

ENVIRONMENTAL LAW: ENVIRONMENTAL DEMOCRACY AND THE PROTECTION OF THE AMAZON

Talking about of peace and environment is an extraordinary coincidence, in such a difficult time for humanity and even more so when both notions are part of those third generation human rights. In the most authoritative doctrine, there is a clear tendency to consider the right to an adequate environment as a third generation human right. Let us recall that first generation rights (civil and political rights) arose as a result of the bourgeois revolutions of the 17th century and revolve around the individual: the right to life, liberty, equality before the law, freedom of thought, while second generation rights (economic, social and cultural rights) reflect the social demands of the 19th century: the right to social security, to work, to an adequate standard of living. The term third generation of human rights, coined by Vasak, responds to the need to catalog a series of new rights that have arisen as a result of new events and new social demands. Thus, technological development, North-South differences, rights such as the right to development, the self-determination of peoples, the right to peace or the right to enjoy an adequate environment.

In relation to the right to information, which is one of the pillars of the longed-for environmental democracy, it is the sine qua none of public participation. There can be no participation in the decision-making process or effective access to justice without adequate information.

From this perspective, the right to environmental information begins to take shape in principles 19 and 20 of the Stockholm Declaration. The first exhorts States to disseminate information of an educational nature related to the necessary improvement of the environment, and the second refers to the free flow of information.

Principle 10 of the Rio Declaration states: "At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities... and the opportunity to participate in the decision-making process. States should facilitate and encourage public awareness and participation by making information widely available", and Agenda 21 states that "in sustainable development, all are users and providers of information... the need for information extends to all levels, from the decision-making authority, through the national and international levels to the grassroots and individual levels".

But undoubtedly, the international document that refers to this right in greater depth is the 1998 Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, also known

as the Aarhus Convention.

Very briefly, the Escazu Agreement is the first legally binding pact for the countries of Latin America and the Caribbean in matters of justice and environmental issues, it puts into practice principle number 10 of the Rio Declaration, and its main objective is the achievement of Environmental Democracy. Precisely the pillars on which environmental democracy rests are the rights of access to information, participation and justice for its protection.

The Amazonian space is going through an immense crisis and is the focus of attention of global environmental governance. It is positive the proposal to create within the international organization of the Amazon Cooperation Treaty, an instance of defense or Ombudsman of the Amazon as a common heritage of humanity, to ensure the participation of the Amazonian peoples in the process of their harmonious and equitable development and the protection of their collective rights, as well as compliance with the rules of Amazonian law. It was suggested to study the necessary amendments or reforms for the creation of this Amazonian Ombudsman's Office. To ratify this proposal, Dr. Duque Corredor, a Venezuelan jurist, has stated that today the risk of Amazonian ecocide is greater (Duque Corredor, 2019). For this purpose, an Amazonian Ombudsman's Office is justified and complemented by the proposal of a Human Rights Tribunal of the Amazonian Peoples.

Finally, concentrating all our efforts on re-establishing an Environmental Democracy requires the strengthening of institutions and the rule of law in all Latin American countries, on the basis of a new environmental culture, being the ally for this purpose education and in particular law schools to train true legal operators willing to integrate multidisciplinary teams with professionals from other non-legal sciences to address environmental problems.

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Reference

Duque Corredor JR (2019) La Transnacionalidad del Derecho Amazónico y la Creación de la Defensoría de la Amazonia y del Tribunal de Derechos Humanos de los Pueblos Amazónicos. *Boletín de la Academia de Ciencias Políticas y Sociales* (159): 91-105.