

**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**

Chile, April 2022

**PROPOSAL BY THE PLURINATIONAL STATE OF BOLIVIA ON THE RULES RELATING
TO THE STRUCTURE AND FUNCTIONS OF THE COMMITTEE TO SUPPORT
IMPLEMENTATION AND COMPLIANCE OF THE REGIONAL AGREEMENT ON ACCESS
TO INFORMATION, PUBLIC PARTICIPATION AND JUSTICE IN ENVIRONMENTAL
MATTERS IN LATIN AMERICA AND THE CARIBBEAN**

Note: This is a courtesy translation prepared by the Secretariat, for information purposes only, pursuant to paragraph 2 of Decision I/3 of the Conference of the Parties to the Escazú Agreement.

Date of the translation: 23 May 2022.

PROPOSAL BY THE PLURINATIONAL STATE OF BOLIVIA

RULES RELATING TO THE STRUCTURE AND FUNCTIONS OF THE COMMITTEE TO SUPPORT IMPLEMENTATION AND COMPLIANCE OF THE ESCAZÚ AGREEMENT

I. PURPOSE AND NATURE

1. The Committee to Support Implementation and Compliance (hereinafter “the Committee”) is a subsidiary body of the Conference of the Parties to promote the implementation of the Agreement and to support the Parties in that regard. It has a consultative and transparent nature and is non-adversarial, non-judicial and non-punitive, considering the significant participation of the public.

II. APPROACH TO THE WORK OF THE COMMITTEE

1. In carrying out its functions, the Committee shall take into account the fact that there are different approaches, visions, models and tools available to each country, in accordance with its national circumstances and priorities, to achieve sustainable development.
2. The Committee shall take into account the need for dialogue between cultures and between scientific disciplines in the region, recognizing the importance of the knowledge systems of indigenous nations and peoples.
3. In carrying out its functions, the Committee shall take into account positive examples and good practices from the region in access to information, public participation and access to justice in environmental matters.

III. STRUCTURE AND COMPOSITION

1. The Committee shall function and make decisions in the framework of dialogue between governments and the organized public in the region through wide-ranging consultations among representatives in order to formulate recommendations for compliance with the Agreement and to identify and disseminate positive examples and good practices in the region in access to information, public participation and access to justice in environmental matters.
2. The Committee shall consider matters through two working groups, as follows: (i) government working group, and (ii) social organizations working group. The working groups shall deliberate separately and/or jointly, as appropriate, and make recommendations to the Committee.
3. The government working group shall be composed of one (1) government representative from each Party; the social organizations working group shall be composed of one (1) social organization representative from each Party and three (3) special representatives of indigenous peoples, to be chosen from among the indigenous organizations of the region. Both working groups shall carry out their tasks in accordance with the present rules and the working modalities adopted by the Committee.
4. The Committee shall consist of a board of seven (7) members, comprising: four (4) representatives of the government working group and three (3) representatives of the social organizations working group, of which one (1) is a special representative of indigenous peoples.
5. The four representatives of the government working group shall be elected by consensus from among the representatives of governments, and the two representatives of the social organizations working group shall be elected from among those representatives. The special representative of indigenous peoples shall be elected in accordance with the rules and procedures of the region's indigenous organizations.
6. The representatives of the Committee's board shall serve for a term of two years with the possibility

- of re-election for one further period.
7. Representatives to the government working group shall be nominated by the governments of the Parties, with one representative from each Party.
 8. Representatives to the social organizations working group shall be nominated by social organizations accredited by the governments of each Party, with one representative from each Party.
 9. Special representatives of indigenous peoples shall be accredited by the region's indigenous organizations.
 10. Committee members shall serve ad honorem, without salary. Travel expenses for Committee members' participation in Committee meetings or official missions shall be covered by the Secretariat, in accordance with United Nations rules.

IV. WORKING AND MEETING MODALITIES OF THE COMMITTEE AND ITS WORKING GROUPS

1. The working and meeting modalities of the Committee shall be as follows:
 - (a) The Committee shall meet every three months, preferably in person, at a venue to be determined by the Committee. The Committee shall make the arrangements necessary for the efficient performance of its functions.
 - (b) The Committee may meet with a quorum of the majority of its members, holding in-person meetings at least once a year and virtual meetings as decided by all its members.
 - (c) The meetings of the Committee shall be open to the public when the Committee so decides.
 - (d) The working languages of the Committee shall be Spanish and English; arrangements may be made for translation or interpretation to facilitate the participation of its members.
 - (e) Decisions of the Committee shall be made by consensus.
 - (f) The Committee may, on an exceptional basis, work virtually or electronically, using appropriate technologies, with the support of the Secretariat.
 - (g) At its open meetings, the Committee may hold an open dialogue with the representatives of working groups and members of the public defined as such.
2. The working and meeting modalities of the working groups shall be as follows:
 - (a) The government and social organizations working groups shall hold in-person meetings in conjunction with the meetings of the Committee. The working groups shall make the arrangements necessary for the efficient performance of their functions.
 - (b) The working groups shall hold separate and/or joint meetings and address items placed on their agenda by the Committee or those suggested by representatives, subject to the decisions of the Committee.
 - (c) The recommendations and conclusions arising from the deliberations of the working groups must be considered by the Committee in formulating its recommendations.
 - (d) The meetings of the working groups shall be open to the public when the working groups so decide.
 - (e) The working languages of the working groups shall be Spanish and English; arrangements may be made for translation or interpretation to facilitate the participation of their members.
 - (f) The working groups may take decisions virtually or electronically, using appropriate technologies, with the support of the Secretariat.

V. FUNCTIONS OF THE COMMITTEE AND WORKING GROUPS

1. The Committee shall have the following functions:

- (a) Providing support to the Presiding Officers on implementation of and compliance with the Agreement.
- (b) Holding consultations and dialogues between governments, social organizations and indigenous peoples organizations of the Parties on communications from concerned parties relating to the Escazú. Agreement.
- (c) Evaluating specific cases reported by concerned parties and issuing recommendations adopted by consensus based on the discussions in the working groups, as part of compliance with the Agreement and in accordance with countries' legislation, and informing the Parties thereof.
- (d) Identifying and disseminating positive examples and good practices in access to information, public participation and access to justice in environmental matters for consideration by the Conference of the Parties and dissemination by the Secretariat.

2. The government working group and the social organizations working group shall have the following functions:

- (a) Discussing matters relating to the implementation of and compliance with the Agreement for consideration by the Committee and reporting to the Presiding Officers of the Agreement.
- (b) Discussing matters related to specific cases of compliance with the Agreement and proposing recommendations for the consideration of the Committee.
- (c) Discussing positive examples and good practices in access to information, public participation and access to justice in environmental matters for consideration by the Committee and the Presiding Officers and dissemination by the Secretariat.

VI. COMMUNICATIONS FROM THE PARTY CONCERNED

1. Any concerned party may submit to the Committee a communication alleging non-compliance with one or more provisions of the Agreement, through the virtual platform administered by the Secretariat, which shall maintain a register of communications, for review by the Committee. Communications may also include positive aspects and good practices in the implementation of the objectives of the Agreement.
2. The Committee shall assess the merits of the cases referred and declare them admissible or inadmissible, in accordance with the internal rules of the Committee. The party concerned by the communication shall have the right to provide a detailed explanation of the case referred to the Committee prior to assessment.
3. The Committee shall refer communications received to the working groups for consideration and deliberation. The outcome of such deliberations shall be submitted to the Committee for endorsement by a two-thirds majority. The Committee may also request expert opinions from academic institutions, international organizations and other relevant bodies, subject to the approval of the Presiding Officers of the Agreement.
4. On the basis of the deliberations, the Committee shall prepare, in a timely manner and in accordance with the internal rules of the Committee, reports containing recommendations by consensus for the parties concerned. These recommendations shall take into account national circumstances and legislation.
5. Parties concerned may lodge an appeal contesting the recommendations of the Committee to the Presiding Officers, as a last resort.
6. The Committee shall monitor the implementation of its recommendations to Parties, and inform the Presiding Officers of the Escazú Agreement of any failure to implement its observations and recommendations, requesting through them the consideration of such cases by the Conference of

the Parties, as appropriate.

VII. MEASURES FOR FOLLOW-UP OF RECOMMENDATIONS

1. The recommendations of the Committee shall be communicated to the Parties through the Presiding Officers of the Escazú Agreement.
2. The Committee's recommendations shall be monitored periodically with the support of the Secretariat, which shall prepare reports to the Presiding Officers of the Escazú Agreement.
3. In the event of non-compliance with the recommendations, the Presiding Officers of the Escazú Agreement shall prepare a request for compliance to be issued to the Parties. The Parties may voluntarily explain the grounds for non-compliance to the Presiding Officers, who shall record and submit them to the Conference of the Parties, as appropriate.
4. The Conference of the Parties shall take note of the report of the Presiding Officers on the advances and setbacks in the implementation of the Escazú Agreement, and shall take decisions to improve its implementation.