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**REPORT OF THE NINTH 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**

San José, 28 February–4 March 2018

CONTENTS

		<i>Paragraph</i>	<i>Page</i>
A.	ATTENDANCE AND ORGANIZATION OF WORK	1-8	3
	Place and date of the meeting	1-2	3
	Attendance.....	3-7	3
	Chair.....	8	4
B.	AGENDA.....	9	4
C.	SUMMARY OF PROCEEDINGS.....	10-71	4
Annex A	Final Act	-	17
Annex B	List of participants	-	38

A. ATTENDANCE AND ORGANIZATION OF WORK

Place and date of the meeting

1. The ninth 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 Escazú, San José, from 28 February to 4 March 2018.
2. The meeting was organized by the Government of Costa Rica, with the support of the Economic Commission for Latin America and the Caribbean (ECLAC), in its capacity as technical secretariat of the regional process relating to the 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 the 24 signatory countries of the Declaration: Antigua and Barbuda, Argentina, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Plurinational State of Bolivia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, and Uruguay.
4. Belize and Nicaragua attended as observers.
5. Representatives of the Compliance Committee of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters of the Economic Commission for Europe (ECE), the Office of Legal Affairs of the United Nations Secretariat, the United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP) and the Central American Commission on Environment and Development (CACED) were also in attendance.
6. Also attending were international experts in access to information, participation and justice in environmental matters, and public international law, elected representatives of the public and members of the public, in accordance with the Santiago Decision, the *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*³ and the *Modalities for participation of the public in the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean*.⁴
7. The meeting was open-ended and webcast live.

¹ See A/CONF.216.13.

² See the list of participants in annex B.

³ See LC/L.4011/Rev.1.

⁴ See LC/L.4163.

Chair

8. Costa Rica chaired the meeting in its capacity as host country.

B. AGENDA

9. The following agenda was adopted:
 1. Adoption of the agenda.
 2. Actions taken at the national level by the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development and activities carried out by the technical secretariat.
 3. Negotiation of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean.
 4. Consideration and adoption of agreements.

C. SUMMARY OF PROCEEDINGS

10. At the opening session statements were made by Joseluis Samaniego, Chief of the Sustainable Development and Human Settlements Division of the Economic Commission for Latin America and the Caribbean (ECLAC); Irene Murillo and Tomás Severino, representatives of the public; Miguel Ángel González, Ambassador of Chile in Costa Rica; and Edgar Gutiérrez, Minister of the Environment and Energy of Costa Rica.

11. After welcoming the participants, the Chief of the Sustainable Development and Human Settlements Division of ECLAC said that the commitment of the countries of Latin America and the Caribbean to environmental democracy became clear in 2014, when the negotiating committee was created and the preliminary document of the regional instrument on access to information, participation and justice in environmental matters in Latin America and the Caribbean was drafted. After four years and eight meetings of the negotiating committee, the negotiation of the regional agreement had come to an end in Costa Rica, a country that had played a key role in the process since the adoption of the San José Content for the Regional Instrument. The leadership of the Co-Chairs of the process, Chile and Costa Rica, had been decisive, and the rule of law was one of the cornerstones of the agreement, which would make it a powerful tool for implementing the 2030 Agenda for Sustainable Development and would help to strengthen capacities and cooperation among countries and other parties, prevent conflicts, eliminate asymmetries and shape public policies that transcend political cycles to achieve the Sustainable Development Goals. Lastly, he asked participants to observe a minute of silence in memory of Dámaso Alonso, the distinguished Mexican diplomat and national focal point for the process since its inception.

12. The representatives of the public drew attention to the meaningful participation of the public in the process and thanked the Presiding Officers and the technical secretariat for their cooperation. They said that the principles being negotiated were closely related to the 2030 Agenda and that the rights covered in the

agreement could change the lives of people and organizations in the field of environmental protection. The agreement was both necessary and urgent, as environmental defenders were losing their lives every year because they were not given the protection that their work required and, despite the fact that it had not been adopted yet, it had already had repercussions in other forums. They therefore expected the final agreement to be ambitious and binding, to guarantee a solid legal basis and to allow meaningful participation by the public in the implementation and monitoring phases. Lastly, they called on those present to be bold and efficient, and to set high standards, as they were laying the foundations for environmental governance in the twenty-first century.

13. The Ambassador of Chile in Costa Rica said that decisions on environmental matters, like those in all areas, should have social legitimacy. The negotiations must be brought to a close so that the countries could draw on a binding and ambitious instrument. To that end, countries must share experiences, good practices, lessons learned and clear standards. The eighth meeting of the committee, held in Santiago, had been particularly successful as agreement had been reached on several cutting-edge articles, such as those on the protection of human rights defenders in environmental matters. Citizens were increasingly aware of their rights and were paying close attention to the outcome of the process, which should encourage participants to undertake the negotiations efficiently.

14. Lastly, the Minister of the Environment and Energy of Costa Rica expressed his hope that, on 4 March, the countries would adopt the negotiated text, the result of a process unprecedented in the region —mainly because it had been the brainchild of civil society—, which had been welcomed in the advisory opinion of the Inter-American Court of Human Rights, requested by Colombia, and which John Knox, United Nations Special Rapporteur on human rights and the environment, had referred to as the most important on human rights and environmental issues of recent decades. The most substantive articles had already been agreed upon almost in their entirety and it only remained to define those articles that would establish how the agreement would be implemented. He therefore called on those present to work in a constructive and progressive manner to guarantee the right to life and integrity of present and future generations.

Actions taken at the national level by the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development and activities carried out by the technical secretariat (agenda item 2)

15. The signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration spoke on the actions taken at the national level in the framework of the regional process, including consultations, meetings and workshops with various governmental and non-governmental stakeholders, as well as dissemination and awareness-raising activities. Statements were made by the following delegations: Peru, Uruguay, Colombia, Chile, Costa Rica, Saint Lucia, Brazil, Ecuador, Guatemala, Argentina and Antigua and Barbuda.⁵ Statements were also made by the elected representative of the public and the representative of ECLAC, in its capacity as technical secretariat of the process.

16. The representative of Peru said that significant progress had been made in his country to consolidate environmental democracy. He referred to the adoption of the Madre de Dios Compact for Environmental Justice, the creation of the first court specializing in environmental matters and the issuance of Supreme Decree No. 002 of 31 January 2018, which approved the National Human Rights Plan 2018-2021 and guaranteed that human rights defenders would be able to carry out their activities peacefully.

⁵ Listed in speaking order.

17. The representative of Uruguay said that the National Water Plan and the National Climate Change Policy had been developed with broad public participation in his country between 2017 and 2018, and that the national environmental plan for sustainable development was currently being drawn up. A bill on comprehensive waste management had also been drafted, the fruit of three years of work, in consultation with various stakeholders from social, academic and economic sectors. Lastly, he said that the adoption of a regional instrument that was politically advanced, rigorous and effective in terms of protecting the environment would send a very positive signal.

18. Among the activities carried out in his country, the representative of Colombia highlighted the progress made in drafting a decree on the protection of human rights defenders and the creation of the Intersectoral Committee for Environmental Democracy (MIDA). He also drew attention to Colombia's participation in the Extractive Industries Transparency Initiative (EITI) and the publication of open data on the website of the Ministry of the Environment and Sustainable Development.

19. The representative of Chile said that the spirit of the agreement had already started to leave its mark on her country and that 30 environmental democracy meetings had already been held, to which representatives of all the ministries, non-governmental organizations (NGOs), academia and business sector had been invited to follow up on the negotiation process. She highlighted the work of the National Human Rights Institute (INDH), which analysed issues such as the virtuous circle between access rights and human rights and had mapped socioenvironmental conflicts in the country. As a step towards active transparency, the Ministry of the Environment had published on its website a list of instances when information requests had been rejected. Lastly, she drew attention to the training carried out at the municipal level—into which the gender perspective had been mainstreamed—and the awards that the Ministry of the Environment had received in recognition of its work.

20. The representative of Costa Rica said that the report on the state of the environment, coordinated by the Ministry of the Environment and Energy and prepared with the support of academia and the civil and private sectors, had been presented for the first time. The report provided an official overview of the achievements and challenges in environmental matters, reflected on economic inequality and its impact on natural resources, and demonstrated that the consumption habits must be transformed to preserve those resources.

21. The representative of Saint Lucia said that, following a series of consultations with the public and stakeholders, the Government of Saint Lucia had signed a memorandum of understanding with several agencies to cooperate on matters related to access to and sharing and management of environmental information. Her government had carried out several capacity-building activities and information management workshops. It was also reviewing the Freedom of Information Act 2009 and calls had been made to amend its provisions to include environmental matters. She also mentioned several measures related to biological diversity, such as a permit system for access to genetic resources. Lastly, she said that her government's commitment to environmental matters was evident from their inclusion in the upcoming budget and its involvement in a series of regional waste management projects.

22. Among the activities carried out in his country, the representative of Brazil drew attention to the high number of decisions that had been taken since the entry into force of Law No. 12,527 on access to public information in 2012, as well as the numerous information requests on environmental matters made by citizens between 2017 and 2018. He also referred to the training activities organized by the Office of the Comptroller-General and to the work carried out by the National Commission for the Sustainable Development Goals—made up of eight government representatives and eight civil society representatives and was, therefore, an equal participation space—in particular the approval of a biennial action plan for the implementation of the Sustainable Development Goals, the creation of the Brazil SDG Awards and the establishment of a thematic chamber in March focused on partnerships and means of implementation of the Goals.

23. The representative of Ecuador drew attention to the public consultation carried out in his country to learn about citizens' views on the measures to address various problems, in which two of the seven questions were related to environmental matters, specifically the expansion of the intangible area created to protect the rights of peoples living in voluntary isolation, the reduction of oil extraction areas in Yasuní National Park and the total ban, without exceptions, on all stages of metallic mining in protected areas, intangible natural heritage zones and urban centres. He also referred to the National Dialogue report, which took stock of the process of dialogue with different sectors of society to design and implement public policy, in which the environment was considered a priority, and the process of drafting the regulations of the Organic Code on the Environment, which had included organizing workshops, meetings and events to establish criteria on the main environmental problems, and creating digital tools and campaigns to promote citizen participation. Lastly, he highlighted the development in his country of mechanisms to safeguard and protect the rights of nature, and the importance given to the protection of genetic resources, in the light of its status as a megadiverse country.

24. The representative of Guatemala said that meetings had been organized, through the Department for Training and Social Participation of the Ministry of the Environment and Natural Resources, with different chambers of industry to establish regulatory mechanisms for their sectors and support the undertaking of environmental impact studies of their activities. Work had also been done to increase the weight of renewable energy sources in the electricity generation matrix, to develop a plan to provide access to modern, environmentally-friendly kitchens in rural areas and to create a programme, in the framework of which the business sector, local authorities and community organizations were working together, to identify the users of watersheds and those responsible for contaminating them, and to find solutions to that problem through democratic negotiations.

25. The representative of Argentina reported on the measures taken by the Ministry of the Environment and Sustainable Development, including the efforts to coordinate and compile environmental information, translate it into statistical data and publish it in accessible formats for the public; the preparation of the second report on the state of the environment; the development of an open environmental data portal; and the organization of workshops, courses and meetings to compile society's demands and build consensus on environmental issues. She also drew attention to the drafting of the bill to reform and update the criminal code to include crimes against the environment and environmental management. Two discussions on that bill had been organized at the Faculty of Law of the University of Buenos Aires (UBA) with experts in environmental criminal law and representatives of public institutions and civil society organizations. Additionally, judges and public prosecutors had been trained in environmental topics and there had been joint efforts to develop regulatory frameworks, among other activities.

26. The representative of Antigua and Barbuda said that her government had a history of empowering civil society; it always ensured that civil society organizations were represented in the delegations that participated in international meetings. Since the eighth meeting of the negotiating committee, the road map for waste management had been presented to local communities, which were working with NGOs and the private sector to prepare a strategic plan. With the technical support of its strategic partners, the Government of Antigua and Barbuda had continued to implement several environmental projects and provided all relevant information well in advance. The government's practice of holding consultations and drafting policies with NGOs was evidence of the importance it attached to their contributions and capabilities.

27. The elected representative of the public reviewed the activities carried out in the region, including webinars, workshops, meetings, petitions and activities to raise awareness of the negotiation process in Argentina, Brazil, Colombia, Ecuador, Jamaica, Mexico and Peru. She also thanked the Regional Environmental Centre for Central and Eastern Europe for supporting public participation in the meeting.

28. Among the activities undertaken by the secretariat since the eighth meeting of the negotiating committee, the representative of ECLAC noted the dissemination of the negotiation process through the dedicated website and the regional public mechanism; the support provided in the organization of the virtual and face-to-face meetings of the working groups and of the Presiding Officers; the capacity-building and cooperation activities held in various Latin American and Caribbean countries; the drafting and publishing of documents on the state of the environment in the region and newsletters on activities and training courses; and the work to update the Observatory on Principle 10 in Latin America and the Caribbean.

29. The document prepared by ECLAC, entitled *Access to information, participation and justice in environmental matters in Latin America and the Caribbean: towards achievement of the 2030 Agenda for Sustainable Development*,⁶ was presented by the Chief of the Sustainable Development and Human Settlements Division of ECLAC and the Vice-Minister of the Environment of Costa Rica. It reviews the laws and institutional frameworks that safeguard the rights of access to information, participation and justice in environmental matters in the 33 countries of the region.

Negotiation of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean (agenda item 3).

30. Under this agenda item, the delegations considered the document *Text compiled by the Presiding Officers incorporating the language proposals received from the countries on the preamble and articles 1 to 10 of the preliminary document on the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean. Eighth version*⁷ and reference documents on the preamble (prepared by Argentina, Chile, Costa Rica, Peru, Saint Vincent and the Grenadines, and Trinidad and Tobago),⁸ article 2 (prepared by Chile, Colombia, Costa Rica and Uruguay)⁹ and articles 13 to 25 (prepared by Chile and Costa Rica).¹⁰

31. The negotiation focused on the preamble, articles 2 and 13 to 25, the pending principles under article 3 and paragraph 2 of article 4. Before examining those articles, the facilitator countries of the preamble and articles 2 and 13 to 25 presented alternative text proposals. Flexible work modalities were used during the discussions, which included sessions where general and specific comments were exchanged and the preparation of revised versions of the alternative texts by the facilitator countries, based on the discussions that took place in the plenary meeting.

32. At the request of the Presiding Officers, and in accordance with the usual practice in the negotiation of multilateral agreements, the committee established a legal technical review group, chaired by the representative of Uruguay, Marcelo Cousillas. This group was open to all delegations and the public, was assisted by the technical secretariat and was advised by international experts in the field. Its mandate was to review the wording of the articles agreed by the committee, in order to: (i) standardize the terminology used; (ii) avoid contradictions or repetition and to identify editorial or style errors; and (iii) ensure the linguistic harmony and alignment of the Spanish and English versions of the text. The group met outside of the plenary meeting hours, giving regular updates on its progress.

⁶ LC/TS.2017/83.

⁷ LC/L.4059/Rev.8.

⁸ LC/CNP10.8/DDR/6/Rev.1.

⁹ LC/CNP10.9/DDR/1.

¹⁰ LC/CNP10.9/DDR/2.

33. During the negotiations on the preamble and the pending principles under article 3, the representative of the Plurinational State of Bolivia said that reference must be made to the rights of Mother Earth and the principle of *in dubio pro natura*. In that regard, he argued that, in order to achieve truly sustainable development, it was essential to promote harmony with nature and recognize its rights.

34. During the discussion of article 2, “Definitions”, several Caribbean delegations requested that the definition of “persons and groups in vulnerable situations” be included, without listing specific conditions or situations. Instead it should simply state that those persons or groups would be determined in accordance with national contexts and international obligations.

35. In an effort to encourage countries to withdraw their reservations to article 8 (access to justice in environmental matters) and article 9 (human rights defenders in environmental matters), the committee agreed to modify the wording of paragraph 3 (c) of article 8 and paragraph 2 of article 9 contained in the *Text compiled by the Presiding Officers incorporating the language proposals received from the countries on the preamble and articles 1 to 10 of the preliminary document on the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean. Eighth version*.¹¹ The committee added “in accordance with domestic legislation” to paragraph 3 (c) of article 8 and “taking into account its international obligations in the field of human rights, its constitutional principles and the basic concepts of its legal system” to paragraph 2 of article 9.

36. When examining articles 13 to 25, the delegations agreed on the need to ensure an agile and efficient institutional framework that was consistent with the objective and aims of the agreement. It was agreed to include those elements and bodies that would be essential—without going into too much detail—as those aspects could be worked out later by the Conference of the Parties. The delegations also stressed that each one of the articles must be reviewed in the light of the agreement as a whole to ensure consistency and uniformity.

37. During the negotiations on article 17 (current article 18) on establishing the Committee to Support Implementation and Compliance, it was agreed not to refer expressly to the communications that the Committee could receive from the public, on the understanding that the matter would be addressed in the rules relating to its structure and functions, which would be determined by the Conference of the Parties at its first meeting. The Committee would seek to support not only the implementation of but also compliance with the agreement, functions that were reflected in its name.

38. When discussing article 18 (current article 19), on settlement of disputes, it was pointed out that similar provisions existed in most multilateral environmental treaties, without it constituting an arbitration or jurisdictional clause in itself, given that each State would be free to declare, at the time of signature, ratification, acceptance or approval of the agreement or accession to it, the acceptance of a means of dispute settlement as mandatory, be it the International Court of Justice or arbitration. Regarding the provision that the arbitration procedures would be established by the Conference of the Parties, it was noted that similar provisions existed in other treaties, such as the United Nations Framework Convention on Climate Change.

39. With regard to amendments, covered in article 19 (current article 20), it was specified that they would follow a similar procedure to that of the regional agreement itself, in the sense that, once adopted, they should be ratified, accepted or approved, as appropriate. Thus, a State would only be bound by an amendment if it had consented to be bound by it, and only when the amendment had entered into force in accordance with the quorum established in the article.

¹¹ LC/L.4059/Rev.8.

40. During the discussions, the delegates were assisted by experts in international law, namely Concepción Escobar, Full Professor of International Law at the National University of Distance Education (UNED) of Spain and member of the United Nations International Law Commission; Santiago Villalpando, Chief of the Treaty Section of the Office of Legal Affairs of the United Nations Secretariat; Jerzy Jendroska, member of the Compliance Committee of the Aarhus Convention of the Economic Commission for Europe of the United Nations; and Winston Anderson, Judge of the Caribbean Court of Justice. The delegates and the public thanked the experts for their support and valuable contributions.

41. On 3 March, the meeting commemorated the second anniversary of the death of Berta Cáceres and paid tribute to all human rights defenders, especially those who defend the environment. In a recorded message, the United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst, stressed the importance of the provision on human rights defenders in environmental matters in the regional agreement, noting that it was an historically unprecedented achievement and an urgent and highly necessary provision considering the worrying situation in the region.

42. After reviewing all the agreed articles, the legal technical review group presented a fully revised proposal of the texts of the agreement in Spanish and English to the plenary. After congratulating the group on its work, the committee made some minor changes to the proposal, expressed its acceptance of the text of the regional agreement in its totality and proposed that the official adoption should take place at a later session, at which high-level officials from the region would be present.

Consideration and adoption of agreements (agenda item 4)

43. The delegations then considered the agreements of the ninth meeting of the negotiating committee.

44. The duly accredited representatives of the countries listed in paragraph 3 of this report adopted by consensus the Final Act and the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean, contained in annex A.

45. The participants celebrated the adoption of the Regional Agreement and called on all the countries of Latin America and the Caribbean to sign the agreement on or after 27 September 2018, when it would be opened for signature at United Nations Headquarters in New York, and to deposit their instruments of ratification, acceptance, approval or accession, as appropriate. They also requested that ECLAC undertake the secretariat functions and request the Secretary-General to act as depositary and, to that end, submit the final adopted text to the Treaty Section of the Office of Legal Affairs of the United Nations.

Closing session

46. The closing session heard remarks from Edgar Gutiérrez, Minister of the Environment and Energy of Costa Rica; Marcelo Mena, Minister of the Environment of Chile; Alice Shackelford, Resident Coordinator of the United Nations system in Costa Rica; Leo Heileman, Regional Director of the United Nations Environment Programme; Alejandro Solano, Minister ad interim for Foreign Affairs and Worship of Costa Rica; Alicia Bárcena, Executive Secretary of ECLAC; and Luis Guillermo Solís, President of Costa Rica.

47. Statements were also made by Alfonso Alonzo Vargas, Minister of the Environment and Natural Resources of Guatemala; Miguel Ruiz Cabañas, Undersecretary for Multilateral Affairs and Human Rights of Mexico; Cynthia Silva Maturana, Vice-Minister of the Environment, Biodiversity, Climate Change, and Forestry Management and Development of the Plurinational State of Bolivia; Fernando León, Vice-Minister for Strategic Development of Natural Resources of Peru; Patricia Abreu, Vice-Minister of International Cooperation of the Ministry of the Environment and Natural Resources of the Dominican Republic; Eden

Alistair Edwards, Permanent Secretary of the Ministry of Agriculture, Human Settlements, Cooperatives and Environment of Saint Kitts and Nevis; Ricardo Lozano, Ambassador of Colombia in Costa Rica; Patricia Giménez, Ambassador of Argentina in Costa Rica; Fernando Jacques de Magalhães Pimenta, Ambassador of Brazil in Costa Rica; Claudio Cevallos, Ambassador of Ecuador in Costa Rica; Roxie K. McLeish Hutchinson, Foreign Service Officer of the Ministry of Foreign Affairs of Grenada; Sharon Miller, Director of the Economic Affairs Department of the Ministry of Foreign Affairs and Foreign Trade of Jamaica; Marcelo Cousillas, Director of the Legal Affairs of the National Environment Department of the Ministry of Housing, Land Management and Environment of Uruguay; Raúl Montiel, Coordinator of the Environment Affairs Unit of the Ministry of Foreign Affairs of Paraguay; Kate Wilson, Legal Officer of the Department of Sustainable Development of the Ministry of Education, Innovation, Gender Relations and Sustainable Development of Saint Lucia; and Andrea Sanhueza and Danielle Andrade, elected representatives of the public. Sonia Baires, Director of Citizen and Institutional Services of the Ministry of the Environment and Natural Resources of El Salvador, sent a written statement.

48. The Minister of the Environment and Energy of Costa Rica stressed the value and richness of the multilateral process, which had taken place with the active participation of the public and the support of ECLAC and had drawn on region's strengths and experiences. Although the negotiation phase had come to an end with the adoption of the agreement, it was now time for each country to sign and ratify the agreement, bearing in mind the domestic processes that would need to be carried out to fulfil the commitments. He said that all involved should be proud of the content of the agreement, since it posed significant challenges for the governments, but also offered an opportunity to strengthen environmental democracy at the national and regional level and to benefit present and future generations.

49. The Minister of the Environment of Chile said that the agreement was particularly relevant, given that Latin American and Caribbean was a region rich in biodiversity and particularly vulnerable to the effects of climate change, where environmental threats were always present, environmental defenders had been persecuted and murdered, and conflicts related to natural resources were common. It was undeniable that citizens were increasingly active, critical and demanding in terms of knowing more about the state of the environment and their participation in the decisions that affected it. He pointed out that the concept of rule of law could not be separated from the idea of environmental democracy and that, by virtue of the agreement, the governments of the region had shown that they were willing to be held accountable for their actions. Lastly, he invited all those present to do everything in their power to encourage every State to ratify the agreement.

50. The Resident Coordinator of the United Nations system in Costa Rica said that the 2030 Agenda represented a paradigm shift in the relationship between the State, the market and civil society, and that an agreement such as the one that had been negotiated was essential to bringing that paradigm shift about and to recognizing that various stakeholders must be involved in the discussions and decision-making process to address the challenges of sustainable development. In order to ensure that no one was left behind, information must be generated and made available to the public. She concluded by announcing that Costa Rica would soon have a general consultation mechanism for indigenous peoples, a historic milestone that would make the human rights and sustainable development aims discussed at the meeting a reality.

51. The Regional Director of the United Nations Environment Programme said that environmental sustainability could only be achieved if there was an effective legal system in place, together with an effective system for its implementation and accessible legal procedures. The adoption of the agreement marked a milestone for the consolidation of the rule of law in environmental matters in the region and a step forward in the implementation of the 2030 Agenda. The process proved that it was possible to equip the region with common standards and cooperation mechanisms to address the problems of the current

development model, which affected the quality of life and the chances of survival of those yet to be born. Unfortunately, the fight and tragic death of the environmental defender Berta Cáceres were not isolated events, so the agreement was a very valuable instrument for the protection of the rights of all citizens, especially those in situations of greater vulnerability. Lastly, he said that the initiative to reach a global compact for the environment was an opportunity to endow environmental rights with the same legal status as human rights at the global level and that, as proven by the negotiation of the agreement, the region was in the vanguard.

52. The Minister ad interim for Foreign Affairs and Worship of Costa Rica said that guaranteeing the rights set forth in the agreement was an urgent necessity given the region's challenges in relation to State capacities, structural gaps, climate change and multilateralism. To that end, the countries should, among other things, generate, collect and disseminate relevant environmental information; establish legal frameworks that offer the general public real opportunities to access that information; promote open and inclusive participation in decision-making processes; create mechanisms for redress and oversight of regulatory compliance; and provide the competent institutions and bodies with the necessary capacities and resources. He expressed satisfaction that the first environmental agreement in the region represented a step towards the construction of environmental democracy, as well as of sustainable development, environmental protection, human rights and social peace, adding that he had confidence in the steadfast political and civic will to fulfil the obligations contained therein.

53. The representative of Guatemala said that nothing could be produced, distributed or consumed without taking the environment into account, and that the abuse of natural resources inevitably led to high economic, political and social costs. Defining an environmental policy was vital for the survival of nations and the world; markets could not address that challenge as their sole purpose was financial gain and profit. Environmental policies should be State policies and required institutional continuity to be effective. For that reason, they should be the subject of inclusive discussions that sought consensus, not the imposition of criteria. Lastly, he said that his country already had a tool that had opened the doors of public institutions to all citizens, the Access to Public Information Act, and praised the region for setting a good example to the world in environmental matters.

54. The representative of Mexico said that international cooperation could act as a catalyst for national efforts and offered to share his country's capacity-building experience in the areas of access to information, public participation and access to justice. The fact that Mexico had an advanced legal framework on the matter had forced his delegation to proceed with caution during the discussions and he suggested that all sectors of society should be involved in the next stages of the process, especially the private sector, since its activities affected the environment. Lastly, he said that the Government of Mexico recognized the work of human rights defenders in environmental matters, and supported future efforts to consolidate a regional framework and carry out internal assessment processes that would allow countries to become bound by the regional instrument.

55. The representative of the Plurinational State of Bolivia said that her country's constitution established the right to a healthy environment and the right to communication and information. However, an in-depth examination should be carried out of the structural causes of environmental damage, which could be largely blamed on capitalist development. Since all people were part of complex systems in which the economic, social and cultural spheres were interwoven, the foundations should be built to bring about comprehensive development in harmony with Mother Earth, which was why her country had recognized the rights of Mother Earth as an extension of collective human rights in its legislation. The agreement that had been adopted was an important step towards guaranteeing individual environmental rights, but for these to be fully exercised, the rights of Mother Earth must be defended.

56. The representative of Peru expressed his pleasure at the completion of the process and drew attention to the Lima Vision for a regional instrument on access rights relating to the environment. He also spoke about existing instruments in his country that guaranteed access rights in environmental matters, such as the Madre de Dios Compact for Environmental Justice, the Transparency and Access to Public Information Act (Law No. 27,806), the opening of specialized prosecutors' offices and the future establishment of the first court specialized in environmental matters, or the inter-institutional cooperation mechanisms to promote compliance with legal regulations to prevent environmental crimes. Lastly, he welcomed the successful outcome of the negotiations, aimed at achieving sustainable development in a region of more than 650 million inhabitants, with a rich culture dating back a thousand years and which was home to half of the planet's biodiversity.

57. The representative of the Dominican Republic welcomed the conclusion of the process, which had resulted in the adoption of an agreement for everyone. She said that her country had adopted the 2030 Agenda for Sustainable Development as the ultimate expression of the fight to protect the environment and the commitment to safeguard access rights in a timely and effective manner. Examples of that commitment were the promulgation of the Freedom of Public Information Act (Law No. 200-04) —a mechanism for transparency in the activities of government institutions—; the creation of the Department for Government Ethics and Integrity; the launch of the *Línea Verde*, a telephone hotline that handles environmental complaints; and the formulation of regulations to manage electronic waste.

58. The representative of Saint Kitts and Nevis said that the governments of small island developing States had a responsibility to guarantee their citizens' ability to express their opinions on environmental and sustainable development pathways. The government of his country —which had joined the negotiation process in 2016— had learned that projects did not flourish if people were not engaged from the beginning. His government had undertaken to examine the agreement thoroughly with a view to its subsequent signature and ratification and hoped to be able to back the action it already guaranteed as rights with a legal mandate. He paid tribute to the region's environmental defenders, who had sacrificed their lives in the pursuit of environmental justice, and expressed his hope that the last death that had occurred would indeed be the last.

59. The representative of Colombia recalled that, as stated in the Rio Declaration on Environment and Development, environmental issues were best handled with the participation of all concerned citizens, and that the rights contained in the agreement were fundamental pillars for the exercise of citizenship and for the protection of the environment. He also said that the successful adoption of a text on innovative and complex issues was proof of his country's interest in overcoming differences and reaffirming its commitment to democracy, the rule of law, plurality, inclusion and environmental protections. Lastly, with the text, Latin America and the Caribbean had set an example to the world and the agreement would serve as a guide for many other regions.

60. The representative of Argentina said that, over the course of the years that had elapsed since the process started in 1992 at the United Nations Conference on Environment and Development, civic awareness had increased, with more civic participation and a greater commitment to the environment. There was also greater global awareness of the need to establish mechanisms to guarantee environmental protections. The 24 countries that had drafted the text had sought to attain a consensual instrument to enforce access rights in environmental matters, and now that they had that tool, they must use it to create a fairer world.

61. The representative of Brazil said that access rights were essential to achieving sustainable development, stressing that, from the beginning of the process, the objective had been to strengthen the environmental dimension of sustainable development and bring it into balance with the social and economic dimensions. It had also sought to ensure the broadest possible participation of the population and sufficient flexibility in the negotiations so that the different legal frameworks of the region's countries could be taken into account. He expressed his firm conviction that the final text was balanced, ambitious, flexible and capable of promoting the application of Principle 10 in the region.

62. The representative of Ecuador said that his government had supported the negotiations of the agreement, as evidenced by the fact that it had prioritized the discussion on access rights in environmental matters with the active participation of the civilian population. He also congratulated the delegations that had participated in the process for their energy, willing attitude and flexibility, which had been conducive to the adoption of an agreement that could be considered a milestone in multilateral relations and an example for the world.

63. The representative of Grenada said that the rights of access to information, public participation and access to justice in environmental matters were essential and that the agreement provided a unique opportunity for States to embrace the democratic principle of participatory governance. It would serve as a reminder that environmental issues were best handled with the participation of all concerned citizens at all the relevant levels. The leadership of ECLAC and its support and technical assistance had played a key role in facilitating her country's participation in the negotiations and raising awareness of Principle 10 among the main stakeholders in Grenada. Lastly, Grenada hoped to continue participating in the process and was aware that, although achieving excellence in access rights was not an easy task, it was possible with steadfast commitment.

64. The representative of Jamaica said that process of negotiating the agreement had set a precedent and would ensure that current and future generations in the region could enjoy their basic human right to a safe and healthy environment. All participants had worked hard for many years to build a platform that would allow greater collaboration between governments and the public. Realizing that the effective implementation of the agreement would require much work, Jamaica pledged to make every effort to fulfil its obligations. She concluded by saying that the support provided by ECLAC had enabled her country to participate actively in the negotiations and that the public had played a fundamental role in keeping the representatives faithful to the spirit of Principle 10.

65. The representative of Uruguay mentioned the interdependence and interrelationship among the three environmental rights enshrined in the text of the agreement, since the right to information was basic and instrumental, but participation was essential for democracy, because it validated the decision-making process, and the right of access to justice was fundamental for peaceful conflict resolution and guaranteeing the freedom of peoples. He also said that his country had been an active participant in the negotiation process and had developed environmental legislation in accordance with its commitment to access rights. Lastly, he expressed satisfaction and pride in a process that had concluded with a legally binding agreement that recognized access rights in the region and which, thanks to the permanent and decisive participation of the public, was unique and unprecedented.

66. The representative of Paraguay thanked the Government of Costa Rica for its hospitality on behalf of his country and acknowledged the efforts of the delegates and the work done by ECLAC in guiding the conversations that had led to the successful conclusion of the negotiation process.

67. The representative of Saint Lucia said that the meeting had marked a milestone in the region's environmental history and that the adopted agreement was sensitive to the needs of all while reflecting consensus on the fundamental principles enshrined in the Rio Declaration on Environment and Development. Her country recognized that there were issues of particular concern to the public, which its representatives had raised, and would make every effort to provide opportunities for public participation in the decision-making processes. Given the leadership shown by Saint Lucia in the Caribbean Community (CARICOM) on sustainable development issues, her country stood ready to work closely with the Conference of the Parties to ensure the full implementation of the agreement. She added that the region knew first-hand that insufficient financial and technical resources could hamper the best efforts and she welcomed the establishment of a voluntary fund to support the implementation of the agreement.

68. The elected representatives of the public said that they were pleased to have been able to participate meaningfully in the negotiation process and that they hoped that this would set a precedent for other international processes. They also mentioned some important elements that had not been included in the agreement, such as a broader definition of the concept of "public". They said that the public aspired to a future in which persons in Latin America and the Caribbean could take part in the decisions that affected their lives, land and natural resources, and seek redress for damage caused to their environment without fear of reprisals. They therefore requested that countries sign and ratify the agreement promptly, and disseminate it so that more countries could also become Parties to it. They also reaffirmed their hope that there would be modalities for public participation that would allow them to make substantive contributions to the Conference of the Parties and the Committee to Support Implementation and Compliance.

69. In her written statement, the representative of El Salvador said that the agreement was a historical milestone that would pave the way towards the full application of the rights of effective public participation and of access to information and justice in environmental matters, and underscored the central role of human rights in environmental matters. She said that her government had been working for decades to strengthen its democratic institutions with a view to improving access rights, as evidenced by the recent significant legislative and institutional advances. Her country considered the topic to be of the utmost importance and would continue to promote measures for a better environment and sustainable development.

70. The Executive Secretary of ECLAC said that, 26 years after having attended the adoption of the 27 principles of the Rio Declaration on Environment and Development, she was delighted to witness the adoption of first regional agreement on environmental democracy. She noted the importance of that historic agreement, which had been negotiated by Latin American and Caribbean countries and was the only binding agreement in the world that included provisions to protect the rights of human rights defenders in environmental matters. She said that it offered hope that access to information would be extended to all spheres of public life, and that it showcased multilateralism—which had been called into question so much in recent times—in action. She underscored how important it was that both governments and the representatives of the public had sat down together at the negotiating table. In closing, she said that the instrument would allow the dichotomy between economic growth and social and environmental well-being to be refuted, and the pervasive culture of privilege in the region to be broken down.

71. Lastly, the President of Costa Rica spoke, noting how important it had been to have Caribbean countries participating in the negotiations, given that the subregion was one of the most vulnerable to climate change in the world, and that all countries must work together to face that challenge. He also praised the efforts made over the course of the nine meetings of the negotiating committee, at which all the countries had shown passion, imagination and a willingness to change, which was quite rare in a fragmented region such as Latin America and the Caribbean. He highlighted some of the most important aspects of the process, saying that there should be no contradiction between defending the environment and defending economic development, and that people need not be sacrificed in pursuit of environmental conservation or vice versa. He reiterated that the law must evolve and legal institutions strengthened to support the progress made in environmental matters, adding that the rights of the most vulnerable populations must be guaranteed and that the protection of environmental defenders must be considered an obligation of the State. In closing, he commended the process for helping to disseminate the concept of environmental democracy and to build a global environmental culture.

Annex A

FINAL ACT

The representatives of the countries participating in the ninth meeting of the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean, held in San José from 28 February to 4 March 2018,

1. *Adopt* the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (hereinafter referred to as “the Agreement”), as contained in annex A.1;¹

2. *Request* the member countries that served as the Presiding Officers of the negotiating committee to continue to steer and conduct the necessary work in the period between the date on which the Agreement will be opened for signature, as established in article 21, and the first meeting of the Conference of the Parties, with signatory countries, significant participation by the public and the support of the Economic Commission for Latin America and the Caribbean as technical secretariat;

3. *Decide* to apply *mutatis mutandis* the *Modalities for participation of the public in the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean* (LC/L.4163) until the first Conference of the Parties;

4. *Agree* to report on the adoption of the Agreement at the thirty-seventh session of the Economic Commission for Latin America and the Caribbean, to be held in Havana from 7 to 11 May 2018, and request the Economic Commission for Latin America and the Caribbean to agree to undertake the secretariat functions set out in article 17 of the Agreement;

5. *Request* the Economic Commission for Latin America and the Caribbean to take the necessary steps to deposit the final text of the Agreement, as contained in annex A.1, with the Secretary-General of the United Nations, in accordance with article 25 of the Agreement;

6. *Also request* the Economic Commission for Latin America and the Caribbean to translate the text of the Agreement into Portuguese;

7. *Invite* all Latin American and Caribbean States to sign the Agreement, in accordance with article 21 thereof, and to ratify, accept, approve or accede to it, as appropriate, as soon as possible;

8. *Thank* the Economic Commission for Latin America and the Caribbean for its support as technical secretariat during the negotiation process, including the preparatory phase, and for its willingness to continue to serve as the secretariat of the Agreement;

9. *Also thank* the public and its representatives for their meaningful participation in the meetings of the negotiating committee and for their contributions;

¹ The authentic copies of the text are available at: <https://observatoriop10.cepal.org/en/treaties/regional-agreement-access-information-public-participation-and-justice-environmental>.

10. *Further thank* the experts and the regional and international organizations that have participated in the process for their valuable contributions;

11. *Express their gratitude* to the co-Chairs, the Presiding Officers of the negotiating committee and all the delegations for their dedication and commitment;

12. *Express their satisfaction* at the outcome and welcome the adoption of an ambitious and unprecedented agreement, which is the result of the extensive efforts made by all the delegations and persons that have been involved in this process since the United Nations Conference on Sustainable Development (Rio+20 Conference);

13. *Thank* the people and the Government of Costa Rica for their hospitality and the effort devoted to the organization of the ninth meeting of the negotiating committee.

Annex A.1

REGIONAL AGREEMENT ON ACCESS TO INFORMATION, PARTICIPATION AND JUSTICE IN ENVIRONMENTAL MATTERS IN LATIN AMERICA AND THE CARIBBEAN

The Parties to the present Agreement,

Recalling the adoption, at the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in 2012, of the Declaration on the application of Principle 10 of the Rio Declaration, reaffirming the commitment to the rights of access to information, participation and justice regarding environmental issues, recognizing the need to make commitments to ensure proper fulfilment of those rights and declaring a willingness to launch a process for exploring the feasibility of adopting a regional instrument,

Reaffirming Principle 10 of the 1992 Rio Declaration on Environment and Development, which establishes the following: “Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided”,

Emphasizing that access rights are interrelated and interdependent, and so each and every one of them should be promoted and implemented in an integrated and balanced manner,

Convinced that access rights contribute to the strengthening of, inter alia, democracy, sustainable development and human rights,

Reaffirming the importance of the Universal Declaration of Human Rights and recalling other international human rights instruments that underscore that all States have the responsibility to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind, including those related to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming also all the principles of the 1972 Declaration of the United Nations Conference on the Human Environment and of the 1992 Rio Declaration on Environment and Development,

Recalling the Declaration of the United Nations Conference on the Human Environment, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Declaration of Barbados and the Programme of Action for the Sustainable Development of Small Island Developing States, the Mauritius Declaration and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, the Johannesburg Declaration on Sustainable Development, the Plan of Implementation of the World Summit on Sustainable Development and the SIDS Accelerated Modalities of Action (SAMOA) Pathway,

Recalling also that, in the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in 2012, entitled “The future we want”, among the many provisions referring to Principle 10 of the Rio Declaration, the Heads of State and Government and high-level representatives acknowledged that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, were essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and eradication of poverty and hunger; underscored that broad public participation and access to information and judicial and administrative proceedings were essential to the promotion of sustainable development; and encouraged action at the regional, national, subnational and local levels to promote access to environmental information, public participation in the environmental decision-making process and access to justice in environmental matters, as appropriate,

Considering United Nations General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, by which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, and reaffirmed its commitment to achieving sustainable development in its three dimensions —economic, social and environmental— in a balanced and integrated manner,

Recognizing the multiculturalism of Latin America and the Caribbean and of their peoples,

Recognizing also the important work of the public and of human rights defenders in environmental matters for strengthening democracy, access rights and sustainable development and their fundamental contributions in this regard,

Aware of the progress made in international and regional agreements, in domestic legislation and practice on rights of access to environmental information, public participation in the environmental decision-making process and access to justice in environmental matters,

Convinced of the need to promote and strengthen dialogue, cooperation, technical assistance, education and awareness-raising as well as capacity-building for the full exercise of access rights at the international, regional, national, subnational and local levels,

Resolved to achieve the full implementation of the access rights provided for under the present Agreement, as well as the creation and strengthening of capacities and cooperation,

Have agreed as follows:

Article 1 Objective

The objective of the present Agreement is to guarantee the full and effective implementation in Latin America and the Caribbean of the rights of access to environmental information, public participation in the environmental decision-making process and access to justice in environmental matters, and the creation and strengthening of capacities and cooperation, contributing to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development.

Article 2
Definitions

For the purposes of the present Agreement:

- (a) “Access rights” means the right of access to environmental information, the right of public participation in the environmental decision-making process and the right of access to justice in environmental matters;
- (b) “Competent authority” means, for the purposes of articles 5 and 6 of the present Agreement, any public body that exercises the powers, authority and functions for access to information, including independent and autonomous bodies, organizations or entities owned or controlled by the government, whether by virtue of powers granted by the constitution or other laws, and, when appropriate, private organizations that receive public funds or benefits (directly or indirectly) or that perform public functions and services, but only with respect to the public funds or benefits received or to the public functions and services performed;
- (c) “Environmental information” means any information that is written, visual, audio, and electronic, or recorded in any other format, regarding the environment and its elements and natural resources, including information related to environmental risks, and any possible adverse impacts affecting or likely to affect the environment and health, as well as to environmental protection and management;
- (d) “Public” means one or more natural or legal persons and the associations, organizations or groups established by those persons, that are nationals or that are subject to the national jurisdiction of the State Party;
- (e) “Persons or groups in vulnerable situations” means those persons or groups that face particular difficulties in fully exercising the access rights recognized in the present Agreement, because of circumstances or conditions identified within each Party’s national context and in accordance with its international obligations.

Article 3
Principles

Each Party shall be guided by the following principles in implementing the present Agreement:

- (a) Principle of equality and principle of non-discrimination;
- (b) Principle of transparency and principle of accountability;
- (c) Principle of non-regression and principle of progressive realization;
- (d) Principle of good faith;
- (e) Preventive principle;
- (f) Precautionary principle;
- (g) Principle of intergenerational equity;

- (h) Principle of maximum disclosure;
- (i) Principle of permanent sovereignty of States over their natural resources;
- (j) Principle of sovereign equality of States; and
- (k) Principle of *pro persona*.

Article 4
General provisions

1. Each Party shall guarantee the right of every person to live in a healthy environment and any other universally-recognized human right related to the present Agreement.
2. Each Party shall ensure that the rights recognized in the present Agreement are freely exercised.
3. Each Party shall adopt the necessary measures, of a legislative, regulatory, administrative or any other nature, in the framework of its domestic provisions, to guarantee the implementation of the provisions of the present Agreement.
4. With the aim of contributing to the effective application of the present Agreement, each Party shall provide the public with information to facilitate the acquisition of knowledge on access rights.
5. Each Party shall ensure that guidance and assistance is provided to the public —particularly those persons or groups in vulnerable situations— in order to facilitate the exercise of their access rights.
6. Each Party shall guarantee an enabling environment for the work of persons, associations, organizations or groups that promote environmental protection, by recognizing and protecting them.
7. No provision in the present Agreement shall limit or repeal other more favourable rights and guarantees set forth, at present or in the future, in the legislation of a State Party or in any other international agreement to which a State is party, or prevent a State Party from granting broader access to environmental information, public participation in the environmental decision-making process and justice in environmental matters.
8. Each Party shall seek to adopt the most favourable interpretation for the full enjoyment of and respect for the access rights when implementing the present Agreement.
9. For the implementation of the present Agreement, each Party shall encourage the use of new information and communications technologies, such as open data, in the different languages used in the country, as appropriate. In no circumstances shall the use of electronic media constrain or result in discrimination against the public.
10. The Parties may promote knowledge of the provisions of the present Agreement in other international forums related to environmental matters, in accordance with the rules of each forum.

Article 5
Access to environmental information

Accessibility of environmental information

1. Each Party shall ensure the public's right of access to environmental information in its possession, control or custody, in accordance with the principle of maximum disclosure.
2. The exercise of the right of access to environmental information includes:
 - (a) requesting and receiving information from competent authorities without mentioning any special interest or explaining the reasons for the request;
 - (b) being informed promptly whether the requested information is in possession or not of the competent authority receiving the request; and
 - (c) being informed of the right to challenge and appeal when information is not delivered, and of the requirements for exercising this right.
3. Each Party shall facilitate access to environmental information for persons or groups in vulnerable situations, establishing procedures for the provision of assistance, from the formulation of requests through to the delivery of the information, taking into account their conditions and specificities, for the purpose of promoting access and participation under equal conditions.
4. Each Party shall guarantee that the above-mentioned persons or groups in vulnerable situations, including indigenous peoples and ethnic groups, receive assistance in preparing their requests and obtain a response.

Refusal of access to environmental information

5. If the requested information or part thereof is not delivered to the applicant because it falls under the domestic legal regime of exceptions, the competent authority shall communicate its refusal in writing, including the legal provisions and the reasons justifying the decision in each case, and inform the applicant of the right to challenge and appeal.
6. Access to information may be refused in accordance with domestic legislation. In cases where a Party does not have a domestic legal regime of exceptions, that Party may apply the following exceptions:
 - (a) when disclosure would put at risk the life, safety or health of individuals;
 - (b) when disclosure would adversely affect national security, public safety or national defence;
 - (c) when disclosure would adversely affect the protection of the environment, including any endangered or threatened species; or
 - (d) when disclosure would create a clear, probable and specific risk of substantial harm to law enforcement, prevention, investigation and prosecution of crime.

7. The exception regimes shall take into account each Party's human rights obligations. Each Party shall encourage the adoption of exception regimes that favour the disclosure of information.
8. The reasons for refusal shall be legally established in advance and be clearly defined and regulated, taking into account the public interest, and shall thus be interpreted restrictively. The burden of proof will lie with the competent authority.
9. When applying the public interest test, the competent authorities shall weigh the interest of withholding the information against the public benefit of disclosing it, based on suitability, need and proportionality.
10. Where not all the information contained in a document is exempt under paragraph 6 of the present article, the non-exempt information shall be provided to the applicant.

Conditions applicable to the delivery of environmental information

11. The competent authorities shall guarantee that the environmental information is provided in the format requested by the applicant, if available. If such a format is not available, the environmental information shall be provided in the available format.
12. The competent authorities shall respond to requests for environmental information as quickly as possible and within a period not longer than 30 business days from the date of receipt of the request, or less if so stipulated in domestic legislation.
13. Where, in exceptional circumstances and in accordance with domestic legislation, the competent authority requires more time to respond to the request, it shall notify the applicant in writing of the justification for the extension prior to the expiration of the period established in paragraph 12 of the present article. Such an extension will not exceed 10 business days.
14. In the event that the competent authority does not respond within the periods established in paragraphs 12 and 13 of the present article, paragraph 2 of article 8 shall apply.
15. When the competent authority receiving the request does not have the requested information, it shall notify the applicant as quickly as possible, indicating, if it can determine it, which authority may be in possession of the information. The request shall be forwarded to the relevant authority, and the applicant so informed.
16. When the requested information does not exist or has not yet been generated, the applicant shall be so informed, with explanation, within the periods established in paragraphs 12 and 13 of the present article.
17. Environmental information shall be disclosed at no cost, insofar as its reproduction or delivery is not required. Reproduction and delivery costs shall be applied in accordance with the procedures established by the competent authority. Such costs shall be reasonable and made known in advance, and payment can be waived in the event that the applicant is deemed to be in a vulnerable situation or to have special circumstances warranting such a waiver.

Independent oversight mechanisms

18. Each Party shall establish or designate one or more impartial entities or institutions with autonomy and independence to promote transparency in access to environmental information, to oversee compliance with rules, and monitor, report on and guarantee the right of access to information. Each Party may consider including or strengthening, as appropriate, sanctioning powers within the scope of the responsibilities of the aforementioned entities or institutions.

Article 6Generation and dissemination of environmental information

1. Each Party shall guarantee, to the extent possible within available resources, that the competent authorities generate, collect, publicize and disseminate environmental information relevant to their functions in a systematic, proactive, timely, regular, accessible and comprehensible manner, and periodically update this information and encourage the disaggregation and decentralization of environmental information at the subnational and local levels. Each Party shall strengthen coordination between the different authorities of the State.
2. The competent authorities shall endeavour to ensure, to the extent possible, that environmental information is reusable, processable and available in formats that are accessible, and that no restrictions are placed on its reproduction or use, in accordance with domestic legislation.
3. Each Party shall have in place one or more up-to-date environmental information systems, which may include, inter alia:
 - (a) the texts of treaties and international agreements, as well as environmental laws, regulations and administrative acts;
 - (b) reports on the state of the environment;
 - (c) a list of public entities competent in environmental matters and, where possible, their respective areas of operation;
 - (d) a list of polluted areas, by type of pollutant and location;
 - (e) information on the use and conservation of natural resources and ecosystem services;
 - (f) scientific, technical or technological reports, studies and information on environmental matters produced by academic and research institutions, whether public or private, national or foreign;
 - (g) climate change sources aimed at building national capacities;
 - (h) information on environmental impact assessment processes and on other environmental management instruments, where applicable, and environmental licences or permits granted by the public authorities;
 - (i) an estimated list of waste by type and, when possible, by volume, location and year; and
 - (j) information on the imposition of administrative sanctions in environmental matters.

Each Party shall guarantee that environmental information systems are duly organized, accessible to all persons and made progressively available through information technology and georeferenced media, where appropriate.

4. Each Party shall take steps to establish a pollutant release and transfer register covering air, water, soil and subsoil pollutants, as well as materials and waste in its jurisdiction. This register will be established progressively and updated periodically.
5. Each Party shall guarantee that in the case of an imminent threat to public health or the environment, the relevant competent authority shall immediately disclose and disseminate through the most effective means all pertinent information in its possession that could help the public take measures to prevent or limit potential damage. Each Party shall develop and implement an early warning system using available mechanisms.
6. In order to facilitate access by persons or groups in vulnerable situations to information that particularly affects them, each Party shall endeavour, where applicable, to ensure that the competent authorities disseminate environmental information in the various languages used in the country, and prepare alternative formats that are comprehensible to those groups, using suitable channels of communication.
7. Each Party shall use its best endeavours to publish and disseminate at regular intervals, not exceeding five years, a national report on the state of the environment, which may contain:
 - (a) information on the state of the environment and natural resources, including quantitative data, where possible;
 - (b) national actions to fulfil environmental legal obligations;
 - (c) advances in the implementation of the access rights; and
 - (d) collaboration agreements among public, social and private sectors.

Such reports shall be drafted in an easily comprehensible manner and accessible to the public in different formats and disseminated through appropriate means, taking into account cultural realities. Each Party may invite the public to make contributions to these reports.

8. Each Party shall encourage independent environmental performance reviews that take into account nationally or internationally agreed criteria and guides and common indicators, with a view to evaluating the efficacy, effectiveness and progress of its national environmental policies in fulfilment of their national and international commitments. The reviews shall include participation by the various stakeholders.
9. Each Party shall promote access to environmental information contained in concessions, contracts, agreements or authorizations granted, which involve the use of public goods, services or resources, in accordance with domestic legislation.
10. Each Party shall ensure that consumers and users have official, relevant and clear information on the environmental qualities of goods and services and their effects on health, favouring sustainable production and consumption patterns.

11. Each Party shall create and keep regularly updated its archiving and document management systems in environmental matters in accordance with its applicable rules with the aim of facilitating access to information at all times.
12. Each Party shall take the necessary measures, through legal or administrative frameworks, among others, to promote access to environmental information in the possession of private entities, in particular information on their operations and the possible risks and effects on human health and the environment.
13. In accordance with its capacities, each Party shall encourage public and private companies, particularly large companies, to prepare sustainability reports that reflect their social and environmental performance.

Article 7

Public participation in the environmental decision-making process

1. Each Party shall ensure the public's right to participation and, for that purpose, commits to implement open and inclusive participation in environmental decision-making processes based on domestic and international normative frameworks.
2. Each Party shall guarantee mechanisms for the participation of the public in decision-making processes, revisions, re-examinations or updates with respect to projects and activities, and in other processes for granting environmental permits that have or may have a significant impact on the environment, including when they may affect health.
3. Each Party shall promote the participation of the public in decision-making processes, revisions, re-examinations or updates other than those referred to in paragraph 2 of the present article with respect to environmental matters of public interest, such as land-use planning, policies, strategies, plans, programmes, rules and regulations, which have or may have a significant impact on the environment.
4. Each Party shall adopt measures to ensure that the public can participate in the decision-making process from the early stages, so that due consideration can be given to the observations of the public, thus contributing to the process. To that effect, each Party shall provide the public with the necessary information in a clear, timely and comprehensive manner, to give effect to its right to participate in the decision-making process.
5. The public participation procedure will provide for reasonable timeframes that allow sufficient time to inform the public and for its effective participation.
6. The public shall be informed, through appropriate means, such as in writing, electronically, orally and by customary methods, and in an effective, comprehensible and timely manner, as a minimum, of the following:
 - (a) the type or nature of the environmental decision under consideration and, where appropriate, in non-technical language;
 - (b) the authority responsible for making the decision and other authorities and bodies involved;
 - (c) the procedure foreseen for the participation of the public, including the date on which the procedure will begin and end, mechanisms for participation and, where applicable, the date and place of any public consultation or hearing; and

- (d) the public authorities involved from which additional information on the environmental decision under consideration can be requested and the procedure for requesting information.
7. The public's right to participate in environmental decision-making processes shall include the opportunity to present observations through appropriate means available, according to the circumstances of the process. Before adopting the decision, the relevant public authority shall give due consideration to the outcome of the participation process.
 8. Each Party shall ensure that, once a decision has been made, the public is informed in a timely manner thereof and of the grounds and reasons underlying the decision, including how the observations of the public have been taken into consideration. The decision and its basis shall be made public and be accessible.
 9. The dissemination of the decisions resulting from environmental impact assessments and other environmental decision-making processes in which the public has participated shall be carried out through appropriate means, which may include written, electronic or oral means and customary methods, in an effective and prompt manner. The information disseminated shall include the established procedure to allow the public to take the relevant administrative and judicial actions.
 10. Each Party shall establish conditions that are favourable to public participation in environmental decision-making processes and that are adapted to the social, economic, cultural, geographical and gender characteristics of the public.
 11. When the primary language of the directly affected public is different to the official languages, the public authority shall ensure that means are provided to facilitate their understanding and participation.
 12. Each Party shall promote, where appropriate and in accordance with domestic legislation, public participation in international forums and negotiations on environmental matters or with an environmental impact, in accordance with the procedural rules on participation of each forum. The participation of the public at the national level on matters of international environmental forums shall also be promoted, where appropriate.
 13. Each Party shall encourage the establishment of appropriate spaces for consultation on environmental matters or the use of those that are already in existence in which various groups and sectors are able to participate. Each Party shall promote regard for local knowledge, dialogue and interaction of different views and knowledge, where appropriate.
 14. The public authorities shall make efforts to identify and support persons or groups in vulnerable situations in order to engage them in an active, timely and effective manner in participation mechanisms. For these purposes, appropriate means and formats will be considered, in order to eliminate barriers to participation.
 15. In the implementation of the present Agreement, each Party shall guarantee that its domestic legislation and international obligations in relation to the rights of indigenous peoples and local communities are observed.
 16. The public authority shall make efforts to identify the public directly affected by the projects or activities that have or may have a significant impact on the environment and shall promote specific actions to facilitate their participation.

17. With respect to the environmental decision-making processes referred to in paragraph 2 of the present article, as a minimum, the following information shall be made public:
- (a) a description of the area of influence and physical and technical characteristics of the proposed project or activity;
 - (b) a description of the main environmental impacts of the project or activity and, as appropriate, the cumulative environmental impact;
 - (c) a description of the measures foreseen with respect to those impacts;
 - (d) a summary of (a), (b) and (c) of the present paragraph in comprehensible, non-technical language;
 - (e) the public reports and opinions of the involved entities addressed to the public authority related to the project or activity under consideration;
 - (f) a description of the available technologies to be used and alternative locations for executing the project or activity subject to assessment, when the information is available; and
 - (g) actions taken to monitor the implementation and results of environmental impact assessment measures.

The aforementioned information shall be made available free of charge to the public in accordance with paragraph 17 of article 5 of the present Agreement.

Article 8
Access to justice in environmental matters

1. Each Party shall guarantee the right of access to justice in environmental matters in accordance with the guarantees of due process.
2. Each Party shall ensure, in the framework of its domestic legislation, access to judicial and administrative mechanisms to challenge and appeal, with respect to substance and procedure:
 - (a) any decision, action or omission related to the access to environmental information;
 - (b) any decision, action or omission related to public participation in the decision-making process regarding environmental matters; and
 - (c) any other decision, action or omission that affects or could affect the environment adversely or violate laws and regulations related to the environment.
3. To guarantee the right of access to justice in environmental matters, each Party shall have, considering its circumstances:
 - (a) competent State entities with access to expertise in environmental matters;
 - (b) effective, timely, public, transparent and impartial procedures that are not prohibitively expensive;
 - (c) broad active legal standing in defence of the environment, in accordance with domestic legislation;

- (d) the possibility of ordering precautionary and interim measures, inter alia, to prevent, halt, mitigate or rehabilitate damage to the environment;
 - (e) measures to facilitate the production of evidence of environmental damage, when appropriate and as applicable, such as the reversal of the burden of proof and the dynamic burden of proof;
 - (f) mechanisms to execute and enforce judicial and administrative decisions in a timely manner; and
 - (g) mechanisms for redress, where applicable, such as restitution to the condition prior to the damage, restoration, compensation or payment of a financial penalty, satisfaction, guarantees of non-repetition, assistance for affected persons and financial instruments to support redress.
4. To facilitate access to justice in environmental matters for the public, each Party shall establish:
 - (a) measures to minimize or eliminate barriers to the exercise of the right of access to justice;
 - (b) means to publicize the right of access to justice and the procedures to ensure its effectiveness;
 - (c) mechanisms to systematize and disseminate judicial and administrative decisions, as appropriate; and
 - (d) the use of interpretation or translation of languages other than the official languages when necessary for the exercise of that right.
 5. In order to give effect to the right of access to justice, each Party shall meet the needs of persons or groups in vulnerable situations by establishing support mechanisms, including, as appropriate, free technical and legal assistance.
 6. Each Party shall ensure that the judicial and administrative decisions adopted in environmental matters and their legal grounds are set out in writing.
 7. Each Party shall promote, where appropriate, alternative dispute resolution mechanisms in environmental matters, such as mediation, conciliation or other means that allow such disputes to be prevented or resolved.

Article 9

Human rights defenders in environmental matters

1. Each Party shall guarantee a safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental matters, so that they are able to act free from threat, restriction and insecurity.
2. Each Party shall take adequate and effective measures to recognize, protect and promote all the rights of human rights defenders in environmental matters, including their right to life, personal integrity, freedom of opinion and expression, peaceful assembly and association, and free movement, as well as their ability to exercise their access rights, taking into account its international obligations in the field of human rights, its constitutional principles and the basic concepts of its legal system.

3. Each Party shall also take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer while exercising the rights set out in the present Agreement.

Article 10
Capacity-building

1. In order to contribute to the implementation of the provisions of the present Agreement, each Party undertakes to create and strengthen national capacities, based on its priorities and needs.
2. Each Party, in line with its capacities, may take, inter alia, the following measures:
 - (a) train authorities and civil servants on environmental access rights;
 - (b) develop and strengthen environmental law and access rights awareness-raising and capacity-building programmes for, inter alia, the public, judicial and administrative officials, national human rights institutions and jurists;
 - (c) provide the competent institutions and entities with adequate equipment and resources;
 - (d) promote education and training on, and raise public awareness of, environmental matters, through, inter alia, basic educational modules on access rights for students at all levels of education;
 - (e) develop specific measures for persons or groups in vulnerable situations, such as providing interpreters or translators in languages other than official languages when necessary;
 - (f) acknowledge the importance of associations, organizations or groups that train the public on or raise public awareness of access rights; and
 - (g) strengthen capabilities to collect, retain and evaluate environmental information.

Article 11
Cooperation

1. The Parties shall cooperate to strengthen their national capacities with the aim of implementing the present Agreement in an effective manner.
2. The Parties shall give particular consideration to least developed countries, landlocked developing countries and small island developing States from Latin America and the Caribbean.
3. For the purposes of implementing paragraph 2 of the present article, the Parties shall promote activities and mechanisms, such as:
 - (a) discussions, workshops, expert exchanges, technical assistance, education and observatories;
 - (b) developing, sharing and implementing educational, training and awareness-raising materials and programmes;

- (c) sharing experiences of voluntary codes of conduct, guidelines, good practices and standards; and
 - (d) committees, councils and forums of multisectoral development stakeholders to address cooperation priorities and activities.
4. The Parties shall encourage partnerships with States from other regions, intergovernmental, non-governmental, academic and private organizations, as well as civil society organizations and other relevant stakeholders to implement the present Agreement.
 5. The Parties recognize that regional cooperation and information-sharing shall be promoted in relation to all aspects of illicit activities against the environment.

Article 12
Clearing house

The Parties shall have a virtual and universally accessible clearing house on access rights. The clearing house will be operated by the Economic Commission for Latin America and the Caribbean, in its capacity as Secretariat, and may include, inter alia, legislative, administrative and policy measures, codes of conduct and good practices.

Article 13
National implementation

Each Party, to the extent of its ability and in accordance with its national priorities, commits to provide the resources for national activities that are needed to fulfil the obligations derived from the present Agreement.

Article 14
Voluntary Fund

1. A Voluntary Fund is hereby established to support the financing of the implementation of the present Agreement, the functioning of which shall be defined by the Conference of the Parties.
2. Parties may make voluntary contributions to support the implementation of the present Agreement.
3. The Conference of the Parties may seek, in accordance with paragraph 5(g) of article 15 of the present Agreement, to obtain funds from other sources to support the implementation of the present Agreement.

Article 15
Conference of the Parties

1. A Conference of the Parties is hereby established.
2. The Executive Secretary of the Economic Commission for Latin America and the Caribbean shall convene the first meeting of the Conference of the Parties no later than one year after the entry into

force of the present Agreement. Subsequently, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be decided by the Conference.

3. Extraordinary meetings of the Conference of the Parties shall be held when the Conference deems necessary.
4. At its first meeting, the Conference of the Parties shall:
 - (a) discuss and adopt by consensus its rules of procedure, including the modalities for significant participation by the public; and
 - (b) discuss and adopt by consensus the financial provisions that are necessary for the functioning and implementation of the present Agreement.
5. The Conference of the Parties shall examine and promote the implementation and effectiveness of the present Agreement. To that end:
 - (a) it shall establish by consensus such subsidiary bodies as it deems necessary for the implementation of the present Agreement;
 - (b) it shall receive and consider reports and recommendations from subsidiary bodies;
 - (c) it shall be informed by the Parties of the measures adopted to implement the present Agreement;
 - (d) it may formulate recommendations to the Parties on the implementation of the present Agreement;
 - (e) it shall prepare and adopt, as applicable, protocols to the present Agreement for its subsequent signature, ratification, acceptance, approval and accession;
 - (f) it shall examine and adopt proposals to amend the present Agreement in accordance with the provisions of article 20 of the present Agreement;
 - (g) it shall establish guidelines and modalities for mobilizing financial and non-financial resources from various sources to facilitate the implementation of the present Agreement;
 - (h) it shall examine and adopt any additional measures needed to achieve the objective of the present Agreement; and
 - (i) it shall perform any other function assigned to it by the present Agreement.

Article 16
Right to vote

Each Party to the present Agreement shall have one vote.

Article 17
Secretariat

1. The Executive Secretary of the Economic Commission for Latin America and the Caribbean shall carry out the secretariat functions of the present Agreement.
2. The functions of the Secretariat shall be as follows:
 - (a) to convene and organize the meetings of the Conference of the Parties and its subsidiary bodies and provide the necessary services;
 - (b) to provide assistance to the Parties upon their request for capacity-building, including the sharing of experiences and information and the organization of activities in accordance with articles 10, 11 and 12 of the present Agreement;
 - (c) to determine, under the general guidance of the Conference of the Parties, the administrative and contractual arrangements needed to carry out its functions effectively; and
 - (d) to perform any other secretariat functions specified in the present Agreement and any other functions as determined by the Conference of the Parties.

Article 18
Committee to Support Implementation and Compliance

1. A Committee to Support Implementation and Compliance is hereby established as a subsidiary body of the Conference of the Parties to promote the implementation of the present Agreement and to support the Parties in that regard. The rules relating to its structure and functions shall be determined by the Conference of the Parties at its first meeting.
2. The Committee shall be of a consultative and transparent nature, non-adversarial, non-judicial and non-punitive and shall review compliance of the provisions of the present Agreement and formulate recommendations, in accordance with the rules of procedure established by the Conference of the Parties, ensuring the significant participation of the public and paying particular attention to the national capacities and circumstances of the Parties.

Article 19
Settlement of disputes

1. If a dispute arises between two or more Parties about the interpretation or application of the present Agreement, they shall seek a solution by negotiation or by any other means of dispute settlement acceptable to the parties to the dispute.
2. When signing, ratifying, accepting, approving or acceding to the present Agreement, or at any time thereafter, a Party may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of the present article, it accepts one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

- (a) submission of the dispute to the International Court of Justice;
 - (b) arbitration in accordance with the procedures that the Conference of the Parties will establish.
3. If the parties to the dispute have accepted both means of dispute settlement referred to in paragraph 2 of the present article, the dispute may be submitted only to the International Court of Justice, unless the parties agree otherwise.

Article 20
Amendments

1. Amendments to the present Agreement may be proposed by any Party.
2. Amendments to the present Agreement shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate the proposed amendment to the signatories to the present Agreement and, for information, to the Depositary.
3. The Parties shall make every effort to reach a consensus on any proposed amendment to the present Agreement. In the event that the efforts to reach a consensus fail, as a last resort, the amendment shall be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.
4. An adopted amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval.
5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in writing. An amendment adopted in accordance with paragraph 3 of the present article shall enter into force for the Parties having consented to be bound by it on the ninetieth day after the date of deposit of the instruments of ratification, acceptance or approval by at least half of the number of Parties to the present Agreement at the time the amendment was adopted. Thereafter, the amendment shall enter into force for any other Party that consents to be bound by it on the ninetieth day after the date of deposit of its instrument of ratification, acceptance or approval of the amendment.

Article 21
Signature, ratification, acceptance, approval and accession

1. The present Agreement shall be open for signature by any of the countries of Latin America and the Caribbean included in annex 1 at United Nations Headquarters in New York from 27 September 2018 to 26 September 2020.
2. The present Agreement shall be subject to the ratification, acceptance or approval of the States that have signed it. It shall be open to accession by any country in Latin America and the Caribbean included in annex 1 that has not signed it from the day after the date on which it is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 22
Entry into force

1. The present Agreement shall enter into force on the ninetieth day after the date of deposit of the eleventh instrument of ratification, acceptance, approval or accession.
2. For each State that ratifies, accepts or approves the present Agreement or accedes thereto after the deposit of the eleventh instrument of ratification, acceptance, approval or accession, the present Agreement shall enter into effect on the ninetieth day after the date of deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 23
Reservations

No reservations may be made to the present Agreement.

Article 24
Withdrawal

1. At any time after three years from the date on which the present Agreement has entered into force for a Party, that Party may withdraw from the present Agreement by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

Article 25
Depositary

The Secretary-General of the United Nations shall be the Depositary for the present Agreement.

Article 26
Authentic texts

The original of the present Agreement, the Spanish and English texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed the present Agreement.

DONE at Escazú, Costa Rica, on this fourth day of March, two thousand and eighteen.

Annex 1

- Antigua and Barbuda
- Argentina
- Bahamas
- Barbados
- Belize
- Bolivia (Plurinational State of)
- Brazil
- Chile
- Colombia
- Costa Rica
- Cuba
- Dominica
- Dominican Republic
- Ecuador
- El Salvador
- Grenada
- Guatemala
- Guyana
- Haiti
- Honduras
- Jamaica
- Mexico
- Nicaragua
- Panama
- Paraguay
- Peru
- Saint Kitts and Nevis
- Saint Lucia
- Saint Vincent and the Grenadines
- Suriname
- Trinidad and Tobago
- Uruguay
- Venezuela (Bolivarian Republic of)

Annex B

LIST OF PARTICIPANTS**A. Países signatarios de la Declaración
Signatory countries of the Declaration****ANTIGUA Y BARBUDA/ANTIGUA AND BARBUDA**Representante/Representative:

- Ruth Spencer, National Coordinator, Global Environment Facility Small Grants Programme, email: rvspencer@hotmail.com

ARGENTINARepresentante/Representative:

- Patricia Giménez, Embajadora de la Argentina en Costa Rica

Miembros de la delegación/Delegation members:

- Silvana Bovone, Ministra Plenipotenciaria, Dirección General de Asuntos Ambientales, Ministerio de Relaciones Exteriores y Culto, email: sbo@mrecic.gov.ar
- Dolores María Duverges, Subsecretaria de Planificación y Ordenamiento Ambiental del Territorio, Ministerio de Ambiente y Desarrollo Sostenible de la Nación, email: dduverges@ambiente.gob.ar
- Martín Recondo, Ministro, Embajada de la Argentina en Costa Rica

BOLIVIA (ESTADO PLURINACIONAL DE)/BOLIVIA (PLURINATIONAL STATE OF)Representante/Representative:

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Miembros de la delegación/Delegation members:

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BRASIL/BRAZILRepresentante/Representative:

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- Constance Nalegach, Jefa, Gabinete del Ministro, Ministerio del Medio Ambiente, email: cnalegach@mma.gob.cl

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- Germán Andrés Calderón, Coordinador de Asuntos Sociales, Dirección de Asuntos Económicos, Sociales y Ambientales, Ministerio de Relaciones Exteriores, email: german.calderon@cancilleria.gov.co

COSTA RICARepresentante/Representative:

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

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- Roxie K. McLeish Hutchinson, Foreign Service Officer, Ministry of Foreign Affairs, email: krphutchinson@gmail.com

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PARAGUAYRepresentante/Representative:

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PERÚ/PERURepresentante/Representative:

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- Rocío Sifuentes, Dirección General de Educación, Ciudadanía e Información Ambiental, Ministerio del Ambiente, email: rsifuentes@minam.gob.pe

REPÚBLICA DOMINICANA/DOMINICAN REPUBLIC

Representante/Representative:

- Patricia Abreu, Viceministra de Cooperación Internacional, Ministerio de Medio Ambiente y Recursos Naturales, email: patricia.abreu@ambiente.gob.do, p.abreu@ambiente.gob.do

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- Johanna Montero, Abogada, Ministerio de Medio Ambiente y Recursos Naturales, email: johanna.mdlsambiente@gmail.com.do, johanna.montero@ambiente.gob.do
- Felix Bolívar Amézquita Taveras, Ministro Consejero, Embajada de la República Dominicana en Costa Rica, email: amezquitafelix@hotmail.com

SAINT KITTS Y NEVIS/SAINT KITTS AND NEVIS

Representante/Representative:

- Eden Alistair Edwards, Permanent Secretary, Ministry of Agriculture, Human Settlement, Cooperatives and Environment, email: psagricultureskn@gmail.com

Miembro de la delegación/Delegation member:

- June Hughes, Senior Environment Officer, email: ccode@sisterisles.kn

SAN VICENTE Y LAS GRANADINAS/SAINT VINCENT AND THE GRENADINES

Representante/Representative:

- Michelle Fife, Legal Advisor on International Law Issues, Ministry of Legal Affairs, email: michellefife77@gmail.com

SANTA LUCÍA/SAINT LUCIA

Representante/Representative:

- Kate Wilson, Legal Officer, Department of Sustainable Development, Ministry of Education, Innovation, Gender Relations and Sustainable Development, email: kate.wilson@govt.lc

TRINIDAD Y TABAGO/TRINIDAD AND TOBAGO

Representante/Representative:

- Kishan Kumarsingh, Head of Multilateral Environmental Agreements Unit, Ministry of Planning and Development, email: kishan.kumarsingh@planning.gov.tt

URUGUAY

Representante/Representative:

- Fernando Marr, Embajador, Director de Medio Ambiente, Ministerio de Relaciones Exteriores, email: medio.ambiente@mrree.gub.uy

Miembro de la delegación/Delegation member:

- Marcelo Cousillas, Director de Asesoría Jurídica, Dirección Nacional de Medio Ambiente, Ministerio de Vivienda, Ordenamiento Territorial y Medio Ambiente, email: marcelo.cousillas@mvtma.gub.uy

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

BELICE/BELIZE

Representante/Representative:

- Percival Cho, Chief Executive Officer, Ministry of Agriculture, Fisheries, Forestry, the Environment, Sustainable Development and Immigration

Miembro de la delegación/Delegation member:

- Edgar Ek, Advisor to the Chief Executive Officer, Ministry of Agriculture, Fisheries, Forestry, the Environment, Sustainable Development and Immigration

NICARAGUA

Representante/Representative:

- Duilio José Hernández Avilés, Embajador Extraordinario y Plenipotenciario de Nicaragua en Costa Rica

Miembro de la delegación/Delegation member:

- Ana Lilliam Yllescas Valle, Embajada de Nicaragua en Costa Rica, email: embajada.costarica@cancilleria.gob.ni

**C. Secretaría de las Naciones Unidas
United Nations Secretariat**

Comisión Económica para Europa (CEPE)/Economic Commission for Europe (ECE)

- Jerzy Jendroska, Member of the Aarhus Convention Compliance Committee, email: jerzy.jendroska@jjb.com.pl

Oficina de Asuntos Jurídicos (OAJ)/Office of Legal Affairs (OLA)

- Santiago Villalpando, Jefe, Sección de Tratados, email: villalpando@un.org

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

Programa de las Naciones Unidas para el Desarrollo (PNUD)/United Nations Development Programme (UNDP)

- Alice H. Shackelford, Coordinadora Residente, sistema de las Naciones Unidas en Costa Rica, Representante Residente del PNUD, email: alice.schackelford@undp.org

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

- Leo Heileman, Director Regional, Oficina Regional para América Latina y el Caribe, email: heileman@un.org
- Andrea Brusco, Coordinadora Regional de Gobernanza Ambiental, Oficina Regional para América Latina y el Caribe, email: andrea.brusco@pnuma.org

**E. Organizaciones intergubernamentales
Intergovernmental organizations**

Comisión Centroamericana de Ambiente y Desarrollo (CCAD)/Central American Commission on Environment and Development

- Salvador Ernesto Nieto, Secretario Ejecutivo

**F. Invitados especiales
Special guests**

- Luis Guillermo Solís, Presidente de Costa Rica
- Alejandro Solano, Ministro *ad interim* de Relaciones Exteriores y Culto de Costa Rica
- Edgar Gutiérrez, Ministro de Ambiente y Energía de Costa Rica
- Winston Anderson, Judge, Caribbean Court of Justice, Trinidad and Tobago
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