



ECLAC

Distr.
LIMITED
LC/L.3620
11 April 2013
ENGLISH
ORIGINAL: SPANISH

Second meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean

Guadalajara, Mexico, 16 and 17 April 2013

DISTRIBUTION OF THE FIRST DRAFT OF THE PLAN OF ACTION TO 2014

Note by the secretariat

By a note dated 28 March 2013 addressed to the Executive Secretary of the Economic Commission for Latin America and the Caribbean (see appendix 1), the Ministry of Foreign Affairs of Chile, Environment and Maritime Affairs Department, presented the “First draft of the plan of action to 2014 for the implementation of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and its road map” (see appendix 2) for consideration in the framework of the Second meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean, to be held in Guadalajara, Mexico, on 16 and 17 April 2013.

The secretariat is accordingly transmitting herewith the text of the note and this first draft to the participating countries for consideration.

Appendix 1

REPUBLIC OF CHILE Ministry of Foreign Affairs

The Ministry of Foreign Affairs of Chile, Environment and Maritime Affairs Department, presents its compliments to the Economic Commission for Latin America and the Caribbean and has the honour to refer to the process of implementation of Principle 10 of the Rio Declaration of 1992 in Latin America and the Caribbean.

In this connection, the Ministry of Foreign Affairs of Chile, Environment and Maritime Affairs Department, wishes to request the Commission, in its capacity as technical secretariat of the above-mentioned process, to distribute the document "First draft of the plan of action to 2014" among the signatory countries, as the proposal of the Presiding Officers elected at the first meeting of the focal points, which took place in Santiago, on 6 and 7 November 2012.

The distribution of this document is essential for the preparation of the second meeting of the focal points, which will take place on 16 and 17 April in Guadalajara, Mexico.

The Ministry of Foreign Affairs of Chile, Environment and Maritime Affairs Department, avails itself of this opportunity to renew to the Economic Commission for Latin America and the Caribbean the assurances of its highest consideration.

Santiago, 28.03.2013

JOSE LUIS BALMACEDA
Ambassador
Director, Environment and Maritime Affairs Department

Appendix 2

**FIRST DRAFT OF THE PLAN OF ACTION TO 2014 FOR THE IMPLEMENTATION
OF THE DECLARATION ON THE APPLICATION OF PRINCIPLE 10 OF THE
RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT
IN LATIN AMERICA AND THE CARIBBEAN
AND ITS ROAD MAP ***

March 2013

* See Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development (A/CONF.216/13), July 2012; and Report of the first meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean (LC/L.3565), January 2013.

EXECUTIVE SUMMARY

This document is a first draft of the plan of action which the signatory countries agreed to prepare, and with whose preparation the Presiding Officers were tasked.

The introduction sets forth the background to this point in the process: the formulation of Principle 10 in 1992, the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean, (which 12 countries of the region have signed thus far) and the road map adopted at the First meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean, held in Santiago in November 2012.

Part II proposes the main actions to be taken up to 2014, namely:

- Promote the Declaration and incorporate new signatories into the process;
- Strengthen and highlight the progress made on rights of access to information, participation and justice;
- Promote the active participation of civil society at the national level;
- Progress towards the creation of a regional instrument through a working group on capacity-building and cooperation, and a working group on access to information, consultation and a regional instrument.

Part III refers to the coordination of the process and outlines the role of the Presiding Officers (comprising a chair and two vice-chairs) and of the technical secretariat, which will be ECLAC.

The document concludes with some general provisions concerning the definition of rules of procedure, organization of the different meetings involved in the process, and the participation of interested parties and the public in general in these meetings. This section includes a proposal to create a regional public mechanism, administered by ECLAC, through which all interested parties (individuals and organizations) can join the process.

I. INTRODUCTION

1. The importance of access to information, participation and justice in environmental matters was made clear at the United Nations Conference on Environment and Development (Rio de Janeiro, 1992).¹ On that occasion, 178 governments agreed that:

“Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided” (Principle 10 of the Rio Declaration on Environment and Development, 1992).
2. Twenty years after the adoption of principle 10 of the Rio Declaration, rights of access to information have been reaffirmed and broadened under diverse international and regional initiatives.² These include, in particular, the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters of the United Nations Environment Programme (UNEP), adopted in 2010. The purpose of these guidelines is to provide States which have so requested, mainly developing countries, with general orientations on promoting effective compliance with the commitments undertaken in relation to Principle 10 of the Rio Declaration of 1992, in the framework of their national legislation and processes. Meanwhile, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention, 1998) has been described as the most ambitious regional initiative ever undertaken in the sphere of environmental democracy.
3. In the outcome document of the United Nations Conference on Sustainable Development, “The future we want”, adopted by the General Assembly on 27 July 2012, the Heads of State and Government and high-level representatives acknowledged, among the various provisions related to Principle 10 of the Rio Declaration on Environment and Development, that democracy, good

¹ The free exercise of the rights enshrined in Principle 10 leads to more transparent, appropriate and better grounded environmental policies. These are the rights to receive information and participate in decision-making and the right to legal redress, which were recognized in the Universal Declaration of Human Rights (arts. 7, 8, 19, 20 and 21) and more extensively developed in the Covenant on Civil and Political Rights and in the American Convention on Human Rights.

² One important instrument in this respect is the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which establishes, among others, the right to meet or assemble peacefully and the right to promote and protect human rights; the right to seek and obtain information about human rights, to publish information on these rights and to draw public attention to their observance or not in practice; the right to have effective access to participation in government affairs; and the right to remedy in the event of the violation of human rights, among others through the prompt review of complaints by independent and competent judicial or other authority and the obtaining of redress. These rights apply to those seeking to exercise human right to protect the environment just as they apply to those seeking to protect the full enjoyment of any other human rights.

governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. They also underscored that broad public participation and access to information and judicial and administrative proceedings are essential to the promotion of sustainable development. Further, they encouraged action at the regional, national, subnational and local levels to promote access to information, public participation and access to justice in environmental matters, as appropriate.

4. In the framework of that Conference, the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development was signed. To date, the signatories to the Declaration are Brazil, Chile, Costa Rica, the Dominican Republic, Ecuador, Jamaica, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago, and Uruguay.
5. In the Declaration, the signatory Governments stated that:

“Commitments must be made to ensure the full exercise of rights of access to information, participation and justice regarding environmental issues as enshrined in Principle 10 of the Rio Declaration of 1992. To this end, we declare our willingness to launch a process to explore the feasibility of adopting a regional instrument, ranging from guidelines, workshops and best practices to a regional convention open to all countries in the region and with the meaningful participation of all concerned citizens. Latin America and the Caribbean can and must take a meaningful step forward on this front. The above-mentioned Governments therefore commit to drafting and implementing a plan of action for 2012-2014, with the support of the Economic Commission for Latin America and the Caribbean (ECLAC) as the technical secretariat, to work towards such a regional convention or other instrument. As input for that plan, our Governments hereby request ECLAC to conduct a study of the situation, best practices and requirements concerning access to information, participation and justice regarding environmental issues in Latin America and the Caribbean.”
6. Pursuant to resolution 648(XXXIII) “Draft programme of work of the ECLAC system, 2012-2013”,³ ECLAC incorporated into its programme of work issues relating to Principle 10 of the Rio Declaration, and gave the secretariat and subprogramme 8 (sustainable development and human settlements) a mandate to carry out specific activities aimed at supporting the countries in their efforts to implement the Rio Declaration on Environment and Development, in particular, as regards access to information and participation in environmental affairs.
7. At the first meeting of the focal points appointed by the Governments of the signatory countries,⁴ the countries adopted a road map aimed at beginning a process of strengthening dialogue and regional cooperation and developing a regional instrument on rights of access to information, participation and justice in environmental matters, whose main principles and objectives would be:

³ Draft programme of work of the ECLAC system, 2012-2013 (LC/G.2434(SES.33/5)/Rev.1).

⁴ The first meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean was held on 6 and 7 November 2012 at the ECLAC headquarters in Santiago.

- (i) To reach a common vision on the importance and benefits of Principle 10 access rights and the values and principles underpinning them and their implementation, such as transparency, equality, inclusion, proactivity, collaboration, prevention and progressiveness;
- (ii) To recognize the particular conditions in each signatory country in the review of legal, political, diagnostic and practical initiatives;
- (iii) To promote the exchange and intensification of regional and international cooperation, considering the progress, tools, experiences and practices seen in this regard since Principle 10 was enshrined in the Rio Declaration on Environment and Development, such as the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters; the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines); the Inter-American Strategy for the Promotion of Public Participation in Decision-Making for Sustainable Development; and the Open Government Partnership, among others;
- (iv) To promote the conduct of activities for both civil society and the public sector, including education, training, information and awareness-raising, with a view to contributing to the effective application of rights of access to information, participation and justice in environmental matters and providing people with the knowledge, capacities and understanding to enable them to participate in full implementation of these rights, and
- (v) To organize and launch an inclusive process that allows all the sectors involved to make a meaningful contribution, for which specific and broad mechanisms will be established to promote and channel due participation.

8. In the road map, the signatory countries also reaffirmed the importance of civil society's participation in and contributions to this process. The principles underlying this affirmation are:

- (i) Public participation is essential for any initiative aimed at sustainable development. It is broadly recognized that systematic involvement of the citizenry strengthens decision-making forums because it provides the means by which other interests and perspectives may be represented in the process and therefore considered by governments and incorporated in the decisions in question;
- (ii) Access to information is crucial in terms of Principle 10: transparency is enhanced by involving the public through access to documents and meetings and by using the capacities of participating organizations to inform others. Without access to information, there is no transparency, which means that discussions would be held and decisions would be taken on Principle 10 without the knowledge of the public;
- (iii) Participation is essential to confer legitimacy on the process of formulating a regional instrument, all the more so one which governs the rights to information, participation and access to justice envisaged in Principle 10. In a democratic system, the public space is where citizens, individually or collectively, have the opportunity to be part of the decision-making forums that interest them. Any multilateral process is a public space and must therefore provide the channels and means for participation;
- (iv) Participation is crucial to attract experience and knowledge on the subject in question. There are various civil society organizations which have a broad trajectory on Principle 10. They can furnish relevant information on the practices existing in this area at the national level and the main challenges needing to be tackled.

9. The countries also reiterated that this process was open to all the countries of Latin America and the Caribbean. They agreed that, in order to implement the road map, a plan of action would be drafted and would be presented by the panel elected by the signatory countries, supported by ECLAC as technical secretariat. Should the panel so request, the advice of recognized experts in the field would be sought in relation to the plan. This plan would be submitted for adoption during the first four months of 2013 and would include:
- (i) A schedule of meetings for the focal points, who will meet at least once per year, although other meetings may be held and subgroups created as deemed necessary in order to meet the general objectives agreed upon herein;
 - (ii) Consideration of the proposals and recommendations arising from national consultation processes, including those conducted by United Nations agencies, in the light of agreements adopted at Rio+20, with a view to contributing to development goals beyond 2015;
 - (iii) The preparation of a report on the current situation in terms of Principle 10 access rights in the signatory countries and identification of their requirements for technical assistance and capacity-building in this regard, on the basis of information provided by the countries and in consultation with them, as well as the contributions of civil society organizations;
 - (iv) The preparation of a report compiling practices regarding national and international access rights under Principle 10, including a review of means and experiences of citizen participation of civil society;
 - (v) A consultation process, coordinated by the Presiding Officers, the modalities of which will be agreed by the signatory countries, with a view to defining the nature and content of the regional instrument.
10. On the basis of the objectives, principles and actions proposed in the road map, and in conformity with the Santiago Declaration adopted at the First Summit of the Community of Latin American and Caribbean States (CELAC), held on 27 and 28 January 2013,⁵ this plan of action sets forth the tasks to be carried out up to 2014 to make progress towards the implementation of the Declaration, for which final responsibility falls to the focal points of the signatory countries, who will meet at least once a year.

II. TASKS

A. PROMOTING THE DECLARATION AND INCORPORATING NEW SIGNATORIES INTO THE PROCESS

11. **Objective:** Disseminate the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and information on the corresponding process at the regional and international levels and promote the incorporation of new signatories.

⁵ [We] appreciate initiatives for regional implementation of the 10th Principle of the 1992 Rio Declaration, regarding the rights of access to information, participation and environmental justice, as a significant contribution to the participation of organized community committed to Sustainable Development (Santiago Declaration, par. 60).

12. **Actions to be taken:**
- (i) Draft proposed schedules of promotion activities on a regular basis;
 - (ii) Initiate contact with non-signatory countries in the region through meetings, workshops, seminars and other events;
 - (iii) Send all official outcomes of the process (including meeting reports) to all countries in the region (signatories and non-signatories);
 - (iv) Respond to requests for up-to-date information on the process by members of the public who so request and who wish to contact their government in this connection;
 - (v) Raise awareness of the process and the activities being carried out through the Internet.
13. **Resources:** ECLAC will be responsible for disseminating the process over the Internet and for sending documents and official material to all of the countries in the region, as well as responding to requests for information. No additional resources are available for the dissemination of the Declaration in international forums and both the signatories and ECLAC will be entrusted with seeking synergies with other initiatives to achieve this end.
14. **Expected outcomes:** A proposed schedule of activities to promote the Declaration in international forums to be approved by the focal points at each meeting of the parties to the Declaration and regular updates to the website on the process by ECLAC (www.cepal.org/rio20/principio10/).
15. **Responsible parties:** Presiding Officers and ECLAC.
16. **Time frame:** For promotion activities in 2013: first four months of 2013.⁶ For activities in 2014: last four months of 2013.

B. STRENGTHENING AND HIGHLIGHTING THE PROGRESS MADE IN THE REGION ON RIGHTS OF ACCESS TO INFORMATION, PARTICIPATION AND JUSTICE

17. **Objective:** Raise awareness of the progress made and the challenges pending in terms of access to information, participation and justice in environmental matters in the region, with a view to defining a regional instrument and demonstrating the commitment of the signatory countries.
18. **Actions to be taken:**
- (i) Draft a report on the latest progress made with regard to access to information, participation and justice in environmental matters in the region, using information gathered through a questionnaire sent to the governments of all of the region's countries, as well as selected civil society experts, and made available to all interested parties on the website on the process;
 - (ii) Disseminate information and hold training workshops on specific issues that are relevant to the region or replicable good practices;
 - (iii) Compile materials on the subject prepared by international organizations and civil society, such as guides and videos, and disseminate these materials via the Internet.

⁶ To be annexed to the plan of action.

19. **Resources:** ECLAC will draft the report on the latest progress made with regard to access to information, participation and justice in environmental matters in the region and will disseminate via the Internet the materials on the subject prepared by international organizations and civil society. The organization of workshops will be subject to the availability of resources
20. **Expected outcomes:**
- (i) Questionnaire on the latest progress made with regard to access to information, participation and justice in environmental matters in the region to be sent to the governments of all of the region's countries and selected civil society experts, and made available to all interested parties on the Internet;
 - (ii) Final version of the report entitled "Access to information, participation and justice in environmental matters in Latin America and the Caribbean: Situation, outlook and examples of good practice", prepared by ECLAC, containing a review of the legislation in force, country practices and information gathered through the questionnaire;
 - (iii) List of sources of information on the topic provided on the ECLAC website;
 - (iv) Report by the signatory parties on new action taken to ensure the full application of access rights (to be presented at each meeting of the parties to the Declaration), and
 - (v) List of proposals for workshops in 2013.
21. **Responsible parties:** The signatory countries will be responsible for the report on action taken at the national level; the proposal on possible workshops will be prepared by the Presiding Officers and ECLAC; and the report on the current situation in the region will be drafted by ECLAC.
22. **Time frame:** The deadline for the proposal on possible workshops and the regional report will be the first half of 2013. The report on action taken at the national level will be prepared for each meeting of the parties to the Declaration (see section C).

C. ACTIONS TO PROMOTE PARTICIPATION BY THE PUBLIC AT THE NATIONAL LEVEL

23. **Objective:** To ensure public participation at the national level in the signatory countries through concrete, broad mechanisms that promote and channel due involvement in the regional process, in fulfilment of the agreements adopted in both the Declaration and the road map.
- A number of modalities of participation may be considered, taking into account the particular circumstances of each signatory country. In this connection, the public may be involved, as determined by each signatory country, through local or national consultation mechanisms, technical assistance to governments or other public agencies, training, joint position-building, and so forth.
24. To this end, the signatory countries may provide mutual support. National-level activities must be implemented in accordance with the regional rules of procedure.
25. **Actions to be taken:** The governments will do everything in their power to carry out the following actions at the national level:

- (i) Put in place a dissemination strategy for informing and involving the public interested in this regional process, making the public aware of the official website, which will be coordinated and maintained by ECLAC;
 - (ii) Encourage the interested public to subscribe to the regional public mechanism (as explained in section D, below), seeking to make the mechanism known to a broad range of individuals and civil society organizations in the country, such as grass-roots community organizations, non-governmental organizations (NGOs), trade unions and umbrella organizations;
 - (iii) Set in motion a capacity-building process (workshops, educational materials), with the purpose of making the public in the country aware of rights of access and their importance for sustainable development, and disseminating information on the nature and objectives of the regional process for the formulation of an instrument on Principle 10;
 - (iv) Conduct virtual and other types of consultations with the interested public before and after meetings of focal points and working groups, including at least the following:
 - A meeting between government representatives and the public before the meetings of focal points and working groups to discuss and receive inputs on the meeting agenda and the documents made available in advance;
 - A meeting following meetings of focal points or working groups to discuss the outcomes of those meetings and the next steps.
 - (v) Convene, sufficiently in advance, all members of the public registered in the regional public mechanism administered by ECLAC, as well as any other individual or body from among the public interested in the process; send the information sufficiently in advance for public meetings both before and after the meetings of focal points and working groups; and prepare minutes for each meeting and publish them on the official website maintained by ECLAC;
 - (vi) To the extent of its capacities, support activities organized by civil society in the respective countries in the framework of this process.
26. **Resources:** To be determined by each country.
27. **Responsible parties:** Focal points in each country.
28. **Time frame:** Action to be initiated by April 2013.
29. **Expected outcomes:** Preparation of a report on actions carried out for each meeting of the signatory countries. These reports must contain at least the details of the convocation, a list of participants, the agenda, a summary of the discussions and the agreements adopted. It should also highlight any particular difficulties and achievements associated with the meeting. The point of view of the public must be included in these reports.

D. PROGRESS TOWARDS THE FORMULATION OF A REGIONAL INSTRUMENT THROUGH THE WORKING GROUPS

30. For the implementation of the commitments undertaken in the road map, at least two working groups will be formed. The proposals they make will be submitted for the consideration of the representatives of the signatory countries. The two working groups proposed are:
- (a) Working group on capacity-building and cooperation;
 - (b) Working group on access rights, consultation and the regional instrument.

31. All signatory countries may participate in the working groups, in which they may be represented by the focal points or by a representative appointed by them. Each group will elect a coordinator from among the government representatives and the interested public will participate according to the rules of procedure set forth in the general provisions below. The coordinator will be responsible for overseeing the general functioning of the working group and the fulfilment of its objectives, and for reporting progress to the Presiding Officers.
32. Both groups will afford careful attention to the particular circumstances of the signatory countries and the possibilities of cooperation among them, in order to advance towards the full implementation of access rights. They will also have the option of inviting experts to participate in their meetings and may establish subgroups as they consider necessary. They must also coordinate with each other to generate synergies and avoid duplication of effort.
33. At its first meeting, each group will establish a calendar and define the form of its meetings. It will specify the number of meetings to be held each year (at least two), how it will use information and communications technologies (ICTs) to facilitate its work, and the side events it will organize at other regional meetings to which the signatories are convened. A schedule of deadlines will also be established.
- (a) Working group on capacity-building and cooperation**
34. **Objective:** To build consensus around a proposal to share and intensify regional and international cooperation with regard to training and financing needs and operations, both for the public sector and for civil society, to ensure the proper implementation of a regional instrument on access to information, participation and justice in environmental matters.
35. **Actions to be taken:**
- (i) Review and analyse the ECLAC questionnaire and report;
 - (ii) Compile a list of the training resources available;
 - (iii) Identify possible sources of financing and draft a list of cooperation opportunities (international, multilateral, and so forth), tapping synergies with relevant regional and international agencies in the framework of the United Nations Regional Coordination Mechanism and exchanging information on national and international experiences on access rights.
36. **Resources:** [to be defined depending on what is agreed, will depend on the number of meetings]
37. **Expected outcomes:** A report with training proposals to ensure the proper implementation of the regional instrument and a list of cooperation opportunities and possible sources of financing.
- (b) Working group on access rights, consultation and the regional instrument**
38. **Objective:** To conduct extensive consultations and submit to the signatory countries a proposal on the nature and spheres of application of a regional instrument, with a view to ensuring the full application of Principle 10 and reflecting a shared vision of the importance, benefits, values and principles of the rights contained therein.

39. **Actions to be taken:**

- (i) Review and analyse, with the support of recognized experts in the field, the reports prepared during the consultation processes on the road map and subsequent reports on the progress achieved, giving particular consideration to the proposals and recommendations arising from national consultation processes, including those conducted by agencies of the United Nations, in the light of the Rio+20 agreements, to contribute to development objectives beyond 2015;
- (ii) Prepare a report, to be coordinated by the technical secretariat, on the status of Principle 10 access rights in the signatory countries, using information provided by the countries and in consultation with them, as well as the contributions of civil society organizations;
- (iii) Compile a report on national and international practices regarding Principle 10 access rights, including a review of the different forms that civil society participation can take and experiences in this regard.

40. **Resources:** [to be defined depending on what is agreed, will depend on the number of meetings]

41. **Expected outcomes:** A report containing conclusions, proposals and/or recommendations on the nature and spheres of application of a regional instrument.

III. COORDINATION OF THE PROCESS

42. The process will be coordinated by the Presiding Officers with the support of ECLAC.

A. PRESIDING OFFICERS

43. To carry forward the regional process, the representatives of the signatory countries will elect Presiding Officers comprising at least a chair and two vice-chairs (one of whom will serve as rapporteur).

44. The Presiding Officers will be elected at the meeting of the signatory countries and will serve for one year. Their responsibilities will be:

- (i) To provide support for the implementation of the plan of action, together with the coordinators of the working groups;
- (ii) To convene, together with the technical secretariat, the meetings of signatory countries;
- (iii) To chair the meetings of the signatory countries and ensure that the rules of procedure are observed;
- (iv) To perform other functions arising from agreements adopted at meetings of the parties.

**B. ECONOMIC COMMISSION FOR LATIN AMERICA
AND THE CARIBBEAN (ECLAC)**

45. In conformity with the provisions of resolution 648(XXXIII) of ECLAC and as requested by the States signatories to the Declaration, ECLAC will serve as technical secretariat for the process of formulating a regional instrument on Principle 10. The responsibilities of the technical secretariat will be to:
- (i) Implement the rules of procedure for public participation;
 - (ii) Promote and leverage synergies with relevant regional and international agencies in the framework of the United Nations Regional Coordination Mechanism;
 - (iii) Prepare, in consultation with the Presiding Officers, the documentation for meetings of the parties;
 - (iv) Ensure that documents for the meetings of the parties are translated, copied or printed and distributed;
 - (v) Prepare meeting reports;
 - (vi) Support participation efforts at the national level on the part of the signatory countries, by creating and maintaining a public participation mechanism (see rules of procedure described below);
 - (vii) Create and maintain a website for the process;
 - (viii) Report at each meeting of the parties on activities carried out in the framework of the process, compiled on the basis of reports from the signatory countries;
 - (ix) Provide support in seeking financing to ensure public participation in the meetings of the parties;
 - (x) Perform other functions arising from agreements adopted at meetings of the parties.

IV. GENERAL PROVISIONS

46. The process will have rules of procedure governing the participation of the public interested in the process. These rules will also stipulate that the interested public is to receive regular reports on the process of adopting a regional instrument on Principle 10, with a view to promoting the broadest possible participation in the regional forums created to this end and thereby strengthening the inclusiveness and legitimacy of the process.
47. These rules establish the right of the public —understood to be any individual or organization— to participate in the meetings of the signatory countries and the working groups and in meetings of the Presiding Officers held in preparation for meetings of the signatory countries. All parts of the process are open to the public unless the parties, in exceptional circumstances, decide to hold closed sessions during meetings. In such cases, the parties will explain the reasons for holding a closed session.
48. A regional public mechanism will be established, to which interested parties may subscribe by completing a short form available on the ECLAC website. The main objectives of this mechanism are to keep all parties interested in the process informed and facilitate their involvement, to form a database for national-level participation, to coordinate public participation in international meetings and to contribute to the transparency of the process.

49. ECLAC will issue and update the calendar of meetings on its website. Meetings will be announced at least one month in advance, and an invitation will be sent by e-mail to those subscribed to the regional public mechanism. All official documents for the meeting will be available to the public on the ECLAC website and will also be announced by e-mail to those subscribed to the regional public mechanism.
50. The rules provide for three levels of participation:
 - (i) Attendance: The public may attend meetings and have access to official meeting documents. Meetings may also be followed by webcast, to the extent possible;
 - (ii) Reporting: The public shall have the right to share information and to make proposals on specific topics being discussed, in writing, to the government representatives, experts or representatives of international agencies in informal meetings or at side events when feasible;
 - (iii) Making statements: The public will have the right to request the floor. The chair will give the floor in the order in which it is requested, regardless of whether the respective speakers are government representatives, representatives of international agencies or individuals or organizations from the public, aiming to ensure that everyone is heard and that the meeting is effective. In order to ensure that the meeting fulfils its objectives, the chair may propose limits on the length and number of speakers' interventions, and may request the public representatives (see paragraph 51) to organize requests for the floor. To this end, the chair will provide a reasonable amount of time for the public to come to an agreement. In no case will the participating public have the right to vote in meetings.
51. Where space is limited, the public will occupy the room in the chronological order in which they were accredited, giving priority to those with residence in any Latin American or Caribbean country. To ensure that persons with disabilities who are registered can participate fully under equal conditions to everyone else, appropriate measures will be taken to ensure that they have priority access to the physical space, the information and the communications. If it is not possible to accommodate all members of the public who have requested to attend, to the extent possible, a space will be provided with audiovisual equipment to enable them to follow the meeting. A microphone will be installed in this room so that the public may participate in the meeting.
52. Participants from the public attending the meeting may, as they deem appropriate, elect one of their number, a person or an institution, to participate in the discussion and contribute proposals to any meeting held by the Presiding Officers in preparation for a meeting of the signatory countries. Their contributions may cover such aspects as:
 - (i) Review the plan of action to 2014, in whole or in part;
 - (ii) Proposals for the consideration of the focal points;
 - (iii) Preparation of meetings of the focal points, and
 - (iv) Suggested items for the agenda of the meetings of focal points.
53. The Presiding Officers may accept the proposals made by virtue of paragraph 51 at their discretion. The person appointed will give a brief account of his or her participation at the opening session of the meeting of focal points.
54. In keeping with the Declaration and in recognition of the need for and importance of broadened and strengthened access rights, the process will remain open to all the countries of Latin America and the Caribbean.