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Second 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

Panama City, 27-29 October 2015

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,¹ 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 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 2012,² among the many provisions referring to Principle 10 of the Rio Declaration, 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.

In 2012-2014, 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 regarding 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. They requested ECLAC to prepare a preliminary document on the regional instrument. They also requested the Presiding Officers to steer the process, with the support of ECLAC as technical secretariat, with a view to concluding negotiations on the regional instrument by December 2016.

By virtue of resolution 686(XXXV), adopted at its thirty-fifth session, held in 2014, ECLAC took note of the agreements adopted at the first three meetings of the focal points, which are reflected in the respective reports, and commended the secretariat of the Commission on the progress made in the process towards the adoption of a regional instrument for the application of Principle 10 of the Rio Declaration on Environment and Development, which was under way in Latin America and the Caribbean.

¹ A/CONF.216/13.

² General Assembly resolution 66/288.

The Committee of the Whole of ECLAC took note of the Santiago Decision by virtue of resolution 693(PLEN.30), adopted at its thirtieth session, held in March 2015.

The first 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 was held at ECLAC headquarters in Santiago from 5 to 7 May 2015. At that meeting, 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, on 27-29 October 2015.

In preparation for the second meeting of the negotiating committee, in the organization and work plan the representatives of the participating countries agreed to: (a) initiate or continue internal activities and consultations, including with the public, on the preliminary document on the regional instrument, taking into account the specific circumstances, norms and practices of each country; (b) submit language proposals to the secretariat, by 31 August 2015, in relation to the preamble and articles 1 to 10 of the preliminary document; (c) invite the public to submit language proposals to their governmental national focal points or to the secretariat by 31 August 2015, in relation to the preamble and articles 1 to 10 of the preliminary document; (d) request the Presiding Officers to compile, with the support of the secretariat, language proposals from the countries into the preliminary document and produce a compilation text, and ask the secretariat to compile contributions by the public into a separate document; and (e) negotiate on the basis of the text compiled by the Presiding Officers at the second 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, to be held in October 2015.

In the light of the above, the purpose of the second meeting is to negotiate the substantive content of the regional agreement. As agreed, the negotiations will focus on the preamble and articles 1 to 10 of the preliminary document prepared by ECLAC, using as a basis the text compiled by the Presiding Officers, which includes the language proposals received in response to the preliminary document.

The opening session of the second 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 morning of Tuesday, 27 October 2015. Statements will be made by representatives of the Government of Panama, as the host country of the meeting, ECLAC, as technical secretariat of the process, the Presiding Officers of the negotiating committee and the public. In this plenary session, the Presiding Officers will submit to the countries for their consideration and adoption the provisional agenda of the meeting and the proposed modalities for public participation in the negotiating committee, prepared by the co-chairs. Subsequently, 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 with respect to the regional process, to be followed by statements by a representative of the technical secretariat and an elected representative of the public.

In the afternoon of the first day, negotiations will commence on the regional agreement on the basis of the text compiled by the Presiding Officers, containing proposals on the preamble and articles 1 to 10 of the preliminary document. The negotiations will continue through to the afternoon of Thursday, 29 October 2015. If it is so decided, the negotiating committee will devote some time before closing the meeting to address other matters. Lastly, any agreements will be adopted before closing the meeting.

B. PROVISIONAL AGENDA

1. Adoption of the agenda.
2. Adoption of modalities for participation of the public in the negotiating committee.
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 access to justice in environmental matters in Latin America and the Caribbean.
5. Other matters.

C. ANNOTATIONS TO THE PROVISIONAL AGENDA

1. Adoption of the agenda

Delegations will have before them the provisional agenda (LC/L.4052(CNP10.2/1)) 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 member States may make such observations or suggest such modifications as they deem appropriate under the aforementioned rules of procedure.

2. Adoption of modalities for participation of the public in the negotiating committee

Under this agenda item, delegations of Latin America and the Caribbean will have before them, for their consideration and adoption, the 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, prepared by the co-chairs at the request of the Presiding Officers.

Under paragraph 6 of the organization and work plan of the negotiating committee, adopted at its first meeting, held in Santiago from 5 to 7 May 2015, the public will have significant participation in the negotiation process in accordance with the provisions and modalities set forth in the Santiago Decision and the Plan of Action adopted in Guadalajara, Mexico, which shall be reviewed, as appropriate, in order to facilitate their application. In response to a request by the Presiding Officers, the co-chairs prepared a proposal specifying the modalities for public participation in the committee, which was circulated to the countries and the public on 16 June 2015 and presented and discussed at a virtual inter-sessional meeting held by the negotiating committee on 28 July 2015. On the basis of the comments received in writing and during the meeting, the co-chairs prepared a new version which is to be submitted for adoption by the countries.

Working document:

- 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 (LC/L.4058(CNP10.2/3))

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)
- 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 contained in the 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 in Latin America and the Caribbean (LC/L.3677)
- Resolution 686(XXXV), adopted by the Commission at its thirty-fifth session, held in 2014
- Resolution 693(PLEN.30), adopted at the thirtieth session of the Committee of the Whole, held in March 2015

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 first meeting of the negotiating committee in May 2015. 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 access to justice in environmental matters in Latin America and the Caribbean

Under this agenda item, the representatives of the countries of Latin America and the Caribbean attending the meeting will negotiate the substantive content of the regional agreement. As agreed, the negotiations will focus on the preamble and articles 1 to 10 of the preliminary document prepared by ECLAC, using as a basis the text compiled by the Presiding Officers, which includes the language proposals received in response to the preliminary document.

Working document:

- 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. Note by the secretariat (LC/L.4059(CNP10.2/4))

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).
- 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).
- Compilation of inputs submitted by the public. Note by the secretariat (DDR/1)

5. Other matters

Under this agenda item, the negotiating committee may consider any other matters it deems appropriate.