



Opening Remarks by Tomás Severino, Elected Representative of the Public (Mexico) at the 9th Meeting of the Negotiating Committee for a Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean. San Jose, Costa Rica | February 28, 2018.

Good morning to all. Colleagues of the head table, it is an honour for me to participate on behalf of the public in this opening of the 9th Negotiation of the Agreement on Access to Information, Participation and Environmental Justice (Principle 10).

We thank Costa Rica for receiving us for the closing of the process. We recognize the joint effort and the multiple advances that have been achieved to date. Thank you to all those who have supported and promoted this "our Regional Agreement".

We value the work of the Presiding Officers, the co-chairs and the Technical Secretariat. We also appreciate that governments see this for what it is, a historic opportunity to influence in the medium-long term sustainable development in our countries, defending the institutions of the future, not those of the past.

It is a privilege to be part of a process that develops environmental rights. We know we can promote and add to the international regime, progressive legal contributions, as has been achieved up to this point in some issues. We should be proud of what we have achieved, but also aware of the challenges; among them, the broad and amplified approach of the definitions that we aim to agree upon, should be effective. Narrow and inflexible views may jeopardize the success of the agreement. We cannot afford that luxury. We have to take into account its practical and legal implications, and to set high standards for the provisions of the agreement. Respecting the collective effort of many people in our region and those who have been working on this agreement for more than 6 years. We have a great responsibility with our fellow citizens who are without mechanisms to be part of the decisions that affect their environment, life and health.

The socio-environmental challenges posed by the water crisis, climate change, the risks and damages caused by environmental pollution, the exploitation of natural resources, are global problems, but they affect in a very specific way the inhabitants of our countries, who need to have effective tools to deal with these situations. The adoption of a robust and binding instrument is the main way to ensure that the principles to which our countries have committed themselves are effective, especially for vulnerable populations, which suffer the most from the natural and anthropic impacts on the environment and their territories.



This position is shared by a growing number of United Nations human rights experts, 10 of whom in November 2017 called on the governments of Latin America and the Caribbean to request the adoption of "a strong agreement" on Principle 10, and that countries "accept legally binding norms to protect human rights and the environment".

This is the commitment that civil society demands from governments:

- (i) Direct access for the average person to access rights and the implementation and compliance mechanism that they decide. The people, as final recipients, as José Luis Samaniego already mentioned.
- (ii) The adoption of implementation and compliance mechanisms that make the rights recognized in the agreement effective.
- (iii) A Conference of the Parties, with the participation of the public.
- (iv) A Monitoring and Evaluation Committee.
- (v) Ratify the central principles of environmental management, such as precautionary, prevention, in dubio pro-natura.
- (vi) Work on the definition of environmental information (the lists are international standards), and on the definitions of the public and environmental defenders.

This instrument, which has not yet been adopted, is already having an effect in other international forums. A few weeks ago the Inter-American Court of Human Rights published its Advisory Opinion regarding Colombia's questions about human rights and environmental impacts. The opinions of the Court could not have come at a better time, they allow us to have more clarity on the guidelines and the direction to follow, to give speed and precision to this last round of negotiation. It facilitates and directs the provisions associated with issues such as: cross-border responsibility, the linking of human rights, environmental rights, sustainable development and the precautionary principle. Furthermore, recognizing and saluting this regional process.

Principle 10 is the vehicle that links human rights with the environment. We are setting the rules to push forward the Rio 92 agenda and the foundations of environmental governance for the 21st century, which is why it must set high standards. These are the rules that will serve as a basis to face the environmental challenges of the 21st century, or compliance with international agreements such as Paris (COP 21) and the Sustainable Development Goals (SDGs), and as a tool for countries to fulfil their obligations in the different multilateral environmental agreements of which they are signatories. Principle 10 is at the base of environmental management and it is transversal. The time has come to finish this agreement, let us be bold, efficient and effective.

I cannot finish this intervention without remembering Dámaso Luna, one of the promoters of this initiative, his presence and contributions in this initiative are and will be irreplaceable.

We are making history.

This agreement establishes a minimum floor, not a ceiling.

The United Nations and the world are watching us.

Congratulations and success to everyone.