiro, Abogada, Autoridad Nacional del Ambiente

PARAGUAY

Representante/Representative:

- Arnaldo Ricardo Salazar, Consejero, Director de la Unidad de Asuntos Ambientales del Ministerio de Relaciones Exteriores

PERÚ/PERURepresentantes/Representatives:

- Mariano Castro Sánchez Moreno, Viceministro de Gestión Ambiental, Ministerio del Ambiente
- Sonia María Gonzales, Directora General de Investigación e Información Ambiental, Ministerio del Ambiente
- Luis Pablo Salamanca Castro, Subdirector de Asuntos Ambientales, Bilaterales y Regionales, Ministerio de Relaciones Exteriores
- José Félix Pinto-Bazurco, Asesor legal de la Dirección de Medio Ambiente del Ministerio de Relaciones Exteriores

Miembros de la delegación/Delegation members:

- Manuel Pulgar Vidal, Ministro de Medio Ambiente, Ministerio del Ambiente
- Jimpson Dávila, Asesor del Despacho Viceministerial de Gestión Ambiental, Ministerio del Ambiente
- Cecilia López, Directora de la Oficina de Asesoría Jurídica, Ministerio del Ambiente
- Julio Guzmán, Procurador, Ministerio del Ambiente
- Julio Garro, Director General para Asuntos Globales y Multilaterales, Ministerio de Relaciones Exteriores
- Fernando Rojas, Viceministro de Relaciones Exteriores, Ministerio de Relaciones Exteriores
- Rómulo Acurio, Director de Medio Ambiente, Ministerio de Relaciones Exteriores
- Carlos Jesús Rossi, Ministro Consejero, Dirección de Medio Ambiente, Ministerio de Relaciones Exteriores
- Carmen Arias Otárola, Primera Secretaria, Dirección de Medio Ambiente, Ministerio de Relaciones Exteriores
- Guillermo Vega Espejo, Asesor, Dirección de Medio Ambiente, Ministerio de Relaciones Exteriores
- Flor de Liz Tica, Tercera Secretaria, Coordinadora de la Dirección de Medio Ambiente, Ministerio de Relaciones Exteriores
- María Luisa Segura Anchante, Asistente, Dirección de Medio Ambiente, Ministerio de Relaciones Exteriores
- Jerónimo Chiarella, Coordinador de Investigación, Ministerio del Ambiente
- Nedda Angulo, Especialista en Cultura y Ciudadanía Ambiental, Ministerio del Ambiente
- Claudia Zuñiga Mejía, Protocolo, Ministerio del Ambiente
- Carmen Zoli Castro, Comunicaciones, Ministerio del Ambiente

REPÚBLICA DOMINICANA/DOMINICAN REPUBLICRepresentante/Representative:

- Tirsis Quezada, Directora de Planificación y Desarrollo del Ministerio de Medio Ambiente y Recursos Naturales

SAN VICENTE Y LAS GRANADINAS/SAINT VINCENT AND THE GRENADINESRepresentante/Representative:

- Michelle Fife, Legal Advisor, Ministry of Foreign Affairs, Foreign Trade, Commerce and Information Technology

TRINIDAD Y TABAGO/TRINIDAD AND TOBAGO

Representante/Representative:

- Rucanne Haynes, Segunda Secretaria, Misión Permanente de Trinidad y Tabago ante las Naciones Unidas

URUGUAY

Representante/Representative:

- Alison Graña, Secretaria del Servicio Exterior, Dirección de Medio Ambiente, Ministerio de Relaciones Exteriores

Miembros de la delegación/Delegation members:

- María Noel Beretta Tassano, Embajada del Uruguay en Lima

B. Países miembros de la Comisión que participan en calidad de observadores States members of the Commission participating as observers

BOLIVIA (ESTADO PLURINACIONAL DE)/BOLIVIA (PLURINATIONAL STATE OF)

Representante/Representative:

- María Patricia Chávez Escobar, Embajada del Estado Plurinacional de Bolivia en el Perú

EL SALVADOR

Representante/Representative:

- Zeidy Rosimar Morales Quintero, Técnico de la Oficina de Gestión para el Financiamiento Climático, Dirección General de Cooperación para el Desarrollo, Ministerio de Relaciones Exteriores

SANTA LUCÍA/SAINT LUCIA

Representante/Representative:

- Fera Narcisse-Gaston, Oficial de Educación Ambiental, Ministerio de Desarrollo Sostenible, Energía, Ciencia y Tecnología

SURINAME

Representantes/Representatives:

- Jacintha Roschila Koemaire Asarfi, Senior Advisor to the Foreign Policy Coordinator, Cabinet of the President of the Republic of Suriname
- Haydi Jolanda Berrenstein, Cabinet of the President of the Republic of Suriname

**C. Organismos de las Naciones Unidas
United Nations agencies**

Instituto de las Naciones Unidas para Formación Profesional e Investigaciones/United Nations Agency for Training and Research (UNITAR)

- Achim Halpaap, Associate Director, Training Department, Head, Environment Unit

Programa de Naciones Unidas para el Medio Ambiente (PNUMA)/United Nations Environmental Programme (UNEP)

- Fatou Ndoye, Major Groups and Stakeholders Branch
- Andrea Brusco, Oficial de Asuntos Legales, Oficina Regional para América Latina y el Caribe

**D. Expertos
Experts**

- Winston Anderson, Judge of the Caribbean Court of Justice
- Marcos Orellana, Director of Human Rights and Environment Program, Center for International Environmental Law (CIEL)
- Jit Peters, Emeritus Professor, Guest Professor University of Amsterdam, Chair of the Bureau of the Aarhus Convention

**E. Público
Public**

- Danielle Andrade, Attorney-at-Law, Jamaica
- Luisa Pilar Araúz, Centro de Incidencia Ambiental (CIAM), Panamá
- Daniel Barragán, Director Ejecutivo, Centro Ecuatoriano de Derecho Ambiental (CEDA), Ecuador
- Gabriela Burdiles, Corporación Fiscalía del Medio Ambiente (FIMA), Chile
- Isabel Calle, Directora Programa de Política y Gestión Ambiental, Sociedad Peruana de Derecho Ambiental (SPDA), Perú
- Gloria Olimpia Castillo, Comunicación y Educación Ambiental SC, México
- Andrea Cerami, Centro Mexicano de Derecho Ambiental, México
- Karetta Crooks, Saint Lucia National Trust, Saint Lucia
- Dilcia Margoth Cubas Cantarero, Secretaria de Asuntos Agrarios, Guatemala
- Rafael De Freitas Sampaio, Oficial de Proyectos, Article 19, Brasil
- Allison Galindo, Instituto de Derecho Ambiental de Honduras (IDAMHO), Honduras
- Candy González, Belize Institute of Environmental Law and Policy, Belize
- Carmen Guerrero, Especialista Legal Ambiental, Centro de Desarrollo y Pesca Sustentable, Perú
- Patricia Madrigal, Coopersolidar R.L, Costa Rica
- Paula Martins, Article 19, Brasil
- Carolina Neme, GAIA, Uruguay
- Ana Cecilia Olivares, Unidad Ecológica Salvadoreña, El Salvador
- Daniel Ryan, Fundación Ambiente y Recursos Naturales (FARN), Argentina
- Andrea Sanhueza, Coordinadora Iniciativa de Acceso América Latina
- Tomás Severino, Director Cultura Ecológica A. C. de México

- Claudio Sotelo Torres, Universidad SMP, Perú
- Ana Mireya Suazo Suazo, Honduras
- Silvana Terzi, Corte Suprema de Justicia de la Nación, Argentina
- Juan Carlos Villegas, Comunicación Ambiental A.C., México
- Sharon Zababuru, Sociedad Peruana de Derecho Ambiental, Perú

G. Secretaría Secretariat

Comisión Económica para América Latina y el Caribe (CEPAL)/Economic Commission for Latin America and the Caribbean (ECLAC)

- Carlos de Miguel, Jefe de la Unidad de Políticas para el Desarrollo Sostenible, División de Desarrollo Sostenible y Asentamientos Humanos/Head of the Policies for Sustainable Development Unit, Sustainable Development and Human Settlements Division
- Luis Yáñez, Oficial a Cargo, Secretaría de la Comisión/Officer in Charge, Secretary of the Commission
- Valeria Torres, Oficial de Asuntos Económicos, División de Desarrollo Sostenible y Asentamientos Humanos/Economic Affairs Officer, Sustainable Development and Human Settlements Division
- Guillermo Acuña, Asesor Legal y Jefe de Protocolo, Oficina de la Secretaria Ejecutiva/Legal Adviser and Chief of Protocol, Office of the Executive Secretary