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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

Montevideo, 5-8 April 2016

## **ANNOTATED PROVISIONAL AGENDA**



## A. BACKGROUND AND ORGANIZATION OF WORK

At the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, on 20-22 June 2012, 10 Governments from Latin America and the Caribbean endorsed the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development,<sup>1</sup> in which they reaffirmed their commitment to rights of access to information, participation and justice regarding environmental matters, declared their willingness to work towards a regional instrument promoting the full application of those rights and requested the support of the Economic Commission for Latin America and the Caribbean (ECLAC) as technical secretariat. Twenty countries have signed the Declaration to date and it remains open for signature by all countries in Latin America and the Caribbean.

In the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, adopted by the General Assembly on 11 September 2012,<sup>2</sup> among the many provisions referring to Principle 10 of the Rio Declaration, the Heads of State and Government and high-level representatives acknowledged that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, were essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and eradication of poverty and hunger. They also underscored that broad public participation and access to information and judicial and administrative proceedings were essential to the promotion of sustainable development and encouraged action at the regional, national, subnational and local levels to promote access to information, public participation in decision-making and access to justice in environmental matters, as appropriate.

Between 2012 and 2014, four meetings 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 were held: the first in Santiago on 6 and 7 November 2012; the second in Guadalajara, Mexico, on 16 and 17 April 2013; the third in Lima on 30 and 31 October 2013; and the fourth in Santiago, from 4 to 6 November 2014.

At the fourth meeting of the focal points, the signatory countries adopted the Santiago Decision, in which they agreed to commence negotiations on a regional instrument on access to information, participation and justice regarding environmental matters in Latin America and the Caribbean. To that end, they established a negotiating committee, with significant participation by the public, and appointed Presiding Officers, comprising Chile and Costa Rica as co-chairs and Argentina, Mexico, Peru, Saint Vincent and the Grenadines, and Trinidad and Tobago as vice-chairs. ECLAC was requested to prepare a preliminary document on the regional instrument and the Presiding Officers were charged with steering the process, with the support of ECLAC as technical secretariat, with a view to concluding negotiations on the regional instrument by December 2016.

By virtue of resolution 686(XXXV), adopted at its thirty-fifth session, held in 2014, ECLAC took note of the agreements adopted at the first three meetings of the focal points, which are reflected in the respective reports, and commended the secretariat of the Commission on the progress made in the process towards the adoption of a regional instrument for the application of Principle 10 of the Rio Declaration on Environment and Development, which was under way in Latin America and the Caribbean.

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<sup>1</sup> A/CONF.216/13.

<sup>2</sup> General Assembly resolution 66/288.

The Committee of the Whole of the Economic Commission for Latin America and the Caribbean took note of the Santiago Decision by virtue of resolution 693(PLEN.30), adopted at its thirtieth session, held in March 2015.

Two meetings of the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean were held in 2015. At the first meeting, held at ECLAC headquarters in Santiago from 5 to 7 May 2015, ECLAC presented the preliminary document on the regional instrument that it had been requested by the countries to prepare. The negotiating committee adopted its organization and work plan and agreed to hold its second meeting in Panama City, at the invitation of the Government of Panama, in October 2015.

At its second meeting, held from 27 to 29 October 2015, the negotiating committee discussed substantive aspects of the regional agreement. The negotiations focused on the preamble, article 1 and part of article 2 of the document entitled *Text compiled for the second meeting of the negotiating committee by the Presiding Officers incorporating the language proposals received from the countries on the preamble and articles 1 to 10 of the preliminary document on the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean*. The country representatives also had before them for consideration the document entitled *Proposed 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*. Note by the secretariat, which had been prepared by the co-chairs. At the meeting, the country representatives agreed to resume the negotiations on articles 2 to 10 at the third meeting of the negotiating committee, using the second version of the text compiled by the Presiding Officers, and review outstanding issues from the preamble to article 10; continue considering the proposed modalities for participation of the public in the negotiating committee of the regional agreement, with a view to their adoption at the third meeting of the negotiating committee; and hold the third meeting of the negotiating committee of the regional agreement in Uruguay, from 5 to 8 April 2016.

In the light of the foregoing, the aim of the third meeting is to resume the negotiations on the substantive aspects of the regional agreement, continuing, as agreed, with articles 2 to 10, before reviewing outstanding issues from the preamble to article 10. The country representatives will also have before them the *Proposed 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 (second version)*. Note by the secretariat, with a view to the adoption of the modalities at the meeting.

The opening session 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 will take place in the morning of Tuesday, 5 April 2016. Statements will be made by representatives of the Government of Uruguay, as the host country of the meeting, ECLAC, as technical secretariat of the process, the Presiding Officers of the negotiating committee and the public. In this plenary session, the Presiding Officers will submit to the countries for their consideration and adoption the agenda of the meeting. Subsequently, representatives 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—and observer countries if it is so decided— will have three minutes each to report on the actions taken at the national level with respect to the regional process, to be followed by statements by a representative of the technical secretariat and an elected representative of the public.

In the afternoon of the first day (Tuesday, 5 April 2016), the Presiding Officers will submit to the country representatives for consideration and adoption the new text of the proposed modalities for participation of the public in the negotiating committee, which includes the paragraphs agreed on at the second meeting of the negotiating committee, held in Panama City in October 2015. The committee will then resume its negotiations of the regional agreement, using the second version of the text compiled by the Presiding Officers, continuing, as agreed, with articles 2 to 10, before reviewing outstanding issues from the preamble to article 10. The negotiations will continue through to Friday, 8 April 2016 at 1 p.m. If it is so decided, the negotiating committee will devote some time before closing the meeting to address other matters. Lastly, any agreements will be adopted before closing the meeting.

## **B. PROVISIONAL AGENDA**

1. Adoption of the agenda.
2. Actions taken at the national level by the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development and activities carried out by the secretariat.
3. Review and adoption of the modalities for participation of the public in the negotiating committee.
4. Negotiation of the regional agreement on access to information, public participation and justice in environmental matters in Latin America and the Caribbean.
5. Other matters.

## **C. ANNOTATIONS TO THE PROVISIONAL AGENDA**

### **1. Adoption of the agenda**

Delegations will have before them the provisional agenda (LC/L.4143(CNP.10.3/1)) for their consideration and adoption. This draft agenda has been prepared by the secretariat in accordance with chapter II of the rules of procedure of ECLAC, bearing in mind the various mandates of the Commission. Representatives of the countries of Latin America and the Caribbean may make such observations or suggest such modifications as they deem appropriate under the aforementioned rules of procedure.

### **2. Actions taken at the national level by the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development and activities carried out by the secretariat**

Under this agenda item, the focal points 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 —and observer countries if it is so decided— will have three minutes each to report on the actions taken at the national level as part of the regional process. ECLAC will then report on the activities carried out by the technical secretariat since the second meeting of the negotiating committee in

October 2015. An elected representative of the public will be invited to report on the action taken by the public in the region in the framework of the process.

**Reference documents:**

- Organization and work plan 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.4011/Rev.1)
- Santiago Decision contained in the report of the fourth 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.3970)

**3. Review and adoption of the modalities for participation of the public in the negotiating committee**

Under this agenda item, delegations of Latin America and the Caribbean will have before them, for their consideration and adoption, the second version of the proposed 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, prepared by the co-chairs at the request of the Presiding Officers.

Under paragraph 6 of the organization and work plan of the negotiating committee, adopted at its first meeting, held in Santiago from 5 to 7 May 2015, the public will have significant participation in the negotiation process in accordance with the provisions and modalities set forth in the Santiago Decision and the Plan of Action adopted in Guadalajara, Mexico, which shall be reviewed, as appropriate, in order to facilitate their application. In response to a request by the Presiding Officers, the co-chairs prepared a proposal specifying the modalities for public participation in the negotiating committee, which was circulated to the countries and the public on 16 June 2015 and presented and discussed at a virtual inter-sessional meeting held by the negotiating committee on 28 July 2015. On the basis of the comments received in writing and during the meeting, the co-chairs prepared a consolidated version, which was submitted to the countries at the second meeting of the negotiating committee. At that meeting, the representatives of the participating countries agreed to continue considering the proposed modalities for participation of the public prepared by the co-chairs, with a view to their adoption at the third meeting of the negotiating committee.

**Working document:**

- Proposed 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 (second version). Note by the secretariat (LC/L.4058/Rev.1)

**Reference documents:**

- Proposed 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. Note by the secretariat (LC/L.4058(CNP10.2/3))
- Organization and work plan 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.4011/Rev.1)
- Santiago Decision contained in the report of the fourth 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.3970)
- 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 contained in the report 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 (LC/L.3677)
- Resolution 686(XXXV), adopted by the Commission at its thirty-fifth session, held in May 2014
- Resolution 693(PLEN.30), adopted by the Committee of the Whole at its thirtieth session, held in March 2015

**4. Negotiation of the regional agreement on access to information, public participation and justice in environmental matters in Latin America and the Caribbean**

Under this agenda item, representatives of the countries of Latin America and the Caribbean present at the meeting will resume the negotiations on the substantive aspects of the regional agreement, continuing, as agreed, with articles 2 to 10, before reviewing outstanding issues from the preamble to article 10 of the *Text compiled by the Presiding Officers incorporating the language proposals received from the countries on the preamble and articles 1 to 10 of the preliminary document on the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean. Second version.*

**Working document:**

- Text compiled by the Presiding Officers incorporating the language proposals received from the countries on the preamble and articles 1 to 10 of the preliminary document on the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean. Second version (LC/L.4059/Rev.1)

**Reference documents:**

- Text compiled for the second meeting of the negotiating committee by the Presiding Officers incorporating the language proposals received from the countries on the preamble and articles 1 to 10 of the preliminary document on the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean. Note by the secretariat (LC/L.4059(CNP10.2/4))
- Preliminary document of the regional instrument on access to information, participation and justice in environmental matters in Latin America and the Caribbean (LC/L.3987)
- Organization and work plan 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.4011/Rev.1)
- Santiago Decision contained in the report of the fourth 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.3970)
- Compilation of inputs submitted by the public. Note by the secretariat (DDR/1)
- International human rights standards applicable to access to information, public participation and access to justice. Executive summary (preliminary version) (DDR/2)
- Resolution 686(XXXV), adopted by the Commission at its thirty-fifth session, held in May 2014
- Resolution 693(PLEN.30), adopted by the Committee of the Whole at its thirtieth session, held in March 2015
- Access to information, participation and justice in environmental matters in Latin America and the Caribbean: Situation, outlook and examples of good practice (LC/L.3549/Rev.2)

**5. Other matters**

Under this agenda item, the negotiating committee may consider any other matters it deems appropriate.