Category: Procedural Obligations – General

Sub-Category: Treaties and Instruments

Name of Good Practice: Regional Instrument on the Rights of Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean

Key Words: Access to Information, Access to Justice, Participation, Principle 10, Regional, Right to a Healthy Environment, Rio Declaration, Treaty

Implementing Actors: Nation State: States in Latin America and the Caribbean; International Organisation: UN Economic Commission for Latin America and the Caribbean (ECLAC)

Location: Latin America and the Caribbean

Description: During the Rio+20 UN Conference on Sustainable Development, ten States from the Latin American and the Caribbean (LAC) region subscribed to a Declaration on Principle 10. By 2014, nine more countries had signed the Declaration, representing more than half of all LAC countries. The signatory countries, which include Argentina, Brazil, Chile, and Jamaica, expressed their commitment to explore the viability of a regional instrument on the rights to access of information, participation, and access to justice, enshrined in Principle 10 of the 1992 Rio Declaration. After two years of discussions, in November 2014 the participating governments decided in Santiago, Chile, to commence negotiations on the regional instrument with a view to concluding them by December 2016. The progress and developments leading to the negotiation of a final instrument serve as a good practice for other regions seeking to adopt a similar regional treaty.

The second meeting, in Guadalajara, Mexico, agreed to a Plan of Action that included many opportunities for public participation, such as the ability for civil society organisations to make oral interventions during the course of the meeting along with States. The third meeting, held in Lima, Peru, in November 2013, led to the recognition, inter alia, “[t]hat 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.” In San José, Costa Rica, in October 2014 governments agreed on the San José Content, which includes the right to a healthy environment in the general principles of the operative part of the regional instrument.

Further Information: For the relevant documents leading to the elaboration of the LAC instrument, *see* <http://www.cepal.org/rio20/principio10/default.asp?idioma=IN>. *See also* Marcos A. Orellana, *Democracia Ambiental y Desarrollo Sostenible: Hacia un Instrumento Regional sobre Derechos de Acceso [Environmental Democracy and Sustainable Development: Toward a Regional Instrument on Access Rights]*, *in* FARN Informe Ambiental Anual [FARN Ann. Envtl. Rep.] 43, 44 (2014).