

CO CHAIRS PROPOSAL

Draft for discussion / 16 June 2015

MODALITIES OF PUBLIC PARTICIPATION AT THE NEGOTIATING COMMITTEE OF THE REGIONAL AGREEMENT ON ACCESS TO INFORMATION, PARTICIPATION AND JUSTICE IN ENVIRONMENTAL MATTERS IN LATIN AMERICA AND THE CARIBBEAN

1. As agreed at the Organization and Work Plan of the Negotiating Committee of the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean, the public will have significant participation in the negotiation process in accordance with the provisions and modalities set forth in the Santiago Decision and the Plan of Action adopted in Guadalajara, Mexico, which are reviewed, as appropriate, in order to facilitate their application.
2. The negotiation process of the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean will have modalities for the participation of the interested public. These modalities are intended to inform the interested public regularly on the negotiation of the regional agreement, and establish specific levels and opportunities for achieving the broadest possible participation during negotiations, with a view to strengthening the inclusiveness and legitimacy of the process.
3. These modalities establish the right of the public —understood to be any natural or legal person or community organization— to participate in the meetings of the Negotiating Committee and the ad hoc working groups or other spaces that could be established to advance the negotiations. All parts of the process are open to the public unless the participating countries at the Negotiating Committee, in exceptional circumstances, decide to hold closed sessions during meetings. In such cases, countries shall explain the reasons for holding a closed session.
4. ECLAC will continue to administer the regional public mechanism established at the Plan of Action adopted in Guadalajara. The main objectives of this mechanism are to keep all parties interested in the process informed and facilitate their involvement, to coordinate public participation in international meetings and to contribute to the transparency of the process. The mechanism may also serve as a complement for participation actions carried out at the national level.
5. ECLAC will issue and update the calendar of meetings on its website. Meetings will be announced in due time, and an invitation will be sent by e-mail to those subscribed to the regional public mechanism. All official documents for the meeting will be available to the public on the ECLAC website and will also be announced by e-mail to those subscribed to the regional public mechanism. These documents may also be published on the websites of the governments of the participating countries.
6. The modalities provide for three levels of participation:
 - (i) Attendance: The public may attend the Negotiating Committee meetings and have access to official meeting documents. Meetings may also be followed by webcast, to the extent possible. At all times the presence of the public from the region will be favored.

- (ii) Reporting: The public shall have the right to share information and to make proposals on specific topics being discussed to the government representatives, experts or representatives of international agencies in writing, in informal meetings or at side events when feasible.
 - (iii) Making statements: The public will have the right to request the floor. The public is encouraged to submit their oral statements in writing prior to their interventions in order to facilitate simultaneous interpretation, if available, and that other participants are able to follow. Copies of oral statements sent in writing and other contributions may be placed on the tables provided for this purpose outside the conference room. In no case will the participating public have the right to vote in meetings. As a result, and notwithstanding the fact that the public will have the right to make language proposals during the negotiation, these will only be included in the negotiation document if they are seconded by at least one country of the Negotiating Committee. In such cases, that country or those countries will present it or them as its or their own.
7. The chair of the session will ensure that meeting fulfils its objectives. In so doing, the chair:
- (i) will give the floor in the order in which it is requested, regardless of whether the respective speakers are government representatives, representatives of international agencies or a member of the public (natural or legal person or community organization), aiming to ensure that everyone is heard and that the meeting is effective.
 - (ii) notwithstanding point (i) above, the chair may propose limits on the length and number of speakers' interventions
 - (iii) may request the public representatives to organize requests for the floor. To this end, the chair will provide a reasonable amount of time for the public to come to an agreement.
8. Where space is limited, the public will occupy the room in the chronological order in which they were accredited, giving priority to those with residence in any Latin American or Caribbean country. To ensure that differently abled persons who are registered can participate fully under equal conditions to everyone else, appropriate measures will be taken to ensure that they have priority access to the physical space, the information and the communications. If it is not possible to accommodate all members of the public who have requested to attend, to the extent possible, a space will be provided with audiovisual equipment to enable them to follow the meeting. A microphone will be installed in this room so that the public may participate in the meeting.
9. Pursuant to the Santiago Decision in which the public was invited to designate two representatives to maintain a continuous dialogue with the Presiding Officers, such representatives will be called to a preparatory meeting of the Presiding Officers prior to the meetings of the Negotiating Committee to analyze, in particular, the agenda for that meeting.
10. The Presiding Officers may or may not support the proposals that could be presented in view of point 9 above. In any case, the contributions made will be registered. The designated persons will give a short account of his or her participation at the opening of the meeting of the Negotiating Committee.
11. In accordance with the Organization and Work Plan of the Negotiating Committee, the Presiding Officers shall ensure that the public participation modalities are observed at meetings and ECLAC shall support public participation in the negotiation process.