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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

Santiago, 4-6 November 2014

## **SANTIAGO DECISION**



*The 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, gathered at 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, held in Santiago from 4 to 6 November 2014,*

*Recalling* the Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development,<sup>1</sup> endorsed by 10 Governments from Latin America and the Caribbean at the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, in which they reaffirmed their commitment to the 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 as technical secretariat,

*Considering* that 19 countries<sup>2</sup> have signed the Declaration to date and that it remains open for signature by all countries in Latin America and the Caribbean,

*Recalling* paragraph 60 of the Declaration of Santiago, adopted by the Heads of State and Government at the first Summit of the Community of Latin American and Caribbean States, held in Santiago on 27 and 28 January 2013,

*Recalling also* resolution 686(XXXV) on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean, adopted by the Economic Commission for Latin America and the Caribbean at its thirty-fifth session, held in Lima in 2014,

*Noting* that since the adoption of the Declaration on the application of Principle 10 in Rio de Janeiro, Brazil, three 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 have taken place: the first in Santiago on 6 and 7 November 2012; the second in Guadalajara, Mexico, on 16 and 17 April 2013; and the third in Lima on 30 and 31 October 2013,

*Reaffirming* the pertinent agreements adopted at the meetings of the focal points, which are reflected in the respective reports:<sup>3</sup> the road map for the creation of an instrument on Principle 10 in Latin America and the Caribbean, 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

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<sup>1</sup> A/CONF.216.13.

<sup>2</sup> Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Plurinational State of Bolivia, Saint Vincent and the Grenadines, Trinidad and Tobago and Uruguay.

<sup>3</sup> See Report of the first 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.3565); 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); and Report 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 in Latin America and the Caribbean (LC/L.3780).

and the Caribbean and its road map, the Lima Vision for a regional instrument on access rights relating to the environment and the priority lines of action for 2014 for capacity-building and cooperation,

*Bearing in mind* that the Plan of Action to 2014 created two working groups for advancing towards the formulation of a regional instrument, with the aim of intensifying regional cooperation and proposing the nature and content of the regional instrument,

*Decide to*

1. *Endorse* the San José Content, consisting of an annotated index of topics, which, together with other inputs indicated in operative paragraphs 7 and 8, will be considered in the negotiation of the regional instrument on access rights in environmental matters, without prejudice to the negotiations that will take place;

2. *Commence* negotiations on the regional instrument on rights of access to information, participation and justice regarding environmental matters;

3. *Establish* a negotiating committee of the countries signatory to the Declaration on the application of Principle 10 in Latin America and the Caribbean, with significant participation by the public in accordance with the provisions and modalities set forth in the Plan of Action adopted in Guadalajara, Mexico, and in which non-signatory countries may take part as observers;<sup>4</sup>

4. *Appoint* Presiding Officers, comprising Chile and Costa Rica as co-chairs and Argentina, Mexico, Peru, Saint Vincent and the Grenadines and Trinidad and Tobago, who will coordinate the negotiations carried forward by the committee;

5. *Invite* the observer countries to maintain an open channel of communication with the Presiding Officers with a view to becoming part of the process;

6. *Also invite* the public to designate, within two months of the adoption of this decision, two representatives to maintain a continuous dialogue with the Presiding Officers and whose appointment, and any future changes thereto, shall be notified formally to the Presiding Officers;

7. *Request* the Presiding Officers to prepare, in consultation with the signatory countries, by 31 March 2015, a draft work plan, addressing such aspects as negotiating procedures, organization of work and a calendar of meetings, on which the committee will adopt a decision at its opening meeting, to be held in the first four months of 2015;

8. *Request also* that the Economic Commission for Latin America and the Caribbean prepare a preliminary document on the regional instrument that brings together elements including the outcomes of the process to date, the San José Content, the report on the current situation in the region drafted by the Commission,<sup>5</sup> and national legislation, practices and institutions, and that takes into account also the challenges and needs of the region;

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<sup>4</sup> “Non-signatory countries” refers to those countries of Latin America and the Caribbean that have not acceded to the Declaration.

<sup>5</sup> “Access to information, participation and justice in environmental matters in Latin America and the Caribbean: situation, outlook and examples of good practice”, *Medio Ambiente y Desarrollo series*, No. 151 (LC/L.3549/Rev.2), 2014, forthcoming.

9. *Invite* the signatory countries, non-signatory countries and the public to submit input for the preliminary document by 31 December 2014;

10. *Request* that the Commission distribute the preliminary document on the regional instrument to the signatory countries, non-signatory countries and the public by 31 March 2015;

11. *Define* the nature of the regional instrument during the negotiation process;

12. *Invite* the signatory countries, non-signatory countries and interested public to continue to carry out activities and consultations at the national level with a view to contributing substantively to the process of negotiating the regional instrument;

13. *Request* the Presiding Officers to steer the process, with the support of the Economic Commission for Latin America and the Caribbean as technical secretariat, with a view to concluding negotiations on the regional instrument by December 2016;

14. *Also request* the Commission to continue and intensify the efforts under way to build capacities and cooperation regarding the effective application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean, in coordination with the Presiding Officers, the signatory countries and the interested public, and subject to the availability of resources and in parallel with the work of the committee;

15. *Urge* international organizations and cooperation agencies to support these efforts and continue working with the Commission to promote regional and national capacity-building, taking account of the needs of the region overall and of each signatory country;

16. *Request* the Presiding Officers to identify and put forward, with the support of the technical secretariat, means of financing for the negotiation process and for the implementation of the regional instrument;

17. *Continue* efforts to bring more countries into the process, strengthen synergies with other international processes and evaluate, in a timely fashion, modalities for institutionalizing the process, including integration into existing regional mechanisms.