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Third meeting of the Conference of the Parties
to the Regional Agreement on Access to Information,
Public Participation and Justice in Environmental Matters
in Latin America and the Caribbean

Santiago, 22–24 April 2024

ANNOTATED PROVISIONAL AGENDA



A. BACKGROUND AND ORGANIZATION OF WORK

The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)¹ was adopted in Escazú, Costa Rica, on 4 March 2018, and entered into force on 22 April 2021.²

The Escazú Agreement has its origins in the United Nations Conference on Sustainable Development (Rio+20), held in Rio de Janeiro, Brazil, from 20 to 22 June 2012. On that occasion, 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 in Latin America and the Caribbean, reaffirming 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.³

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, public participation and access to justice in environmental matters in Latin America and the Caribbean. To this end, the countries established a negotiating committee, with significant participation by the public; Presiding Officers were appointed—comprising Chile and Costa Rica as co-chairs and Argentina, Mexico, Peru, Saint Vincent and the Grenadines and Trinidad and Tobago as vice-chairs—and ECLAC was asked to prepare a preliminary document on the regional instrument. The Presiding Officers were asked to lead the process, with the support of ECLAC as technical secretariat.

The negotiating committee met on nine occasions, concluding with the adoption of the text of the Escazú Agreement. The committee held its first meeting at ECLAC headquarters in Santiago from 5 to 7 May 2015; the second meeting was held in Panama City from 27 to 29 October 2015; the third meeting was held in Montevideo from 5 to 8 April 2016; the fourth meeting was held in Santo Domingo from 9 to 12 August 2016; the fifth meeting was held at ECLAC headquarters in Santiago from 21 to 25 November 2016; the sixth meeting was held in Brasilia from 20 to 24 March 2017; the seventh meeting was held in Buenos Aires from 31 July to 4 August 2017; the eighth meeting was held at ECLAC headquarters in Santiago from 27 November to 1 December 2017; and the ninth meeting took place in Escazú, Costa Rica, from 28 February to 4 March 2018.

¹ See [online] <https://treaties.un.org/doc/Treaties/2018/03/20180312%2003-04%20PM/CTC-XXVII-18.pdf>.

² See depositary notification C.N.15.2021.TREATIES-XXVII.18 of 22 January 2021, communicated by the Secretary-General of the United Nations, acting in his capacity as depositary.

³ See annex to the note verbale dated 27 June 2012 from the Permanent Mission of Chile to the United Nations addressed to the Secretary-General of the United Nations Conference on Sustainable Development (A/CONF.216/13).

The final act of the ninth meeting of the negotiating committee⁴ established that, between adoption and entry into force, the Presiding Officers of the negotiating committee would continue to steer and conduct the necessary work, with signatory countries, significant participation by the public and the support of ECLAC as technical secretariat, and that 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 would apply *mutatis mutandis* until the first Conference of the Parties.⁵ All Latin American and Caribbean States were also invited to sign the Agreement, in accordance with article 21 thereof, and to ratify, accept, approve or accede to it, as appropriate, as soon as possible.

To ensure the continuity of work, two meetings of the countries signatory to the Escazú Agreement were held. The first meeting of the countries signatory to the Escazú Agreement took place in San José, on 11 and 12 October 2019.⁶ The second meeting took place in a virtual format on 9 and 10 December 2020, under the auspices of the Government of Antigua and Barbuda.⁷ To move forward on discussing the topics to be addressed at the first meeting of the Conference of the Parties, a preparatory meeting was held in virtual format on 4 March 2022.

The Economic Commission for Latin America and the Caribbean, by virtue of resolutions 686(XXXV), 706(XXXVI), 725(XXXVII) and 744(XXXVIII), adopted at its thirty-fifth, thirty-sixth, thirty-seventh and thirty-eighth sessions, respectively, took note of the progress made and convergence achieved at the meetings of the focal points and the negotiating committee, and of the adoption of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, in Escazú, Costa Rica, which constitutes an important step towards the achievement of the 2030 Agenda for Sustainable Development. The Commission noted with appreciation the signature and ratification of the Agreement to date, and invited all Latin American and Caribbean States to consider ratifying, accepting, approving or acceding to the Agreement, as appropriate, in accordance with its article 21, as soon as possible.

The Agreement was opened for signature from 27 September 2018 to 26 September 2020 at United Nations Headquarters in New York. The 24 countries that signed it may deposit their instruments of ratification at any time. Those countries that have not signed it within the stipulated time frame can become a party through accession (a one-step procedure without the need for a signature). Instruments of accession have the same legal requirements and effects as ratification.

Pursuant to article 22, the Agreement entered into force on the ninetieth day after the date of deposit of the eleventh instrument of ratification, acceptance, approval or accession.⁸ With said instrument deposited on 22 January 2021, the Escazú Agreement entered into force on 22 April 2021. In keeping with article 15.2 of the Agreement, the first meeting of the Conference of the Parties was convened within one year of its entry into force.

⁴ See the report of the ninth meeting of the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean (LC/CNP10.9/6/Rev.1).

⁵ See the report of the third meeting of the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean (LC/L.4163).

⁶ See the Report of the first meeting of the countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (LC/ESZ.1/3).

⁷ See the Report of the second meeting of the countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (LC/ESZ.2/3).

⁸ See the list of States Parties [online] <https://observatoriop10.cepal.org/en/treaties/regional-agreement-access-information-public-participation-and-justice-environmental>.

The first meeting of the Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean was held from 20 to 22 April 2022, at ECLAC headquarters in Santiago. During the meeting, a political declaration and six decisions were adopted, including the rules of procedure of the Conference of the Parties and the rules relating to the structure and functions of the Committee to Support Implementation and Compliance. It was also agreed that the next meeting of the Conference of the Parties would be an extraordinary meeting and would take place in Argentina in April 2023.

The second meeting of the Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean was held from 19 to 21 April 2023, in Buenos Aires. The purpose of the meeting was to elect the inaugural members of the Committee to Support Implementation and Compliance and to consider any other matter decided by the Parties. At that meeting, the Conference adopted the Buenos Aires Declaration and decision II/1, pursuant to which the members of the Committee to Support Implementation and Compliance were formally elected.

The third meeting of the Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean will be held from 22 to 24 April 2024, at ECLAC headquarters in Santiago. The purpose of the meeting will be to consider and adopt the action plan on human rights defenders in environmental matters in Latin America and the Caribbean prepared by the coordinators of the ad hoc working group, Chile, Ecuador and Saint Kitts and Nevis. The reports of the Secretariat, Presiding Officers and Committee to Support Implementation and Compliance will also be presented, as will road maps for national implementation, and any other matter decided by the Parties will be considered.

The third meeting of the Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean will be opened at noon on Monday, 22 April 2024. Statements will be made by high-level authorities, the Chair of the Conference, and representatives of the public and ECLAC. In the afternoon, a special session will be held to commemorate International Mother Earth Day, at which, in keeping with the international call for action, the ways in which the Escazú Agreement and rights of access contribute to environmental sustainability in the region will be explored. A public preparatory meeting will also be held with the elected representatives of the public.

On the morning of 23 April, the agenda will be adopted and a status report will be presented on the letters of credentials received. Next, the reports of the Presiding Officers, the Secretariat and the elected representatives of the public will be presented. This will be followed by a session on national implementation of the Escazú Agreement, in which States Parties will report on their progress in the development of national implementation plans, and a draft decision on national implementation of the Escazú Agreement will be considered. Next, the Conference will consider the draft action plan on human rights defenders in environmental matters, which will be presented by the coordinators of the ad hoc working group (Chile, Ecuador and Saint Kitts and Nevis).

In the afternoon of 23 April, discussion of the action plan will continue, including consideration of the draft action plan and the related draft decision. Next, a special session will be held on access to environmental information, focusing on environmental information systems and pollutant release and transfer registers, with the participation of eminent experts on the matter.

On the morning of 24 April, another special session will be held, on access to justice in environmental matters, to analyse the challenges and opportunities presented by article 8 of the Escazú Agreement. Later, the reports of the Committee to Support Implementation and Compliance will be presented and a special session will be held on public participation in environmental impact assessments in support of implementation of article 7 of the Escazú Agreement.

Other matters will be considered in the afternoon of 24 April, including draft decisions on the national focal points of Parties, on the next meeting of the Conference of the Parties and on mainstreaming the gender perspective, as well as other matters that the Parties deem worthy of consideration. The Presiding Officers will also be elected. Lastly, the decisions adopted will be read and the closing ceremony will be held.

Following the third meeting of the Conference of the Parties, related activities will be conducted on 25 and 26 April, and will be open to accredited participants of the Conference. On 25 April, the fourth meeting of the Committee to Support Implementation and Compliance will be held, and there will be a public meeting of the Latin American Network of Environmental Impact Assessment Systems (REDLASEIA), as well as events on cooperation for implementation of the Escazú Agreement and on mainstreaming the gender perspective in relation to the Escazú Agreement. On the morning of 26 April, a series of discussions will be held on the Secretariat's call for unpublished academic articles on access to justice in environmental matters and human rights defenders in environmental matters.

Official virtual side events will also be held from 22 to 26 April.

B. PROVISIONAL AGENDA

1. Organizational matters.
 - a. Adoption of the agenda
 - b. Credentials of States Parties
 - c. Election of Presiding Officers
2. Reports by the Presiding Officers and the Secretariat.
3. Reports by the Committee to Support Implementation and Compliance.
4. Consideration and adoption of the action plan on human rights defenders in environmental matters.
5. National implementation of the Escazú Agreement.
6. Other matters.
7. Agreed decisions.

C. ANNOTATIONS TO THE PROVISIONAL AGENDA

1. Organizational matters

a. Adoption of the agenda

Representatives of States Parties shall have before them the provisional agenda⁹ for consideration and adoption, as prepared by the Secretariat in consultation with the Presiding Officers, pursuant to rule of procedure V of the Conference of the Parties. Parties may make such observations or suggest such modifications as they deem appropriate under the aforementioned rules of procedure.

b. Credentials of States Parties

Rule of procedure VI, paragraph 3, of the Conference of the Parties stipulates that “credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretariat no later than 48 hours before the opening of the meeting. Any subsequent change in the composition of a delegation shall also be communicated to the Secretariat.”

Credentials must have been issued by the Head of State or Head of Government, or by the Minister for Foreign Affairs. To assist the Parties in complying with this requirement, the Secretariat shall publish a template for suitable credentials.

Pursuant to rule of procedure VI, paragraph 4, the Presiding Officers shall examine the credentials and submit a report to the Conference of the Parties. The Conference of the Parties shall be invited to consider and adopt the report on credentials presented by the Presiding Officers.

c. Election of Presiding Officers

Rule of procedure VII provides that, at the second and subsequent ordinary meetings of the Conference of the Parties, a Chair and four Vice-Chairs shall be elected from among the Parties present at the meeting in question to serve as Presiding Officers, giving special consideration to the need to ensure adequate geographical representation of the Parties and gender balance among representatives.

The Presiding Officers will be elected on the last day of the meeting, given that the term of office of the Presiding Officers elected at the first meeting of the Conference will conclude at that time.

Reference documents:

- Rules of procedure of the Conference of the Parties (LC/COP-EZ.1/4)

2. Reports by the Presiding Officers and the Secretariat

Under this agenda item, the Presiding Officers and the Secretariat will report on matters related to their management since the last meeting of the Conference of the Parties, pursuant to the decisions adopted by the Conference and the rules of procedure. The elected representatives of the public will also be invited to present the report on their activities.

⁹ LC/COP-EZ.3/1.

Reference documents:

- Rules of procedure of the Conference of the Parties (LC/COP-EZ.1/4)
- Rules relating to the structure and functions of the Committee to Support Implementation and Compliance (LC/COP-EZ.1/5)
- Decision I/4 on financial arrangements (LC/COP-EZ.1/3)

3. Reports by the Committee to Support Implementation and Compliance

The Committee to Support Implementation and Compliance, as a subsidiary body of the Conference, will submit the reports mandated in the rules relating to its structure and functions and requested by the Conference in a decision.

Reference documents:

- Rules of procedure of the Conference of the Parties (LC/COP-EZ.1/4)
- Rules relating to the structure and functions of the Committee to Support Implementation and Compliance (LC/COP-EZ.1/5)
- Decision II/1 on election of members of the Committee to Support Implementation and Compliance (LC/COP-EZ.2/3)
- Working modalities of the Committee to Support Implementation and Compliance of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) (LC/TS.2024/33)

4. Consideration and adoption of the action plan on human rights defenders in environmental matters

Under this agenda item, the Conference will consider the draft action plan on human rights defenders in environmental matters prepared by the coordinators of the ad hoc working group, Chile, Ecuador and Saint Kitts and Nevis.

First, the coordinators of the working group will present the draft action plan and explain its preparation and public consultation process. An opportunity will then be provided to consider the draft decision prepared by the Presiding Officers.

Reference documents:

- Decision I/6 on human rights defenders in environmental matters (LC/COP-EZ.1/3)
- Draft decision on the action plan on human rights defenders in environmental matters in Latin America and the Caribbean
- Action plan on human rights defenders in environmental matters in Latin America and the Caribbean: proposal by Chile, Ecuador and Saint Kitts and Nevis
- Report of the Second Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean (LC/TS.2024/22)

5. National implementation of the Escazú Agreement

Pursuant to article 15, paragraph 5 of the Escazú Agreement, according to which the Conference of the Parties shall examine and promote the implementation and effectiveness of the Agreement and, to that end, may formulate recommendations to the Parties on the implementation of the Agreement, the Conference will consider progress by the Parties in the development of national implementation plans.

The draft decision on national implementation prepared by the Presiding Officers will also be considered.

Reference documents:

- Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean: implementation guide (LC/TS.2021/221/Rev.2)
- Ruta hacia la implementación del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe en la Argentina (LC/TS.2023/184)
- Ruta para la implementación del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe en el Ecuador (LC/TS.2023/41)
- Road map for the implementation in Saint Lucia of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (LC/TS.2024/30)

6. Other matters

Under this agenda item, three draft decisions prepared by the Presiding Officers will be considered, as follows: draft decision on national focal points of the Parties; draft decision on the next meeting of the Conference of the Parties; and draft decision on mainstreaming the gender perspective.

The representatives of the States Parties may also submit other matters of interest for consideration if they wish.

7. Agreed decisions

Under this agenda item, the Chair will read the adopted decisions and close the meeting.