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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

Virtual meeting, 9–10 December 2020

## **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<sup>1</sup> (Escazú Agreement) was adopted in Escazú, Costa Rica, on 4 March 2018, and opened for the signature of the 33 countries of Latin America and the Caribbean at United Nations Headquarters in New York on 27 September 2018.

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,<sup>2</sup> 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, participation and 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.

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

<sup>2</sup> 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 committee<sup>3</sup> 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<sup>4</sup> would apply *mutatis mutandis* until the first Conference of the Parties. 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 continue that work, 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 was held in San José on 11 and 12 October 2019, at which the topics to be discussed at the first meeting of the Conference of the Parties were examined.<sup>5</sup>

The Economic Commission for Latin America and the Caribbean, by virtue of resolutions 686(XXXV), 706(XXXVI) and 725(XXXVII), adopted at its thirty-fifth, thirty-sixth and thirty-seventh sessions, held in 2014, 2016 and 2018, 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. In addition, in its resolution 744(XXXVIII), adopted at its thirty-eighth session, the Commission expressed its appreciation to the Government of Antigua and Barbuda for its offer to host the second meeting of the countries signatory, noted with appreciation the signature of the Agreement by 24 countries of Latin America and the Caribbean and the ratification by nine countries of the region to date as a contribution to sustainable development in its three dimensions —economic, social and environmental—, and invited all Latin American and Caribbean States to consider ratifying, accepting, approving or acceding to the Regional Agreement, as appropriate, in accordance with its article 21, as soon as possible.

Pursuant to its article 21, 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.

The second meeting of the signatory countries of the Escazú Agreement will be held on 9 and 10 December 2020, under the auspices of the Government of Antigua and Barbuda, at which the topics to be addressed at the first meeting of the Conference of the Parties will continue to be discussed, namely: (i) the rules of procedure of the Conference of the Parties, including the modalities for significant participation by the public (article 15.4(a)); (ii) the financial provisions that are necessary for the functioning and implementation of the Agreement (article 15.4(b)); and (iii) the rules relating to the structure and functions of the Committee to Support Implementation and Compliance (article 18.1). Also, cooperation opportunities and strategies to promote the Escazú Agreement in international and regional forums for its early entry into force will be discussed.

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<sup>3</sup> LC/CNP10.9/4.

<sup>4</sup> 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).

<sup>5</sup> 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).

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 will open in the morning of Wednesday, 9 December 2020. Statements will be made by the representatives of the Government of Antigua and Barbuda, the Presiding Officers, the public and ECLAC in its capacity as the secretariat. The agenda for the meeting will be adopted at that time. Next, the representatives of the signatory countries of the Agreement —and observer countries, if they wish— will have three minutes per country to refer to actions carried out at the national level. This will be followed by statements by the secretariat and a representative of the public. This will be followed by a special session on cooperation in the framework of the Escazú Agreement, involving international, regional and national organizations.

In the afternoon of 9 December, discussions will begin on the topics to be addressed under the Agreement at the first meeting of the Conference of the Parties. It will begin with: (i) the rules of procedure of the Conference of the Parties, including the modalities for significant participation by the public (article 15.4(a)).

This will be followed by a high-level event on the occasion of International Human Rights Defenders Day, which will feature distinguished speakers.

On the morning of Thursday, 10 December, a high-level event will be held on the occasion of Human Rights Day, with distinguished speakers who will refer to the virtuous circle of the environment, human rights and the Escazú Agreement.

The discussions will then continue of the topics to be addressed, by virtue of the Agreement, at the first meeting of the Conference of the Parties: (ii) the financial provisions that are necessary for the functioning and implementation of the Agreement (article 15.4(b)); and (iii) the rules relating to the structure and functions of the Committee to Support Implementation and Compliance (article 18.1). Each of these sessions will begin with a presentation, followed by open discussions.

The meeting will close on the afternoon of Thursday, 10 December, following the adoption of the agreements.

## **B. PROVISIONAL AGENDA**

1. Adoption of the agenda.
2. Actions carried out at the national level by the countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and activities carried out by the secretariat.
3. Special session on cooperation for the implementation of the Escazú Agreement.
4. Discussion of the topics to be addressed at the first meeting of the Conference of the Parties.
5. High-level event on the occasion of International Human Rights Defenders Day.
6. High-level event on the occasion of Human Rights Day.
7. Consideration and adoption of agreements.

## C. ANNOTATIONS TO THE AGENDA

### 1. Adoption of the agenda

Delegations will have before them the provisional agenda for 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.<sup>6</sup> 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 carried out at the national level by the countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and activities carried out by the secretariat

Under this agenda item, the focal points 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—and observer countries, if they so wish— will have three minutes each to refer to actions carried out the national level in the framework of the Regional Agreement. ECLAC will then report on the activities carried out by the secretariat since the first meeting of the countries signatory. Next, an elected representative of the public will be invited to report on the action taken by the public in the region.

#### Reference document:

- Final act (LC/CNP10.9/4).

### 3. Special session on cooperation

The Chair of the meeting will open the special session. The panel will comprise representatives of international, regional and national organizations who will address the opportunities for cooperation within the framework of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean. The floor will then be given to participants who wish to make comments and observations.

### 4. Discussion of the topics to be addressed at the first meeting of the Conference of the Parties

Under this agenda item, the representatives of the countries of Latin America and the Caribbean will review the topics to be addressed at the first meeting of the Conference of the Parties, as provided in articles 15.4(a), 15.4(b) and 18.1 of the Agreement.

#### Reference documents:

- Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (LC/PUB.2018/8)

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<sup>6</sup> LC/ESZ.2/1.

- Proposed rules of procedure 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 (LC/ESZ.2/DDR/1)
- Proposed core elements for consideration in the preparation of rules relating to the structure and functions 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 (LC/ESZ.2/DDR/2)
- 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)
- 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)
- 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)
- 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 of ECLAC at its thirtieth session, held in March 2015
- Resolution 706(XXXVI), adopted by the Commission at its thirty-sixth session, held in May 2016
- Resolution 725(XXXVII), adopted by the Commission at its thirty-seventh session, held in May 2018
- Resolution 744(XXXVIII), adopted by the Commission at its thirty-eighth session, held in October 2020

## **5. High-level event on the occasion of International Human Rights Defenders Day**

The Chair of the meeting will open the high-level event. The panel will consist of leading experts who will address the challenges faced by human rights defenders in environmental matters and the opportunities presented by the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean. The floor will then be given to participants who wish to make comments and observations.

## **6. High-level event on the occasion of Human Rights Day**

The Chair of the meeting will open the high-level event. The panel will consist of leading experts who will address the virtuous circle between the environment, human rights and the Escazú Agreement. The floor will then be given to participants who wish to make comments and observations.

## **7. Consideration and adoption of agreements**

Under this agenda item, the representatives of the Latin American and Caribbean present at the meeting will review the agreements and, as appropriate, adopt them after making any amendments they deem necessary. They will also discuss strategies for the early entry into force of the Agreement.