

Governance and environmental democracy: a global policy

Carla D. Aceves-Ávila
Universidad de Guadalajara, CUCEA, Mexico

“Environmental law at a crossroads”
IUCNAEL 10th Colloquium, July 1-5, 2012,
Francis King Carey School of Law,
Maryland, USA.



Environmental governance?

- meant for administration, management, and decision making over environmental resources and elements.
- Its actors are public, private, stakeholders, NGO's and State institutions.
- Requires empowerment of stakeholders, including the poor and marginalized, as well as any other environmental consumer, whether public or private.
- Encompasses traditional democracy elements.

Environmental democracy?

- Encompasses and enables access to public information, access to decision making and access to environmental justice
- Considers the greatest diversity of actors including private parties, marginalized groups, civil society (grassroots and NGOs), and public actors
- Concept of democracy generally considers majorities through representation, not necessarily direct participation.

Principles for efficient environmental governance:*

- **Effective laws:** clear, compatible and applicable.
- **Disclosure:** systematization and interpretation public environmental information.
- **Participation:** Interested parties should be given an opportunity to participate in decision making.
- **Accountability:** Public and private decision makers should assume responsibility (and liability) for their actions.
- **Authority dispute resolution:** Access to efficient and effective mechanisms.
- **Public integrity-** ethical conduct in the execution of environmental programs.

*(2011, from Fulton and Benjamin)

Current environmental governance should address different gaps:

Specifically related to participation in environmental democracy, impact on *locus standi*:

- Participation rights and representation for decision making of actors at different levels (empowerment),
- Consideration of differentiated social groups such as marginalized groups, indigenous peoples, immigrants and refugees, displaced groups, culturally vulnerated,
- Property rights and tenure of locals and traditional communities which enable participation,
- the necessity for a renewed regime and empowerment of international institutions.

Global environmental governance

- Requires local governance for its achievement,
- Institutions and actions should be regionally based on ecosystemic realities,
- All mechanisms and programs scientifically based on a strategic approach considering resources and combining social and economical necessities.
- Should be embodied and strengthened by local organizations and strongly supported by State actors.
- Education and capacity building of a social critical mass is necessary (public and private actors, even civil society).
- Should strive to create equality conditions for business making, therefore fostering the economy.

Intersections of local and global issues (regarding participation)

- Diverse environmental, social problems as:
 - Empowerment for participation of relevant groups (among other participatory issues)

Should be mitigated through local governance mechanisms recognized and strengthened by global governance instruments, as well as harmonization and articulation of regional legal instruments and programs for efficient and thorough implementation of principle 10 (Rio) over shared or collective resources and elements.

Participation crosscutting mechanisms

- Common but differentiated responsibilities principle jointly with subsidiarity principle need to be applied coherently establishing an active obligation and liability of States with more decision making power and implementation power than others.
- Regional coordination mechanisms based on environmental effects as well as transnational enforcement measures, instruments and non-compliance mechanisms. International law needs to change!
- Exchange of regional environmental information for decision making as well as the findings of agencies and correlative actors.

Transversal global mechanisms for global governance through participation

Promoting green economy is necessary but the best approach should not be economically or financially based but rather based on collective benefit.

- Identification and strengthening of regional synergies among agreements and between environmental institutions.
- A regional approach to environmental and social problems should be enabled through articulation of mechanisms.
- Periodic interaction of regional environmental actors over regional issues is suggested.

Global environmental governance should:

- ...enable solutions through the articulation of the efficient mechanisms which identify the local or regional expression or sectorized expression of global problems,
- Collective non traditionally democratic approach (common benefit)
- ...promote cooperation practices for prevention through exchange of information, capacity building and restoration.

THANK YOU!

Carla D. Aceves Ávila,
Full time professor and consultant,

carla.aceves@cucea.udg.mx

Skype: cdaceves

Universidad de Guadalajara

Centro Universitario de Ciencias Económico Administrativas (CUCEA)

Head of Department of Social and Legal Sciences

www.cucea.udg.mx

