



Distr.
GENERAL
LC/CNP10.8/3
5 February 2018
ENGLISH
ORIGINAL: SPANISH

**REPORT OF THE EIGHTH MEETING OF THE NEGOTIATING COMMITTEE
OF THE REGIONAL AGREEMENT ON ACCESS TO INFORMATION,
PARTICIPATION AND JUSTICE IN ENVIRONMENTAL MATTERS
IN LATIN AMERICA AND THE CARIBBEAN**

Santiago, 27 November-1 December 2017

CONTENTS

		<i>Paragraph</i>	<i>Page</i>
A.	ATTENDANCE AND ORGANIZATION OF WORK	1-7	3
	Place and date of the meeting	1-2	3
	Attendance.....	3-6	3
	Chair	7	4
B.	ADOPTION OF THE AGENDA	8	4
C.	SUMMARY OF PROCEEDINGS.....	9-61	4
Annex 1	Agreements	-	15
Annex 2	List of participants	-	16

A. ATTENDANCE AND ORGANIZATION OF WORK

Place and date of the meeting

1. The eighth meeting of the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean was held in Santiago from 27 November to 1 December 2017.

2. The meeting was organized jointly by the Governments of Chile and Costa Rica, in their capacity as Co-Chairs of the Presiding Officers of the negotiating committee, with support from 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 23 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. 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 the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Environment Programme (UNEP) were also in attendance.

5. Also attending were international experts in access to information, participation and justice in environmental matters, 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

6. The meeting was open-ended and webcast live.

¹ See A/CONF.216.13.

² See the list of participants in annex 2.

³ See LC/L.4011/Rev.1.

⁴ See LC/L.4163.

Chair

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

B. ADOPTION OF THE AGENDA

8. 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 secretariat.
3. Negotiation of the regional agreement on access to information, public participation and justice in environmental matters in Latin America and the Caribbean.
4. Consideration and adoption of agreements.

C. SUMMARY OF PROCEEDINGS

9. At the opening session statements were made by Joseluis Samaniego, Chief of the Sustainable Development and Human Settlements Division of ECLAC; Danielle Andrade and Andrea Sanhueza, elected representatives of the public; Patricia Madrigal, Vice-Minister of the Environment of Costa Rica, and Marcelo Mena, Minister of the Environment of Chile, in their capacity as Co-Chairs of the Presiding Officers of the negotiating committee. Alicia Bárcena, Executive Secretary of ECLAC, and Michelle Bachelet, President of Chile, also made statements by videolink.

10. After welcoming the participants, the Chief of the Sustainable Development and Human Settlements Division of ECLAC acknowledged the significant participation of the public in the process and the presence of delegates from Caribbean countries, which had recently been devastated by numerous natural disasters. He said that the agreement being negotiated was important because it was a clear example of how human rights, the environment and sustainable development were interrelated and aligned. It was imperative to level the playing field, improve decision-making and move forward with policy harmonization, by incorporating negative externalities in the productive process and preventing socio-environmental conflict. The future agreement would also put countries in a better position to implement the Paris Agreement and the Sustainable Development Goals (SDGs).

11. The elected representatives of the public again urged the countries not to give up until they had reached a substantive and effective agreement that would have a real impact on the lives of people. They said some specific aspects of the articles related to access to information (such as the exceptions regime and environmental information systems) would need to be reviewed. In connection with articles to be considered at the meeting, any barriers to access to justice must be removed and, among other things, broad active legal standing, measures to facilitate the production of evidence and measures for preventing

environmental damage must be established. They also called for the inclusion of strong provisions for the recognition and protection of human rights defenders in environmental matters. They reiterated that the public was willing to move towards a binding agreement that would respect existing standards and go beyond them. They also asked those countries that were not willing or able to establish and comply with those minimum standards not to hamper the process.

12. The Vice-Minister of the Environment of Costa Rica reaffirmed the region's commitment to the process and expressed her hope that it would soon reach a regional agreement on access to information, public participation and access to justice in environmental matters. She said that, despite being a diverse region, Latin America and the Caribbean had decided to move towards a common understanding of access rights based on its differences and specific social, cultural, political and environmental characteristics. She recalled that the process was in synergy with the SDGs, especially the creation of more just and peaceful societies, and offered an opportunity to strengthen the protection of human rights defenders in environmental matters so that they would be able to act free from threat, restriction and insecurity.

13. The Minister of the Environment of Chile said that hitherto the discussions had been guided by a spirit of cooperation, good faith and transparency. The future agreement would not only strengthen democracy and environmental equity in each of the countries, but would also protect the environment and enhance respect for the human rights of all. Citizens were more active, more critical and more demanding with regard to the state of the environment and its impact on the quality of life, and, justifiably, wanted to participate and have a say in matters that affected them. He reiterated the support of his government for a visionary and transformative binding treaty, and commended the representatives of the public for their relentless drive and the representatives of the countries for their commitment and dedication. Lastly, he urged them not to lose focus and maintain their level of ambition in the final phase of the negotiations.

14. The Executive Secretary of ECLAC said that the future agreement was a clear reflection of the region's commitment to sustainable development, to combating climate change and to the 2030 Agenda. She drew attention to the progress made to date and the importance of the matters to be addressed at the meeting, including access to justice in environmental matters, capacity-building and the defence of those who work to protect the environment. She called for an agreement that was not merely declaratory, but that established clear obligations for States to improve their laws, policies, institutions and practices, in order to ensure respect for and the full implementation of individuals' rights to information, participation and justice in environmental matters. The regional-level negotiations served as a lesson in multilateralism for the world and the region was writing a new chapter on how to strengthen environmental democracy. Lastly, she invited the participants to continue their work with the seriousness and urgency that it deserved.

15. The President of Chile said that the region had a unique opportunity to agree the first environmental treaty in Latin America and the Caribbean. She urged the participants to come together and address effectively the urgent need for environmental equity. The process would only be successful if the region aimed higher than the existing common minimum standards; reality demanded that the region go further and make profound changes to meet citizens' expectations. Lastly, she said that the representatives had a responsibility to improve the well-being of more than 500 million people and she wished them every success.

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 secretariat (agenda item 2)

16. 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, consisting of 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: Panama, Brazil, Paraguay, Peru, Antigua and Barbuda, Mexico, Trinidad and Tobago, Argentina, Honduras, Uruguay, Chile, Colombia, the Plurinational State of Bolivia, Ecuador, the Dominican Republic, Saint Vincent and the Grenadines, El Salvador and Saint Lucia.⁵ Statements were also made by the elected representatives of the public and ECLAC in its capacity as technical secretariat of the process.

17. The representative of Panama said that her government was implementing participatory environmental management models in areas such as reforestation, biodiversity, wetlands and climate change, with the involvement of civil society organizations, social institutions and indigenous peoples, among other groups. She reiterated that her country was seeking to achieve a sustained balance between natural resources management, social inclusion and economic growth in a decentralized environment, with transparency and broad participation. Panama was committed to the process and the outcome of the negotiations.

18. The representative of Brazil said that great progress had been made in 2017, including the adoption of 2,400 third instance decisions related to the Access to Information Act and 634 resolutions (*manifestações*) on environmental matters. In addition, the Office of the Comptroller-General had provided training for 56,000 public officials. The National Commission for the Sustainable Development Goals had been established, composed of equal numbers of government and public representatives, and the biennial action plan for the implementation of the SDGs had been adopted. His country had also been instrumental in convening the Pathfinders for Peaceful, Just and Inclusive Societies group, which sought to implement SDG 16 by adopting an integrated approach. That group had adopted a road map of good practices, such as a commitment to open and transparent government.

19. The representative of Paraguay reaffirmed his country's commitment to the process and recalled the regulatory progress made in compliance with Principle 10, such as the Access to Public Information Act. He also reported on initiatives to promote democracy and good governance undertaken by various government bodies.

20. The representative of Peru called for the future agreement to be finalized soon. He reported on various meetings that had been held with civil society and different ministries to review jointly the compiled text and agree on national proposals. He expressed appreciation for the cooperation programmes with Germany and Chile, with which his country had collaborated on different aspects of Principle 10. A regional workshop on pollutant release and transfer registers had been held, attended by representatives of Argentina, Chile, Costa Rica, Ecuador and Spain. Meanwhile, the judiciary had organized the first international meeting on environmental justice in the Madre de Dios department, at which the three branches of government and various social actors who shared specific and homogeneous goals had signed the Madre de Dios Compact for Environmental Justice. Lastly, he said that courts specializing in environmental matters were in the process of being set up.

⁵ Listed in speaking order.

21. The representative of Antigua and Barbuda drew attention to the benefits of partnerships with civil society. She said that her government's policy was fully aligned with access rights: the cabinet had complied with the declaration that had initiated the process in 2015 and had adopted the Environmental Protection and Management Act. All the country's public policies on the environment provided for the broad participation of different social actors and it was common practice for the government to include members of civil society in its delegations. She reported that at the last meeting of the Global Environment Facility, her country had requested that the matter of Principle 10 be discussed.

22. The representative of Mexico said that in order for the negotiations to move forward it was essential to focus on the substantive proposals and leave aside the discussions on the legal nature of the agreement. That would allow the delegations to determine how best to achieve the stated objective. He reiterated that his country was not convinced that a legally binding instrument was the only suitable tool for achieving that objective and did not require a regional agreement to develop what was already in force nationally. That did not mean that Mexico's laws, mechanisms or institutions could not be improved. The twin objectives of the future agreement would be to create capacities where they did not exist and to improve those that did. While his country wished to see higher standards reflected in the text, it had joined the consensus reached at the plenary meeting. He also called on participants to recognize that there were different needs in the region and, for that reason, he said that he considered the ideal mechanism to be an agreement with an action plan for regional cooperation in which ECLAC would play a central role. He said that his country stood ready to make its normative framework and experience available to the committee, and would continue to participate constructively in order to reach an agreement.

23. The representative of Trinidad and Tobago welcomed the remarkable progress made at the inter-sessional meetings and thanked the participants for their constructive engagement and flexibility. He encouraged the participants to continue in that spirit to make further progress and enable the committee to bring the negotiations to an early conclusion, by reaching a legally binding agreement. He said that environmental governance was at the heart of the SDGs and environmental protection, and that high standards should be set to meet expectations. The negotiation process offered a unique opportunity to demonstrate the region's leadership by adopting a strong and robust agreement, and he was confident that, with goodwill, dialogue and flexibility, an outcome acceptable to all countries would be reached. He was of the opinion that it was unnecessary to refer to national legislation; rather the countries should set ambitious, achievable regional standards. He reiterated his country's commitment to the process and to working collaboratively towards the attainment of that common goal.

24. The representative of Argentina outlined the main developments that had taken place in her country since the last meeting, such as the publication of the annual report on the state of the environment, which had been presented to the National Congress and was available on the Internet. Progress had also been made in the compilation and systematization of georeferenced environmental information to facilitate its visualization through mapping media. She drew attention to the open data plan of the Ministry of the Environment and Sustainable Development, which included an open environmental data platform, within the framework of the plan for modernizing the State. With regard to participation, she said that a number of meetings had been held with civil society and public participation was encouraged through the Department for Citizen Participation and the Environment. A criminal law conference had also been organized with experts in environmental law to reach consensus on the inclusion of environmental crimes in the criminal code. Progress was also being made in the training of judges and prosecutors and the development of integrated databases, and consideration was being given to the creation of environmental courts and prosecutor's offices.

25. The representative of Honduras reaffirmed her full support for the regional process and environmental protection. She referred to national instruments that were in compliance with Principle 10, such as the Access to Public Information Act and the General Environment Act. She said that there were different legal mechanisms to guarantee access rights, one example of which was the administrative dispute tribunals, which recognized active legal standing to defend collective rights.

26. The representative of Uruguay shared some thoughts on the current stage of the negotiation process. He said that the participants must move forward and reach agreement, by focusing on points of agreement and cooperation, rather than their own national legislation. The aim was to establish a level playing field for everyone in Latin America and the Caribbean, so that everyone would have a solid basis for exercising their rights. The region had attained sufficient maturity and confidence to reach a groundbreaking and effective agreement, and his country was committed to building on the region's diversity through its shared aims, although different and diverse paths might be taken to achieve them. The future agreement should move the region forward politically and should not be limited to reflecting the provisions of the Rio Declaration of 1992. It should be technically and legally rigorous, and should seek to achieve maximum environmental effectiveness. He recalled that most of the countries had indicated that they were in favour of a legally binding agreement and that it had been agreed to continue the negotiations as if that were to be the outcome. Lastly, he said that his delegation stood ready to do its part to ensure the most successful outcome of the negotiations.

27. The representative of Chile recalled the statement made by the President of her country during the opening session and urged the participants to act responsibly in order to reach a transformative agreement that would combine political will and technical rigour. She summarized the activities undertaken to implement Principle 10 since the last meeting, which included meetings of the public-private round table, bringing together representatives of ministries, academia and civil society; a seminar on oversight and environment within the framework of the SDGs, organized by the Office of the Comptroller-General of the Republic; and the environmental law seminar organized by the University of Chile. She said that a meeting had been held on Chile's second environmental performance assessment and the first seminar on human rights and the environment had taken place in Punta Arenas, in conjunction with the National Human Rights Institute. An environmental court had recently been established in Antofagasta and Principle 10 had been addressed in different bilateral forums, such as the trade agreement between Argentina and Chile and the talks to update the agreement between the European Union and Chile. Lastly, public consultations had been held on many policies related to education efforts concerning sustainable development, waste, climate change and energy, and the Permanent Presidential Advisory Commission for Climate Change had been established.

28. The representative of Colombia drew attention to the meetings of the Intersectoral Committee for Environmental Democracy (MIDA) with different stakeholders and the specific activities that had been agreed in that framework. The National Congress had held a public hearing on Colombia's participation in the negotiation process, at which the situation of human rights defenders in environmental matters had been addressed. He also said that the decree establishing the national forestry information system had been adopted, the national forest inventory had been created and the Commission on Sustainable Development Goals established, which had developed a strategy for working with different sustainable development stakeholders. His country was committed to the process and was in favour of producing a comprehensive and workable instrument.

29. The representative of the Plurinational State of Bolivia said that the right to a healthy environment was recognized in his country's constitution and that access rights (such as the participation of the public in environmental management and the right to public information) were widely enshrined in various legal instruments. He referred to the Framework Law on Mother Earth and Integrated Development for Good Living, which recognized nature as a subject of rights and established and strengthened agroecological

courts. He said that efforts were underway to strengthen the legal framework for environmental justice and coordination among State entities, in order to modernize and revise the existing rules and procedures.

30. The representative of Ecuador said that his country had also recognized the rights of nature and reiterated its commitment to environmental management. Numerous initiatives related to access rights had been launched, such as the single environmental information system and the national system of environmental indicators. Within the framework of the Conference of the Parties to the United Nations Framework Convention on Climate Change, Ecuador had begun to operationalize fully the local communities and indigenous peoples platform to exchange information. In addition, as Chair of the Group of 77 (G77), his country had set up a working group to operationalize that platform. He drew attention to the dialogue with environmental organizations, indigenous groups and municipalities, and to the ongoing efforts to build a participatory environmental agenda. He said that the core elements of the National Development Plan included citizen participation and that the Organic Code on the Environment had recently been adopted, which covered access rights.

31. The representative of the Dominican Republic said that her country was continuing efforts to implement Principle 10 at the national level. She highlighted a number of initiatives and recently adopted measures, such as the decree on the oversight and regulation of ethics committees and citizen services systems. She also said that bills had been introduced on water, payment for environmental services and coastal and marine resources.

32. The representative of Saint Vincent and the Grenadines reiterated that her country preferred a legally binding agreement. She said that relevant meetings had been held with parliamentarians, human rights associations and high-ranking public officials. The Ministry of Justice had also begun work on the issue of human rights and the environment.

33. The representative of El Salvador said that her country was continuing its efforts to implement access rights in environmental matters. The Ministry of the Environment and Natural Resources was one of the most highly valued public institutions in terms of public information and the Supreme Court of Justice had created two environmental courts in 2017. Her country participated in the Open Government Partnership and had undertaken a number of activities, including public consultations on environmental impact assessments and the creation of a board of indigenous peoples for the restoration of ecosystems. With regard to the nature of the instrument, she noted that there was a general preference for a binding agreement among the heads of the various government institutions. However, the Office of the President had not yet stated its opinion.

34. The representative of Saint Lucia recalled that her country had acceded to the Declaration on the application of Principle 10 in Latin America and the Caribbean in August 2017. She said that her government supported the objectives and principles of the future agreement, and was already working to implement and develop them further. In that regard, she welcomed the adoption of the future agreement, as it would provide significant benefits for society. She called for a legally binding agreement to be reached and said that her country intended to be legally bound by it upon ratification.

35. The representative of the public reviewed the activities carried out in the region, such as conferences, workshops, meetings and outreach activities in Brazil, Colombia, El Salvador, Jamaica, Mexico and Peru. She also thanked the Regional Environmental Centre for Central and Eastern Europe and the Governments of Canada, Italy and Sweden for supporting the participation of the public in the meeting.

36. Among the activities undertaken by the secretariat since the seventh meeting of the negotiating committee, the representative of ECLAC noted the support provided to the contact groups and the organization of virtual, inter-sessional meetings of those groups and of the Presiding Officers. He highlighted the various activities and national events held in Chile, Colombia and Mexico, and participation in the inter-sessional meeting of the Forum of Ministers of the Environment of Latin America and the Caribbean. He also reported that the Observatory on Principle 10 in Latin America and the Caribbean had continued to be updated.⁶

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

37. 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. Seventh 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 and articles 5 (prepared by Argentina, Chile and Costa Rica),⁹ 9 (prepared by Brazil and Chile)¹⁰ and 10 (prepared by Costa Rica and Saint Vincent and the Grenadines).¹¹

38. The negotiation focused on articles 1, 2, 3, 5 (current article 4), 9 (current article 8), 9 bis (current article 9), 10, 10 bis (current article 11) and 10 ter (current article 12). Flexible work modalities were used to examine those articles, which included sessions where general and specific comments were exchanged and formed the basis for alternative texts for each article presented by facilitator countries.

39. The delegations agreed articles 1, 9 (current article 8), 9 bis (current article 9), 10, 10 bis (current article 11) and 10 ter (current article 12) in their entirety. They also agreed most of the paragraphs under articles 3 and 5 (current article 4).

40. The negotiation of article 1 highlighted the need to standardize the use of “access rights” to make it functionally compatible with article 2, “Definitions”.

41. Turning to article 2, the representatives agreed to work on the definitions of “access rights”, “public/competent authority”, “environmental information”, “public” and “persons and groups in vulnerable situations”, and to discuss the definition of “human rights defenders in environmental matters” under that article (transferred from article 9 bis, current article 9).

42. During the discussions on article 3, “Principles”, it was noted that principles played a triple role: in enforcement, for interpretation and as inspiration. The representatives also expressed the idea that the principles would apply not only to the agreement itself, but to its national implementation in each individual Party. Since it was agreed to list the principles without definitions, the meeting decided that their scope would not be determined by the definitions contained in earlier versions of the compiled text. The representative of the Plurinational State of Bolivia suggested including the principle of *in dubio pro natura*.

⁶ See [online] <http://negociacionp10.cepal.org/en>.

⁷ LC/L.4059/Rev.6.

⁸ LC/CNP10.8/DDR/6.

⁹ LC/CNP10.8/DDR/4.

¹⁰ LC/CNP10.8/DDR/5.

¹¹ LC/CNP10.8/DDR/3.

43. During the discussions on paragraphs 4, 5, 6 and 9 of article 5 (current article 4), on general obligations/provisions, the representative of Mexico said that the text must be harmonized and consistent with other articles.

44. When agreeing article 9 (now article 8), “Access to justice in environmental matters”, the representatives said that the term “competent State entities” covered both judicial and administrative entities, as well as bodies of any other nature with jurisdiction over the matters covered by the agreement, as applicable. They also suggested deleting the reference to strict liability from the paragraph on measures to facilitate the production of evidence, on the understanding that it was a mechanism for identifying potential legal liabilities and not strictly for determining evidence. They also said that the reference to alternative dispute resolution mechanisms was included without prejudice to the rights and guarantees established in the remainder of the article on access to justice in environmental matters.

45. In negotiating article 9 bis (now article 9), “Human rights defenders in environmental matters”, the representatives worked on a proposal presented by Chile, Costa Rica, Panama, Paraguay and Peru. At the start of the discussion, the elected representatives of the public again drew attention to the dramatic situation faced by the region’s human rights defenders in environmental matters and to the urgent need for protective measures. They also gave a presentation on that situation in Latin America and the Caribbean during 2017. The meeting also heard from the Deputy Regional Representative of the Regional Office for South America of OHCHR, who congratulated the governments on incorporating a human rights perspective into the text of the agreement and, in particular, for considering specific provisions on human rights defenders in environmental matters. She called for the essential role of those defenders to be recognized and for all necessary measures for their comprehensive protection to be taken, including adequate and effective public policies, with broad participation, together with the guarantee of prompt and impartial investigations. She noted that the agreement would be the first legal instrument to explicitly contain such provisions, and she reiterated the firm support of OHCHR for the countries and the process. The representative of Brazil suggested including the obligation to ensure the continuity of efforts to protect and promote human rights in environmental matters in paragraph 3 of article 9 bis. The elected representatives of the public supported that proposal, while the country representatives decided that the proposal was covered by the guarantee of a safe and enabling environment and therefore it was not necessary to include it expressly in the text. They also agreed to discuss the definition of human rights defenders in environmental matters under article 2.

Other matters

46. The delegations devoted a session to exchanging views on the next steps to be taken, pending issues and inter-sessional work.

47. The representative of Costa Rica said that her country stood ready to host the ninth meeting of the negotiating committee in San José during the first quarter of 2018, which was welcomed by the participating countries.

48. The representative of Trinidad and Tobago said that he was pleased with the progress made at the meeting and was certain that the committee would complete its work at the ninth meeting. Given the deadlines set at the start of the process, he said it was vital for the countries to work hard at the inter-sessional meetings. In his opinion, the delegations should focus on articles 11 to 25, which were relatively standard in multilateral environmental agreements. Nevertheless, he urged them not to lose sight of the content of the agreement and the countries’ aspirations, as that would facilitate consensus. He called on the

countries to address the provisions with flexibility, commitment and trust, so that the final text of the agreement could be adopted in Costa Rica.

49. The representative of Uruguay agreed with the representative of Trinidad and Tobago that the inter-sessional work should focus primarily on articles 11 to 25. He suggested that the virtual meetings adopt the flexible working modalities used at the present meeting, to allow the delegations to make general comments that could then be considered in new versions of the texts. While many of the issues covered in the final articles were standard, he proposed that a deadline be set for the delegations to submit their comments, so the discussions could move forward and consensus reached.

50. The elected representative of the public concurred that the inter-sessional meetings were vital. She suggested working, on the one hand, on articles 11 to 25 as a group, and, on the other, on the preamble, definitions and principles. In the interest of efficiency, she requested that representatives refrain from submitting new proposals for the text at the meeting in Costa Rica, and that instead all new proposals or concerns should be communicated in advance.

51. The representative of Colombia said that the flexible working modalities had proved very efficient and that he was open to their being used in the final stage of the negotiations. He suggested an inter-sessional meeting be held on articles 11 to 25 to share general opinions, and that a working group, led by a group of countries, be set up to work on text proposals.

52. The representative of Saint Lucia congratulated the co-Chairs for their leadership and said she supported the idea of working on those matters and the pending issues during the inter-sessional period. She was also in agreement with the content of articles 12 to 25 as contained in the seventh version of the compiled text. She expressed satisfaction with the notable progress made, thanks to the flexible working modalities and the spirit of transparency, collaboration and good faith. She also said that she believed that a legally binding instrument, acceptable to all, would be agreed upon at the committee's next meeting.

53. The representative of Mexico said that he was concerned that the next meeting would be held too soon and reiterated the importance of the inter-sessional work, as it allowed the negotiations to move forward swiftly. He said that although some of the provisions were standard in similar agreements, the contents had to be fully understood before the texts were agreed upon. For that, he said, the experts' opinions were indispensable.

54. The representatives agreed on the need to set up an inter-sessional working group to deal with articles 11 to 25, while the secretariat said that it stood ready to support the working groups and their coordinators in order to facilitate the discussions.

Consideration and adoption of agreements (agenda item 4)

55. The delegations then considered the agreements of the eighth meeting of the negotiating committee.

56. The delegations adopted the agreements set out in annex 1 by consensus.

Closing session

57. The closing session heard remarks from Patricia Madrigal, Vice-Minister of the Environment of Costa Rica; Constance Nalegach, Chief of Staff of the Minister of the Environment of Chile; Julio Cordano,

Head of the Department for Climate Change and Sustainable Development at the Ministry of Foreign Affairs of Chile; and Roberto Avendaño, Officer in Charge of Sustainable Development and Environmental Affairs at the Ministry of Foreign Affairs and Worship of Costa Rica, on behalf of the Co-Chairs of the Presiding Officers; Gabriela Burdiles, representative of the public; and Carlos de Miguel, Chief of the Policies for Sustainable Development Unit of the Sustainable Development and Human Settlements Division of ECLAC.

58. The Vice-Minister of the Environment of Costa Rica thanked the delegations, the public, the experts and ECLAC for their active participation and support during the meeting. She noted that its accomplishments were of particular importance, and she encouraged the countries to maintain their dedication and commitment at the inter-sessional meetings so that the work of the committee could be brought to a successful conclusion. She expressed her confidence that, with the willingness and cooperation of all the delegations, the region would reach a legally binding agreement at the ninth meeting in Costa Rica.

59. Echoing her expression of thanks, the Chief of Staff of the Minister of the Environment of Chile, the Head of the Department for Climate Change and Sustainable Development at the Ministry of Foreign Affairs of Chile, and the Officer in Charge of Sustainable Development and Environmental Affairs at the Ministry of Foreign Affairs and Worship of Costa Rica, speaking on behalf of the Co-Chairs of the Presiding Officers, said that the meeting had been highly productive in both quantitative and qualitative terms. That truly reflected the willingness to build consensus and the conviction that existed regarding the importance of the agreement for protecting the environment and human rights in Latin America and the Caribbean. They drew particular attention to the agreement's historic inclusion of an article on human rights defenders in environmental matters.

60. The representative of the public congratulated the countries on their dedicated and serious work; ECLAC, for its continued support; and Chile and Costa Rica, for their unequalled leadership. She was pleased with the significant progress made, especially with regard to the protection of human rights defenders in environmental matters and access to justice in environmental matters. The texts agreed on, she said, responded to urgent needs of the region's peoples and environment. She also reiterated the public's commitment to a robust agreement, one that went beyond what already existed, and she stressed that the only outcome of the process that would be acceptable to the public was a legally binding convention. In connection with the issues still pending, she urged countries to negotiate broad, non-restrictive definitions and to adopt adequate and effective compliance mechanisms that would allow individuals access to them in ensuring their rights. The final provisions should therefore be consistent with the contents already agreed upon and should be on a level with the expectations.

61. The Chief of the ECLAC Policies for Sustainable Development Unit congratulated the facilitators of the individual articles and the Co-Chairs of the meeting on their leadership, and he commended the delegations and representatives of the public on their unwavering dedication. He said that the coming together of efforts had yielded tangible results that, in conjunction with intensive inter-sessional work, would place the committee in an excellent position to conclude the agreement at the meeting in Costa Rica. Finally, he reiterated the commitment of ECLAC to the process and said that the secretariat was ready to assist in achieving the expected outcomes.

Annex 1

AGREEMENTS

The representatives of the countries participating in the eighth 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 Santiago from 27 November to 1 December 2017,

1. *Acknowledge* the significant progress made in the negotiations on the basis of the text compiled by the Presiding Officers, which will be presented in an eighth version of that document;

2. *Agree to make every effort* to conclude the negotiations at the ninth meeting of the negotiating committee on the basis of the eighth version of the text compiled by the Presiding Officers, and reiterate the request made to the Presiding Officers to continue using flexible working modalities for the review of outstanding issues, with the support of the Economic Commission for Latin America and the Caribbean as technical secretariat;

3. *Decide* to hold 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 in San José, tentatively in the first quarter of 2018;

4. *Thank* the Economic Commission for Latin America and the Caribbean and its staff for its support as technical secretariat;

5. *Also thank* the public and its representatives for their meaningful participation in the eighth meeting of the negotiating committee and for their contributions;

6. *Express their gratitude* to Chile and Costa Rica, as well as the co-facilitators of the contact groups, for their hospitality and the effort devoted to the organization of the eighth 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.

Annex 2

**LISTA DE PARTICIPANTES
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

ARGENTINA

Representante/Representative:

- Silvana Bovone, Ministra, Dirección General de Asuntos Ambientales, Ministerio de Relaciones Exteriores y Culto, email: sbo@mrecic.gov.ar

Miembros de la delegación/Delegation members:

- Dolores María Duverges, Subsecretaria de Planificación y Ordenamiento Ambiental del Territorio, Ministerio de Ambiente y Desarrollo Sostenible de la Nación, email: dduverges@ambiente.gov.ar
- Romina Iglesia, Primer Secretario, Embajada de la República Argentina en Chile, email: iir@mrecic.gov.ar

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

Representante/Representative:

- Ronald René Jorge Veliz, Asesor Legal, Viceministerio de Medio Ambiente, Biodiversidad, Cambios Climáticos y de Gestión y Desarrollo Forestal, Ministerio de Medio Ambiente y Agua, email: ronanjorve@yahoo.es

BRASIL/BRAZIL

Representante/Representative:

- Vinicius Trindade, División de Políticas para el Desarrollo Sostenible, Ministerio de Relaciones Exteriores, email: cgdes@itamaraty.gov.br

CHILE

Representante/Representative:

- Marcelo Mena, Ministro, Ministerio del Medio Ambiente, email: ministro@mma.gob.cl

Miembros de la delegación/Delegation members:

- Constance Nalegach, Jefa, Gabinete del Ministro, Ministerio del Medio Ambiente, email: cnalegach@mma.gob.cl
- Julio Cordano, Jefe, Departamento de Cambio Climático y Desarrollo Sostenible, Ministerio de Relaciones Exteriores, email: jcordano@minrel.gov.cl
- Rodrigo Zúñiga, Profesional, Ministerio de la Mujer y Equidad de Género, email: rzuniga@minmujeresyeg.gob.cl
- Daniela Pávez, Gabinete del Ministro, Ministerio del Medio Ambiente, email: dmpavez@gmail.com
- Romina Tobal, Abogada, Servicio de Evaluación Ambiental, email: romina.tobar@sea.gob.cl
- Gonzalo Álvarez, Jefe, Departamento de Políticas, Subsecretaría de Defensa, email: galvarez@ssdfensa.gob.cl
- Vicente Manríquez, Asesor, Ministerio Secretaría General de la Presidencia, email: vmanriquez@minsegpres.gob.cl
- Carlos Eduardo Mena, Jefe, Departamento de Relaciones Internacionales, Ministerio de Defensa, email: ce.menak@gmail.com

COLOMBIARepresentante/Representative:

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

COSTA RICARepresentante/Representative:

- Patricia Madrigal Cordero, Viceministra de Ambiente, Ministerio de Ambiente y Energía, email: vicemi@minae.go.cr

Miembros de la delegación/Delegation members:

- Manuel Rojas, Embajador de Costa Rica en Chile, email: embcr-cl@reee.go.cr
- Roberto Avendaño Sancho, Oficial de Desarrollo Sostenible y Asuntos Ambientales, Ministerio de Relaciones Exteriores y Culto, email: ravendano@reee.go.cr
- Ana Elena Pinto, Ministro Consejero, Embajada de Costa Rica en Chile, email: apinto@reee.go.cr

ECUADORRepresentante/Representative:

- Daniel Almeida, Primer Secretario, Embajada del Ecuador en Chile, email: jalmeida@cancilleria.gob.ec

EL SALVADORRepresentante/Representative:

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

GRANADA/GRENADA

Representante/Representative:

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

GUATEMALA

Representante/Representative:

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

HONDURAS

Representante/Representative:

- Suyapa Thumann, Comisionada Presidenta del Instituto de Acceso a la Información Pública, email: suyapa.thumann@iaip.gob.hn

JAMAICA

Representante/Representative:

- Stephanie Forte, Crown Counsel, International Affairs Division, Attorney General's Chambers, email: sforte@agc.gov.jm

MÉXICO/MEXICO

Representante/Representative:

- Jorge Legorreta, Titular de la Unidad Coordinadora de Participación Social y Transparencia, Secretaría del Medio Ambiente y Recursos Naturales (SEMARNAT), email: jorge.legorreta@semarnat.gob.mx

Miembros de la delegación/Delegation members:

- Diego Simancas Gutiérrez, Director General Adjunto para Asuntos Económicos y Sociales, Dirección General para Temas Globales, Secretaría de Relaciones Exteriores, email: dsimancas@sre.gob.mx
- José Luis Juan Bravo, Director General Adjunto de Participación y Atención Ciudadana, Secretaría de Medio Ambiente y Recursos Naturales, email: jose.bravo@semarnat.gob.mx
- José Alberto Cuatzil, Subdirector para Asuntos de Derechos Humanos y Movimientos Sociales, Dirección General de Vinculación con las Organizaciones de la Sociedad Civil, Secretaría de Relaciones Exteriores, email: jcuatzil@sre.gob.mx
- Dámaso Luna, Director General Adjunto para Desarrollo Sostenible, Dirección General para Temas Globales, Secretaría de Relaciones Exteriores, email: dlunac@sre.gob.mx
- Elisa Díaz Gras, Segunda Secretaria, Embajada de México en Chile

PANAMÁ/PANAMA

Representante/Representative:

- Patricia Hernández, Secretaría General, Ministerio de Ambiente, email: phernandez@miambiente.gob.pa

PARAGUAY

Representante/Representative:

- Alberto Giménez Gauna, Unidad de Asuntos Ambientales, Ministerio de Relaciones Exteriores, email: agauna@mre.gov.py

PERÚ/PERU

Representante/Representative:

- César A. Ipenza Peralta, Asesor de Despacho Ministerial, Ministerio del Ambiente, email: cipenza@minam.gob.pe

Miembro de la delegación/Delegation member:

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

REPÚBLICA DOMINICANA/DOMINICAN REPUBLIC

Representante/Representative:

- Johanna Montero, Abogada, Ministerio de Medio Ambiente y Recursos Naturales, email: johanna.mdsambiente@gmail.com.do

SAINT KITTS Y NEVIS/SAINT KITTS AND NEVIS

Representante/Representative:

- Derionne Edmeade, Environmental Education Officer, Department of Environment, Ministry of Agriculture, email: dedmeade@gmail.com

SAN VICENTE Y LAS GRANADINAS/SAINT VINCENT AND THE GRENADINES

Representante/Representative:

- Michelle Fife, Legal Advisor, International Law Issues, Ministry of Legal Affairs, email: majestysultry777@yahoo.com, michellefife777@gmail.com

SANTA LUCÍA/SAINT LUCIA

Representante/Representative:

- Kate Wilson, Legal Officer, Department of Sustainable Development, Ministry of Education, Innovations, 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:

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

B. Secretaría de las Naciones Unidas United Nations Secretariat

Comisión Económica para Europa (CEPE)/United Nations Economic Commission for Europe (UNECE)

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

Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ACNUDH)/ Office of the United Nations High Commissioner for Human Rights (OHCHR)

- Denise Hauser, Representante Adjunta, Oficina Regional para América del Sur, email: dhauser@ohchr.org
- Alejandra Parra, Consultora, email: parra.consultora@ohchr.org

C. Organismos de las Naciones Unidas United Nations bodies

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

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

D. Invitados especiales Special guests

- Silvia Cappelli, Fiscal Superior, Corte de Rio Grande do Sul, Brasil, email: silvia.cappelli@gmail.com

E. Otros participantes Other participants

- Danielle Andrade, Representante electa del público, Jamaica, email: dandrade.law@gmail.com
- Dora Arias, Abogada, Colectivo de Abogados José Alvear Restrepo, Colombia, email: dorari@cajar.org
- Hernán Blanco, Director Programático, Fundación Avina, email: hernan.blanco@avina.net

- Rubens Harry Born, Investigador Experto/Consultor, Fundación Grupo Esquel Brasil, email: rubensborn@gmail.com
- Gabriela Burdiles, Directora de Proyectos, FIMA, Chile, email: burdiles@fima.cl
- Andrea Cerami, Gerente de Derechos Humanos, Centro Mexicano de Derecho Ambiental, email: acerami@cemda.org.mx
- Karetta Crooks Charles, Communications and Advocacy Officer, Saint Lucia National Trust, email: advocacy@slunatrust.org
- Noriko Date, Professor, Osaka University Graduate School of Law and Politics, Japan, email: okku@db3.so-net.ne.jp
- Gabriela Durán, Procuradora, EELAW, Chile, email: gduran@eelaw.cl
- Valentina Durán, Directora, Centro de Derecho Ambiental, Facultad de Derecho de la Universidad de Chile, Chile, email: valeduran@gmail.com
- Javier Fernández, Asuntos Legales y Regulatorios, Croplife Latin America, Costa Rica, email: jfernandez@croplifela.org
- Ignacio Funes, Procurador, EELAW, Chile, email: ifunes@eelaw.cl
- Raúl Galleguillos, Presidente, Comité de Desarrollo y Seguridad Ciudadana, email: raulgalleguillos@gmail.com
- Bertha García, Académica, Perú, email: bgarciac@untumbes.edu.pe
- Constanza Gumucio Solis, Facultad de Derecho, Universidad de Chile, email: cgumucio@derecho.uchile.cl
- Francisco Hurtado, Asesor Jurídico, Comisión Ecuémica de Derechos Humanos (CEDHU), Ecuador, email: francisco.hurtado@cedhu.org
- Joara Marchezini, Oficial de Proyectos de Acceso a la Información, Article 19 Brazil, Brasil, email: joara@article19.org
- Ignacio Martínez, Fundación Terram, email: imartinez@terram.cl
- Nicole Mohammed, Adviser to elected representatives of the public, Consultant, Trinidad and Tobago, email: njmohammed@gmail.com
- Lina Marcela Muñoz, Profesora, Universidad del Rosario, Colombia, email: linamma@gmail.com
- Andrés Nápoli, Director Ejecutivo, Fundación Ambiente y Recursos Naturales (FARN), Argentina, email: anapoli@farn.org.ar
- Cristián Paredes, Fundación Terram, email: cparedes@terram.cl
- Felipe Pizarro Venegas, Chile, email: pizarrovenegasfelipe@gmail.com
- Antonio Pulgar Martínez, Facultad de Derecho, Universidad de Chile, email: apulgar@derecho.uchile.cl
- María Cecilia Roa, Profesora, Universidad de Colombia, email: mc.roag@uniandes.edu.co
- Andrea Sanhueza, Representante del público, Chile, email: andreasanhuezae@gmail.com
- Tomás Severino, Cultural Ecológica, México, email: tseverino@culturaecologica.org.mx
- Fernanda Tapia Camú, Coordinadora, Unidad de Apoyo a la Descentralización, Subsecretaría de Desarrollo Regional y Administrativo (SUBDERE), email: fernanda.tapia@subdere.gov
- Matías Tapia, Chile, email: matias.a.tapia.h@gmail.com
- Jaime Torres, Gerente General, Electelect E.I.R.L., Chile, email: gestionambientalimtg@gmail.com
- Magdolna Tothne Nagy, Senior Advisor/Project Consultant, The Regional Environmental Center for Central and Eastern Europe (REC) and Participation LTD, email: mtothnagy@teammembers.rec.org

**F. Secretaría
Secretariat**

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

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