



# Economic Commission for Latin America and the Caribbean



Proposed core elements for consideration in the preparation of Rules relating to the Structure and Functions of the Committee to Support Implementation and Compliance of the Escazú Agreement

Secretariat of the Escazú Agreement

Second meeting of the signatory countries, 10 December 2020



# I. Purpose and Nature

## Article 18 of the Agreement - Committee to Support Implementation and Compliance

1. Subsidiary body of the Conference of the Parties
2. Consultative, transparent, non-adversarial, non-judicial and non-punitive
3. To review compliance with the provisions of the Agreement and formulate recommendations
  - i. Ensuring the significant participation of the public
  - ii. Paying particular attention to the national capacities and circumstances of the Parties
4. First meeting of the COP shall determine the rules relating to the structure and functions of the Committee



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# Background

1. **Mandate to the Secretariat by the Presiding Officers:** Core elements for consideration to inform discussions
2. **Informative webinars: 29 April and 23 June 2020**
  - ▶ 21 ratifying and signatory countries, representatives of the public and experts
3. **Inputs from ratifying and signatory countries and the public**
4. **Informative webinars with the public: 27 and 28 May 2020**
  - ▶ The significant participation of the public in the Escazú Agreement in preparation for its entry into force: proposals and inputs
5. **Previous inputs**
  - ▶ 1<sup>st</sup> Meeting of the Signatory Countries, San José, 2019: Panel of Experts
  - ▶ VII Meeting of the Negotiating Committee, Buenos Aires, 2017: Side Event
  - ▶ International good practices

## II. Structure and Composition

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- a) Number of member
    - i. Odd number, expertise matters more than number (5 may be increased to seven)
  - b) Term of office
    - i. Members shall serve in their personal capacity
    - ii. Solemn declaration on assumption of their duties
    - iii. Duration: 4 years, renewable once
    - iv. Staged mandates: At first election, 3 to serve a term of six years (to ensure continuity of knowledge)
  - c) Criteria for the selection of Committee members
    - i. Nationals or residents of the countries in annex I
    - ii. Regional and gender balance
    - iii. Knowledge of access rights, legal expertise
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## II. Structure and Composition (Cont.)

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### d) Election of Committee members

- i. Any person may nominate him or herself
- ii. The secretariat shall prepare a roster of proposed candidates based on criteria
- iii. COP by consensus (when no agreement has been reached, elections by a simple majority, voting by secret ballot)
- iv. Term of office: shall begin at the conclusion of the COP meeting at which he or she is elected
- v. No more than two members may be of the same nationality

### e) Vacancies

- vi. The Presiding Officers shall elect alternates to fill any vacancies, by consensus, from roster. (If no consensus, shall be elected by a majority of Presiding Officers by secret ballot)

### f) Incompatible activities

- i. Members must be independent of the executive branch, perform their duties to preserve the dignity of the office, shall prepare guidelines on conflicts of interests

### g) Privileges and immunities

- I. Accorded to experts on mission for the United Nations
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## II. Structure and Composition (Cont.)

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### h) Committee Officers

- i. 1 Chair and 2 Vice-Chairs to serve as officers of the Committee
- ii. Officers of the Committee shall organize the work in accordance with the working modalities adopted by the Committee

### i) Remuneration

- i. Committee members shall serve *ad honorem*
  - ii. Travel expenses covered by secretariat, in accordance with United Nations rules
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### III. Meetings and working methods

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- a) The Committee may meet with a quorum of majority
  - b) Shall hold in-person and virtual meetings
  - c) In-person meetings at location decided by Committee in consultation with Presiding Officers and secretariat
  - d) Meetings shall be open to the public, except during deliberations
  - e) At meetings, Committee may hold open dialogue with public
  - f) Working language
    - i. Authentic texts of the Agreement: Spanish and English
    - ii. Where appropriate, arrangements may be made for translation or interpretation to facilitate the participation of vulnerable persons
  - g) Decision-making
    - i. By consensus. (If all efforts exhausted, decisions must be approved by a majority of members and voting).
    - ii. Committee may take decisions virtually or electronically, using appropriate technologies and the support of the secretariat
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## IV. Functions of the Committee

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- a) Reporting to the COP on its activities
- b) Providing support to the COP on implementation of and compliance with the Agreement
  - i. Present systemic reports
  - ii. Respond to requests from the COP
- c) Provide advice and support to Parties
  - i. Engage in dialogue with each of the Parties
  - ii. Formulate general comments on interpretation
  - iii. Respond to queries on interpretation of the Agreement



## IV. Functions of the Committee (Cont.)

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- d. Examine cases of allegations of non-compliance
    - i. Means of opening cases: A communication from a Party, another Party or a member of the public / measures to protect members of the public who submit a communication
    - ii. Processing of cases:
      - i. Cases are opened through a communication
      - ii. Criteria to enter a case into the register and admissibility of a communication
      - iii. Written submissions on the merits of the case and public hearings
      - iv. Deliberations on allegations of non-compliance
      - v. Preliminary observations
      - vi. Adoption of the Committee's observations on a case
    - iii. Follow-up by the Committee on implementation of its observations
    - iv. Report to the COP in the event that the Party concerned fails to implement the Committee's observations
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## V. Significant Participation of the Public

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- a) **Support to the COP**
    - i. Provide information for systemic report
    - ii. Provide information for report of any aspect of implementation of and compliance with
  - b) **Advice and assistance to the Parties**
    - i. Participate in dialogues
    - ii. Provide written information on application
    - iii. Provide information and perspectives on interpretation
  - c) **Cases of non-compliance**
    - i. File a communication
    - ii. Submit written information on factual or legal aspects of a case
    - iii. Participate in any public hearings on a case
    - iv. Participate in follow up
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# VI. Information and confidentiality

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- a) Information sources to be used by the Committee
    - i. May use any source of information it deems relevant
    - ii. May call upon technical or legal experts, including academic, centres or non-governmental bodies
    - iii. May request information
    - iv. May collect, with the consent of the Party concerned, collect information through a mission
    - v. May draw on information compiled by the clearing house (Observatory PI0)
  
  - b) Disclosure of information
    - i. Information shall not be confidential, unless the Committee so decides, in accordance with the objectives of the Agreement and rights of individuals
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## VII. Measures by the Committee and the COP

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- a) In adopting measures, the Committee shall consider the national capacities and circumstances of the Parties
  - b) Shall consider the cause, type, severity, and frequency of non-compliance
  - c) May take measures to facilitate a Party's implementation of and compliance with the Agreement, including:
    - i. Formulating observations on cases submitted to it
    - ii. Providing Specific recommendations to a Party
    - iii. Requesting the Party to prepare and action plan
    - iv. Requesting the Party report on progress in implementation
    - v. Providing advise and support to a Party in the implementation of and compliance with the Agreement
  - d) The COP may take measures to facilitate a Party's implementation of and compliance with the Agreement
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## VIII. Sinergies with other MEAs

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- a) The Committee may enter into dialogue and consultations with other MEAs and processes, at the global and regional level, to seek synergies

# IX. Institutional Arrangements

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## a) Register of cases

- I. The secretariat shall maintain a register of cases, including:
  1. Information of cases received
  2. Documents submitted to the Committee relating to cases
  3. Substantive correspondence
  4. Committee's observations and follow-up
  5. Decisions

## b) Role of the secretariat

- I. Provide the services required for the work of the Committee
- II. Maintain a register of cases

## c) Transitional provisions

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# Thank You!

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<http://www.cepal.org/acuerdodeescazu>

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