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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

San José, 11–12 October 2019

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) 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 2018.¹

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,² 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 ninth meeting took place in San José, 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 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 meeting³ requested the Presiding Officers of the negotiating committee to continue to steer and conduct the necessary work in the period between the date on which the Agreement would be opened for signature and the first meeting of the Conference of the Parties, with signatory countries, significant participation by the public and the support of ECLAC as technical secretariat, applying *mutatis mutandis* 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 Caribbean⁴ until the first Conference of the Parties. It also invited all Latin American and Caribbean States 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.

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 agreements adopted and 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. In resolution 725(XXXVII), adopted at its thirty-seventh session, the Commission took note of the adoption of the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean, adopted in Escazú, Costa Rica, as an important step towards achieving the 2030 Agenda for Sustainable Development, invited all governments of Latin America and the Caribbean to consider becoming members of the Agreement, which would be open to signature from 27 September 2018, and requested the secretariat to update member States on further developments in that regard.

Recalling the mandates of the Presiding Officers contained in the final act of the ninth meeting of the negotiating committee and the deliberations of the regional workshop on progress and challenges in implementation of the Escazú Agreement in Latin America and the Caribbean: towards an early entry into force, held on 25 April 2019 in the framework of the third meeting of the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, the Presiding Officers, meeting on 7 August 2019, welcomed the proposal of Costa Rica to host 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 on 11 and 12 October 2019 in San José.

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 will open in the morning of Friday 11 October 2019. Statements will be made by representative of the Government of Costa Rica; ECLAC, in its capacity as technical secretariat; and a representative of the public. The agenda for the meeting will be adopted at that time. Next, the signatory countries of the Agreement—and observer countries, if they wish— will each have three minutes to refer to actions carried out at the national level. This will be followed by statements by the technical secretariat and a representative of the public.

Separate sessions will then follow on the items which, under the Agreement, should be dealt with at the first meeting of the Conference of the Parties, namely: (i) the rules of procedure of the Conference of the Parties, including the modalities for significant participation by the public (article 15.4a); (ii) the financial provisions that are necessary for the functioning and implementation of the Agreement

³ See *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).

⁴ See annex to the agreements in 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).

(article 15.4b); and (iii) rules relating to the structure and functions of the Committee to Support Implementation and Compliance (article 18.1) Each of these sessions will include an initial presentation which will provide a comprehensive overview, describe the state of the art and offer comparative experiences, followed by a round table with experts and open discussions.

The morning of Saturday, 12 October will be devoted to a discussion of strategies and alternatives to achieve early entry into force and implementation of the Escazú Agreement, as well as the necessary partnerships and synergies.

The closing session will be held at noon on Saturday, 12 October.

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. Discussion of the topics to be addressed at the first meeting of the Conference of the Parties.
4. Strategies and partnerships for the early entry into force and implementation of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.
5. Consideration and adoption of agreements.

C. ANNOTATIONS TO THE PROVISIONAL AGENDA

1. Adoption of the agenda

Delegations will have before them the provisional agenda⁵ 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. 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.

Reference document:

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

⁵ LC/ESZ.1/1.

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 Agreement. ECLAC will then report on the activities carried out by the technical secretariat since the third meeting of the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, held from 24 to 26 April 2019. Next, 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 Agreement.

Reference documents:

- Final act (LC/CNP10.9/4).
- Report of the regional workshop on progress and challenges in the implementation of the Escazú Agreement in Latin America and the Caribbean: towards an early entry into force

3. 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).
- 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).
- 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
- Resolution 725(XXXVII), adopted by the Commission at its thirty-seventh session, held in May 2018

4. Strategies and partnerships for the early entry into force and implementation 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, the representatives of the countries of Latin America and the Caribbean attending the meeting will discuss strategies and partnerships to facilitate the early entry into force and implementation of the Agreement. In addition, representatives of other States, entities of the United Nations system, regional and subregional organizations, civil society and other relevant stakeholder who wish to do so may draw attention to opportunities for collaboration, regional cooperation, capacity-building and synergies to support the signatory countries in the process of ratification and implementation of the Agreement.

5. Consideration and adoption of agreements

Under this agenda item, the representatives of the Latin American and Caribbean countries present at the meeting will review the agreements and, as appropriate, adopt them after making any amendments they deem necessary.