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**REPORT OF 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**

Virtual meeting, 9–10 December 2020

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A. ATTENDANCE AND ORGANIZATION OF WORK

Place and date of the meeting

1. 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 took place in a virtual format on 9 and 10 December 2020, under the auspices of the Government of Antigua and Barbuda.
2. The meeting was organized by the Government of Antigua and Barbuda, with the support of the Economic Commission for Latin America and the Caribbean (ECLAC), in its capacity as secretariat of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).
3. Prior to this, the national face-to-face workshop “The Escazú Agreement in Antigua and Barbuda: empowering societies for sustainable development” was organized in Saint John on 8 December 2020 and the virtual event “Youth for Escazú” was held.¹

Attendance²

4. The meeting was attended by representatives of the following countries signatory to the Escazú Agreement: Antigua and Barbuda, Argentina, Brazil, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, Grenada, Guyana, Haiti, Mexico, Nicaragua, Panama, Peru, Plurinational State of Bolivia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Uruguay.
5. Representatives of the Economic Commission for Europe (ECE) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) attended from the United Nations Secretariat.
6. The following United Nations bodies were represented: United Nations Children’s Fund (UNICEF), United Nations Development Programme (UNDP) and United Nations Environment Programme (UNEP).
7. Representatives of the following specialized agencies attended: United Nations Educational, Scientific and Cultural Organization (UNESCO) and World Bank.
8. Representatives of the following intergovernmental organizations attended: the European Investment Bank (EIB), the Inter-American Development Bank (IDB), the Caribbean Community (CARICOM), the Caribbean Court of Justice, the Organization for Economic Cooperation and Development (OECD), the Organisation of Eastern Caribbean States (OECS), the Commonwealth Secretariat and the European Union.

¹ See the page for the meeting: <https://acuerdodeescazu.cepal.org/s2/en>.

² See the list of participants in annex 2.

9. Also attending were international experts in access to information, participation and justice in environmental matters, and public international law, elected representatives of the public and members of the public, in accordance with the Final Act of the ninth meeting of the negotiating committee of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean³ and the Modalities for participation of the public in the negotiating committee of the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean,⁴ in addition to representatives of cooperation bodies and other special guests, who appear in the list of participants.

10. The meeting was webcast live.

Chair

11. Antigua and Barbuda chaired the meeting in its capacity as host country.

B. AGENDA

12. The following agenda was adopted:

1. Adoption of the agenda
2. Actions carried out at the national level by the countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and activities carried out by the secretariat
3. Special session on cooperation for the implementation of the Escazú Agreement
4. Discussion of the topics to be addressed at the first meeting of the Conference of the Parties
5. High-level event on the occasion of International Human Rights Defenders Day
6. High-level event on the occasion of Human Rights Day
7. Consideration and adoption of agreements

C. SUMMARY OF PROCEEDINGS

13. At the opening session, statements were made by E. Paul Chet Greene, Minister of Foreign Affairs, International Trade and Immigration of Antigua and Barbuda; Rodolfo Solano Quirós, Minister of Foreign Affairs and Worship of Costa Rica, in his capacity as Chair of the Presiding Officers; Danielle Andrade and Andrés Napoli, representatives of the public; and Alicia Bárcena, Executive Secretary of ECLAC.

³ LC/CNP10.9/6/Rev.1.

⁴ See LC/L.4163.

14. Welcoming the participants, the Minister of Foreign Affairs, International Trade and Immigration of Antigua and Barbuda said that the coronavirus disease (COVID-19) pandemic, as well as climate change and the biodiversity crisis, were seriously affecting the region and especially the countries of the Caribbean, one of the regions hit hardest by disasters. In the face of common challenges, multilateralism and regional cooperation needed to be strengthened. That is why the Escazú Agreement was so important. He stressed the priority his country attached to the Agreement and to environmental issues, which had been translated into cutting-edge laws and policies. The second meeting of the signatory countries was taking place at a very opportune time, as the Agreement was very close to entering into force. Therefore, hosting the meeting was a moment of great pride for Antigua and Barbuda.

15. The Minister of Foreign Affairs and Worship of Costa Rica said that the climate agenda, action against biodiversity loss and the 2030 Agenda for Sustainable Development should continue to be priority issues for the countries, and called for increased environmental ambition so that this would be the main engine of development, not only during the post-pandemic reconstruction period, but permanently. The Escazú Agreement was one of the most innovative tools available to Latin America and the Caribbean to ensure the well-being of all citizens, to build back better on the basis of sustainable socioeconomic models and to generate the right conditions for the solidary-based, responsible and ethical development of societies. The meeting was key to solidifying efforts and laying the foundation on which to build the architecture for implementation of the treaty. The Agreement was a strong but flexible treaty, to accommodate all the realities of the region. Moreover, it enjoyed broad legitimacy, because of the way it had been forged and negotiated. He concluded by reiterating his country's firm commitment to the Agreement and congratulating Antigua and Barbuda for its leadership.

16. The representatives of the public then expressed their satisfaction that the second meeting of the signatory countries was being held and congratulated all the countries that had signed and ratified the Escazú Agreement. They said that the Agreement was more necessary than ever, given the enormous challenges posed by the pandemic and climate change and the impact they had on people, particularly those in vulnerable situations. In that regard, the Agreement provided people with a tool to address issues affecting their lives and development. The representatives of the public were encouraged by the progress, had worked on proposals to support the discussions, and would continue to support countries' efforts to address outstanding issues, so that the Agreement could enter into full force.

17. Lastly, the Executive Secretary of ECLAC said that in the current times of uncertainty it was essential to rethink the relationship with nature and to rebuild with equality and sustainability through major compacts involving all social sectors, including young people, women, communities and businesses. The Escazú Agreement was a regional triumph and a step in that direction. Significant progress had been made since the first meeting of signatory countries, particularly in terms of the number of signatories and ratifications (since October 2019, the Agreement had been signed by Belize, Colombia and Dominica, and ratified by Antigua and Barbuda, Ecuador, Nicaragua, Panama and Saint Lucia). She invited the participants to give special consideration to the true beneficiaries of the Agreement: young people, women and men from all over the region, who sought a better future every day.

Actions carried out at the national level by the countries signatory to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and activities carried out by the secretariat (agenda item 2)

18. Under this agenda item, the representatives of the countries signatory to the Escazú Agreement detailed national actions undertaken in relation to the Agreement.

19. The representative of Argentina said that, with the Escazú Agreement, a new stage was beginning in environmental law and policy, in which pressing challenges could be addressed with transparency and participation. Argentina had made progress in its implementation despite the events of 2020, reflecting the country's commitment to the Agreement. Law No. 27,566 regarding the adoption of the Agreement had been enacted, and the instrument of ratification would be deposited as soon as possible. There was previous and recent environmental jurisprudence in Argentina, along with provisions at the constitutional level for the protection of environmental rights, and relevant laws, such as Law No. 27,275 on the right of access to public information and General Law No. 25,675 on the environment. Finally, she said that a fundamental path was opening up in Latin America and the Caribbean to guide the development of the region's societies. The most biologically diverse areas of the planet were in that region, which also suffered intensely from the effects of environmental problems. The early entry into force of the Agreement would allow progress in protecting the right of every person to live in a healthy environment.

20. The representative of Costa Rica listed the activities carried out by the country to disseminate and support the Agreement. There had been four webinars with civil society and regular dialogues with the Network for the Escazú Agreement in Costa Rica, which had allowed significant progress to be made. The Ministry of Foreign Affairs had organized a dialogue with members of the Legislative Assembly and ECLAC to exchange views on the process. Other dialogues had also been initiated to raise awareness of the benefits of the Agreement among local communities and to ensure that they leveraged the tools it offered. The Network for the Escazú Agreement in Costa Rica had also carried out numerous activities in 2020, in collaboration with colleagues from other countries in the region. These included five virtual talks on different aspects of the Agreement, a talk with the government and ECLAC on the importance of ratification and webinars to promote the Agreement outside the country.

21. The representative of Ecuador said that his country had ratified the Agreement in February and that Ecuador's Organic Code on the Environment already included an express provision on access to information, participation and justice in environmental matters. The country had also carried out a consultation with the support of civil society and the academic sector to analyse the compatibility of national policies with the Agreement. With regard to access to information, publicly accessible environmental information platforms and a standardized consultation system dubbed Contacto Ciudadano had been created. With regard to public participation, the government had focused on strengthening the capacities of the public sector and civil society, encouraging public participation in many areas. Examples were the participatory processes for the formulation of management plans for protected areas and fragile ecosystems or government accountability processes, which were open to citizen participation. As regards human rights and nature defenders, he highlighted the establishment of regulations for their protection and the imposition of sanctions in defence of wildlife.

22. The representative of Uruguay expressed his satisfaction at the imminent entry into force of the Agreement and recalled that his country had participated actively in negotiations and, following the signing of the Agreement, had worked intensively for its entry into force and in preparation for its effective implementation in the country. He then referred to two issues directly related to the Agreement which showed that it was already operating in Uruguay and augured well for the future in the area of access rights.

First, a working group had been set up, comprising the National Human Rights Institution and Ombudsperson's Office, the Ministry of the Environment, other public bodies and important networks of private organizations and representatives of civil society, which had reviewed for one year the policies and rules on access to information, participation and justice, in order to draw up a document with recommendations on how best to implement the Agreement and adapt legislation to the international obligations arising from it. Second, he highlighted the greater knowledge of the Escazú Agreement and how it was being used by justice officials and in judicial rulings, which resulted in the strengthening of environmental rule of law. Some of the recent progress relating to case law included the ruling of a trial judge, on 23 November 2020, that recognized the importance of the Escazú Agreement in the implementation of national legislation, and the ruling of the Supreme Court of Justice, on 7 August 2020, which granted the requested interim measures in line with the standards of the Escazú Agreement.

23. The representative of Mexico said that her country would soon deposit the instrument of ratification of the Agreement, the articles of which largely reflected the country's legislation. The rights to a healthy environment, access to public information and access to justice were enshrined in the Constitution. Different legal instruments were also available, such as the Ecological Balance and Environmental Protection Act or the Transparency and Access to Public Information Act. There were also systems for access to information and mechanisms to facilitate inclusive participation in environmental decision-making. The major pending issue was the establishment of specialized courts or the training of existing ones to enforce environmental legislation. Mexico hoped that the entry into force of the Agreement would strengthen those national capacities, as well as address the needs of specific groups and monitor the existence of support mechanisms that guaranteed equal access to justice. A consultation process was under way with the various institutions of the executive branch with competence in the area, in order to design the implementation process.

24. The representative of Panama explained that the country had created the National Environmental Information System (SINIA), available on the website of the Ministry of the Environment, which provided environmental information related to marine resources, climate change and energy, among others, and included an updated map of forest coverage, as well as a list of public entities with competence in environmental matters in the country and the functions conferred on each one. The national Reduce Your Footprint programme had also been created and included the first national climate transparency platform. The Ministry of the Environment had formally recommended to the Government Commission of the National Assembly to categorize crimes in order to protect environmental defenders within the framework of a bill to reform the Criminal Code, and had instructed that biosafety measures be taken to ensure access to non-digitized environmental information and public participation in environmental impact assessments during the pandemic.

25. The representative of Peru reiterated that country's commitment to the principles, values and goals of improving rights as set out in the Escazú Agreement. Peru had adopted the Register of situations of risk for human rights defenders, which aimed to identify those persons, the obstacles they faced and the adequacy of existing measures to mitigate risks. In addition, the Office of the Ombudsperson of Peru had adopted guidelines to guarantee the intervention of the entity in cases involving human rights defenders. The public was also granted access to the Interactive Environmental Monitoring Portal, an open data tool which provided information on environmental components being observed, environmental oversight measures or environmental complaints being processed. In terms of participation, it was worth noting the entry into force of the Regulations for the Framework Law on Climate Change, which were the result of a broad process of prior consultation with indigenous peoples.

26. The representative of Saint Lucia said that the groundwork had been laid for effective implementation of the Escazú Agreement, which had recently been ratified. The measures taken included the development of nationally determined contributions; a national adaptation plan to address the effects of climate change, land degradation and rising sea levels; a medium-term development strategy for 2020–2023; and a game-changing national environmental information system. Initiatives had also been implemented in relation to legislation (such as bills on climate change and environmental management), the 2030 Agenda for Sustainable Development (for example, a national coordinating committee to monitor and implement the SDGs), human rights (for instance, a national coordinating committee on human rights and a national human rights action plan for 2020–2024) and vulnerable persons.

27. The representative of Antigua and Barbuda said that people were at the heart of the Escazú Agreement and that outreach to local communities and vulnerable and marginalized groups was critical at that time, as COVID-19 had shown that people’s health was linked to their environment. Outreach efforts had targeted people through local community groups and churches, the Internet, radio and in-person meetings. They had also targeted government ministries to show those employees how the Agreement related to their work. Including the voices of the people involved in decision-making processes would mitigate many of the threats and risks to the environment.

28. The representative of the public said that the public had been extremely active since the first meeting of the countries signatory to the Escazú Agreement in 2019, despite the challenges brought about by the COVID-19 pandemic. Creative ways had been found to continue to raise awareness of the Agreement and advocate for its ratification and effective implementation. She shared some of the activities carried out in the period under review in Costa Rica, Ecuador, El Salvador, Mexico, Peru and Saint Lucia. Several activities had also been carried out in Antigua and Barbuda, Jamaica, Saint Kitts and Nevis and Saint Lucia in the framework of the Caribbean Institute for Natural Resources project entitled “Powering Innovations in Civil Society and Enterprises for Sustainability in the Caribbean (PISCES)”, funded by the European Union. The Access Initiative (TAI) network continued to lead the way in its support of civil society’s efforts to advance the Escazú Agreement. Young people throughout Latin America and the Caribbean had been extremely active and with the support of TAI network and elected representatives of the public had been doing an amazing job.

29. Significant actions carried out by the secretariat since the first meeting of the countries signatory to the Agreement included the support provided with regard to signature (Belize, Colombia and Dominica), ratification (Antigua and Barbuda, Ecuador, Nicaragua, Panama and Saint Lucia) and legislative approval (Argentina and Mexico). There had been two meetings of signatory countries, a celebratory event at ECLAC to commemorate the adoption of the Agreement two years earlier, four meetings of the Presiding Officers, two briefings and five virtual working meetings, which had aimed to advance the preparation of the first Conference of the Parties. Another task had been to disseminate the Agreement in various international forums and networks. In addition, the virtual format had allowed the secretariat to participate in many meetings organized by the actors supporting the Agreement, including 28 webinars. The Observatory on Principle 10 in Latin America and the Caribbean had also been kept up to date and an online introductory course on SDG 16 and the Escazú Agreement had been developed. Lastly, three books, two infographics and six newsletters had been published, and the number of subscriptions to the Regional Public Mechanism continued to grow.

Special session on cooperation for the implementation of the Escazú Agreement (agenda item 3)

30. The session was moderated by Maureen Hyman-Payne, Parliamentary Secretary of the Ministry of Justice and Legal Affairs of Antigua and Barbuda, and the speakers were Anna Terrón Cusí, Director of

the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP); Ella Behlyarova, Secretary of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention); Antonio Emmanuel, Legal Counsel of the Caribbean Court of Justice; Surya Deva, member of the Working Group on the issue of human rights and transnational corporations and other business enterprises; Nicholas Hardman-Mountford, Head of Oceans and Natural Resources of the Commonwealth Secretariat; Adina Relicovschi, Head of Environmental Policy of the European Investment Bank (EIB); Augusto Jordán Rodas Andrade, President of the Ibero-American Federation of Ombudsmen (FIO); Nicolas Maennling, Senior Advisor, Regional Cooperation for the Sustainable Management of Mining Resources in the Andean Countries (MinSus); Nicolás Dassen, Modernization of the State Senior Specialist, Division of Innovations to Serve the Citizen of the Inter-American Development Bank (IDB); Javier González, Director General of International Affairs of the National Institute for Transparency, Access to Information and Personal Data Protection (INAI) of Mexico of the Executive Secretariat of the Transparency and Access to Information Network (RTA); Xavier Mena, Deputy Representative of the OHCHR Regional Office for South America; Lyes Ferroukhi, Regional Team Leader for Nature, Climate and Energy, Regional Bureau for Latin America and the Caribbean, United Nations Development Programme (UNDP) Rodolfo Lacy, Director for the Environment Directorate, Organization for Economic Cooperation and Development (OECD); Andrea Brusco, Regional Coordinator for Environmental Governance of the United Nations Environment Programme (UNEP); Lidia Brito, Director of the Regional Bureau for Science in Latin America and the Caribbean of the United Nations Educational, Scientific and Cultural Organization (UNESCO); Hanoi Barlevi, Climate, Environment and Disaster Risk Regional Specialist of the Latin American and Caribbean Regional Office of the United Nations Children's Fund (UNICEF); Anna Wellenstein, Regional Director for Latin America and the Caribbean of the Sustainable Development Practice Group of the World Bank; Chamberlain Emmanuel, Head of the Environmental Sustainability Cluster (ESC) of the Organisation of Eastern Caribbean States (OECS); Amrikha Singh, Programme Manager for Sustainable Development of the Caribbean Community (CARICOM) Secretariat; Felice Zaccheo, Head of the Latin America and the Caribbean Regional Operations Unit of the European Commission's Directorate-General for International Cooperation and Development; and Ignacio Zavaleta, Coordinator of 350.org.

31. The moderator, introducing the panel, said that two of the hallmarks of the Escazú Agreement were capacity-building and cooperation. Given the instrument's objective of promoting collaboration with all sectors of society for sustainable development and environmental stewardship, the session was crucial for learning how the Agreement could be supported by strategic partners, multilateral agencies and regional groupings in an integrated manner.

32. The Director of FIIAPP said that the Foundation had prioritized climate action; through the EUROCLIMA+ programme (the European Union's flagship programme on environmental sustainability and climate change in Latin America), it was supporting the region's climate empowerment as a cross-cutting process of long-term climate strategies. That flexible and demand-driven programme could contribute to the design or reform of climate change strategies, plans or measures, including in the areas of education (formal or informal), communication and awareness-raising. The recently published FIIAPP thematic study on climate empowerment action and its transformative potential in Latin America analysed the situation in several countries. The Escazú Agreement was an opportunity to generate a common framework for action that would allow for coordination with citizens of an active, open, participatory and collaborative governance model. The Foundation has happy to be participating in that process and was committed to it.

33. The Secretary of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) said that the secretariat stood

ready to continue the fruitful cooperation with ECLAC, particularly by sharing its vast experience implementing the Convention. With minimum cost, the Escazú Agreement could drive the development of national legislation and practice to effect policy changes that would otherwise not occur, furthering the implementation of Principle 10 of the Rio Declaration and SDG 16. Public confidence in government decisions was crucial to peace and security and more relevant than ever in the COVID-19 crisis and for post-pandemic recovery. The Agreement would also be beneficial to all economies and would allow for sharing successful practices between nations of differing socioeconomic and political backgrounds. The Convention and the Agreement were essential legal instruments that encapsulated the importance of democracy and respect for human rights and the environment and it was a privilege to participate in the progress achieved in the region.

34. The Legal Counsel of the Caribbean Court of Justice, representing Justice Winston Anderson, said that the Court's Academy for Law remained committed to supporting signatory countries and the ratification of the Escazú Agreement. The Academy recognized the importance of the Agreement, which strengthened the subregion's commitment to respecting environmental access rights of citizens and promoted its adherence to sustainable development, while also challenging the Caribbean to undertake new collaboration paradigms. Caribbean jurisdictions were cognizant of the empowering role of justice in sustainable development and had been instrumental in improving the lives of peoples and safeguarding their common environment. The subregion's judiciary upheld the fundamental rights and freedoms enshrined in the Agreement, delivering effective and accessible justice, which was central to sustainable development. The Academy pledged to maintain its close cooperation with ECLAC and other international partners and would continue to build knowledge on the Agreement and provide a forum for discussion of related legal concepts to encourage its further ratification.

35. The member of the Working Group on the issue of human rights and transnational corporations and other business enterprises said that there was a growing realization that the right to a healthy environment was a critical human right and underpinned all other human rights. The Escazú Agreement must be seen in that context, particularly in the light of the environmental crisis and climate change threat. He illustrated the clear links between the Agreement and the United Nations Guiding Principles on Business and Human Rights. The landmark Agreement adopted by Latin America and the Caribbean provided a basis to strengthen public-private partnerships leaving no one behind and an excellent opportunity to encourage bottom-up, participatory development. In its efforts to create the concept of profit with principles for business, the working group was committed to supporting regional stakeholders in implementing the Agreement and linking it with its multi-partner responsible business conduct project.

36. The Head of Oceans and Natural Resources of the Commonwealth Secretariat said that the core Commonwealth principles of consensus and common action were reflected in the Escazú Agreement, connecting it to many areas of his organization's work. As economies recovered in the wake of the devastation caused by the pandemic, long-term priorities must not be diverted. The climate crisis would dwarf the COVID-19 crisis significantly, so it was essential for countries to be ambitious in their nationally determined contributions due in 2020 in order to achieve the Paris Agreement. His organization worked to help members to achieve those priorities through its many programmes on access to climate financing and sustainable energy, and the Commonwealth Blue Charter which focused on ocean governance and sustainable blue economies. The Commonwealth Secretariat would continue to provide member countries with independent balanced advice about the Agreement, helping to build capacity and raise awareness. He commended those who had ratified the Agreement to date and encouraged all to adopt and implement it fully.

37. The Head of Environmental Policy of EIB said ratification of the Escazú Agreement was a landmark for environmental governance and public participation but was only the start. Proper

implementation and partnerships would be critical. EIB was linked to the Aarhus Convention and could share experiences on access to information, public participation, decision-making and access to justice. As the European Union had undertaken to be the frontrunner in climate actions and environmental sustainability, the Bank had a roadmap to become the Union's climate bank. EIB sought sustainable investments that did no significant harm and supported social objectives, and asked clients to engage with stakeholders, provide access to remedy and disclose information. She encouraged parties to participate in consultations with EIB and share experiences, particularly relating to impacts on indigenous people, integration of human rights into business activities and environmental impact assessments.

38. The President of FIO thanked ECLAC and the GIZ MinSus programme for their support for the comparative study on the incorporation of a human rights-based approach into environmental impact assessments. It was important for more and more countries to ratify and implement the Escazú Agreement, a tool that would facilitate fundamental matters such as access to environmental information, public participation and access to justice in environmental matters. Given the current environmental issues in the region, it was essential for the Agreement to be implemented promptly. FIO could be an important ally in this area as a human rights monitoring mechanism.

39. The Senior Advisor of the MinSus programme congratulated those present on the progress made over the past year. He said that GIZ and the MinSus programme (implemented by GIZ in collaboration with ECLAC) had long directly or indirectly supported the Escazú Agreement process and considered it a vital instrument for promoting good governance and respect for human rights, with broad implications for more sustainable management of mining, which was the focus of MinSus. MinSus experience in the mining sector had also shown that participatory approaches to decision-making were essential to ensure a balance between economic, environmental and social interests. Exchanges and cooperation between society, government and the private sector were essential to achieve that balance. That multi-stakeholder approach was reflected in the spirit of the Escazú Agreement. He expressed the hope that the Agreement would generate new mechanisms to create sustainable mining chains in the region and reduce conflict.

40. The Modernization of the State Senior Specialist of the Division of Innovations to Serve the Citizen of IDB said that the institution had integrated mechanisms to promote citizen participation into its institutional strategies, in addition to a sectoral framework of transparency and integrity through which open government policies were promoted. The tools that facilitated citizen participation should be scaled up, as they served to strengthen democracy, and the entry into force of the Agreement would promote this type of policy. However, there was still a long way to go in terms of transparency, especially with regard to sectoral transparency and the environment. It was necessary to publish the information in the form of open data or on user-friendly platforms and to perform environmental audits. In terms of justice, there was a need to promote broad locus standi for social organizations so that they could defend collective rights. As an institution for international cooperation, IDB would, in its different areas of work, help the countries of the region to implement the Agreement.

41. The Director General of International Affairs of INAI of Mexico (Executive Secretariat of RTA) said the entry into force of the Escazú Agreement presented opportunities and areas for cooperation to generate synergies between the different bodies and institutions that guaranteed the right of access to information in Latin America and the Caribbean. Under the Agreement, the parties undertook to safeguard the right to know and the right to live in a healthy environment. RTA could join the process to strengthen the capacity of duty bearer bodies and offered its experience and good practices in that area. From that platform it was possible to address shared challenges in the region, and in that regard, it could work together with the signatory countries of the Agreement. With its cooperation, diagnostic tools, recommendations and best practices could be developed to help guarantee the right of access to information and thus improve systems of public participation in environmental issues in the region.

42. The Deputy Representative of the OHCHR Regional Office for South America said that human rights defenders played a fundamental role in society and contributed to peace and development of cultures and rights to land and territories, but, as the figures showed, that sometimes meant putting their lives at risk. In 2019, the numbers of killings of human rights defenders and threats to them had been the highest in the world, with two thirds of cases in the region. The Escazú Agreement was a valuable opportunity to reverse that scenario, as it was a powerful instrument to prevent conflict, to ensure participation, transparency and accountability, and to protect human rights defenders. He lamented the lack of legal recognition of human rights defenders and, in some cases, of mechanisms for their protection, and denounced their criminalization and the impunity of aggressors. His Office called on States to recognize the legitimacy of human rights work and facilitate it, to investigate attacks against it, and not to leave room for impunity. Human rights and the environment should not be neglected in the context of the pandemic.

43. The Regional Team Leader for Nature, Climate and Energy of the UNDP Regional Bureau for Latin America and the Caribbean said that the Escazú Agreement was a key instrument for Latin America and the Caribbean and a valuable tool for strengthening national capacities and protecting human rights and environmental defenders, taking special account of groups in vulnerable situations. UNDP was committed to collaborating with governments, civil society, other agencies and the Technical Secretariat on implementation of the Escazú Agreement in the region. In addition to the climate crisis and prevailing inequality, COVID-19 had highlighted the need for collaboration at the regional and international levels. In that sense, the Escazú Agreement enabled inclusive multilateralism in Latin America and the Caribbean, leaving no one behind, and was an example for the rest of the world.

44. The Director for the Environment Directorate of OECD said that, for the Organization, the Escazú Agreement was a cutting-edge instrument, bringing together a set of good practices and principles for environmental governance. OECD shared the integral vision of giving information to the population, making them participants in decision-making and allowing access to environmental justice. In the interest of that vision, he offered to share the experience and tools (including the Environment at a Glance⁵ digital platform) of the OECD with ECLAC and the countries. There was a need for coherence and alignment between economic development and environmental policies. In the framework of the Escazú Agreement, public consultations and people's participation in decision-making were both important. Outstanding challenges included the role of social networks in environmental governance at the local government level. The Escazú Agreement would allow the international environmental agenda to advance in a constructive and progressive manner.

45. The Regional Coordinator for Environmental Governance of UNEP said that rights of access were at the core of UNEP work on environmental governance and of the Fifth Montevideo Programme for Development and Periodic Review of Environmental Law (Montevideo Programme V). The three pillars of the Escazú Agreement were mainstreamed in her organization's programme of work and it had actively promoted the Agreement. UNEP had provided technical assistance to the Human Rights Council on implementing children's rights through a healthy environment. A memorandum of understanding had been signed with OHCHR to interact in more efficient and permanent way, and the two organizations had issued a joint policy note on human rights, the environment and COVID-19. The global policy of UNEP on environmental human rights defenders had been revised and a consultative process had taken place to strengthen mechanisms on environmental defenders, especially in the region.

46. The Director of the Regional Bureau for Science in Latin America and the Caribbean of UNESCO said that, within the framework of its programmes on freedom of expression and communication

⁵ See [online] <https://www.oecd.org/environment/environment-at-a-glance/>.

development, UNESCO worked on access to information and the safety of journalists, justice and the fight against impunity. Many judges and other judicial actors in Latin America and the Caribbean had been trained on international standards related to freedom of expression, access to public information and the safety of journalists. With regard to the right of access to science, UNESCO worked to support science education and training. There were also 131 UNESCO-protected biosphere reserves in the region, although these had not been immune to the violence and killings of environmental defenders. The Regional Bureau was developing a strategy based on practical measures to improve the security of biosphere reserve defenders. The Bureau again offered to support member States in implementing the Escazú Agreement and to work jointly with ECLAC, particularly in ensuring access to information and justice and security for defenders, as well as in strengthening scientific capacities.

47. The representative of the Latin American and Caribbean Regional Office of UNICEF said that the world was much more dangerous and uncertain as a result of climate change and environmental degradation. The climate crisis was also a crisis of children's rights. It was crucial to have a secure protective environment for youth climate activists. The Escazú Agreement was a unique mechanism to ensure full, safe and informed participation by young people in climate action and environmental advocacy, taking into account their age, gender, ability and ethnic diversity. UNICEF had launched a toolkit for climate youth activists, to facilitate access to climate and environmental information. All members and actors engaged in Principle 10 of the Rio Declaration on Environment and Development should advocate for inclusive and meaningful youth participation in implementation of the Escazú Agreement.

48. The Regional Director for Latin America and the Caribbean of the World Bank Sustainable Development Practice Group said that governments were stretched in unprecedented ways, especially by the pandemic. The region also still faced a climate crisis. The two crises took the greatest toll on the most vulnerable and magnified inequalities. Citizens' rights to access to information and justice and to participation in decision-making on sustainability and inclusion were crucial. The Escazú Agreement could help foster good environmental and social governance, promote open, inclusive and accountable institutions and build trust in government. Countries with transparent and accountable institutions were more resilient and were better at facilitating private sector growth, reducing poverty, delivering valuable services and earning citizens' trust. The Agreement was therefore critical to sustainability and inclusive growth, and a recovery in which every citizen was informed and involved.

49. The Head of the Environmental Sustainability Cluster of OECS said that the 2001 St. George's Declaration of Principles for Environmental Sustainability had been a pioneering framework to foster equitable and sustainable improvement in quality of life in the Eastern Caribbean, with meaningful participation by civil society and the private sector in decision-making and broad-based environmental training and awareness-raising. A revised Declaration was endorsed in 2020, calling for transparency and inclusive and responsible decision-making, considering not only the economic benefits of development but also social well-being and the environmental protection. The Escazú Agreement was specifically referenced in the revised Declaration. Through its partnership with ECLAC, OECS would continue to support and facilitate awareness-raising, advocacy, training, studies, policy formulation, analysis and technical assistance for implementation of the Agreement.

50. The Sustainable Development Programme Manager of the CARICOM Secretariat said that CARICOM would continue to strengthen statistical systems, which were at the heart of access to environmental information. A subregional statistics action plan had been adopted, and a statistical standing committee had existed since the establishment of CARICOM. Generating up-to-date and accurate information for environmental strategies and policies was still a challenge, but the Community's weakness remained ensuring that collected data contributed to policy design and citizen participation. Progress with

the 2030 Agenda and the Paris Agreement would contribute to implementation of the Escazú Agreement. The Caribbean Community would work to complete the subregional natural resources policy framework and action plan, strengthen statistical platforms and capacities, ensure its member States were able to meet obligations, and assist with implementation of environmental agreements, including the Escazú Agreement.

51. The Head of Unit for the regional operations of the Directorate-General for International Cooperation and Development of the European Commission said the three pillars of the Escazú Agreement were fundamental to environmental matters and commended its focus on environmental human rights defenders. Implementation of the Agreement would help put into practice Principle 10 of the Rio Declaration on Environment and Development and the Paris Agreement. The downturn caused by the pandemic had only temporarily lowered energy consumption and emissions, with growth projected for 2021, so countries had to take climate action, especially in their recovery efforts. The European Union was committed to the European Green Deal, the Guiding Principles on Business and Human Rights, and new legislation on corporate due diligence in environmental and social matters. The European Union would support implementation of the Agreement, and encouraged countries in the region to sign, ratify and implement it.

52. The Coordinator of 350.org and organizer of the initiative *Legisladores x el Ambiente* said that the work done by his association was a forum for collaboration on environmental issues and linked societies with their parliamentary institutions. He cited as an example the support provided in Argentina, where the ratification of the Escazú Agreement had brought together the entire political spectrum, as it was considered a State policy. Campaigns on parliamentary strategies had also been undertaken in several other countries—including Colombia, Costa Rica, the Dominican Republic and El Salvador—in partnership with civil society, representatives of subnational bodies and young people. He said that the Escazú Agreement offered an opportunity for different sectors to join forces to develop robust legislation to protect the environment and achieve sustainable development goals.

Discussion of the topics to be addressed at the first meeting of the Conference of the Parties (agenda item 4)

53. Under this agenda item, the representatives reviewed the topics to be addressed at the first meeting of the Conference of the Parties, as stated in articles 14, 15.4(a) 15.4(b) and 18.1 of the Escazú Agreement. To facilitate the discussion, three sessions were organized on the following matters: (i) the rules of procedure of the Conference of the Parties, including the modalities for significant participation by the public (article 15.4(a)); (ii) the financial provisions necessary for the functioning and implementation of the Agreement (articles 14 and 15.4(b)); and (iii) rules relating to the structure and functions of the Committee to Support Implementation and Compliance (article 18.1).

54. In the session on the rules of procedure of the Conference of the Parties, including modalities for significant participation by the public, the secretariat presented the proposed rules of procedure for 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,⁶ prepared at the request of the Presiding Officers on the basis of the virtual working meetings held on 15 April and 25 June 2020 and the inputs received from countries and the public. The floor was then opened for observations and comments from the participants.

55. Participants welcomed the proposal prepared by the secretariat, noting that it reflected the common standards of multilateral environmental agreements as well as the practices of the process. They agreed that it provided a solid basis on which to work in preparation for the first meeting of the Conference of the Parties.

⁶ LC/ESZ.2/DDR/1.

56. The representative of Uruguay requested specification as to whether proposed rule III.1 referred exclusively to face-to-face meetings or also included virtual meetings. He also suggested clarifying references to “the public” and “elected representatives of the public”. Specifically, he said it might be necessary to define the term “public” and to consider differentiating between elected representatives of the public and other members of the public in assigning priority on the list of speakers, which would help to order and channel proposals.

57. The elected representative of the public said that it was important to determine the roles of elected representatives of the public at the Conference of the Parties, with the understanding that such a body was composed of representatives of the countries, representatives of the public, and the general public. Elected representatives had a regional outlook and a dialogue and linkage function, which needed to be specified in the proposed rules.

58. The representatives of Argentina, Costa Rica and Panama said they agreed that there was a need to be specific in the rules for face-to-face and virtual meetings and the differentiation between elected representatives of the public and the general public.

59. The representative of Argentina further argued that public participation was essential and welcomed the progress made in this regard.

60. The representative of Panama, noting that the official languages were Spanish and English, called for consideration of specific measures for persons and groups in vulnerable situations, indigenous persons and other groups in the region, to ensure they were not excluded from meetings merely for lack of command of those languages.

61. The representative of Costa Rica added that there was a need to specify that proposals could be submitted and distributed in electronic format, so that references to “copies” would also include electronic copies.

62. The representative of Mexico reiterated the importance of the public in the discussions and in building consensus, and expressed her support for efforts to clarify the text. It was therefore extremely important to leave the virtual formats in place and to allow the necessary flexibility to accommodate them. It was also necessary to take into account that not everyone had access to the technologies and tools needed to ensure participation in virtual meetings. The process should be as inclusive as possible, taking into account gender issues, and allowing society as a whole to participate.

63. The representative of Brazil, recalling the origins of the process in his country with the Rio Declaration and the United Nations Conference on Sustainable Development (Rio+20), underlined the importance of the issues being analysed. He said that rule V needed to include a specific paragraph on documents that could be submitted by Parties for consideration by the Conference, which had to be received in advance in order to be included in the provisional agenda and distributed well in advance. Regarding rule VII on the Presiding Officers, while it was important to maintain an ongoing dialogue with elected representatives of the public, it was not appropriate for them to be invited to meetings of the Presiding Officers. In rule X, it was essential to include the establishment of contact groups and informal groups. Regarding rule XI, he argued that all decisions should be made by consensus. With respect to virtual meetings, he called for consideration of the difficulties this posed for the Conference of the Parties, particularly in terms of connectivity, text negotiation and discussion in working groups, among other issues.

64. The elected representative of the public recalled that the modalities of public participation employed during the negotiation phase would apply until the first meeting of the Conference of the Parties,

according to the Final Act of the Agreement. He congratulated Mexico for the publication of the decree approving ratification of the Agreement in its Official Gazette and thanked participants for their support for the public's participation. It was of the utmost importance for the public to be represented among the Presiding Officers, which was in the spirit of the Agreement. It was essential to expressly provide that representatives of the public should have two seats at the main table during face-to-face meetings.

65. The secretariat thanked the countries and the public for their comments on the proposal presented and said it was necessary to re-read the rules to accommodate virtual formats and make the process more efficient. The roles and participation of elected representatives of the public and other members of the public also needed to be clarified. All delegations and the public were invited to submit additional comments, if any, so that they could be reflected in the text. The three issues to be discussed at the first meeting of the Conference of the Parties should be considered as a whole, given the synergies and interrelationships, for example in financial matters. The proposal presented would be revised to reflect the comments made at the meeting and any further comments received within the next three months.

66. The rules relating to the structure and functions of the Committee to Support Implementation and Compliance were then analysed. The secretariat presented the 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 Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean,⁷ prepared at the request of the countries on the basis of the virtual working meetings held on 29 April and 23 June 2020 and the inputs received from the countries and the public.

67. The proposal was commented on by invited experts Jonas Ebbesson, Chair of the Compliance Committee of the Aarhus Convention and Professor of Environmental Law, and Marcos Orellana, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Expert in International Environmental Law. The floor was then opened to participants for their observations and comments.

68. The Chair of the Compliance Committee of the Aarhus Convention and Professor of Environmental Law congratulated the secretariat, the countries and the public on the progress made, and applauded the establishment of the Committee in the text of the Agreement, which set out its key components and characteristics. He said that the Committee's purpose was not to resolve disputes but to prevent them, by supporting implementation and fulfilment of the obligations set out in the Agreement. The number of members proposed for the Committee should be expanded to adequately meet its functions, as five might be insufficient. He welcomed the references to geographical and gender balance and the requirement for Committee members to act in their individual capacities with integrity and impartiality. Due process considerations were also critical. It was important to reflect on public and closed meetings; most meetings of the Compliance Committee of the Aarhus Convention were closed, as they mainly comprised deliberations on cases of non-compliance. Other meetings where closed sessions might be useful included those on follow-up assessments. In any case, comments could always be requested at a later date. It was not clear in the proposal who would make the final decision on whether to hold hearings, the Parties or the Committee. Other key points included decision-making by consensus, public participation and cooperation with other multilateral agreements. The Committee should also have effective secretarial support.

69. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Expert in International Environmental Law also welcomed

⁷ LC/ESZ.2/DDR/2.

the secretariat's proposal, which he said reflected international best practices, allowed for meaningful public participation and respected the nature and mandate of the Committee, balancing flexibility with the necessary level of detail. In relation to good practice, the proposal contained established elements, such as the preparation of general comments supporting interpretation of the treaty, visits to the territories of the Parties and self-nomination for membership of the Committee. Significant public participation was also adequately addressed by allowing the public to provide and access information, submit communications, participate in public hearings and engage in follow-up to cases. The functions of the Committee were also appropriate to its nature, both in terms of supporting implementation and compliance. He applauded the preparation of a systemic report, dialogues with parties and support for compliance, as well as the streamlined and participatory due process, including specific actions, such as an action plan.

70. The representative of Costa Rica thanked the experts for their comments and for the document presented by the Secretariat, and said it was a good basis for discussion. In addition to the number of members, consideration also needed to be given to their qualities and experience and how this would be reflected in comparative experience. The support of the secretariat was another aspect to be considered.

71. The elected representative of the public said that transparency and public participation were vital to the success of the Committee. The nature of the Agreement required the Committee to give meaningful consideration to the public. In addition to what was included in the secretariat's proposal, the public could play a key role in the process of selecting the members of the Committee, both in preparing a shortlist and in the voting process if no consensus is reached, as well as contributing to the action plans agreed with States. It was excellent that the public was entitled to a clear procedure and other specific rights. One concern related to the admissibility of cases, as it was essential that the criteria did not constitute a barrier to entry. Another issue to be considered was the situation of human rights defenders, with regard to which the Committee should have a specific role. The elected representatives of the public requested that the meetings of the Committee be open except in exceptional circumstances. In addition, consideration should be given to mechanisms to support the access of individuals and groups in vulnerable situations to the Committee, including technical and legal assistance, expert support or participation in hearings, and financial support should be contemplated for this purpose.

72. The representative of Uruguay said that the essential characteristics of the Committee under the treaty were that it was a subsidiary body of the Conference of the Parties, which was consultative, transparent, non-adversarial and non-judicial. It was also important to note that the submitted proposal was an outline of the main elements, and not a detailed proposal. He requested the opinion of the invited experts on the usual practice in the structure of committees for other multilateral environmental agreements, in particular whether they always included individuals or State representatives. In addition, whereas independence of the executive branch was stipulated to rule out incompatibility, members' relationships with other branches of government must also be considered. Rather than incompatibility of duties, the characteristics of the individuals to be included in the Committee were being addressed. He also asked about the relationship between suspension of voting rights as a stipulated measure that could be taken by the Conference of the Parties and article 16 of the Agreement.

73. The representative of Brazil said he supported the need for the selection process for Committee members to be open and inclusive. However, candidates should be nationals and not residents, given difficulties with the definition and scope of that term in his country. The proposed format whereby anyone could self-nominate could result in a vast number of candidates, making it difficult to analyse and select them. For that reason, it would be more efficient for each Party to propose three candidates. He said it would not be appropriate to grant the privileges and immunities of the United Nations to the members of the Committee. It was also important that the Committee did not exceed the mandate and functions set out in

article 18 of the Agreement. In particular, there were concerns about systemic reporting and the consideration of specific cases of non-compliance. Dialogue between the Committee and the Parties should be based on reciprocity. In addition, information from the Committee should come from reliable and verifiable sources and it was important to respect confidentiality. In turn, the rules could not determine what types of measures the Conference of the Parties would implement.

74. The representative of Argentina welcomed the guarantees of due process included in the document and said the Committee was crucial to implementation of the Agreement. Its purpose was to support Parties and public participation was vital. It was important to consider national capacities and circumstances when taking any action. Regarding paragraph (e) of rule III, she proposed replacing “the Committee may hold an open dialogue with members of the public” with “the Committee shall hold an open dialogue with members of the public”.

75. The representative of Saint Lucia applauded the Committee’s access to experts, the possibility of establishing national action plans and the regional and gender balance in its structure. She said she agreed that there was a need for a rapid response mechanism in cases related to environmental defenders. It was important for members to act in their individual capacity and to be able to act with maximum independence and integrity in their duties, avoiding conflicts of interest.

76. In response to questions and comments, the Chair of the Compliance Committee of the Aarhus Convention said that there was no absolute requirement in that Committee to exhaust domestic remedies, and that situations were examined on a case-by-case basis. With regard to environmental defenders, the Aarhus Convention was moving towards establishing a specific response mechanism. With respect to the structure of the Committee, it was important that members acted in an individual capacity, despite being elected by States through the Conference of the Parties. With reference to the suspension of voting rights, such measures were provided for in most multilateral environmental agreements. In the case of the Aarhus Convention they had never been used. Moreover, strictly speaking, the actions in cases of non-compliance were taken by the Conference of the Parties, although the Committee could propose them. The Committee had a collaborative, proactive approach; it was not a judicial or compensatory body.

77. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes added that it was important for the Committee to be supported by the secretariat, although that was an administrative issue which did not have to be specifically included in the rules. With regard to admissibility criteria, he argued that it was important to ensure that no undue barriers were imposed. Support for the public to be able to access the Committee was focused on interpretation and could be extended to other areas. Another element to be considered was the role of the Committee in relation to environmental defenders. It was important to address the right to vote under article 16 of the treaty from the perspective of article 15, which gave the Conference of the Parties the authority to review and encourage the implementation and effectiveness of the agreement. As noted, it was a common feature of other agreements, although it was only used in exceptional situations. He recalled that the proposal provided for the possibility of the Committee developing guidelines on conflicts of interest. In addition, during the negotiation of article 18 of the agreement, support for implementation had been included in addition to compliance, in order to expand the Committee’s scope of action beyond the consideration of cases of non-compliance. Furthermore, the international trend pointed towards a direct relationship between the Committee and the Parties, so as to allow for more fluid and effective communication and to provide the opportunity to work on recommendations ahead of the meeting of the Conference of the Parties.

78. Financial arrangements were the third issue considered in the preparation of the first meeting of the Conference of the Parties. Following a presentation by the secretariat on the essential elements to be

considered and on the experience of ECLAC in the management and handling of multi-donor funds, several participants stressed the importance of financial arrangements for the proper functioning of the Agreement. The participants recalled the discussions held at the virtual working meeting on 25 August 2020 and agreed on the need to ensure regular, stable and predictable contributions.

79. The elected representative of the public argued that the Voluntary Fund could consider accepting funding from sources other than public ones, in order to broaden the base of contributions. It was particularly important for the Fund to support public participation in the Conference of the Parties, as had been the case during the negotiation. The public's participation in the hearings of the Committee to Support Implementation and Compliance, as well as its access to the various mechanisms through technical and legal assistance, should also be financially supported, especially for individuals and groups in vulnerable situations. Another element to be considered was support for the establishment and strengthening of institutions at the national level to improve the implementation of the Agreement. The modalities of the fund should also ensure transparency and civil society participation in its management and monitoring.

80. The representative of Costa Rica underscored the importance of planning the time well, so that financial support would be available when the Agreement and its bodies came into effect. Since several countries had extensive experience in that area, he argued that it was essential to work in a coordinated manner to obtain the expected results. He said that several international and regional institutions and development banks had shown their support for the Agreement. It was therefore important that the fund should also be open to contributions other than from the State. In addition to financial contributions, other in-kind support should be explored.

81. The representative of Saint Lucia reiterated the importance of financial arrangements for Caribbean small island developing States, particularly in the context of the pandemic. In that regard, it was essential to pay special attention to national contexts and to make efficient and effective use of resources. Another element to consider was the due diligence required for contributions. Audits, financial controls and other legal requirements had to be fulfilled. She appreciated the potential for financial mechanisms to support the public, and the opportunity to foster South-South cooperation.

82. The representative of Panama joined the call to consider financial arrangements in the context of COVID-19, so that funds would essentially be directed towards a green recovery that would place access rights at the centre. She agreed with the idea of establishing as broad a base of contributions as possible, not limiting it to those of the State, and reiterated the importance of establishing priorities and supporting the public, particularly vulnerable individuals and groups.

83. The representative of Argentina welcomed the discussions on this point and recalled that financial arrangements should respond to flexibility and adaptation criteria, and be aligned with countries' capacities. The Conference of the Parties also had the ability to mobilize resources from other sources under article 15(5)(g).

84. The secretariat emphasized that financial arrangements should be analysed not only with regard to obtaining additional resources, but also refocusing existing ones, and within the framework of behavioural and procedural changes, which sometimes did not require new resources. Audits and financial controls were governed by the financial and administrative rules and procedures of the United Nations. It supported the need to address financial arrangements from a green recovery perspective and reiterated that, together with the Voluntary Fund, financial requirements should be dealt with in parallel under the regular budget of the United Nations.

85. In light of the previous discussions, at Costa Rica's suggestion, representatives agreed to establish two open-ended working groups: a working group on the rules relating to the structure and functions of the Committee to Support Implementation and Compliance, led by Panama, Saint Lucia and Uruguay, and another working group on financial arrangements, led by Antigua and Barbuda, Argentina and Mexico. Those groups would aim to advance discussion of outstanding issues in preparation for the first meeting of the Conference of the Parties and would be open to all signatory countries and to meaningful public participation.

86. In order to allow all countries and the public to properly analyse the proposals submitted on the different topics, it was agreed they would have three months (until 10 March 2021) during which they could send additional observations and comments to the secretariat.

High-level event on the occasion of International Human Rights Defenders Day (agenda item 5)

87. On the occasion of International Human Rights Defenders Day, a high-level event was held with leading experts to address the challenges faced by human rights defenders on environmental issues and the opportunities presented by the Escazú Agreement.

88. The event was moderated by Walter Schuldt, Director of Environment and Sustainable Development of the Ministry of Foreign Affairs and Human Mobility of Ecuador, and participants included David R. Boyd, Special Rapporteur on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment; Mary Lawlor, Special Rapporteur on the situation of human rights defenders (video); Eamon Gilmore, European Union Special Representative for Human Rights (video); Miriam Miranda, human rights defender of the Garifuna people, Honduras; Hernán Ramírez, representative of the collective Mujeres en Zona de Sacrificio, Chile; Flavia Scabin, Professor and Researcher at the Getulio Vargas Foundation (FGV) in Brazil; and Laura Serna, Escazú Youth Champion of Colombia.

89. The Special Rapporteur on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment said that the Escazú Agreement was a catalyst for action and a key instrument for a responsible and inclusive recovery. In addition to helping to tackle the roots of environmental problems, it offered protection to defenders and made it possible to strengthen the rule of law and environmental institutions. It also fostered partnerships and strengthened the preventive approach to conflict resolution.

90. In her video message, the Special Rapporteur on the situation of human rights defenders welcomed the prompt entry into force of the Escazú Agreement as a major milestone at the regional and global levels. She congratulated all the countries that had signed and ratified it and invited them to implement it fully and effectively. The Agreement represented an important step forward in protecting and empowering human rights defenders in Latin America and the Caribbean.

91. The European Union Special Representative for Human Rights noted in his message that the entry into force of the Escazú Agreement marked a historic moment for Latin America and the Caribbean. It was a groundbreaking agreement, demonstrating the region's commitment and containing provisions to recognize and protect those who defended the environment. He highlighted the European Union's participation in the Aarhus Convention and the green new deal, which placed human rights and environmental protection at the heart of the response to COVID-19.

92. The human rights defender of the Garifuna people of Honduras shared her experience in environmental protection in her country. She underscored the danger of defending life and natural resources in Honduras, where there were major institutional and social shortcomings resulting in impunity and defencelessness.

93. The representative of the collective Mujeres en Zona de Sacrificio emphasized the dramatic situation in Quintero-Puchuncaví, Chile, where people lived with a high concentration of polluting industries, called “sacrifice zones” by the inhabitants. There were significant challenges in terms of access to information, participation and access to justice. He also reported worrying threats to environmental defenders in the area, which required rapid, appropriate and effective responses that had not emerged to date.

94. The Professor and Researcher at the Getulio Vargas Foundation (FGV) in Brazil highlighted the role played by the legal clinics associated with academic centres and universities in the region in defending the environment. Those centres supported the defence of and provision of assistance to defenders, especially those at risk and in vulnerable situations.

95. The Escazú Youth Champion of Colombia summarized the outcomes of the Forum of Environmental Defenders in South America organized by OHCHR, ECLAC and UNEP, where the situation of young defenders was addressed specifically. She also highlighted the importance of the Escazú Agreement for young people in Colombia and the region, as it allowed them to access information, participate in decision-making and have access to justice. The Agreement ensured sustainable investment and prevented conflict, while empowering communities.

96. The moderator thanked the panellists for their contributions. He highlighted the serious situation faced by human rights defenders in environmental matters in the region and called for concrete measures to remedy it, including strengthening regulatory frameworks, building capacity or improving mechanisms for access to justice. The Escazú Agreement offered a great opportunity to address those challenges as it was a tool that could be used to prevent conflict and protect environmental defenders.

High-level event on the occasion of Human Rights Day (agenda item 6)

97. To commemorate Human Rights Day, a high-level event was organized on 10 December, featuring prominent women who addressed the virtuous circle between the environment, human rights and the Escazú Agreement.

98. The event was moderated by Carole Excell, representative of The Access Initiative (TAI), and the participants included Epsy Campbell, Vice-President of the Republic of Costa Rica; Michelle Bachelet, United Nations High Commissioner for Human Rights; Mary Robinson, Chair of The Elders; Martha Delgado Peralta, Undersecretary for Multilateral Affairs and Human Rights of the Secretariat of Foreign Affairs of Mexico; Nicky Black, Director for Social and Economic Development of the International Council on Mining and Metals (ICMM); Nafesha Richardson, Escazú Youth Champion of Saint Vincent and the Grenadines; and Alicia Bárcena, Executive Secretary of ECLAC.

99. The Vice-President of the Republic of Costa Rica said that the Escazú Agreement served as an example at the global level, given the special concern with which it addressed the defence of the human rights of environmental activists, offering a protective legal framework. Many of the defenders were indigenous people, rural leaders, activists from environmental organizations and leaders of Afrodescendant organizations. Through the Agreement, the region not only committed itself to the environment but also protected the lives and rights of environmental leaders. It was also an unprecedented tool for combating all forms of discrimination.

100. The United Nations High Commissioner for Human Rights emphasized the interrelationship between human rights, the environment and the Escazú Agreement. The Agreement was the only one in the world that contained specific provisions, which was highly symbolic given that Latin America was one of the most dangerous regions for environmental defenders. Moreover, it came at a very opportune time, as it provided a fundamental basis for environmental democracy, international cooperation and multilateralism. She also recalled the need for recovery to be based on equality, non-discrimination and human rights.

101. The Chair of The Elders said the Agreement was very important for Latin America and the Caribbean, as it allowed for progress towards a sustainable recovery that took into account people and the planet. She called for increased commitment to the Agreement and its tenets to avoid setbacks in environmental protection measures, which were so necessary in the current context of climate crisis and pandemic.

102. The Undersecretary for Multilateral Affairs and Human Rights of the Secretariat of Foreign Affairs of Mexico said that one of the main challenges in the region was to achieve environmental justice, access to information and public participation in environmental matters. The Escazú Agreement was the best way to strengthen democracy, transparency and inclusion in environmental issues. It was also a benchmark for cooperation, which was fundamental to its implementation.

103. The Director for Social and Economic Development of ICMM added that, for responsible businesses, creating long-term values and respecting human rights were fundamental. Accountability and transparency ensured a good relationship with communities and helped to build legitimacy and trust.

104. The Escazú Youth Champion of Saint Vincent and the Grenadines spoke about the importance of the Escazú Agreement for the young people of Latin America and the Caribbean. She said that one of the biggest problems in the region was access to information. She invited all young people to become more involved and to support efforts to ratify and implement the Agreement, so that it would become a reality in all countries.

105. The Executive Secretary of ECLAC stressed that the Escazú Agreement was the reflection of an encouraging path forward. It was the first environmental agreement negotiated by and for Latin American and Caribbean people, and had been designed with future generations in mind. In addition, the Agreement was an essential instrument of cooperation to safeguard the future and meet the legitimate demands of many communities. She insisted that the pandemic should not lead to neglect of the environment or human rights.

106. The moderator commended the speakers for their inspiring reflections. She underscored the links between the Escazú Agreement, environmental protection and human rights and stressed that the human rights approach had guided the negotiation of the text and should now also be central to the implementation of the Agreement.

Consideration and adoption of agreements (agenda item 7)

107. The representatives considered and adopted the agreements contained in annex 1 of this report.

Closing session

108. At the closing session, statements were made by Joseluis Samaniego, Chief of the Sustainable Development and Human Settlements Division of ECLAC, Andrea Sanhueza and Karetta Crooks, elected representatives of the public, and Maureen Hyman-Payne, Parliamentary Secretary of the Ministry of Justice and Legal Affairs of Antigua and Barbuda.

109. The Chief of the Sustainable Development and Human Settlements Division of ECLAC congratulated Antigua and Barbuda for hosting the meeting and for its excellent leadership. He welcomed the progress made in the three areas under discussion in preparation for the first meeting of the Conference of the Parties and thanked the Presiding Officers, all the countries, the experts and the public for their active participation. He stressed that the meeting had shown that the Escazú Agreement was essential for sustainable development and for an inclusive and sustainable recovery. He also highlighted the leadership of the Caribbean countries, as well as the expressions of support and interest of multilateral banks and other regional and international organizations.

110. The elected representatives of the public also thanked the host country and expressed their satisfaction at the outcomes of the meeting. They highlighted the spirit of community and collaboration underlying the Agreement and that brought all actors together around a common goal: caring for the environment and building peaceful and just societies. That collaboration also included young people, the private sector and the various regional and global actors supporting those collective efforts. They said that the protection and defence of environmental defenders remained a challenge. They called for the Agreement to be seen as an opportunity to improve current practices and address the most pressing challenges.

111. The Parliamentary Secretary of the Ministry of Justice and Legal Affairs of Antigua and Barbuda expressed gratitude for the support provided by all representatives and the public, which had allowed the meeting to be a success despite the virtual format and exceptional circumstances. The Escazú Agreement was a platform for sharing, exchanging and moving forward together, but also for protecting people and putting them at the centre. In that regard, she reiterated the commitment of her government to the Agreement and called for further work to agree on outstanding issues.

Annex 1

AGREEMENTS

The representatives of the countries participating in 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, held virtually, under the auspices of the Government of Antigua and Barbuda, on 9 and 10 December 2020 agree to,

1. *Redouble* efforts to bring about the prompt entry into effect of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) and its implementation;

2. *Invite* all Latin American and Caribbean States to consider ratification, acceptance, approval or accession to the Escazú Agreement, as appropriate, in accordance with its article 21, as soon as possible;

3. *Continue* working to make progress on the topics to be addressed at the first meeting of the Conference of the Parties to the Escazú Agreement and necessary for its operation and implementation, such as its rules of procedure, the rules of composition and operation of the Committee to Support Implementation and Compliance, the financial provisions and the Voluntary Fund, using flexible working modalities and information technologies for this purpose, with the support of the Economic Commission for Latin America and the Caribbean as secretariat and significant participation by the public;

4. *Thank* the Economic Commission for Latin America and the Caribbean for its support as secretariat and the progress achieved in the deployment of the Observatory on Principle 10 in Latin America and the Caribbean;

5. *Also thank* the public and its representatives for their meaningful participation participation and their contributions on the occasion of the second meeting of the countries signatory to the Agreement;

6. *Further thank* the experts and the regional and international organizations that have participated in this meeting;

7. *Thank* the people and Government of Antigua and Barbuda for their commitment and the effort devoted to the organization of 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.

Annex 2

**LISTA DE PARTICIPANTES
LIST OF PARTICIPANTS**

**A. Países signatarios del Acuerdo de Escazú
Countries signatory to the Escazú Agreement**

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**B. Secretaría de las Naciones Unidas
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United Nations bodies**

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**D. Organismos especializados
Specialized agencies**

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Intergovernmental organizations**

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