Note in preparation for the fifth meeting of the negotiating committee from the Governments of Chile and Costa Rica, in their capacity as co-chairs of the Presiding Officers of the Regional Agreement on Access to Information, Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean

The present note describes the plans and expectations of the Governments of Chile and Costa Rica for the fifth meeting of the negotiating committee of the Regional Agreement on Access to Information, Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, to be held from 21 to 25 November 2016 in Santiago, Chile.

At the fourth meeting of the Committee (Santo Domingo, August 2016), we made significant strides by concluding the review of article 6 and negotiating up to article 7 numeral 5 of the compilation text. We also agreed to resume the negotiations on articles 7 to 10 at the fifth meeting, using the fourth version of the compilation text, review the outstanding matters from the preamble to article 10 and discuss the way forward for the negotiations.

Our wish is that these negotiations move forward as effectively and ambitiously as possible so as to reach this objective in Santiago. We are certain that the dynamics and spirit of cooperation, good will and transparency, jointly with the significant contribution of the interested public that has presided over the process so far, will allow us to continue reviewing the text in an effective manner.

As you recall, when we agreed to initiate this negotiation, we had a view to concluding by 2016. Although this goal will not be met, we are satisfied with the collaborative work we have achieved, which will allow us to set ambitious standards for the full implementation of access rights in our region. It is our conviction that the substantive progress we have made will allow the Negotiating Committee to finalize the agreement by the end of 2017. We have the commitment of the countries of Latin America and the Caribbean and the interested public to do so.

This is why for the next round of negotiations we have defined a very detailed organization of work, which is attached. We hope that countries, with the support of the interested public, will conclude in 2016 with the negotiations of the substantive matters of the agreement, in order to devote 2017 to the operational part (institutional framework) of the agreement (articles 11-25) and review of outstanding issues.

To this end, it is crucial that the deliberations elaborate on those aspects that we consider absolutely essential so that we can learn about and solve the different positions and opinions of each country. As our experience has shown in Santo Domingo, positions backed by more than one country allow for the speeding up of the negotiations and let us reach agreements more easily. Furthermore, it is essential that oral interventions be brief, specific and precise. It is also recommendable that new or alternative wording proposals be circulated in advance in order to be more efficient in their analysis and discussion. In this context, we would like to encourage delegations to use the specific webpage created for the meeting (http://negociacionp10.cepal.org/5/en) and the section for contributions and statements in which inputs submitted in writing before and during the meeting will be uploaded.

Likewise, we would like to make a call for not losing our ambition and express our desire to have an instrument with high environmental democracy standards. We have been arduously working for the past four years and believe that the process and our countries are sufficiently mature to have a robust agreement that reflects the singularities of our region and responds to our needs. Our region has prolific legislation, institutions and practices, that are -globally speaking- at the forefront of access rights, and we have assumed important commitments and obligations at the national, regional and international levels that have to be upheld and respected.

Moreover, we must not forget that even if our legislation, policies and practices are a solid base on which to build our commitments, the negotiation of this regional agreement should not be limited to our mere national and individual contexts. It is precisely due to this need to go beyond the national sphere in access rights that we are negotiating a regional agreement.
We have to live up to these expectations and not diminish the standards that we already have, being fundamental the identification of good practices, while strengthening capacity-building and cooperation to facilitate implementation. You are also encouraged to consider the great wealth of information and documentation we have at our disposal, as well as the valuable input and proposals from the public and experts.

We look forward to seeing you soon in Santiago.