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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

Virtual meeting, 9–10 December 2020

**PROPOSED 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**



As agreed by the Presiding Officers, the secretariat hereby submits to 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 the proposed rules of procedure of the Conference of the Parties to the Escazú Agreement, contained in the annex to this note, for consideration.



## **Annex 1**

### **PROPOSED 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 article 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 of the United Nations.
- (c) “Conference of the Parties” or “the Conference” means the Conference of the Parties convened pursuant to article 15.2 and 15.3 of the Agreement.
- (d) “Presiding Officers” means the Presiding Officers appointed in accordance with article 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(ies)” means the bodies 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 article VII of these rules of procedure.
- (h) “Public” means any natural or legal person or community organization.
- (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 one third 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 one third of the Parties.

#### **IV. Notification**

1. The secretariat shall notify all Parties, through their Focal Points, and the regional public mechanism, established in accordance with paragraph 3, 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, electronic notifications shall be considered sufficient for the purposes of this rule, provided that the recipient acknowledges receipt or it can be otherwise verified that the notification was received.

#### **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 papers, provisional agendas and annotated provisional agendas, with their corresponding objectives and items for discussion.
2. The 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.
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, shall be included automatically in the provisional agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

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.

### **Adoption of the agenda**

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**

1. At the first ordinary meeting of the Conference of Parties, a Chair, two Vice-Chairs and two members shall be elected from among the representatives of the Parties present at the meeting. They shall serve as the Presiding Officers of the Conference of the Parties. 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, two Vice-Chairs and two members shall be elected from among the representatives of the Parties present at the meeting in question. They shall serve as the Presiding Officers of the Conference of the Parties. 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 normally be subject to rotation. No Party shall have representatives serving as Presiding Officers 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 or when circumstances warrant, preferably in a virtual format. The decision to hold extraordinary meetings of the Presiding Officers shall be taken by consensus.
7. The Presiding Officers shall invite a representative 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, preferably in a virtual format. The Presiding Officers shall hold at least one virtual meeting with the public to inform them of the dates and venue and the 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.

#### **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 matters to be considered by each body and shall establish its terms of reference.
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.

#### **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**

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**

1. 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.
2. 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.
3. 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.
4. A Vice-Chair acting as Chair shall have the same powers and duties as the Chair.
5. The Chair or acting Chair, in the exercise of their functions, remain under the authority of the Conference of the Parties.

### **Public and closed meetings**

1. 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.
2. All public sessions shall be webcast live.

### **Statements**

1. 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 (natural or legal person or community organization), aiming to ensure that everyone is heard and that the meeting is effective.
2. Nonetheless, in order to ensure that the meeting fulfils its objectives, the Chair may give preference to Parties 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.

3. The Chair shall call a speaker to order if their remarks are not relevant to the subject under discussion.
4. During the discussion of any matter, a representative may raise a point of order, on which the Chair shall immediately rule in accordance with these rules of procedure. A representative 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, representatives may not speak on the substance of the matter under discussion.
5. 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.
6. Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the Parties and submitted to the secretariat, which shall circulate copies to delegations. As a general rule, 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.
7. 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.
8. 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 simple 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 simple 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 representative 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 representatives 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 representative 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 under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and 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**

#### **Languages of the meetings**

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

#### **Interpretation**

Statements made in a working language of the meeting shall be interpreted into the other language of the meeting.

#### **Languages of official documents**

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

#### **Documents**

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

#### **Meeting reports**

After each meeting, the secretariat shall prepare a report of the meeting, briefly describing the discussions and detailing, where appropriate, the agreements adopted.

#### **Report of the Secretariat**

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 selected 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 selected persons and their contact details, as well as any changes thereto, shall be communicated to the Parties and to the Agreement bodies. Selected representatives shall consult with the general public through the regional public mechanism.
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, ECLAC powers and rules of procedure 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.