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Second [virtual] Meeting of the Working Group on Rights of Access and Regional Instrument created in the Plan of Action to 2014 of the Declaration on the application of principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean

[This document has not been subject to editorial review]

MINUTES – SUMMARY OF THE MEETING

1. BACKGROUND

The Plan of Action to 2014 for the implementation of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean established two Working Groups in order to advance in the achievement of a regional instrument:

- i) Working group on capacity-building and cooperation;
- ii) Working group on access rights and the regional instrument.

The Plan of Action mentions that all signatory countries may participate in the working groups, in which they may be represented by their focal points or by a representative appointed by them. Non-signatory countries of the region may participate as observers in these meetings of groups formed by signatory countries. Each group will elect at least one coordinator and an alternate from among the government representatives and stakeholders that will participate according to modalities set forth in the Plan of Action.

In the Second meeting of focal points of the Declaration, held in Guadalajara in April 2013, Brazil and Costa Rica assumed the coordination of the working group on rights of access and regional instrument. The objective of the group defined in the Plan of Action is to deepen knowledge on access rights with the outlook of proposing the nature and contents of a regional instrument.

In the first virtual meeting of this group, held in August 2013, it was agreed that ECLAC would hire an international consultancy in order to produce a document to feed the process. This report would include the existing instruments in international law, especially regarding their nature,

capacity-building and compliance mechanisms. At the same time, the consultancy should review the international and regional legal framework that ensures the rights of access.

It was also agreed in the first meeting that the coordinators, with the support of the Presiding Officers and the Technical Secretariat, would work on a proposal on the common view to inspire a regional instrument. This proposal would be submitted for the revision of the signatory countries in the Third Meeting of the focal points.

The list of attendees to the second virtual meeting of the working group on rights of access and regional instrument can be found in Annex I of this document.

2. DEVELOPMENT OF THE MEETING

The meeting started with the welcome remarks and explanation of the agenda and work methodology of the coordinator of the group, the Delegate of Costa Rica. She also explained the use of the Webex and Quickr tools in the group.

Then, the floor was given to every participant to introduce themselves and there was a brief review of the previous agreements. It was highlighted that the Group was created as part of the Plan of Action, and held its first meeting the 8th of August and the outcome of the meeting was the requirement made to ECLAC to hire an international consultancy. Also, the terms of reference of the consultancy were explained.

The coordinator then gave the floor to Dr. Marcos Orellana, expert in international public law and the hired consultant, who made a presentation of the preliminary results of the study. The presentation is available in the webpage of the process (working groups section): www.cepal.org/rio20/principio10.

Presentation of Dr. Marcos Orellana on international instruments

The presentation described briefly and precisely the different types of existing international instruments, distinguishing between those considered as soft law and which are legally binding, providing examples for each case. Then he referred to the mechanisms of implementation and compliance of the instrument, meaning by implementation mechanisms the means and practices for the application of the obligations of the instrument, which at the same time strengthens the capacity of the Parties to apply norms; and by compliance mechanisms those which examine the fulfillment of the actions of the Parties and the norms established in the instrument.

In the implementation mechanisms he referred to the meeting of the parties, specialized secretariats, working groups, centers of information exchange, and financial mechanisms. Regarding the mechanisms of compliance, he distinguished between supervisory, dispute-resolution, quasi-judicial and facilitative, providing examples for each case.

Then he referred to the international developments which promote the full application of Principle 10, highlighting initiatives on Human Rights which promote the rights of access. Then, the coordinator thanked him for the presentation and opened the dialogue with participants.

Dialogue with participants

The Delegate of Chile thanked the presentation, highlighting that the report added to regional background on the implementation of the rights of access made by ECLAC and that both allowed for the ability to draw the road towards the full application of Principle 10 in the region. She also mentioned that seeing the preliminary results, it was possible to say that the resources and instruments of the region were more than those which were expected at the beginning of the process and that it was necessary to take all that information and create appropriate agreements so that the process continues being efficient, effective and concrete and having recognizable outcomes. She also made a special call to the focal points of the signatory countries to arrive in the Third Meeting of Focal Points with clear directions in order to meet agreements in Lima.

The Delegate of Costa Rica supported the words from the Chilean Delegate and gave the floor to a member of the public from México, who remarked that there is a need to deepen the knowledge of different regional and multilateral agreements in Latin American and Caribbean and their sub-regions which include references to the application of Principle 10. Another member of the public from Mexico highlighted the importance that the work of the groups always bears in mind what the aims and objectives of the Working Group are.

The Delegate of Mexico then highlighted the need to have the document of the consultancy as soon as possible. The Technical Secretariat then noted that the document would be ready before the Third Meeting of the focal points, taking into account the times of edition and translation.

The regional representative of Access Initiative highlighted and supported what was said by the Delegate of Chile and added that it was important to define what would be the matters to review in the next meeting of the working Group and what is expected of the contributions to the document on the common view.

The coordinator reminded that the main elements of the common view are already gathered in the Road Map and that it is necessary to keep on building based on what it is already agreed.

3. AGREEMENTS

Taking into account what was discussed during the meeting, the objectives set for the Group on the Plan of Action and the results of the prior meeting, the group agreed:

1. The Technical Secretariat will make available for the focal points and the public the draft report of the types of instruments of international public law prior to the Third Meeting, taking into account the times for edition and translation. It was remarked that the document is of a descriptive and informative nature.
2. The report of the Working Group, which will be approved in the Third Meeting of the Working Group and presented in the Third Meeting of Focal Points of the Declaration (October 30 - 31, 2013 in Lima) and will be available at the webpage from October 16, 2013 so:
 - a. Participants may submit their contributions about the common view and governing principles until October 14, 2013 at 12 PM (Santiago time).
 - b. The proposal will be sent by the coordination of the group and comments on minor modifications may be sent until October 23, 2013 at 12 PM (Santiago time).

Anexo I / Annex I

LISTA DE PARTICIPANTES / LIST OF PARTICIPANTS

A. Países signatarios de la Declaración / Signatory countries of the Declaration

ARGENTINA

Otros participantes:

- Brenda Mariana Pangrazi, Secretario de Embajada, Dirección General de Asuntos Ambientales, Ministerio de Relaciones Exteriores y Culto

CHILE

Punto Focal / Focal Point

- Constance Nalegach, Ministerio de Medio Ambiente
- Waldemar Coutts, Ministro Consejero Subdirector de Medio Ambiente, Cambio Climático y Desarrollo Sustentable del Ministerio de Relaciones Exteriores

COLOMBIA

Punto Focal / Focal Point

- María Angélica García, Segundo Secretario de Relaciones Exteriores, Ministerio de Relaciones Exteriores

COSTA RICA

Punto Focal / Focal Point

- Mariamalia Jiménez, Ministra Consejera de la Embajada de Costa Rica en Santiago

MÉXICO/MEXICO

Punto Focal / Focal Point

- Dámaso Luna, Director General Adjunto para Temas Ambientales de la Dirección General para Temas Globales

Otros participantes:

- Alfa Ramos, Secretaria de Medio Ambiente y Recursos Naturales
- Helena de Buen Richkaraday, Secretaria de Medio Ambiente y Recursos Naturales
- Vicente Silva, Secretaria de Medio Ambiente y Recursos Naturales
- Jorge Manuel Hori, Director de Derechos Humanos, Secretaría de Medio Ambiente y Recursos Naturales
- Miguel Molina, Subdirector de Asuntos Internacionales de Acceso, Dirección General de Asuntos Internacionales, Instituto Federal de Acceso a la Información y Protección de Datos

PANAMÁ/PANAMA

Punto Focal / Focal Point

- Lineth Arcia, Dirección de Protección a la Calidad Ambiental, Autoridad Nacional del Ambiente

Otros participantes:

- Linesel Saavedra, Abogada, Oficina de Asesoría Legal, Autoridad Nacional del Ambiente

PARAGUAY

Otros Participantes

- Cristhian Pascottini, Director de planes y políticas sectoriales, Secretaría Técnica de Planificación
- Mario Ruiz Diaz, Director General, Secretaría Técnica de Planificación.
- Marta León, Técnica de la unidad ambiental, Secretaría Técnica de Planificación.

B. Miembros del Público / Público

- Luisa Pilar Araúz, Centro de Incidencia Ambiental (CIAM), Panamá
- Gabriela Burdiles, Corporación Fiscalía del Medio Ambiente (FIMA)
- Isabel Calle, Directora Programa de Política y Gestión Ambiental, Sociedad Peruana de Derecho Ambiental (SPDA)
- Gloria Olimpia Castillo, Comunicación y Educación Ambiental SC.
- Teresa Flores, Coalición Iniciativa de Acceso- PRODENA Bolivia
- Allison Galindo, Instituto de Derecho Ambiental de Honduras (IDAMHO)
- Laura Giménez, Fundación para el Desarrollo de Políticas Sustentables (FUNDEPS)
- Pia Marchegiani, Fundación Ambiente y Recursos Naturales (FARN)
- Carol Mora, Sociedad Peruana de Derecho Ambiental (SPDA)
- Florencia Ortuzar, AIDA-Américas, Chile
- Harry Pinto
- Fernanda Riveros, Corporación Fiscalía del Medio Ambiente (FIMA)
- Rafael Sampaio, Artículo 19
- Andrea Sanhueza, Iniciativa de Acceso América Latina
- Tomás Severino, Cultura Ecológica A. C. de México
- Clarisa Vega, Instituto de Derecho Ambiental de Honduras (IDAMHO)
- Sharon Zabarburu, Sociedad Peruana de Derecho Ambiental (SPDA)

C. Secretaría / Secretariat

Comisión Económica para América Latina y el Caribe (CEPAL) / Economic Commission for Latin America and the Caribbean (ECLAC)

- Carlos de Miguel, Jefe de la Unidad de Políticas para el Desarrollo Sustentable, División de Desarrollo Sostenible y Asentamientos Humanos/Head of the Policies for Sustainable Development Unit, Sustainable Development and Human Settlements Division
- Valeria Torres, Oficial de Asuntos Económicos, División de Desarrollo Sostenible y Asentamientos Humanos/Economic Affairs Officer, Sustainable Development and Human Settlements Division

- Guillermo Acuña, Asesor Legal y Jefe de Protocolo, Oficina de la Secretaria de la Comisión/Legal Advisor and Chief of Protocol, Office of the Secretary of the Commission

- Marcos Orellana, Consultor, División de Desarrollo Sostenible y Asentamientos Humanos / Consultant, Sustainable Development and Human Settlements Division

- Amie Figueiredo, Oficial de Asuntos Económicos, División de Desarrollo Sostenible y Asentamientos Humanos / Economic Affairs Officer, Sustainable Development and Human Settlements Division

- Paula Chamas, División de Desarrollo Sostenible y Asentamientos Humanos / Sustainable Development and Human Settlements Division