



UNITED NATIONS

ECLAC

Economic Commission for Latin America and the Caribbean



Summary of the proposed rules of procedure of the Conference of the Parties to the Escazú Agreement

Escazú Agreement Secretariat

Second meeting of the signatory countries, 9 December 2020



General considerations

1. **Successful experience during the negotiation**
2. **Well-established international standards and good practices**
3. **Elements already determined by the Agreement** (art. 15.4, 15.5(a), 16, 18.1 and 20.3)
4. **Simple, clear and tailored to the Agreement**

- Rules shall be adopted by consensus at first COP (art. 15.4)
 - Shall include the modalities for the significant participation of the public (art. 15.4)
 - Apply to ordinary and extraordinary meetings of the COP (art. 15.2 and 15.3)
 - The Committee to Support Implementation and Compliance will have its own rules relating to its structure and functions (art. 18.1)
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Background information

1. **Mandate to the Secretariat by the Presiding Officers: proposed rules for consideration**
 2. **Inputs from the Signatory Countries and representatives of the public**
 3. **Informative webinar 15 April 2020 (17 SC & RP)**
 - ▶ Central elements (Escazú Secretariat, Aarhus Secretariat, representatives of the public)
 - ▶ Inputs by SC and RP
 4. **Informative webinars 27 and 28 May 2020**
 - ▶ “The significant participation of the public in the Escazú Agreement in preparation for its entry into force: proposals and inputs”
 5. **Informative webinar 25 June 2020 (19 SC & RP)**
 - ▶ Central elements and inputs.
 - ▶ Results participatory process by Representatives of the public.
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Purpose and definitions

Apply to any meeting of the COP

- ▶ Articles 15.2 and 15.3 of the Agreement

Definitions

- ▶ Agreement, ECLAC, COP, Presiding Officers, Observer, Subsidiary bodies, Chair, Public, Focal Point, Secretariat



Place and date of meetings (I)

The meetings shall be held at ECLAC headquarters in Santiago, Chile, unless the Parties decide otherwise

Ordinary meetings

1. Frequency: every two years, unless the Parties decide otherwise;
2. At each ordinary meeting, the Parties in consultation with the Secretariat shall set the indicative date and the duration of the next ordinary meeting.

Place and date of meetings (II)

Extraordinary meetings

1. Shall be convened when the Parties deem necessary (art. 15.3)
2. Requirements for convening the meetings and deadlines
 1. If decided by the Conference at an ordinary meeting
 2. At the written request of any Party, with the support of at least $1/3$ of the Parties expressed within 90 days
 3. It shall be convened not more than 90 days after the date at which the request is supported by the Parties

Notification

- ▶ **The Secretariat** shall notify the Parties, through their Focal Points and the RPM **at least 8 weeks before the opening of any meeting**
- ▶ Unless there are specific reasons requiring the use of other communication methods, **notification by electronic mail** shall be considered sufficient for the purposes of this rule, provided the receipt of the electronic mail is acknowledged by the recipient or if such receipt can be verified through other means.

Provisional agenda

Agenda (preparation and adoption)

1. Prepared by the Secretariat in consultation with the Presiding Officers
 2. Distributed at least 8 weeks before the opening of the meeting
 3. The Secretariat, with the prior approval of the Presiding Officers, may include additional items that could have emerged between the distribution of the provisional agenda and the opening of the ordinary meeting.
 4. Ordinary meetings: COP shall define matters to be discussed at next meeting + pending matters will automatically be included in agenda of next meeting
 5. Extraordinary meetings: matter(s) for which they were convened
 6. Consideration and approval of provisional agenda at the beginning of each meeting. The Conference may only include those items which it considers to be urgent and important.
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Representation and credentials

1. Each delegation shall have a head of delegation and as many representatives as it may require
2. The head of delegation may designate an alternate representative
3. **Credentials** sent to the Secretariat without delay, at least 48 hours before the opening of the meeting
4. Any change shall be duly communicated to the Secretariat
5. The Presiding Officers shall examine the credentials and submit a report to the COP

Presiding Officers

- ▶ To be elected at the first COP
- ▶ Mandate: until the end of the next COP
- ▶ Composition: chair, 2 vice-chairs and 2 members
- ▶ Election preferably by acclamation, considering geographical representation and gender balance
- ▶ Serving for no more than 2 consecutive terms
- ▶ Chair of the Presiding Officers acts as Chair of the COP and shall not exercise the rights of a representative of a Party
- ▶ In the chair resigns, Presiding Officers shall designate another among their members.
- ▶ Shall meet at least every 6 months or when circumstances require; preferably virtual meetings.
- ▶ The Presiding Officers shall invite a representative of the public to participate in their meetings.
- ▶ Continuous dialogue with the public and with those representatives of the public. At least one virtual meeting before each COP to inform dates, venue and agenda and one face to face meeting at the beginning of the COP



Subsidiary bodies (except for CSIC)

- ▶ Established by consensus by COP (art. 15.5 a)
- ▶ COP rules apply *mutatis mutandis* to subsidiary bodies, except for representation and credentials
- ▶ Definition of matters to be considered and terms of reference: COP
- ▶ The ordinary meetings of subsidiary bodies shall be public. Subsidiary bodies shall have the significant participation of the public
- ▶ In their structure and composition, the Parties shall give special consideration to adequate geographic representation and a gender balance

Secretariat

- ▶ ECLAC (article 17)

Conduct of business (I)

Quorum: half plus one of the Parties

Powers of the Chair

1. Ensure objectives of the meeting. Declare each session open or closed, direct discussions, ensure rules of procedure, accord the right to speak, submit proposals for consideration and announce adopted decisions.
2. Rule on points of the order and ensure the maintenance of order during meetings
3. May temporarily designate a vice-chair as Chair.

Public and closed meetings

1. All sessions shall be held in public unless, exceptionally and where justified. The reasons for closing part of a meeting shall be given by the Parties. All decision taken during the closed part shall be announced at a subsequent public session.
2. All public sessions shall be webcast live.

Conduct of business (II)

Statements

1. Chair shall give the floor in the order in which is requested, without distinction, aiming to ensure that everyone is heard and that the meeting is effective.
 2. To ensure the meeting fulfills its objectives, preference may be given to interventions by the Parties, limits on the length and number of speaker's interventions and grouping of interventions be requested. Debates over previously agreed matters shall be avoided.
 3. Chair shall call to order if remarks are not relevant to the discussion
 4. A representative may raise a point of order. Chair shall decide according the rules of procedure. Appeal shall be voted by majority.
 5. Motions calling for a decision on the competence of the COP to discuss any matter shall be vote before the matter is discussed.
 6. Proposal and amendments of proposals in writing and circulate to delegations
 7. When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting unless two thirds of the parties decides in favour.
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Decision-making

- ▶ Each Party shall have one vote (art. 16)
- ▶ Parties shall make every effort to reach decisions by consensus.
- ▶ If all efforts to reach consensus have been exhausted and no agreement reached, decisions on **substantive matters** shall, as a last resort, be taken by a three- fourths majority vote of the Parties present and voting, unless the Agreement or the present rules provide otherwise.
- ▶ Decisions on **procedural matters** shall require a simple majority vote of the Parties present and voting at the meeting.
- ▶ If the question arises whether a matter is one of a procedural or substantive nature, the Chair shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the Chair's ruling shall stand unless overruled by a simple majority of the Parties present and voting.
- ▶ Procedures for two or more proposals on the same matter and parts of a proposal
- ▶ Voting, except for elections, shall be normally by show of hands. Parties may request roll-call vote or secret ballot. Votes shall be recorded

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 President shall decide between the candidates by drawing lots.
3. **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.

Languages, documents and reports

1. Working languages: Spanish and English
 1. Interpretation in working languages
 2. Official documents in working languages
2. Meetings shall be paperless
 1. Printing shall only be allowed when strictly essential to ensure the validity of documents
3. Report of the meeting
 1. The Secretariat shall prepare a report after each meeting briefly summarizing the debates and taking account of the agreements, when appropriate
4. Report by the Secretariat
 1. The Secretariat shall report on matters under its responsibility, including budgetary issues.



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Meaningful participation of the public

At COP and subsidiary bodies

1. Includes attendance, reporting and making statements and applies to both in person and virtual meetings.

Participation in meetings

- ▶ Upon registration and confirmation of accreditation. Accreditation is granted by order of registration with no other limitation than space available in the room
- ▶ Access to all official information and documents in a timely manner
- ▶ Make statement, circulate documents and make oral and written contributions
- ▶ 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
- ▶ May organize side events, roundtables and briefing sessions
- ▶ The secretariat shall maintain a regional public mechanism. Representatives of the public shall be selected through the RPM. The selected persons shall be communicated to the Parties and to the Agreement bodies. Selected representatives shall consult with the general public through the regional public mechanism
- ▶ Secretariat shall circulate the list of registered participants in the meetings
- ▶ Chair, Presiding Officers and Secretariat shall ensure the modalities of public participation.

Other matters

- ▶ Amendments to the rules of procedure by COP
- ▶ Primacy of the Agreement
- ▶ Subsidiary application of ECLAC Rules of Procedure
- ▶ Interpretation of these rules (articles 31 to 33 of the Vienna Convention on the Law of Treaties).



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Thank you!

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#AcuerdodeEscazú **#EscazúAgreement**
