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Preparatory meeting for 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

Virtual meeting, 4 March 2022

## **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)<sup>1</sup> was adopted in Escazú, Costa Rica, on 4 March 2018, and entered into force<sup>2</sup> on 22 April 2021.

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>3</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.

<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 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.

<sup>3</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>4</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>5</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 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.<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup> With said instrument deposited on 22 January 2021, the Escazú Agreement entered into force on 22 April 2021. Article 15.2 of the Agreement states that the first meeting of the Conference of the Parties shall be convened no later than one year after its entry into force.

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<sup>4</sup> 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).

<sup>5</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>6</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).

<sup>7</sup> 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).

<sup>8</sup> See the list of States Parties [online] <https://observatoriop10.cepal.org/en/treaties/regional-agreement-access-information-public-participation-and-justice-environmental>.

The preparatory meeting for 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 will be held in virtual format on 4 March 2022. Participants will discuss the topics to be addressed at the first meeting of the Conference of the Parties: (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).

The preparatory meeting for 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 will commence on the morning of Friday, 4 March 2022. Statements will be made by the Presiding Officers, representatives of ECLAC, in its capacity as secretariat, and of the public, as well as by other participants. At this session, the fourth anniversary of the adoption of the Escazú Agreement will be commemorated and the agenda will be adopted.

Subsequently, discussions will begin on the topics to be addressed, in line with the Agreement, at the first meeting of the Conference of the Parties. Discussions will begin with the rules of procedure of the Conference of the Parties, including the modalities for significant participation by the public (article 15.4(a)). The rules relating to the structure and functions of the Committee to Support Implementation and Compliance (article 18.1) will then be discussed. Lastly, participants will discuss the financial provisions that are necessary for the functioning and implementation of the present Agreement (article 15.4(b)). Each of the three sessions will begin with a presentation, followed by open discussions. The organization of work for the first meeting of the Conference of the Parties will also be considered.

The closing session will be held in the afternoon.

## **B. PROVISIONAL AGENDA**

1. Adoption of the agenda.
2. Discussion of the matters to be addressed at 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.

## **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>9</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.

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<sup>9</sup> LC/RPCOP-EZ.1/1.

**2. Discussion of the matters to be addressed at 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**

Under this agenda item, the representatives of the countries of Latin America and the Caribbean will begin review of 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)
- 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)
- 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)
- 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
- Resolution 744(XXXVIII), adopted by the Commission at its thirty-eighth session, held in October 2020