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ORIGINAL: SPANISH



Intersessional meeting of the negotiating committee
of the regional agreement on access to information,
participation and justice in environmental matters
in Latin America and the Caribbean (virtual)

Tuesday, 7 March 2017

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MINUTES – SUMMARY OF THE MEETING

1. BACKGROUND

At the fifth meeting of the Negotiating Committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean held in Santiago from 21 to 25 November 2016, the countries decided to call an intersessional meeting of the Negotiating Committee (virtual) in January 2017. Pursuant to the Organization and Work Plan of the Negotiating Committee, no decisions are to be taken at virtual meetings.

As agreed by the Presiding Officers of the Negotiating Committee, the objective of the meeting was to present and discuss article 10 of the compilation text on capacity-building and cooperation with the aim of identifying consensus and divergences that facilitate the negotiation at the next meeting of the Negotiating Committee (Brasilia, 20-24 March 2017). As agreed by the Presiding Officers, the discussion was steered by Costa Rica and Saint Vincent and the Grenadines.

Annex 1 contains the list of participants of the meeting.

2. DEVELOPMENT OF THE MEETING

In the opening remarks ECLAC was thankful for the high participation and presented the objectives of the meeting.

Costa Rica, on behalf of the contact group coordinators on article 10 (Costa Rica and Saint Vincent and the Grenadines) welcomed participants and highlighted the importance of capacity-building and cooperation in the regional agreement on Principle 10.

After a brief presentation of the process, its linkages with the 2030 United Nations Sustainable Development Agenda and the benefits of the agreement being negotiated, the delegate of Costa Rica presented the central elements of article 10 included in the text compiled by the Presiding Officers (basis for the negotiation of the sixth round of negotiations of the Committee).

In his presentation, the delegate of Costa Rica explained the elements included in the six numerals of article 10 that deal with the following aspects: capacity-building and cooperation with the purpose of establishing a framework for peers to share experiences and carry out activities of common interest; cooperation to build capacity and strengthen resources to implement the Agreement in an effective manner, particularly in least developed countries or Caribbean small island developing States; cooperation modalities (such as workshops, exchanges of experts, technical assistance, development and exchange of educational and training materials and programmes, voluntary codes of conduct, good practices, exchange of experiences, use of committees, councils and public-private platforms); the establishment of a clearinghouse on access rights; the promotion and facilitation at the national level of training of competent authorities and entities to help them perform their duties under the agreement and the promotion of environmental education and public awareness on environmental matters; and cooperation with existing global, regional, subregional and national institutions.

The representative of the public, Olimpia Castillo, then presented the main priorities on capacity-building and cooperation that, according to the elected representatives of the public, should be maintained and strengthened in the negotiation text. In her introductory words, the representative of the public highlighted the importance of article 10 on capacity-building and cooperation to ensure the effective application of Principle 10 of the 1992 Rio Declaration. She also stressed the need of having societies that are prepared for the implementation of access rights to information, participation and justice in environmental matters.

The representative of the public provided language proposals for each numeral of article 10. The proposals included consideration to gender equality, affirmative measures for groups in vulnerable situations and language clarifications to establish clearer obligations on capacity-building and cooperation.

The delegate of Costa Rica thanked the public for their input and stated that their aim was to clarify the wording to make it more mandatory and improve the implementation of the instrument under construction. In view of the public's comments, she indicated that countries shall standardize the use of some concepts and definitions (such as disadvantaged groups or groups in vulnerable situations) which would allow to address some of the issues raised by the public.

She added that the comments received in writing by the countries and those made by participants of the virtual meeting would serve to prepare the presentation of the contact group to be delivered on 22 March in Brasilia in the framework of the Sixth meeting of the Negotiating Committee.

The delegate of Mexico was also thankful for the presentations and stated that his country supported the importance of the matters that had been discussed. He was of the opinion that there were some elements in article 10 that should be discussed separately. He added there were two dimensions: the national one and the regional one. Furthermore, in his view, the creation of the clearinghouse should be discussed in light of the operational articles of the agreement (articles 11 to 25).

Costa Rica thanked Mexico for their comments and recalled that in the afternoon of Wednesday, 22 March, there would be a presentation of articles 11 to 25 with the aim of favouring a general reading of those articles and begin the discussions. She asked Mexico to clarify the differences between regional and national cooperation. In her view, the instrument focused on cooperation between countries and the exchange of good practices, which was independent from the fact that the countries would have to comply with the obligations that stemmed from the agreement. She wondered whether Mexico's comments had to do with the fact that it is a federal country.

The delegate of Chile appreciated the presentations and proposals, which would be reviewed in detail. She reiterated that for her country capacity-building and cooperation was the fourth pillar and essential in the agreement.

Mexico clarified that their proposal was to discuss separately capacity-building and cooperation to address these two fundamental issues. Whereas capacity-building was related to the fact that countries could improve certain internal aspects, such as legislation, cooperation had more to do with the international dimension, such as providing information. Therefore, he suggested to discuss these two matters separately.

The delegate of El Salvador also thanked Costa Rica and Saint Vincent and the Grenadines and the public for their presentations, which would be reviewed in detail. Her country would also send its input on this matter. She coincided with Costa Rica on the need of cleaning the text and making it more coherent. She highlighted that the building of capacities through cooperation among Parties was fundamental for the implementation of the agreement. The experiences of the countries of the region were diverse and enriching.

She asked whether cooperation was related to South-South cooperation and whether it excluded the possibility of creating synergies with international development aid. She requested further information on the clearinghouse.

The technical secretariat explained that the clearinghouse was included in the San José Content and aimed to establish a virtual center or improve the current Observatory that the secretariat was implementing. Delegations would have to decide, nonetheless, on its final structure, but it was not originally designed to be a physical center. As for the question on international cooperation, it added that South-South cooperation was essential to implement the agreement. However, any other cooperation – bilateral or other types – was welcomed in the region and these were not contradictory but rather complementary.

The Director of the Legal Research Center of Caldas in Colombia pointed out that the center had accompanied communities in access to justice and participation. In his experience, article 10 of the regional agreement was crucial. He underscored the importance of building the capacity of communities to exercise their rights to information, participation and justice in environmental matters effectively. He suggested including specific obligations with regard to making information publicly available such as publishing the files virtually. This would create a regional standard. He added that it was important to strengthen article 10, recalling that participation has time and monetary implications. Another participant of the public asked about the comparative advantages of the countries in these matters.

The delegate of Costa Rica said the meeting had been very productive. With regard to the final comment, she recalled that this process began in 2012 and that the negotiation document was based in the San José Content that countries had agreed on the basis of different input. With respect to the clearinghouse, she recalled that one of the first documents developed in the framework of the process was a regional assessment that was the baseline of the process. At the last meeting in Chile, countries had also welcomed a publication prepared by ECLAC compiling the international human rights standards applicable to access to information, public participation and access to justice. Article 10 would therefore come to gather all lessons learned since 2012. She also invited Mexico to send a proposal to separate capacity-building and cooperation. Such proposal could be reviewed together with the other proposals received and would serve as a basis for the discussions during the negotiation round that would take place in Brasilia. She recalled the invitation to send comments.

3. CLOSING OF THE MEETING

To end the session, Costa Rica, on behalf of the contact group coordinators, thanked participants for their attendance and ECLAC for its support in organizing the meeting. They reiterated their countries' commitment with the negotiation process and recalled that the presentations would be available at the ECLAC webpage: <http://www.eclac.org/en/principle10>.

The technical secretariat also thanked participants and recalled that all sessions of the negotiating committee would be cast live. Participants were thus encouraged to follow the negotiations in Brasilia.

Anexo 1

LISTA DE PARTICIPANTES

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