



22 April 2022

ENGLISH

ORIGINAL: SPANISH

22-00344

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

Santiago, 20–22 April 2022

DECISIONS ADOPTED

DECISION I/1

RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES

The Conference of the Parties,

Recalling Article 15.1 of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which establishes a Conference of the Parties,

Recalling also article 15.4(a) of the Agreement, which states that at its first meeting, the Conference of the Parties shall discuss and adopt by consensus its rules of procedure, including the modalities for significant participation by the public,

1. *Adopts* the Rules of procedure of the Conference of the Parties contained in annex 1 to the present decision.

Annex 1**RULES OF PROCEDURE 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****I. PURPOSE**

These rules of procedure shall apply to any 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, convened pursuant to articles 15.2 and 15.3 of said Agreement.

II. DEFINITIONS

For the purposes of these rules of procedure:

- (a) “Agreement” means the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.
- (b) “ECLAC” means the Economic Commission for Latin America and the Caribbean.
- (c) “Conference of the Parties” or “the Conference” means the Conference of the Parties convened pursuant to articles 15.2 and 15.3 of the Agreement.
- (d) “Presiding Officers” means the Presiding Officers appointed in accordance with rule VII of these rules of procedure.
- (e) “Observer” means any country which, at the time of a meeting, is not a Party to the Agreement.
- (f) “Subsidiary body” means a body established by the Conference of the Parties as provided in article 15.5(a), of the Agreement.
- (g) “Chair” means the Chair elected in accordance with rule VII of these rules of procedure.
- (h) “Public” means one or more natural or legal persons and the associations, organizations or groups established by those persons, that are nationals or that are subject to the national jurisdiction of the countries in annex 1 to the Agreement.
- (i) “Focal Point” means a person officially designated by a Party to receive communications from the Secretariat relating to the Agreement.
- (j) “Secretariat” means the Executive Secretary of ECLAC, as provided in article 17 of the Agreement.

III. PLACE AND DATE OF THE MEETING

1. The meetings of the Conference of the Parties shall be held at the headquarters of ECLAC in Santiago, unless the Parties decide otherwise.
2. Ordinary meetings of the Conference of the Parties shall be held at least once every two years, unless the Parties decide otherwise.
3. At each ordinary meeting, the Parties shall decide, in consultation with the Secretariat, on an indicative date and duration of the next ordinary meeting.
4. Extraordinary meetings of the Conference of the Parties shall be held when the Conference deems necessary, as provided in article 15.3 of the Agreement.
5. Extraordinary meetings of the Conference of the Parties shall be held as decided by the Conference at an ordinary meeting, or at the written request of any Party, provided that at least half of the Parties have expressed their support within 90 days of the request being communicated to the Parties by the Secretariat.
6. If an extraordinary meeting is held at the written request of a Party, it shall be held not more than 90 days after the date at which the request is supported by at least half of the Parties.
7. When, due to force majeure, the Conference of the Parties cannot meet in person, it can take place virtually.

IV. NOTIFICATION

1. The Secretariat shall notify all Parties, through their Focal Points, and the regional public mechanism, established in accordance with paragraph 3 of rule XIV of these rules of procedure, at least eight weeks before the opening of the meeting in question, of the date and venue of ordinary and extraordinary meetings.
2. Unless there are specific reasons requiring the use of other communication methods, notifications by email, provided that the recipient acknowledges receipt, it can be otherwise verified that the notification was received, or 10 days have passed from the date the email was sent, or through the official website of the respective meeting shall be considered sufficient for the purposes of this rule.

V. AGENDA

Preparation of the provisional agenda of meetings

1. In consultation with the Presiding Officers, the Secretariat shall prepare the documentation for the meetings of the Conference of the Parties and its bodies, including working documents, provisional agendas and annotated provisional agendas, with their corresponding objectives and items for discussion.

2. The provisional agendas of meetings with their corresponding objectives and items for discussion shall be distributed at least eight weeks before the opening of the meeting, to facilitate proper decision-making of the Conference.
3. The Secretariat, with the prior agreement of the Presiding Officers, may include additional items in the provisional agenda that arise after circulation of the provisional agenda and before the opening of the ordinary meeting. Any Party may propose additional items to the Presiding Officers at least thirty days before the date of the opening of the regular meeting.
4. At each meeting, the Conference shall determine the main items to be discussed at the following meeting. Any agenda item of an ordinary meeting, consideration of which has not been completed at the meeting, may be included by the Presiding Officers in the provisional agenda of the next ordinary meeting.
5. The agenda of an extraordinary meeting shall include only those items proposed for consideration at an ordinary meeting of the Conference of the Parties or in the request for the holding of an extraordinary meeting. The agenda shall be distributed to the Parties at the same time as the invitation to the extraordinary meeting.
6. The Secretariat shall inform the Conference of the Parties regarding administrative and budgetary matters relating to its functions.

Adoption of the agenda

7. At the beginning of each meeting, the provisional agenda shall be submitted to the Conference for consideration, amendment or adoption, as applicable. Where appropriate, the Conference may include only those items which it considers to be urgent and important.

VI. REPRESENTATION AND CREDENTIALS

1. Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.
2. An alternate representative or an adviser may act as a representative upon designation by the head of delegation.
3. The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretariat no later than 48 hours before the opening of the meeting. Any subsequent change in the composition of a delegation shall also be communicated to the Secretariat.
4. The Presiding Officers shall examine the credentials and submit a report to the Conference of the Parties.

VII. PRESIDING OFFICERS OF THE ESCAZÚ AGREEMENT

1. At the first ordinary meeting of the Conference of Parties, a Chair and four Vice-Chairs shall be elected from among the Parties present at the meeting. They shall serve as the Presiding Officers. The Presiding Officers shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties, including for any extraordinary meetings that may be held in the interim.
2. At the second and subsequent ordinary meetings of the Conference of Parties, a Chair and four Vice-Chairs shall be elected from among the Parties present at the meeting in question. They shall serve as the Presiding Officers. Their term shall commence at the closure of the meeting and they shall remain in office until the closure of the next ordinary meeting of the Conference of the Parties, including for any extraordinary meetings that may be held in the interim.
3. The positions of Chair and Vice-Chair shall be subject to rotation. No Party shall serve as Presiding Officer for more than two consecutive terms.
4. If the Chair resigns or is otherwise unable to complete his or her term of office, the Presiding Officers shall designate another of their members as Chair for the remainder of the term.
5. The Chair shall participate in meetings of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in meetings and to exercise the right to vote.
6. The Presiding Officers shall meet every six months preferably in a virtual format or when circumstances warrant. The decision to hold extraordinary meetings of the Presiding Officers shall be taken by consensus.
7. The Presiding Officers shall also be composed of one of the elected representatives of the public, to participate in meetings with a voice but not a vote. They shall also maintain a continuous dialogue with the public and with those representatives designated by the public, holding regular joint meetings. The Presiding Officers shall hold at least one virtual meeting with the public to inform them of the dates and venue and the provisional agenda of the next meeting of the Conference and one face-to-face meeting at the beginning of each meeting of the Conference.
8. The election of Presiding Officers shall be held preferably by acclamation, giving special consideration to the need to ensure adequate geographical representation of the Parties and gender balance among representatives.

VIII. SUBSIDIARY BODIES

1. The Conference of the Parties may establish by consensus such subsidiary bodies as it deems necessary, as provided in article 15.5(a) of the Agreement.
2. These rules of procedure shall apply mutatis mutandis to the subsidiary bodies, with the exception of rule VI on representation and credentials, unless otherwise determined by the Parties.

3. Meetings of the Conference of the Parties shall determine the functions of each subsidiary body.
4. The Conference of the Parties may decide that any subsidiary body may meet between ordinary meetings of the Conference, or immediately before, during or after them.
5. Ordinary meetings of subsidiary bodies shall be public. Subsidiary bodies shall have significant participation of the public.
6. Regarding the structure and composition of subsidiary bodies, the Parties shall give special consideration to the need to ensure adequate geographical representation and gender balance in participation.

IX. SECRETARIAT

The Executive Secretary of ECLAC shall carry out the secretariat functions of all meetings of the Conference of the Parties and its subsidiary bodies, as provided in article 17 of the Agreement.

X. CONDUCT OF BUSINESS

Quorum

1. Meetings of the Conference of the Parties at which decisions are taken must have a quorum of half plus one of the Parties.

Powers of the Chair of the meeting

2. The Chair shall ensure that the objectives of the meeting are met. She or he shall declare the opening and closing of each meeting, direct discussions, ensure observance of these rules of procedure, accord the right to speak, submit questions for consideration and announce adopted decisions.
3. The Chair shall rule on points of order and, subject to the present rules of procedure, shall control the proceedings and ensure the maintenance of order during meetings. The Chair may also propose the suspension or adjournment of the meeting or the adjournment of the debate on the item under discussion.
4. If the Chair is temporarily absent from a meeting or any part thereof, she or he shall designate a Vice-Chair to act as Chair. The Chair so designated may not simultaneously exercise the rights of a representative of a Party.
5. A Vice-Chair acting as Chair shall have the same powers and duties as the Chair.
6. The Chair or Vice-Chair acting as Chair, in the exercise of their functions, remain under the authority of the Conference of the Parties.
7. The Chair, or Vice-Chair acting in their stead, shall convene meetings of the Presiding Officers, which shall be coordinated with the Presiding Officers beforehand.

Public and closed meetings

8. The meetings of the Conference of the Parties shall be held in public unless, exceptionally, and where justified, the Conference of the Parties decides otherwise. The reasons for closing part of a meeting shall be given by the Parties. Any decisions taken during the closed part of a meeting shall be announced at a subsequent public session.

9. All public sessions shall be webcast live.

Statements

10. No one may address the Conference during a meeting without having previously obtained the permission of the Chair. The Chair shall give the floor in the order in which it is requested, regardless of whether the respective speakers are representatives of a Party, an observer, international agencies, elected representatives of the public or their alternates, or members of the public, aiming to ensure that everyone is heard and that the meeting is effective.

11. Nonetheless, in order to ensure that the meeting fulfils its objectives, the Chair may give preference to Parties and the elected representatives of the public in the use of the floor, limit the time allocated for statements and the number of times each speaker may speak, and request the grouping of statements. The Chair shall seek to prevent the repetition of points on which agreement has already been reached.

12. The Chair shall call a speaker to order if their remarks are not relevant to the subject under discussion.

13. During the discussion of any matter, a Party may raise a point of order, on which the Chair shall immediately rule in accordance with these rules of procedure. A Party may appeal against the ruling of the Chair. The appeal shall be put to the vote immediately and the ruling of the Chair shall stand unless overruled by a majority of the Parties present and voting. In raising a point of order, Parties may not speak on the substance of the matter under discussion.

14. Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

15. Proposals and amendments to proposals shall be introduced in writing, in one of the working languages of the meeting as set forth in rule XIII of the present rules of procedure, by the Parties and submitted to the Secretariat, which shall circulate copies to delegations and the public. No proposal or amendment to a proposal shall be discussed or put to the vote at a meeting unless copies of it have been circulated to delegations not later than the day preceding the meeting. The Chair may, however, permit the discussion and consideration of proposals, amendments to proposals or procedural motions even though these proposals, amendments or motions have not been circulated or have been circulated only the same day.

16. A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

17. When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the proposer of the motion, one speaker in favour of the motion and two speakers against the motion, after which it shall be put immediately to the vote.

XI. DECISION-MAKING

1. Each Party shall have one vote, as provided in article 16 of the Agreement.

2. The Parties shall make every effort to reach a consensus.

3. If all efforts to reach consensus have been exhausted and no agreement has been reached, a decision on a matter of substance shall, as a last resort, be taken by a three-fourths majority vote of the Parties present and voting at the meeting, unless otherwise provided in the Agreement or the present rules of procedure.

4. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting at the meeting.

5. If the question arises of whether a matter is one of a procedural or substantive nature, the Chair shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the ruling of the Chair shall stand unless overruled by the majority of the Parties present and voting at the meeting.

6. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

7. When two or more proposals relate to the same matter, the Conference of the Parties shall vote on these proposals in the order in which they have been submitted, unless it decides otherwise.

8. The Conference of the Parties may, after each vote, decide whether to vote on the next proposal.

9. Any Party may request that part of a proposal or of an amendment be voted on separately. The Chair shall grant the request unless a Party objects. If an objection is made to the request for division, the Chair shall permit two Parties to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The Chair may limit the time allowed to each speaker.

10. If the request referred to in paragraph 9 is accepted or adopted, those parts of the proposal or of an amendment to the proposal which are adopted shall then be put to the vote as a whole. If all operative parts of a proposal or of an amendment are rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

11. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote; if the amendment is adopted, the amended proposal shall be put to the vote.

12. When two or more amendments to a proposal are put forward, the Conference of the Parties shall vote first on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. The Chair shall determine the order of voting on the amendments under this rule.

13. Voting, except for elections, shall normally be by show of hands. A roll-call vote shall be taken if so requested by any Party. The roll-call vote shall be taken in the English alphabetical order of the names of the Parties, beginning with the Party whose name is drawn by lot by the Chair. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

14. The vote of each Party participating in a roll-call or recorded vote shall be recorded in the relevant documents of the meeting.

15. After the Chair has announced the beginning of voting, no Party shall interrupt voting except on a point of order in connection with the voting process. The Chair may permit the Parties to explain their votes, either before or after the voting process. The Chair may limit the time allowed for these explanations. The Chair shall not permit the proposer of a proposal or of an amendment to a proposal to explain their vote on their own proposal or amendment, except if it has been amended.

XII. ELECTIONS

1. All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

2. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the Chair shall decide between the candidates by drawing lots.

3. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

4. When two or more elective places are to be filled at one time, those candidates obtaining the largest number of votes in the ballot of the Parties present and voting, which together amount to a majority of the votes cast by the Parties present and voting, shall be deemed elected.

5. If the number of candidates obtaining such a majority is less than the number of persons or delegations to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the largest number of votes in the previous ballot, in a number not exceeding twice the number of places remaining to be filled. However, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

6. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XIII. LANGUAGES, DOCUMENTS AND REPORTS

Working languages of the meetings

1. The working languages of the meetings shall be English and Spanish.

Interpretation

2. Simultaneous interpreting shall be provided for the statements made in the working languages of the meetings.

Languages of official documents

3. The official documents shall be published in the working languages of the meeting.

Documents

4. Meetings will be paperless. Documents should only be printed if this is strictly necessary to ensure the validity thereof.

Meeting reports

5. After each meeting, the Secretariat shall prepare a report of the meeting, briefly describing the discussions and detailing, where appropriate, the decisions adopted.

Report of the Secretariat

6. The Secretariat shall report on matters relating to its management, including budgetary matters.

XIV. PUBLIC PARTICIPATION

1. The public shall participate meaningfully in the Conference of the Parties and the subsidiary bodies established.

2. The modalities of public participation include attendance, reporting and making statements, and apply to both face-to-face and virtual meetings. In this regard, the public:

- (a) May participate in the meetings of the Conference of the Parties and of the subsidiary bodies upon registration and confirmation of accreditation. In the case of face-to-face meetings, accreditation shall be carried out in strict order of registration and with no other limitation than the space available in the room.
- (b) Shall have access to all official information and documents.

- (c) May make statements, in accordance with rule X of these rules of procedure.
- (d) May circulate documents and make oral and written contributions.
- (e) May make written text proposals, which shall be compiled in a separate document and formally collected and submitted by at least one Party for consideration in the negotiation of an official text of the Conference of the Parties or its subsidiary bodies.
- (f) May organize side events, round-table discussions and briefings, in coordination with the Secretariat and the Presiding Officers.

3. The Secretariat shall maintain a regional public mechanism whereby interested persons can register by filling in a short form available on the Secretariat's website. Representatives of the public shall be elected through the regional public mechanism, in order to encourage and facilitate public participation and to channel their contributions, including the submission of proposals on behalf of the public. The elected persons and their contact details, as well as any changes thereto, shall be communicated to the Parties and to the Agreement bodies. Elected representatives shall consult with the general public through the regional public mechanism. The elected representatives of the public shall have two seats at the main table in the room.

4. The Secretariat shall circulate in advance the list of registered participants in the face-to-face or virtual meetings organized.

5. All official meeting documents shall be made available to the public in a timely manner. In addition, the availability of such documents shall be so informed via email, through the regional public mechanism.

6. It shall be the responsibility of the Chair, the Presiding Officers and the Secretariat to ensure that the modalities of public participation are observed.

XV. AMENDMENTS

The Conference of the Parties may amend these rules of procedure by consensus.

XVI. PRIMACY OF THE AGREEMENT

In the event of any conflict between any provisions of these rules of procedure and those of the Agreement, the Agreement shall prevail.

XVII. SUBSIDIARY APPLICATION OF THE RULES OF PROCEDURE OF ECLAC

In all matters not expressly regulated in these rules of procedure, the Terms of reference and rules of procedure of the Economic Commission for Latin America and the Caribbean (ECLAC) shall apply *mutatis mutandis*, where appropriate.

XVIII. INTERPRETATION

In the interpretation of these rules of procedure, articles 31 to 33 of the Vienna Convention on the Law of Treaties shall be taken into consideration.

DECISION I/2

ELECTION OF PRESIDING OFFICERS

The Conference of the Parties,

Recalling its decision I/1 adopting the rules of procedure of the Conference of the Parties,

Recalling also rule VII of the rules of procedure, which states that at the first ordinary meeting of the Conference of Parties, a Chair and four Vice-Chairs shall be elected from among the representatives of the Parties present at the meeting to serve as Presiding Officers,

Reiterating that the Presiding Officers shall also include one of the elected representatives of the public, with a voice but no vote, and shall maintain a continuous dialogue with the public and with those representatives designated by the public, holding regular joint meetings,

Taking into consideration that the Presiding Officers shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties, including for any extraordinary meetings that may be held in the interim,

1. *Elects* the Presiding Officers, comprising Uruguay as Chair, and Antigua and Barbuda, Argentina, Mexico and Saint Lucia as Vice-Chairs, who shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties;
2. *Requests* the public to designate one of its elected representatives, within two months of the adoption of the present decision, to be a member of the Presiding Officers with a voice but not a vote, and to formally notify the Presiding Officers of this designation, as well as of any changes that may occur.

DECISION I/3**RULES RELATING TO THE STRUCTURE AND FUNCTIONS OF THE COMMITTEE
TO SUPPORT IMPLEMENTATION AND COMPLIANCE**

The Conference of the Parties,

Recalling article 18.1 of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which establishes a Committee to Support Implementation and Compliance as a subsidiary body of the Conference of the Parties to promote the implementation of the Agreement and to support the Parties in that regard,

Recalling also that the rules relating to its structure and functions shall be determined by the Conference of the Parties at its first meeting,

Reaffirming that the Committee is of a consultative and transparent nature, non-adversarial, non-judicial and non-punitive and shall review compliance of the provisions of the Agreement and formulate recommendations, ensuring the significant participation of the public and paying particular attention to the national capacities and circumstances of the Parties,

1. *Adopts* the Rules relating to the structure and functions of the Committee to Support Implementation and Compliance;
2. *Requests* the Secretariat to translate and circulate the text proposed by the Plurinational State of Bolivia 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;
3. *Requests* the Chair, with the support of the Secretariat, to begin consultations with the States Parties, with significant participation of the public, to examine the compatibility of the proposed text with the agreed language, with a view to fine-tuning 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 and, as appropriate, considering them at the next ordinary meeting of the Conference of Parties, to strengthen the implementation of the Agreement.

Annex 1**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****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.
2. The Committee shall define its working modalities in accordance with the Rules relating to the structure and functions of the Committee (hereinafter, “rules”), which shall ensure the significant participation of the public of the countries in annex 1 of the Agreement, as appropriate, and pay particular attention to the national capacities and circumstances.

II. STRUCTURE AND COMPOSITION

1. The Committee is composed of seven members, serving in their personal capacity.
2. The members of the Committee shall be persons of high moral standing, with recognized competence in access rights or other matters of the Agreement. They shall be nationals of or residents in the countries set out in annex I to the Agreement and be independent from the executive, legislative or judicial powers of such countries.
3. In the election of the members of the Committee, the following shall be considered: equitable geographical distribution of membership, gender parity and legal knowledge and experience.
4. No more than one Committee member may be of the same nationality.
5. The procedure to nominate candidates to the Committee shall be as follows:
 - (a) Any person meeting the criteria established in paragraph 2 of the present rule may nominate him or herself;
 - (b) The Presiding Officers shall prepare a roster of up to 10 candidates, for consideration by the Conference of the Parties. The Presiding Officers shall invite the elected representatives of the public to participate in a meeting and consult them regarding the roster, prior to preparing the roster for consideration by the Conference of the Parties;
 - (c) From the roster of candidates, the Conference of the Parties shall elect the members of the Committee by consensus. If consensus cannot be reached, the Conference of the Parties shall elect such members by simple majority of the Parties present and voting, by secret ballot.

6. The term of office of Committee members shall be four years, renewable for another four years. A Committee member's term of office shall begin at the conclusion of the meeting of the Conference of the Parties at which he or she is elected. Of the members elected at the first election, three shall be chosen by lot to serve a term of six years. Immediately after the first election, the Chair of the Conference of the Parties shall draw by lot these three members.
7. Every member of the Committee shall, before taking up his or her duties, make a declaration in an open session of the Committee, as follows "I solemnly declare that I will perform my functions as member of the Committee to Support Implementation and Compliance honestly, independently, impartially and conscientiously".
8. The Committee shall elect one Chair and two Vice-Chairs to serve as officers of the Committee. The officers of the Committee shall organize the work of the Committee, in accordance with the present rules and the working modalities adopted by the Committee.
9. The procedure to fill a vacancy in the Committee shall be as follows:
 - (a) If a member resigns or if, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his or her functions fully for any reason, the Chair of the Committee or, in his or her absence, one of the officers of the Committee, shall declare the seat of that member vacant and so notify the Presiding Officers;
 - (b) Upon receipt of such notification, the Presiding Officers shall proceed to fill the vacancy without delay, by consensus, from the roster set forth in paragraph 5 of this rule. If consensus cannot be reached, the member shall be elected by the majority of the Presiding Officers by secret ballot;
 - (c) Any member of the Committee elected to fill a vacancy shall hold office for the remainder of the term of the member who vacated the seat on the Committee. Any member's mandate can be renewed.
10. Each State Party shall grant the members of the Committee the facilities and guarantees necessary for the exercise of their functions.
11. Committee members shall serve ad honorem, without salary. Travel expenses incurred by Committee members in the exercise of their functions shall be covered by the Secretariat, in accordance with United Nations rules.

III. MEETINGS AND WORKING METHODS OF THE COMMITTEE

1. The Committee shall meet preferably in virtual format, failing which it shall meet at the Economic Commission for Latin America and the Caribbean (ECLAC) headquarters in Santiago, or wherever the Committee decides, in consultation with the Secretariat and subject to available resources.
2. The Committee may meet with a quorum of the majority of its members.
3. The Committee shall hold in-person meetings at least once a year and virtual meetings with the frequency defined in its working modalities.

4. The meetings of the Committee shall be open to the public. However, the Committee shall hold closed sessions when:

- (a) The Committee deliberates on cases of non-compliance;
- (b) The Committee adopts concluding observations on such cases;
- (c) The Committee decides to hold closed sessions to prevent risks and damage to the integrity and safety of persons or to the environment.

In these cases, the Committee shall provide the conclusions of the session as soon as possible.

5. The working languages of the Committee shall be Spanish and English. When applicable, and in coordination with the Secretariat, arrangements may be made for translation or interpretation to facilitate the participation of vulnerable persons who have submitted communications.

6. Decisions of the Committee shall be made by consensus. In the absence of consensus, decisions shall be reached by a majority of two thirds of its members. The Committee may take decisions virtually or electronically, using appropriate technologies, with the support of the Secretariat.

7. At its open meetings, the Committee may hold an open dialogue with Parties and members of the public.

IV. FUNCTIONS OF THE COMMITTEE

1. The Committee shall have the following functions:

- (a) The Committee shall provide a report to the Conference of the Parties on its activities, including its observations in cases of non-compliance.
- (b) The Committee shall provide support to the Conference of the Parties on implementation of and compliance with the Agreement. This shall include:
 - (i) A systemic report periodically submitted by the Committee to the Conference of the Parties on implementation of and compliance with the Agreement. The Committee shall decide on the periodicity of its systemic report in its working modalities.
 - (ii) Reports requested by the Conference of the Parties may be on any aspect of implementation of and compliance with the Agreement.
- (c) The Committee shall provide advice and support to the Parties on implementation of and compliance with the Agreement. This shall include:
 - (i) The formulation by the Committee of general comments on interpretation of the Agreement;
 - (ii) The response to queries on interpretation of the Agreement made by a Party or an elected representative of the public;

- (iii) The engagement in periodic consultations and dialogues with each of the Parties. These consultations and dialogues may take place during Committee meetings or during visits by the Committee to the territory of a Party. To visit the territory of a Party, such Party shall have provided its consent. The periodicity of the consultations and dialogues with each Party shall be established by the Committee in its working modalities.
 - (iv) The Committee may hold open dialogues with Parties and members of the public.
- (d) The Committee shall examine cases of allegations of non-compliance, in accordance with the present rules.

V. COMMUNICATIONS FROM THE PARTY CONCERNED, ANOTHER PARTY, OR A MEMBER OF THE PUBLIC

1. A Party with respect to itself, a Party with respect to another Party or a member of the public may file communications requesting support for compliance or alleging non-compliance of one or more provisions of the Agreement.
2. The Committee shall adopt protection measures in favour of the members of the public that file a communication when, from the information available, it considers that a situation of possible risk, attack, threat or intimidation exists. It shall seek consultation of the member of the public concerned prior to adopting such measures.
3. The Committee, with the support of the Secretariat, shall enter the case into the register, unless the communication does not contain the requirements stipulated by the Committee in its working modalities.
4. The Committee shall consider the merits of each registered case, unless it declares it inadmissible. The Committee shall decide whether to address the question of admissibility with or without a hearing. Both the Party concerned, and the author of the communication shall have the right to request a hearing before the Committee on the admissibility of a communication. The Committee shall decide whether it accedes to such request or not.
5. The Committee shall determine if a communication is admissible on the basis of the following criteria:
 - (a) The communication does not include information on the steps taken in the State Party concerned to resolve the case;
 - (b) The case is being heard or has been ruled on through another international procedure of a binding nature;
 - (c) The case falls outside the scope of the Agreement;
 - (d) The communication is anonymous, trivial, vexatious, or does not include sufficient corroborative information, or is incompatible with the Agreement or the present rules.
6. The Committee may revise its decision on the admissibility of the case, if the background so warrants, up to the time of deliberating on the merits.

7. If the Committee declares admissible a communication:
- (a) The Committee shall give two months for:
 - (i) Other Parties to present written observations on the interpretation of the Agreement;
 - (ii) Members of the public to present written observations on the case.
 - (b) The Committee shall give the opportunity for the Party concerned to provide in writing within four months information and observations on the allegations of non-compliance, including the measures taken to that effect;
8. The Committee shall decide whether to address the merits of the case with or without a hearing. Both the Party concerned, and the author of the communication shall have the right to request a hearing before the Committee on the merits of the case. The Committee shall decide whether it accedes to such request or not.
9. The Committee shall deliberate on the allegations of non-compliance and adopt preliminary observations on the case. If the Committee concludes that the Party concerned is in breach of the Agreement, the preliminary observations of the Committee may include specific recommendations for the Party concerned. The Committee shall transmit its preliminary observations to the Party concerned and to the author of the communication. The Committee shall invite the Party concerned and the author of the communication to submit written comments on its preliminary observations within a specific and timely deadline.
10. After such deadline, the Committee shall adopt its final observations on the case, adopt the measures and make recommendations it considers appropriate in accordance with the present rules. It shall present its conclusions and recommendations to the Party concerned and to the author of the communication and, when applicable, monitor the implementation of its recommendations by the Party concerned.
11. If the Committee concludes that the Party concerned has failed to implement the Committee's conclusions and recommendations, it will report the case to the Conference of the Parties.

VI. SIGNIFICANT PARTICIPATION OF THE PUBLIC IN THE FUNCTIONS OF THE COMMITTEE

1. The public may participate in the functions of the Committee, in accordance with the working modalities of the Committee, exercising the following rights:
- (a) Right to provide information to the Committee. The public may provide information and observations for:
 - (i) The preparation of the systemic report;
 - (ii) The preparation of a report on any aspect of implementation of and compliance with the Agreement requested by the COP to the Committee;
 - (iii) The preparation of general observations on the interpretation of the Agreement;
 - (iv) The application of the Agreement by a Party, in the context of the dialogues and consultations with each Party;

- (v) Factual or legal aspects of a case(s) of non-compliance, including on the implementation of the conclusions of the Committee by the Party concerned.
- (b) Right to participate in the meetings of the Committee. The Public may participate in:
 - (i) The periodic dialogues and consultations between the Committee and each Party;
 - (ii) Any public hearings on a case of non-compliance, if applicable, during the examination of admissibility and the examination on the merits and the follow-up to the implementation of the Committee conclusions by the Party concerned.

VII. INFORMATION AND CONFIDENTIALITY

1. The Committee may use any source of information it deems relevant.
2. The Committee may call upon technical or legal experts and bodies, including academic centres or non-governmental bodies, at its discretion.
3. The Committee may request from the Party concerned, information on issues under its consideration.
4. The Committee may, with the consent of the Party concerned, collect information through a mission to the territory of a Party.
5. The Committee may draw on information compiled by the clearing house provided for in article 12 of the Agreement.
6. Information held by the Committee shall not be confidential, unless the Committee so decides, in accordance with the objectives of the Agreement and the rights of individuals, including, in particular:
 - (a) The identity of persons who may suffer reprisals or persecution;
 - (b) Individual privacy;
 - (c) Protection of the environment and its components.

VIII. MEASURES BY THE COMMITTEE AND THE CONFERENCE OF THE PARTIES

1. The Committee may take such measures as it deems necessary to facilitate a Party's implementation of and compliance with the Agreement. In adopting measures, the Committee shall consider the national capacities and circumstances of the Parties. In cases of non-compliance, the Committee shall consider the cause, type, severity, and frequency of non-compliance. In particular, the Committee may adopt the following measures:
 - (a) Formulate observations on cases submitted to it;

- (b) Provide the Party concerned with specific recommendations to strengthen its laws, measures and practices;
 - (c) Request that the Party concerned prepare an action plan to ensure full implementation of the Agreement;
 - (d) Request that the Party concerned report on progress with implementation of the Committee's conclusions, recommendations and other measures it has adopted;
 - (e) Provide advice and support to a Party in the implementation of and compliance with the Agreement;
 - (f) When applicable, recommend to the Party concerned to adopt necessary measures to safeguard human rights defenders in environmental matters involved in a specific case.
2. The Conference of the Parties may take such measures as it deems necessary to facilitate a Party's implementation of and compliance with the Agreement, including:
- (a) Formulating declarations of non-compliance by a Party;
 - (b) Facilitating support for compliance;
 - (c) Issuing cautions;
 - (d) Suspending the rights and privileges of a Party, including its voting rights.

IX. SYNERGIES WITH OTHER MULTILATERAL AGREEMENTS AND PROCESSES

The Committee may enter into dialogue and consultations with other multilateral agreements, institutions and processes, at the global or regional level, to seek synergies for the full implementation of access rights and other matters covered by the Agreement.

X. REGISTER OF CASES

1. There shall be a register of cases, with documents and substantive correspondence on cases submitted to the Committee, including:
- (a) Documents submitted to the Committee relating to cases, including those declared admissible and inadmissible;
 - (b) Substantive correspondence between the Secretariat, the Party concerned and the author of a communication;
 - (c) Substantive correspondence between the Secretariat and those concerned by a case;
 - (d) Preliminary and concluding observations and recommendations by the Committee on a case;
 - (e) Documents on the follow-up of the implementation of recommendations by the Committee by the Party concerned.

2. The register shall not include information that the Committee considers reserved, in accordance with the present rules and the principle of maximum disclosure.

XI. INSTITUTIONAL ARRANGEMENTS

1. The Secretariat shall provide the services required for the work of the Committee, subject to availability of resources.
2. The Secretariat may provide guidance to the public and Parties on procedures on and requirements for the admissibility of communications made to the Committee.
3. The Secretariat shall maintain a register of cases, in accordance with the present rules.

XII. TRANSITIONAL PROVISIONS

1. The Committee may not receive communications on the compliance of a Party before the closure of the second meeting of the Conference of the Parties.
2. The Committee may not receive communications on a Party's compliance until one year after the entry into force of the Agreement for that Party.

DECISION I/4
FINANCIAL ARRANGEMENTS

The Conference of the Parties,

Recalling article 15.4(b) of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which states that at its first meeting, the Conference of the Parties shall discuss and adopt by consensus the financial provisions necessary for the functioning and implementation of the Agreement,

Recalling also article 14 of the Agreement, which establishes a Voluntary Fund to support the financing of the implementation of the Agreement, the functioning of which shall be defined by the Conference of the Parties,

Recalling further article 17.1 of the Agreement, which states that the Executive Secretary of the Economic Commission for Latin America and the Caribbean shall carry out the secretariat functions of the Agreement,

Recognizing the need for adequate, stable and predictable resources for the implementation of the Agreement,

Whereas financial arrangements must be based on the principles of equality, non-discrimination, transparency, accountability, solidarity, an intergenerational approach, coherence, equitable burden-sharing, efficiency and sound financial management,

1. *Agrees* that the Voluntary Fund established pursuant to article 14 of the Agreement shall be constituted as a trust fund in accordance with the Financial Regulations and Rules of the United Nations and other applicable directives;
2. *Also agrees* that the Voluntary Fund and the activities financed by it shall be administered by the Secretariat in accordance with the applicable regulations, rules, procedures, guidelines and policies of the United Nations, there being no earmarking of contributions to the Fund;
3. *Requests* the Secretariat to submit, at each meeting of the Conference of the Parties, a consolidated report on the finances and implementation of the activities financed by the Fund, prepared in accordance with the financial regulations and accounting and reporting procedures of the United Nations, without, however, the Secretariat being required to submit substantive and financial reports for each individual contribution received;
4. *Thanks* Mexico for announcing the first contribution to the Voluntary Fund and invites the Parties, signatory countries and other States and organizations to contribute to that Fund to support the implementation of the Agreement, preferably through multi-year or recurring annual contributions;
5. *Entrusts* the Presiding Officers to lead, with the support of the Secretariat, discussions to explore additional funding options with a view to securing adequate, stable and predictable resources for the implementation of the Agreement, including through the regular budget of the United Nations;

6. *Requests* the Secretariat to continue exploring additional sources of funding to support the activities planned for the 2022–2024 period;
7. *Requests* the Economic Commission for Latin America and the Caribbean to allocate additional resources from its regular budget to support the Agreement;
8. *Agrees* to consider the question of financial arrangements at its second ordinary meeting.

DECISION I/5**SUBSEQUENT MEETINGS OF THE CONFERENCE OF THE PARTIES**

The Conference of the Parties,

Recalling article 15.2 of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which states that, after the first meeting of the Conference, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be decided by the Conference,

Considering rule III of the rules of the procedure of the Conference of the Parties, which states that ordinary meetings of the Conference of the Parties shall be held at least once every two years, unless the Parties decide otherwise, and that at each ordinary meeting, the Parties shall decide, in consultation with the secretariat, on an indicative date and duration of the next ordinary meeting,

Considering also that extraordinary meetings of the Conference of the Parties shall be held when the Conference deems necessary, as provided in article 15.3 of the Agreement and rule III of the rules of procedure of the Conference,

1. *Agrees* to convene an extraordinary meeting, to be held in Argentina, tentatively on 20 and 21 April 2023, in order to elect the inaugural members of the Committee to Support Implementation and Compliance and consider any other matter decided by the Parties;
2. *Also agrees* that the second ordinary meeting will be held, tentatively, from 22 to 24 April 2024;
3. *Invites* the Parties to host the second ordinary meeting, failing which the meeting will be held at the headquarters of the Economic Commission for Latin America and the Caribbean in Santiago.

DECISION I/6**HUMAN RIGHTS DEFENDERS IN ENVIRONMENTAL MATTERS**

The Conference of the Parties,

Recalling article 9 of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which refers specifically to the protection of persons, groups and organizations that promote and defend human rights in environmental matters,

Stressing the importance of the work of human rights defenders in environmental matters for strengthening democracy, access rights and sustainable development and their fundamental contributions in this regard,

Reaffirming the critical importance of guaranteeing an enabling environment for the work of persons, associations, organizations or groups that promote environmental protection, by recognizing and protecting them, in accordance with article 4.6 of the Agreement,

Stressing that the Escazú Agreement contributes the right of every person to live in a healthy environment and that the guarantee of that right is a fundamental enabler of access to justice in environmental matters for human rights defenders in environmental matters,

Recalling article 15 of the Agreement, which states that the Conference of the Parties shall examine and promote the implementation and effectiveness of the Agreement and, to that end, shall examine and adopt any measures needed to achieve its objective,

1. *Decides* to establish an open-ended ad hoc working group on human rights defenders in environmental matters, which shall allow for meaningful public participation, especially by indigenous peoples and local communities, endeavouring to include persons or groups in vulnerable situations, and receive the assistance of the Economic Commission for Latin America and the Caribbean in its capacity as Secretariat;
2. *Agrees* to entrust the open-ended ad hoc working group on human rights defenders in environmental matters with the preparation of an action plan in that regard, to be presented at the second ordinary meeting of the Conference of the Parties for consideration and adoption;
3. *Also agrees* to hold an annual forum on human rights defenders in environmental matters with recognized specialists in the field, with the assistance of the Secretariat, following which a final report will be prepared to serve as input for drafting and review of the relevant action plan;
4. *Invites* the Parties and all countries of the region to step up their efforts to develop and strengthen all necessary measures at the national level to ensure the rights of human rights defenders in environmental matters.