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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

Extraordinary meeting

Buenos Aires, 19–21 April 2023

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, on 20–22 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,³ 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.

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 meeting⁴ of the negotiating committee 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 Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (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, held in 2014, 2016, 2018 and 2020, 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.

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 will be held from 19 to 21 April 2023, in Buenos Aires. The purpose of the meeting will be to elect the inaugural members of the Committee to Support Implementation and Compliance and to consider any other matter decided by the Parties. As part of the meeting, special sessions and briefings will be held in person and official online side events will be held.

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 will commence in the afternoon of Wednesday, 19 April 2023. Statements will be made by high-level authorities, elected representatives of the public and of ECLAC, and new States Parties and newly elected representatives of the public will be recognized.

On the morning of 20 April, the agenda will be adopted and a status report on letters of credentials received from States Parties will be presented. The Presiding Officers and the secretariat will then report on the activities carried out since the first meeting of the Conference of the Parties. Subsequently, the roster of candidates to the Committee to Support Implementation and Compliance prepared by the Presiding Officers in accordance with the rules relating to the structure and functions of the Committee to Support Implementation and Compliance shall be submitted for consideration by the Conference of the Parties. At the end of the morning, there will be a session on comparative experiences of implementation and compliance support bodies. In the afternoon of the same day, a regional dialogue will be held to promote national implementation and to outline progress and share experiences in this area.

On the morning of 21 April, a session will be held to follow up on the decisions of the first meeting of the Conference of the Parties. Progress on decision I/6 on human rights defenders in environmental matters will be addressed. The members of the Committee to Support Implementation and Compliance will then be elected. In the afternoon of the same day, another session will be held to discuss progress on decision I/4 on financial arrangements, and a report will be provided on the status of the Voluntary Fund established by the Agreement. Following this, delegations will be able to raise other matters, the decisions adopted will be read out and the next steps in preparing the following meeting of the Conference of the Parties will be outlined.

The meeting will close on the afternoon of Friday, 21 April.

B. PROVISIONAL AGENDA

1. Organizational matters.
 - a. Adoption of the agenda.
 - b. Credentials of States Parties.
2. Election of the members of the Committee to Support Implementation and Compliance.
3. Other matters.
4. 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.

2. Election of the members of the Committee to Support Implementation and Compliance

Under this agenda item, the States Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean will have before them the roster of up to 10 candidates prepared by the Presiding Officers, electing from it the first 7 members of the Committee to Support Implementation and Compliance.

⁹ LC/COP-EZ.2/1.

In accordance with rules relating to the structure and functions of the Committee to Support Implementation and Compliance, the Presiding Officers shall prepare a roster of up to 10 candidates for consideration by the Conference of the Parties (DDR1). The Conference of the Parties shall elect the members of the Committee by consensus. If consensus cannot be reached, the Conference of the Parties shall elect such members by simple majority of the Parties present and voting, by secret ballot.

The term of office of Committee members shall be four years, renewable for another four years. A Committee member's term of office shall begin at the conclusion of the meeting of the Conference of the Parties at which he or she is elected. Of the members elected at the first election, three shall be chosen by lot to serve a term of six years. Immediately after the first election, the Chair of the Conference of the Parties shall draw by lot these three members.

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)
- Roster of candidates to the Committee to Support Implementation and Compliance prepared by the Presiding Officers. (LC/COP-EZ.2/DDR/1)

3. Other matters

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

4. Agreed decisions

Under this agenda item, the Chair will read the agreed decisions.