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Third 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

Lima, 30-31 October 2013

### **ANNOTATED PROVISIONAL AGENDA**

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## I. BACKGROUND AND ORGANIZATION OF WORK

The Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean was signed in the framework of the United Nations Conference on Sustainable Development (Rio+20), held in June 2012, in Rio de Janeiro, Brazil.

In that Declaration, the signatory government said that:

“Twenty years after the Earth Summit, we reiterate that, as recognized in Principle 10 of the Rio Declaration, environmental issues are best handled with the participation of all concerned citizens. To this end, each individual should have appropriate access to information, the opportunity to participate in decision-making processes and effective access to judicial and administrative proceedings. We thus affirm that to comply with this Principle, States should facilitate and promote education, awareness-raising and public participation by making information widely available and providing effective access to the proceedings outlined above.

We also recognize and affirm that the rights of access to information, participation and justice regarding environmental issues are essential for promoting sustainable development, democracy and a healthy environment. These rights provide many benefits, such as helping to make better decisions and implement them more effectively; involving the public in environmental issues; furthering accountability and transparency in governance; and helping to change production and consumption patterns.

We consider it important to emphasize that, in keeping with our commitment to Principle 10, the countries of Latin America and the Caribbean have invested substantial financial and human resources in its implementation. As a result, we have made considerable progress in the legal recognition of the rights of access to information, participation and justice regarding environmental issues through substantive dialogue with civil society and intergovernmental institutions. Despite our efforts and progress, however, we recognize the need for agreements to ensure the full exercise of rights of access. We are aware that the environmental challenges we face on a national, regional and global level require far more concerted, proactive and effective action from the international community and organizations. We are thus willing to explore in detail various ways to enhance the exercise of those rights with the active involvement of the key stakeholders and society as a whole.

Therefore, bearing in mind that the United Nations Conference on Sustainable Development calls for firm political will to enable us to face existing and emerging challenges, we declare that:

Commitments must be made to ensure the full exercise of rights of access to information, participation and justice regarding environmental issues as enshrined in Principle 10 of the Rio Declaration of 1992. To this end, we declare our willingness to launch a process to explore the feasibility of adopting a regional instrument, ranging from guidelines, workshops and best practices to a regional convention open to all countries in the region and with the meaningful participation of all concerned citizens. Latin America and the Caribbean can and must take a meaningful step forward on this front. The above-

mentioned Governments therefore commit to drafting and implementing a Plan of Action 2012-2014, with the support of the Economic Commission for Latin America and the Caribbean (ECLAC) as the technical secretariat, to work towards such a regional convention or other instrument. As input for that plan, our Governments hereby request ECLAC to conduct a study of the situation, best practices and requirements concerning access to information, participation and justice regarding environmental issues in Latin America and the Caribbean.”

At the first meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10, held in Santiago on 6-7 November 2012, the signatory countries adopted a road map for the creation of an instrument on Principle 10 in Latin America and the Caribbean, with a view to launching a process aimed at strengthening dialogue and regional cooperation and developing a regional instrument on rights of access to environmental information, participation and justice, whose main principles and objectives would be: (a) to reach a common vision on the importance and benefits of Principle 10 access rights; (b) to recognize the particular conditions in each signatory country in the review of legal, political, diagnostic and practical initiatives; (c) to promote the exchange and intensification of regional and international cooperation; (d) to promote the conduct of activities for both civil society and the public sector, including education, training, information and awareness-raising, with a view to contributing to the effective application of access rights, and (e) to organize and launch an inclusive process that allows all the sectors involved to make a meaningful contribution.

At the second meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10, held in Guadalajara, Mexico, on 16-17 April 2013, the signatory countries adopted the 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 and its road map. In this document, the countries agreed to the following tasks: (a) promote the Declaration and incorporate new signatories; (b) strengthen and highlight the progress made in the region on rights of access to information, participation and justice; (c) take measures to promote the active participation of civil society at the national level, and (d) establish working groups for advancing towards the formulation of a regional instrument: the working group on capacity-building and cooperation and the working group on access rights and the regional instrument.

In addition, in the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, endorsed by the General Assembly on 11 September 2012,<sup>1</sup> among the many provisions referring to Principle 10 of the Rio Declaration on Environment and Development, 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 the 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. Furthermore, they encouraged action at the regional, national, subnational and local levels to promote access to information, public participation and access to justice in environmental matters, as appropriate.

In follow-up to the acknowledgements contained in the outcome of the United Nations Conference on Sustainable Development, “The future we want”, and to resolution 648(XXXIII) on its programme of work for the biennium 2012-2013, and in its capacity as technical secretariat of the

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<sup>1</sup> A/RES/66/288.

Declaration as requested by the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development, ECLAC has organized the third 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, which will be held in Lima, on 30-31 October 2013.

The purpose of the meeting is to review progress in the region regarding implementation of the Plan of Action to 2014, adopted in Guadalajara in April 2013, and to identify the next steps for advancing towards the formulation of an instrument on the application of Principle 10 in Latin America and the Caribbean.

The third 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 will be opened on the morning of Wednesday, 30 October at the Ministry of Foreign Affairs of Peru, in Lima, following the meeting of heads of delegation. In plenary session, the focal points will elect the officers of the third meeting and adopt the agenda. Statements will be heard from representatives of ECLAC, the Government of Peru, as the host country of the meeting, a representative of the Presiding Offices of the Declaration and a representative of civil society. The opening presentation will be given by the Vice-Minister of the Environment of Peru, who will refer to access rights and sustainable development. New signatories to the Declaration will then be invited to make statements. The rest of the mounting will be devoted to an account of the measures adopted by the signatory countries at the national level. During the afternoon, the coordinators of the working groups established in the Plan of Action to 2014 will present the measures taken to date and proposals for the consideration and adoption by the signatory countries.

During the morning of Thursday, 31 October, statements will be made in plenary session by guest speakers invited to participate in the international panel on access rights and international processes, followed by an open discussion. At the end of the morning, the agreements and implementation mechanisms will be adopted and the meeting will conclude.

#### **PROVISIONAL AGENDA**

1. Adoption of the agenda and organization of work of the third 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.
2. Review of the status regarding access rights and sustainable development.
3. New signatories to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean.
4. Measures taken by countries signatory to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean.

5. Measures taken and proposals for consideration and adoption by the signatory countries of the working group on capacity-building and cooperation established in the 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.
6. Measures taken and proposals for consideration and adoption by the signatory countries of the working group on access rights and the regional instrument established in the 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.
7. International panel: Access rights and international processes.
8. Review and adoption of the agreements of the third 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.

### **III. ANNOTATIONS TO THE PROVISIONAL AGENDA**

#### **1. Adoption of the agenda and organization of work of the third 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**

Delegations will have before them for consideration and adoption the provisional agenda (LC/L.3720) prepared by the secretariat in accordance with chapter II of the rules of procedure of ECLAC and bearing in mind the various mandates of the Commission. The delegations of the signatory countries of the Declaration may formulate observations and suggest such modifications as they consider appropriate under the aforementioned rules of procedure.

#### **2. Review of the status regarding access rights and sustainable development**

##### **Reference documents:**

- Sustainable Development in Latin America and the Caribbean: Follow-up to the United Nations development agenda beyond 2015 and to Rio+20 (LC/G.2577)
- “Acceso a la información, participación y justicia en temas ambientales en América Latina y el Caribe. Situación actual, perspectivas y ejemplos de buenas prácticas”, *Medio Ambiente y Desarrollo series*, No. 151 (LC/L.3549/Rev.2)

The opening presentation will be made by the Vice-Minister of the Environment of Peru, who will refer to access rights and sustainable development. The floor will then be offered for comments and observations.

**3. New signatories to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean**

Under this agenda item, statements will be made by new signatories to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean.

**4. Measures taken by countries signatory to the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean**

Under this agenda item, the focal points of the countries signatory to the Declaration on the application of Principle 10 may refer to the measures taken or planned at the national level further to the provisions of the Plan of Action to 2014. The floor will then be offered for comments and observations.

**5. Measures taken and proposals for consideration and adoption by the signatory countries of the working group on capacity-building and cooperation established in the 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**

**Reference documents:**

- 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 and its road map
- Draft report on the working group on capacity-building and cooperation (Spanish only)<sup>2</sup>

Under this agenda item, the meeting participants will have the opportunity to hear an account of the measures adopted in the framework of the activities of the working group on capacity-building and cooperation established in the Plan of Action to 2014 and the proposals for consideration and adoption by the focal points of the countries signatory to the Declaration. The floor will then be offered for comments and observations.

**6. Measures taken and proposals for consideration and adoption by the signatory countries of the working group on access rights and the regional instrument established in the 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**

**Reference documents:**

- 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 and its road map
- Draft report on the working group on access rights and the regional instrument (Spanish only)

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<sup>2</sup> See all the working group reports [online] [www.cepal.org/rio20/principio10](http://www.cepal.org/rio20/principio10).

Under this agenda item, the meeting participants will have the opportunity to hear an account of the measures adopted in the framework of the activities of the working group on access rights and the regional instrument established in the Plan of Action to 2014 and the proposals for consideration and adoption by the focal points of the countries signatory to the Declaration. The floor will then be offered for comments and observations.

**7. International panel: Access rights and international processes**

The Chair of the Presiding Officers will open this session. The panel will comprise international experts on access rights, who will refer to the international processes under way and how they link in with the objectives set forth in the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development. The floor will then be offered for comments and observations.

**8. Review and adoption of the agreements of the third 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**

If the Latin American and Caribbean signatory countries attending the meeting so decide, they will adopt a common vision that will inspire the instrument on Principle 10 in Latin America and the Caribbean.