



ECLAC

Distr.
LIMITED
LC/L.4046
10 August 2015
ENGLISH
ORIGINAL: SPANISH

**REPORT OF THE FIRST 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**

Santiago, 5-7 May 2015

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A. ATTENDANCE AND ORGANIZATION OF WORK

Place and date of the meeting

1. The first 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 was held in Santiago from 5 to 7 May 2015.
2. The meeting was organized jointly by the Governments of Chile and Costa Rica, in their capacity as Co-Chairs of the Presiding Officers of the negotiating committee, and the Economic Commission for Latin America and the Caribbean (ECLAC) in its capacity as technical secretariat for the regional process on Principle 10 in Latin America and the Caribbean (Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development).¹

Attendance²

3. The meeting was attended by representatives of 19 out of the 20 signatory countries of the Declaration: Antigua and Barbuda,³ Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago and Uruguay.
4. The Bolivarian Republic of Venezuela attended as an observer.
5. Also attending were international experts in access to information, participation and justice in environmental matters, and members of the public, as established in the Plan of Action to 2014.
6. Representatives of the United Nations Environment Programme (UNEP), the Organization of American States (OAS) and the Organisation of Eastern Caribbean States (OECS) were also in attendance.
7. The meeting was open-ended and webcasted.

Chair

8. Chile and Costa Rica chaired the meeting in their capacity as Co-Chairs of the Presiding Officers.

¹ See A/CONF.216.13.

² See the list of participants in annex 2.

³ Antigua and Barbuda adhered to the Declaration during the meeting.

Adoption of the agenda

9. The following agenda was adopted, with a modification to item 2 in respect of the provisional agenda:
 1. Adoption of the agenda and organization of work
 2. Review and adoption of the plan of work of the negotiating committee of the regional instrument on access to information, participation and justice in environmental matters in Latin America and the Caribbean
 3. Presentation of the preliminary document and negotiation of a regional instrument on access to information, participation and justice in environmental matters in Latin America and the Caribbean
 4. Consideration and adoption of agreements

B. SUMMARY OF PROCEEDINGS

Opening session

10. At the opening session, statements were made by Alfredo Labbé, Director General of Foreign Policy of Chile, and Manuel Rojas, Ambassador of Costa Rica to Chile, representing the Presiding Officers of the negotiating committee; Andrea Sanhueza and Karetta Crooks, representing the public; and Joseluis Samaniego, Director of the Sustainable Development and Human Settlements Division of the Economic Commission for Latin America and the Caribbean (ECLAC), representing the technical secretariat of the regional process on Principle 10 in Latin America and the Caribbean.

11. The Director General of Foreign Policy of Chile said that the first meeting of the negotiating committee marked the end of the first phase of evaluating and defining a conceptual basis, and the next stage was therefore beginning. He stressed the high levels of participation and transparency that had characterized the process since its outset. Public participation was one of the most effective instruments with which to address the various environmental challenges and the best way of achieving durable solutions, developing sound environmental policies and pre-empting situations of conflict. He ended by expressing the hope that the negotiations would culminate in a legally binding instrument that could tackle the common challenge of implementing access rights.

12. The Ambassador of Costa Rica to Chile said that the environmental risks to human beings and animals, overexploitation of resources and lack of citizen involvement in environmental decisions of vital importance for the future of the region meant that the time had come for a regional agreement on access rights. He believed that the agreement had to take account of the particularities of each country while making the most of existing synergies to include the greatest number of countries of the region. That would make it possible to maximize its impact, avoid unnecessary conflicts, and safeguard the environment and the rights of individuals.

13. The representatives of the public felt that the meeting provided an opportunity to rebuild the paradigm of sustainable development on the foundations of access to information, participation and justice in order to address the environmental crisis and social conflicts that jeopardized development. They also stressed that the regional process should give rise to a binding agreement that would ensure implementation of access rights and reflect a genuine commitment to democracy and sustainable development, thus helping the countries to achieve the objectives of sustainable development, especially in respect of promoting peaceful societies. The representatives complimented ECLAC on its substantive work in preparing the preliminary document, which was to serve as the starting point for negotiations, and were thankful for the capacity-building efforts undertaken by various civil society institutions and organizations.

14. The Director of the Sustainable Development and Human Settlements Division of ECLAC said that the future agreement had to go beyond mere declarations of intent, and should establish unambiguous legal obligations that genuinely guaranteed rights of access to information, participation and justice in environmental matters. The challenges on the road to equality, the unsustainable nature of its models of production and consumption, and global challenges such as climate change had led Latin America and the Caribbean to a crossroads. In that context, more participatory democracies with greater transparency were needed, with citizens who were profoundly involved in decision-making on the type of society that they wanted. The process of implementing access rights offered a unique opportunity to move towards greater regional integration on regulatory issues.

New signatory to the Declaration

15. The representative of Antigua and Barbuda announced her country's adhesion to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development, which was welcomed by those present. She stated that it was crucial to have an educated population that was aware of environmental issues, since environmental damage had ramifications for the future. In that context, she pointed out that citizens who were well-informed of environmental hazards could assist the government in establishing good environmental practices.

Review and adoption of the plan of work of the negotiating committee of the regional instrument on access to information, participation and justice in environmental matters in Latin America and the Caribbean (agenda item 2)

16. The representatives of Chile and Costa Rica, in their capacity as Co-Chairs of the Presiding Officers, submitted a proposal for an organization and work plan for the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean, in accordance with the Santiago Decision. The proposal stated that the committee's objective was to negotiate a regional instrument for the full implementation of the rights of access to information, participation and justice in environmental affairs, while continuing efforts to include more countries of Latin America and the Caribbean and strengthen synergies with other international processes. With a view to concluding negotiations by 2016, the committee would meet periodically in both face-to-face and virtual formats, following the timetable set out in the proposal.

17. They stressed that the public should be able to participate meaningfully 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, in order to facilitate their application, would be reviewed periodically throughout the process. The representatives stated that, with a view to offering support in the negotiations and facilitating progress towards the regional instrument, one or more ad hoc

working groups could be established to advance discussions on particular matters and prepare proposals for the consideration of the committee. They also provided representatives of the countries and members of the public with clarifications on issues raised concerning the proposed organization and work plan.

18. Following the discussions reflected in the “Consideration and adoption of agreements” section, the organization and work plan of the negotiating committee was adopted by consensus, with the amendments agreed by the delegates present, as it appears in annex 1.

Presentation of the preliminary document and negotiation of a regional instrument on access to information, participation and justice in environmental matters in Latin America and the Caribbean (agenda item 3)

19. A representative of ECLAC, as technical secretariat, gave a brief introduction and pointed out that, as stipulated the Santiago Decision, in drafting the preliminary document, due account had been taken of the results yielded by the process to date, the San José Content for the Regional Instrument, the regional assessment prepared by ECLAC, the laws, practices and institutions of the 33 countries of Latin America and the Caribbean, the challenges and needs of the region, and inputs and comments from the group of experts established by ECLAC for that purpose. As agreed in the Santiago Decision, contributions from the signatory countries and the public had also been considered, and could be consulted at the website of the process.⁴ He stressed that while the preliminary document was input material for negotiations towards the approval of the regional instrument, the final text would be drawn up during the process of negotiation between the countries, which he invited to submit comments.

20. Statements were then made by the following members of the group of experts: Winston Anderson, Judge of the Caribbean Court of Justice (by videoconferencing); Silvia Capelli, Promoter of Justice from Rio Grande do Sul (Brazil) and Coordinator of the Latin American Network of Public Prosecutors for the Environment, and Marcos Orellana, Adjunct Professor and expert in international law, George Washington University School of Law.

21. The Judge of the Caribbean Court of Justice said that the document was the reflection of the in-depth, exhaustive effort of compilation and research which had been undertaken in drafting it. It included the relevant national and regional commitments —of particular importance for the countries of the Caribbean— and was underpinned by existing provisions and the principle of non-regression. It also encompassed references to practically all the countries in the region, including those of the Caribbean, as well as to the aspirations and practices of the region. He emphasized two points of particular interest to the Caribbean countries: (i) the recognition of their particular characteristics and needs in areas such as capacity-building and implementation; and (ii) the link between the provisions of the preliminary document and national legislation, stressing that the burden of responsibilities had been placed on the bodies set up by the agreement, such as the Clearinghouse on Access Rights, the Fund for Implementation and the Facilitation and Follow-up Committee. That was likely to facilitate future negotiations and give rise to solid agreements.

⁴ See [online] <http://www.cepal.org/rio20/principio10>.

22. The Coordinator of the Latin American Network of Public Prosecutors for the Environment said that it was a historic day, as she had been participating in regional initiatives to strengthen access rights in Latin America and the Caribbean since the 1990s. She stressed that the preliminary document was the best instrument to date on access rights and, while recalling that the discussions had just begun, stated that by adopting the text the countries had created a historic, mature framework and had helped to ensure sustainable environmental governance in the region.

23. The Professor and expert in international law said that the preliminary document reflected both national experiences and the consensus reached in Latin America and the Caribbean as part of the process. As an example, he cited the fact that the instrument's objectives of ensuring the right to live in a healthy environment were supported by the national constitutions of the overwhelming majority of countries in the region as well as the Lima Vision and San José Content. The many citations at the end of the document bore testimony to the thorough examination that had been made of national laws and practices concerning access rights. In that context, the exhaustive nature of the text was an important feature since it laid down the principle of non-regression, which represented progress and ruled out any undermining of existing standards. If the document was recognized as a basis for negotiations, views would differ as to what elements should be added, or were in need of polishing up or clarification. As such, a distinction should be made between the mandatory provisions and those which were guidelines or aspirations. A negotiating document was of fundamental importance at that point in the process, as it was the only way of channelling cooperation and imbuing an instrument with suitable tools for ensuring that access rights were fully operational. The solid, comprehensive nature of the document would help focus the work of the negotiating committee and lead to progress in achieving a regional agreement.

24. The floor was then given to representatives of the signatory countries, who thanked ECLAC for its work, stressed the importance of the document and added that they were using it for internal consultations.

25. The representative of Antigua and Barbuda said that her country had recently passed the Environmental Protection and Management Act with a view to better defining responsibilities concerning environmental management and administration, transposing international treaties and obligations relating to the environment into domestic law and providing a framework for funding mechanisms that would facilitate the implementation of the Act. She added that the Act included various provisions on access rights, and stressed that the fact that her country had passed it and strengthened rules on freedom of information was evidence that it was moving in the right direction.

26. The Vice-Minister of Environment of Honduras said that the regional agreement was an important instrument for further consolidating the three pillars of sustainable development. The agreement was very timely, since it was a historic moment for Honduras and in view of the challenges it faced in its struggle to ensure a better life for all. Pressure on natural resources was increasing at a time when the population was growing, a situation that required a partnership with the private sector and civil society. The country was already implementing many of the provisions put forward for inclusion in the regional agreement. Honduras hoped that the agreement would be binding, so as to strengthen national initiatives on that matter. He had a number of specific recommendations on the spirit of some items, which he hoped to table when the text of the agreement was discussed.

27. The representative of Paraguay urged participants not to be complacent given the challenges to the implementation of many of the laws in the region. With that in mind, he raised the need to make progress in forging an agreement that would be possible to implement. He added that the document also provided a basis to promote education and raise the awareness of society of the need to consider environmental issues so as to move towards true development.

28. The representative of Brazil said that the preliminary document constituted important input material for the national dialogue which had only recently begun in his country. It was a very ambitious document, which could be a great virtue or a potential imperfection. That ambition was justified by its desire to go beyond validating laws that were already in force and its virtue shone through in its positive agenda and its wish to involve all of the countries in the region. The document had already had a practical effect in Brazil, which had deepened dialogue and was setting up a permanent mechanism for consultations on the process, which would encompass consultations with civil society, particularly with the business sector and universities. As for its potential imperfections, the document presumed its legal nature, a matter which had not yet been agreed on, in particular with regard to its institutional nature, funding and follow-up. In that context, given that each country was at a different stage of the process, he recommended moving forward gradually so as to enable all countries to adhere to the instrument and expressed his hope that an agreement would be possible.

29. The Vice-Minister for the Environment of Peru agreed with the Coordinator of the Latin American Network of Public Prosecutors for the Environment that the meeting marked a milestone in the process of development of the countries of the region, and would help to establish a minimum basis for strengthening environmental governance in the region. The countries were reaping the rewards of two years of prior dialogue and, thanks to the assistance provided by ECLAC, the number of participating countries had risen and the content material had become more finely tuned. He welcomed the fact that the preliminary document also included details of national experiences—including that of Peru—thus allowing them to be reflected in the process of systematization. He agreed with the representative of Brazil that it was an ambitious document with enormous potential since it could lead to an effective improvement in quality, management and governance in the region. It also reflected how far the countries had come, which should bring greater tranquillity to the negotiation process.

30. The Vice-Minister suggested omitting some of the principles included in the preliminary document—that was chiefly a compilation of existing provisions in the region—so as to prevent their reformulation, or including a provision to the effect that the content of the agreement in no way repealed any standard provided for any another international instrument. For example, no further regulations were needed on the principles of prevention and precaution. Information on the financial resources generated by exploiting natural resources was, moreover, an essential part of environmental information, and that could be included in the text. The proposed deadlines for submitting information were too long, and that the text should make clear that agreement would not lead to any weakening of standards or curtail possibilities of improving on what had already been achieved. The agreement could give rise to certain operational difficulties in respect of, for example, the obligation to provide information that had not previously been required, and which now presumably formed part of mandatory disclosures. He suggested revising that provision to include a specific reference to what citizens had requested, since information relating to certain requests could be very wide-ranging indeed. In respect of the proposal to have an autonomous institution on transparency with disciplinary powers, it was necessary to state that such power could be exercised through various institutional structures and in accordance with the procedures established internally by national bodies, so as to ensure respect for current or future institutional arrangements in each country. He also suggested that further work should be undertaken to prioritize and limit the types of information that should not be kept confidential. Public participation should not be limited to the process of reviewing and approving environmental impact assessments but rather expanded to other areas such as the management of natural resources. The judiciary faced certain difficulties in applying legislation on objective responsibility, since establishing liability for any crime required consideration of aspects related to negligence or wilful misconduct, which were not present in all regulations. He therefore suggested including that dimension. He finished by stating that both the document and the report of the meeting should be used as a basis to add further details in the next stage of negotiations.

31. The representative of Argentina said that the meeting marked a starting point for negotiations on the future instrument. Ever more organizations from civil society and the different social sectors were participating in national meetings, which was a sign of the level of interest in the agreement but also of the need to involve yet more of them. The document could constitute a solid basis for countries to continue their internal discussions and move towards a “zero draft”. She particularly welcomed the number of reference notes, which showed that the region had a basis on which move to forward and would not be found lacking for legislation, but said that a way of ensuring the full implementation of access rights was required. That process would provide States with an additional tool with which to make progress towards full implementation of rights, which were often already legally recognized at the national level, and to facilitate their recognition in other countries. She stressed that the text prepared on the basis of the preliminary document should take account of the different opinions of all countries so that they could all take ownership of the process. With regard to the substantive aspects, she highlighted the interdependence of access rights and their role in improving the well-being of people, eradicating poverty and ensuring the transparency of the machinery of democracy, as well as the rights-based approach. She believed the implementation of capacity-building programmes on the exercise of rights to be a fundamental pillar, given that the situations of countries in the region differed. The process needed to be gradual and to recognize the particular characteristics and needs of the region. Given that there was no single model for progress, it was necessary to take into account the different situations and national legislations of the countries in laying down the provisions of the regional agreement.

32. The representative of Trinidad and Tobago endorsed the previous remarks, particularly those of the representatives of Brazil and Argentina and the Judge of the Caribbean Court of Justice. She shared the view that, in moving towards the implementation of Principle 10 in the region, emphasis needed be placed not on the lack of legislation but rather on implementation in practice. The document included many points —such as the nature of the instrument— on which further discussion was required so as to reach a common understanding and decide how to move forward. Further debate was also necessary on the provisions that would be formulated as mandatory and those that would be written in a more exhortative language. Commendable efforts had been made to place the initiative in the context of other international processes, specifically with regard to the post-2015 development agenda.

33. The representative of the Plurinational State of Bolivia congratulated ECLAC on its timely work, while adding that the document could be perfected. He endorsed the point made by Honduras on the binding nature of the agreement. His country’s Government had worked on a framework consultation law that stipulated the binding character of those processes and that the State would take a decision in the event of opposition from those consulted. That would be the challenge facing the document, particularly for it to be applicable and operational in the countries of the region.

34. The representative of Uruguay agreed that the document was ambitious and, in that regard, stressed the need for it to take account of the reality of the whole region. For the meetings of the Committee to be more efficient, greater consideration of the document at the national level was required —by consulting other ministries for example— so that countries could continue to work after meetings in preparation for the next one. He hoped that issues on which there was consensus and those which required further discussion could be identified at the meeting. Uruguay needed more time for negotiation to include its judiciary in the process, which meant that greater efficiency was required in meetings if the desired results were to be achieved within the deadlines set.

35. The representative of Colombia noted that the document had been discussed in her country in April, with the active participation of stakeholders from the environmental sector, and a similar consultation was planned with the other sectors with responsibility for applying Principle 10, so her

comments were to be considered preliminary. Decisions taken on the regional instrument needed to take account of the countries' actual capacity to safeguard access rights in environmental matters and, therefore, capacity-building and regional cooperation should be made priorities. It was of crucial importance for Colombia that the instrument was progressive, flexible and effective, among other qualities. The document incorporated various aspects of Colombian law concerning access rights, but it was important to note that, as was the case in many countries in the region, the greatest challenges came in implementing the law. She therefore stressed that all participants in the process had to strike a balance between the obligations agreed in the instrument, the genuine possibilities of its implementation and the challenges in terms of regulation and financing. She was confident that a concrete instrument could be established that would enable all concerned to move forward in implementing Principle 10, while taking account of the various national contexts and generating synergies in developing the capacities of the region.

36. The representative of Jamaica, after stating that his country supported the regional process, reiterated the call for a flexible text to be agreed. Some of the provisions of the preliminary document were in line with legislation in his country, but others were not. He was therefore looking forward to the start of negotiations with particular interest in the hope that they would make it easier for Jamaica to sign the document at the end of the process. A working group encompassing the public and private sectors and civil society would be established in the coming weeks, and it was to be hoped that it would assist Jamaica to move forward in the negotiations.

37. An elected representative of the public stated, on behalf of various organizations, that the preliminary document was comprehensive and that, for various reasons, it should be the starting point for the negotiation process. Firstly, because it encompassed what had been agreed previously, in both the Lima Vision and the San José Content. Secondly, because it referred to best practices and national legislation on access rights in the various countries of the region. Thirdly, because it included a future vision and new elements that should be adopted by the countries with a view to effectively strengthening the implementation of access rights. She stressed the dynamic nature of the process—as shown, for example, by the recent accession of Antigua and Barbuda—and said that it was possible to start the negotiation process while more countries were still joining. She concluded by stating that the principles laid down in the document were essential for the future agreement to ensure implementation of access rights, and therefore suggested that they should be quoted directly in the articles, and not included in a specific section of the document, as was currently the case.

38. The representative of Chile stressed that the document included progress made in the process, as well as laws and practices in the region and contributions received from governments and the public, and showed that all countries had something to learn and something to contribute. Concerning the document's ambition, Chile had expressly stated its desire for a binding agreement that made sense to all countries and that was ambitious for several reasons, not least because it concerned respect for rights. The intention was not to draft a dead letter but to ensure full implementation, and there should be no fears whatsoever of paralysis because everyone sitting at the negotiating table was a public servant. Stronger cooperation was also needed at the national level, which required the support of universities, the business sector and non-governmental organizations, with a view to addressing that major challenge, which had been pending since 2012 and had proven to be ambitious. She agreed with other participants that the process was complex, and efficiency was therefore needed in generating spaces for the various stakeholders working on the issues covered by the agreement. The Chilean delegation present at the meeting included not only representatives of the Ministries of Environment and Foreign Affairs, but also of the Ministries of Women and Agriculture and the Council for Transparency. A very preliminary meeting had been held with the public sector, civil society representatives and the private sector to disseminate the preliminary

document, and further meetings would be organized to analyse it, since it was a complex document. Aside from the legitimate differences of opinion that were likely at the internal level and that would serve to refine the country's position, work was already under way on the document.

39. The representative of Costa Rica said that one of the most important issues concerning the document was indeed its level of ambition. All those involved in the process wanted greater access to information, participation and justice in environmental matters, and one way to achieve that was by establishing a genuinely ambitious instrument. There was thus nothing to fear in having an ambitious document that would reach the level of commitment demanded in the region, and that ambition should be accompanied by progressive implementation. The latter required maintaining the political commitment to a binding regional agreement seen since the outset. She added that the document contained the essential elements that the regional instrument should include on access rights, and stressed the link with human rights and the connection between the right to a healthy environment and access rights, a theme that should run through the document from beginning to end. The principles needed to be in place and should guide action taken to implement the provisions contained in the instrument. She agreed with the representative of Colombia on the need to deepen the provisions on implementation and cooperation in capacity-building in order to ensure not only the adoption of the instrument, but also its implementation in the countries and, in that regard, all experiences were valuable. She reiterated the importance of active public participation in the process and her country's commitment to continue promoting and creating opportunities for participation. She endorsed the proposal made by the Ambassador of Costa Rica to make the most of synergies within ECLAC in an attempt to involve more countries in the process. In that connection, she recalled that the following year, the thirty-sixth session of ECLAC would be held in Mexico, which would provide an opportunity to include the process in discussions that ECLAC would hold with all its members, with a view to involving as many new countries as possible.

40. The representative of the Bolivarian Republic of Venezuela, a country participating as an observer, said that his Government had signed Principle 10 of the Rio Declaration at the 1992 Earth Summit and had followed the process with great interest. He welcomed the opportunity to sit around a table with the signatories of the Declaration of 2012 for the first time and to hear first-hand what had been achieved so far. Consolidating Principle 10 at international level was very important for his country, especially in the context of the post-2015 development agenda and via the forms of international cooperation for promoting sustainable development. The celebrations for the seventieth anniversary of the United Nations offered a unique opportunity to renew countries' commitment to the dignity and worth of all people and the equal rights of people of all nations, regardless of the size of their country. Given that environmental rights were human rights—and were enshrined as such in his country's constitution—the sustainable development agenda must be truly transformative and should give a voice and visibility to those individuals and groups which had so far been denied access to information, environmental justice and the relevant political processes concerning sustainable development. While wide-ranging national and international legal instruments were already in place allowing for the promotion of cooperation and prevention of crime in criminal justice policies, further progress was needed in enacting policies on public participation that went beyond traditional notions, including the traditional concept of a civil society represented by non-governmental organizations. The Bolivarian Republic of Venezuela advocated the principle of participatory democracy, which meant that all public consultations were binding. In that context, he suggested that participation should not be limited to specific organizations but should be open so that any individual, social group or community could contribute to those processes. He stressed that the inclusion of organized communities, particularly excluded social groups, should be the priority of all processes based on participation. The Bolivarian Republic of Venezuela was currently following discussions on the instrument closely, with a particular interest in the possibility of the process reflecting his country's vision of sustainable development and society, which, if the conditions were right

—and he believed that they would become so— could lead to it becoming a fully-fledged participant in the process. He ended by welcoming the broad scope and flexibility evident in the preliminary document, which also included provisions of the national legislation of the Bolivarian Republic of Venezuela on access rights, which would be an excellent basis for his country to consider its possible inclusion in the process in the near future.

41. The representative of Mexico stated that the Government of his country had already begun consultations with institutions involved with environmental issues, the State Attorney of Environmental Protection and institutions working on access to information. The Government's intention was to consult more widely with ministries whose responsibilities concerned the sustainable management of natural resources and with other institutions from the judiciary and the economic and financial sector. He did not have any general or specific comments to make on the document at that time. However, in the light of previous statements, he acknowledged that the document was an effective catalyst for the priorities, interests and concerns of the countries in the region on the matter, and had provided an opportunity for civil society and other sectors to give the reasons for their interest in participating in the process. He called for a rethink of the concept of "public" that had been adopted during the process so as to find a definition that could be agreed upon by the signatory States in a show of openness to, and to encourage the involvement of, all sectors. When negotiations on a text, whose nature was still being evaluated, began, it would be necessary to avoid adopting any provisions that could contradict any other processes that aimed to achieve that greater involvement of all organizations and all sectors of society. The preliminary document had served as an important catalyst for thought at the national level, and would continue to do so. He took the opportunity to highlight how interested Mexico and other countries were in receiving the support of ECLAC in building regional indicators for the implementation of the post-2015 development agenda.

42. The alternate representative of the public stated that that the preliminary document should not be seen as an obstacle to the development of institutions at national level, but rather as a text that would enhance and facilitate the implementation of access rights in the countries. There was no need to create a sense of ownership of the text; it was already there, since it had been drafted with input from all of the countries in a democratic, innovative, free and open process. The text of the agreement needed to focus on overcoming domestic environmental and social challenges, recognizing the particular conditions and progressive nature of each country, but without being limited by those differences. He added that the region was not starting from scratch, and invited attendees to learn from the experience of the Aarhus Convention, noting that the negotiating process should be gradual. He concluded by offering the services of experts from civil society to participate in the process and support governments in conducting national consultations.

43. The representative of El Salvador stated that one of the strengths of the preliminary document was its exhaustive documentation of progress, particularly in legal matters, which had been made in the region, adding that it could form the basis for further advances in that area. She reiterated her country's commitment to implementing Principle 10, primarily because access to information, participation and justice in environmental matters was a key pillar in achieving good governance and making progress in sustainable development. She gave details of progress that El Salvador had made since 2009 on access rights, particularly in setting up the Department of Citizen Participation, Transparency and Corruption of the President's Office and in developing a national policy on the issue. El Salvador had recently begun the process of consultations on the basis of the preliminary document and was in the process of fielding comments, and had yet to develop a detailed position.

44. The representative of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) then took the floor. He said that the zero draft used to begin negotiations on that Convention had been more limited than the preliminary document prepared by ECLAC, and shared with the participants some aspects that had proved very effective in those negotiations, particularly in strengthening the implementation of access rights in countries. He highlighted the areas in which very concrete language had been agreed, leading to very precise provisions that could have a direct effect and clearly inform judges, citizens, the public and the business sector of standards in the region. He gave details of specific activities on public participation that would be subject to the legal regime. He concluded by saying that the countries of the region were in a situation conducive to designing their own instrument on environmental democracy that would help them face the challenges of the twenty-first century and serve as a model for all regions, including Europe.

45. The representative of the Organization of American States (OAS) appreciated the opportunity to move forward in effectively realizing the access rights enshrined in Principle 10 of the Rio Declaration on Environment and Development, and invited the participants to join in the process that would begin in October 2015 within OAS to define a hemispheric agenda on sustainable development.

46. The representative of the United Nations Environment Programme (UNEP) said that the process was one of the most robust examples of a regional political will and consensus that she had seen, and a key element of the post-2015 development agenda. She stressed that the document submitted for negotiation had the merit of bringing together the pieces of the current paradigm and aligning the region with developments in constitutional law in the past two decades and legal advances made at both international and national level. She reiterated the unwavering commitment of UNEP to supporting the countries of the region in implementing Principle 10 and to cooperating with the regional process, as per the mandate entrusted to it in the resolutions of the first session of the United Nations Environment Assembly, held in 2014, and in the decisions of the Forum of Ministers of the Environment of Latin America and the Caribbean. She expressed satisfaction at the contribution made by the regional workshops held in 2013 together with the Institute of the United Nations for Training and Research (UNITAR), ECLAC and the Access Initiative, among others, in drawing up the discussion paper, adding that they would continue work on training and capacity-building for legal practitioners and promoting the rule of law in environmental matters in the International Advisory Council for the Advancement of Justice, Governance and Law for Environmental Sustainability of UNEP.

47. The representative of the Regional Environmental Centre for Central and Eastern Europe, a non-profit international organization, offered its assistance to both governments and civil society on the issues under discussion, given its experience in negotiating the Aarhus Convention and in its subsequent implementation at national level.

48. The representative of the Dominican Republic said that the negotiation process was a priority for her country. She stated that the document would be widely distributed at the national level, but the country had comments to make on certain policy issues related to the provisions.

49. The representative of Ecuador said that the document showed how far the countries of the region had come, and that the legitimate ambitions and challenges emerging from it would eventually become binding supranational commitments. In the light of what had been said by several representatives, deadlines would need to be set for countries to submit, if applicable, their positions on the document and comments made in their internal processes of consultation with society and their various ministries of State, whatever the mechanisms used to that effect.

50. The representative of the Organization of Eastern Caribbean States (OECS) congratulated Antigua and Barbuda on its recent inclusion in the process and expressed her organization's interest in working with ECLAC to encourage all of its Member States to join the process and become familiar with the document, which she described as comprehensive and visionary.

51. The Chair then read a comment from a member of the public, participating via webcast from Mexico, who believed that, since general opinion on the document was positive, it should be taken as the zero draft, which would be a major step forward. The Chair noted in response that the issue had been discussed at length in Santiago in November 2014, and would probably be debated once more after the round of individual comments.

52. On that point, the representative of Colombia, seconded by those of Argentina, Brazil and Mexico, asked for the report of the meeting to reflect the fact that, in the Santiago Decision, countries had agreed to define the nature of the regional instrument during the process of negotiation.

53. The Chair recalled that, at the fourth meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean, it had been decided to postpone decisions on the legal nature of the instrument and work with the same degree of seriousness as would have been demanded by a binding instrument. She admitted that it had not been reflected in the Santiago Decision, and had been discussed during the meeting instead.

54. The Chair then invited participants to submit their comments on the first part of the preliminary document, specifically the preamble, objective and definitions.

55. The representative of Brazil said his country was not in a position to provide specific comments on the text since it was in the process of consultation and developing a national position and could not, therefore, join any consensus adopted at the meeting.

56. The representative of Panama asked the Chair to clarify why they had been asked to comment on the document section by section, given that it was a preliminary document and its role in the negotiation process had yet been discussed.

57. In response to the comments made by the delegations of Brazil and Panama, the Chair put two points to the consideration of the plenary meeting. Firstly, since most countries still had to continue consultations and include new stakeholders, the preliminary comments would be heard, and all countries would have the right to elaborate on those comments in the following months. Secondly, the objective of the exercise was to ascertain at what stage the countries were before moving on to a second stage, which was to have a zero draft ready with comments from each of them.

58. The representative of Mexico said his country was also in the process of reviewing the preliminary document, and therefore had no specific comments to make, only questions to ask. In that context, he added that he considered the preamble to be fairly comprehensive and wondered whether the number of references it included to background information could be cut down. He believed that words in regular usage in all countries of the region should be favoured. Regarding the wording of the objective, he wondered whether it was necessary to include the reference to improving laws, policies, institutions and practices, or whether it could be incorporated into a separate provision. The set of definitions in article 2 should also be reviewed, given that some terms had been adopted in the light of other international agreements, so as to ensure consistency of terminology. He raised doubts as to whether the concept or

definition of “public” was that used in international agreements of which the States signatory to the Declaration were party since they referred to social participation and non-governmental, environmental and other organizations. With regard to article 3, he said that one of the most important principles was that of good faith, adding that it would be worth reviewing some of the other principles to assess whether they should remain in that part of the text or be incorporated into the definitions.

59. The representative of Costa Rica believed that the objective was well written, and stressed the link between the right to a healthy environment, access rights and an approach grounded in cooperation. She added that a link to human rights should be included. She said that the definitions were, on the whole, adequate, but that several needed to be revised, such as that of the competent authority, which was very broad and could lead to confusion. As for the definition of environmental information, her country’s delegation had doubts about point (f), concerning the state of the health of individuals, which in Costa Rica was confidential.

60. The representative of Panama said that she agreed that the comments made at the meeting should be preliminary, but stressed that it was important to clear up what the purpose of the clarifications and improvements made to the document was. It appeared equally important to her to discuss the nature of the instrument, as views could differ depending how its nature was defined.

61. The Chair reiterated that no consensus had been reached at the previous meeting on its nature, and representatives had agreed to postpone that debate so as to move forward on the content, adding that the two points were obviously very closely linked.

62. The Vice-Minister of the Environment of Peru then took the floor, stating that it was a key moment, at which the delegations of all countries had welcomed the document commissioned by those same countries. It would serve as the basis for collective discussions at the regional level and consultations at the national level, so the exchange of ideas needed to continue. He referred to the document’s definition of the competent authority, stressing that the obligations on the right to information and on participation and justice in environmental matters needed to be clarified. He added that environmental information should be defined as information held by the competent authority, which would make it the obligation of the authority to provide it. He stated that environmental decision-making had chiefly been defined in negative terms. He suggested that it was therefore not valued, since it could also be described in positive terms given that it contributed to improving the environment and preserving natural resources, all of which took place independently of the obligation to implement access rights.

63. The representative of Chile said that her country was also in the process of deepening analysis with various public sector stakeholders and the general public. She was satisfied with the preamble because it recognized the progress that had been made in the region. The objective included three fundamental issues for her country that had been incorporated into the proposal of ECLAC: the rights-based approach and the emphasis on implementation and cooperation between the countries. Quite apart from the specific comments that would subsequently be made, the Chilean delegation welcomed the breadth of the definitions, which gave them the flexibility to build an instrument that could also be further improved while it was being consolidated.

64. The representative of Antigua and Barbuda said that the country’s delegation had no objections to the suggested definition of the competent authority, which should be broad in nature, given the diversity of countries and organizations that needed to be included. She agreed with the representative of Peru concerning the definition of environmental information and on the obligation of the authorities to provide only information that States actually had in their possession. In respect of the definition of public

participation, referred to as the process by which people, individually or collectively, influenced decisions on environmental matters through institutionalized ways of participation, she suggested replacing the word “influence” with “have the prior opportunity to express their views and to be heard in the decision-making process”.

65. The representative of Uruguay said that the document was an excellent basis for work, and that his delegation wished to move towards a binding document, but it was necessary to recognize that its level of detail meant that further consultations would be needed with not only civil society, but other branches of government, particularly concerning the issues of access to justice and its relationship with the judiciary.

66. A representative of the public from Chile said that a clear message should be sent concerning the purpose of the agreement, which was to safeguard the right to a healthy environment for current and future generations. Although that message was included in the preamble, she suggested explicitly incorporating it into the objective. She also expressed her concern about the definition of the affected public and interested parties, adding that references of that type should be removed.

67. The representative of the Aarhus Convention thought it would be useful to discuss whether there was a common understanding of the definitions, whether all of them were necessary, whether more were needed and whether they were all relevant, regardless of whether the eventual agreement was to be binding or not. In that context, he agreed with the points made by the representative of the public from Chile as to the desirability of a definition of the public directly affected, given that there was already a definition of the public. He added that greater coherence between definitions was needed, many of which stemmed from national texts.

68. The representative of Argentina agreed with the delegation of Mexico that the preamble needed to be more concise. In order to keep the preamble, and because the general tenor was positive, she also suggested drafting in positive terms the paragraph concerning the lack of or constraints on the suitable means of access to environmental justice which deprived people of their legitimate right to it. She added that throughout the document there were numerous references to groups, sometimes called disadvantaged groups, which was an expression her delegation would prefer to avoid. She proposed consulting with various human rights instruments to ensure consistency with them and reviewing the contents of the lists in order to, *inter alia*, refer to women in more suitable terms and include people with disabilities. She wondered whether the reference to the holistic and spiritual view of the environment pointed to the existence of different approaches to achieving sustainable development, and therefore suggested using the wording agreed in the Rio+20 outcome document, for instance. She also requested clarification of the term “environmental governance” used in the objective, and said that more time was needed for that discussion. In respect of the definitions, she agreed with Peru on the need to clarify the term “competent authority” with regard to, for example, State-owned enterprises, and to draw a distinction between the terms “public” and “directly affected public”.

69. The OECS representative stated that the definitions of “public” and “directly affected public” were necessary, but their scope needed to be determined with greater accuracy.

70. A representative of the public from Uruguay stressed the ambition of the preliminary document, which had greatly exceeded expectations. However, she raised doubts concerning the concept of “public”, stating that the term “rights-holder” should be used instead. She maintained that the text should use more inclusive language and should incorporate references to the Brasilia and Santo Domingo Consensuses, which had been adopted by the Regional Conference on Women in Latin America and

the Caribbean, and the Montevideo Consensus on Population and Development, which included concepts that had already been agreed. She would forward her contributions on the preliminary document to the technical secretariat.

71. A representative of the public from Chile gave a statement on behalf of the Mapuche people to stress the concept of Mother Earth and the fact that most of the countries present at the meeting had ratified ILO Convention No. 169. The Convention was binding and recognized the political status and collective rights of indigenous peoples. He therefore called for that perspective to be incorporated into the document to ensure that countries honoured their international commitments. He also asked for the document to take account of the declaration of the World Conference on Indigenous Peoples in September 2014 and called for the greater inclusion and participation of indigenous peoples in the process, since they were one of the groups most affected by it.

72. The representative of the public from Europe stressed the value of the terms used in the objective, but recommended that it should be drafted in clearer terms, given its importance for the future implementation of the agreement and to facilitate its interpretation. She said that the definition of “competent authority” should include not only the body in question but also the officials responsible at all levels for the three access rights. She agreed on the need for coherent definitions; for example, “participation” should refer to public decision-making and “public participation” should be understood as the process by which the public had the opportunity to influence decision-making, with the authority being responsible for providing that opportunity.

73. The representative of Paraguay suggested starting the preamble on line 31 of page 2 of the document and including the preceding text in an appendix or preface, so that the preamble began with a direct reference to Principle 10 of the Rio Declaration.

74. The elected representatives of the public suggested involving young people more actively by making greater efforts to raise awareness of and disseminate the process. Young people could make great contributions to the process, and they therefore suggested adding a reference to future generations in the objective. Referring back to previous comments, they said that the preliminary document had to be ambitious by necessity because its purpose was to safeguard rights and preserve the world for future generations.

75. The Chair then invited the participants to submit their initial comments on the principles, scope of application and general obligations.

76. The professor and expert in international law stressed that the conditional tense had been used to draft the principles in Spanish (rendered as “should” in English) whereas the imperative had been employed in the Rio Declaration. He said that the article on the scope of application could be deleted, since it was implicit in the definition and the specific obligations, as long as those were not used to restrict the existing scope of application.

77. The representative of the Aarhus Convention stressed the principle of non-discrimination present in the text, which he considered crucial. He warned that the wording could be read differently depending on whether it was interpreted as *ad intra* (applicable only at the national level) or *ad extra* (applicable to other countries). The Aarhus Convention had been read in both directions, so as to prohibit any discrimination based on nationality, residence or domicile and to enable people from other regions to exercise the rights enshrined therein. Given that appeared to be the will of the countries, he suggested reflecting that in the text.

78. In the light of the preceding statement, the representative of Argentina stated that further thought was needed on the scope of application, which should be linked to the principle of non-discrimination and the definitions of “public” and “directly affected public”.

79. In respect of the principle of non-discrimination, the representative of Mexico called for consideration of the definition already agreed in the report of the Open Working Group on Sustainable Development Goals, so as to avoid the need for further discussion on the matter. He also suggested deleting the reference to the scope of application, in line with the statement by the professor and expert in international law. He referred to the tense used in the article on the general obligations (“shall ensure” and “shall guarantee”, for instance), which in his opinion constituted very ambitious legal language. He called for greater clarity in respect of the obligation to promote awareness and environmental education among public officials, the recognition and protection of associations and organizations, collaboration within each State, coordination with other relevant international agreements and consideration of the agreement as a floor, not a ceiling. Given that it was feasible that all the countries of Latin America and the Caribbean would become parties to the agreement, he proposed including a transitional provision or another passage in the text to promote the accession of countries which were not party to it. The obligation not to limit or repeal other rights or standards could also be moved to a more suitable location in the text. He also asked for clarification as to the scope of cross-border cooperation—without, however, questioning whether it should be included—and for further details on the promotion of the principles of the agreement in international forums, specifically which forums were meant and the form that such promotion should take.

80. In respect of the provision of advice to the public, the representative of the Plurinational State of Bolivia said that consideration should be given to the different possible interpretations and the particular circumstances of each country, given that in some cases countries might not have the requisite means and resources to provide such advice.

81. The representative of Argentina requested clarification on the principle of traceability. Returning to the scope of application, she stated that her country had always seen access rights as applying to people living within a national territory, but if the document were to go beyond that she would prefer article 4 to be rewritten rather than deleted. She agreed with the representative of Mexico on the need to rethink the tenses of the general obligations in order to give countries more leeway, and added that her understanding was that internal legislation would apply in that regard. The obligation to encourage countries in the region which were not parties to sign up to the agreement could appear elsewhere in the text. She added that articles 5.5, 5.9 and 5.10 needed to be elaborated on and proposed bringing greater clarity to the point on the most favourable interpretation.

82. The representative of Colombia said that further work was needed on the scope of application to clarify who was responsible for implementing the agreement and what its purview was. She maintained that discussions on that matter were necessarily related to the nature of the instrument. She asked for the obligation to protect associations in article 5.5 to be clarified, including whether it should be incorporated into national legislation. She suggested moving article 5.9 to another part of the agreement, and said that the most favourable interpretation should be a principle rather than an obligation.

83. The representative of Peru said that the terms “prevention” and “precaution” could perhaps be omitted since they were more closely linked to environmental protection than environmental governance. He also asked for the concept and definition of traceability to be clarified, since it was his understanding that it concerned record-keeping of regulatory processes. He stressed that the scope of application would be limited to countries that had ratified the possible future agreement, and would be linked to the concept of the most favourable interpretation.

84. The professor and expert in international law returned to the issue of the cross-border application of the agreement, stating that it could be addressed in the scope of application or the general obligations as a matter concerning the principle of non-discrimination based on residence. He noted the important developments that had been taken place in international human rights law concerning the recognition of extraterritorial obligations, which the Special Rapporteur on human rights and the environment had made a priority issue. That trend towards the recognition of such rights was also reflected in the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights, in a recent general comment of the Committee on the Rights of the Child concerning transnational companies and human rights and in the Inter-American human rights system. The issue had also been discussed by the working group on the nature and content of the instrument in respect of the possibility of conflicts between States and how those provisions could help to avoid them, as in the case of the disagreement between Argentina and Uruguay on paper pulp mills. Further progress was needed in terms of the unity and integration of the region so as to recognize common standards and reflect advances made in cross-border matters.

85. The representative of Uruguay said that, aside from the substantive issues, countries should be aware that the possible future text would have made compatible with national laws and, in some cases, would even require parliamentary approval. He therefore urged countries to consider that point in their consultations so as to expedite the negotiations.

86. The representative of the public from Europe pointed out that the Aarhus Convention contained a provision similar to article 5.5 of the preliminary document, and that exhaustive work had been undertaken on the matter, including the drafting of guidelines for the parties. She offered to share the guidelines and best practices on that matter and on promoting the principles of the Convention in international forums, with a view to clearing up doubts on the scope and interpretation of the agreement. The underlying logic of the principle was that making international decisions was part of the national decision-making process; parties therefore had to act in a transparent manner, provide access to information, involve the relevant stakeholders and promote similar principles.

Consideration and adoption of agreements (agenda item 4)

87. Time was set aside during the consideration and approval of the agreements for discussion of procedural aspects and, specifically, on how to reach a zero draft and to proceed with the substantive debate. The representative of Costa Rica reiterated her position that the preliminary document should be considered a zero negotiating paper. Given that the countries had asked ECLAC to prepare the document, which was based on the San José Content (the annotated index of content had been approved by the countries and the document had in turn been drafted with input from the countries and the public) and since several national consultations were already under way, producing another zero document was not feasible given the deadline for concluding the negotiations (December 2016). Chile, Honduras, Panama and Uruguay seconded that position. However, Argentina, Brazil, Colombia and Mexico did not concur with that view. In the light of those suggestions, the representative of Peru proposed continuing with the exchange of views so that a decision could be taken the following day, in order to prevent procedural issues from further delaying substantive negotiations, a position that was shared by Chile and Guatemala and the representative of the public.

88. In response to the preceding comments and observations, a debate ensued on the aspects to consider at the next meeting of the committee. Several countries and representatives of the public gave their opinions on the need to begin or continue with the national consultations, the scope those consultations should have and deadlines to be met, as well as the parts of the preliminary document and

other issues that should be considered. Some delegates and representatives of the public recommended considering the timetable for consultations and reviewing the efficiency and effectiveness with which they were carried out. Following those discussions, a section with the adopted agreements was included in the organization and work plan of the negotiating committee in preparation for the committee's second meeting (see annex 1). It was also decided that the substantive matters contained in the preamble and articles 1 to 10 inclusive of the preliminary document would be discussed at that meeting. The other matters would be addressed at other meetings.

89. The Colombian delegation said that it was important for countries to be involved in setting the agenda for the next meeting, so as to facilitate progress and ensure its success. In response, the Chair noted that the Presiding Officers would draw up a draft agenda and submit it to the countries at least one month before the meeting. The Co-Chair reiterated that proposals from all countries would be gratefully received.

90. In respect of the participation of the public in the negotiations, specifically the value and position accorded to their input, and considering the proposal of the representatives of the public, some countries called for the distinct character of the negotiation stage to be recognized, while others were opposed to going back on what had already been agreed. Without expressing their opposition to the practices and principles that were being implemented, some delegations noted that the matter required further discussion at the internal level, as that could set a precedent. The representatives of the public recalled their commitment to and flexibility in dealing with that issue, which had enabled, for instance, their comments on the preliminary document to be compiled in a separate document. In view of the foregoing, the need to address the matter in greater detail was recognized, but in a manner consistent with item 6 of 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.

91. The countries agreed by consensus to add an additional paragraph to the organization and work plan of the negotiating committee, appended as annex 1, including draft agreements for the second meeting of the negotiating committee.

92. In view of the kind offer of the representative of Panama on behalf of her country's Minister for the Environment, it was agreed that the second meeting of the negotiating committee would be held in Panama City from 27 to 29 October 2015. The offer of Uruguay to host the third meeting of the negotiating committee in the first quarter of 2016 in Punta del Este, pending agreement, was also welcomed.

Closing session

93. In the closing session, the Chair, noting countries' efforts and commitment to the process, said that the agreements that had been reached marked a major step forward in bringing greater clarity to negotiations and to the organization of the subsequent meetings. He stressed that the exchange of views and comments had enriched negotiations and the development of national positions. He thanked ECLAC for its constant support and cooperation, and especially for having prepared the preliminary document, which had paved the way for excellent progress in the negotiations. He added that the high level of participation from the public, both in person and online, had given the process great visibility, and thanked them for their valuable contributions in building a common vision.

94. Several delegations endorsed the Chair's remarks, highlighting the participants' commitment, openness and clarity of ideas, which would ensure that the next stages of the negotiations would be smoother. Some representatives also expressed their appreciation for the assistance of ECLAC in developing regional indicators for monitoring the post-2015 development agenda.

95. In his closing remarks, the Chief of the Policies for Sustainable Development Unit of the Sustainable Development and Human Settlements Division of ECLAC thanked Panama and Uruguay for offering to host the subsequent meetings. He was pleased that Antigua and Barbuda had become a signatory country and had passed an environmental protection law and welcomed the fact that Panama had recently established its Ministry of the Environment. He thanked all the participants and, in particular, the public for its continued dedication and commitment, and called on delegations to continue to support its participation. Moving forward in the implementation of access rights was not only a responsibility but also a necessity that society in the region demanded. The rights-based approach was essential for sustainable and economic development, as it would lead to the elimination of asymmetries of information, market failures and policy failures. He concluded by reiterating the willingness of ECLAC to continue to support the process and urged countries to move forward as quickly as possible in negotiations so as to be able to focus promptly on implementation, capacity-building and cooperation.

Annex 1

**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**

1. Pursuant to the Santiago Decision, the Negotiating Committee of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean (hereinafter “the Committee”) will have the objective of negotiating a regional instrument for the full implementation of the rights of access to environmental information, participation and justice enshrined in Principle 10 of the Rio Declaration on Environment and Development (1992).
2. The Committee will likewise continue efforts to bring more countries of Latin America and the Caribbean into the process and strengthen synergies with other international processes.
3. With a view to concluding negotiations by 2016, as provided in the Santiago Decision, the Committee will meet periodically in both face-to-face and virtual formats. The meetings of the Committee are open to non-signatory observer countries of Latin America and the Caribbean and the public. During 2015, the following meetings will take place:
 - 5-7 May 2015: First meeting of the Negotiating Committee (face-to-face). Place: ECLAC, Santiago, Chile.
 - 28 July 2015: Intersessional meeting of the Negotiating Committee (virtual).
 - 3 September 2015: Intersessional meeting of the Negotiating Committee (virtual).
 - 27-29 October 2015: Second meeting of the negotiating committee (face-to-face). Place: Panama.
4. To advance in the negotiations, the agenda of the meetings with their corresponding objectives will be circulated in due time (six weeks) so as to facilitate the decision-making process of the Committee. Decisions will be taken by consensus in face-to-face meetings. Meetings of the Committee in which decisions are taken must have a quorum of half plus one of the signatory countries.
5. If necessary, the meetings for 2016 will be determined at the second face-to-face meeting of 2015.
6. 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 shall be reviewed, as appropriate, in order to facilitate their application.
7. If necessary, one or more ad hoc working groups may be established to support the negotiations of the Committee and advance towards the regional instrument. The aim of the ad hoc working groups will be to advance discussions on particular matters and prepare proposals for the consideration of the Committee. The meetings of the ad hoc working groups will be virtual and steered by one or two countries in coordination with the Presiding Officers.

8. The ad hoc working groups may comprise all countries serving on the Committee, which may be represented by their delegates thereat or another representative designated by them. Non-signatory observer countries of Latin America and the Caribbean and members of the public may participate in the ad hoc working group meetings per paragraph 3 above. If necessary, the ad hoc working groups may also seek the advice of experts.

9. Each country will undertake such activities and consultations as it requires to prepare for participating in the negotiation of the regional instrument, with a view to enhancing the work of the Committee.

10. So as to favour the participation of the public in the activities and consultations, each signatory country will establish mechanisms and modalities of participation, taking into account its specific circumstances, norms and practices.

11. To carry forward the negotiations, the Committee will be steered and coordinated by the Presiding Officers, comprising Chile and Costa Rica as co-chairs, and Argentina, Mexico, Peru, Saint Vincent and the Grenadines and Trinidad and Tobago as vice-chairs. The Presiding Officers will meet every three months, preferably virtually, or when the circumstances require. The decision to convene special sessions of the Presiding Officers will be taken by consensus.

12. The responsibilities of the Presiding Officers will be to:

- Steer dialogue and the negotiation process of the regional instrument on the basis of this work plan;
- Coordinate with any ad hoc working groups that may be established regarding meetings and other relevant matters and support their work;
- Support the implementation of this work plan;
- Maintain a dialogue, in the framework of the meetings of the Presiding Officers, with the two representatives designated by the public as established in the Santiago Decision;
- Convene, together with the technical secretariat, the meetings of the Committee;
- Chair the meetings of the Committee and ensure that the participation modalities are observed;
- Identify and put forward, with the support of the technical secretariat, means of financing for the negotiation process and for the implementation of the regional instrument;
- Perform other functions arising from agreements adopted at meetings of the process;

13. In its capacity as technical secretariat of the process, the responsibilities of ECLAC will be to:

- Support public participation in the negotiation process;
- Promote and leverage synergies with entities of the United Nations system;
- Continue and intensify the efforts under way to build capacities and cooperation regarding the effective application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean, in coordination with the Presiding Officers, the signatory countries and the interested public, and subject to the availability of resources and in parallel with the work of the Committee;
- Prepare, in consultation with the Presiding Officers, the documentation for meetings of the Committee, including working documents, the provisional agenda and the annotated provisional agenda, including the objectives and agenda items;
- Ensure that documents for the meetings of the Committee are translated, copied or printed and distributed sufficiently in advance to the countries so that they can make comments and carry out the corresponding consultations;

- Prepare meeting reports;
- Support participation efforts at the national level on the part of the countries, by creating and maintaining a public participation mechanism;
- Maintain a website for the process;
- Report at each meeting of the Committee on activities carried out in the framework of the process, on the basis of reports from the signatory countries;
- Support the identification of financing to ensure the participation of the public in the meetings of the Committee; and,
- Perform other functions arising from agreements adopted at meetings of the Committee.

In addition, in preparation for the second meeting of the negotiating committee, the representatives of the participating countries agree to:

- (a) *Initiate or continue* internal activities and consultations, including with the public, on the preliminary document, taking into account the specific circumstances, norms and practices of each country;
- (b) *Submit* language proposals to the secretariat, by 31 August 2015, in relation to the preamble and articles 1 to 10 of the preliminary document;
- (c) *Invite* the public to submit language proposals to their governmental national focal points or to the secretariat by 31 August 2015, in relation to the preamble and articles 1 to 10 of the preliminary document;
- (d) *Request* the Presiding Officers to compile, with the support of the secretariat, language proposals from the countries into the preliminary document and produce a compilation text, and ask the secretariat to compile contributions by the public into a separate document;
- (e) *Negotiate* on the basis of the text compiled by the Presiding Officers at the second 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, to be held in October 2015.

Annex 2

LIST OF PARTICIPANTS

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

ANTIGUA Y BARBUDA/ANTIGUA AND BARBUDA

Representante/Representative:

- Maureen Payne, Junior Minister, Ministry of Justice and Legal Affairs, email: paynep@hotmail.com

ARGENTINA

Representante/Representative:

- María Fabiana Loguzzo, Directora General de Asuntos Ambientales, Ministerio de Relaciones Exteriores, Comercio Internacional y Culto, email: laf@mrecic.gov.ar

Miembros de la delegación/Delegation members:

- Romina Iglesias, Secretaria, Embajada de la República Argentina en Chile, email: iir@mrecic.gov.ar

BOLIVIA (ESTADO PLURINACIONAL DE)/BOLIVIA (PLURINATIONAL STATE OF)

Representantes/Representatives:

- Nelson García Ríos, Asesor Legal, Viceministerio de Medio Ambiente, Biodiversidad, Cambios Climáticos y de Gestión y Desarrollo Forestal, email: ngr.medio_ambiente@hotmail.com

Miembros de la delegación/Delegation members:

- Juan Carlos Dueñas Muñoz, Cónsul General Adjunto, Consulado General Adjunto del Estado Plurinacional de Bolivia, email: jduenas@consuladobolivia.cl

BRASIL/BRAZIL

Representante/Representative:

- Marcelo Martínez, Subjefe, Coordinación General de Desarrollo Sostenible, Ministerio de Relaciones Exteriores, email: marcelo.martinez@itamaraty.gov.br

Miembros de la delegación/Delegation members:

- Cristiano Rabelo, Embajada del Brasil en Chile, email: cristiano.rabelo@itamaraty.gov.br

CHILE

Representantes/Representatives:

- Alfredo Labbé, Director General de Política Exterior, Ministerio de Relaciones Exteriores, email: alabbe@minrel.gov.cl

Miembros de la delegación/Delegation members:

- Julio Cordano, Jefe, Departamento de Cambio Climático y Desarrollo Sostenible, Dirección de Medio Ambiente, Ministerio de Relaciones Exteriores, email: jcordano@minrel.gov.cl
- Constance Nalegach, Jefa, Oficina de Asuntos Internacionales, Ministerio de Medio Ambiente, email: cnalegach@mma.gob.cl
- Lorena Troncoso, Jefa, Oficina de Atención a la Ciudadanía y Archivo, Ministerio del Medio Ambiente, email: ltroncoso@mma.gob.cl
- Guillaume Du Payrat, Profesional, Oficina de Asuntos Internacionales, Ministerio del Medio Ambiente, email: gdupayrat@mma.gob.cl
- Marcela Ponce, Profesional, División de Información y Economía Ambiental, Ministerio del Medio Ambiente, email: mponce@mma.gob.cl
- Patricia Araos, Servicio de Evaluación Ambiental, email: paraos@sea.gob.cl
- Pamela Silva, Analista, Departamento de Relaciones Internacionales y Cooperación, Servicio Nacional de la Mujer (SERNAM), email: psilva@sernam.gob.cl
- Javiera Hernández, Abogada, Encargada de Temas Ambientales, Ministerio de Agricultura, email: javiera.hernandez@minagri.gob.cl

COLOMBIARepresentante/Representative:

- Andrea Marcela Alarcón Mayorga, Coordinadora de Asuntos Sociales, Ministerio de Relaciones Exteriores, email: andrea.alarcon@cancilleria.gov.co

Miembros de la delegación/Delegation members:

- Marta Galindo, Ministra Consejera, Embajada de Colombia en Chile, email: marta.galindo@cancilleria.gov.co
- Diana Guevara, Asesora, Oficina Asuntos Internacionales, Ministerio de Ambiente y Desarrollo Sostenible, email: dguevara@minambiente.gov.co

COSTA RICARepresentante/Representative:

- Manuel Rojas Bolaños, Embajador de Costa Rica en Chile, email: embajada@costarica.cl

Miembros de la delegación/Delegation members:

- Mariamalia Jiménez Coto, Oficial responsable de Desarrollo Sostenible y Asuntos Ambientales, Dirección General de Política Exterior, Ministerio de Relaciones Exteriores y Culto, email: majimenez@rree.go.cr
- Elena Pinto, Ministra Consejera, Embajada de Costa Rica en Chile, email: apinto@costarica.cl

ECUADORRepresentante/Representative:

- Oscar Felipe Izquierdo Arboleda, Ministro, Embajada del Ecuador en Chile, email: oscar.izquierdo@rogers.com

EL SALVADORRepresentante/Representative:

- Sonia Baires, Directora de la Atención Ciudadana y Municipal, Ministerio de Medio Ambiente y Recursos Naturales, email: sbaires@marn.gob.sv

Miembros de la delegación / Delegation members:

- Carla Arias, Ministra Consejera, Embajada de El Salvador en Chile, email: embasalva@adsl.tie.cl, ctarias@rree.gob.sv

GUATEMALARepresentante Representative:

- Rosmery Mariela Juárez, Primera Secretaria, Subdirección de Política Multilateral ante Naciones Unidas, Ministerio de Relaciones Exteriores, email: rjuarez@minex.gob.gt

Miembros de la delegación/Delegation members:

- Guisela Godínez Sazo, Embajadora de Guatemala en Chile, email: ggodinez@minex.gob.gt
- Rudy Gómez del Cid, Consejero, Embajada de Guatemala en Chile, email: rgomez@minex.gob.gt

HONDURASRepresentante/Representative:

- Carlos Alberto Pineda Fasquelle, Viceministro de Ambiente y Minas, Secretaría de Recursos Naturales y Ambiente, email: carlos.pinedaf@hotmail.com

Miembros de la delegación/Delegation members:

- Herminio Pineda, Encargado de Negocios, a.i., Embajada de Honduras, email: herpiba@yahoo.com, secretaria@embajadadehonduras.cl
- Mauro Daniel Salgado Luna, Asistente Técnico, Consejo Nacional de Desarrollo Sostenible (CONADES), email: maurosalgadoluna@yahoo.com

JAMAICARepresentante/Representative:

- Dorlan Burrell Director, Ministry of Water, Land, Environment and Climate Change, email: dorlan.burrell@mwlec.gov.jm

MÉXICO/MEXICORepresentantes/Representatives:

- Dámaso Luna Corona, Director General Adjunto para Temas Ambientales, Dirección General para Temas Globales, Secretaría de Relaciones Exteriores, email: dlunac@sre.gob.mx

PANAMÁ/PANAMARepresentante/Representative:

- Joana Ábrego, Oficina de Asuntos Internacionales, Ministerio de Ambiente, email: jabregog@anam.gob.pa

Miembros de la delegación/Delegation members:

- Wilson Dawson, Consejero, Embajada de Panamá en Chile, email: embajadapanamachile@vtr.net

PARAGUAY

Representante/Representative:

- Ricardo Caballero Aquino, Director, Unidad de Asuntos Ambientales, Ministerio de Relaciones Exteriores, email: rcaballeroa@mre.gov.py

PERÚ/PERU

Representantes/Representatives:

- Mariano Castro Sánchez Moreno, Viceministro de Gestión Ambiental, Ministerio del Ambiente, email: mcastrosm@minam.gob.pe

Miembros de la delegación / Delegation members:

- Jimpson Dávila, Asesor Legal, Despacho del Viceministro de Gestión Ambiental, Ministerio del Ambiente, email: jdavila@minam.gob.pe
- Giovanna Zanelli, Encargada de Asuntos Económicos, Embajada del Perú en Chile, email: embajada@embajadadelperu.cl

REPÚBLICA DOMINICANA/DOMINICAN REPUBLIC

Representante/Representative:

- Marisol Castillo, Directora Legal, Ministerio de Medio Ambiente y Recursos Naturales, email: Marisol.Castillo@ambiente.gob.do

TRINIDAD Y TABAGO/TRINIDAD AND TOBAGO

Representante/Representative:

- Rucanna Haynes, Segunda Secretaria, Misión Permanente de la República de Trinidad y Tabago ante las Naciones Unidas, email: tto@un.int, rhaynes@trinbago.org

URUGUAY

Representante/Representative:

- Carlos Rodríguez, Subdirector de Medio Ambiente, Dirección de Medio Ambiente, Ministerio de Relaciones Exteriores, email: medio.ambiente@mrree.gub.uy

**B. Países miembros de la Comisión que participan en calidad de observadores
States members of the Commission participating as observers**

VENEZUELA (REPÚBLICA BOLIVARIANA DE)/VENEZUELA (BOLIVARIAN REPUBLIC OF)

Representante/Representative:

- Emilio Arcia Gil Ministro Consejero, Embajada de la República Bolivariana de Venezuela en Chile, email: emilio.arcia849@mppre.gob.ve

**C. Organismos de las Naciones Unidas
United Nations bodies**

Programa de las Naciones Unidas para el Medio Ambiente (PNUMA)/United Nations Environment Programme (UNEP)

- Andrea Brusco, Oficial Legal, Oficina Regional para América Latina y el Caribe, email: andrea.brusco@pnuma.org

**D. Organizaciones intergubernamentales
Intergovernmental organizations**

Organización de los Estados Americanos (OEA)/Organization of American States (OAS)

- Isis Márquez, Especialista en Gobernabilidad Ambiental, email: imarquez@oas.org

Organización de Estados del Caribe Oriental (OECS)/Organization of Eastern Caribbean States (OECS)

- Turkessa Benjamin Antoine, Legal Officer, Saint Lucia, email: tbantoine@oecs.org

**E. Invitados especiales
Special guests**

- Silvia Capelli, Coordinadora de la Red Latinoamericana del Ministerio Público del Medio Ambiente, email: silvia.cappelli@gmail.com
- Jerzy Jendroska, former Vice Chair of the Aarhus Convention negotiations and participant on behalf of Polish government, former Secretary of the Aarhus Convention, current member of the Aarhus Compliance Committee
- Marcos Orellana, Profesor Adjunto, Escuela de Derecho de la Universidad George Washington, email: taszmi@gmail.com

**F. Otros participantes
Other participants**

- Fernando Álvarez, Director Ejecutivo, Fundación Centro Latinoamericano de Derechos Humanos (CLADH), Chile, email: falvarez@cladh.org
- Daniel Barragán, Miembro Iniciativa de Acceso (TAI), Director del Centro Internacional de Investigaciones sobre Ambiente y Territorio (CIAT), Ecuador, email: Daniel.barragan.teran@gmail.com
- Jillian Bartlett, National Union of Government and Federated Workers (NUGFW), Trinidad y Tabago, email: jillianballeyne@gmail.com
- Arturo Bellot, Un Mundo sin Hambre, Estado Plurinacional de Bolivia, email: arturo.bellot@welthungerhilfe.de

- Rubens Harry Born, Investigador Experto, Fundación Grupo Esquel, Brasil, email: rubensborn@gmail.com
- Arturo E. Bregaglio, Director Ejecutivo, Radio Viva, Argentina, email: islaverde@radioviva.com.py
- Gabriela Burdiles, Corporación Fiscalía del Medio Ambiente (FIMA), Chile, email: burdiles@fima.cl
- Isabel Calle, Directora Programa de Política y Gestión Ambiental, Sociedad Peruana de Derecho Ambiental (SPDA), Perú, email: icalle@spda.org.pe
- María Carolina Carrera, Presidenta, Centro Regional de Derechos Humanos y Justicia de Género, Chile, email: ccarrera@humanas.cl
- Ponciano Catrin Contreras, Consultor y Director, Organización Indígena Quetrahue Chile, email: poncianocatrin@gmail.com
- Iancu Andrés Cordescu Donoso, Corporación para el Desarrollo Sostenible, Chile, email: iancu.cordescu@gmail.com
- Mildred Orlena Crawford, Jamaica Network of Rural Women Producers, Jamaica, email: mildredcashmere@hotmail.com
- Karetta Crooks Charles, Communications and Advocacy Officer, Saint Lucia National Trust, Saint Lucia, email: advocacy@slunatrust.org
- Euren Cuevas Medina, Director Ejecutivo, ONGs Promotora del Principio 10 en la República Dominicana, Instituto de Abogados para la Protección del Medio Ambiente (INSAPROMA), República Dominicana, email: insaproma2000@yahoo.es
- Shira de León, Especialista, Organizaciones de la Sociedad Civil, Plan Internacional, Guatemala, email: shira.deleon@plan-internacional
- Alexandra Vanessa Destin Pierre, Caribbean Youth Environment Network - Haiti Chapter, email: pierrealexandra@hotmail.com
- Marcelo Di Stefano, Asociación del Personal de la Universidad de Buenos Aires, Argentina, email: marcelodis1969@gmail.com
- Michael Díaz Rodríguez, Secretario Ejecutivo, Consejo de Desarrollo Local del Maule, Chile, email: midiaz@alumnos.utralca.cl
- Javiera Espinoza, Coordinadora de Proyectos, Fundación TERRAM, Chile, email: javiera@terram.cl
- Carole Excell, Director the Access Initiative, World Resources Institute, Estados Unidos, email: cexcell@wri.org
- Amie Figueiredo, Housing and Land Management Unit, Economic Commission for Europe, email: amie.figueiredo@unece.org
- Tsevetelina Filipova, Senior Expert Participatory Governance, Regional Environmental Center International Organization, Hungría, email: filipova@rec.org
- María Luz Garrido, Coordinadora, Articulación Feminista MARCOSUR, Uruguay, email: lgarrido@cotidianomujer.org.uy
- Ramón Gelabert Chasco, Fundación Nacional para la Superación de la Pobreza Chile, email: ramon.gelabert@superacionpobreza.cl
- Kemberley Julie-Ann Gittens, Caribbean Policy Development Centre, Barbados, email: seniorprojectsofficer.cpd@caribsurf.com
- Natalia Gómez Peña, Investigadora, Asociación Ambiente y Sociedad, Colombia, email: nataliagomez@ambienteysociedad.org.co
- Javiera Hernández, Centro de Derecho Ambiental, Universidad Andrés Bello, Chile, email: javiera.hleal@gmail.com
- Manuela Hernández, Academia Derecho Ambiental, Universidad Andrés Bello, Chile, email: manuela.nanetti@gmail.com
- María José Hess, Directora de Comunicaciones e Incidencia Pública (Internacional), Fundación América Solidaria Chile, email: mjhess@americasolidaria.org

- Arlyn Isolda Jiménez Fuentes, Coordinación de ONG y Cooperativas (CONGCOOP), Guatemala, email: arlyn.jimenez@gmail.com
- Alice Junqueira, Coalición de Jóvenes brasileños para el post 2015; Observatorio contra el Acoso Callejero, Chile, email: alicejtc@gmail.com
- Alessandro Lodi, Encargado de Participación e Incidencia, Fundación, Chile, email: akidu@casadelapaz.cl
- Florina López Miro, Red de Mujeres Indígenas sobre Biodiversidad de América Latina, Panamá, email: florina.lopez@gmail.com
- Karla Lorenzo, Confederación de la Producción y el Comercio, Chile, email: klorenzo@cchc.cl
- Macarena Mckenzie, Universidad Andrés Bello, Chile, email: macarena.mckenzie@gmail.com
- Diego Mejías, Coordinador de Proyectos, Alianza Regional por la Libre Expresión e Información, Uruguay, email: diego.mejias@alianzaregional.net
- Renato Pellegrini Morgado, Coordinador de Políticas Públicas, Instituto de Manejo de Certificación Forestal y Agrícola (IMAFLOA), Brasil, email: renato@imaflora.org
- Myriam Moris, Ong Zonta International, email: myriam.moris@hotmail.com
- Kiyomi Nagumo Tamashiro, WECAN-LAC, Estado Plurinacional de Bolivia, email: nkiyot@gmail.com
- Yamilé Najle, Coordinadora, Área de Derechos Humanos, Fundación para el Desarrollo de Políticas Sustentables (FUNDEPS), Argentina, email: yamilenajle@fundeps.org
- Carolina Neme, GAIA Derecho Ambiental, Uruguay, email: neme.carolina@gmail.com
- Felipe Pizarro, Academia de Derecho Medio Ambiental, Universidad Andrés Bello, Chile, email: pizarrovenegasfelipe@gmail.com
- Agustina Reyes, Federación Nacional de Discapacitados Dominicanos (FENADID), República Dominicana, email: fenadid@yahoo.com
- Moisés Sánchez, Secretario Ejecutivo, Alianza Regional por la Libre Expresión e Información, Uruguay, email: msanchez@alianzaregional.net
- María Andrea Sanhueza, Chile, email: andreasanhuezae@gmail.com
- Nicolás Sautejeau, Encargado de Relaciones Internacionales, Asociación Chilena de ONG Acción, email: nicolas.sautejeau@accionag.cl
- Tomás Severino, Director, Cultura Ecológica, México, email: tseverino@culturaecologica.org.mx
- Ruth Spencer, National Coordinator, Global Environment Facility Small Grants Programme, Antigua y Barbuda, email: rvspencer@hotmail.com
- Mariana Tamari, Right to Information Officer, Article 19, Brasil, email: mariana@article19.org
- Magdolna Tothne, Senior Expert, Regional Environmental Center, Hungría, email: tmagdi@rec.org
- Paola Vasconi, Coordinadora de Asuntos Públicos, ADAPT-Chile, email: vasconi.paola@gmail.com
- Clarisa Vega Molina, Directora, Instituto de Derecho Ambiental de Honduras (DAMHO), Honduras, email: idamho_05@yahoo.com
- Patricio Véjar, Foro por el Derecho a la Educación, Chile, email: pato.vejar7@gmail.com

**G. Secretaría
Secretariat**

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

- Joseluis Samaniego, Director, División de Desarrollo Sostenible y Asentamientos Humanos/Chief, Sustainable Development and Human Settlements Division, email: joseluis.samaniego@cepal.org

- Carlos de Miguel, Jefe de la Unidad de Políticas para el Desarrollo Sostenible, División de Desarrollo Sostenible y Asentamientos Humanos/Head of the Policies for Sustainable, Development Unit, Sustainable Development and Human Settlements Division, email: carlos.demiguel@cepal.org
- Guillermo Acuña, Asesor Legal y Jefe de Protocolo, Oficina de la Secretaria Ejecutiva/Legal Adviser and Chief of Protocol, Office of the Executive Secretary, email: guillermo.acuna@cepal.org
- Valeria Torres, Oficial de Asuntos Económicos, División de Desarrollo Sostenible y Asentamientos Humanos/Economic Affairs Officer, Sustainable Development and Human Settlements Division, email: valeria.torres@cepal.org
- David Barrio, Oficial de Asuntos Políticos, División de Desarrollo Sostenible y Asentamientos Humanos/Political Affairs Officer, Sustainable Development and Human Settlements Division, email: david.barrio@cepal.org