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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

Santiago, 4-6 November 2014

ANNOTATED PROVISIONAL AGENDA

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I. BACKGROUND AND ORGANIZATION OF WORK

The Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean was signed in the framework of the United Nations Conference on Sustainable Development (Rio+20), held in June 2012, in Rio de Janeiro, Brazil.

In that Declaration, the signatory Governments stated that:

“Twenty years after the Earth Summit, we reiterate that, as recognized in Principle 10 of the Rio Declaration, environmental issues are best handled with the participation of all concerned citizens. To this end, each individual should have appropriate access to information, the opportunity to participate in decision-making processes and effective access to judicial and administrative proceedings. We thus affirm that to comply with this Principle, States should facilitate and promote education, awareness-raising and public participation by making information widely available and providing effective access to the proceedings outlined above.

We also recognize and affirm that the rights of access to information, participation and justice regarding environmental issues are essential for promoting sustainable development, democracy and a healthy environment. These rights provide many benefits, such as helping to make better decisions and implement them more effectively; involving the public in environmental issues; furthering accountability and transparency in governance; and helping to change production and consumption patterns.

We consider it important to emphasize that, in keeping with our commitment to Principle 10, the countries of Latin America and the Caribbean have invested substantial financial and human resources in its implementation. As a result, we have made considerable progress in the legal recognition of the rights of access to information, participation and justice regarding environmental issues through substantive dialogue with civil society and intergovernmental institutions. Despite our efforts and progress, however, we recognize the need for agreements to ensure the full exercise of rights of access. We are aware that the environmental challenges we face on a national, regional and global level require far more concerted, proactive and effective action from the international community and organizations. We are thus willing to explore in detail various ways to enhance the exercise of those rights with the active involvement of the key stakeholders and society as a whole.

Therefore, bearing in mind that the United Nations Conference on Sustainable Development calls for firm political will to enable us to face existing and emerging challenges, we declare 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

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.”

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, held in Santiago on 6-7 November 2012, the signatory countries adopted a road map for the creation of an instrument on Principle 10 in Latin America and the Caribbean, with a view to launching a process aimed at strengthening dialogue and regional cooperation and developing a regional instrument on rights of access to environmental information, participation and justice, whose main principles and objectives would be: (a) to reach a common vision on the importance and benefits of Principle 10 access rights; (b) to recognize the particular conditions in each signatory country in the review of legal, political, diagnostic and practical initiatives; (c) to promote the exchange and intensification of regional and international cooperation; (d) 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 access rights; and (e) to organize and launch an inclusive process that allows all the sectors involved to make a meaningful contribution.

At the second meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10, held in Guadalajara, Mexico, on 16-17 April 2013, the signatory countries adopted 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. In this document, the countries agreed to the following tasks: (a) promote the Declaration and incorporate new signatories; (b) strengthen and highlight the progress made in the region on rights of access to information, participation and justice; (c) take measures to promote the active participation of civil society at the national level, and (d) establish two working groups for advancing towards the formulation of a regional instrument: one on capacity-building and cooperation and the other on access rights and the regional instrument.

At the third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10, held in Lima on 30-31 October 2013, the signatory countries adopted the Lima Vision for a regional instrument on access rights relating to the environment. In this document, the countries recognized that access rights were essential for the promotion of sustainable development, democracy and a healthy environment. They drew attention to the importance and benefits of access rights and agreed that the regional instrument would be inspired and guided by the following principles: (a) equality, (b) inclusion, (c) transparency, (d) proactivity, (e) collaboration, (f) progressive realization, and (g) non-regression.

In addition, in the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”,¹ among the many provisions referring to Principle 10 of the Rio Declaration on Environment and Development, 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

¹ General Assembly resolution 66/288.

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.

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, which will be held at ECLAC headquarters in Santiago, on 4-6 November 2014, is convened by the Government of Chile, in its capacity as host country and Chair of the process, and the ECLAC secretariat, in its capacity as technical secretariat of the Declaration and pursuant to resolution 686 (XXXV), adopted at the thirty-fifth session of the Commission.

The purpose of the fourth meeting is to analyse the fulfilment of the Plan of Action to 2014 and to adopt a decision on the nature and content of the regional instrument on the application of Principle 10 in Latin America and the Caribbean, with a view to embarking upon the negotiation phase.

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 will be opened in the morning of Tuesday 4 November. Statements will be given by representatives of ECLAC and the Government of Chile, as host country and Chair of the process, and by a representative of the public. The provisional agenda will be considered and adopted in plenary session. Next, new signatories to the Declaration will have an opportunity to make statements. The rest of the morning will be devoted to presentation of the activities carried out by the working groups on capacity-building and on access rights and the regional instrument since the third meeting of the focal points. In the afternoon, a session will be devoted to the activities of the signatory countries at the national level. The day's work will conclude with the first panel on the current status of the international debate and future prospects: international law and the environment.

In the morning of Wednesday 5 November, the Presiding Officers will introduce and facilitate the discussion on the draft decision on the process of implementation of the Declaration. In the afternoon, a second panel will be held on the current status of the international debate and future prospects: environmental justice, equity and the environment. After the panel, discussion on the draft decision will continue.

On Thursday 6 November, a third panel will be held on the current status of the international debate and future prospects: human rights, the environment and intergenerational justice. At the end of the morning, the focal points will adopt the decision which will be the outcome of the meeting and any other agreements they deem appropriate, and the meeting will be closed.

II. PROVISIONAL AGENDA

1. Adoption of the agenda and organization of work.
2. Welcome extended to the new signatories to the Declaration.
3. Adoption of the San José Content for the Regional Instrument.
4. Report on the activities carried out by the working groups established under 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.
5. Action taken at the national level by the signatory countries of the Declaration.
6. Current status of the international debate.
7. Consideration and adoption of the agreements.

III. ANNOTATIONS TO THE PROVISIONAL AGENDA

1. Adoption of the agenda and organization of work

Delegations will have before them for consideration and adoption the provisional agenda (LC/L.3900) prepared by the secretariat in accordance with chapter II of the rules of procedure of ECLAC and bearing in mind the various mandates of the Commission. The delegations of the signatory countries of the Declaration may formulate observations and suggest such modifications as they consider appropriate under the aforementioned rules of procedure.

2. Welcome extended to the new signatories to the Declaration

Under this agenda item, statements will be made by new signatory countries to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean.

3. Adoption of the San José Content for the Regional Instrument

Under this agenda item, the focal points will have before them, for consideration and adoption, the San José Content agreed upon at the seventh meeting of the working groups established in the Plan of Action to 2014, held on 10-11 September 2014 in San José. The San José Content is an annotated index of content to be considered in the negotiation of the regional instrument on rights of access in environmental matters.

Working document:

- Proposal on the nature and content of the regional instrument for consideration at 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.3898)

4. Report on the activities carried out by the working groups established under 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

Reference document:

- 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 map²

Under this agenda item, the technical secretariat and the coordinators of the working groups on capacity-building and on access rights and the regional instrument will report on the activities carried out since the third meeting of the focal points held on 30-31 October in Lima. The floor will then be offered for comments and observations.

5. Action taken at the national level by the signatory countries of the Declaration

Under this agenda item, the meeting will hear reports on national-level activities carried out by the countries signatory to the Declaration and a statement by a representative of the public. Each country will have five minutes, as will the representative nominated by the public. The floor will then be offered for comments and observations.

6. Current status of the international debate

Reference documents:

- Sustainable development in Latin America and the Caribbean: follow-up to the United Nations development agenda beyond 2015 and to Rio+20 (LC/G.2577)
- “Acceso a la información, participación y justicia en temas ambientales en América Latina y el Caribe: Situación actual, perspectivas y ejemplos de buenas prácticas”, *Environment and Development Series* No. 151 (LC/L.3549/REV.2))
- “Typology of instruments of public environmental international law”, *Environment and Development Series* No. 158 (LC/L.3912)

² See *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* (LC/L.3677).

Under this agenda item, three high-level panels will be held to address the following topics: (i) international law and the environment; (ii) justice in environmental matters, equity and the environment; and (iii) human rights, the environment and intergenerational justice. The panels will be formed by renowned international experts who will refer chiefly to matters of international law, the environment and human rights as they relate to access rights, in order to inform the discussions and contribute to future negotiations on the regional instrument. The floor will be offered for comments and observations after each panel has concluded.

7. Consideration and adoption of agreements

If the Latin American and Caribbean signatory countries at the meeting so agree, a decision on the process of implementation of the Declaration will be adopted, thereby opening to the negotiation phase of the regional instrument on Principle 10 in Latin America and the Caribbean.