



Research Article

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Participation in Environmental Decision Making as an Imperative for Democracy and Environmental Justice in Colombia¹

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Doi: 10.2478/mjss-2018-0170

Abstract

Restrictions on the scope of government action by forcing authorities to act exclusively to the extent permitted by law are a guarantee against abuses of power when authorities' decisions have environmental implications. Such control ensures that this becomes a reality because it provides a way by which to overcome administrative inefficiency and avoid departure from the essential aims of public institutions. Environmental commitment is necessary for denationalization of the state; it appears as a subsidiary to the initiative and participation of citizens, which, by shifting functions to the private sphere, is also linked to destatization strategies. In light of these assumptions, and the consideration that decisions should not be taken without the input of communities, this article advocates the inclusion of citizens' voices in environmental policies and management. These issues are addressed from the perspective of Hans Jonas' ethic of responsibility, with the aim to develop socially responsible and participatory projects.

Keywords: Citizen Involvement; Decision-making; Democracy; Environmental Management; Public Participation

1. Introduction

In the current age of technology and globalization, we face severe environmental damage that is difficult to repair. This is a result of decisions taken in an attempt to gain full control over nature and of a world where production systems prevail over preserving the environment. Thus, it may be

¹ This paper is the result of the project about public participation in environmental assessment 'Participación Administrativa Ambiental'. The purpose of which is to assess the status quo of participation in environmental issues in Colombia. This research also seeks to establish the current status of participation in environmental matters and identify the problems to generate recommendations and guidelines that may serve as tools for both citizens and the state. The project also seeks to emphasize the guarantee of the right to a healthy environment, as well as mechanisms to encourage participation in matters involving environmental damage. The methodological strategy starts from a deductive analysis, continues with an analysis of actual cases, and concludes with recommendations to implement participatory processes in Colombia. Finally, the project is supported by a study of documents regarding the social impact of public management decisions on environmental matters. This article aims to present the theoretical foundation of the project. We also seek to highlight that citizen participation is crucial in environmental matters for two main reasons: first, participation in that area is a tool that ensures the democratic functioning of societies and, second, it introduces greater transparency to the management of public affairs. As a final consideration, attention should be drawn to the relevance of effective participation in environmental policies and management as means to consolidate democracy and peace in Colombia.

concluded that the amazing possibilities brought by scientific progress have, paradoxically, been preceded by an increasingly unsafe and uncertain future for humankind, the environment and, indeed, future generations.

The reason for the above is the false belief that humans are invested with the power to change nature according to their own interests. In this regard, Hans Jonas (1985:179) raises awareness through his imperative of responsibility, which imposes on humankind a future-oriented ethical burden through the principle of intergenerational equality as an extension of the right to equality.

It is not without reason that consequences such as climate and environmental changes have given rise to bleak predictions about the general development of the biosphere, and to questioning the survival of living species on this planet (Arrow et al, 1995:520). Today there is broad consensus among the scientific community that climate change is already a reality. Certainly, in 2007, the Intergovernmental Panel on Climate Change (2007:37) reasserted its position on the activities carried out by humankind, which will continue to change the global climate situation.

In this context, involvement—especially in environmental issues—becomes the main basis for the social and environmental rule of law, where there is interaction between individuals, society and the state itself. The rule of law, which may be exercised individually or collectively, facilitates the organization, alignment, and impact of society on the evolution of its destiny, also becoming the form of expression of citizens and democracy.

The social rule of law, as opposed to the classical liberal state, is built upon the principle of solidarity (Rodger, 2003), which comes into effect to guide public policy and administrative action towards meeting the basic needs of the population, especially those of the most disadvantaged classes. This means that participation is a socialization and joint decision-making mechanism whereby a set of rules to achieve genuine democracy can be established.

Participation builds consensus and allows citizens to access decision making, while also making it feasible to successfully manage and balance social forces in the pursuit of a future that reflects the interests of society as a whole. Thus, participation contributes to the reinforcement of credibility in institutions and resizing of the public sector (Cowhey, 1993).

In contrast, participation in environmental matters is associated with the influence that communities should have on decision making concerning projects, policies, and management in the field of natural resources and the environment. This answers to the right of all Colombians to enjoy a healthy environment and to the state's duty to foster direct citizen involvement in any environment-related decisions that may affect them. Participation should occur in the regulation, planning, programming, monitoring, supervision, assessment, and control of projects in this area (Rodríguez and Muñoz, 2009:55).

Citizen involvement in environmental policies and management becomes a direct form of controlling democracy and, consequently, the relevance of the control systems lies in the fact that they are established to protect values that tend to be subjugated by the very nature of power (Rodger, 2003). This typically occurs because those who wield power often wish to gain more and to arbitrarily impose their will irrespective of the harm they may cause to others.

2. From Sovereignty to Participatory Democracy in the Area of Citizen Participation

One of the fundamental principles established by the 1991 Colombian Constitution is the sovereignty of the people and the demands of citizen power to influence, participate, and contribute to guiding the state's purposes (Sylvestre, 1995:7). The constitution states that Colombia is a social, democratic, and participative state under the rule of law (Article 1), and where sovereignty resides solely in the people as the source of public power (Article 3). The essential purposes of the state are to serve the community, ensuring the effectiveness of the principles, rights, and duties enshrined in the constitution, and to facilitate the participation of all citizens in decisions that may affect them (Article 2).

In light of the above, the Constitutional Court of Colombia (T-439, 1992) contends that the principle of participatory democracy included in the constitution is an open and free political process that requires the involvement of both individuals and authorities, including security forces. Respect

for the rights of individuals lies at the heart of democracy, the ultimate goal and foundation of the democratic political organization lies with the people, which can only be guaranteed through the effective protection of fundamental rights.

Participatory democracy is a principle that permeates both the dogmatic and the organic parts of the constitution. It demands a reinterpretation of the exercise of power from the perspective of participatory rights. The recovery of institutional legitimacy inspired the establishment of several participatory mechanisms throughout the constitutional text. The transformation of the political system and the state–society relationship is reflected in the concept of popular sovereignty itself (Reisman, 1990). In this context, democracy is the only form of government that allows the subordination of individual and sectoral interests to the interests of the social body as a whole.

Consequently, as stated by the Constitutional Court (C-180, 1994), the reinforcement of participatory democracy entails the establishment of a set of mechanisms for citizen participation that are aimed at accomplishing the ideal of the democratic rule of law. In this way, all citizens are granted access to political decision-making processes. The following goals were also established: to permit the exercise of political, moral, and legal control of voters over the elected, with no mediators (this proves effective against administrative corruption and misuse of power for individual purposes); to build an open and free political system where citizens can enjoy effective and reasonable channels of expression; and to promote the settlement of disputes between public authorities by appealing to the political power of voters.

In this way, Monroy (2011:25) claims that participatory democracy has gained significance via the proliferation of mechanisms fostering people's exercise of their sovereignty and citizen participation. Democracy proves the most appropriate form of government because it entails values such as freedom, equality, solidarity, tolerance, pluralism, justice, and pacifism. It is also important to note that participation, access to information and justice contributes to the strengthening of democracy and, most notably, environmental democracy.

3. Environmental Participation in Context

Participation in Colombia before the 1991 constitution followed a clearly limited pattern where intervention and decision making in public management lay in the hands of a select few of the economic and political elite. Sovereignty was envisaged to reside solely in the nation via public authorities, meaning that elected representatives did not act by popular mandate but according to their own criterion. By being elected they became representatives but not agents of the voting population, as it was the elected who decided the nation's fate without any consultation. Colombia's Political Charter, replaced by the constitution, practically stated that the only participatory mechanism in such representative democracy was voting, meaning that participation was exhausted through suffrage.

This changed gradually in Colombia and after the Constitution of 1991, it was stated that power emanated from the people, leading to the development of the concept of popular sovereignty. This means that participatory or direct democracy consists of the broadening of democratic spaces so that citizens may have the opportunity to not only choose their agents, but to also participate more directly and frequently in decision-making procedures affecting the community (Naranjo, 2000:451).

Currently, our norms envisage a democracy where, while representatives are elected, people also take part in the state's decision making. Certainly, according to the 1991 Constitution, Colombia is recognized as a social state subject to the rule of law and organized in the form of a unitary decentralized republic. Furthermore, autonomy is granted to its territorial units, democratic, participatory and pluralist, built on respect for human dignity, on the work and solidarity of its people, and on the primacy of the general interest.

The issue of the environment is a strategic matter and a basic condition for human survival, directly and immediately affecting everybody in some regard. The importance of environmental issues cannot be denied, so much so that the legal order has recognized the public nature of natural resources and the requirement of collective protection. Therefore, without inclusive participation, the task of influencing environmental sustainability is extremely difficult (Lele, 1991).

Environmental management is an essential public responsibility shared by the state (Bryant, 1998), the production sector, and individuals, thereby involving multiple actors from a range of areas.

In Colombia, compelled by the Constitution's concern with environmental protection, Article 79 sought to guarantee citizens' participation in decision-making procedures that might affect their right to enjoy a healthy environment. Participation in environmental matters has been fostered for many years in an attempt to enable citizens to influence the making of public decisions and any projects or programs related to environment and natural resources protection. Such participation should be achieved through involvement in decisions on plans, programs, policies and rules, in environmental management, and any activities aimed at preventing or reversing environmental risks and damage.

Environmental management is enhanced with participation, which contributes towards the protection of the environment and influences environmental policy and management. The constitutional recognition of the right to participate in environmental decisions established in Article 79 is the starting point for the development of international principles in search of a better way to address such issues. In such a setting, transparent and timely information and the community's free access to decision-making processes are given priority (Sylvestre: 1995:5).

As stated in the 1992 Rio Declaration on Environment and Development, which has been incorporated into Colombian law, three essential elements are required to exercise participation in environmental issues: access to information, access to justice, and the specific right to participate. It is impossible to speak of access to participation without first considering the possibility of having enough information (Bulkeley and Mol, 2003) to become part of the participatory scene. This means that gaining access to information is an essential prerequisite for the right to participate. Access to participatory scenarios and mechanisms is not enough without prior information about the issue at stake. Therefore, this is also a further right—the fundamental right to information (Orozco, Astorga and Aguilar, 2004:11).

In contrast, access to justice entails that all individuals can turn to judicial bodies when their rights to access information and participate are violated. When it comes to environmental matters especially, access to justice becomes an instrument for the protection of the right to a healthy environment in Colombia. This can be exercised via different actions, such as popular and group actions. Thus, the right to participate is related to the right of all individuals to know, intervene, and influence decisions on activities or projects affecting their interests.

The above means that participatory democracy enables both state and society to take joint action in the building of a scenario of coexistence. Thus, such an action brings together the interests and needs of both the public and the private spheres. This explains the opportunity to participate in planning and decision-making processes, where individuals are key players rather than passive actors in development processes. Thus, democratic participation in Colombia becomes part of the comprehensive development, as well as the justification, of the state in securing individuals' rights.

According to the current model, the state's relationship with its people is based on the opportunity of the latter to participate in public management and to influence measures related to their quality of life, the satisfaction of their basic needs, or those measures that might affect them as individuals or groups (Zakus and Lysack, 1998). Thus, it is understood that the people are not subordinate to the state administration; on the contrary, the latter is a machine that works for the community's welfare. Consequently, participation can be assumed as an inclusive action; this is, an action that integrates and articulates the participants in the social dynamics.

After the adoption of the 1991 Constitution, participation became a principle, a right, a duty, and a mechanism of democracy; thus, participation became a constitutional parameter in the management of the country. In accordance with Article 1 of the Political Constitution of Colombia, citizen participation is a principle that is linked to the pluralist nature of the state, to the extent that one of its essential goals is to guarantee the effectiveness of the involvement mechanisms of all partners. A clear example of this is the right to enjoy a healthy environment, by which the law guarantees the intervention of the community in any decision that may affect it and the preservation of the cultural, social and economic integrity of indigenous communities (Zakus and Lysack, 1998; Castro and Nielsen, 2001).

Citizen participation involves the possibility of partaking in social life, not only as community

members but also as holders of rights and duties that require conscientious and responsible practice. This opens up the possibility of using tools granted by law to those who enjoy the full legal capacity to make decisions and participate without representation.

Participation in environmental issues becomes a social action that enables interaction among the various players involved in environmental projects and decisions. It is also a practice through which influence in the decisions made in different environmental scenarios can be exerted, thus becoming a form of social intervention to initiate the right to enjoy a healthy environment. Therefore, it should be present at every stage of the decision-making process.

4. From Hans Jonas' Ethics to Participation

A number of warnings were issued at the 2002 United Nations Framework Convention (2002:7). These concerned a future where environmental change would further reduce access to drinking water, have a negative impact on the health of inhabitants in underdeveloped countries, and become a threat to food security. In any case, the economic and social costs of global impacts on the environment are very uncertain, although the greatest threat could lie in the potential danger that hangs over the development of not only underdeveloped countries but any territory that could be inhabited by future generations.

However, there is no need to outline a new world vision because science can provide us with a current update of the environmental situation. It shows us that it comprises an unfortunate set of objects that have been used indiscriminately by humans over the last decades to satisfy their material needs, with no regard for the negative effects at a global level, which have worsened as a result. We are facing a widening gap between scientific progress and ethical reflection, as new technologies have introduced actions, goals, and consequences whose magnitudes are so different and unpredictable that they cannot be contained in traditional ethics frameworks.

According to ontological ethics (Jonas, 1985:28), individuals are part of the world in all its aspects, and, in this regard, decisions have been made that are contrary to the interests of individuals belonging to a world of living species. These interests range from aspects such as the preservation, wellbeing, and self-fulfillment of our own species, as well as life in its broadest conception, which in turn depends on the assumption of moral obligations to others.

However, we are not talking about such obligations when, as a living species, we witness how there are more people in the world starving than ever before as a result of drought, disease, or natural disasters, and such tragedies are often triggered by other humans or by companies (as legal entities) holding ownership over production systems (Lovins, Lovins and Hawken, 2007), considered cognitive capitalism (Rindermann and Thompson, 2011; Vargas-Chaves, 2016; Fumagalli, 2007)

However, when faced with this panorama, there are expectations, and the inevitable question of what can we do as a society to change this picture. The answer lies once more in the theory proposed by Jonas (1985:11), who contends that humans should behave in such a way that the effects of our actions are compatible with the permanence of genuine human life. This is a notion built upon three assumptions contained within his principle of responsibility: intergenerational equity, environmental justice, and respect for nature. The latter is understood by Ayerstaran (2008:155) as the conservation of the integrity of the ecosystem and its biodiversity.

Against this background, participation in environmental issues occurs in very specific situations where, even though different interests may be involved, there is a chance to jointly achieve a purpose, project, or reach a decision on a certain environmental issue. Decisions related to the environment cannot be taken solely by institutional structures and by only counting on the knowledge of experts; thus, they should involve local communities, especially those that can be negatively or positively affected by such decisions.

Participation in environmental decisions should occur when environmental policies or rules are to be established or when authorization is granted to carry out projects, works, or activities that may damage natural resources or the environment, or significantly or noticeably change the landscape. Thus, participation must occur for all activities that require environmental permits or where environmental licenses or authorizations for the use or allocation of renewable natural resources

are to be granted.

Likewise, participation should stem from the recognition of the Jonas' axioms (1985: 156), namely that, (i) the prosperity of humans depends on the prosperity of nature; (ii) the human economy is but a subsystem of nature's economy, so that the former should fit into the latter, complying with its rules, and it should not be expected that nature forcibly do so; and (iii) the survival of future generations depends on the survival of the biosphere as a whole.

Participation in environmental issues typically occur with the presence of several interests in relation to the resources and projects, with the involvement of multiple stakeholders (Bovaird, Van Ryzin, Loeffler and Parrado, 2015), and with the expression of different opinions for and against the decision to be made. This topic will be discussed further later in this article.

In this context, it is worth noting that, in recent decades, participation in environmental governance has become a worldwide concern that has gained substantial relevance, acquiring a significant role because of the subjects' involvement in natural resources and the environment. If the users of the elements that make up the space they live in do not participate in management and planning processes, and do not become aware of the special sensitivity required in using and managing resources to secure their conservation, the future of the planet could fall into the hands of those who merely seek economic profit from resources or those who are not aware of their finite nature.

According to Maisley (2013:115), in light of the cosmopolitan democracy theory, the incipient right to participate in global environmental issues arose from a series of crises beyond the control of humankind. Furthermore, these crises have led states to allow space for the development of the right to public participation in the creation of international environmental law, emerging via a series of participatory conferences to discuss these issues.

These crises are often attributed to companies because of the scientific and technological transformation that accompanied the Industrial Revolution. In this regard, Velasco-Perez goes back to the so-called European Renaissance and the creators of mechanics science who, after the 15th century, focused on the development of a single aspect of nature: the submission of a subdued and fragmented nature to the power of humankind, where the driving mechanical forces and matter are subject to being measured, quantified and exploited (2014:246).

Thus, to understanding its functioning, nature began to be conceived and examined as being made up of various parts and pieces. It is no coincidence then that historically, the post-war economic growth gradually came to a halt in the 1960s. From then on and throughout the 1970s, the form of production and the nature of the most dynamic products supported by the capitalist model, which did not entail any immediate change to what has been characterized as the Keynesian social contract, experienced significant development (Almeida and Scholz, 2008:3).

In spite of the above, there is growing awareness among companies and governments of the economic benefits of working in a participatory and sustainable manner. Thus, the analyzed concepts of sustainable development and participation both come into play via negative channels described above. According to UNESCO (2005:2), these issues represent a global emergency that poses a serious threat to the future of humankind (Bybee, 1991; Fien, 1995).

5. The 'Essentials' of Environmental Participation

The starting point is to underline that participation allows for delving deeper into real situations and environmental issues, and possible ways to manage and solve them. Consequently, its social impact is the collective building of the public sphere and contributes towards overcoming various issues of ineffectiveness of which the state or project owners are often responsible.

Participatory processes are a means of not only defending the environment and natural resources but also avoiding the transgression of environmental rules, ensuring their compliance, and preventing possible infringements. Social involvement processes enable the elimination of all forms of discrimination and discriminating practices related to environmental issues. Furthermore, decision-making processes related to projects, work, or activities resulting in environmental effects become transparent, and the legitimacy of institutions with competences in such matters is guaranteed through the creation of real decision-making intervention spaces and the

implementation of projects.

Maisley (2013:137) mentions four main reasons in favor of participation in environmental issues: (i) discussion enables the exchange of information (ideas and circumstances that may not have been taken into account by everyone can be shared); (ii) discussion enables the identification of factual and logistical errors; (iii) discussion helps to control emotional factors and to filter irrational preferences; and (iv) discussion makes it difficult to manipulate information, the agenda, and political preferences.

In light of the above, and to build confidence in environmental public policies, community participation should be fostered from inception to its final implementation. This guarantees transparency in administrative and legislative decision making in the environmental field. The former requires participatory processes in environmental decision making regarding plans, programs, projects, and environmental policies, and involvement in legislative matters.

Participatory processes empower communities that may feel affected by decisions made without their consent to dispute differences, find common ground in cases of apparently conflicting interests, forward judicious assessments on problems (Shiva and Bandyopadhyay, 1986), and seek possible solutions.

Support from participation, which should be fostered by the rule of law, plays a significant role in avoiding environmental damage and the impact on the environment and health that may arise from it. Such a right, which applies to all individuals wishing to defend their rights, ultimately benefits the community and the achievement of sustainable development (Epstein and Buhovac, 2014; Berke, Kartez and Wenger, 1993). Therefore, awareness should be drawn to the obligation of government agents to respect participatory mechanisms and spaces.

To speak of inclusive participatory processes in environmental matters requires the intervention of delegates from institutions and communities at the national, regional, and local levels. Representatives of the natural persons or legal entities affected by the decision should be able to contribute to such decisions.

Likewise, the media, public, private, ethnic, and community organizations, and non-governmental organizations, among others, should also be taken into account (Rowe, 1978; Clark, 1995). It is important to note that the media should act ethically and responsibly in such circumstances. For this purpose, it is essential that the disclosure of information be assumed before public opinion in a responsible, transparent, and objective manner. The various actors involved in participatory processes should be aware of the different participation opportunities to ensure an effective impact on environmental issues.

Likewise, such actors should prepare to exercise their right to participation so that they can arrive with solid arguments that enable them to positively influence the decisions to be made. For this purpose, they should investigate, at the very least, the facts, projects, development of the administrative processes, and the environmental permits required.

It is also advisable to verify the information concerning the projects at stake and to check this against the current knowledge of the area where the projects are to be carried out and those who live there. The voices of those involved, which convey expertise in various areas and several viewpoints on the projects, add value when it comes time to reach final decisions, which should be supported not only by technical elements, but also by social and cultural aspects.

The role of the judicial branch in this matter is also relevant. As expressed by Azuela (2014:7), judges have new roles, evident in four broad trends. First, they increasingly invoke fundamental rights to support decisions. Third-generation rights, such as the right to a healthy environment, have awakened high expectations among those who mobilize around such causes.

Second, new actors have appeared on the judicial scene. The last three decades have seen a growth in 'public interest' litigation (Cassels, 1989; Bhagwati, 1984), with urban-environmental conflicts at the heart of this trend (Shiva and Bandyopadhyay, 1986). This sometimes follows the creation of relatively autonomous specialized bodies (e.g., procurators, people's advocates, public prosecutor offices, ombudsmen). In other instances social organizations have been established to actively participate in jurisdictional processes by broadening the capacity of access to justice, involving judges themselves as the main actors.

A third trend, according to Azuela (2014:8), is the growing defense of property rights, very

typical of the neoliberal era, especially against urban and environmental regulations and expropriation. Finally, the increase in conflicts among state bodies arising from urban and environmental issues (e.g., large projects) that are brought before the high courts is remarkable.

In conclusion, ideal participatory processes are those that grant society access to expeditious information mechanisms to reach agreements. When this is not possible, judicial authorities with the capacity of giving direct orders and enforcing such rights intervene, which improves communication and relations both with the state and project owners and among communities, thus promoting cultural exchange.

6. Participation: An Imperative of Democracy, Ethics and Environmental Justice

Participation in environmental issues should refer to the development envisaged by sustainability, as those actions targeted at the survival and satisfaction of the needs of the current generation without compromising the capacity of future generations to guarantee their survival and meet their own needs. This definition is, beyond any doubt, in line with Jonas' approach.

In practice, companies are said to be sustainable when they implement corporate environmental protection and employee health promotion policies in the design of their intended path, and when they show sensitivity towards the interests of the surrounding community (Epstein and Buhovac, 2014). This attitude is part of a broader movement that encompasses other dimensions that are associated with sustainable development, with special attention to economic and social aspects.

However, because stakeholders and society have greater access to information and corporate endeavors, the environmental dimension seems to be the one setting the standard. The problem of environmental deterioration is indeed leading to this paradigm shift, as previously companies reacted with indifference, leaving the task of implementing environmental mitigating measures to mitigate to governments. It was also governments who imposed the obligations associated with their entrepreneurial activity.

This shift in awareness that has occurred in developed countries despite, as indicated by the ECLAC (2006:7), there not being an entirely homogeneous learning process among business community globally. There is now a growing number of companies around the world with an environmental management system that, for example, enables them to efficiently use their resources, translating into savings and therefore enhancing corporate value.

In this context, participatory processes provide the actions undertaken by state institutions with clear guidance on citizens' expectations in an atmosphere of trust. This encourages the provision of adequate information, the exchange of views, and an understanding of the reasons leading to positions that go against the interests. Furthermore, such processes ensure the legitimacy of decision making related to projects, plans, programs, or regulations, and that they meet the expectations of all sectors involved.

Participatory processes play an important role in all stages of work or project implementation that may affect the environment, from planning, installation, building, assembling, and operating, to monitoring, maintenance, dismantling, interruption, and/or the completion of all actions, uses of space, activities, and infrastructure related to and associated with their development. Thus, participation in environmental issues should occur before taking decisions involving the granting of environmental authorizations, concessions, licenses, or permits. Once such a decision is made, it should be a means to carry out the corresponding assessment and monitoring. The final objective in all these stages is effective information (Orozco, Astorga and Aguilar, 2004), which may be delivered via different channels to ensure that it successfully reaches the communities.

In contrast, where the issuance of environmental laws is concerned, it is the duty of the legislator to achieve the legitimization of the resolutions via participation. Thus, as Ballesteros-Pinilla (2010:24-25) propose, a simple majority is not enough, and it is therefore necessary to consider the addressees of such regulations. Their participation in drafting will provide legislators with the extra legitimacy required to give them a strong theoretical basis and practical efficiency.

Participation in this type of decision should occur throughout the whole procedure until the legislative decision is made. Participatory processes should be established from the moment of

drawing up or designing the legislative or administrative proposal to the shaping of its final text, as well as its development and discussion before the relevant authorities.

Participatory processes should not only guarantee the opportunity to be informed or learn about the projects, but also to be heard and influence the decision making. The actual and effective exercise of participation also enables the presentation of alternatives, proposals, opinions, and objections to be considered, which entails responsibilities for those participating.

The building of a culture of participation in each environmental process, thus creating greater trust, requires the acceptance and belonging of the community, from the design of the policies, programs, and projects, until their final stage. It is necessary to foster social coordination and to build stronger relationships between the state and civil society to deepen democracy and make it possible to look at the problem from different perspectives. Thus, the notion of what is public may go beyond just involving the state.

Participation becomes an imperative for democracy, management, and environmental justice because it finds the optimal solution to environmental problems, preventing potential environmental impacts while contributing to sustainable economic growth. Discourse and merely establishing participatory mechanisms is not enough, democratic practice in different scenarios is also required. This demands a full awareness of the importance of influence in decisions on environmental issues and the need to build alliances that enable problems to be solved in an inclusive manner.

In the case of Colombia, its society has been forced to face an escalation of environmental conflicts with just a few platforms to receive limited information on the projects for which environmental decisions are to be made. This is evidence of many deficiencies in the practice of participatory democracy, impeding the shaping of a future that guarantees better conditions, quality of life, fulfillment of basic needs, ownership of land, natural resource protection, and cultural reproduction.

Environmental management is a concern for all sectors, where responsibility is shared and, naturally, platforms are created where all actors involved in natural resource and environmental issues have the possibility to participate. To reach a comprehensive solution to the environmental problems that arise, there should be inclusive processes to facilitate the organized participation of society, institutions, and project owners.

With regard to Hans Jonas' approach to ethics and responsibility in participation, it should be noted that there is a need for companies and the state to provide forums for discussion so that, rather than providing merely temporary answers to environmental problems, long-term solutions can be found for issues (e.g., finding better ways to meet current demands for goods and services) (Jonas: 1985). Moreover, the state should be able to assume a *sui generis* joint leadership with the actors involved in participatory processes, who, aware that their future is at stake, can take a proactive approach that goes beyond compliance with the applicable laws.

This is a concept that places the survival of future generations before our impulses to act against nature, trying to gain control over it, destroying the aspects that bother us, and selectively taking what we believe will provide comfort, pleasure, and safety. Given the environment's vulnerability, Jonas' ethics is an attempt to impose on the State a duty of enforceable care through participation.

7. Conclusions

The support, recognition, and legitimacy of decisions taken can be reached by engaging in broad participation processes. These scenarios facilitate discussions on the perceptions and criteria for the adoption of negotiated plans and projects, also enabling the implementation of mechanisms and procedures to pursue the process, supervising and monitoring the projects. Likewise, it should be possible for the various actors to propose actions, programs, or activities to jointly reach solutions to environmental issues.

In light of the above, it is currently imperative to ensure participation in environmental policy and management. This requires the establishment of mechanisms and forums for participation, both at the social and political levels. In this way, the exercise of power and public and private activity in environmental matters can be conducted with legitimacy.

It should be kept in mind that when the Brundtland Commission issued the Brundtland Report in 1987, it included concerns similar to those expressed in Jonas' approach, such as population growth and its impact on the future of self-supply and food sovereignty. With regard to ecosystems, priority was given to species extinction and energy demand, which was growing fast at the end of that decade.

In this regard, if meeting such a demand was based on the consumption of finite resources, the ecosystem would not be able to survive. Other issues discussed in the report include global warming and acidification as a major threat to future generations. Thus, the report highlighted the need to take the urgent measures to achieve energy efficiency using renewable resources.

This is undoubtedly a desire rather than a reality because when the scope of participation is approached from an environmental dimension, a clear distinction between developed and developing countries must be made. We cannot forget that our planet brings together various geographical contexts with very different economic, environmental, and social scenarios, each of them with their own particular needs.

Based on the above, we believe that the challenge lies in fostering the participation of every sector in environmental issues. In this way those sectors may embrace a feeling of belonging for the sake of future generations, acquiring the necessary tools to implement socially responsible and participatory projects. Furthermore, they will achieve the ability to provide a set of indicators for an accurate assessment of their environmental behavior.

Against this background, we suggest the promotion of joint management and harmonious cooperation in public environmental management, allowing greater decentralization of the administration and balancing regional development under the principles of protection of natural resources and the environment. This method goes beyond administrative management that serves personal interests and benefits, leaving aside the pursuit of the essential purposes of the social and environmental state under the rule of law.

References

- Almeida, N., and Scholz, V. (2008). 'Soberanía alimentaria y seguridad alimentaria: ¿conceptos complementarios?' In *Actas del XLVI Congreso da Sociedade Brasileira de Economia, Administração e Sociologia Rural*, Rio Branco: Sociedade Brasileira de Economia, Administração e Sociologia Rural, pp. 1-18.
- Arrow, K., Bolin, B., Costanza, R., and Dasgupta, P. (1995). 'Economic growth, carrying capacity, and the environment', *Science*, 268: 5210, 520.
- Ayerstaran, I. (2008). 'The second cooperian revolution in the Anthropocene: an overview' *Revista Internacional de Sostenibilidad, Tecnología y Humanismo*, 3: 145-157.
- Azuela, A. (2014). *Jueces y conflictos urbanos en América Latina*. Ciudad de México: Procuraduría Ambiental y de Ordenamiento Territorial del Distrito Federal.
- Ballesteros-Pinilla, G. (2010). 'La participación en asuntos ambientales y su tutela en el Convenio de Aarhus', *Vniversitas*, 121: 19-48.
- Berke, P. R., Kartez, J., and Wenger, D. (1993). 'Recovery after disaster: achieving sustainable development, mitigation and equity', *Disasters*, 17: 2, 93-109.
- Bhagwati, P. N. (1984). 'Judicial activism and public interest litigation', *Colum. J. Transnat'l L.*, 23, 561.
- Bovard, T., Van Ryzin, G. G., Loeffler, E., and Parrado, S. (2015). 'Activating citizens to participate in collective co-production of public services', *Journal of Social Policy*, 44: 1, 1-23.
- Brundtland, G., et al (1987) *Our Common Future: Brundtland Report*. Geneva: United Nations.
- Bryant, R. L. (1998). 'Rethinking environmental management', *Progress in Human Geography*, 22: 3, 321-343.
- Bulkeley, H., and Mol, A. P. (2003). 'Participation and environmental governance: consensus, ambivalence and debate', *Environmental Values*, 12: 2, 143-154.
- Bybee, R. (1991). 'Planet Earth in crisis: how should science educators respond?' *The American Biology Teacher*, 53: 3, 146-153
- Cassels, J. (1989). 'Judicial Activism and Public Interest Litigation in India: Attempting the Impossible?' *The American Journal of Comparative Law*, 37(3), 495-519.
- Castro, A. P., and Nielsen, E. (2001). 'Indigenous people and co-management: implications for conflict management', *Environmental Science & Policy*, 4:4, 229-239.
- Clark, J. (1995). 'The state, popular participation, and the voluntary sector', *World Development*, 23: 4, 593-601.

- Cowhey, P. F. (1993). 'Domestic institutions and the credibility of international commitment: Japan and the United States', *International Organization*, 47: 2, 299-326.
- Eighth Conference of Parties to the United Nations Framework Convention on Climate Change (2002). *Poverty and climate change: reducing the vulnerability of the poor through adaptation*, New Delhi: United Nations.
- Epstein, M. J., and Buhovac, A. R. (2014). *Making sustainability work: Best practices in managing and measuring corporate social, environmental, and economic impacts*, Oakland: Berrett-Koehler Publishers.
- Fien, J. (1995) 'Teaching for a sustainable world: the environmental and development education project for teacher education', *Environmental Education Research*, 1: 1, 21-33.
- Fumagalli, A. (2007). *Bioeconomia e capitalismo cognitivo: verso un nuovo paradigma di accumulazione*. Roma: Carocci.
- IPCC. (2007). *Fourth Assessment Report: Climate Change. Intergovernmental Panel on Climate Change*, Geneva: IPCC Secretariat. Retrieved Nov 05, 2014, from http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf
- Jonas, H. (1985). *The imperative of responsibility: in search of an ethics for the technological age*, Chicago: University of Chicago Press.
- Lele, S. (1991). 'Sustainable development: a critical review', *World Development*, 19: 6, 607-621.
- Lovins, A. B., Lovins, L. H., and Hawken, P. (2007). 'A road map for natural capitalism', *Harvard Business Review*, 85: 7, 172.
- Monroy, M. (2011). 'La democracia representativa y participativa' In M. Araujo and M. Torres (eds.) *Retos de la democracia y de la participación ciudadana*, Bogotá: Universidad del Rosario, pp. 3-28.
- Naranjo, V. (2000). *Teoría Constitucional e Instituciones políticas*, Bogotá: Editorial Temis.
- Orozco J., Astorga, A., and Aguilar G. (2004). *Manual de participación pública*, San José de Costa Rica: UICN.
- Rindermann, H., and Thompson, J. (2011). 'Cognitive Capitalism: The Effect of Cognitive Ability on Wealth, as Mediated Through Scientific Achievement and Economic Freedom'. *Psychological Science*, 22: 6, 754-763.
- Rodger, J. J. (2003). 'Social solidarity, welfare and post-emotionalism', *Journal of Social Policy*, 32: 3, 403-421.
- Rodríguez, G.A., and Muñoz, L. (2009). *La participación en la gestión ambiental: Un reto para el nuevo milenio*. Bogotá: Universidad del Rosario.
- Rowe, A. (1978). 'Participation and the voluntary sector: the independent contribution'. *Journal of Social Policy*, 7: 1, 41-56.
- Sánchez, C.A. (2000). *La participación ciudadana y comunitaria*. Bogotá: Ediciones Jurídicas Gustavo Ibáñez.
- Shiva, V., and Bandyopadhyay, J. (1986). 'Environmental conflicts and public interest science', *Economic and Political Weekly*, 84-90.
- Sylvestre, A.M. (1995). *La participación de la ciudadanía en la gestión ambiental*. Biblioteca de derechos colectivos. Bogotá: Defensoría del Pueblo.
- United Nations Conference on Environment and Development (1992). Agenda 21.
- United Nations Economic Commission for Latin America and the Caribbean - CEPAL. (2006). *El Sector Empresarial en la Sostenibilidad Ambiental: Ejes de Interacción. LC/WAS/W.1 - LC/W.86*. Santiago de Chile: UN-CEPAL.
- United Nations Educational, Scientific and Cultural Organization, UNESCO (2005). *El concepto de sostenibilidad. OREALC/2005/PI/H/12*. Santiago de Chile: UNESCO, Oficina Regional de Educación para América Latina y el Caribe.
- Vargas-Chaves, I. (2016). *Derecho e Innovación Ambiental*, Bogotá: Editorial Universidad del Rosario.
- Velasco-Pérez, F. (2014). 'Crisis civilizatoria y crisis ecológica. Nuevas relaciones y epistemologías como claves de las vías de superación' In A. Carosio, C. Banko, and N. Prigorian (eds.). *América Latina y el Caribe: Un continente, múltiples miradas*, Buenos Aires: CLACSO, pp. 245-254.
- Zakus, J. D. L., and Lysack, C. L. (1998). 'Revisiting community participation', *Health policy and planning*, 13: 1, 1-12.