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Sixth 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

Brasilia, 20-24 March 2017

## **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-three 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 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 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 in 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.

By virtue of resolutions 686(XXXV) and 706(XXXVI), adopted at its thirty-fifth and thirty-sixth sessions, held in 2014 and 2016, respectively, ECLAC took note of the progress made and convergence achieved at the meetings of the focal points and the negotiating committee, which are reflected in the respective reports, and commended the secretariat of the Commission on the progress made in the process.

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

<sup>2</sup> Resolución 66/288 de la Asamblea General.

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.

Five 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 have been held to date. 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 its third meeting, held in Montevideo from 5 to 8 April 2016, the negotiating committee made progress in the negotiations on articles 2 to 5 and numerals 1 and 2 of article 6 and adopted 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.

At its fourth meeting, held in Santo Domingo from 9 to 12 August 2016, the negotiating committee concluded its review of article 6 and reviewed part of article 7.

At its fifth meeting, held at ECLAC headquarters from 21 to 25 November 2016, under the auspices of the Government of Chile, the countries concluded the review of articles 7 and 8 and began reviewing article 9.

At the meeting, the countries requested the Presiding Officers, before the sixth meeting of the negotiating committee and in consultation with the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development, to set out flexible working modalities, including the establishment of working groups open to public participation, in order to facilitate the review of outstanding issues. They also requested the Presiding Officers to steer the negotiation process, with the support of the Economic Commission for Latin America and the Caribbean as technical secretariat, with a view to completing the process by December 2017, based on the agreed calendar of meetings.

The countries also requested ECLAC, in its capacity as technical secretariat, to prepare a preliminary report assessing the possible administrative, financial and budgetary implications of the agreement and the different options and modalities for the establishment of its secretariat and thanked the Government of Brazil for the invitation to hold the sixth 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 in Brasilia in March 2017.

In the light of the foregoing, the aim of the sixth meeting is to resume the negotiations on the substantive aspects of the regional agreement, continuing, as agreed, with articles 9 to 25, using the fifth version of the compiled text, and reviewing outstanding issues through flexible working modalities. The preliminary report of the secretariat assessing the possible administrative, financial and budgetary implications of the agreement will also be presented.

On Monday, 20 March, contact groups, established to review the outstanding issues from articles 6 and 7 (Group 1) and article 8 (Group 2) will meet in the morning.

The opening session of the sixth 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 afternoon of Monday, 20 March 2017. Statements will be made by representatives of the Government of Brazil, ECLAC, as technical secretariat of the process, the Presiding Officers of the negotiating committee and the public. In this plenary session, the agenda of the meeting will be submitted for adoption. This will be followed by a special session with featured speakers on rights of access to environmental justice. Then, 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, to be followed by statements by a representative of the technical secretariat and an elected representative of the public. At the end of the afternoon, negotiations on article 9 of the regional agreement will begin with a general overview of the article.

At 9 a.m. on Tuesday, 21 March, the negotiating committee will resume negotiations of the regional agreement, using the fifth version of the text compiled by the Presiding Officers, continuing, as agreed, with articles 9 to 25, and review outstanding issues. Some time will also be set aside for the presentation of the preliminary report of the secretariat assessing the possible administrative, financial and budgetary implications of the agreement. The negotiations will continue through to Friday, 25 March 2017 at 4 p.m. The negotiating committee will devote some time before closing the meeting to the consideration and adoption of agreements.

## **B. PROVISIONAL AGENDA**

1. Adoption of the agenda.
2. Special session on rights of access to environmental justice.
3. 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.
4. Negotiation of the regional agreement on access to information, public participation and justice in environmental matters in Latin America and the Caribbean.
5. Presentation of the preliminary report by the secretariat assessing the possible administrative, financial and budgetary implications of the agreement.
6. Consideration and adoption of agreements.

## C. ANNOTATIONS TO THE PROVISIONAL AGENDA

### 1. Adoption of the agenda

Delegations will have before them the provisional agenda (LC/L.4292(CNP10.6/1)) 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. Special session on rights of access to environmental justice

The Chair of the Presiding Officers will open the special session. The panel will consist of international experts on environmental justice who will address key considerations for effectively guaranteeing access to environmental justice in the region. The floor will then be opened up for comments and observations.

### 3. 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 fifth meeting of the negotiating committee in November 2016. 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)

### 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 9 to 25, and review outstanding issues 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. Fifth 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. Fifth version (LC/L.4059/Rev.4)

**Reference documents:**

- 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)
- 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 (LC/L.4163)
- 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)
- Report of the fifth 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.4294)
- Compilation of inputs submitted by the public. Note by the secretariat (DDR/1)
- Society, rights and the environment: international human rights standards applicable to access to information, public participation and access to justice (LC/W.712)
- 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
- Resolution 706(XXXVI), adopted by the Commission at its thirty-sixth session, held in May 2016

**5. Presentation of the preliminary report by the secretariat assessing the possible administrative, financial and budgetary implications of the agreement**

As agreed at the fifth meeting of the negotiating committee, under this agenda item the technical secretariat will present a preliminary report assessing the possible administrative, financial and budgetary implications of the agreement, as well as information on the different options and modalities for the establishment of its secretariat.

**Reference document:**

- Report of the fifth 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.4294)

**6. Consideration and adoption of agreements**

The negotiating committee will adopt the agreements it deems appropriate, in accordance with the 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).