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**REPORT OF THE FIRST MEETING OF THE COUNTRIES SIGNATORY TO
THE REGIONAL AGREEMENT ON ACCESS TO INFORMATION, PUBLIC
PARTICIPATION AND JUSTICE IN ENVIRONMENTAL MATTERS
IN LATIN AMERICA AND THE CARIBBEAN**

San José, 11–12 October 2019

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A. ATTENDANCE AND ORGANIZATION OF WORK

Place and date of the meeting

1. The first meeting of the countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean took place in San José, on 11 and 12 October 2019.
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 secretariat of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).

Attendance¹

3. The meeting was attended by representatives of 19 of the 21 countries signatory to the Escazú Agreement: Antigua and Barbuda, Argentina, Costa Rica, Dominican Republic, Ecuador, Grenada, Guatemala, Guyana, Haiti, Mexico, Nicaragua, Panama, Paraguay, Peru, Plurinational State of Bolivia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Uruguay.
4. Colombia and Cuba attended as observers.
5. Representatives of the Compliance Committee of the 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 Inter-American Development Bank (IDB), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Organisation of Eastern Caribbean States (OECS), the United Nations Environment Programme (UNEP) and the United Nations Resident Coordinator Office in Costa Rica 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 Final Act of the ninth meeting of the negotiating committee of the regional agreement on access to information, public participation and justice in environmental matters in Latin America and the Caribbean² 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*.³
7. The meeting was open-ended and webcast live.

Chair

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

¹ See the list of participants in annex 2.

² See *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* (LC/CNP10.9/6/Rev.1).

³ See *Report of the third 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* (LC/L.4163).

B. AGENDA

9. The following agenda was adopted:
 1. Adoption of the agenda.
 2. Actions carried out at the national level by the countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and activities carried out by the secretariat.
 3. Discussion of the topics to be addressed at the first meeting of the Conference of the Parties.
 4. Strategies and partnerships for the early entry into force and implementation of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.
 5. Consideration and adoption of agreements.

C. PROCEEDINGS

10. At the opening session, statements were made by Lorena Aguilar, Vice-Minister for Foreign Affairs of Costa Rica; Alicia Bárcena, Executive Secretary of the Economic Commission for Latin America and the Caribbean (ECLAC); and Irene Murillo and Danielle Andrade, representatives of the public.

11. After welcoming the participants, the Vice-Minister for Foreign Affairs of Costa Rica said that the Escazú Agreement was a pioneering and visionary instrument and one of the most important environmental and human rights agreements of the last 20 years, which gave effect, in a binding treaty, to the three access rights or procedural rights enshrined in Principle 10 of the Rio Declaration on Environment and Development. Its provisions set a standard for access rights and reflected a genuine increase in awareness of the particularities of Latin America and the Caribbean as a region. The first meeting of the countries signatory was crucial to begin defining implementation of the Agreement and to move towards its early entry into force. Protection and defence of the environment was one of Costa Rica's highest priorities and the Agreement was a fundamental tool in that regard.

12. The Executive Secretary of ECLAC said that the meeting, which could be considered the preparatory meeting for the Conference of the Parties to the Escazú Agreement, was vital for the earliest possible entry into force and implementation of the Agreement. She thanked all the countries that had signed and ratified the Agreement for their commitment to access rights, environmental protection and human rights, and reiterated that it was a compact between States and their citizens. Collaborative work between the State and society was needed to address major regional and global challenges such as climate change and biodiversity loss. She paid special tribute to environmental defenders, particularly women, and stressed the importance of the Agreement for the most vulnerable sectors. She also highlighted the leadership of Costa Rica and the Caribbean in that process and reaffirmed the commitment of ECLAC to that subregion.

13. Lastly, the representatives of the public congratulated the countries signatory to the Agreement, particularly those that had already ratified it, and called on the remaining countries of the region to join them as soon as possible. In view of the climate crisis and the dramatic situation faced by environmental defenders in the region, it was crucial to move towards the early entry into force of the Agreement. Civil

society organizations were available to support States in those efforts. The process had already benefited from valuable experiences and collaborations in different countries and the modalities of public participation had to be maintained and improved.

Actions carried out at the national level by the countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and activities carried out by the secretariat (agenda item 2)

14. Under this agenda item, the representatives of the countries signatory to the Escazú Agreement detailed national actions undertaken in relation to the Agreement.

15. The representative of Antigua and Barbuda highlighted the collaborative relationship between the government and civil society organizations in her country, which was reflected in joint undertakings linked to the Agreement on issues such as waste management, chemical substances and renewable energy. She said that it was important to integrate local knowledge into national policy instruments, and the Escazú Agreement was essential in that regard. Her country had reported on the Escazú Agreement in various forums.

16. The representative of Argentina said that his country had supported the process since its inception and had championed an open, participatory and flexible instrument to be phased in gradually and that reflected the different realities and circumstances of the region. His country had a growing legal institutional framework on environmental matters, which had been giving structure to the principles of the Agreement. Regarding the status of the Agreement in Argentina, the executive had submitted a bill to Congress for legislative approval which was expected to be ratified shortly.

17. The representative of the Plurinational State of Bolivia said that the Agreement had been ratified by her country by means of Law No. 1182 of 3 June 2019. In addition, progress was being made on important related processes and regulatory instruments, such as Supreme Decree No. 3549 on public consultations concerning activities, work or projects, and work was under way on a bill on consultations for the mining sector. Technical support had also been provided to the Agro-environmental Court.

18. The representative of Costa Rica described the actions taken in support of the Escazú Agreement since it had been signed. He said that the Agreement had been included in resolutions of the Organization of American States (OAS) and in the Ibero-American Summit of Heads of State and Government, as well as in those of numerous events held within the framework of OAS and the high-level political forum on sustainable development. His country's national legislature was examining the Escazú Agreement and was expected to ratify it shortly.

19. The representative of Ecuador said that her country had been very active in disseminating the Agreement and in the efforts to bring about its early ratification. Rapid progress was being made in that regard, since the Constitutional Court had ruled in April 2019 that the Agreement was in keeping with the Constitution of the Republic of Ecuador. The next step was for the National Assembly to ratify it. Significant progress had also been made on the three access rights and capacity-building, with numerous activities carried out, including meetings and workshops, in collaboration with civil society and other stakeholders.

20. The representative of Grenada said that her country had been actively involved in negotiating the Agreement and was proud to be a signatory to an instrument aimed at strengthening the rights to information, participation and justice. Her country was firmly committed to the Agreement and would continue to undertake internal consultations to move towards ratification.

21. The representative of Guatemala said that his country was continuing to disseminate the Agreement among different sectors of society, government departments and academia. In addition, technical working groups had been set up with the private sector. The ratification process was under way, following the approval of the executive. The next step was for the Congress to ratify the Agreement.

22. The representative of Guyana said that two workshops had been held, with the support of ECLAC, to review key provisions of the Agreement and analyse the strengths, weaknesses and opportunities it presented for the country. Steps had been taken to implement certain provisions of the Agreement, such as those concerning environmental information systems. A national implementation plan for the Agreement was also being prepared. Her country had adopted a Green State Development Strategy, based on transparency, accountability and low-carbon development. A committee had also been set up on the establishment of multilateral environmental agreements, to deal comprehensively and coherently with the various obligations undertaken by the country.

23. The representative of Haiti said that the Ministry of the Environment had established a working group to facilitate ratification of the Escazú Agreement and that several meetings had been held with various sectors, including the private sector, development actors and human rights organizations.

24. The representative of Mexico reiterated his country's commitment to the prompt ratification of the Agreement. He said that legal opinions had been obtained from most of the relevant government departments and there was support from civil society and other stakeholders for the ratification process. Work had already begun on implementation of the Agreement.

25. The representative of Nicaragua said that his country had recently signed the Agreement and had already begun the ratification process. The Escazú Agreement was compatible with and strengthened Nicaragua's internal regulatory framework and swift progress was expected to be made in its ratification.

26. The representative of Panama said that the bill to approve the Escazú Agreement had been submitted to the National Assembly on 25 September 2019 and was being debated in parliament. In addition, legislative and administrative measures had been taken that were in line with the Agreement, such as approval of a regulation recognizing the legal status of community-based organizations and the creation of a digital platform for the environmental assessment and auditing process. Furthermore, the national environmental information system was being updated and work was under way to set up the country's first administrative environmental court.

27. The representative of Paraguay said that, on 31 May 2019, the executive had asked Congress to approve the Escazú Agreement, which was being analysed by the relevant advisory committees. The Agreement was an essential tool for protecting the right to a healthy environment and enforcing human rights, and it was expected to be incorporated into national legislation shortly.

28. The representative of Peru said that ratification of the Agreement was subject to the approval of Congress. However, progress had been made in the implementation of its provisions, including at the regional and local levels. With the support of civil society and ECLAC, the text had been translated into Quechua. A national report was being prepared on the state of the environment, as was a regulation to strengthen the National Environmental Information System (SINIA). The national environmental policy was also being updated, to incorporate the principles of the Escazú Agreement. In addition, the National Youth Policy had been adopted.

29. The representative of the Dominican Republic reiterated the importance of the Agreement for her country and its firm commitment to it. She said that the Ministry for Foreign Affairs was gathering opinions from the executive branch, after which the Constitutional Court would review the constitutionality of the Agreement, which would then pass to Congress for ratification.

30. The representative of Saint Vincent and the Grenadines said that her country had identified key areas that required regulatory and legislative amendments or initiatives, such as the development of an environmental information system and training programmes for officials. Regional cooperation and the importance given to small island developing States were both of great value. She reiterated her government's firm commitment to the Agreement and its prompt implementation.

31. The representative of Saint Kitts and Nevis stressed the importance of the Agreement for his country and the key role played by regional cooperation. He thanked ECLAC for its support and expressed confidence that the Agreement would be implemented promptly.

32. The representative of Saint Lucia expressed her government's support for the Escazú Agreement and also acknowledged the support of ECLAC and civil society. She said that the ratification process was under way. In that connection, the capacities and mechanisms needed to implement the Agreement were being evaluated.

33. The representative of Uruguay said that the Escazú Agreement had been ratified by his country's legislature through Law No. 19773 of 17 July 2019, in less than six months. The ratification had been the result of the combined efforts of the Ministry for Foreign Affairs and the Ministry of Housing, Regional Planning and the Environment, with the support of ECLAC. At the national level, the Escazú Agreement had led to the link between human rights and the environment being strengthened within the work of certain entities, such as the National Human Rights Institution and Ombudsman's Office, in the approval of the National Environmental Plan for Sustainable Development, and in the process of updating the Access to Public Information Act, among other things.

34. The representatives of the public mentioned the activities carried out in support of the signature and ratification processes of the Escazú Agreement. A number of seminars, workshops, meetings, campaigns and dissemination activities had been carried out, and communiqués had been issued with regard to the Agreement in Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guyana, Honduras, Jamaica, Mexico, Peru, Saint Lucia and Trinidad and Tobago. Regional activities included the "Escazú Ahora!" campaign, the organization of an event within the framework of the high-level political forum on sustainable development and the launch of the "Champions de Escazú" initiative.

35. Several youth representatives from the region took the floor to express their support for the Escazú Agreement. They called for greater involvement of young people and said that the Agreement was a unique platform through which to channel their priorities and concerns on environmental and climate issues.

36. The representative of Cuba, as an observer country, said that he had followed the Escazú Agreement process closely and with great interest. Caring for the environment and combating climate change were crucial issues for his government, which had a strategy called "Tarea Vida", based on the participation of communities and society. A consultation process was currently under way to analyse the Agreement and reach a decision on it.

37. The Resident Coordinator of the United Nations system in Costa Rica said that, in line with their role of facilitating and supporting national efforts, her office and those of the other resident coordinators stood ready to help countries to implement the Escazú Agreement. She called for partnerships to be

established among different actors in order to achieve coordinated and comprehensive action in support of the 2030 Agenda for Sustainable Development, and for the themes of the Escazú Agreement to be included in the relevant spaces and mechanisms in which the United Nations system was involved in each country.

38. The Regional Director for Latin America and the Caribbean of the United Nations Environment Programme (UNEP) mentioned the work carried out in conjunction with ECLAC and with the countries of the region in relation to the Escazú Agreement. He highlighted the Observatory on Principle 10 in Latin America and the Caribbean and the inclusion of the issue of access to information and participation in the Forum of Ministers of the Environment of Latin America and the Caribbean. UNEP had also signed a memorandum of understanding with the Office of the United Nations High Commissioner for Human Rights (OHCHR) to strengthen the link between human rights and the environment. In addition, UNEP was in the process of identifying good practices for the early implementation of the Escazú Agreement.

39. With regard to the actions carried out by the secretariat since the regional workshop on “Progress and challenges in the implementation of the Escazú Agreement in Latin America and the Caribbean: towards an early entry into force”, held on 25 April 2019, the representative of ECLAC drew attention to capacity-building and cooperation activities at the national and regional levels held in different countries of Latin America and the Caribbean, participation in different relevant forums and a signing and ratification ceremony for the Agreement, held on 26 September 2019, within the framework of the seventy-fourth session of the General Assembly. He also reported on the status of the regional public mechanism and the progress made with the Observatory on Principle 10 in Latin America and the Caribbean.

Discussion of the topics to be addressed at the first meeting of the Conference of the Parties (agenda item 3)

40. Under this agenda item, the representatives reviewed the topics to be addressed at the first meeting of the Conference of the Parties, as stated in articles 14, 15.4(a) 15.4(b) and 18.1 of the Escazú Agreement. To facilitate the discussion, three sessions were organized on the following matters: (i) the rules of procedure of the Conference of the Parties, including the modalities for significant participation by the public (article 15.4(a)); (ii) the financial provisions necessary for the functioning and implementation of the Agreement (articles 14 and 15.4(b)); and (iii) rules relating to the structure and functions of the Committee to Support Implementation and Compliance (article 18.1).

41. Each of the sessions began with a presentation, providing a comprehensive overview, describing the state of the art and offering comparative experiences, followed by a round table with experts and then open discussions.

42. At the session on the rules of procedure of the Conference of the Parties, including the modalities for significant participation by the public, statements were made by Nicole Mohammed, an expert in international environmental law from Trinidad and Tobago; Marcelo Cousillas, Director of the Legal Department of the National Environment Directorate of Uruguay; and Fiona Marshall, Secretary to the Compliance Committee of the Aarhus Convention of the Economic Commission for Europe (ECE).

43. The expert on international environmental law recalled the applicable rules of procedure and background related to the negotiation process of the Escazú Agreement, and highlighted the significant participation of the public, through existing modalities and the role of elected representatives of the public to channel concerns. Modalities for participation would apply *mutatis mutandis* until the first meeting of the Conference of the Parties, in accordance with the Final Act. Moreover, the modalities for participation had been praised at the international level, including by United Nations human rights experts. Based on comparative experiences, key matters that should be considered in the rules of procedure of the Conference

of the Parties of the Escazú Agreement included definitions, meetings, notifications, agendas and documents, observers, the presence of the public, the presiding officers, subsidiary bodies and decision-making. The good practices employed during the process included the creation of the regional public mechanism, the inclusion of elected representatives, the holding of open and web-based meetings and allowing the public to request the floor at any time during discussions.

44. The presentation given by the expert on international environmental law was then discussed by the other members of the panel. The Secretary to the Compliance Committee of the Aarhus Convention of ECE focused on the experience of the rules of procedure of the Aarhus Convention and its subsidiary bodies. Key elements included the presence of observers, the rules applicable to the public and the open nature of the meetings. She also explained the voting rules.

45. The Director of the Legal Department of the National Environment Directorate of Uruguay said that five criteria should be taken into account when discussing the rules of procedure: (i) simplicity and brevity; (ii) clarity; (iii) consideration of good practices in multilateral environmental agreements, and adapting them to the Escazú Agreement; (iv) consideration of the articles themselves and the spirit of the Escazú Agreement; (v) building on the successful experience of negotiating the Agreement, particularly with regard to public participation.

46. In the subsequent exchange of views, the participants agreed that public participation was one of the core elements of the Escazú Agreement and that the rules of procedure should reflect its spirit and purpose. The regional public mechanism and the inclusion of elected representatives of the public had both been instrumental, as had the modalities for participation, which had proved highly effective. The new rules should be transparent, inclusive and participatory, and apply not only to the Conference of the Parties but also to the subsidiary bodies. There was a particular need to facilitate the participation of persons and groups in vulnerable situations and specific groups such as women, young people, indigenous peoples and environmental defenders, and to include groups that suffered multiple forms of discrimination. The participation of academics and the scientific community should also be encouraged. In addition, it was essential that the public participate in the drafting of the rules of procedure, a process that should be guided by the principles of the Agreement.

47. Several representatives requested further details about the Bureau of the Meeting of the Parties to the Aarhus Convention, in particular its establishment and composition and the representation of the public. The Bureau had been created pursuant to the rules of procedure and comprised a chairperson, two vice-chairpersons and four representatives of the Parties. The members acted in the interest of the Convention and not in their respective national interests. With regard to public participation, a representative of a non-governmental organization was invited to participate as an observer, who had access to documents and was part of the discussions.

48. Another issue that was discussed was the consensus rule. While the Escazú Agreement stated that the rules of procedure must be adopted by consensus, it was noted that the rules themselves allowed for the possibility of voting procedures. Experiences with other comparable treaties indicated that it was common provision and had proved effective in enabling discussion of issues on which a consensus could not be reached. The existence of voting rules also made it possible to reach consensus. However, the experts considered that in order to reach consensus it was necessary to circulate and discuss the texts in advance and to carry out preparatory work in order to resolve queries and harmonize different interests. A collaborative approach by groups of countries could also facilitate consensus-building, as had been seen during the negotiations.

49. At the session on the rules relating to the structure and functions of the Committee to Support Implementation and Compliance, Marcos Orellana, expert in international environmental law, gave a presentation, and comments were made by David Boyd, United Nations Special Rapporteur on human rights and the environment, and Fiona Marshall, Secretary to the Compliance Committee of the Aarhus Convention of ECE.

50. The expert in international environmental law described the context and provided relevant background on the implementation and enforcement of other agreements and treaties, and particularly other environmental and human rights treaties. His remarks focused on the compliance mechanisms of the Montreal Protocol on Substances that Deplete the Ozone Layer, the Aarhus Convention and the Paris Agreement. He said that fundamental elements of those mechanisms included their adaptation to the subject matter they dealt with, their flexibility and their collaborative and non-adversarial nature. He recalled that the Committee to Support Implementation and Compliance of the Escazú Agreement, as agreed in the text, would be consultative, transparent, non-adversarial, non-judicial and non-punitive. It must also allow for meaningful public participation and for Parties' national capacities and circumstances to be taken into consideration. Other matters that the rules relating to the structure and functions of the Committee could address included the configuration and election of its members, the authority to submit cases (public, Parties, secretariat and self-referrals by a Party), its functions and outcomes, such as recommendations, reports, action plans and strategies. The rules should be appropriate to the subject matter and spirit of the Escazú Agreement, be robust and take into account national circumstances and capacities.

51. After the expert's presentation, the other members of the panel made brief comments. The Secretary to the Compliance Committee of the Aarhus Convention referred to the experience of that Committee. She said that members were elected by the Parties by consensus and, if no consensus was reached, by secret ballot, with a partial rotation of members, in order to ensure continuity and effectiveness. The proceedings were also open and participatory, and allowed for the public to submit communications.

52. The United Nations Special Rapporteur on human rights and the environment said that the Escazú Agreement was pivotal, as it reflected the ambition and needs of Latin America and the Caribbean and drew attention to the right to a healthy environment and to persons and groups in vulnerable situations. The Agreement's provisions for the recognition and protection of human rights defenders in environmental matters was also noteworthy. Lastly, he recalled the various United Nations human rights mechanisms that could receive individual communications, including his office.

53. The participants asked for more details on the Compliance Committee of the Aarhus Convention, such as its composition, the role of the public, whether or not anonymous communications could be considered, specific functions and follow-up to recommendations.

54. The Secretary to the Compliance Committee of the Aarhus Convention said that the Committee's effectiveness could be attributed to the independence of its members, the transparency and clarity of its procedures, the public's ability to present cases, its follow-up functions and its general advisory role beyond individual cases. The proactive role of the public and the Parties was held in particularly high regard; for example, they sometimes requested the Committee's assistance to ensure compliance with their obligations in the drafting of laws and policies. Anonymous communications were not receivable, although they could be submitted by organizations and individuals on behalf of those affected. Diversity of experience and geographical representation were sought in the members of the Committee, whose terms of office were not too short, to allow for continuity and consistency in the handling of cases. In addition to submitting communications, the public could also nominate potential Committee members, a process which had proved

extremely successful. One of the aspects that the Committee to Support Implementation and Compliance of the Escazú Agreement could consider was capacity-building in order to implement its recommendations.

55. Several representatives asked what elements were essential for the Committee to Support Implementation and Compliance of the Escazú Agreement to have, with regard to its functions, the measures that should be taken in the event of non-compliance with its recommendations, how often it should meet and the need for different profiles among its members.

56. In response to the question on strengthening the functions of the Committee, the expert in international environmental law said that a list of measures that could be applied by the Committee should be prepared. That would provide legal certainty, but would also require some flexibility to address each specific situation. A direct relationship should be fostered between the Committee and the Party concerned, without having to involve the Conference of the Parties in each situation, so that direct dialogue and follow-up could take place. In addition to considering individual cases, it was crucial for the Committee to have other functions, including the analysis of structural situations. In cases of non-compliance with recommendations, it was important to have an ongoing dialogue between the Committee and the Party concerned, and for the Conference of the Parties to be involved. Regarding the specialization of the Committee's members, variety was vital, including scientific, legal, socio-economic and technical capacities. However, any segregation of duties that would make it difficult to consider cases should be avoided. The workload and resources available would determine how often the Committee would meet, which could be once or twice a year in person. As a standing body, it could also operate between meetings of the Conference of the Parties.

57. With regard to the role that the Committee could play in protecting human rights defenders in environmental matters, rapid mechanisms that could take urgent action were needed. The Secretary to the Compliance Committee of the Aarhus Convention said that in the case of the Aarhus Convention an urgent support mechanism was being discussed, although the Chair of the Meeting of the Parties or the Chair of the Compliance Committee could currently request information from the country concerned, depending on each case. The United Nations Special Rapporteur on human rights and the environment said that prevention, creating an enabling environment and valuing the role and functions of environmental defenders were all essential.

58. At the third session, the financial provisions necessary for the functioning of the Agreement were discussed, with statements made by Florencia Grimalt, Secretary of the Embassy of the Directorate of Environmental Affairs of the Ministry of Foreign Affairs and Worship of Argentina, who participated via video link, and Carlos de Miguel, Chief of the Policies for Sustainable Development Unit of the Sustainable Development and Human Settlements Division of ECLAC.

59. The Secretary of the Embassy of the Directorate of Environmental Affairs of the Ministry of Foreign Affairs and Worship of Argentina described the experience of the Specific International Programme to Support Capacity-Building and Technical Assistance of the Minamata Convention on Mercury, the purpose of which was to support of developing country Parties and Parties with economies in transition in implementing their obligations under that Convention. She said that the Programme had a Governing Board comprising 10 members representing the Parties, which oversaw and implemented the guidance of the Conference of the Parties, including decision-making on projects and project management, and took operational decisions regarding the functioning of the Programme. It was established that the Programme's resources would include financial and in-kind contributions and expertise. In addition, a resource mobilization strategy had been developed. She then drew attention to the fact that the Programme's operations should be country-driven, taking into consideration national priorities, ensure complementarity,

be consistent and build upon lessons learned. The Programme supported projects to be completed within three years, with funds disbursed directly by the countries.

60. The Chief of the Policies for Sustainable Development Unit of the Sustainable Development and Human Settlements Division of ECLAC said that the Escazú Agreement should be financed with both regular budget and extrabudgetary resources and recalled that during the negotiations the secretariat had made available information on procedures and alternatives.⁴ With regard to extrabudgetary resources, article 14 of the Agreement established a Voluntary Fund, the functioning of which would be defined by the Conference of the Parties. The Agreement also allowed for funds to be obtained from other sources. The fund would be managed in accordance with the criteria of transparency, efficient management, and accountability, with financial statement and reports submitted at each meeting of the Conference of the Parties, which together with the fact that contributions could not be earmarked were all important considerations.

61. He also described the characteristics of the multi-donor trust funds managed by ECLAC, which were based on standard templates, administered in accordance with the applicable United Nations regulations, rules, policies and standards and favoured a regional, multisectoral and multi-year approach in the implementation of extrabudgetary programmes and projects. He said that one example was the Multi-Donor Trust Fund of the Forum for East Asia-Latin America Cooperation (FEALAC), for which there were terms and conditions and a Steering Committee had been set up, whose members included donor countries. Individual cooperation agreements had also been drawn up between each donor and ECLAC in relation to contributions made to the FEALAC Trust Fund. With regard to the funding of the Escazú Agreement, consensus had been reached during the negotiations that the Agreement should be implemented efficiently, effectively and for a minimal cost, and that it should have predictable and stable core resources. Lastly, consideration should be given to elements such as the governing body and terms of reference of the Voluntary Fund, the projects and activities that would need to be financed, and the nature and source of contributions. The structural management and operational elements had already been agreed in accordance with United Nations rules.

62. The representatives sought clarification on the difference between regular budget financial arrangements and those for extrabudgetary resources and asked how voluntary contributions could be encouraged, whether a cost estimate was available and whether other agreements contained parameters to determine contributions. They noted that all decisions must take into account budgetary and financial implications, and called for the Committee to Support Implementation and Compliance to be provided with sufficient resources, given its central position in the institutional architecture.

63. The Chief of Unit clarified that the financial arrangements would include a combination of regular budget and extrabudgetary resources, meaning that two tracks should be followed. Firstly, a request for regular budget funds would have to be made once the Agreement entered into force, to finance the functioning of the secretariat and to meet the needs of a treaty of that nature. That would require the adoption of a resolution by the governing bodies of ECLAC. Collaborative and coordinated work with the countries and their permanent missions in New York would be essential in that regard. Secondly, the Voluntary Fund was intended to complement and finance specific activities. The two tracks related to separate but closely linked resources, as both would contribute to meeting the financial requirements of the Agreement. The countries would decide the relative importance of each source. In addition, the amount of resources required would depend on the specific mandates and apparatus established by the countries under the Agreement.

⁴ See *Future regional agreement on access to information, participation and access to justice in environmental matters in Latin America and the Caribbean and the procedure for establishing its technical secretariat. Note by the secretariat* (LC/CNP10.7/3).

64. The representative of ECLAC said that it would fall to the countries to determine incentives to encourage voluntary contributions and the parameters for those contributions. Under other agreements, donors were represented on the trust funds' steering committees and could affect how those resources were used. To determine the amounts of contributions, indicators such as gross domestic product (GDP), population or the United Nations general budget contribution percentages were sometimes used. That should also be decided by the countries. Lastly, he noted that it would be possible to channel existing resources (for example, South-South cooperation funds through development agencies) through the Voluntary Fund of the Agreement, so that additional funding sources would not have to be identified.

Strategies and partnerships for the early entry into force and implementation of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (agenda item 4)

65. To continue the discussion, on strategies and partnerships for the early entry into force and implementation of the Regional Agreement, the secretariat reported on the results of a survey on challenges and priorities that the countries of the region had answered at the regional workshop on "Progress and challenges in the implementation of the Escazú Agreement in Latin America and the Caribbean: towards an early entry into force", held in April 2019. The survey results indicated that countries' challenges and priorities mainly related to cross-cutting elements, followed by access to justice, access to information and human rights defenders in environmental matters. The cross-cutting elements included environmental education, the formulation of national workplans to implement the Agreement, strengthening institutions, cooperation partnerships, support for persons and groups in vulnerable situations, and the need to move forward with the signature and ratification processes. There were opportunities for cooperation in areas such as exchanges of experiences, technical assistance and support from regional organizations, donors and development banks.

66. The representative of Peru said that her country would appreciate the support of other countries and actors to gain insight into lessons learned in the regulatory, technical and technological aspects of environmental information systems. In Peru, work was under way to include subnational (regional and local) governments in the process, so hearing about similar experiences would be invaluable. In addition, within the framework of the implementation of the National Youth Policy, there was the challenge of providing technical assistance to support the participation of children and youth in institutional spaces.

67. The representative of Uruguay referred to the strategy employed by his country to complete the ratification of the Escazú Agreement. He said that, following the approval of the Agreement, a technical and administrative process had been launched to analyse the instrument's legislative, policy and practical implications. As a result of coordinated efforts of the Ministry of Housing, Regional Planning and the Environment and the Ministry for Foreign Affairs, a bill had been drafted and submitted to parliament by the Council of Ministers. The bill had been examined by the International Affairs Committee and unanimously approved in the plenary session. It had passed the Senate without debate and was ratified by Parliament on 17 July 2019. In parallel, the Agreement had been disseminated among other interested social sectors through two events, namely the Second Uruguayan Congress on Environmental Law, attended by judges, prosecutors and law professors, and a seminar aimed at State agencies and civil society. His country had a strong framework for access rights and attached great importance to the Agreement's regional dimension and to cooperation. In that regard, it was essential for all countries to adopt similar standards on access rights. The Escazú Agreement was therefore very useful for all countries, regardless of the degree to which those rights had been extended at the national level.

68. The representative of Costa Rica said that it was important to create synergies with existing mechanisms in relation to other multilateral environmental agreements and international commitments, such as nationally

determined contributions, the Sustainable Development Goals or human rights treaties. Thought should also be given to indicators that could be used to evaluate the implementation of the Escazú Agreement.

69. Representatives of several countries offered to share experiences and good practices on the implementation of access rights. They said that it would also be useful to share the challenges and difficulties encountered in that regard.

70. The representative of Mexico reiterated the importance of having sound institutional and regulatory frameworks, and of paying particular attention to implementation, which was one of the main challenges. He said that his country was ready to share its experiences in implementing rights, through either bilateral or triangular cooperation, as it had learned valuable lessons on issues such as access to environmental information. He concurred that exchanging experiences with other countries was a valuable exercise.

71. The representative of Ecuador expressed satisfaction with the collaborative efforts that her Government had undertaken with civil society organizations, which included many outreach and other joint activities and workshops. Civil society had also been involved in the analysis of the Agreement's implications for the national legal framework. The principles of the Escazú Agreement must be mainstreamed into the national policies that implemented other commitments, such those relating to the climate or sustainable development. The Agreement would help to improve citizen collaboration and liaison mechanisms and to provide public institutions with greater coherence and coordination.

72. The representative of the Plurinational State of Bolivia reported that various conferences on the Escazú Agreement had been organized in collaboration with other actors. Turning to the issue of environmental justice, which must be prioritized, she said that the agro-environmental courts had requested the support of the Ministry of the Environment and Water to carry out technical training and were in the process of discussing the environmental criminal code. Knowledge of the experiences and models of other countries would therefore be very useful.

73. The representative of Panama said that work was under way in her country to disseminate the Agreement within the government. She concurred with the representative of Costa Rica on the need for indicators and said that they should be developed with the meaningful participation of the public. Since her country was considering establishing environmental courts, she requested the cooperation of other States, in order to learn from their experiences of setting up similar courts.

74. The representative of Nicaragua said that the Escazú Agreement was a catalyst for honouring national and international commitments, particularly regarding the climate. The Agreement reinforced domestic regulatory frameworks and, in Nicaragua, complemented the significant progress already made on issues such as access to environmental information. He said that regional cooperation must be strengthened and noted that the Escazú Agreement would also make it possible to obtain additional resources.

75. The representative of Saint Lucia commended ECLAC and Costa Rica for the active participation in the meeting of different stakeholders who were key to the implementation of the Agreement, notably OHCHR, UNEP, OECS, Caribbean Natural Resources Institute (CANARI), IDB and academia.

76. The Legal Officer of the Organisation of Eastern Caribbean States (OECS) said that her organization sought to contribute to the sustainable development of its member States through regional cooperation and integration. The St. George's Declaration of Principles for Environmental Sustainability in the OECS established principles for environmental management and enhanced the involvement of civil society. The Declaration had become binding as a result of the Revised Treaty of Basseterre establishing the Organisation

of Eastern Caribbean States Economic Union. The Escazú Agreement was a historic instrument, which was aligned with the goals of OECS and complemented the St. George's Declaration of Principles for Environmental Sustainability. At its fifth meeting in July 2018, the Council of Ministers of Environment and Sustainability of OECS had endorsed the Escazú Agreement and called for its ratification. To date, five OECS member States had signed the Agreement (Antigua and Barbuda, Grenada, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines) and two had ratified it (Saint Kitts and Nevis, and Saint Vincent and the Grenadines). OECS remained at the disposal of its member States to support them in the signature, ratification and implementation processes and would continue to work closely with ECLAC in that regard.

77. The Human Rights Officer responsible for Climate Change the Office of the United Nations High Commissioner for Human Rights (OHCHR) reiterated the Office's support for the Escazú Agreement. He said that OHCHR had been following and supporting the negotiations to ensure that human rights were taken into account in the text. He drew particular attention to the articles on human rights defenders in environmental matters, which were essential in a region that was of the most dangerous in the world for that group. The Escazú Agreement reflected important human rights principles and was directly linked to human rights treaties and the Paris Agreement. A regional approach to access rights offered significant advantages, particularly in relation to compliance mechanisms, capacity-building and cooperation. The United Nations special procedures mandate holders, and especially the Special Rapporteur on human rights and the environment, had supported the process, including through a joint statement issued by 28 mandate holders in September 2018. In addition, the United Nations High Commissioner for Human Rights had highlighted the Escazú Agreement in her most recent address to the Human Rights Council, focusing on the climate crisis. OHCHR would continue to support the countries of the region in the ratification and implementation processes, and had extensive experience in organizing workshops for judges and in creating multi-stakeholder spaces and platforms, as well as in the area of human rights defenders.

78. The representative of the United Nations Environment Programme (UNEP) said that the Escazú Agreement was essential for implementation of the fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V). UNEP offered its assistance to identify good practices in implementing access rights and strengthening the rule of environmental law. He welcomed the fact that ECLAC was part of the Steering Committee of the United Nations Information Portal on Multilateral Environmental Agreements (InforMEA) and recalled that UNEP had a very useful tool for environmental defenders, the Environmental Rights Initiative.⁵

79. The representative of the youth group, The Millennials Movement, reported on the initiatives undertaken to support the Escazú Agreement, including issuing a declaration, the *Declaración de Juventudes de América Latina y el Caribe 2030 - 2019*, and the citizen ambassadors programme for the 2030 Agenda. Signature and ratification of the Escazú Agreement had been recommended within the framework of Sustainable Development Goal (SDG) 13. In addition, The Millennials Movement was committed to strengthening dissemination and knowledge of the Agreement among youth and grass-roots groups, and to highlighting its importance in the international forums in which they participated, such as the follow-up processes for the 2030 Agenda for Sustainable Development at the global and regional levels.

80. The representative of the Caribbean Natural Resources Institute (CANARI) said that her organization had extensive experience in facilitating participatory processes related to environmental governance. It had supported several public consultations in Caribbean countries and had various tools, good practices and information on documented cases of interest.

⁵ See [online] <http://environmentalrightsinitiative.org>.

81. The representative of the Inter-American Development Bank (IDB) said that the Bank was currently undertaking two reform processes: to modernize the environmental and social policy; and to update the policy on access to information. Several consultations and meetings linked to those policies would be held in 2019 and 2020. He recalled the firm commitment of IDB to environmental and social sustainability, transparency, gender equity and respect for the rights of communities. The Escazú Agreement was, in that regard, a fundamental tool in support of the work of IDB.

Consideration and adoption of agreements (agenda item 5)

82. The representatives considered and adopted the agreements contained in annex 1 of this report.

Closing session

83. At the closing session, statements were made by Andrea Sanhueza, elected representative of the public; Joseluis Samaniego, Chief of the Sustainable Development and Human Settlements Division of ECLAC; and Adriana Solano Laclé, Head of the International Law and Human Rights Department of the Foreign Policy Directorate of Costa Rica.

84. The elected representative of the public drew attention to cooperation and collaboration, which together formed one of the pillars of the Agreement. She reiterated civil society's offer to work together to move forwards in the implementation of access rights, as was the case in Peru, where judges and prosecutors were being trained in conjunction with the judicial authorities, and in Mexico, where support was being provided to strengthen access to environmental information in extractive industries. She expressed confidence that the Agreement would enter into force soon, so that progress could be made with its implementation.

85. The Chief of the Sustainable Development and Human Settlements Division of ECLAC said that public policy changes and transformations must be carried out in a collaborative manner by States and their societies. In that respect, the Escazú Agreement broadened the spaces for discussion and dialogue, and facilitated informed and sustainable decision-making. In addition, the Regional Agreement bolstered compliance with the 2030 Agenda and the Paris Agreement within a framework of capacity-building and cooperation. He congratulated the countries and the public for the fruitful exchanges on the issues to be addressed at the first meeting of the Conference of the Parties and encouraged them to continue to examine those matters in more depth. Lastly, he thanked Costa Rica for its hospitality and for efficiently presiding over the work at the meeting, and reiterated the firm commitment of ECLAC to the Escazú Agreement.

86. The Head of the International Law and Human Rights Department of the Foreign Policy Directorate of Costa Rica said that cooperation was fundamental to sustainable development and called for further consideration of outstanding issues. The Escazú Agreement was an unprecedented tool for greater integration and collaborative relations among States for the benefit of societies in the region. Lastly, she thanked all the participants, the countries, the public and the secretariat for their support and valuable contributions.

Annex 1

AGREEMENTS

The representatives of the signatory countries participating in the first meeting of the countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, held in San José on 11 and 12 October 2019 agree to,

1. *Redouble* efforts to bring about the prompt entry into effect of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement);

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

3. *Continue* working to make progress on the topics to be addressed at the first meeting of the Conference of the Parties to the Escazú Agreement and necessary for its operation and implementation, such as its rules of procedure, the rules of composition and operation of the Committee to Support Implementation and Compliance, the financial provisions and the Voluntary Fund, using flexible working modalities and information technologies for this purpose, with the support of the Economic Commission for Latin America and the Caribbean as secretariat and significant participation by the public;

4. *Thank* the Economic Commission for Latin America and the Caribbean for its support as secretariat and the progress achieved in developing the Observatory on Principle 10 in Latin America and the Caribbean;

5. *Also thank* the public and its representatives for their valuable participation and their contributions on the occasion of the first meeting of the countries signatory to the Agreement, and invite them to register with the Regional Public Mechanism;

6. *Further thank* the international organizations and other organizations and platforms for the support expressed for the attainment of the objectives of the Escazú Agreement and its implementation;

7. *Also thank* the people and Government of Costa Rica for their hospitality and the effort devoted to the organization of the first meeting of the countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

Annex 2

LIST OF PARTICIPANTS

**A. Países signatarios del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe
Countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean**

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