

Future We Want: A Principle 10 was achieved for Latin America and the Caribbean

Six years ago when we started this journey at Rio+20 in Brazil with the Declaration on Principle 10 signed at that time by 10 countries in Latin America and the Caribbean, we had the highest level of ambition to do what had never been done before in the region. And we did it! The first treaty for the people of Latin America and the Caribbean who want environmental information, who want to participate in decisions that affect them and who need justice in environmental matters. This is truly a historic moment.

Modalities of public participation

A praiseworthy innovation of the process was the significant participation of the public, involving the public in a way that allowed creative and productive dialogue during the negotiations, and allowing us to ensure that we were not only heard but also understood. Because of this we have built the capacity of the public to negotiate. We learned a lot through this process and from the delegates who never failed to keep us on our toes and we are still learning. This is the kind of spirit we need at both the international and national level in participation procedures to ensure that we address serious issues concerning balancing environment and development and for preventing social conflicts about the use of our finite natural resources.

We have created a treasured space for the public and we hope that this will become a precedent for other international processes.

What have we achieved

- a. It is the first agreement to create obligations of the states in relation to environmental defenders, people who work to protect the environment or their land rights, specifically to protect them from harm and ensure they have an enabling environment supportive of their work.
- b. In relation to access to information, it requires states to consider the public interest and guarantees that when faced with threats to public health or the environment, States should immediately disseminate all information that could help prevent or reduce harm. It also includes an obligation for States to develop pollutant and release registers across the region to provide access to information on harmful emissions released into the air, water, land to the public
- c. As it relates to public participation, the Agreement guarantees, among other things public participation in projects and activities and other processes for granting environmental permits that have or may have a significant impact on the environment or affect health; setting guidelines for notification, provision of information and a further requirement that authorities have to consider the views of the public in the decision-making process to ensure that public participation is meaningful.
- d. The Agreement specifically recognizes the position of persons and groups in vulnerable situations and requires states to eliminate barriers to their use of access rights. This is particularly important for the need to obtain justice in environmental matters.
- e. It also recognizes important principles that will help us interpret how access rights are to be implemented such as the principle of non-discrimination

Of course, in certain respects the Agreement does not go far enough and does not reflect elements that are important for the implementation of access rights: we did not gain, a clear standard for the type of information that would be exempt from disclosure, a clear and more liberal recognition of those who are entitled to bring legal actions in environmental matters (i.e. legal standing) and a broader definition of who the public is. After all the environment affects us all and ultimately we are after all working towards creating a shared future for the benefit of us all and future generations. We will continue to strive for these issues to be addressed in our countries.

The leadership and thanks

We thank the countries that led and supported the process, the Presiding Officers including our gracious host Costa Rica and other delegates who through their efforts were able to reach consensus on the most difficult and complex issues because of their appreciation for the importance of this process and its potential impact, the ECLAC team who accomplished through a momentous amount of work: research on the status of access rights, capacity building workshops, financing the participation of the public, and organizing meetings among other things. All our recognition and gratitude, their many efforts for many years have also been a key factor for this stage that we are closing. We

are deeply grateful for the leadership that Chile took from the first day. Many thanks to Costa Rica, especially the Vice Minister of Environment and the President of the 9th meeting, for their welcome and above all for their political will to have a binding agreement with a robust and ambitious content. We want to recognize the efforts of all the countries and their delegates, we know that many times their participation not only had to agree on the positions within the Negotiation Committee, we know that the coordination and conciliation with the national positions has not been a simple job, we understand and value it. We count on everyone to continue building the future we want, a sustainable and peaceful future for our region.

We also want to thank all the experts who have contributed to this process, special mention of Jerzy Jendroska, Magdhi Toth, Sylvia Capelli, Concepcion Escobar, Valentina Duran, Justice Winston Anderson, Nicole Mohammed, Marcos Orellana and Tsvetelina Filipova and all others who contributed to this process immensely.

Today we are proud to share that the civil society involved in these negotiations have a network of experts and organizations from 16 LAC countries, our thanks to all the organizations that support this process. I would like to mention the contribution of the Access Initiative and their leadership in this process as a network that has worked tirelessly over 18 years to improve access rights and has supported the process from the creation of the Declaration through to the end. I want also to recognize the Regional Environmental Center for Central and Eastern Europe (REC) for their support in facilitating the involvement of civil society, in particular, by providing us with much needed resources to bring Latin American and Caribbean negotiators to the meetings.

We also want to thank those members of the public who followed the process, the over 3000 persons registered in the regional public mechanism many of who fed us their views to ensure they were brought to the fore. Al we also want to thank the presentative of the public Andrea Sanhuenza, Danielle Andrade, Tomás Severino, Karetta Crooks, Natalia Gómez, Andrés Napoli, for their strong leadership.

Final thoughts

Today we can tell the world that we have taken a concrete, solid and transcendental step to advance towards this Future that We Want. As a public we want a future where the people of Latin America and the Caribbean can be part of the decisions that affect their lives, their territory and their natural resources. People who may have the possibility of seeking reparations for the environmental damage that their environments have suffered, without being afraid of being murdered, criminalized, threatened and harassed, as sadly happens today. We dream that the next generations will not be second class citizens where their way of living and their traditions are threatened.

With this vision, we request that the countries sign and ratify this Agreement so that it enters into force as soon as possible. Thus we will advance in its prompt application in our countries. We want the modalities for public participation to be substantive for our involvement in the COP and in the Implementation and Compliance Support Committee. We want the countries that have adopted this Convention to take up the challenge of informing and, above all, explaining how it will reach its citizens, especially vulnerable groups. Count from now on with us. Remembering the acquired obligations we must inform with a non-technical language, and inform them of the ways they and they are informed. We want more countries in the region to join this process. We encourage the countries present today to take up the challenge of promoting it and thus motivating others.

We are very proud to have promoted this initiative from civil society. And finally: The real heart of this agreement is about vulnerable people, groups and environmental defenders – those who need support and better tools to access environmental information, to participate in environmental decision and to obtain justice. Today we have done that. To all of those, we leave immortal words from the legendary singer Bob Marely: **Get up, stand up, Stand up for your rights. Get up, stand up, Don't give up the fight!**