
Building Bridges between Region on implementation of Principle 10 Rio Declaration

REPORT October 27-29, 2015 in Panama City

Second Negotiating Committee (NC)

Countries of the Latin American and Caribbean region start the text negotiations of the Principle 10 regional agreement

The Second Negotiating Committee (NC) Meeting on the Latin American and Caribbean (LAC) regional instrument on access to information, participation and justice in environmental matters, organized by the Economic Commission for Latin America and the Caribbean (ECLAC) and the government of Panama, took place on October 27-29, 2015 in Panama City. Representatives of 20 signatory countries of the LAC region of Principle 10 Declaration (P10), international organizations, five of the six elected Representatives of the Public, as well as three independent experts participated, along with 30 civil society organizations from 18 countries. Prior to the meeting, a capacity-building workshop was held on 26 October 2015 for the interested public and civil society organizations on participation in international negotiations on environmental matters. (See more details below.)

The delegates started to negotiate the proposed modalities for public participation in the negotiating committee and the substantive aspects of the regional agreement, on the basis of the compilation text by the Presiding Officers that included the language proposals sent by countries by 31 August 2015 in the preliminary document prepared by ECLAC. A separate document was reflecting the comments and proposals from the public.

At the opening session, Ms. Alicia Bárcena, ECLAC Executive Secretary in her video message emphasized that the international community has taken “a civilizing step with the adoption of Agenda 2030 for Sustainable Development. The balanced integration of economic, social and environmental aspects is essential to ensure an environmentally sustainable future. Access to information, participation and justice are more relevant than ever since they deepen our democracies and reduce local and global imbalances”. She also said that “the future regional instrument must not be merely deliberative, but must be ambitious and set clear and specific obligations that effectively guarantee access rights in environmental matters”. Among other speakers, the two representatives of the public, Ms. Sonia Montenegro and Ms. Danielle Andrade-Goffe also gave opening statements reiterating the importance of access rights and the need for a legally binding instrument that will strengthen the capacity of states and help to advance the implementation of the post 2015 agenda, in particular the Sustainable Development Goals.



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Ms. Patricia Madrigal, Vice-Minister of Environment of Costa Rica also emphasized that, access rights are the best basis for democratic societies and the 20 States which are signatories of the Declaration have shown a strong commitment to move towards a regional agreement. These negotiations need to be proactive, constructive, transparent and open, especially so that it exceeds expectations at the international level.

In the meeting, progress was made on the Preamble and Article 1 (Objective) and Article 2 (Definitions). However, the negotiations progressed slower than as some countries refused to start negotiations with the operative articles from Article 1 as Chile, Costa Rica and Panama suggested and thus substantial delay was caused by discussing first the Preamble. Some countries also indicated they needed more time to complete their internal national consultations and to study the document, and therefore did not have a final position on the issues under discussion. On the other hand, many countries were ready to discuss the text proposals in order to achieve agreement on the provisions and also spoke out in favor of a legally binding agreement.

The meeting also discussed the proposed Modalities for the Participation of the Public prepared by Chile and Costa Rica as Co-chairs of the Steering Committee of the Negotiating Committee after collection of comments and virtual exchanges. A few countries such as Argentina, Brazil, Colombia and Mexico raised their concerns with the proposal although there was time earlier for submission of comments. Among the concerns they mentioned that clearer participation procedures were required, that the Modalities have to establish that this is an intergovernmental process, that these Modalities do not constitute a precedent for other international negotiations, and that governments should have the right to have private meetings without explaining the reasons for a closed meeting to the public. Also, some favored that priority be granted for the participation of people and organizations from Latin America and the Caribbean region. An Ad-Hoc Working Group was created to learn about these concerns with the participation of Civil Society where the latter also raised their issues. Finally the Working Group did not develop concrete text proposals, but the discussion diverted the attention from the substantive work of the Committee, thereby delaying the progress of the negotiations.

At the end of the meeting, the delegates agreed to draft a second version of the text to be compiled by the Committee's Presiding Officers and to continue negotiating articles 2 through 10 of that document during a third meeting of the negotiating committee, which will be held on April 5-8, 2016 in Uruguay. They also agreed to continue considering proposed modalities for public participation in the negotiating committee, as well as to hold a fourth meeting of this entity in the future at a place and time to be determined. The countries also should work further on the promotion of the P10 process at the national level and reach out to the relevant stakeholders.

The closing session of the gathering in Panama was headed by Emilio Sempris, the Panamanian Deputy Environment Minister, and Joseluis Samaniego, Director of ECLAC's Division of Sustainable Development and Human Settlements.

The new version of the compilation of the text, the agreements reached and other documents of the meeting can be accessed at: <http://negociacionp10.cepal.org/en>.



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The REC and UNECE experts Ms. Tsvetelina Borissova Filipova, Senior Expert, Ms. Magda Tóth Nagy, Senior Adviser and Mr. Jerzy Jendroska, Member of the Compliance Committee of the Aarhus Convention, provided ongoing assistance during the NC meeting to the CSO representatives in the negotiations through a real time networking and exchanges (online discussion group) and assisted in preparing comments an argumentation, and in organizing CSOs more efficiently to promote the CSO interests and positions. In additional, the team participated in the preparatory daily meetings to support the CSOs strategy and modalities for public participation in the LAC P10 process, and also provided advices to the ECLAC team.

Further information can be found here: <http://negociacionp10.cepal.org/en/news/region-can-be-global-example-if-it-achieves-agreement-rights-access-environmental-matters>

Capacity building workshop for interested public and civil society organizations on participation in international negotiations on environmental matters

Prior to the Second Negotiating Committee meeting on the Latin American and Caribbean (LAC) regional instrument on access to information, participation and justice in environmental matters, which took place on October 27-29, 2015, a one-day capacity building workshop was held on October 26, 2015 for the interested public and civil society organizations at the Sheraton Panama Hotel & Convention Center, in Panama City.

The REC experts, Magda Tóth Nagy, Senior Adviser and Jerzy Jendroska, Member of the Compliance Committee of the Aarhus Convention were engaged as panelists at the workshop, together with experts from the LAC region shared their experience and discussed the most important aspects on the three stages of engagement of CSOs in the negotiation process (CSOs' national preparation, lobbying and advocacy; CSOs' role during negotiations; and inter-sessional period of CSO strategy for preparation of the next negotiations).

The workshop provided a unique opportunity for the LAC CSOs to learn about the ongoing P10 negotiation process and to strengthen their capacities to actively engage in it. It also aimed at bringing together the interested CSOs and promoting their more active involvement in the negotiations as well as the networking among those working on access rights in environmental matters.

The last session of the workshop was devoted to "Environmental justice and access rights for sustainable development in LAC". Access to justice in the current draft of the agreement is provisioned only in general terms, and there many LAC countries have concerns on this pillar. Future work will be focused on this pillar. A meeting of renown legal professionals from the LAC region will be organized to support the development of a common vision and proposals for concrete provisions on access to justice to help the LAC P10 negotiation process. The UNECE experience will be highly relevant in this context as well.

A publication will be prepared about the contributions of the experts and the outcome of the workshop later.



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Further information including the agenda, list of participants, can be found here:
<http://negociacionp10.cepal.org/en/programme/capacity-building-workshop-interested-public-and-civil-society-organizations-participation>



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